

ORDINANCE NO. 2018 - 20

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM VOLUSIA COUNTY'S A-2, RURAL AGRICULTURE AND B-6, HIGHWAY INTERCHANGE COMMERCIAL TO THE CITY OF DELAND'S I-4 AUTOMALL PD, PLANNED DEVELOPMENT ZONING DESIGNATION, ON PROPERTY LOCATED AT 1600 ORANGE CAMP ROAD; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 18.75 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, Mark Watts, Esq., (hereinafter referred to as "Applicant") is the authorized agent of the owner I-4 Automall, LLC, of approximately 18.75 acres of land located at 1600 Orange Camp Road, 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 Volusia County's A-2, Rural Agriculture and B-6, Highway Interchange Commercial, to I-4 Automall 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 Volusia County's A-2, Rural Agriculture and B-6, Highway Interchange Commercial, to City of DeLand's I-4 Automall PD, Planned Development District, on the property located at 1600 Orange Camp Road.

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 I-4 Automall 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 I-4 Automall 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.

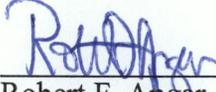
Section 10. The City Engineer and Planning Director are hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

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.

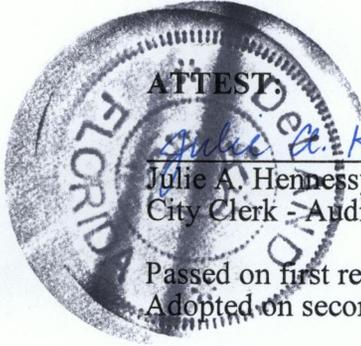
Section 12. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

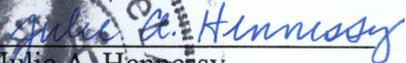
Section 13. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 5th day of November, 2018.



Robert F. Apgar
Mayor - Commissioner



ATTEST:


Julie A. Hennessy
City Clerk - Auditor

Passed on first reading: October 1, 2018
Adopted on second reading: November 5, 2018

APPROVED AS TO FORM AND LEGALITY:



Darren J. Elkind
City Attorney

October 26, 2018

Prepared for: City of Deland

Description: Legal Description For Ordinance - DeLand – “**Exhibit A**”

Legal Description:

A PORTION LOTS 5, 6, 9, 10, OF THE ASSESSOR'S SUBDIVISION OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 17 SOUTH, RANGE 30 EAST AS RECORDED IN MAP BOOK 3, PAGE 149 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; SAID LANDS LYING NORTH OF ORANGE CAMP ROAD AND WEST OF INTERSTATE 4 (SR400) BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 25; THENCE N89°51'01"E ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 25, A DISTANCE OF 662.44 FEET TO A POINT ON THE SOUTHERLY PROJECTION OF THE WEST RIGHT OF WAY LINE OF THE INTERSTATE 4 FRONTAGE ROAD (PER FDOT MAP PROJECT NO. P-4738-1); THENCE N01°01'36"W ALONG SAID SOUTHERLY PROJECTION AND WEST RIGHT OF WAY LINE, A DISTANCE OF 105.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N01°01'36"W ALONG SAID WEST RIGHT OF WAY LINE, AND THE EAST LINE OF VICTORIA PARK NORTHEAST INCREMENT ONE AS RECORDED IN MAP BOOK 48 PAGE 51 AND THE EAST LINE OF VICTORIA PARK INCREMENT TWO NORTHWEST AS RECORDED IN MAP BOOK 50 ,PAGE 111, A DISTANCE OF 1217.43 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 25; THENCE S89°56'16"E ALONG SAID NORTH LINE, A DISTANCE OF 495.82 FEET TO A POINT ON THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF THE INTERSTATE 4 FRONTAGE ROAD; THENCE CONTINUE S89°56'16"E ALONG SAID NORTH LINE, A DISTANCE OF 184.19 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID INTERSTATE 4 FRONTAGE ROAD; THENCE RUN S40°35'19"W ALONG SAID EAST RIGHT OF WAY, A DISTANCE OF 395.17 FEET; THENCE RUN S49°24'41"E ALONG SAID EAST RIGHT OF WAY, A DISTANCE OF 20.00 FEET TO A POINT SAID EAST RIGHT OF WAY; THENCE DEPARTING THE AFORESAID EAST RIGHT OF WAY LINE, RUN S34°15'57"E, A DISTANCE OF 419.71 FEET TO A POINT LOCATED ON THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 25, SAID POINT ALSO BEING ON THE SOUTH LINE OF LOT 5 OF SAID ASSESSOR'S SUBDIVISION; THENCE RUN N89°57'23"E ALONG SAID SOUTH LINE, A DISTANCE OF 146.44; THENCE DEPARTING SAID SOUTH LINE RUN ALONG A LINE THAT IS 70.00 FEET WEST OF AND PARALLEL TO THE WEST RIGHT OF WAY LINE OF STEWART ROAD, S01°00'04"E A DISTANCE OF 564.26 FEET TO A POINT ON THE NORTH LIMITED ACCESS RIGHT OF WAY LINE OF ORANGE CAMP ROAD (VARIABLE RIGHT WAY WIDTH PER FDOT MAP F.P. NO. 408463); THENCE RUN S89°40'07"W, ALONG SAID LIMITED ACCESS RIGHT OF WAY LINE, A DISTANCE OF 317.85 FEET TO THE END OF SAID LIMITED ACCESS; THENCE CONTINUE S89°40'07"W ALONG THE NORTH RIGHT OF WAY OF ORANGE CAMP ROAD, A DISTANCE OF 360.74 FEET TO A POINT ON THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF INTERSTATE 4 FRONTAGE ROAD; THENCE N00°48'18"W ALONG SAID EAST RIGHT OF LINE, A DISTANCE OF 12.81 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SAID INTERSTATE 4 FRONTAGE ROAD; THENCE RUN S89°24'03"W, A DISTANCE OF 130.13 TO THE POINT OF BEGINNING.

CONTAINING 816,894 SQUARE FEET OR 18.75 ACRES, MORE OR LESS.

EXHIBIT "B"

Please return recorded document to:

City of DeLand
120 S Florida Avenue
DeLand, FL 32720

DEVELOPMENT AGREEMENT

Case #Z-18-84

A. Development Concept. The property identified on Exhibit "A" (the "LH Property") is located in the City of Lake Helen and shall be developed as a location for multiple automotive dealerships, customary accessory and support uses. The property identified on Exhibit "B" (the "DeLand Property") is located in the City of DeLand and shall be developed with traditional highway commercial uses as shown on the Preliminary Plan. Collectively, the project shall be known as the "I-4 Automall." It is the intent of the Master Development Plan to provide a framework for the overall development of the property within both Lake Helen and DeLand in a coordinated manner that provides for shared infrastructure between parcels, including stormwater management facilities, utility corridors and vehicular cross access routes serving the I-4 Automall. To the extent not specifically addressed herein, the standards and provisions of the City of Lake Helen Land Development Code ("LDC") or the City of DeLand Land Development Regulations ("LDRs") shall govern the development of the Lake Helen Property and the DeLand Property, respectively, and shall be administered exclusively by the city within which the subject property is located. Administration of the applicable LDC, LDRs or the provisions of this Development Agreement shall be the responsibility of the jurisdiction in which the property being developed is located.

1. Master Development Plan. The Master Development Plan shall consist of the Preliminary Plan prepared by HHCP attached hereto as Exhibit "C" and this Development Agreement (hereinafter "Agreement"). The Preliminary Plan is hereby approved and incorporated in this Agreement by reference as Exhibit "C". The Master Development Plan shall be filed and retained for

public inspection in the Office of the City Clerk for the City of Lake Helen and the City of DeLand and shall constitute a supplement to the Official Zoning Maps for each city

2. Amendments. All amendments of the Master Development Plan, other than those classified within this Agreement or deemed by the respective city to be minor amendments, in accordance with the provisions of the applicable LDC or LDRs, shall require the review and approval in accordance with the provisions of the respective city's LDC or LDRs in the same manner as a rezoning of the parcel. Since it is the intent that the Lake Helen Property and the DeLand Property be developed in a coordinated manner, each City agrees to provide a minimum of thirty (30) days written notice to the other city of any proposed amendment(s) to the Master Development Plan prior to any hearing at which such amendment(s) will be considered. Nothing herein shall be interpreted as providing either City with jurisdiction outside of the limits of their respective municipal boundaries; however the City of Lake Helen and the City of DeLand shall be included in DRC reviews for portions of the project in each respective jurisdiction.

3. Subdivision Approval. After the Master Development Plan is recorded, applications for a Preliminary Plat and Final Plat of any area to be subdivided shall be submitted for review and approval in the manner required by the applicable provisions of the City of Lake Helen or City of DeLand LDRs, as amended. The Preliminary Plan shall satisfy the requirements for preliminary subdivision plan or concept plan under the respective LDC or LDRs for each city. Nothing herein shall be interpreted to require submittal of a Preliminary Plat and Final Plat prior to the commencement of non-vertical construction, including clearing, landfill and construction activity related to construction of Frontage Road, and any internal connector roads connecting to Frontage Road or Stewart Road, or the commencement of clearing, landfill and other activity related to general site work for preliminary site infrastructure included in an approved final site plan and provided that all such activities have received applicable use permits, St. Johns River Water Management District ("SJRWMD") permits and any other

local, state or federal agency regulations that apply.

4. Final Site Plan Approval. After the Preliminary Plat is approved, and prior to issuance of any permits for construction on a particular development lot, a site plan for the particular development lot shall be prepared and submitted for review and approval in the manner required by the applicable LDC or LDRs, as amended. It is not necessary that a site plan(s) be submitted for every development lot within the Master Development Plan prior to issuance of permits for construction of vertical improvements (building) on a particular lot, as long as a site plan has been submitted for review and approval for the particular development lot upon which issuance of permits is sought. The Preliminary Plan, attached as Exhibit C, meets the minimum submittal requirements of a Concept Plan application in accordance with land development code. Therefore, the Master Development Plan shall be in-lieu of a Concept Plan application for the overall subdivision, and the owner/developer is authorized to proceed with submittal of a Preliminary Plat or Final Site Plan application once this Ordinance has been recorded. Nothing herein shall be interpreted to require submittal of a site plan(s) for particular development lots prior to the commencement of non-vertical construction, including clearing, landfill and construction activity related to construction of Frontage Road, and any internal connector roads connecting to Frontage Road or Stewart Road, or the commencement of clearing, landfill and other activity related to general site work, provided that all such activities have been reviewed and approved by the City and subject to applicable use permits, SJRWMD permits and any other local, state or federal agency regulations that apply.

5. Intergovernmental Coordination. As noted above, the property that is subject to this Agreement is located in both the City of Lake Helen and the City of DeLand. The intent of this Master Development Plan is to provide a framework for the long-term development of the property in coordination with each adjacent municipality. Based on the location of the property with respect to each city the development standards provided herein have been coordinated between the cities in an

effort to ensure the project provides an attractive gateway to both Lake Helen and DeLand.

B. Unified Ownership. The Applicant or his successors has and shall maintain unified ownership of the subject parcel until after recording of the Final Plat as provided under Section A(3), above, or shall, as a condition of conveyance, retain the right to unilaterally submit an application for Final Plat until such time as the Final Plat is recorded.

C. Phases of Development. The development of this planned unit development (“PUD”), as shown on the Preliminary Plan, shall occur in one or more phase(s). Following approval and recording of a Final Plat, the individual lots shall be developed in a coordinated manner that will implement the provisions of this Master Development Plan.

D. Land Uses within the PUD. The development of the Property shall be consistent with the uses prescribed for each area within the proposed PUD, and administered solely by the city within which the respective lot(s) lies. The locations and sizes of said land use areas are shown on the Preliminary Plan, Exhibit C, consistent with the Master Development Plan. Permitted uses are outlined by Lot, below as follows:

1. Lot 1: Development on Lot 1 is located entirely within the City of Lake Helen and shall include approximately 400,000 square feet of total conditioned space, including automotive sales and service space and a centralized warehouse distribution center for automotive inventory and parts. The development on Lot 1 is referred to in this Development Agreement as the “Automall or I-4 Automall”. The developed space is intended to be allocated between up to 11 standardized dealership modules (“Dealership Modules”), as shown on the Preliminary Plan. Each Dealership Module is designed to occupy a footprint of 36,800 square feet. Dealership Modules may be configured as single or double units, provided the total number of modules does not exceed 11. More than one automotive dealership may occupy a Dealership Module, or an automotive dealership may occupy one or more Dealership Modules based on their respective requirements for inventory storage. Each module will

provide approximately:

14,000 square feet of interior automotive sales area

17,000 square feet of interior automotive service area (including parts storage)

2,500 square feet of exterior automotive sales display area located in front of each Dealership Module.

36,800 square feet of structured vehicle inventory storage per floor (unconditioned space)*

* The floors designed for structured vehicle inventory are designed to accommodate a potential future transition of the Dealership Modules for other uses. Design for the vehicle inventory storage areas shall allow each Dealership Module to transition to office or other uses in the future, subject to applicable limitations such as floor area ratio ("FAR") or density standards applicable at the time of any future transition. Any redevelopment of the Dealership Modules will be subject to review and approval as an amendment to this Agreement or a new planned unit development.

Additionally, a centralized warehouse distribution center of up to 40,000 square feet and a physical plant of up to 6,000 square feet shall also be permitted on Lot 1 in the locations specified on the Preliminary Plan. The distribution center is an accessory use to the dealership modules and shall serve as a central receiving location for all vehicle and parts inventory deliveries for the Automall use on Lot 1 in an enclosed unloading facility as further described herein. Additional vehicle inventory storage may also be included as part of the distribution center. Uses permitted on Lot 1 shall be limited to:

- Automobile sales or accessory rental operations and service thereof, when said service is performed as an accessory use to the principal use of sales or rental. Automotive sales operations shall be limited to advertised regular business hours of 7 am – 10 pm. Automotive service operations shall be limited to the hours of 7 am – 10 pm for the general public. Automotive service for fleet vehicles may be performed at other times, provided they occur in an enclosed service area to minimize noise. Overnight delivery of parts and automotive inventory from the distribution center to individual dealership modules shall be conducted in a manner to minimize noise and comply with the City of Lake Helen noise ordinance.

- Accessory retail sales and services
- Communication equipment mounted on buildings (no towers are permitted)
- Educational or vocational training
- Automotive sales or service establishments
- Outdoor advertising signs, including electronic billboards

2. Lots 2-4 – Highway Commercial – Development on Lots 2-4 is located entirely in DeLand and shall be limited to a maximum of 48,500 total square feet of restaurant and retail uses, plus up to 120 hotel rooms if they are not developed on Lot 5. Permitted uses shall include:

- Car washes
- Convenience store (not exceeding 6,000 square feet) with up to 32 fueling positions (fueling positions shall refer to an individual facility or piece of equipment that allows for the fueling of one (1) vehicle at any given time. Electric vehicle charging stations shall not be interpreted to be a fueling position.)
- Financial institutions
- General/Professional offices
- Medical offices
- Hotels/motels and customary accessory uses, including, but not limited to restaurants, bars and spas that are accessory to the principle hotel use (subject to a maximum cap of 120 hotel rooms on Lots 2-5)
- Restaurants, including accessory bars
- Retail sales and services
- Retail specialty shops, including automotive accessory sales with onsite installation in enclosed service bays.

Prohibited Uses – Truck stops or any fueling facilities that are specifically designed to serve tractor trailers.

3. Lot 5 – Hotel/Office – Development on Lot 5 is located in DeLand and shall be

limited to 60,000 square feet of office space or office over retail, provided retail uses are limited to the first floor. In the alternative, up to 120 hotel rooms are permitted if not otherwise constructed on Lots

2-4. Permitted uses shall include:

- General/Professional offices.
- Hotels/motels and customary accessory uses, including, but not limited to restaurants, bars and spas that are accessory to the principle hotel use, though not necessarily owned and/or operated by the hotel/motel.
- Essential utility services.
- Retail sales and services.

In the event, hotel/motel use is not developed in Lot 5, up to 120 hotel rooms may be transferred to Lots 2-4. In the event fewer than 120 hotel rooms are developed on Lot 5, any remaining allocation of hotel rooms may be transferred to Lots 2-4, provided the total number of trips generated by development of Lots 2-5 does not exceed the total number of trips attributed to those Lots in the traffic impact analysis dated February 26, 2018 and prepared by Lassiter Transportation Group.

Prohibited Uses – Truck stops or any fueling facilities that are specifically designed to serve tractor trailers.

4. Allocation of Uses for Lots 2 - 4 – The specific uses described for Lots 2 - 4 may be re-allocated between these Lots without amendment to this PUD, provided the total number of trips generated does not exceed the total number of trips attributed to those Lots in the traffic impact analysis dated February 26, 2018 and prepared by Lassiter Transportation Group. Notwithstanding the ability to re-allocate uses between Lots 2-4 referenced above, the overall development of those lots shall not exceed a maximum of one (1) convenience store of up to 6,000 square feet with up to 32 fueling positions, allowing a maximum of 32 vehicles to fuel at any given time, 120 hotel rooms and five (5) restaurants, excluding those which are an accessory use to a hotel. In addition, of the five (5)

permitted restaurants, no more than three (3) shall be fast-food style restaurants with drive-through facilities. A fast food restaurant with drive-through facilities that is co-located with a convenience store shall count as one of the permitted fast-food style restaurants.

5. Tract 1:

Is primarily located in Lake Helen and provides for open space, conservation, tree preservation and stormwater management but shall count to satisfy open space and tree preservation requirements for development that occurs in both the City of DeLand and the City of Lake Helen regardless of which jurisdiction in which the tracts are located.

6. Tracts 2 and 3:

Are located in both Lake Helen and DeLand and provide open space, conservation and tree preservation but shall count to satisfy open space and tree preservation requirements for development that occurs in both the City of DeLand and the City of Lake Helen regardless of which jurisdiction in which the tracts are located.

7. Open Space:

A minimum of twenty-five (25%) percent of the total land area within the I-4 Automall project will be comprised of open space, which may include public gathering spaces and plazas, landscape buffers and internal landscaped areas, conservation and tree preservation areas, stormwater ponds and any recreational amenities.

E. Development Standards.

1. Overall Landscape Standards: Unless otherwise noted below, all landscape buffers described below shall meet the minimum standards specified in Land Development Code for the city in which development is occurring. The required number of canopy and understory trees required may be clustered within the required perimeter buffers and within Tract 1 to preserve view corridors for certain portions of the project while maximizing the screening impact of such trees in clustered groups.

In addition, the landscape buffers shall meet the standards provided in the location specific descriptions below. The average width of any landscape buffer shall be determined by dividing the total land area included in the landscape buffer by the total linear footage of the buffer, subject to the minimum widths set forth herein.

a. I-4 Buffer and Orange Camp Road Buffer:

The architectural design for the Automall project is unique in its character and design and will create a true visual gateway for Volusia County and the cities of Lake Helen and DeLand. It is the intent to create a unique native buffer along both the I-4 frontage and the Orange Camp Road frontage extending to Frontage Road that will complement the overall project design while adapting to the native surrounding context. The proposed buffer will consist of the use of mass native saw palmetto, colorful grass species and colorful prostrate native groundcovers placed on rolling perimeter berms. An average buffer width of 40' shall be maintained with a minimum width of 20' permitted within 150 feet of the I-4 right of way to allow for service road circulation. In the event permission is obtained from the County and FDOT, additional landscaping shall be installed in the right of way for Orange Camp Road and on the adjacent I-4 overpass bridge abutment to provide for a minimum of 40' buffer width with a berm along the entire Orange Camp Road and I-4 frontage. The proposed buffer design supports the truest measure of sustainable waterwise "green design" principles consistent with the Florida Friendly Landscape Program. These planted berm areas will provide large massive color changes during different periods of the year and create a visual signature for the Lake Helen / DeLand Gateway.

All required perimeter buffers along I-4 and Orange Camp Road shall meet or exceed the Lake Helen Land Development Code or City of DeLand Class C buffer standards provided in the LDC or LDRs, as applicable. All proposed trees will be upgraded to exceed current code requirements to a minimum 16-18' Ht (200 gallon) size, with a 5" caliper minimum. Trees will consist of a mixture of native Live Oaks, Shumard Oaks, Florida Slash Pine, Cypress and other native canopy trees to reestablish a native buffer appearance.

No flags, banners or other marketing displays shall be permitted in the landscape buffer area adjacent to Orange Camp Road.

b. **Frontage Road Buffers:**

Internal Roadway buffers fronting on the Frontage Road will be a minimum of 15' in width planted with Class C buffer density. All proposed trees will be upgraded to exceed current code requirements to a minimum 16-18' Ht (200 gallon) size, with a 5" caliper minimum. Trees will consist of a mixture of native Live Oaks, Shumard Oaks, Florida Slash Pine, Cypress and other native canopy trees to reestablish a native buffer appearance.

c. **Western Perimeter Buffer and Screening:**

A minimum 40' landscape buffer will be provided adjacent to the residential areas located to the west of the Property. Subject to permitting approval by FDOT and any applicable permitting jurisdiction, an 8' high screening wall will be constructed along the western boundary of the Property adjacent to the Victoria Gardens development. The screening wall will be planted on the western side with vegetation designed to create a "green" wall to provide additional screening. The screening wall will extend north, along the

western boundary of the Property to the northern boundary of Lot 5.

d. Northern Perimeter Buffering:

A landscape buffer with an average width of 25 feet and a minimum width of 15 feet will be provided along the northern boundaries of Lot 5 and Lot 1. The landscape buffer for Lot 5 shall be included in the lot area. The landscape buffer for Lot 1 is set aside in a separate tract designated on the Preliminary Plan as Tract 3.

e. Internal Perimeter Buffers:

The projects western and northern buffers will be planted with native Live Oak, Florida Slash Pine, Cypress and other native canopy and sub-canopy trees to create a densely planted buffer. Canopy trees will be planted on average of 1 tree per thirty feet with pines being planted in clusters to provide the maximum buffering effect. Canopy trees will be planted in a variety of sizes to provide a naturalistic growing pattern. All trees within these buffers will meet or exceed the minimum as required by current landscape code requirements. Due to the nature of the site and the desire to preserve natural habitat landscape buffer widths will vary from between 7' minimum width, up a 20' width where native vegetation can be preserved. Where possible, existing native plants and trees will be preserved to retain both tree canopy and ground plane landscape materials.

f. On-Site Preservation:

Although no formal preserve areas are currently proposed for dedication to either City, the developer's intent is to maintain the native site character and habitat intact for those areas outside of the proposed development pads. These

areas will be left in their natural state to help provide visual buffering to surrounding properties, maintain natural habitat for the native animal and bird populations, and provide areas for natural aquifer recharge. These areas will be identified prior to site construction activities and cordoned off to protect and prevent encroachment. Depending on the complexity of the infrastructure requirements for the site, limited trenching in these areas may be necessary but will be evaluated, scrutinized for alternative methods of construction and limited to the greatest extent possible.

Based on current site analysis, the site currently has jurisdictional wetlands. As part of any site development the minimization of impacts will be greatly considered and only impacted if necessary. In the event that wetland impacts are proposed, the development will comply with the current Lake Helen or DeLand, as applicable, and St. Johns River Water Management District (SJRWMD) criteria for wetland permitting and mitigation. If mitigation is required, the developer will work with the agencies to provide on-site mitigation, if possible, enhancement to the existing and preserved wetland areas and offsite mitigation.

g. Irrigation:

The development will strive to utilize the most sustainable waterwise principles of green design through the use of low flow drip irrigation, rain gauges, water sensor cut-off, and the integration of supplemented water systems including reclaimed water, roof collected cistern systems, purified stormwater and connection to a grey water system, all to efficiently reduce overall water consumption and dependency on public potable water system infrastructure.

The overall planting palette will primarily utilize native plant material indigenous to this area and specifically selected based on the native soil composition. To help ensure that the native areas can serve as aquifer recharge, these areas may be used for disposition of overflow collected cistern rainwater.

2. Development Standards for Lot 1:

- a. Minimum dealership lot area: 1 acre
- b. Minimum lot width: 150 feet
- c. Minimum yard size (building):
 - i. Front yard: 20 feet
 - ii. Rear yard: 25 feet
 - iii. Side yard: 10 feet; 0 feet for adjoining dealership modules
- d. Maximum impervious surface: 100 % for individual lots; 80 % for Automall use in the aggregate on Lot 1. Overall, the maximum impervious surface for all Lots shall not exceed 75%.
- e. Maximum FAR: 0.8 for Lot 1; .55 maximum for entire PUD as a whole
- f. Maximum building height: 80 feet (dealership modules)
60 feet (distribution building)
30 feet (physical plant)
- g. Property perimeter building setbacks: 50 feet
- h. Minimum building separation distance 0 feet for adjoining buildings;
10 feet for all other buildings
- i. Off-street parking and loading requirements: Due to the unique nature of the I-4 Automall development, the minimum parking standards below deviate from the requirements of the Lake Helen Land Development Code in an effort to avoid excessive parking. The following required parking spaces will be provided for each Dealership Module:
 - i. 1 space shall be provided for every 400 square feet of net

conditioned automotive sales area.

- ii. 1 space shall be provided for every 200 square feet of net administrative office area.
- iii. 2 spaces per service bay shall be provided for each automotive service bay.
- iv. Required parking for the Distribution Center shall be provided as follows:

1 space shall be provided for every 200 square feet of net administrative office area.

Tractor trailers delivering parts or vehicle inventory to the Distribution Center shall be restricted to access via the northern most driveway into Lot 1 and queuing shall be provided in the drive aisle approaching the Distribution Center as approved during Final Site Plan approval.

The parking requirements may be modified in accordance with a parking study approved by the City Commission as part of the Final Site Plan review and approval.

- j. Signage requirements: Sign type and locations for internal signs on Lot 1 shall comply with a Master Sign plan submitted for review and approval as part of final site plan review for any lot. Sign size and type for signs located on Orange Camp Road shall be as follows:

- i. Signs along Orange Camp Road:

Lot 1 shall be entitled to one monument sign for the "I-4 Automall" that is not more than 10 feet in height and provides a maximum of 300 square feet of sign area. In addition, building signage is permitted on the side of the building facing Orange Camp Road with no more than 100 square feet of signage permitted for each new automotive brand located in the Dealership Module(s) facing Orange Camp Road, subject to a maximum of 1,000 square feet of

signage for all new automotive brand signage on all Dealership Modules facing Orange Camp Road. This standard shall apply to each individual Dealership Module included in an attached structure with another Dealership Module so that the occupant(s) of each single Dealership Module in the structure is entitled to 250 square feet of signage, per dealership module.

The remaining signage for Lot 1 shall be reviewed and approved as part of a Master Sign Plan as required by Section 4.10.21 of the City of Lake Helen Land Development Code as part of the Final Site Plan review and approval. Notwithstanding anything in this subsection j, additional community arrival or identity signage for the City of Lake Helen and the City of DeLand may be included along Orange Camp Road as part of the Master Sign Plan.

ii. Signs along I-4

A ground sign not to exceed 1,000 square feet in area and 12 feet in height shall be permitted in the landscape buffer adjacent to I-4. Building signs for dealerships not located adjacent to I-4 may be placed on buildings located adjacent to I-4 without being considered impermissible “off-premises” signs to insure passersby on I-4 are aware of all brands located in the development, not just the brands in the building closest to I-4. Each automotive brand badge sign shall be limited to a maximum sign area of 100 square feet, with the total aggregate badge sign area on a single Dealership Module limited to 250 square feet. The sign area for Dealership Modules

not located adjacent to I-4 may be added to the Dealership Modules that front on I-4. All signage is subject to approval as part of the Master Sign Plan.

iii. Signs interior to AutoMall

Notwithstanding anything in this subsection j, the Master Signage Plan shall not place unreasonable restrictions on the number of, location of, or size of badges, emblems, logos, or dealership name signage/lettering located on the exterior of the Dealership Modules on the sides facing the “interior” of the Automall or on the sides of buildings facing I-4. Such signage is commonly referred to as “Manufacturer’s Required Identity Components” and the Master Signage Plan may provide for signage totaling five (5) percent of the total facade area for each Dealership Module as part of the interior signage.

k. Architectural Design Standards: The Automall development on Lot 1 shall conform with the architectural standards set forth in the I-4 Automall Visual Reference Guide attached as Exhibit “D”, and with the standards set forth herein:

- i. Purpose and intent. The purpose of these standards is to ensure quality commercial development and enhance an attractive physical environment at the Orange Camp Road / I-4 gateway into DeLand and Lake Helen. Their intent is to:
 - (a) Create and maintain a strong community image, identity and sense of place through the use of quality design and building materials;
 - (b) Promote variety and diversity in architectural design, while respecting the historic past and architectural character of the cities of Lake Helen and DeLand;

- (c) Minimize incompatible surroundings and visual blight, which prevent orderly community development and reduce community property values;
- (d) Encourage and promote development which features amenities and excellence in the form of variations of siting, types of structures and adaptation to and conservation of, native vegetation and other environmental design features;
- (e) Foster civic pride and community spirit by maximizing the positive impact of development; and
- (g) Promote a high degree of compatibility between structures and land uses.

ii. General design criteria. Preliminary designs for the Lot 1 development shall be reviewed by the Lake Helen DRC prior to the submittal of a formal site plan application. The following shall apply to the primary and accessory structures located on Lot 1:

(a) *Relationship of the structures to the site.*

1. Existing natural topography and site features shall be respected, or when modified shall improve the overall appearance of the site. Extreme changes in grade shall be avoided.
2. Building mechanical equipment, service, delivery, and work areas, shall be visually screened from public view. Vertical lift and overhead garage type doors should not be located on principal facades abutting Orange Camp Road.
3. While architectural design continuity for multiple structures is encouraged, monotonous repetition of identical exterior details shall be avoided or screened from view on Orange Camp Road or I-4, which may be accomplished with berms and landscaping.

(b) *General architectural building design.*

1. The design shall provide for a consistent architectural treatment for all of the modules.
2. Building design, scale and details shall be such that architectural interest is created from both Orange Camp Road and I-4. Building design shall be undertaken in a manner which avoids box and rectangular structures comprised entirely of blank walls that are in view. In order to maintain the unique character of Lake Helen and DeLand, the following techniques shall be utilized in a commercially reasonable manner:

a. Buildings shall provide articulation, both horizontally and vertically, to avoid the creation of a large box structure.

b. For structures with less than 200 linear feet of building ground floor frontage, visible from Orange Camp Road or I-4, no uninterrupted horizontal length or uninterrupted curve of the entire building facade shall exceed 75 linear feet and no uninterrupted vertical length shall exceed 30 feet.

c. For structures with greater than 200 linear feet of building ground floor frontage, visible from Orange Camp Road or I-4, no interrupted horizontal length or uninterrupted curve of the entire building facade shall exceed 100 linear feet and no uninterrupted vertical length shall exceed 30 feet.

3. Building facades shall, on all sides that are, or will be, visible from Orange Camp Road & I-4, include a repeating pattern that shall consist of a minimum of two of the elements listed below. At least one of the elements shall repeat horizontally and vertically:

- a. Color change.
- b. Texture change.
- c. Material change.
- d. Pattern change.
- e. Architectural banding.

(c) *Materials.* Use of similar materials is an important way in which a building can blend with the architectural context of the area.

1. Materials shall be selected for durable quality and suitability to the type of buildings and the design in which they are used. Exposed standard concrete block is not allowed.

2. Inappropriate use of materials in terms of weatherability, application or appearance, should be avoided.

3. Materials shall be consistent with the architectural style and character of the structure.

(d) *Color.* Use of colors is an important way in which a building can blend with the architectural context of the city and surrounding area.

1. Building colors, visible from Orange Camp Road or I-4, shall be limited to those colors having a light reflectance value (LRV) of 50 or greater per the manufacturer's standard which may be applied to no more than 80 percent of the building and an LRV of 20 or greater which may be applied to no more than for 40 percent of the building. The requirement shall not apply to natural materials such as brick, stone or concrete, unless such material has been artificially colored in a manner contrary to the intent of these regulations.

2. All colors, excluding fluorescents, may be permitted as accent colors.

l. **Distribution Center.** The Automall located on Lot 1 includes a central receiving and distribution center (the "Distribution Center") for automotive inventory and parts associated with the service departments in the individual dealerships. The Distribution Center will be located as shown on attached Exhibit C. The Distribution Center shall be limited to 60 feet in height and shall be designed so that all unloading activities occur within the enclosed structure. All bay doors shall remain closed during inventory loading and unloading.

m. **Physical Plant.** The Automall located on Lot 1 includes a centralized Physical Plant supporting the operations of the 11 modules and distribution center. The Physical Plant shall be located as shown on attached Exhibit C. The Physical Plant shall be limited to 30 feet in height and no greater than 6,000 square feet in size.

3. Development Standards for Lots 2-5:

- a. Minimum lot area: 1 acres
- b. Minimum lot width: 150 feet

- c. Minimum yard size (building):
 - i. Front yard: 25 feet
 - ii. Rear yard: 25 feet
 - iii. Side yard: 10 feet
- d. Maximum impervious surface: 70%
- e. Maximum FAR: 0.35 for individual lots
- f. Maximum building height: 45 feet
- g. Property perimeter building setbacks: 30 feet, plus 1 foot for every foot of building height over 30 feet.
- h. Minimum building separation distance: 0 feet for attached buildings; 10 feet for all other buildings.
- i. Off-street parking and loading requirements: Off street parking and loading requirements for specific uses on Lots 2-5 shall be in accordance with DeLand Land Development Code.
- j. Signage requirements: Signs shall comply with DeLand Land Development Code unless otherwise specified herein. . The use of Lot 1 shall be allowed one off-premise monument wall sign located at the intersection of Frontage Road with the main Lot 1 access drive not to exceed 300 square feet in size and 10 feet in height. The sign shall be consistent with the architectural and landscaping style of Victoria Park and Lots 2 – 5.
- k. Lots 2-5 Architectural Design Standards: Development on Lots 2-5 is intended to visually blend in with the architectural style of the Victoria Park development and shall comply with the provisions of Section 33-94, et seq. of the City of DeLand Land Development Code.

4. Site Illumination for all Lots: To minimize obtrusive aspects of excessive and/or nuisance outdoor light usage, while preserving safety, security and the nighttime use and enjoyment of the property, the following apply:
 - a. A signed and sealed illumination plan shall be submitted with the Final Site Plan application.
 - b. In no case shall illumination from the property increase the level of illumination at the property lines by more than one-half (0.5) foot candles. In addition, the maximum level of illumination along the western boundary of the property adjacent to Victoria Gardens shall not exceed one-tenth (0.1) foot candles.
 - c. All light fixture including wall and surface mounted luminaries shall be installed and maintained in such a manner that is fully-shielded down. All site lighting will utilize project light fixtures that provide both vertical cut off that meet dark sky criteria and full cut off lenses to prevent light spillage outside of the project boundaries.
 - d. All outdoor site lighting on Lot 1 shall be reduced by 50% after 11:00 pm until sunrise on the following day.
 - e. Light fixtures shall be decorative in appearance and compliment the architectural style of the building. Light poles shall not exceed thirty (30) feet in height on Lots 2-5 Light poles located in the internal courtyard area of Lot 1, between the opposing front faces of the Dealership Modules, shall not exceed forty (40) feet in height.

5. Noise Abatement. No amplified speaker systems shall be permitted on Lot 1 except as required for emergency purposes. Dealerships shall utilize a private cellular or radio network for internal communication. In addition, as part of Final Site Plan review and approval for Lot 1, the

Developer shall provide documentation of the existing ambient noise levels at the lot boundaries. The levels of existing ambient noise measured on all project boundaries at that time shall provide a basis for determining appropriate decibel levels to measure ongoing compliance with Section 7.10.00, et seq. of Lake Helen's Land Development Code. The operation of businesses on Lots 2 – 5 shall be subject to DeLand's noise ordinance. In order to limit noise adjacent to residential areas, deliveries to Lot 5 shall be limited to between the hours of 7am and 7pm.

F. Environmental Considerations. The minimum environmental requirements of the Lake Helen and DeLand Land Development Codes, as applicable, shall be met. In addition, the Automall developed on Lot 1 will incorporate the following "green" technologies, subject to final design, technical feasibility and cost feasibility:

1. Stormwater supplemented plumbing systems that will use stormwater captured in cisterns included within each Dealership Module for car washes, grey water plumbing systems and landscape irrigation.

2. Photovoltaic solar panels will be mounted on the top level of each Dealership Module and connected to a coordinated electrical storage and distribution system that will provide supplemental electrical power for the Automall.

3. Geothermal heating and cooling systems will be provided through looped chiller lines installed under portions of the property. Water circulating through the chiller lines will be used to heat or cool the Dealership Modules and reduce their individual energy footprint.

G. Sewage Disposal, Potable and Reclaimed Water Facilities. Provisions for sewage disposal, potable and reclaimed water needs of the PUD will be provided in accordance with the comprehensive plan, the land development code and Fla. Admin. Code Ann. r. 64E-6. Potable and reclaimed water shall be provided by City of DeLand. Sanitary sewer treatment/waste disposal shall be provided by the City of DeLand. The Applicant shall be responsible for coordinating with the City of

DeLand for the overall design and construction of all necessary potable and reclaimed water or sanitary sewer connections required to serve the project. Solid waste services will be provided by the City of Lake Helen's solid waste franchise holder for Lot 1 and the City of DeLand's solid waste franchise holder for Lots 2 – 5.

H. Storm water Drainage. Provision for storm water retention shall be in accordance with the respective land development code, subject to the specific system design described in this Section. Each Dealership Module is designed to include a stormwater cistern that will provide approximately 200,000 gallons of storage volume. The stormwater cistern system will be connected to a distribution system in each Dealership Module that will allow water held in the stormwater cistern to be used for car washes, grey water plumbing systems or landscape irrigation. Each stormwater cistern will also be designed to connect to exfiltration stormwater vaults located on one or more of the Dealership Module lots within Lot 1. The exfiltration vaults will also connect to the master stormwater pond located on Tract 1 which is primarily located in the City of Lake Helen. The Applicant, Lake Helen and DeLand will coordinate the review and approval of the master stormwater pond on Tract 1.

I. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the applicable LDC or LDR, as amended. The parcels shall be developed in substantial accordance with the following access and transportation system improvements:

1. Access. Access to the project site shall be provided by the public roads, driveway or private road connections shown on the Preliminary Plan. The Frontage Road shown on the Preliminary Plan shall be fully constructed as part of the initial phase of development under the terms of this Agreement. Internal site access, secondary emergency access, pedestrian, bicycle and traffic circulation improvements and access points shall be finally determined during final site plan review and /or subdivision application review, in accordance with the requirements of the land development code

as may be modified by the Development Review Committee for either city as may be necessary to provide required pedestrian, bicycle, and traffic safety improvements on and adjacent to the site. The Applicant shall provide one or more traffic impact analyses (“TIA’s”) that comply with the uniform TIA standards adopted by the River 2 Sea Transportation Planning Organization. In addition to the access points shown on the Preliminary Plan, right-in-only access from Orange Camp Road to the project site between Interstate 4 and Frontage Road shall be permitted subject to compliance with applicable law, codes and regulations and approval of all agencies and governmental entities having jurisdiction.

2. Transportation System Improvements. Transportation system improvements shall be provided as required by the applicable LDC or LDR based on the results of any TIA performed and as specifically determined in one or more negotiated proportionate share agreement(s) approved prior to approval of the Preliminary Plat or individual lot site plans. No construction shall be authorized until a binding agreement is entered into between the Applicant, Lake Helen, DeLand and any other applicable agency regarding mitigation of traffic impacts associated with the proposed development activity.

3. Operational Restrictions. The Applicant shall establish operational restrictions as part of the Property Owner’s Association Covenants for the development on Lot 1 that designates areas and applicable rules for car carriers waiting in queue to offload vehicle inventory. In addition, the Applicant shall similarly establish rules that prohibit any dealership located on Lot 1 from allowing vehicle test drives on any road or street in the cities of DeLand or Lake Helen that are not classified as thoroughfare, arterial or collector roadways or the interstate in the vicinity of the project.

4. Frontage Road. Frontage Road does not currently exist but the right of way for the planned roadway is owned by the Florida Department of Transportation. The Applicant, DeLand and Lake Helen will coordinate with FDOT to facilitate transfer of the Frontage Road right of way to the City of DeLand. The City of DeLand shall permit, subject to compliance with the applicable road

improvement standards in Section 33-90 of the LDRs, construction of Frontage Road to provide access to Lots 1-5. The Applicant, DeLand and Lake Helen shall also coordinate regarding potential changes to the alignment of the northern section of the Frontage Road right of way, located generally east of Lot 5 as shown on the Preliminary Plan, that may shift the roadway to the east to minimize impacts to wetland and conservations lands when the future extension of Frontage Road north into the “Workplace” section of the Victoria Park DRI is constructed. In the event the right of way is shifted to the east, the Applicant and City of DeLand shall enter into a land swap agreement to add portions of the existing right of way to Lot 5 in exchange for the dedication of additional right of way east of the current alignment for Frontage Road.

J. Internal Roadways. Internal roadway(s) shall be constructed in accordance with the applicable requirements and standards of the applicable Land Development Code. Cross access rights will be established as part of the subdivision approval process to ensure each Lot shown on the Preliminary Plan has legal access to an improved public road.

K. Fire Protection. The applicant is responsible for providing adequate onsite water supply and other fire protection improvements to serve the PUD project. The design, capacity, and location of the required water supply and other fire protection improvements shall be as required by the Volusia County or City of DeLand Fire Marshall’s office. Specific fire protection standards shall be required for dealership modules that share a party wall as determined by the Volusia County Fire Marshall.

L. Building or Property Owners Association. Common areas within the Automall development may be operated and maintained by a Property Owner’s Association. The charter and by-laws of any Property Owners Association, and any other agreements, covenants, easements or restrictions shall be furnished to the Cities of Lake Helen and DeLand at the time of creation. The Property Owners Association shall be responsible for maintaining all common areas in a manner and to standards that are comparable to maintenance standards maintained by the adjacent Victoria Park

development. The Applicant shall be responsible for recording said information in the Public Records of Volusia County, Florida. In addition, the Applicant shall bear and pay all costs for recording all of the aforementioned documents.

With respect to the enforcement of said agreements, covenants, easements or restrictions entered into between the Applicant and the owners or occupiers of property within the PUD, the Cities of Lake Helen and DeLand shall only enforce the provisions of the "Development Agreement" and their Land Development Codes, as amended, whichever is applicable, and not the private agreements entered into between the aforementioned parties.

M. Other Requirements. [reserved]

N. Expiration of Development Agreement. The Applicant shall file a final site plan or overall development plan within five (5) years from the effective date of this Order and Ordinance. Failure to timely file said final site plan or overall development plan shall immediately render the development agreement null and void, unless a minor amendment to extend the time period indicated in this paragraph is approved.

O. Binding Effect of Plans, Recording, and Effective Date. The Master Development Plan, including any and all supplementary orders and Ordinances, and the Preliminary Plan shall bind and inure to the benefit of the Applicant and his successor in title or interest. The PUD zoning, Order and Ordinance and all approved plans shall run with the land.

This Order and Ordinance and all subsequent Orders and Ordinances shall be filed with the Clerk of the Court and recorded within forty-five (45) days following execution of the document by the Lake Helen and DeLand 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 each City for their records. The applicant shall pay all filing costs for recording documents.

P. Conceptual Approval: The parties hereto acknowledge that reductions in density and/or intensity may and do occur; and that minor changes to roadway design, location and size of structures, actual location of parking spaces, specific locations for land uses, and locations and design of stormwater storage, landscape buffers and upland buffers may result to comply with the land development regulations. A request for such an amendment shall be reviewed by the applicable zoning enforcement official and may be processed as a minor amendment in accordance with the applicable zoning code. The Applicant agrees to revise and record the revised preliminary plan which reflects any such changes with the Clerk of the Court immediately following the expiration of the 30 day period for appealing Development Review Committee (“DRC”) decisions to the City Commission. A copy of the revised preliminary plan, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the applicable City Administrator or City Manager.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE TO FOLLOW]

THIS SIGNATURE PAGE INCLUDED FOR REFERENCE ONLY

CITY OF LAKE HELEN WILL EXECUTE
IDENTICAL DEVELOPMENT AGREEMENT

DONE and ORDERED by the Lake Helen City Commission this ____ day of
_____, 2018.

ATTEST:

CITY OF LAKE HELEN

Becky Witte
Acting City Administrator

Daisy Raisler
Mayor

APPROVED AS TO FORM AND LEGALITY

Scott E. Simpson, City Attorney

ATTEST:

CITY OF DELAND

Michael Pleus
Michael Pleus
City Manager

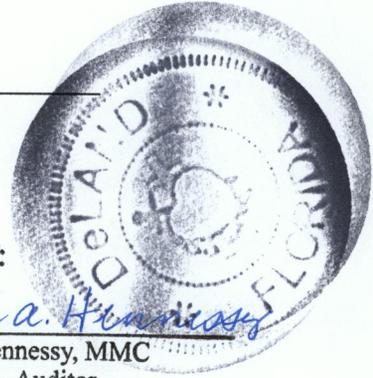
Robert Apgar
Robert Apgar
Mayor

APPROVED AS TO FORM AND LEGALITY

Darren Elkind
Darren Elkind, City Attorney

ATTEST:

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



WITNESSES:

OWNER:

Kendra R. Curry
Print: Kendra R. Curry
Chris Graham
Print: Chris Graham

I4 Automall, LLC, a Florida limited liability company

Brendan Hurley
Brendan Hurley, Manager

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 9th day of NOVEMBER, 2018 by Brendan Hurley, as Manager of I4 Automall, LLC, who is personally known to me or who has produced _____ as identification(s).



Julia M Hewitt
NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:
Julia Hewitt
Commission No.: FF946646
My Commission Expires: 12/29/2019

EXHIBIT "A"

Legal Description – City of Lake Helen Property

EXHIBIT "B"

Legal Description – City of DeLand Property

EXHIBIT "C"

Preliminary Plan

EXHIBIT "D"

Automall Architectural Design Standards

EXHIBIT "A"

Legal Description – City of Lake Helen Property



July 30, 2018

Prepared for: City of Lake Helen

Description: Annexation Parcel Legal Description

Legal Description:

All of lots 2, 3, 4, 12, 13, 14, 15, 16, 17 and a portion of lots 5, 6, 10, 11, 18, 19, 20 & 21, Assessor's Subdivision of the South 1/2 of the Southwest 1/4 of Section 25, Township 17 South, Range 30 East, according to the plat thereof as recorded in Plat Book 20, page 52 of the Public Records of Volusia County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 25; thence N89°51'01"E along the South line of the Southwest 1/4 of the Southwest 1/4 of said Section 25, a distance of 662.44 feet to a point on the southerly projection of the West Right of Way line of Interstate 4 frontage road (per FDOT map project no. P-4738-1); thence N01°01'36"W along said southerly projection a distance of 65.18 feet; thence departing said West line run N89°24'03"E, a distance of 130.13 feet to a point on the East Right of Way line of said Interstate 4 frontage road; thence run along said East Right of Way line the following six (6) courses and distances: thence N00°48'18"W, a distance of 160.00 feet to the point of curvature of a curve concave southeasterly, having a radius of 1136.00 feet, a central angle of 38°52'16", a chord bearing of N18°37'50"E and a chord distance of 756.00 feet; thence northeasterly along the arc of said curve a distance of 770.70 feet to the end of said curve; thence S49°24'41"E, a distance of 18.90 feet; thence N40°35'19"E, a distance of 50.00 feet to the Point of Beginning; thence N49°24'41"W along said Right of Way, a distance of 20.00 feet; thence N40°35'19"E, a distance of 395.17 feet to a point on the North line of the South 1/2 Southwest 1/4 of said Section 25; thence departing the aforesaid East right of way line run S89°56'16"E along said North line, a distance of 405.85 feet to a point on the West line of the East 300 feet of Lot 5 of the aforementioned Assessor's Subdivision of the South 1/2 of the Southwest 1/4 of Section 25, Township 17 South, Range 30 East; thence S00°56'13"E along said West line, a distance of 69.90 feet to a point on the South line of an un-improved platted road (per map book 20, page 52); thence S71°53'57"E along said South line, a distance of 954.80 feet to a point on the East line of the South 1/2 of the Southwest 1/4 of said Section 25; thence S00°58'11"E along said East line, a distance of 737.53 feet to a point on the westerly limited access Right of Way line of Interstate 4 (variable limited access right of way width per FDOT map F.A.P. No. 0042 206 1); thence departing said East line S15°45'34"W along said westerly limited access Right of Way line, a distance of 136.79 feet to a point on the North limited access Right of Way line of Orange Camp Road (variable right way width per FDOT map F.P. No. 408463); thence run along said North right of way the following two (2) courses and distances: thence N89°08'06"W", a distance of 891.90 feet; thence S89°39'54"W, a distance of 77.37 feet to the end of said limited access Right of Way line at the East Right of Way of Stewart road; thence S89°39'54"W, a distance of 100.01 feet to a point on the West Right of Way of Stewart road and continuation of said limited access Right of Way line; thence run S89°40'07"W, along said limited access Right of Way line, a distance of 70.00 feet; thence run along a line 70 feet West of and parallel with said West Right of Way line of Stewart road, N01°00'04"W, a distance of 564.26 feet to a point on the South line of Lot 5 of said Assessor's Subdivision; thence run S89°57'23"W along said South line a distance of 146.44 feet to a point on the East line of the Southwest 1/4 of the Southwest 1/4 of said Section 25; thence run N34°15'57"W, a distance of 419.71 feet to the Point of Beginning.

Containing: 1,421,624 Square Feet or 32.64 Acres more or less.

October 26, 2018

Prepared for: City of Deland

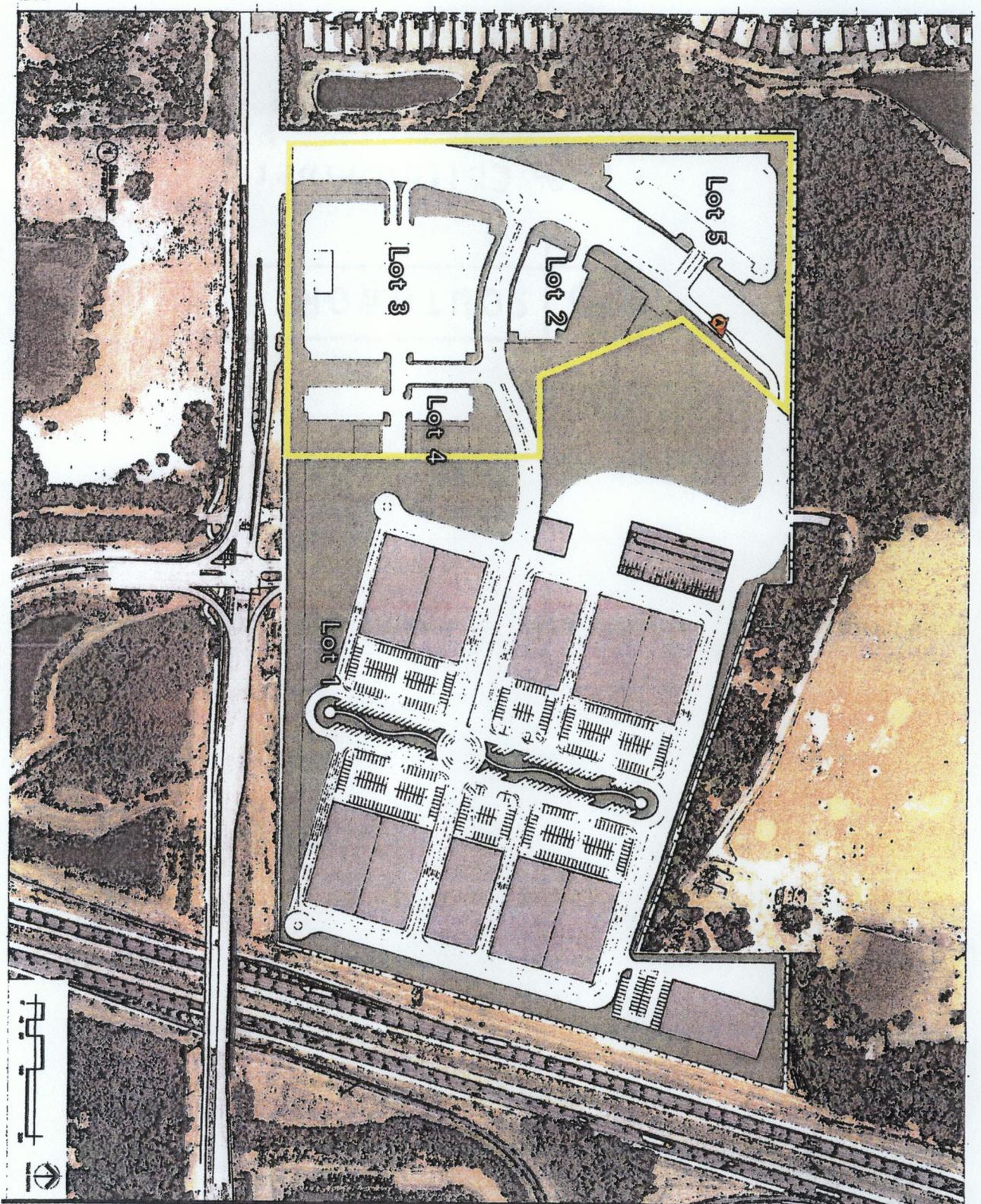
Description: Legal Description For PD - DeLand – Exhibit B

Legal Description:

A PORTION LOTS 5, 6, 9, 10, OF THE ASSESSOR'S SUBDIVISION OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 17 SOUTH, RANGE 30 EAST AS RECORDED IN MAP BOOK 3, PAGE 149 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; SAID LANDS LYING NORTH OF ORANGE CAMP ROAD AND WEST OF INTERSTATE 4 (SR400) BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 25; THENCE N89°51'01"E ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 25, A DISTANCE OF 662.44 FEET TO A POINT ON THE SOUTHERLY PROJECTION OF THE WEST RIGHT OF WAY LINE OF THE INTERSTATE 4 FRONTAGE ROAD (PER FDOT MAP PROJECT NO. P-4738-1); THENCE N01°01'36"W ALONG SAID SOUTHERLY PROJECTION AND WEST RIGHT OF WAY LINE, A DISTANCE OF 105.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N01°01'36"W ALONG SAID WEST RIGHT OF WAY LINE, AND THE EAST LINE OF VICTORIA PARK NORTHEAST INCREMENT ONE AS RECORDED IN MAP BOOK 48 PAGE 51 AND THE EAST LINE OF VICTORIA PARK INCREMENT TWO NORTHWEST AS RECORDED IN MAP BOOK 50 ,PAGE 111, A DISTANCE OF 1217.43 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 25; THENCE S89°56'16"E ALONG SAID NORTH LINE, A DISTANCE OF 495.82 FEET TO A POINT ON THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF THE INTERSTATE 4 FRONTAGE ROAD; THENCE CONTINUE S89°56'16"E ALONG SAID NORTH LINE, A DISTANCE OF 184.19 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID INTERSTATE 4 FRONTAGE ROAD; THENCE RUN S40°35'19"W ALONG SAID EAST RIGHT OF WAY, A DISTANCE OF 395.17 FEET; THENCE RUN S49°24'41"E ALONG SAID EAST RIGHT OF WAY, A DISTANCE OF 20.00 FEET TO A POINT SAID EAST RIGHT OF WAY; THENCE DEPARTING THE AFORESAID EAST RIGHT OF WAY LINE, RUN S34°15'57"E, A DISTANCE OF 419.71 FEET TO A POINT LOCATED ON THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 25, SAID POINT ALSO BEING ON THE SOUTH LINE OF LOT 5 OF SAID ASSESSOR'S SUBDIVISION; THENCE RUN N89°57'23"E ALONG SAID SOUTH LINE, A DISTANCE OF 146.44; THENCE DEPARTING SAID SOUTH LINE RUN ALONG A LINE THAT IS 70.00 FEET WEST OF AND PARALLEL TO THE WEST RIGHT OF WAY LINE OF STEWART ROAD, S01°00'04"E A DISTANCE OF 564.26 FEET TO A POINT ON THE NORTH LIMITED ACCESS RIGHT OF WAY LINE OF ORANGE CAMP ROAD (VARIABLE RIGHT WAY WIDTH PER FDOT MAP F.P. NO. 408463); THENCE RUN S89°40'07"W, ALONG SAID LIMITED ACCESS RIGHT OF WAY LINE, A DISTANCE OF 317.85 FEET TO THE END OF SAID LIMITED ACCESS; THENCE CONTINUE S89°40'07"W ALONG THE NORTH RIGHT OF WAY OF ORANGE CAMP ROAD, A DISTANCE OF 360.74 FEET TO A POINT ON THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF INTERSTATE 4 FRONTAGE ROAD; THENCE N00°48'18"W ALONG SAID EAST RIGHT OF LINE, A DISTANCE OF 12.81 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SAID INTERSTATE 4 FRONTAGE ROAD; THENCE RUN S89°24'03"W, A DISTANCE OF 130.13 TO THE POINT OF BEGINNING.

CONTAINING 816,894 SQUARE FEET OR 18.75 ACRES, MORE OR LESS.



HHCP

**NEW FACILITY
14 AUTO MALL**
ORANGE CAMP ROAD, DELAND FLORIDA
A HELMAN HURLEY CHARNEY PEACOCK / ARCHITECTS, INC. PROJECT

Date Plotted: _____
 Plotted By: _____
 Checked By: _____
 Date: _____

SITE PLAN
A1.01

EXHIBIT "D"

Automall Architectural Design Standards

14

I-4 AUTOMALL
Visual Reference Guide



HHCP

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- 3 Introduction**
- 4 Overview**
- 5 Facade**
- 6 Curtain Wall**
- 7 Jewel Box**
- 8 Solar**
- 9 Ramp/Retaining Wall**
- 10 Service Doors**

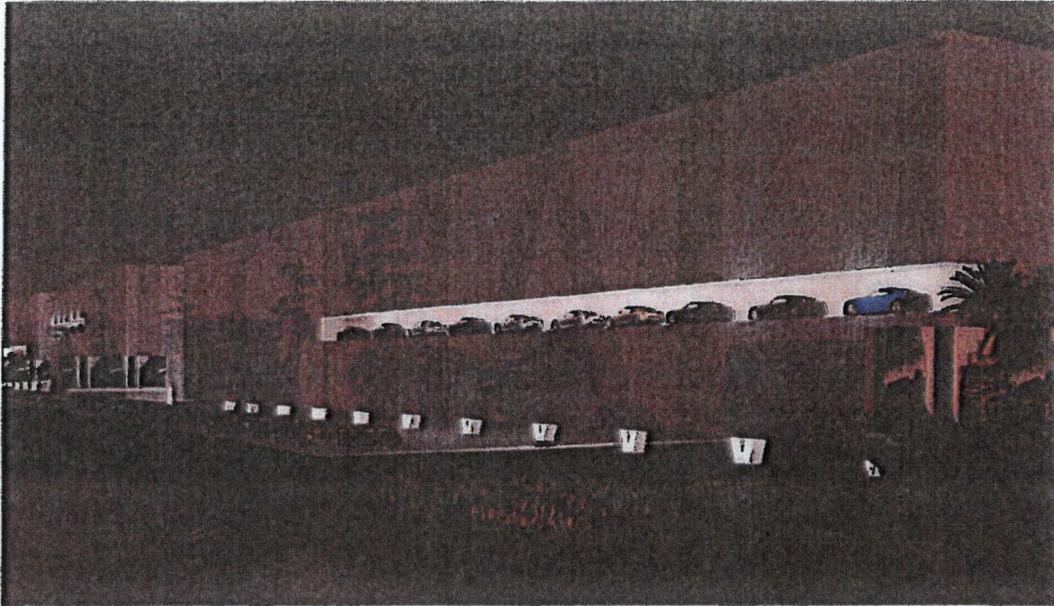
**The I-4 Automall is set to
define a new prototype
dealership concept, tailored
to create a new experience for
buying and selling vehicles.**

The vision for the I-4 Automall is to create a new dealership concept to be used as a prototype for the automobile dealership industry all over the United States. It converts the existing model of car dealerships occupying acres of land covered by inventory of cars for sale backed up by low rise workshops and showrooms, into a campus of dealerships housing vastly improved efficient and customer friendly facilities. Instead of a single dealership occupying 7 to 10 acres, each dealership will now occupy 1.3 acres. The idea of placing several dealerships in one location has now been reimagined so that multiple dealerships can be located on a footprint that is a fraction of the land area typically required. This approach of Modular Design reinforces the Commercial District while achieving pattern book philosophy which will complement the same approach used in adjacent developments and Urban Design Guidelines as a whole.

Now with the auto industry continuing to incorporate the latest developments in technology, this progress is reflected in the high tech materials with sleek contours and bold graphic treatments utilized in the I-4 Automall design.

In recent years the luxury car manufacturers have used the architecture of their buildings as an expression of their style and sophistication. These models can be seen throughout central Florida and it is unlikely to change as the buildings are have now become part of the branding of the various manufacturers. I-4 Automall is conceived as an extension to this branding principle by creating a new experience for buying and selling vehicles that is more akin to going to a shopping mall than a car dealership.

The aim of the project is to create an campus environment which will provide the ultimate in buyer experience and reflects this image in the sleek style of a clean, modern and upscale environment. The aim of the architecture is to achieve maximum impact in the view from I-4 at the entrance on Orange Camp Road, and when visitors are inside the development. The views from other angles are designed to be muted and softened by buffers of trees and shrubbery, creating ample separation from the surrounding community.



Construction

Construction of the I-4 Automall will employ a vocabulary of contemporary design features and elements intended to provide a unique and visually appealing experience for both visitors and community neighbors alike. The design approach will be respectful to the environment, employing green design principles intended to minimize the impacts on the surrounding area while engaging pedestrians in a safe and inclusive way.

The primary structural system will be concrete, flat slab with inventory levels accessed by ramps. Special vehicle merchandising modules, the jewel boxes, will be designed as accents along the building perimeters to create visual interest and to highlight specific inventory. Interior facing facades will be single or multi-story clear, insulated glazing. The main concrete structure will be clad in perforated material, with the exposed concrete surfaces finished with a textured pattern and or embossed graphics.

Plan

Each dealership module will employ a 33,020 SF footprint consisting of a service level, showroom level and administrative functions and inventory levels accessed via exterior ramps.

Height

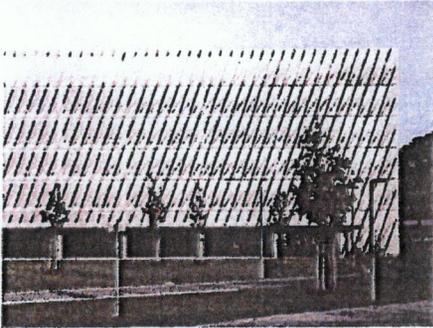
The building height respects the requirements defined by the PUD.

Roof

The roof level will be dedicated primarily for inventory storage, but will also serve the secondary function of accommodating a solar panel system. The solar system will, to the greatest extent possible, contribute to the reduction of energy consumption while also providing shading for vehicle inventory.

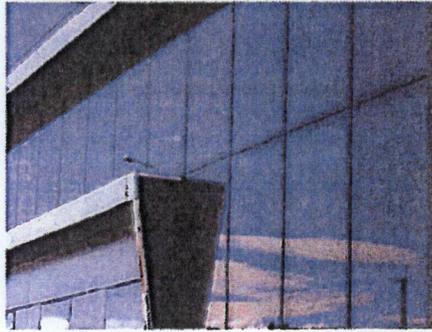
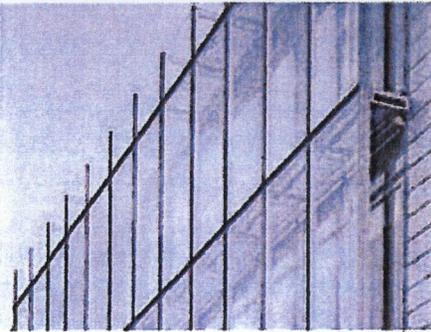
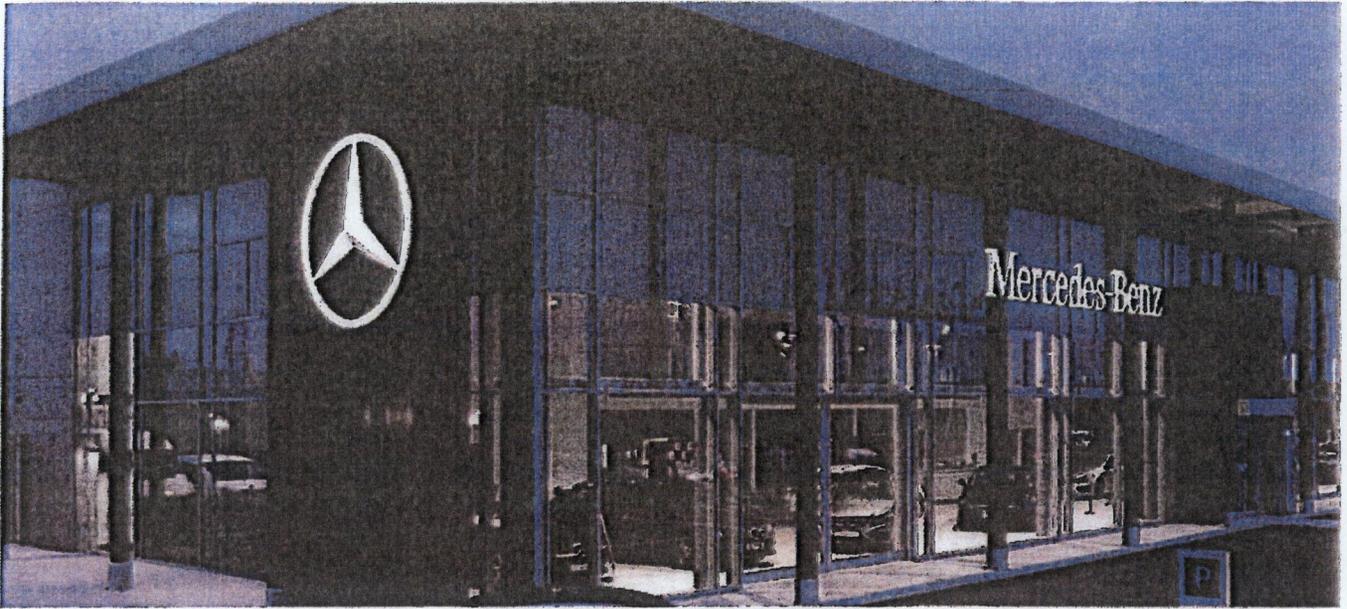
Trademark Elements

- Reduced paved surface areas
- Security, lighting and enhanced customer service experiences
- Unique vehicle merchandising concepts
- Other green building techniques will be studied for potential inclusion in the project. These could include geo-thermal heating and cooling systems, along with rain water collection, harvesting and re-use.



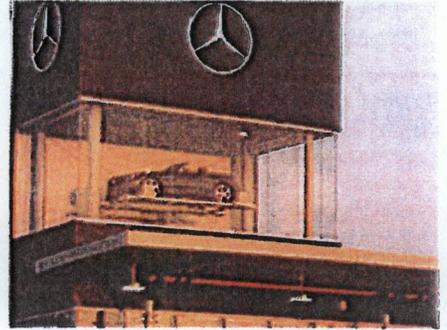
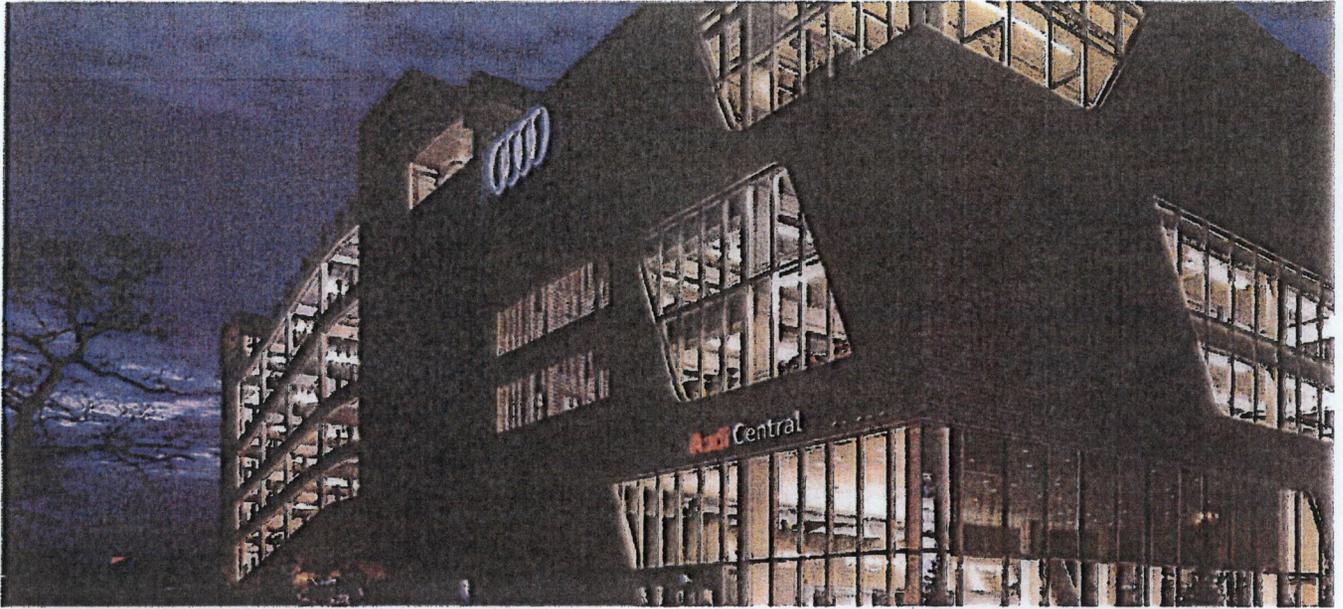
14

The main concrete structure will be clad in perforated material, with the exposed concrete surfaces finished with a textured pattern and or embossed graphics.



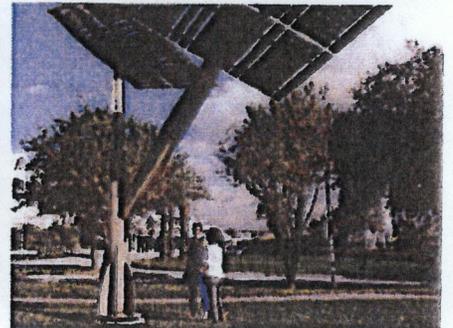
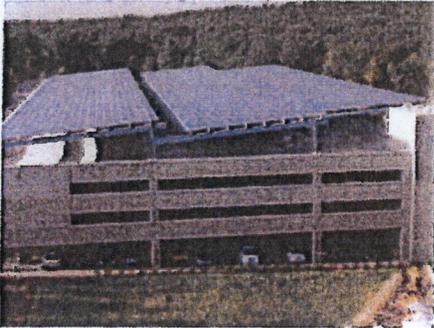
14

Since the curtain wall is non-structural, it can be made of lightweight materials, thereby reducing construction costs. Glass is used as the curtain wall, allowing natural light to penetrate deeper within the building. The curtain wall facade does not carry any structural load from the building other than its own dead load weight.



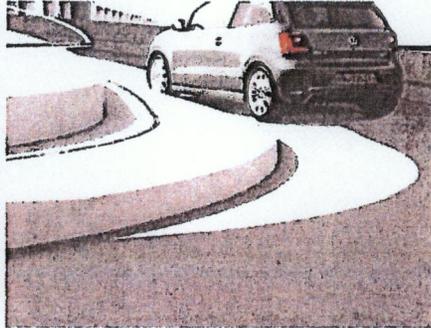
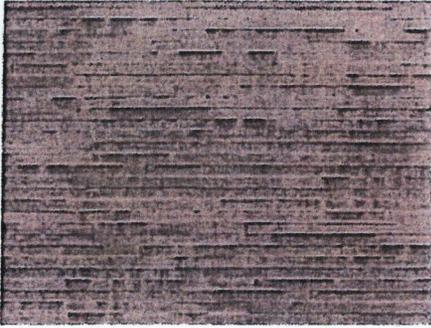
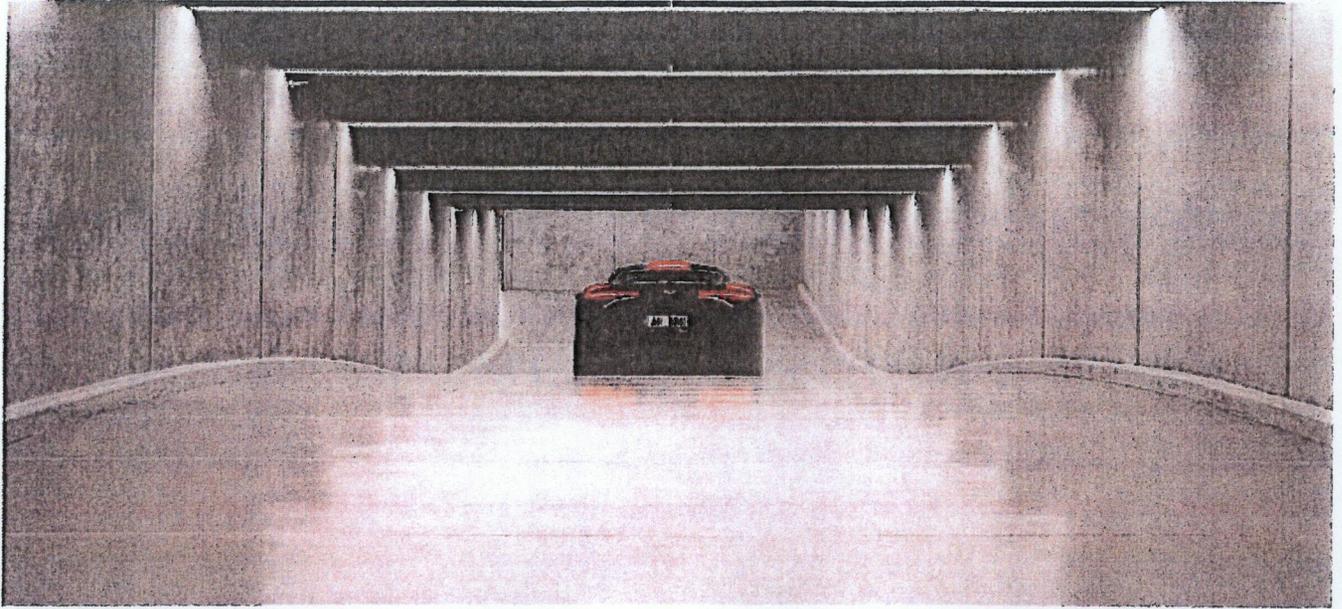
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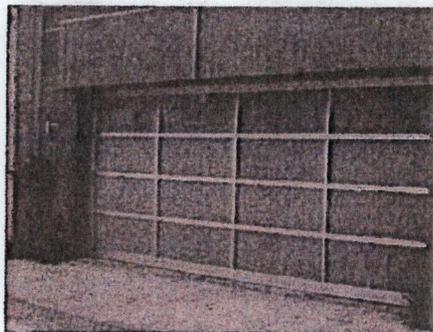
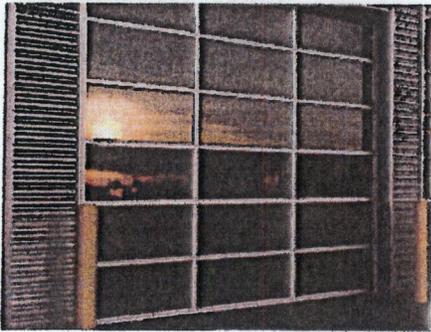
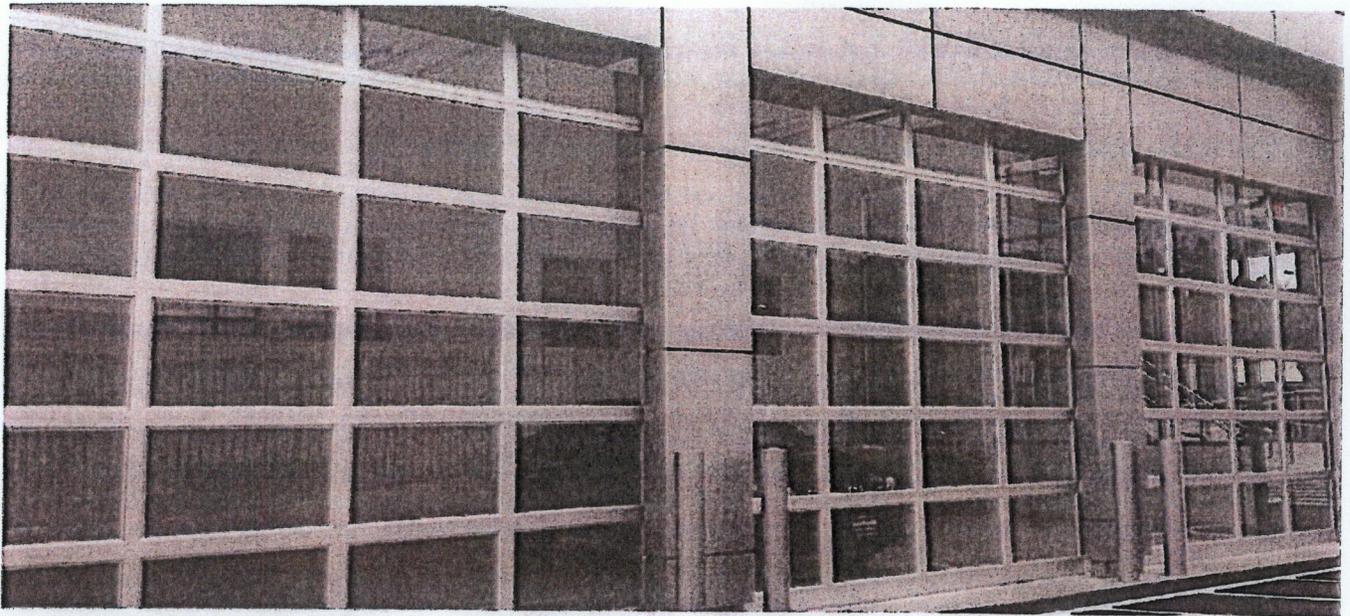
14

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14

The primary structural system will be concrete, flat slab with inventory levels accessed by ramps.



14

Strategic multiple levels of security allow for an efficient operating facility while also providing patron pedestrian safety.



Gregory Dungan, AIA
Managing Partner

HHCP DESIGN INTERNATIONAL

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Skype: worldarchitect

HHCP.com

THE NEWS-JOURNAL

Published Daily and Sunday
Daytona Beach, Volusia County, Florida

**State of Florida,
County of Volusia**

Before the undersigned authority personally appeared

Irene Zucker

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
.....

NOTICE OF PUBLIC HEARING

L 2307833

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

OCTOBER 26, 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

Irene Zucker

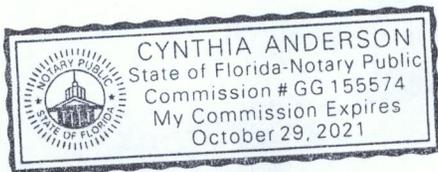
Sworn to and subscribed before me

This **26TH** of **OCTOBER**

A.D. 2018

Cynthia Anderson

49D



DF-0002307833-01

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

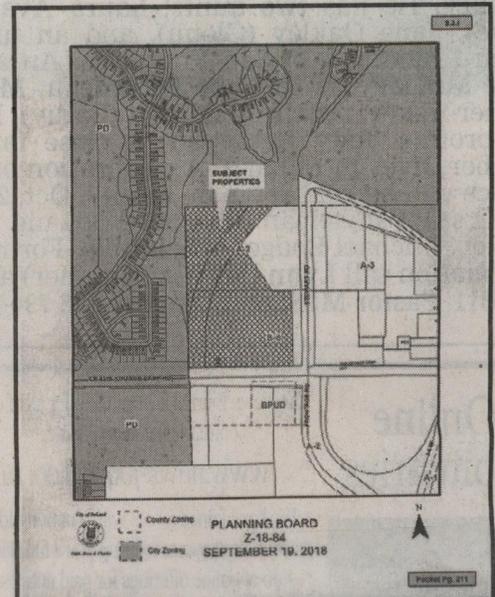
NOTICE IS HEREBY GIVEN that there will be
a Public Hearing on the following Ordinance on
Monday, November 5, 2018 at a regular meeting of
the DeLand City Commission. The meeting will take
place at 7:00 P.M. in the City Commission Chambers,
120 South Florida Avenue, City Hall. All interested
parties are 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 - 20

**AN ORDINANCE OF THE CITY COMMISSION
OF DELAND, FLORIDA, CHANGING THE
ZONING FROM VOLUSIA COUNTY'S A-2,
RURAL AGRICULTURE AND B-6, HIGHWAY
INTERCHANGE COMMERCIAL TO THE
CITY OF DELAND'S I-4 AUTOMALL PD,
PLANNED DEVELOPMENT ZONING
DESIGNATION, ON PROPERTY LOCATED
AT 1600 ORANGE CAMP ROAD; APPROVING
A PLANNED DEVELOPMENT PLAN
CONSISTING OF APPROXIMATELY
18.75 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.**



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CITY COMMISSION
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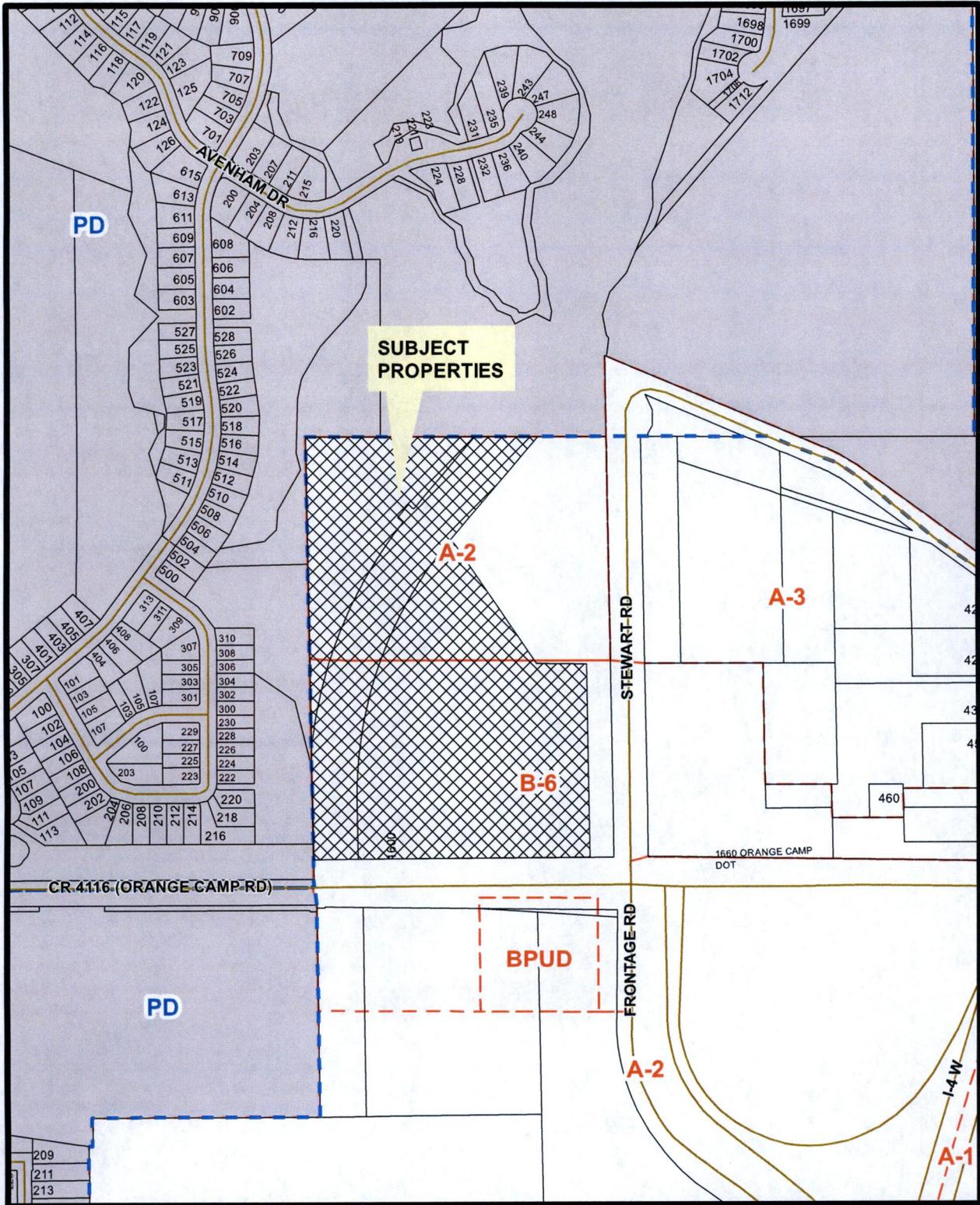
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AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM VOLUSIA COUNTY'S A-2, RURAL AGRICULTURE AND B-6, HIGHWAY INTERCHANGE COMMERCIAL TO THE CITY OF DELAND'S I-4 AUTOMALL PD, PLANNED DEVELOPMENT ZONING DESIGNATION, ON PROPERTY LOCATED AT 1600 ORANGE CAMP ROAD; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 18.75 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.

Please publish the above legal advertisement (with map) one time in the local section on the following date: Friday, October 26, 2018 and send proof of publication to:

City Clerk
City of DeLand
120 South Florida Avenue
DeLand, FL 32720

*******NOTE *****Pursuant to law, the advertisement shall be no less than 2 columns wide by 10 inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.**



-  County Zoning
-  City Zoning

PLANNING BOARD
 Z-18-84
 SEPTEMBER 19, 2018

