

ORDINANCE NO. 2024 - 26

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM GATEWAY EAST PLANNED DEVELOPMENT (PD) TO AMENDED AND RESTATED GATEWAY EAST PLANNED DEVELOPMENT ON PROPERTY LOCATED NORTH OF DAYTONA STATE COLLEGE, ALONG NORTH AND SOUTH OF STATE ROAD 44 BETWEEN NORTH SUMMIT AVENUE (COUNTY ROAD 4139) AND INTERSTATE-4; APPROVING AN AMENDMENT TO A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY +/- 65.08 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, Joseph Posey, Jr., Esq., agent for the owners of approximately +/- 65.08 acres of land located north of Daytona State College, along north and south of State Road 44, between N. Summit Avenue (County Road 4139) and Interstate 4, which is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, the Applicant has applied for a change of zoning designation from Gateway East Planned Development to Amended and Restated Gateway East Planned Development; and

WHEREAS, said rezoning 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 current PD so as to 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 Gateway/Activity Center land use designation.

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 Gateway East Planned Development to Amended and Restated Gateway East Planned Development of approximately +/- 65.08 acres of land, located north of Daytona State College, along north and south of State Road 44, between North Summit Avenue (County Road 4139) and Interstate 4.

Section 2. Pursuant to the determination made at public hearing, the City Commission hereby amends the Comprehensive Zoning Map of the City to include the land described in Exhibit "A" as Amended and Restated Gateway East 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 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 Amended and Restated Gateway East 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. 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 8. 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 9. Pursuant to Article 5 of the City's Land Development Regulations, the Applicant shall comply with all applicable infrastructure regulations.

Section 10. The City Engineer, Planning Director, and Building Department 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. 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 12. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 20th day of May, 2024.



ATTEST

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

Christopher M. Cloudman
Christopher M. Cloudman
Mayor - Commissioner

Passed on first reading: May 06, 2024
Adopted on second reading: May 20, 2024

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
Darren J. Elkind
City Attorney

"EXHIBIT A"

LEGAL DESCRIPTION - NORTH PROPERTY

A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 17 SOUTH, RANGE 30 EAST AND SECTION 18, TOWNSHIP 17 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS: FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER SECTION 13, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, AND RUN NORTH $01^{\circ}46'14''$ WEST, ALONG THE EAST LINE OF THE SOUTHEAST $1/4$ OF SAID SECTION 13, A DISTANCE OF 612.65 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 44, SAID POINT BEING A POINT ON A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 2920.11 FEET AND A CHORD WHICH BEARS NORTH $89^{\circ}30'43''$ WEST FOR A DISTANCE OF 1713.56 FEET, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST LINE OF THE SOUTHEAST $1/4$ OF SECTION 13 RUN ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $34^{\circ}07'26''$ FOR A LENGTH OF 1739.14 FEET TO THE INTERSECTION OF SAID NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 44 AND THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF OLD STATE ROAD 44; THENCE RUN ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF OLD STATE ROAD 44, THE FOLLOWING NINE (9) COURSES; RUN NORTH $15^{\circ}22'42''$ EAST, A DISTANCE OF 104.94 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 213.27 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $61^{\circ}41'00''$ FOR A LENGTH OF 229.60 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 622.93 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $12^{\circ}46'45''$ FOR A LENGTH OF 138.94 FEET; THENCE RUN NORTH $25^{\circ}43'03''$ WEST, A DISTANCE OF 9.21 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 613.72 FEET AND A CHORD WHICH BEARS NORTH $60^{\circ}51'03''$ EAST FOR A DISTANCE OF 73.47 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $6^{\circ}51'48''$ FOR A LENGTH OF 73.52 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH $57^{\circ}25'09''$ EAST, A DISTANCE OF 215.16 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 915.42 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $31^{\circ}33'25''$ FOR A LENGTH OF 504.19 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH $88^{\circ}58'34''$ EAST, A DISTANCE OF 644.45 FEET; THENCE RUN NORTH $89^{\circ}08'34''$ EAST, A DISTANCE OF 15.12 FEET TO A POINT ON THE AFOREMENTIONED EAST LINE OF THE SOUTHEAST $1/4$ OF SECTION 13, TOWNSHIP 17 SOUTH, RANGE 30 EAST; THENCE DEPARTING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF OLD STATE ROAD 44 RUN SOUTH $01^{\circ}46'14''$ EAST, ALONG SAID EAST LINE OF THE SOUTHEAST $1/4$ OF SECTION 13, A DISTANCE OF 417.45 FEET; THENCE RUN NORTH $89^{\circ}08'34''$ EAST, DEPARTING SAID EAST LINE OF THE SOUTHEAST $1/4$ OF SECTION 13, A DISTANCE OF 417.45 FEET TO A POINT ON THE AFOREMENTIONED NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 44; THENCE RUN SOUTH $01^{\circ}46'14''$ EAST, A DISTANCE OF 59.88 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 2920.11 FEET AND A CHORD WHICH BEARS SOUTH $69^{\circ}05'14''$ WEST A DISTANCE OF 441.83 FEET; THENCE RUN ALONG THE ARC

"EXHIBIT A"

OF SAID CURVE THROUGH A CENTRAL ANGLE OF $8^{\circ}40'39''$ FOR A LENGTH OF 442.25 FEET TO THE POINT OF BEGINNING.

AND

PARCEL 5 (SUPPLIED BY CLIENT) - SOUTHERLY PROPERTY

A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 17 SOUTH, RANGE 30 EAST AND SECTION 18, TOWNSHIP 17 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS: FOR A POINT OF REFERENCE, BEGIN AT THE SOUTHEAST CORNER SECTION 13, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA; THENCE RUN NORTH $88^{\circ}06'41''$ WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 13, A DISTANCE OF 1669.46 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF REALIGNED COUNTY ROAD 4139; THENCE RUN NORTH $19^{\circ}57'26''$ WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF REALIGNED COUNTY ROAD 4139, A DISTANCE OF 161.52 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 597.11 FEET; THENCE CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF REALIGNED COUNTY ROAD 4139

RUN ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $21^{\circ}44'06''$ FOR A LENGTH OF 226.51 FEET TO THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE OF REALIGNED COUNTY ROAD 4139 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 44, SAID POINT BEING A POINT ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 3116.96 AND A CHORD WHICH BEARS NORTH $85^{\circ}00'28''$ EAST A DISTANCE OF 2326.81 FEET; THENCE RUN ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 44 AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $43^{\circ}49'56''$ FOR A LENGTH OF 2384.53 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH $63^{\circ}05'30''$ EAST, ALONG SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 44, A DISTANCE OF 992.11 FEET TO THE INTERSECTION OF SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 44 AND THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 4; THENCE RUN ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 4 THE FOLLOWING SIX (6) COURSES; RUN SOUTH $26^{\circ}54'30''$ EAST, A DISTANCE OF 142.30 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 540.00 FEET AND A CHORD WHICH BEARS SOUTH $26^{\circ}25'09''$ EAST A DISTANCE OF 126.13 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $13^{\circ}24'49''$ FOR A LENGTH OF 126.42 FEET TO A POINT OF TANGENCY; THENCE RUN SOUTH $33^{\circ}07'34''$ EAST, A DISTANCE OF 320.00 TO A POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 370.00 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $52^{\circ}02'51''$ FOR A LENGTH OF 336.11 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 630.00 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $5^{\circ}31'15''$ FOR A LENGTH OF 60.70 FEET TO A POINT OF TANGENCY; THENCE RUN SOUTH $24^{\circ}26'32''$ WEST, A DISTANCE OF 161.30 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 17 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY FLORIDA; THENCE RUN SOUTH $88^{\circ}23'36''$ WEST, ALONG SAID SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 18,

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PLANNED DEVELOPMENT AGREEMENT

IN THE CITY COMMISSION OF THE

CITY OF DELAND, FLORIDA

IN RE: Z23-259, Application of

DeProp, LLC

ORDINANCE # 2024-26

ORDER AND RESOLUTION

GRANTING A REQUEST FOR CHANGE OF ZONING FROM GATEWAY EAST PD

TO

THE FIRST AMENDED AND RESTATED GATEWAY EAST PD (PLANNED
DEVELOPMENT)

The application of DeProp, LLC, hereinafter, "Applicant," for rezoning was heard by and before the City Commission, DeLand Florida, on May 20, 2024. 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 March 13, 2024, and otherwise being fully advised, the City Commission does hereby find and determine as follows:

"EXHIBIT B"

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FINDINGS REGARDING REZONING

A. That the Applicant has applied for a change of zoning from the present zoning classification of the land described in Exhibit "A" from Gateway East PD to First Amended and Restated Gateway East PD (Planned Development).

B. That the said rezoning to First Amended and Restated Gateway East 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 #2013-11, 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 20th DAY OF May, A.D., 2024, AS FOLLOWS:

A. That the Application of DeProp, LLC for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Exhibit A is hereby amended from Gateway East PD to the First Amended and Restated Gateway East PD as described in Article VII of the City of DeLand, Land Development Regulations Ordinance #2013-11, as amended.

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C. That the Official Zoning Map of the City of DeLand is hereby amended to show the rezoning of said parcel to First Amended and Restated Gateway East PD.

D. That the City of DeLand Land Development Regulations Ordinance #2013-11, 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 #2013-11, as amended, and the "Development Agreement", the provisions of the "Development Agreement" shall govern. Ordinance #2013-11, as amended, shall govern with respect to any matter not covered by the "Development Agreement." The City of DeLand, the Applicant or Unified Owner(s) will ensure overall compliance with this Ordinance.

E. Unless otherwise provided for herein, the City of DeLand's Land Development Regulations, Ordinance # 2013-11, as amended, shall apply to the First Amended and Restated Gateway East PD in the same manner as the R-16 (with respect to any residential development) and C-2 (with respect to any non-residential development) zoning classifications.

F. Nothing in this Ordinance shall abridge the requirements of any City of DeLand Ordinance other than Ordinance #2013-11, 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 #2013-11, as amended. Further, nothing in the Development Agreement is intended to abridge the requirements of Ordinance #2013-11, as amended, and any other City Ordinances.

AMENDED AND RESTATED DEVELOPMENT AGREEMENT

The City Commission of the City of DeLand, Florida, a chartered municipal corporation

1 located in Volusia County, Florida, previously approved a development agreement on October 20,
2 2014, binding DeProp, LLC, a Florida limited liability company, and their successors and assigns, to
3 the terms and provision of the Gateway East PD (Planned Development) adopted by Ordinance #
4 2014-21. This Amended and Restated Development Agreement applies to the same property as in
5 Ordinance # 2014-21, which is more particularly described in the attached Exhibit "A".

6 The Parties hereto hereby agree to modify, amend, and restate, in whole, said development
7 agreement with the following provisions:

8 A. Development Concept. This Development Agreement has been drafted to sever the
9 property from the Gateway East PD (Planned Development) and amend and restate the entitlements
10 for the property with a new planned development agreement known as the Amended and Restated
11 Gateway East PD (Planned Development). The property shall be developed as a PD substantially in
12 accordance with the Planned Development Plan as defined below. The Planned Development Plan
13 shall govern the development of the property as a PD and shall regulate the future land use of this
14 parcel.

15 The purpose and intent of the Gateway East PD is to create a scenic entryway to the City of
16 DeLand along SR 44 with a balanced mixture of urban land uses to protect and enhance the natural
17 and built environment. The goal is to attract a mix of high-quality office, retail, multi-family
18 residential and ancillary support commercial uses so that complementary uses can be located in close
19 proximity to facilitate walking, bicycling and the use of the local roads for trips from home to work
20 or school and shopping.

21 1. Planned Development Plan. The Planned Development Plan shall consist of
22 the Development Plan Map prepared by Zev Cohen & Associates, Inc. and dated January 23, 2024
23 and this Development Agreement. The Development Plan Map is hereby approved and incorporated
24 in this Ordinance by reference as Exhibit "B". The Planned Development Plan shall be filed and

1 retained for public inspection in the Planning Department, and it shall constitute a supplement to the
2 Official Zoning Map of the City of DeLand.

3 2. Amendments. All amendments of the Planned Development Plan shall
4 require the review and recommendation of the Planning Board and action by the City Commission in
5 the same manner as a rezoning of the parcel. The foregoing notwithstanding, minor amendments not
6 altering the intent and purpose of the Planned Development Plan may be approved by the Planning
7 Director after such departmental comment as he or she deems appropriate. The Planning Director
8 may not authorize administrative amendments which change approved land uses or the location of
9 district boundaries as depicted on the Development Plan Map, the development standards set forth in
10 Section E of this Development Agreement, or any special condition or specific requirement of this
11 Development Agreement. No amendment to this Planned Development Plan shall be required in
12 order to shift the location of specific uses from where uses are shown on the Development Plan Map,
13 so long as the type of use proposed for development is located within the district corresponding to
14 that type of use on the Development Plan Map.

15 In the event the City adopts a minor amendment process in its land development code,
16 then the adopted code provisions for such process shall control the process for minor amendments to
17 this Planned Development Plan.

18 3. Subdivision Approval. After the Planned Development Plan is recorded, and
19 prior to any construction, including clearing and landfill, a preliminary and/or a combined
20 preliminary and final plat of the area to be subdivided shall be submitted for review and approval in
21 the manner required by Article 13 of the City of DeLand Land Development Regulations, Ordinance
22 #2013-11, as amended.

23 4. Final Site Plan Approval. For development activity that requires site plan
24 review and approval in addition to subdivision, a Final Site Plan shall be prepared and submitted for

1 review and approval in the manner required by Article 12 of the City of DeLand, Land Development
2 Regulations Ordinance #2013-11, as amended prior to any construction, including clearing and
3 grading.

4 5. Easements for Public and Private Facilities. Planning, design and construction
5 of all connections and extensions to potable water, sanitary sewer and electrical power lines shall be
6 the responsibility of the Developer and shall be reviewed and approved by the City as part of the
7 subdivision or site plan application process. Consistent with the applicable standards from the City
8 of DeLand, all subdivisions or site plans shall make accommodations for the provision of easements
9 to the applicable maintenance agency. Private systems, such as stormwater management areas and
10 facilities, shall be maintained by the property owner or a property owners association. Stormwater
11 management areas and facilities may be subject to easements required by the City of DeLand and/or
12 the St. Johns River Water Management District.

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14 B. Unified Ownership. The Applicant or his successors shall maintain unified
15 ownership of the subject property until after issuance of a Final Plat or Final Site Plan Development
16 Order for any portion of the property proposed for development.

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18 C. Phases of Development. The Gateway PD may be developed and subdivided in one
19 or multiple phases, consistent with the Planned Development Plan, so long as such subdivision
20 complies with the provisions of this Agreement. As part of the subdivision process for a particular
21 phase of development, the Applicant shall ensure that all future phases for the Property will be
22 serviced with public utilities and right-of-way access necessary to stand alone for development. The
23 Applicant shall provide all necessary easements for development and infrastructure servicing a
24 particular phase proposed for subdivision, including identifying any shared facilities such as

1 stormwater systems and internal driveways, if proposed. Notwithstanding the forgoing, boundaries
 2 identified on the Planned Development Plan may be reconfigured during the subdivision process,
 3 and individual phases may be developed and constructed simultaneously and/or in any order,
 4 however, subdivision approval shall be required for each phase and the restrictions of this
 5 Agreement shall apply to each phase of development.

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7 D. Uses Allowed Within the PD. The following uses shall be allowed as permitted
 8 principal uses and structures along with their customary accessory uses and structures:

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Residential Area:

- 10 ○ Family day care home.
- 11 ○ Mini and neighborhood parks.
- 12 ○ Multiple-family dwellings.
- 13 ○ Private clubs and lodges.
- 14 ○ Other uses approved by the city commission after review and recommendation by the
- 15 planning board, which are unquestionably similar to those uses permitted herein.
- 16 ○ Community residential homes, single-family.
- 17 ○ Community residential homes, multifamily.
- 18 ○ Community and regional parks.
- 19 ○ Community gardens.
- 20 ○ Governmental and public building and land uses.
- 21 ○ Nursing (convalescent) homes, adult congregate-living facilities.
- 22 ○ Private parks.

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Commercial Area:

25 The following uses shall be permitted within the Corridor District as depicted on the Planned
 26 Development Plan:

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- 28 ○ General/Professional Offices.
- 29 ○ Financial Institutions.
- 30 ○ Medical office.
- 31 ○ Drugstores and pharmacies.
- 32 ○ Laboratories, hospitals and clinics.
- 33 ○ Medical clinics.
- 34 ○ Nursing homes and adult congregate living facilities.
- 35 ○ Mailbox and shipping shops.
- 36 ○ Office equipment sales and service.
- 37 ○ Copying, printing and lithography.

- 1 ○ Beauty salons, barbershops and day spas.
- 2 ○ Day care facilities, adult or child.
- 3 ○ Dry cleaning and laundry, retail.
- 4 ○ Tailor shops and shoe repair.
- 5 ○ Banquet facilities.
- 6 ○ Bed and breakfast inn.
- 7 ○ Catering services.
- 8 ○ Craft Food and Beverage Producer.
- 9 ○ Hotels or motels and associated accessory uses including restaurant and
- 10 conference facilities.
- 11 ○ Restaurants including fast food and/or drive through facilities.
- 12 ○ Virtual kitchen.
- 13 ○ Bakery, pastry, gourmet, coffee and specialty beverage shops (retail).
- 14 ○ Convenience stores without gas pumps.
- 15 ○ Retail sales.
- 16 ○ Museums.
- 17 ○ Music, dance, gymnasium, art school or studio, excluding discotheques.
- 18 ○ Parks, mini and neighborhood.
- 19 ○ Research and development facilities.
- 20 ○ Corporate headquarters.
- 21 ○ Veterinary clinics allowing inside overnight boarding for clinical care.
- 22 ○ Veterinary clinics and pet grooming shops with overnight and/or outdoor
- 23 boarding facilities and runs.
- 24 ○ Uses requiring a DBPR 3PS liquor license (package sales) or 4COP liquor license
- 25 (bars, lounges, etc.).
- 26 ○ Restaurants and establishments serving alcohol requiring a DBPR 2COP, 3PS or
- 27 4COP license with special class.
- 28 ○ Convenience stores with gas pumps (but truck stops and travel centers, etc. are
- 29 not permitted).
- 30 ○ Multiple-family dwellings compliant with R-16 standards.
- 31 ○ Residential dwelling units above the first floor or one residential unit on the first-
- 32 floor accessory to an office or commercial use.
- 33 ○ Parks, community and regional.
- 34 ○ Manufacturing - Craftsman shop.
- 35 ○ Manufacturing – Limited.

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37 The following uses shall be permitted within the Corridor District as depicted on the Planned
38 Development Plan:

- 39
- 40 ○ General/Professional Offices.
- 41 ○ Financial Institutions.
- 42 ○ Medical office.
- 43 ○ Drugstores and pharmacies.
- 44 ○ Laboratories, hospitals and clinics.
- 45 ○ Medical clinics.
- 46 ○ Nursing homes and adult congregate living facilities.
- 47 ○ Mailbox and shipping shops.
- 48 ○ Office equipment sales and service.

- 1 ○ Copying, printing and lithography.
- 2 ○ Beauty salons, barbershops and day spas.
- 3 ○ Day care facilities, adult or child.
- 4 ○ Dry cleaning and laundry, retail.
- 5 ○ Tailor shops and shoe repair.
- 6 ○ Banquet facilities.
- 7 ○ Bed and breakfast inn.
- 8 ○ Catering services.
- 9 ○ Craft Food and Beverage Producer.
- 10 ○ Hotels or motels and associated accessory uses including restaurant and
- 11 conference facilities.
- 12 ○ Restaurants including fast food and/or drive through facilities.
- 13 ○ Virtual kitchen.
- 14 ○ Bakery, pastry, gourmet, coffee and specialty beverage shops (retail).
- 15 ○ Convenience stores without gas pumps.
- 16 ○ Retail sales.
- 17 ○ Museums.
- 18 ○ Music, dance, gymnasium, art school or studio, excluding discotheques.
- 19 ○ Parks, mini and neighborhood.
- 20 ○ Research and development facilities.
- 21 ○ Corporate headquarters.
- 22 ○ Veterinary clinics allowing inside overnight boarding for clinical care.
- 23 ○ Veterinary clinics and pet grooming shops with overnight and/or outdoor
- 24 boarding facilities and runs.
- 25 ○ Uses requiring a DBPR 3PS liquor license (package sales) or 4COP liquor license
- 26 (bars, lounges, etc.).
- 27 ○ Restaurants and establishments serving alcohol requiring a DBPR 2COP, 3PS or
- 28 4COP license with special class.
- 29 ○ Convenience stores with gas pumps (but truck stops and travel centers, etc. are
- 30 not permitted).
- 31 ○ Residential dwelling units above the first floor or one residential unit on the first-
- 32 floor accessory to an office or commercial use.
- 33 ○ Parks, community and regional.
- 34 ○ Manufacturing - Craftsman shop.
- 35 ○ Manufacturing – Limited.

37 E. Development Standards. Unless otherwise provided herein, all definitions,
38 development standards or dimensional criteria shall be as set forth in the City of DeLand Land
39 Development Regulations, Ordinance #2013-11, as amended. Where this Development Agreement
40 is silent on any particular development standard, the provisions of the R-16 (with respect to any
41 residential development) and C-2 (with respect to any non-residential development) zoning
42 classifications shall control. In addition, unless otherwise stated herein, all development shall meet

1 the applicable City of DeLand Land Development Regulations Ordinance #2013-11, as amended,
2 and the Lake Winnemissett Gateway Corridor standards.

3 The following shall apply to all development within Gateway East PD:

4 **Overall Property:**

- 5 1. Existing natural topography and site features shall be respected, or when modified
6 shall improve the overall appearance of the site. Extreme changes in grade shall be avoided.
- 7 2. Building design, scale and details shall create architectural interest from both the
8 pedestrian and the vehicular (street) point of view. Building design shall be undertaken in a manner
9 which excludes box and rectangular structures composed entirely of blank walls.
- 10 3. Variations in rooflines shall be used to add interest to and reduce the massing of
11 buildings. Pitched or sloped roofs are the preferred method of covering a building. Roof features
12 shall be in a scale with the building's mass and complement the character of adjoining and/or
13 adjacent buildings and neighborhoods.
- 14 4. Spacing and site of multiple buildings on a single site shall provide for a variety of
15 spacing between structures. While architectural design for multiple structures on a single site is
16 encouraged, monotonous repetition of identical structures on a single site shall be avoided.
- 17 5. The overall architectural theme, including colors, materials, signage, building
18 orientation, shall be consistent with the Lake Winnemissett Gateway Corridor, City of DeLand
19 Comprehensive Plan, Ordinance #1990-04, as amended. The signage for both the residential area
20 and the commercial area shall primarily consist of one or more, or a mix, of the following materials
21 and colors: wood, stucco, metal, stone and white, grey, black, brown, or beige.
- 22 6. Building mechanical equipment, service, delivery, and work areas shall be visually
23 screened from pedestrian areas and from public view. These areas shall be located as far as
24 reasonably possible from adjoining residential uses.

1 7. All lighting shall comply with International Dark Sky standards, except as otherwise
2 permitted by City of DeLand Land Development Regulations Ordinance #2013-11, as amended.
3 This type of lighting is specifically designed to reduce light pollution by restricting the amount of
4 upward-directed light, avoiding glare, avoiding over-lighting, utilizing dimming and other
5 appropriate lighting controls, and minimizing short-wavelength (bluish) light in the nighttime
6 environment.

7 8. Any fence, wall or visual screen which is visible from any public right-of-way shall
8 be designed as an integral feature of the design of the principal structure, expressing similar
9 character through the use of materials, colors, or textures.

10 9. Accessory structures and uses shall be consistent in design character with the
11 principal structure. Outdoor storage areas shall be located behind the front façade of the main
12 building and shall be fully screened from view from both the side and front view vantage points by
13 structural means, vegetative means, or a combination of earthen berms and vegetation. Where
14 screening is accomplished by structural means, the structure shall be compatible in design and color
15 with the main building.

16 10. The development shall comply with the requirements for preservation of
17 environmental resources as set forth in the Land Development Regulations Ordinance No. 2013-11,
18 as amended. All landscaping, including buffers, shall predominantly utilize Florida-Friendly
19 Landscaping, as defined by the University of Florida/Institute of Food and Agricultural Sciences
20 (“UF/IFAS”) Center for Landscape Conservation and Ecology, native, or low-water plant material.
21 All mulching will be conducted in accordance with the most current version of the Florida Green
22 Industries Best Management Practices (BMPs) handbook guidelines. Mowing in common areas shall
23 be done in accordance with the most current version of the Florida Green Industries BMPs handbook
24 and by certified landscaping contractors. Mowing adjacent to swales shall be performed such that no

1 clippings are deposited into any swales or water bodies. All clippings that may have been deposited
 2 on impervious surfaces will be swept back into the vegetated area. All pesticide applications in
 3 common areas shall be done by a certified professional in accordance with the most current version
 4 of the Florida Green Industries BMPs handbook.

5 11. The community design standards within the City of DeLand Land Development
 6 Regulations, Ordinance No. 2013-11, as amended shall apply to the Gateway East PD.

7 12. Unless otherwise specified, signage for the Gateway East PD shall be provided per
 8 the City of DeLand Land Development Regulations, Ordinance No. 2013-11, as amended.

9 13. Low Impact Design Elements: The following Low Impact Development elements
 10 shall be provided:

11 a. Stormwater Plantings. All stormwater ponds shall utilize supplemental
 12 plantings to enhance the functionality and/or aesthetics of the stormwater system.
 13 Littoral plantings shall be utilized if viability is likely – i.e. if a stormwater pond is
 14 designed to remain wet. If a pond is designed to remain dry and littoral plantings are
 15 unlikely to survive, the supplemental plantings shall be Florida Friendly plants.

16 b. Swales. If it is practicable to incorporate swales into the development, then
 17 bioswales will be provided which utilize Florida friendly plants that require no
 18 fertilizers or irrigation and rocks to help control erosion.

19 c. Maintenance Requirements. The property owners association for the project shall be
 20 responsible for the maintenance of Low Impact Design Elements, and in no event
 21 shall they be the responsibility of the City of DeLand.

22 **Residential:**

- 23 1. Minimum lot area: 7,500 sq. ft.
 24 1,886 (townhome unit)

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10 ft. adjacent to all other

- 4. Maximum building height: 80 ft.
- 5. Maximum impervious surface: 70%

6. Off-Street Parking: Parking shall adhere to the City of DeLand Land Development Regulations Ordinance #2013-11, as amended, however, the visitor/guest off-street parking requirement for cluster/multifamily development shall be a minimum of 0.33 spaces per unit.

7. Unless otherwise specified, the development standards of the C-2 – General Commercial District, the City of DeLand Land Development Regulations Ordinance #2013-11, as amended, shall apply to those commercial uses listed in Paragraph D.

F. Environmental Considerations.

1. The development shall comply with the requirements for preservation of environmental resources as set forth in the Land Development Regulations Ordinance # 2013-11, as amended. The actual location and layout of the developed areas within the Gateway East PD property shall be determined during subdivision or site plan review. All required environmental and ecological studies shall be completed for the entirety of the Gateway East PD property as described in Exhibit “A”, even if development is proposed for only a portion of the property, prior to subdivision review or site plan approval, if no subdivision review is required.

2. Tree Protection Areas preserving a minimum of 15% of the overall site, excluding any required right-of-way dedication areas, shall be maintained as shown on the Planned Development Plan.

3. All Tree Protection Areas shall be maintained by the property owners' association.

1 4. The protection of Lake Winnemissett as a valuable asset shall be
2 accomplished through wetland protection, wetland buffers, and on-site stormwater runoff filtration.
3 Development shall integrate wetlands and other environmentally sensitive lands into the open space
4 network.

5 5. The development of this Property shall be clustered such that it avoids and
6 minimizes impacts to wetlands and other environmentally sensitive areas.

7
8 G. Sewage Disposal and Potable Water. Provision for sewage disposal and potable
9 water needs of the Gateway East PD will be provided in accordance with the Comprehensive Plan,
10 Ordinance #1990-04, as amended, the Land Development Regulations Ordinance #2009-09, as
11 amended, and State of Florida Administrative Code 64E-6.

12
13 H. Stormwater Drainage. Provision for stormwater retention shall be designed in
14 accordance with all required governmental regulations and the Land Development Regulations
15 Ordinance #2013-11, as amended, and shall otherwise comply with the Low Impact Design
16 elements otherwise set forth herein.

17
18 I. Access and Transportation System Improvements. All access and transportation
19 system improvements shall be provided in accordance with the Land Development Regulations,
20 Ordinance #2013-11, as amended. The parcel shall be developed in substantial accordance with the
21 following access and transportation system improvements:

22 1. Access. Specific points of ingress and egress to the site are generally
23 described on the Planned Development Plan. All access and drives depicted on the Development
24 Plan Map are illustrative/conceptual. Final access points and drives will be determined at the time of

1 subdivision and/or site plan. Direct access on Lake Winnemissett Drive shall be discouraged.

2

3 2. Transportation System Improvements.

4 Transportation system improvements will be provided as required by permitting agencies. The
5 Traffic Impact Analysis will include projected trips from the Lake Winnemissett Gateway Corridor
6 land not included within this development agreement.

7 Notwithstanding the foregoing, a traffic impact analysis has been provided for future impacts
8 of the development; however, the City recognizes that the actual development impacts may change
9 due to the mixed-use nature of the project and projected future growth of the area. Therefore, in
10 order to accommodate unanticipated development changes, Developer may allocate equivalent
11 traffic trips identified within the traffic impact analysis approved by the City from one use category
12 to another use, consistent with the use and entitlement restrictions in this Agreement. Equivalent
13 traffic trips shall be based on trip generation rates in the latest Institute of Transportation Engineers
14 (ITE) Trip Generation Manual.

15 3. Responsible Parties. Prior to approval of development, the Developer shall
16 submit a monitoring/modeling program for the combined Summit Place and Gateway East PDs for
17 review and approval by the City of DeLand and Volusia County. If the parties cannot agree as to
18 methodology of the monitoring/modeling study, the City of DeLand shall be final arbiter.

19 J. Building or Property Owners Association. The Applicant shall create one or more
20 building or property owner's association(s) for both the residential and non-residential portions of the
21 development. The charter and by-laws of said association(s) and any other agreements, covenants,
22 easements or restrictions shall be furnished to the City of DeLand at the time of creation. The
23 Applicant shall be responsible for recording said information in the Public Records of Volusia
24 County, Florida. Also, the Applicant shall bear and pay all costs for recording all of the

1 aforementioned documents.

2 With respect to the enforcement of said agreements, covenants, easements or restrictions
3 entered into between the applicant and the owners or occupiers of property within the Gateway East
4 PD, the City of DeLand shall only enforce the provisions of the "Development Agreement" and City
5 of DeLand Land Development Regulations Ordinance #2013-11, as amended, whichever is
6 applicable, and not the private agreements entered into between the aforementioned parties.

7 K. Reverter Provision: The development rights granted herein shall vest as to any portion
8 of the property that has received a development order upon issuance of such development order. As
9 to any portion of the property that has not received a final development order (final plat or site plan)
10 within ten (10) years of approval of this Development Agreement the Planned Development Plan
11 shall expire and will be of no further force or effect and no development shall occur on such portions
12 of the property until rezoned. The City Commission may rezone the any portion of the property as to
13 which the Planned Development Plan has expired as may be necessary or appropriate to protect
14 adjoining properties or the public health, safety and welfare.

15

16 L. Binding Effect of Plans; Recording; and Effective Date. The Planned Development
17 Plan, including any and all amendments shall bind and inure to the benefit of the Applicant and his
18 successor in title or interest. The Gateway East PD zoning, provisions of the "Development
19 Agreement," and all approved plans shall run with the land and shall be administered in a manner
20 consistent with Article 12 of the City of DeLand Land Development Regulations Ordinance #2013-
21 11, as amended.

22 This Ordinance and all subsequent amendments shall be filed with the Clerk of the Court and
23 recorded within forty-five (45) days following execution of the document by the City Commission,
24 in the Official Records of Volusia County, Florida. One copy of the document, bearing the book and

1 page number of the Official Record in which the document was recorded, shall be submitted to the
2 Planning Department for placement in the public file. The date of recording of this document shall
3 constitute the effective date of the PD or its subsequent amendments. The applicant shall pay all
4 filing costs for recording documents.

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DONE and ORDERED by the City Commission, City of DeLand, Florida, this 20th day of

May, 2024.

ATTEST:

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



ATTEST:

City Commission of DeLand Florida

Michael Pleus
Michael Pleus
City Manager

Michael Grebasz
Michael Grebasz
Acting City Manager

Christopher M. Cloudman
Christopher M. Cloudman
Mayor

STATE OF FLORIDA
CITY OF DELAND

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 20th day of May, 2024, by Michael Pleus and Christopher M. Cloudman, as City Manager and Mayor, City of DeLand, respectively, on behalf of the City of DeLand, and who are personally known to me.

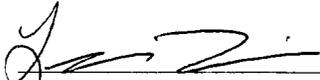


NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name: Julia M. Hewitt
Commission #: _____
My Commission Expires: _____

1 WITNESSES:

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DEPROP, LLC

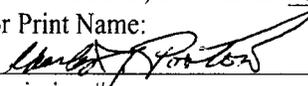

Print Name Lisa Tensi

By: 
Member and, Manager


Print Name Anna Hamblin

STATE OF OHIO
COUNTY OF HAMILTON

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 25th day of May, 2024, by Abdal Sameni as Manager of DEPROP, LLC who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC, STATE OF OHIO
Type or Print Name: _____

Commission #: _____
My Commission Expires: has no expiration date



CHARLES J. POSTOW
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
E.O. Section 147.03 O.R.C.

"EXHIBIT A"

LEGAL DESCRIPTION - NORTH PROPERTY

A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 17 SOUTH, RANGE 30 EAST AND SECTION 18, TOWNSHIP 17 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS: FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER SECTION 13, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, AND RUN NORTH $01^{\circ}46'14''$ WEST, ALONG THE EAST LINE OF THE SOUTHEAST $1/4$ OF SAID SECTION 13, A DISTANCE OF 612.65 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 44, SAID POINT BEING A POINT ON A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 2920.11 FEET AND A CHORD WHICH BEARS NORTH $89^{\circ}30'43''$ WEST FOR A DISTANCE OF 1713.56 FEET, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST LINE OF THE SOUTHEAST $1/4$ OF SECTION 13 RUN ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $34^{\circ}07'26''$ FOR A LENGTH OF 1739.14 FEET TO THE INTERSECTION OF SAID NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 44 AND THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF OLD STATE ROAD 44; THENCE RUN ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF OLD STATE ROAD 44, THE FOLLOWING NINE (9) COURSES; RUN NORTH $15^{\circ}22'42''$ EAST, A DISTANCE OF 104.94 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 213.27 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $61^{\circ}41'00''$ FOR A LENGTH OF 229.60 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 622.93 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $12^{\circ}46'45''$ FOR A LENGTH OF 138.94 FEET; THENCE RUN NORTH $25^{\circ}43'03''$ WEST, A DISTANCE OF 9.21 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 613.72 FEET AND A CHORD WHICH BEARS NORTH $60^{\circ}51'03''$ EAST FOR A DISTANCE OF 73.47 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $6^{\circ}51'48''$ FOR A LENGTH OF 73.52 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH $57^{\circ}25'09''$ EAST, A DISTANCE OF 215.16 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 915.42 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $31^{\circ}33'25''$ FOR A LENGTH OF 504.19 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH $88^{\circ}58'34''$ EAST, A DISTANCE OF 644.45 FEET; THENCE RUN NORTH $89^{\circ}08'34''$ EAST, A DISTANCE OF 15.12 FEET TO A POINT ON THE AFOREMENTIONED EAST LINE OF THE SOUTHEAST $1/4$ OF SECTION 13, TOWNSHIP 17 SOUTH, RANGE 30 EAST; THENCE DEPARTING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF OLD STATE ROAD 44 RUN SOUTH $01^{\circ}46'14''$ EAST, ALONG SAID EAST LINE OF THE SOUTHEAST $1/4$ OF SECTION 13, A DISTANCE OF 417.45 FEET; THENCE RUN NORTH $89^{\circ}08'34''$ EAST, DEPARTING SAID EAST LINE OF THE SOUTHEAST $1/4$ OF SECTION 13, A DISTANCE OF 417.45 FEET TO A POINT ON THE AFOREMENTIONED NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 44; THENCE RUN SOUTH $01^{\circ}46'14''$ EAST, A DISTANCE OF 59.88 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 2920.11 FEET AND A CHORD WHICH BEARS SOUTH $69^{\circ}05'14''$ WEST A DISTANCE OF 441.83 FEET; THENCE RUN ALONG

"EXHIBIT A"

THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 8°40'39" FOR A LENGTH OF 442.25 FEET TO THE POINT OF BEGINNING.

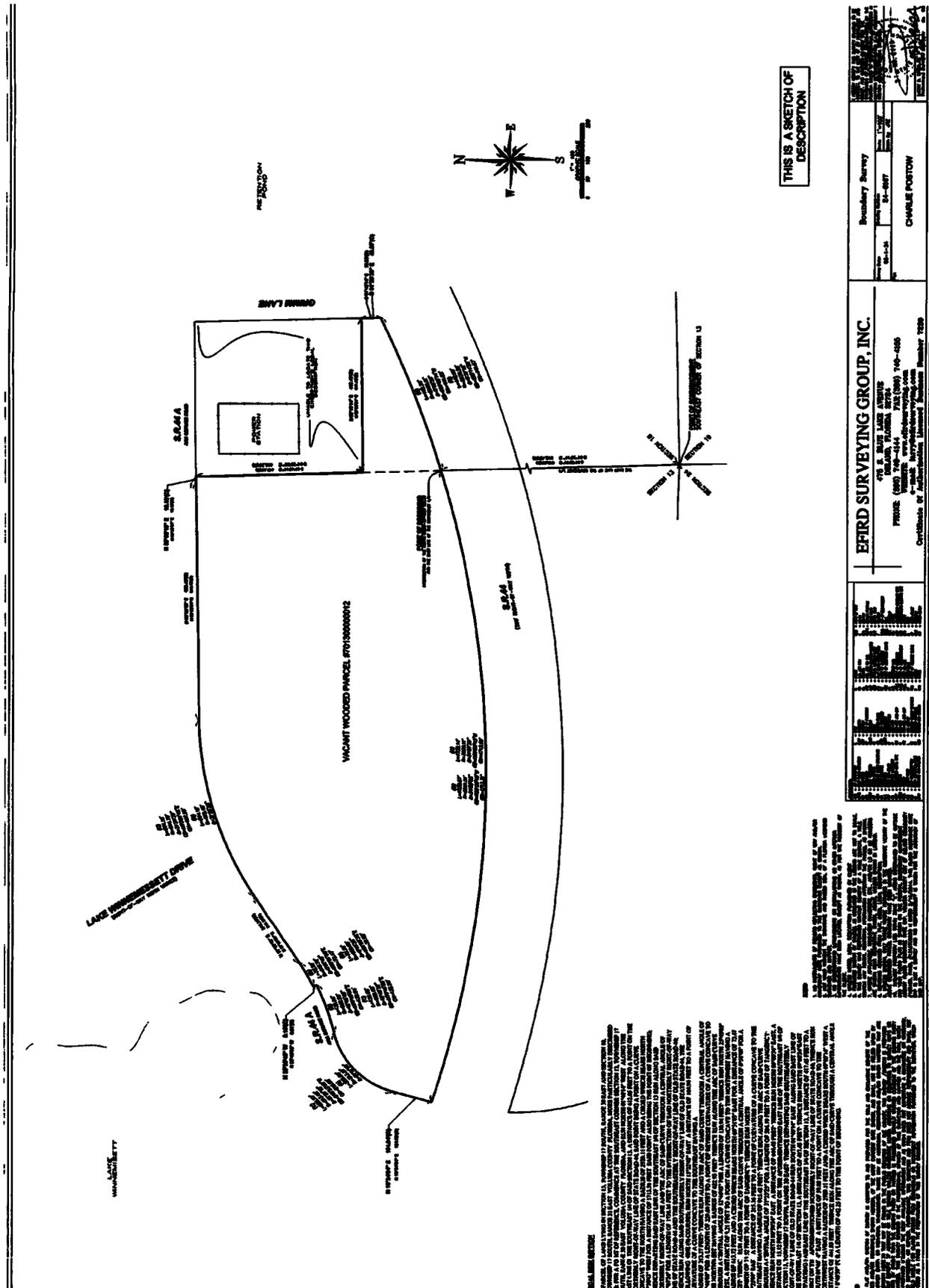
AND

PARCEL 5 (SUPPLIED BY CLIENT) - SOUTHERLY PROPERTY

A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 17 SOUTH, RANGE 30 EAST AND SECTION 18, TOWNSHIP 17 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS: FOR A POINT OF REFERENCE, BEGIN AT THE SOUTHEAST CORNER SECTION 13, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA; THENCE RUN NORTH 88°06'41" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 13, A DISTANCE OF 1669.46 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF REALIGNED COUNTY ROAD 4139; THENCE RUN NORTH 19°57'26" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF REALIGNED COUNTY ROAD 4139, A DISTANCE OF 161.52 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 597.11 FEET; THENCE CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF REALIGNED COUNTY ROAD 4139 RUN ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21°44'06" FOR A LENGTH OF 226.51 FEET TO THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE OF REALIGNED COUNTY ROAD 4139 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 44, SAID POINT BEING A POINT ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 3116.96 AND A CHORD WHICH BEARS NORTH 85°00'28" EAST A DISTANCE OF 2326.81 FEET; THENCE RUN ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 44 AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 43°49'56" FOR A LENGTH OF 2384.53 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH 63°05'30" EAST, ALONG SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 44, A DISTANCE OF 992.11 FEET TO THE INTERSECTION OF SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 44 AND THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 4; THENCE RUN ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 4 THE FOLLOWING SIX (6) COURSES; RUN SOUTH 26°54'30" EAST, A DISTANCE OF 142.30 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 540.00 FEET AND A CHORD WHICH BEARS SOUTH 26°25'09" EAST A DISTANCE OF 126.13 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°24'49" FOR A LENGTH OF 126.42 FEET TO A POINT OF TANGENCY; THENCE RUN SOUTH 33°07'34" EAST, A DISTANCE OF 320.00 TO A POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 370.00 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 52°02'51" FOR A LENGTH OF 336.11 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 630.00 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 5°31'15" FOR A LENGTH OF 60.70 FEET TO A POINT OF TANGENCY; THENCE RUN SOUTH 24°26'32" WEST, A DISTANCE OF 161.30 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 17 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY FLORIDA; THENCE RUN SOUTH 88°23'36" WEST, ALONG SAID SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 18,

"EXHIBIT A"

A DISTANCE OF 1690.46 FEET TO THE POINT OF BEGINNING.



THIS IS A SKETCH OF DESCRIPTION

EFIRD SURVEYING GROUP, INC. 470 S. BIRD LANE AVENUE P.O. BOX 1000 PUEBLO, COLORADO 81002-1000 PHONE: (719) 544-1000 FAX: (719) 544-1005 E-MAIL: efird@efirdsurveying.com Website: www.efirdsurveying.com		Boundary Survey 24-007 2024-03-27 CHARLES POSTON
Certificate of Survey No. 100000012		100000012

GENERAL NOTES:

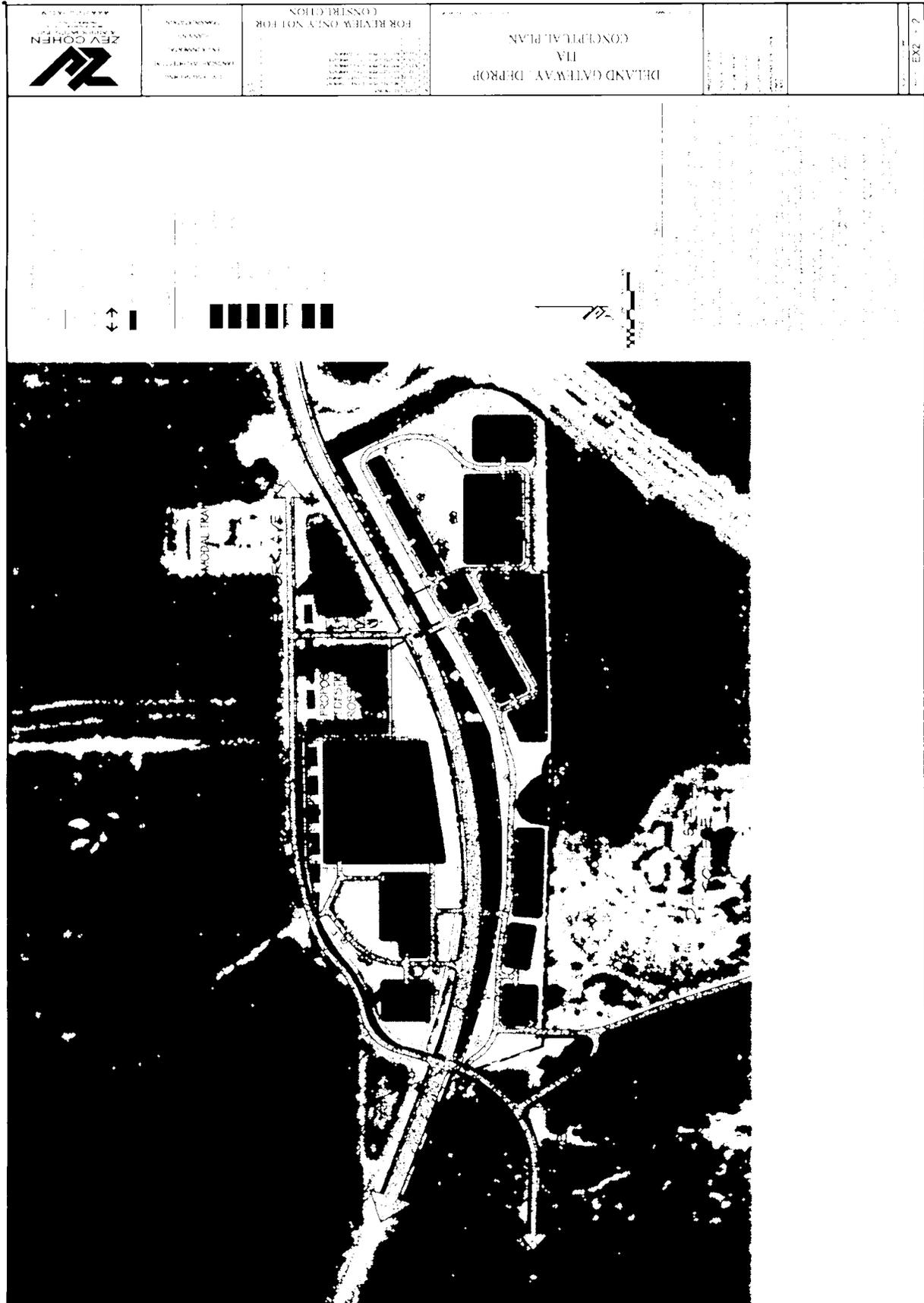
1. THIS SURVEY IS BASED UPON THE FIELD NOTES AND MEASUREMENTS OF THE SURVEYOR, AND IS NOT TO BE CONSIDERED AS A GUARANTEE OF ACCURACY. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PARCEL AND HAS FOUND NO EVIDENCE OF ANY OTHER SURVEYS OR INTERESTS. THE SURVEYOR HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE ADJACENT PARCELS AND HAS FOUND NO EVIDENCE OF ANY OTHER SURVEYS OR INTERESTS. THE SURVEYOR HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE ADJACENT PARCELS AND HAS FOUND NO EVIDENCE OF ANY OTHER SURVEYS OR INTERESTS.

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5. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PARCEL AND HAS FOUND NO EVIDENCE OF ANY OTHER SURVEYS OR INTERESTS. THE SURVEYOR HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE ADJACENT PARCELS AND HAS FOUND NO EVIDENCE OF ANY OTHER SURVEYS OR INTERESTS.



"EXHIBIT B"

 <p>ZEV COHEN ARCHITECTS 1000 N. W. 10th St. Fort Lauderdale, FL 33304 Tel: 954.562.1234 www.zevcohen.com</p>	<p>FOR REVIEW ONLY NOT FOR CONSTRUCTION</p>	<p>DEMAND GATEWAY DEVELOPMENT PHASE I CONCEPTUAL PLAN</p>	<p>DATE: 11/15/2024 SCALE: AS SHOWN PROJECT NO: 2024130678</p>	<p>EXHIBIT B</p>
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