Planning & Zoning Board
Monday, June 2, 2025 at 5:30 PM

City Commission Chambers
214 Sams Avenue, New Smyrna Beach, Florida 32168

1. CALL TO ORDER

A. Roll Call

2. APPROVAL OF MINUTES

2.A The May 5, 2025 Regular Meeting Minutes will be on the July 9, 2025 Planning and Zoning Board Meeting for Approval.

3. PUBLIC PARTICIPATION

4. OLD BUSINESS

5. NEW BUSINESS

5.A V-7-25: Review a proposed variance application to allow for a larger and taller commercial covered boat house for the property located at 160 North Causeway.

5.B PUD-4-22, New Smyrna Beach Medical Center and Wellness Complex: Review and give a recommendation to the City Commission on a proposed new Master Development Agreement (MDA) and Conceptual Plan for the New Smyrna Beach Medical Center and Wellness Complex, within a 3.3 acre property that already has an existing zoning Planned Unit Development

(PUD) but with a Master Development Agreement (MDA) that has now expired, with this site located on the south side of and fronting State Road 44, between Wildwood Dr. to the west and Wild Orange Dr. to the east.

5.C CPA-1-25: Review and give a recommendation to the City Commission on a proposed, Small-Scale Comprehensive Plan amendment, changing the Future Land Use from Industrial Mixed Use to Industrial on approximately 0.59 + acres of land located on the southeast corner of South Myrtle Avenue and W 7th Street.

6. COMMENTS OR STATEMENTS BY MEMBERS OF THE BOARD

7. REPORTS AND COMMUNICATION BY THE STAFF

7.A Development Activity

8. ADJOURNMENT

Pursuant to Florida Statutes 286.0105, if an individual decides to appeal any decision made by the board, agency or commission of the City of New Smyrna Beach with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Such person must provide a method for recording the proceedings.

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's office in person or by mail at 210 Sams Avenue, New Smyrna Beach, Florida 32168, (386) 410-2630, prior to the meeting.

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

THE MAY 5, 2025 REGULAR MEETING MINUTES WILL BE ON THE JULY 9, 2025 PLANNING AND ZONING BOARD MEETING FOR APPROVAL.

June 2, 2025

Background:

Florida Statutes require that minutes be prepared and approved for all meetings of the Planning and Zoning Board.

Fiscal Analysis:

N/A

Strategic Plan Item:

No

Staff Report Created By: Stephanie Ferrara - Development Services Coordinator

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

V-7-25: REVIEW A PROPOSED VARIANCE APPLICATION TO ALLOW FOR A LARGER AND TALLER COMMERCIAL COVERED BOAT HOUSE FOR THE PROPERTY LOCATED AT 160 NORTH CAUSEWAY.

June 2, 2025

Background:

Applicant: Jesse Kobe, Director of Capital Improvement Projects, 210 Sams Avenue, New Smyrna Beach, Florida 32168.

Property Owner: City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida 32168.

Request: Approval of the following variances form Land Development Section 803.04:

- To allow a proposed single commercial covered boat slip to exceed the allowable 300 square feet up to 798 square feet.
- To allow a proposed covered boathouse to be higher than the allowable 15 feet above mean high-water line to be 20 feet above the mean high-water line.

Site Information: The subject property consists of approximately 5.8 ± acres, and is zoned CM, Commercial Marina, and is generally located on the south side of the North Causeway, west of the public recreational boat ramps. See **Exhibit A** for a location map and **Exhibit B** of an aerial map.

Tax I.D. Number: 7417-01-04-0010

Exhibits used in the report:

Exhibit A: Location Map
Exhibit B: Aerial Map
Exhibit C: Proposed Dock Plan, 60% Design
Exhibit D: Applicant Response to Criteria
Exhibit E: Boat Specs and Photo

Findings:

The subject property currently has a New Smyrna Beach Utility facility, parking for the

public recreational boat ramp, and a boat dock for the Marine Discovery Center tour boat.

The City Commission has approved the purchase of a Police Department vessel so that the New Smyrna Beach Police Department can patrol, respond to calls, and assist the Volusia County Sheriff's Office and State Officers in the Indian River. The city received a $75,000.00 grant from the Florida Inland Navigation District to purchase the police boat. See **Exhibit E**.

The police department wanted to have a roof over the boat to protect the public asset. Also because of the nature of the service that the boat would provide for public safety, the boat would be too large to fit into a 300 square foot covered boat slip. Because of the type of boat and law enforcement accessories, the height of the covered boathouse would have to be increased. See boathouse plans attached as **Exhibit C**.

This proposed dock structure and variance request would be consistent with Element 11, Intergovernmental Coordination, of the city *Comprehensive Plan,* subparagraph, Law Enforcement.

Under City *Land Development Regulations* (LDR), Section 803.04.C.(2), "Covered boat slips/boathouses, none may exceed 300 square feet."

Under City *Land Development Regulations* (LDR), Section 803.04.D.(1), "The maximum allowed height of a structure is fifteen (15) feet above the mean high waterline; for a second story deck the maximum allowed height is measured from the second floor and not the required handrails."

The LDR requires variance requests to meet all the criteria following. A letter from the applicant which addresses these criteria is attached as **Exhibit D**. Staff's responses to the required criteria are listed below in **bold**.

1. Special circumstances exist which are peculiar to the property or the waterway in question, making boat mooring or waterway access difficult.

- *The boathouse's operational demands—particularly emergency deployment—require rapid and direct access to the water, which is hindered without having a dedicated dock on the water. Due to the size of the vessel and the safety of police staff during deployment of the vessel the physical and functional limitations necessitate a variance to allow for a dock configuration that ensures secure mooring and rapid response capabilities.*

- **The special circumstances would pertain to the operation of the special vessel on the waterway. If the vessel was only trailered, that would reduce the response time during an emergency. The Planning Department would agree on the applicant's assessment. The Planning Manager has determined that this criterion has been met.**

2. Strict application of the requirements set forth in Section 803.04 would deprive the property owner of reasonable rights presently enjoyed by other nearby property owners.

- *The size and dimensions of the police boat house supports safe loading and unloading of police staff and equipment creating proper space for full functional use of their waterfront access. Strict adherence to Section 803.04 would inhibit the police department's ability to operate and maintain its patrol and rescue vessels effectively, by placing undue limitations on public safety operations.*

- **The strict application of the requirements would inhibit the operation of public safety and response times. The Planning Department would agree on the applicant's assessment. The Planning Manager has determined that this criterion has been met.**

3. Special circumstances and conditions exist that do not result from the direct or indirect actions of the present property owner(s) or past property owner(s). This criterion shall not be satisfied if the present or past property owner created, to any degree, the hardship that is the subject of the variance request.

- *One year ago, the NSPD acquire a Marine Vessel four use throughout the ICW for marine emergency services, search and rescue, and waterway safety and education. The boathouse will allow the vessel to be store and maintained on the water year-round.*

- **The special circumstances and conditions would be the storage, operation, and response times for any emergency services. The limitation of the regulations did not take in account the possibility of storing city owned emergency vessels in the Indian River. The Planning Department would agree on the applicant's assessment. The Planning Manager has determined that this criterion has been met.**

4. Granting of the variance from requirements of Section 803.04 will not cause substantial detriment to the public welfare, safety, navigation, or convenience.

- *On the contrary, granting this variance will enhance public safety by enabling the police department to respond more effectively to marine emergencies, criminal activity on the water, waterway accidents, and search and rescue missions. The proposed dock configuration has been designed in accordance with best engineering and navigational practices, ensuring it will not obstruct navigation channels, pose hazards, or diminish public access to the waterway.*

- **By not having the available to have the docking facility for the police boat, response times could be lengthened if the boat was only trailered. The Planning Department would agree on the applicant's assessment. The Planning Manager has determined that this criterion has been met.**

5. Granting a variation from requirements of Section 803.04 will not constitute a grant of special privilege denied to other property owners.

- *The request is specific to the unique operational requirements of a public safety agency and the physical constraints of the site. It does not confer any exclusive benefit beyond what is necessary for essential public service.*

- **Since this type of vessel is unique and the safe operation of this vessel is unique, this may not be considered a special privilege denied to other commercial properties. The Planning Department would agree on the applicant's assessment. The Planning Manager has determined that this criterion has been met.**

Recommendation:

After evaluating the merits of the applicant, the type of operation that would give an overall benefit to the general public, including quicker response time to emergency calls, better presence on the water, protection of the public asset, and responses to the criteria from the applicant, the Planning Department has concluded that the application has met all the required criteria.

The Planning Manager recommends that the Planning and Zoning Board **approve** the requested variances.

Fiscal Analysis:
N/A

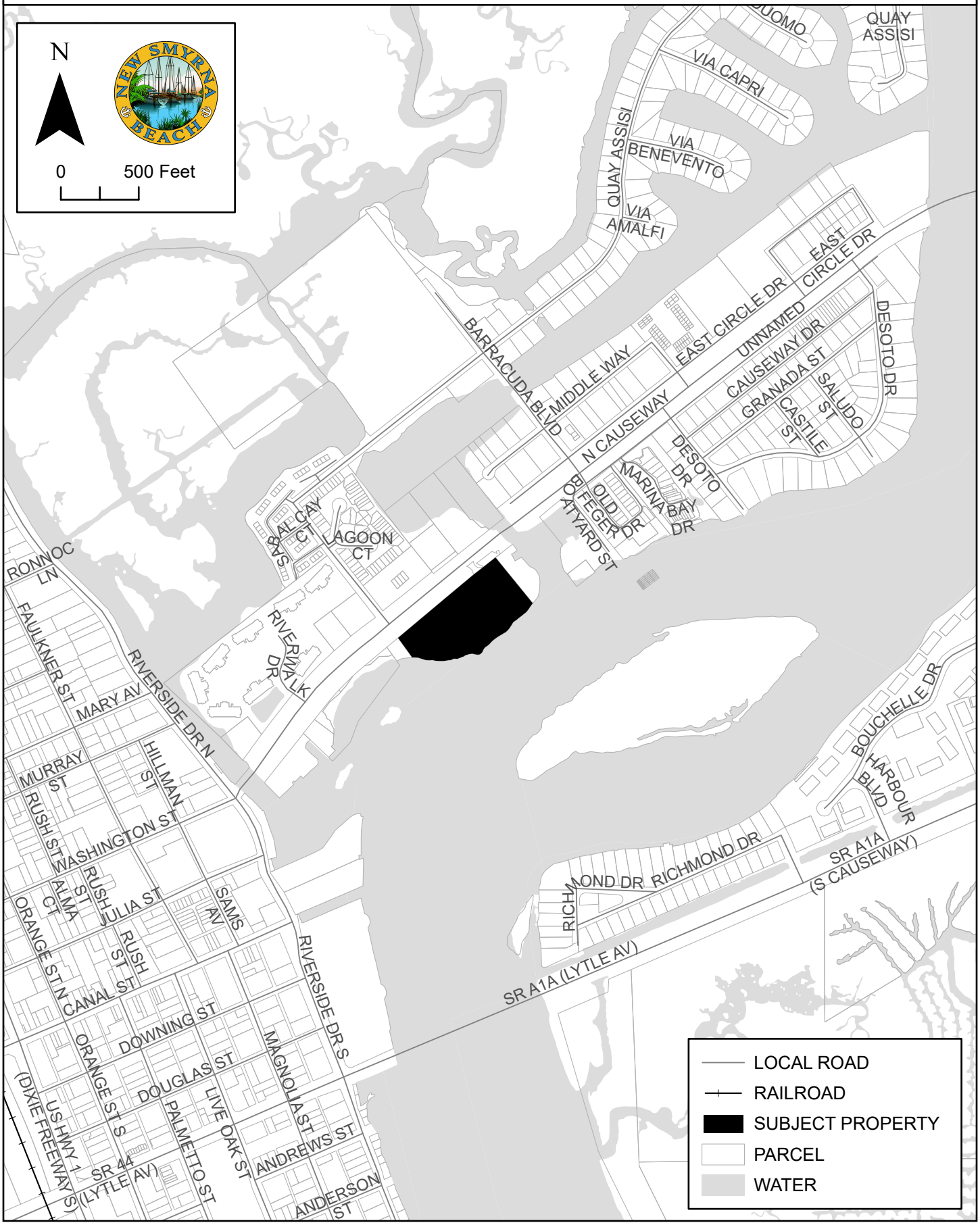
Strategic Plan Item:
No

Staff Report Created By: Robert Mathen - Senior Planner

Attachments:

Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Proposed Dock Plan 60% Design.pdf
Exhibit D Applant's Responce to Criteria.pdf
Exhibit E Boat Specs and Photo.pdf

V-7-25: 160 N. CAUSEWAY
PARCEL: 7417-01-04-0010 LOCATION MAP



V-7-25: 160 N. CAUSEWAY
PARCEL: 7417-01-04-0010 AERIAL MAP



CONSTRUCTION DRAWINGS

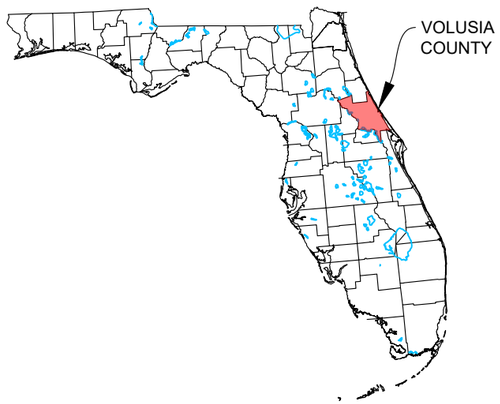
CITY OF NEW SMYRNA BEACH
POLICE BOATHOUSE

MAY 01, 2025

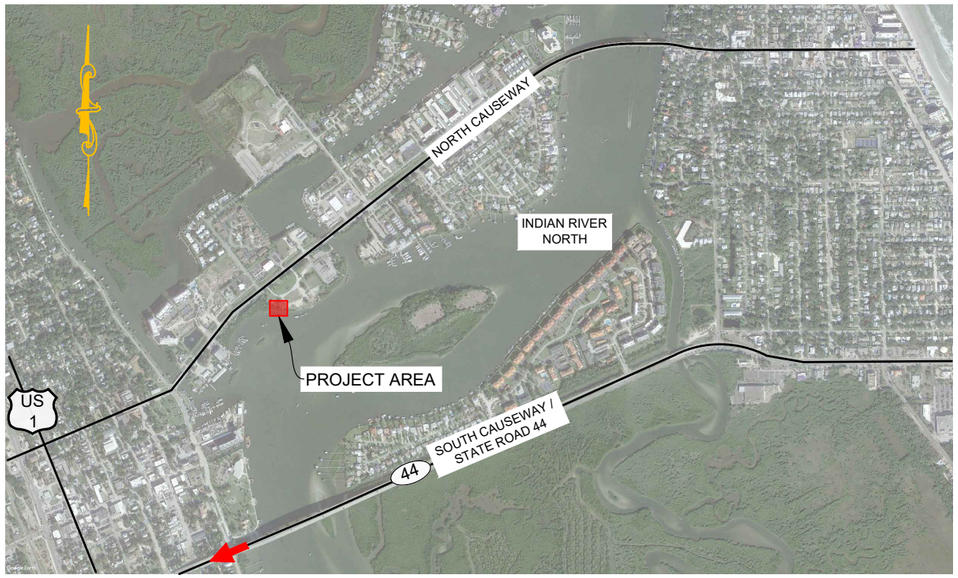
60% PLANS

Exhibit C

FLORIDA



PROJECT LOCATION MAP
SECTION 17, TOWNSHIP 17 SOUTH, RANGE 34 EAST



170 NORTH CAUSEWAY, NEW SMYRNA BEACH, FL 32169

INDEX

SHEET	DESCRIPTION
CVR	INDEX & LOCATION MAP
C-01	EXISTING CONDITIONS
C-02	AERIAL
C-03	SITE PLAN
C-04	DOCK PLAN
C-05	ROOF FRAMING PLAN
C-06	DOCK DETAILS
C-07	END BENT DETAILS
C-08	GATE DETAILS
C-09	GENERAL NOTES
C-10	GENERAL NOTES
C-11	GENERAL NOTES
C-12	ENVIRONMENTAL NOTES
1 OF 5	SURVEY
2 OF 5	SURVEY
3 OF 5	SURVEY
4 OF 5	SURVEY
5 OF 5	SURVEY

CITY COMMISSION

FRED CLEVELAND	MAYOR
VALLI PERRINE	ZONE 1
LISA MARTIN	ZONE 2
JASON MCGUIRK	ZONE 3
BRIAN ASHLEY	ZONE 4

NOTE TO CONTRACTOR:

THESE DRAWINGS AND THE PROJECT SPECIFICATIONS ARE COMPLEMENTARY, AND ANY REQUIREMENT OF ONE SHALL BE A REQUIREMENT OF THE OTHER. IT IS THE CONTRACTOR'S RESPONSIBILITY TO EXAMINE THE DRAWINGS AND SPECIFICATIONS AND TO COMPARE THE REQUIREMENTS OF EACH DIVISION AND ENSURE THAT EACH TRADE OR SUBCONTRACTOR IS MAKING THE ALLOWANCES NECESSARY TO PROVIDE THE OWNER A COMPLETE FACILITY, OPERATIONAL IN ALL RESPECTS, UNLESS OTHERWISE SPECIFICALLY STATED IN THE DRAWINGS OR PROJECT MANUAL.

IT IS ALSO THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE ENGINEER OF RECORD (EOR) ANY DEFICIENCIES OR DISCREPANCIES AMONG THE DIVISIONS OF THE DRAWING AND SPECIFICATIONS PRIOR TO THE DEADLINE FOR BID SUBMITTAL. NEITHER THE OWNER OR ENGINEER WILL BE RESPONSIBLE FOR ANY DEFICIENCIES OR DISCREPANCIES RAISED AFTER THE BID OPENING. ACCORDINGLY, IN LIGHT OF THESE OBLIGATIONS, THE ENGINEER IS OBLIGATED TO INTERPRET THE DRAWINGS SPECIFICATIONS IN A MANNER THAT WILL PROVIDE THE OWNER WITH A COMPLETE, FUNCTIONING FACILITY FOR THE BID PRICE.

ENGINEER CERTIFICATION:

I HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF FLORIDA PRACTICING WITH DMC, DREDGING & MARINE CONSULTANTS LLC, A CORPORATION, AUTHORIZED TO OPERATE AS AN ENGINEERING BUSINESS, CERTIFICATE OF AUTHORIZATION # 9410, BY THE STATE OF FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, AND THAT I, OR OTHERS UNDER MY DIRECT SUPERVISION, HAVE PREPARED OR APPROVED THE EVALUATIONS, FINDINGS, OPINIONS, CALCULATIONS, CONCLUSIONS OR TECHNICAL ADVICE HEREBY REPRESENTED BY THESE DRAWINGS.

CURTIS N. TODD, P.E.
FLORIDA LICENSE No. 37136

811 Know what's **below.** **Call** before you dig.

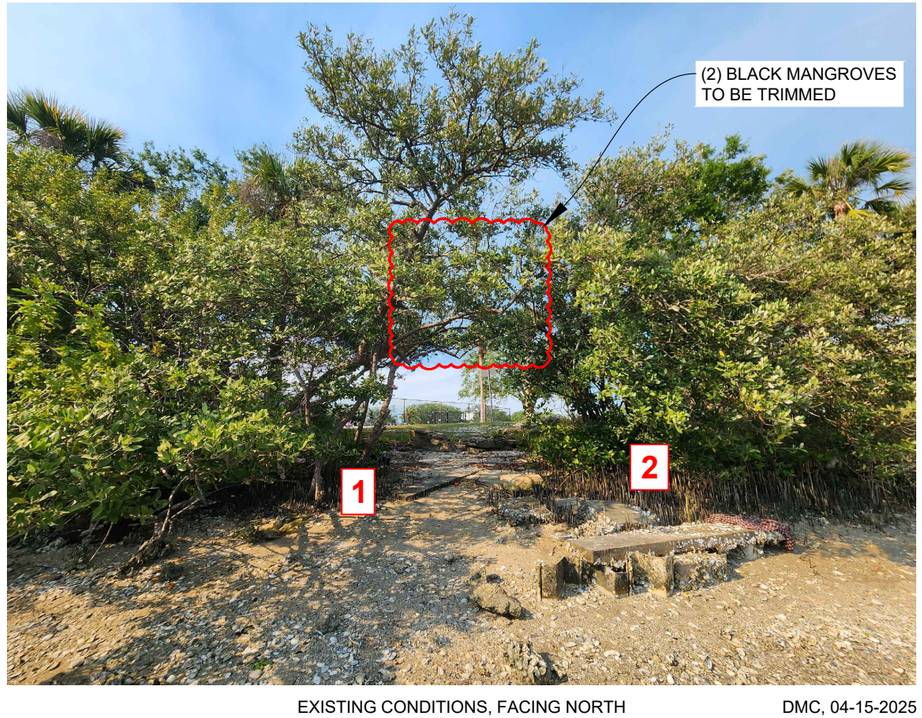
REPRODUCTION SCALE:
THESE PLANS SHALL BE PRINTED IN COLOR AND ARE SCALED TO ACCURATELY BE REPRODUCED ON 11X17 SIZED SHEETS. ALL OTHER SHEET SIZES ARE NOT TO SCALE.

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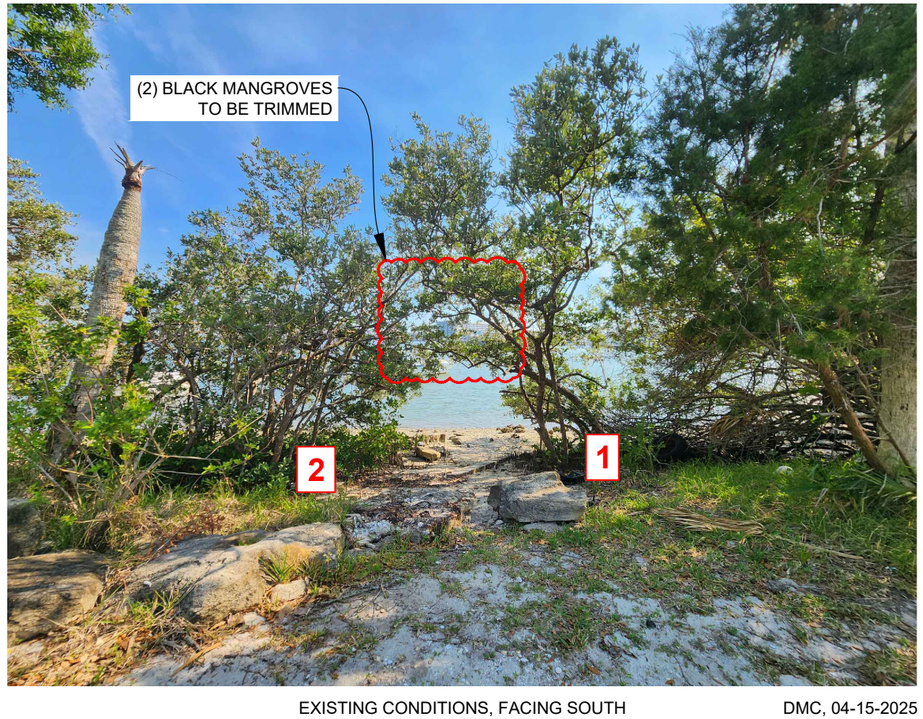
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PROPERTY MAP VOLUSIA COUNTY PROPERTY APPRAISER



EXISTING CONDITIONS, FACING NORTH DMC, 04-15-2025



EXISTING CONDITIONS, FACING SOUTH DMC, 04-15-2025

DRAWING: EXISTING CONDITIONS
DMC JOB NO. 23-128-11
SHEET NO. C-01
DRAWN BL | CAD C3D | SCALE AS SHOWN
CHECKED - | APPROVED - | DATE 05-01-2025

PROJECT NAME: POLICE BOATHOUSE

CLIENT: CITY OF NEW SMYRNA BEACH

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Drawing Name: C:\Users\DMC-User\AppData\Local\Temp\AcPublish_20860\Boat House.dwg By: DMC-User Tab: EXISTING CONDITIONS (1) 5/01/2025

NORTH CAUSEWAY

0 80 160 Feet

160 NORTH CAUSEWAY,
NEW SMYRNA BEACH, FL 32169

PROPOSED DOCK
(655 SF WATERWARD OF MHWL)

EXISTING DOCK
(1,836 SF WATERWARD OF MHWL)

MEAN HIGH WATER LINE
EL.=(+)0.60' NAVD88
(969± LF SHORELINE)

INDIAN RIVER NORTH

AERIAL
1" = 80'

LABINS, 2021

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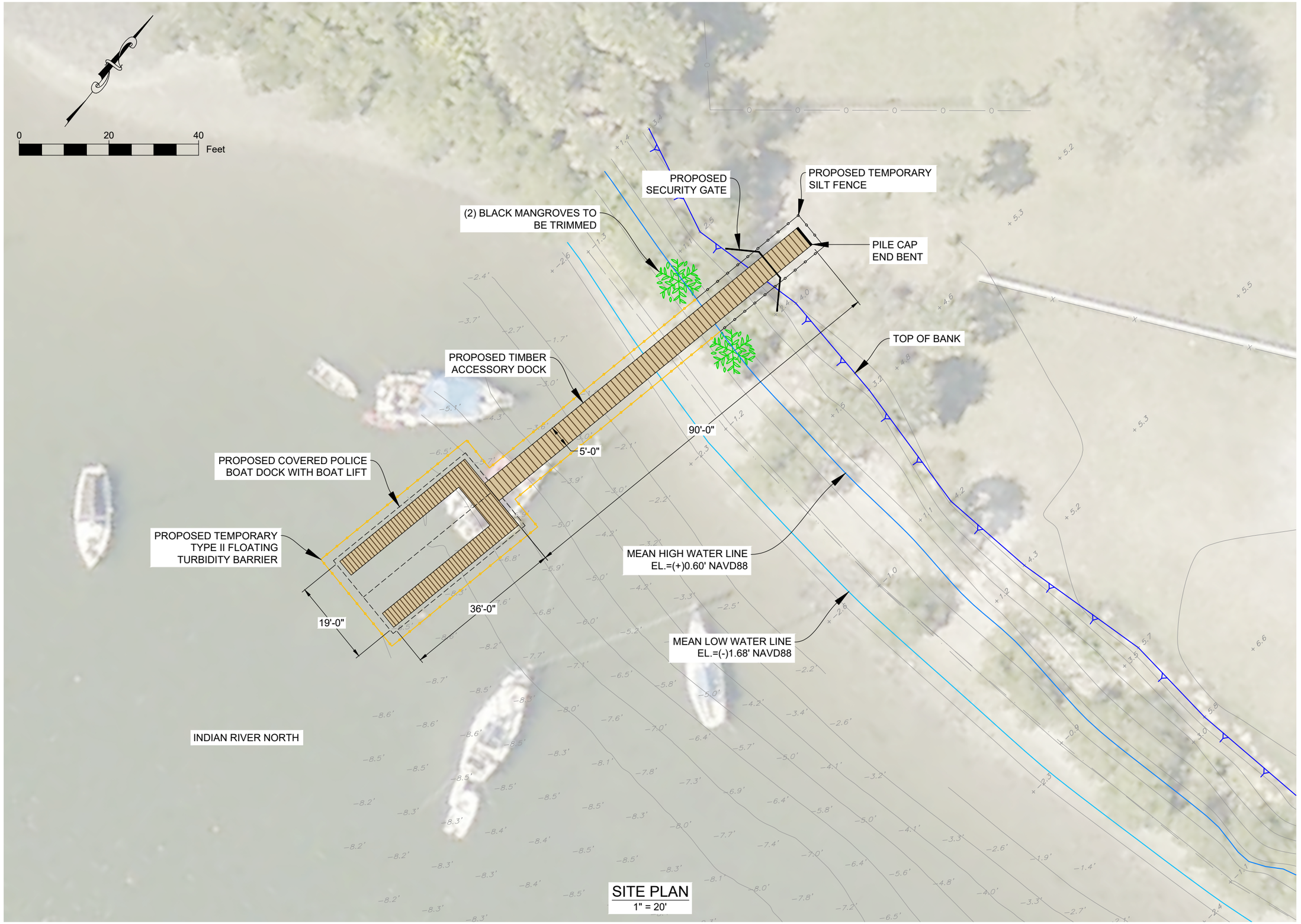
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SHEET NO. C-02
DRAWN BL | CAD C3D
CHECKED - | SCALE AS SHOWN
APPROVED - | DATE 05-01-2025

PROJECT NAME: POLICE BOATHOUSE

CLIENT: CITY OF NEW SMYRNA BEACH

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SITE PLAN
1" = 20'

DRAWING: SITE PLAN
DMC JOB NO. 23-128-11
SHEET NO. C-03
DRAWN BL | CAD C3D
CHECKED - | SCALE AS SHOWN
APPROVED - | DATE 05-01-2025

PROJECT NAME: POLICE BOATHOUSE
CLIENT: CITY OF NEW SMYRNA BEACH

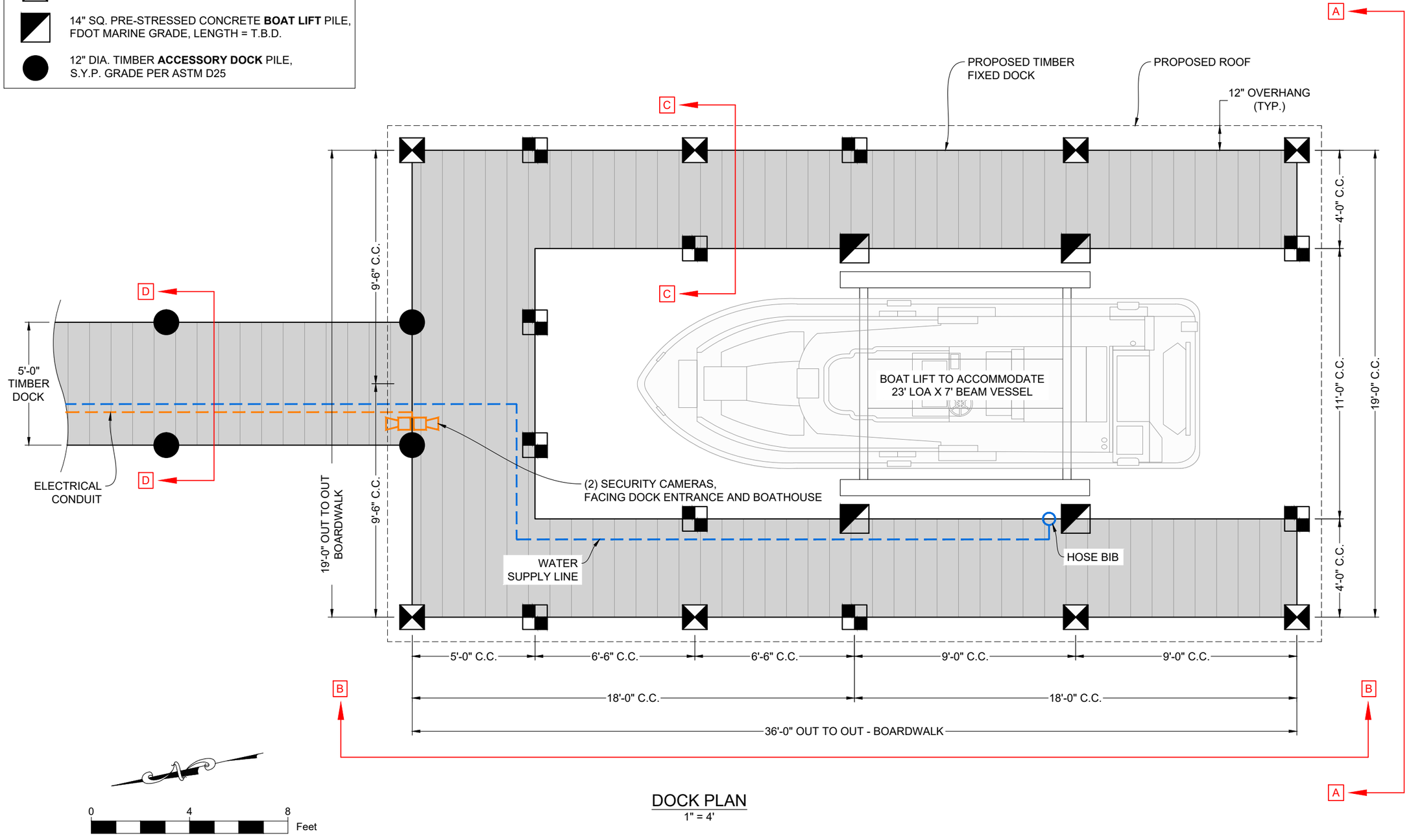
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Drawing Name: C:\Users\DMC-User\AppData\Local\Temp\AcPublish_20860\Boat House.dwg By: DMC-User Tab: SITE (3) 5/01/2025

PILE LEGEND:

- 12" SQ. PRE-STRESSED CONCRETE **DOCK** PILE, FDOT MARINE GRADE, LENGTH = T.B.D.
- 12" SQ. PRE-STRESSED CONCRETE **ROOF** PILE, FDOT MARINE GRADE, LENGTH = T.B.D.
- 14" SQ. PRE-STRESSED CONCRETE **BOAT LIFT** PILE, FDOT MARINE GRADE, LENGTH = T.B.D.
- 12" DIA. TIMBER **ACCESSORY DOCK** PILE, S.Y.P. GRADE PER ASTM D25



DOCK PLAN
1" = 4'

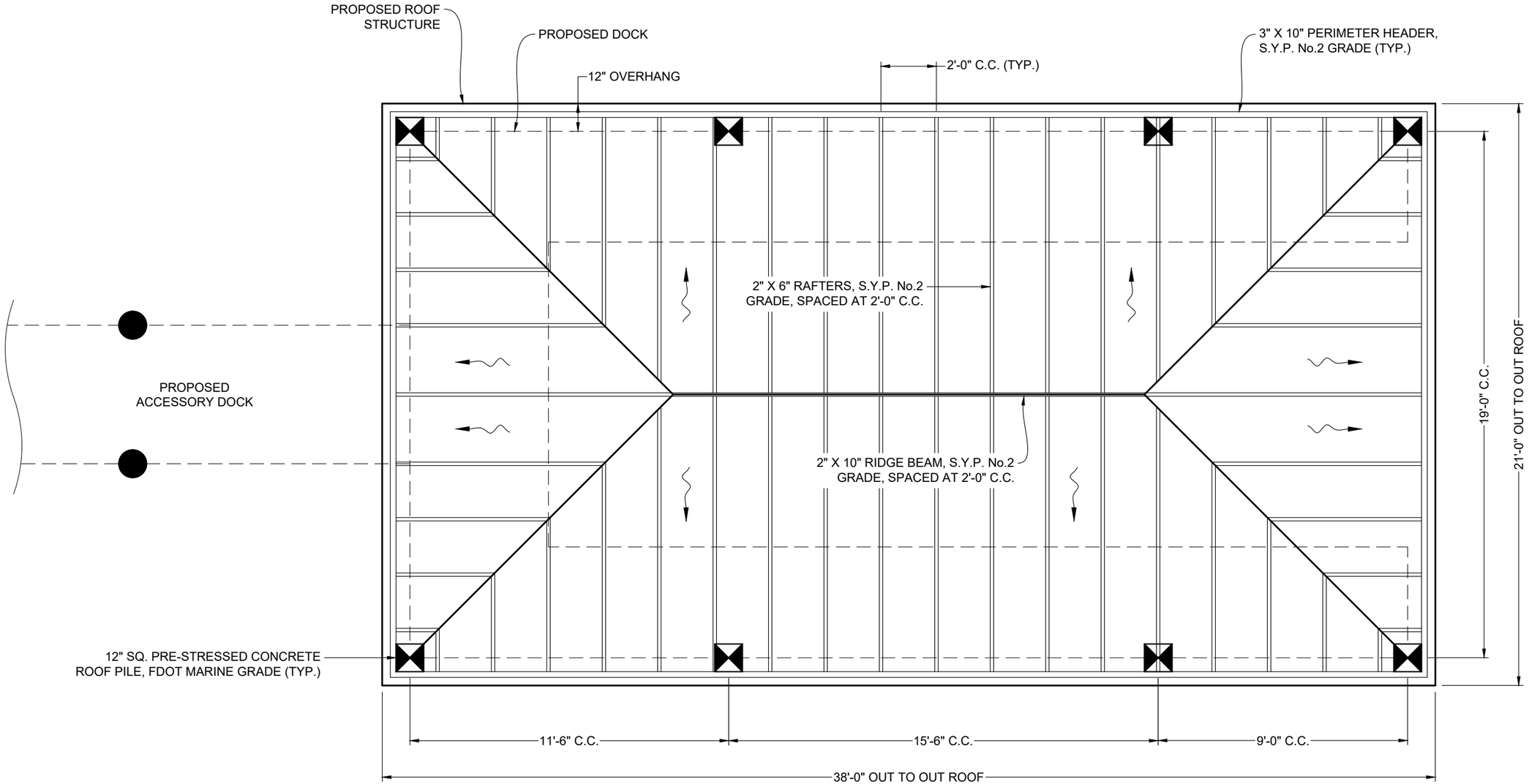
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DMC JOB NO. 23-128-11
SHEET NO. C-04
DRAWN BL | CAD C3D
CHECKED - | SCALE AS SHOWN
APPROVED - | DATE 05-01-2025

PROJECT NAME: POLICE BOATHOUSE
CLIENT: CITY OF NEW SMYRNA BEACH

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ROOF FRAMING PLAN
1" = 4'

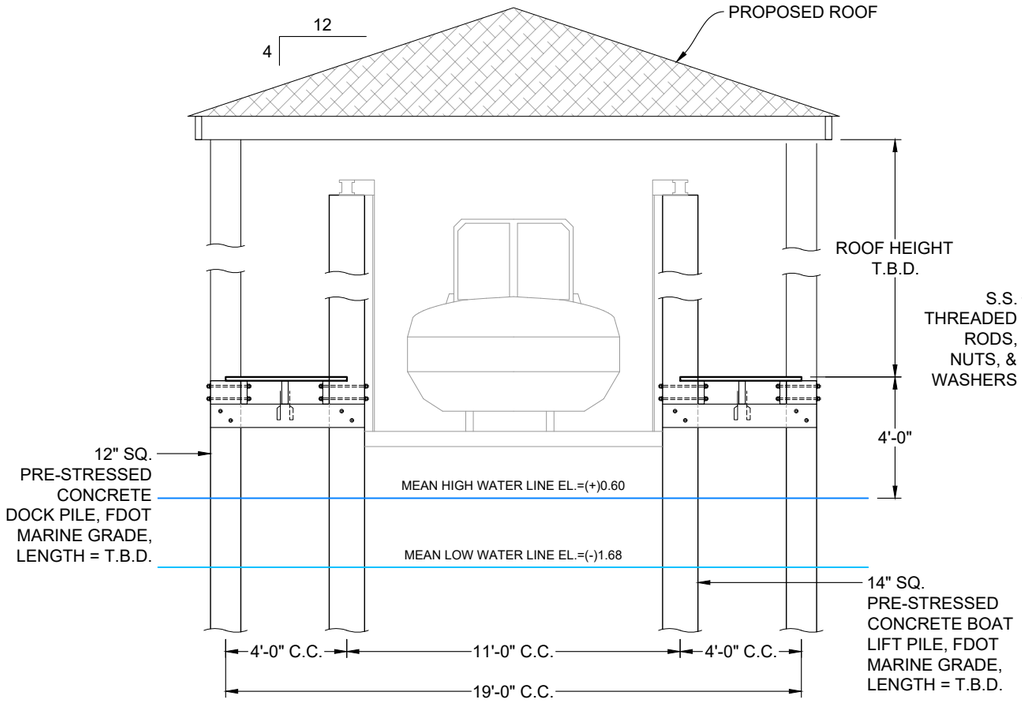
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CHECKED - | APPROVED - | DATE 05-01-2025

PROJECT NAME: POLICE BOATHOUSE
CLIENT: CITY OF NEW SMYRNA BEACH

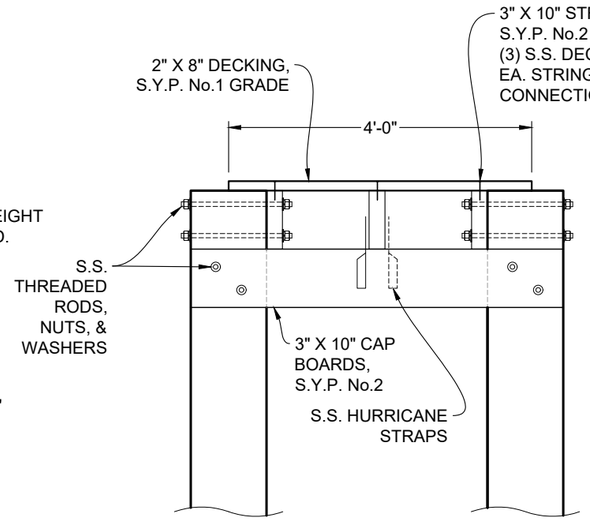
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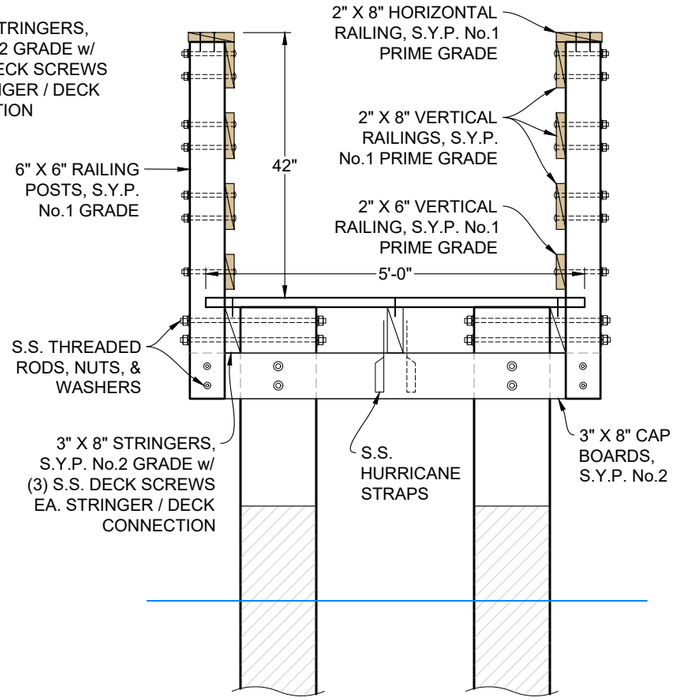
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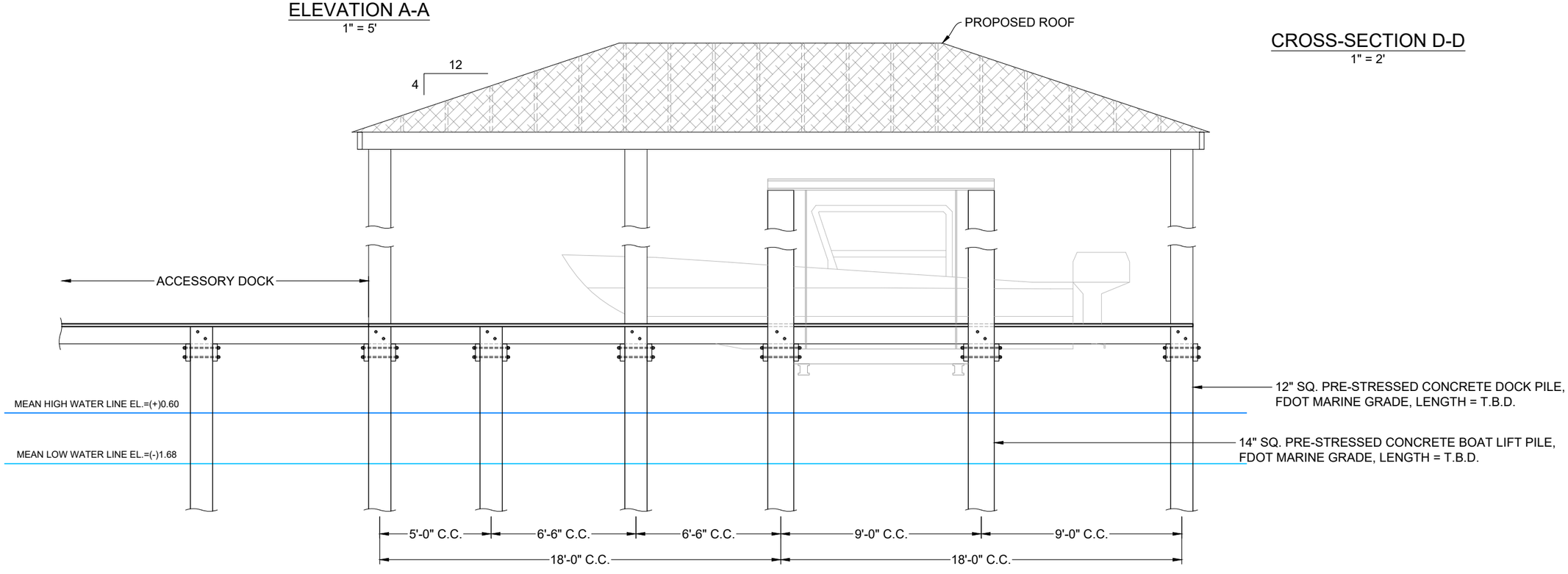
ELEVATION A-A
1" = 5'



CROSS-SECTION C-C
1" = 2'



CROSS-SECTION D-D
1" = 2'



ELEVATION B-B
1" = 5'

DRAWING: DOCK DETAILS
DMC JOB NO. 23-128-11
SHEET NO. C-06
DRAWN BL | CAD C3D | SCALE AS SHOWN
CHECKED - | APPROVED - | DATE 05-01-2025

PROJECT NAME: POLICE BOATHOUSE
CLIENT: CITY OF NEW SMYRNA BEACH

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NEW SMYRNA BEACH

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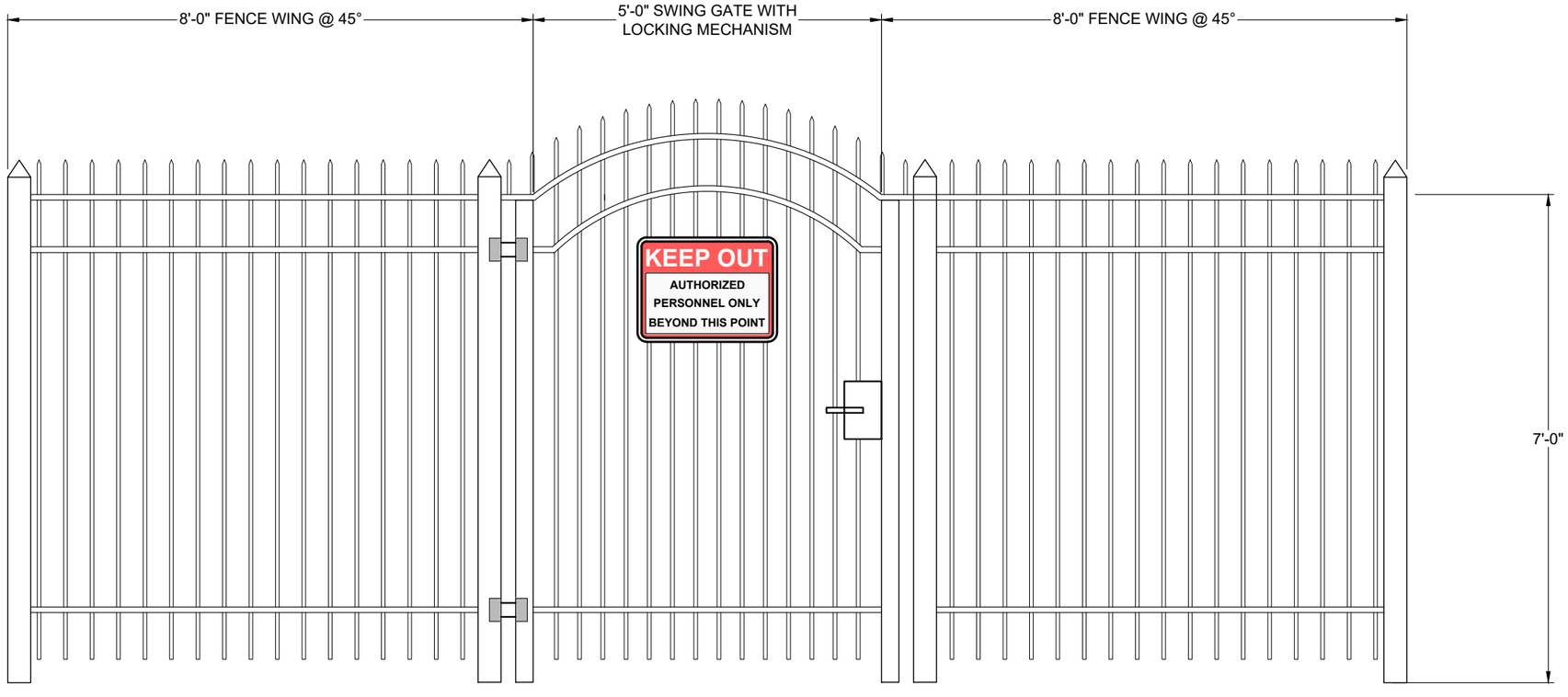
GATE NOTES:

- GATES AND DIMENSIONS SHOWN FOR PICTORIAL REASONS TO SHOW OPTIONS AND GATHER OPINIONS. DMC TO COORDINATE WITH CITY ON FINAL INPUT.









SECURITY GATE PROFILE

1" = 2'

Drawing Name: C:\Users\DMC-User\AppData\Local\Temp\AcPublish_20860\Boat House.dwg By: DMC-User Tab: GATE (8) 5/01/2025

DRAWING: GATE DETAILS
DMC JOB NO. 23-128-11
SHEET NO. C-08
DRAWN BL | CAD C3D | SCALE AS SHOWN
CHECKED - | APPROVED - | DATE 05-01-2025

PROJECT NAME: POLICE BOATHOUSE

CLIENT: CITY OF NEW SMYRNA BEACH

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From: Capital Improvements Department

To:
NSB Planning and Zoning Department

Subject: Variance Request Application – Police Boathouse Boat Dock (Section 803.04)

As the CIP Director representing the NSB Police Department in the design and development of its waterfront boathouse, I respectfully submit this letter in support of a variance request from the requirements set forth in Section 803.04 C (2) & D (1) of the Land Development Regulations.

In accordance with the LDR requirements, please find below the justification addressing each criterion for the variance request:

---

1. Special circumstances exist which are peculiar to the property or the waterway in question, making boat mooring or waterway access difficult.
The boathouse's operational demands—particularly emergency deployment—require rapid and direct access to the water, which is hindered without having a dedicated dock on the water. Due to the size of the vessel and the safety of police staff during deployment of the vessel the physical and functional limitations necessitate a variance to allow for a dock configuration that ensures secure mooring and rapid response capabilities.

---

2. Strict application of the requirements set forth in Section 803.04 would deprive the property owner of reasonable rights presently enjoyed by other nearby property owners.
The size and dimensions of the police boat house supports safe loading and unloading of police staff and equipment creating proper space for full functional use of their waterfront access. Strict adherence to Section 803.04 would inhibit the police department's ability to operate and maintain its patrol and rescue vessels effectively, by placing undue limitations on public safety operations.

---

3. Special circumstances and conditions exist that do not result from the direct or indirect actions of the present property owner(s) or past property owner(s).
One year ago the NSPD acquire a Marine Vessel four use throughout the ICW for marine emergency services, search and rescue, and waterway safety and education. The boathouse will allow the vessel to be store and maintained on the water year-round.

---

4. Granting of the variance from requirements of Section 803.04 will not cause substantial detriment to the public welfare, safety, navigation, or convenience.
On the contrary, granting this variance will enhance public safety by enabling the police

department to respond more effectively to marine emergencies, criminal activity on the water, waterway accidents, and search and rescue missions. The proposed dock configuration has been designed in accordance with best engineering and navigational practices, ensuring it will not obstruct navigation channels, pose hazards, or diminish public access to the waterway.

---

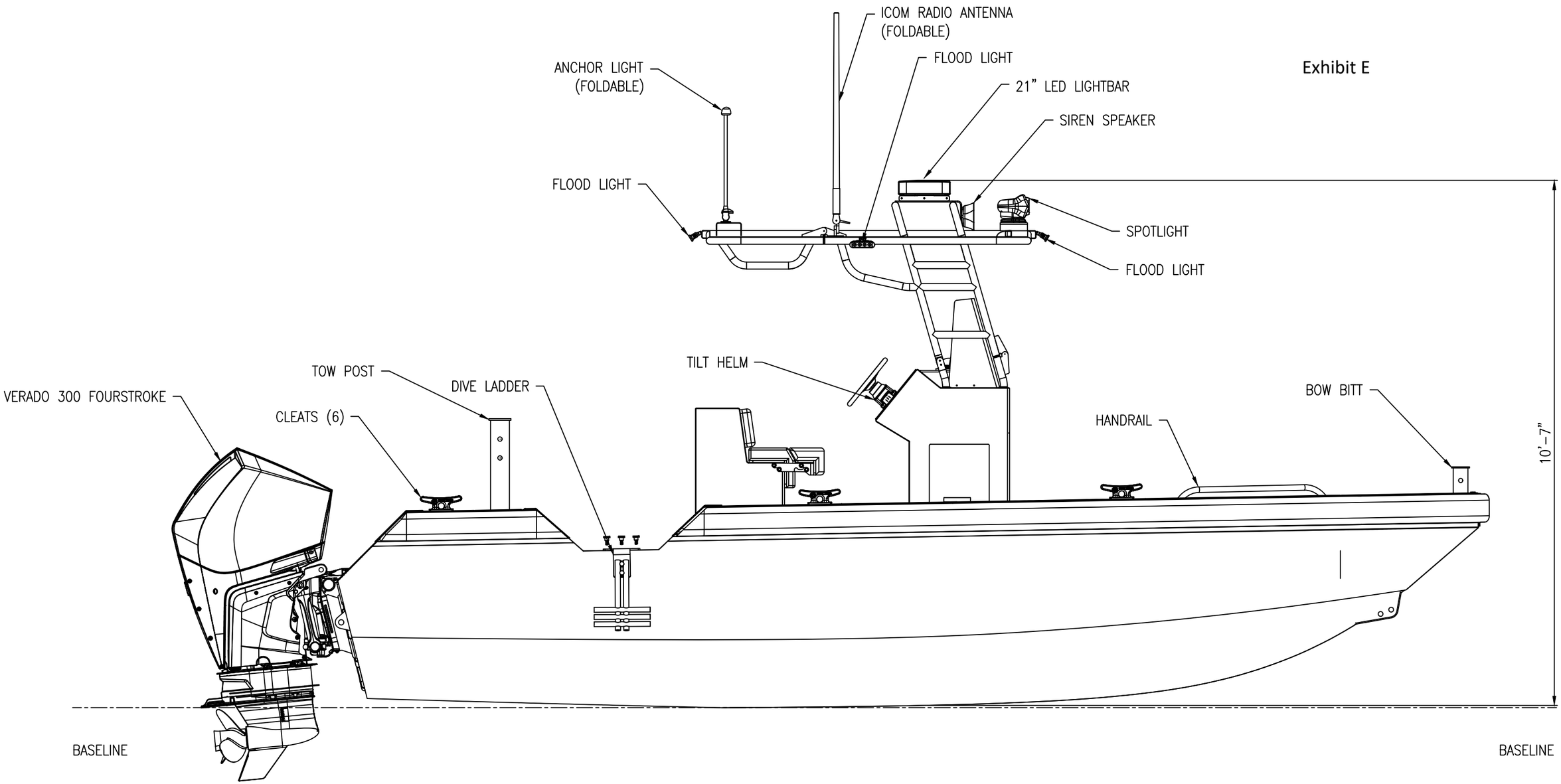
5. Granting a variation from requirements of Section 803.04 will not constitute a grant of special privilege denied to other property owners.
The request is specific to the unique operational requirements of a public safety agency and the physical constraints of the site. It does not confer any exclusive benefit beyond what is necessary for essential public service.

In conclusion, I respectfully request a favorable consideration of this variance application. The proposed modification is essential to maintaining the Police Department's readiness and responsiveness while remaining consistent with the intent and spirit of the LDR.

Sincerely,
Jesse Kobe

Capital Improvements Director

Exhibit E



OUTBOARD PROFILE – STARBOARD

IMPORTANT:
THIS DOCUMENT, INCLUDING ALL ATTACHMENTS, CONSTITUTE METAL SHARK BOATS RECORDS AND PROPERTY THAT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. IT ALSO MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, OR OTHERWISE PROTECTED FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS DOCUMENT IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE AGENT RESPONSIBLE FOR DELIVERING THE TRANSMISSION TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, COPYING OR USE OF THIS DOCUMENT OR ITS CONTENTS IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, PLEASE NOTIFY THE SENDER BY RESPONDING TO THE E-MAIL IT WAS ATTACHED TO AND THEN DELETE IMMEDIATELY.

METAL SHARK
METALSHARKBOATS.COM

METAL SHARK BOATS
6814 E. ADMIRAL DOYLE DRIVE
JEANERETTE, LA 70544
PHONE: (337) 364-0777

DESIGNED: MSB	2/27/2024	21RL	NSPD
DRAWN: MSB	2/27/2024	GENERAL ARRANGEMENT	
CHECKED: –	–	DRAWING NO: 21RL-1001-C01015-101-A	
APPROVED:		SCALE: 1/2"=1'-0"	SHEET: 01 OF 04 REV 21

Aluminum Alloy:	5086
Beam (Inside Deck):	6' 2"
Beam (Overall):	6' 7"
Estimated Operational Draft:	1' 7"
Fuel Capacity:	65 Gallons
Full Load Weight:	6500 Lbs
Height on Trailer (Mast Folded):	12' 0"
Height on Water (Mast Folded):	6' 0"
Height on Water (w/ Antennas):	15' 9"
Length (Hull):	22' 9"
Length (Inside Deck):	16' 3"
Length on Trailer:	30' 0"
Length w/ Engines & Engine Bar:	26' 4"
Lightship Weight:	4900 Lbs


POLICE
NEW SMYRNA BEACH
METAL SHARK
ALSHARKBOATS.COM
MERCURY
G. VANDUSEN
B SMITH
FLORIDA INLAND
NAVIGATION DISTRICT
Seacoast Bank
22749
FOR: Marine Law Enforcement Vessel
PAY TO THE ORDER OF Seventy Five Thousand and 00/100
City of New Smyrna Beach
246 Industrial Park Ave
New Smyrna Beach, FL 32168
DATE
January 21, 2025
AMOUNT
*$75,000.00

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

PUD-4-22, NEW SMYRNA BEACH MEDICAL CENTER AND WELLNESS COMPLEX: REVIEW AND GIVE A RECOMMENDATION TO THE CITY COMMISSION ON A PROPOSED NEW MASTER DEVELOPMENT AGREEMENT (MDA) AND CONCEPTUAL PLAN FOR THE NEW SMYRNA BEACH MEDICAL CENTER AND WELLNESS COMPLEX, WITHIN A 3.3 ACRE PROPERTY THAT ALREADY HAS AN EXISTING ZONING PLANNED UNIT DEVELOPMENT (PUD) BUT WITH A MASTER DEVELOPMENT AGREEMENT (MDA) THAT HAS NOW EXPIRED, WITH THIS SITE LOCATED ON THE SOUTH SIDE OF AND FRONTING STATE ROAD 44, BETWEEN WILDWOOD DR. TO THE WEST AND WILD ORANGE DR. TO THE EAST.

June 2, 2025

Background:

I. Background

A. Applicant: Storch Law Firm, 420 So. Nova Rd., Daytona Beach, FL 32114

B. Property Owner: FORT Investment Group LLC, 502 Palmetto St., New Smyrna Beach, FL 32168

C. Request: Approval of a new Master Development Agreement (MDA) and Conceptual Plan for a 3.3 acre property that is already zoned Planned Unit Development (PUD), but with an expired MDA, for a similar Medical and Office use that was originally approved by the City in 2010.

D. Site Information: The 3.3 acre undeveloped site is located south of and fronting State Road (SR) 44, between Wildwood Dr. to the west and Wild Orange Dr. to the east. The current PUD zoning designation of the site considers the two existing Future Land Use (FLU) designations of Commercial and Low Density Residential (LDR), as did the prior PUD MDA and Plan. That prior MDA was approved by the City in 2010 for a 10 year duration

and expired in 2020. The site is also within the Corridor Overlay Zone (COZ). Site Location and Aerial Maps are attached as **Exhibits A & B**. An Existing Zoning Map is attached as **Exhibit C**, with these maps showing all adjacent zoning designations and surrounding development. No Proposed Zoning Map is attached, as the site is proposed to retain its current PUD zoning. An Existing Future Land Use (FLU) Map is also attached as **Exhibit D**, with these maps showing all site and adjacent FLU designations. No Proposed FLU Map is attached, as the site is proposed to retain its current FLU designations. Finally, a Site Survey is attached as **Exhibit E**. It should also be noted that as of the date of this report, the two adjacent side streets of Wildwood and Wild Orange Drives, to each side of the Subject Property, are both shown on Volusia County Road Maintenance map data as being under the permitting and maintenance of the County and not the City.

E. Surrounding Properties: As stated earlier, the 3.3 acre subject property fronts the south side of SR 44, with another smaller PUD immediately adjacent to the west, within a corner lot that is currently used as Pools by Bradley as their sales office. As shown on the Exhibit C Existing Zoning Map, the neighboring properties that are further south of that Pools by Bradley site and fronting Wildwood Dr. are within unincorporated Volusia County and zoned Volusia County R-4A. The same situation also applies to all residential properties neighboring the Subject Property and fronting on both sides of Wild Orange Drive, with those also all being
within unincorporated Volusia County and zoned Volusia County R-4A. The sole neighboring property on this south side of SR 44 that deviates from that County R-4A zoning is the City PUD zoned property to the east, on the east/opposite side of Wild Orange Drive, but which also has no active Master Development Agreement (MDA) and/or Conceptual Plan in place and apparently never has. On the north/opposite side of SR 44 is a large PUD zoned area that has already been developed, as the 41 acre Colony Park Commercial PUD, with individual sites/businesses within that and opposite this Subject Property being the Mullinax Ford dealership, offices, Sporty's car wash, etc., and with the internal driveway entrance to Mullinax Ford being directly opposite the Subject Property.

F. Parcel Numbers: 7343-07-01-0010, 7343-07-01-0030, 7343-07-01-1010, 7343-07-01-1040, and 7343-07-01-1050

G. Exhibits:

Exhibit A: Location Map

Exhibit B: Aerial Map

Exhibit C: Existing Zoning Map

Exhibit D: Existing Future Land Use (FLU) Map

Exhibit E Site Survey Sketch and Legal Description (Serving as Ex A. of the MDA)

Exhibit F: Proposed new Master Development Agreement (MDA) text

Exhibit G: Proposed PUD MDA Conceptual Plans (consists of 3 different Exhibits to be attached to the MDA, as labeled below)

Exhibit G-1: Proposed PUD Concept Plan, VUA/Specimen Tree Plan, & Existing Site Conditions Exhibits (consists of 3 different document sheets, all labeled as Sheet B-1, and serving as Exhibit B of the MDA)

Exhibit G-2: Proposed Architectural Elevations and Floor Plan Exhibits (consists of 4 different document sheets, labeled as Sheets A3-A4 & A6-A7), and serving as Exhibit C of the MDA)
Exhibit G-3: Proposed PUD Landscape Plans (consists of 2 different document sheets, and serving as Exhibit D of the MDA)
Exhibit G-4: Proposed Monument Sign Elevation Exhibit (consists of 1 document sheet, not labeled, and serving as Exhibit E of the MDA)
Exhibit H: Commission Minutes of 2/11/25 re Historic tree Removal (HTR)-4-24 application

Exhibit I: Expired and prior PUD Master Development Agreement (MDA), approved in 2010

Findings:

A. The proposed Planned Unit Development (PUD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP) Exhibits would replace a previously approved PUD MDA/CDP and a similar development/use for this site that has since expired. The current proposal is for this 3.3. acre undeveloped site to contain a single two story medical office building of 20,600 SF (10,000 SF each floor) with a 600 SF Entrance Canopy and 80 space parking lot.

B. The proposed site contains two different Future Land Use (FLU) designations, with the great majority in the site's northern area (and all of its SR 44 frontage) being designated

as SR 44 Commercial FLU, and containing virtually all of the proposed development area. Two smaller parcels within the southeast portion of the site and fronting Wild Orange Dr. only are designated as Low Density Residential (LDR), and the designations and boundary line for each of these two FLU area can be seen most clearly on the Exhibit D FLU Map. That southern/LDR portion will not contain any commercial area except for four parking spaces and a proposed retention pond. There is an existing ditch bisecting the site in this southernmost area that will remain and be undisturbed by any of these proposed commercial improvements. In addition, the applicant and MDA text propose to create a Conservation Easement (CE) over those southernmost areas to remove the possibly of those small area of existing wetlands and ditch ever being developed.

C. The proposed site is also within the Corridor Overlay Zone (COZ) as defined in the City LDR, which also regulates development within that zone. In this instance a 75' wide minimum vegetated area is now required within its frontage along SR 44, with the most northern 25' of that area devoted strictly to an existing Utility Easement (UE) of the NSBU, and the remaining 50' wide area adjacent and internal to that UE to be provided strictly for a Landscape Buffer parallel to SR 44.

D. The current CDP is also contingent on a concurrent and pending Historic Tree Removal application and approval process. That application is for the removal of three of the nine Historic Trees now within the site. That application process goes straight to the City Commission for review and approval, and does not involve the Planning and Zoning Board. The Commission first discussed this tree removal application at their February 11, 2025 meeting (minutes attached as Exhibit H), and after much discussion about alternatives, decided to then table that application to a future Commission meeting date that would coincide with this PUD application also being heard by the Commission, at a future date after this Planning and Zoning rezoning hearing. The six Historic Trees proposed to be preserved within this site are shown on the attached Exhibit F plans, with the site design on those plans intended to preserve both two-thirds of the nine total Historic Trees and numerous other trees now within the site.

E. In terms of Open Space and tree preservation areas and methods, the City LDR requires the Minimum Open Space for any Non-Residential PUD within this geographic area to be a minimum of 50% of the entire site, with this now also noted as required in the MDA Site Development Criteria text. The CDP also notes the Open Space Percentage as being met and exceeded, proposed as 64% Open Space being provided. That same

MDA Section text also proposes a Maximum Impervious Surface Area of 40%, well under the potential Maximum in other locations in the City.

F. According to the site survey and FEMA Flood Maps, the site is within Flood Zone X on those Maps and is thus not within the FEMA Flood Plain. It should also be noted the Wild Orange Drive roadway and right-of-way adjacent to the site's eastern boundary, and which the proposed internal driveway is proposed to connect to, remains a Volusia County roadway, with all permitting and maintenance of that roadway south of SR 44 now under Volusia County control. The proposed primary driveway connection (to SR 44) would be under the permitting control of FDOT, and be a right in – right out design only.

G. In terms of a Traffic Impact Analysis (TIA), a Rezoning Traffic Study has been done to determine existing background traffic and general impact of these proposed new plans and construction, based on the maximum entitlements included in this proposed PUD MDA. That Rezoning Traffic Impact Analysis (RTIA) was submitted with this PUD rezoning application and has been reviewed by City's Traffic Engineering consultant. The MDA provides that a separate and much more specific Traffic Impact Analysis (TIA) will be conducted with the future Site Plan to come, in accordance with TPO guidelines.

H. The applicant is also requesting the ability to provide 9' wide Parking Spaces instead of the standard 10' width that would typically be required in this geographic area. The 9' width is permitted in Special Parking Districts within the City, and allows for additional pervious area and tree/landscape island widths within the proposed parking area. In addition, Section 604.051 J. of the LDR allows for a reduction in the minimum parking space requirement to be approved by staff for the tree preservation now proposed within the site, which in this case could be 10% or 8 spaces. The 80 spaces now proposed that meet the minimum requirement could then be reduced to 72 spaces. The applicant would prefer to use this same pavement reduction allowance of the LDR in a different method, by providing 9' wide spaces instead and still provide the minimum 80 spaces otherwise required, in order to save the existing trees shown on the plans. Staff is agreeable to this request since that same amount of reduced impervious area would be permitted by either method discussed above, and given that 9' wide parking spaces are now permitted, by the LDR in the Flagler Ave., Canal St., and Dixie/US 1 Special Parking Districts.

I. The MDA text includes various provisions for Architectural & Design Standards, Environmental Considerations, and Signage (Sections 8, 9, & 10, Pages 4-5), some of which has been discussed above. The MDA is also noted (Section 11, Page 6) to be valid for a period of 5 years from its execution, with all construction substantially complete by then.

Recommendation

The Development Services Department recommends that the Planning and Zoning Board give a positive recommendation to the City Commission to approve the requested rezoning amendment to create the New Smyrna Beach Medical Complex and Wellness Center Planned Unit Development (PUD) under the attached Master Development Agreement (MDA) and its Conceptual Master Plan (CMP), contingent on the companion application for Historic Tree Removal being approved by the City Commission.

Fiscal Analysis:
N/A

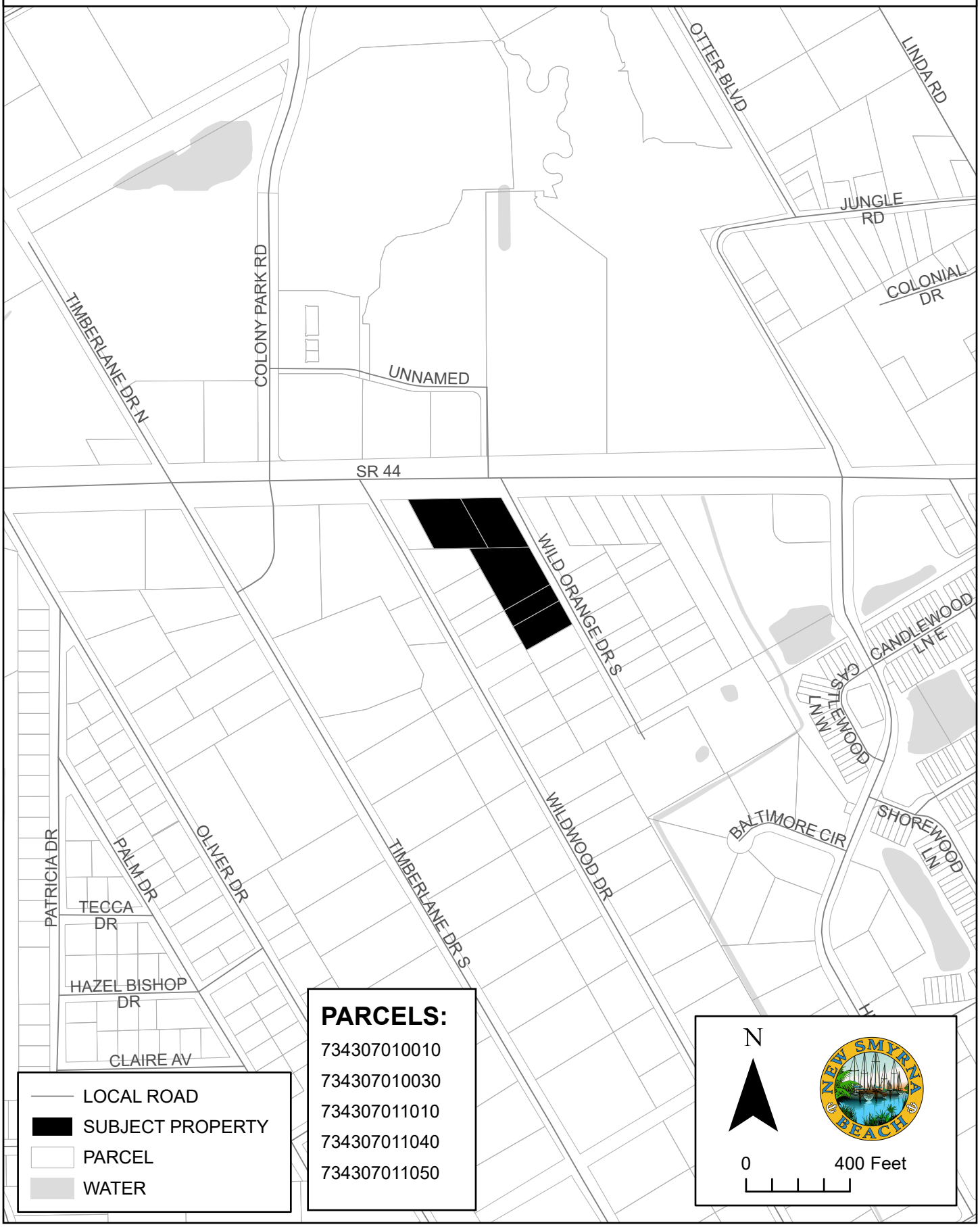
Strategic Plan Item:
No

Staff Report Created By: Jeff Gove - Chief Planner

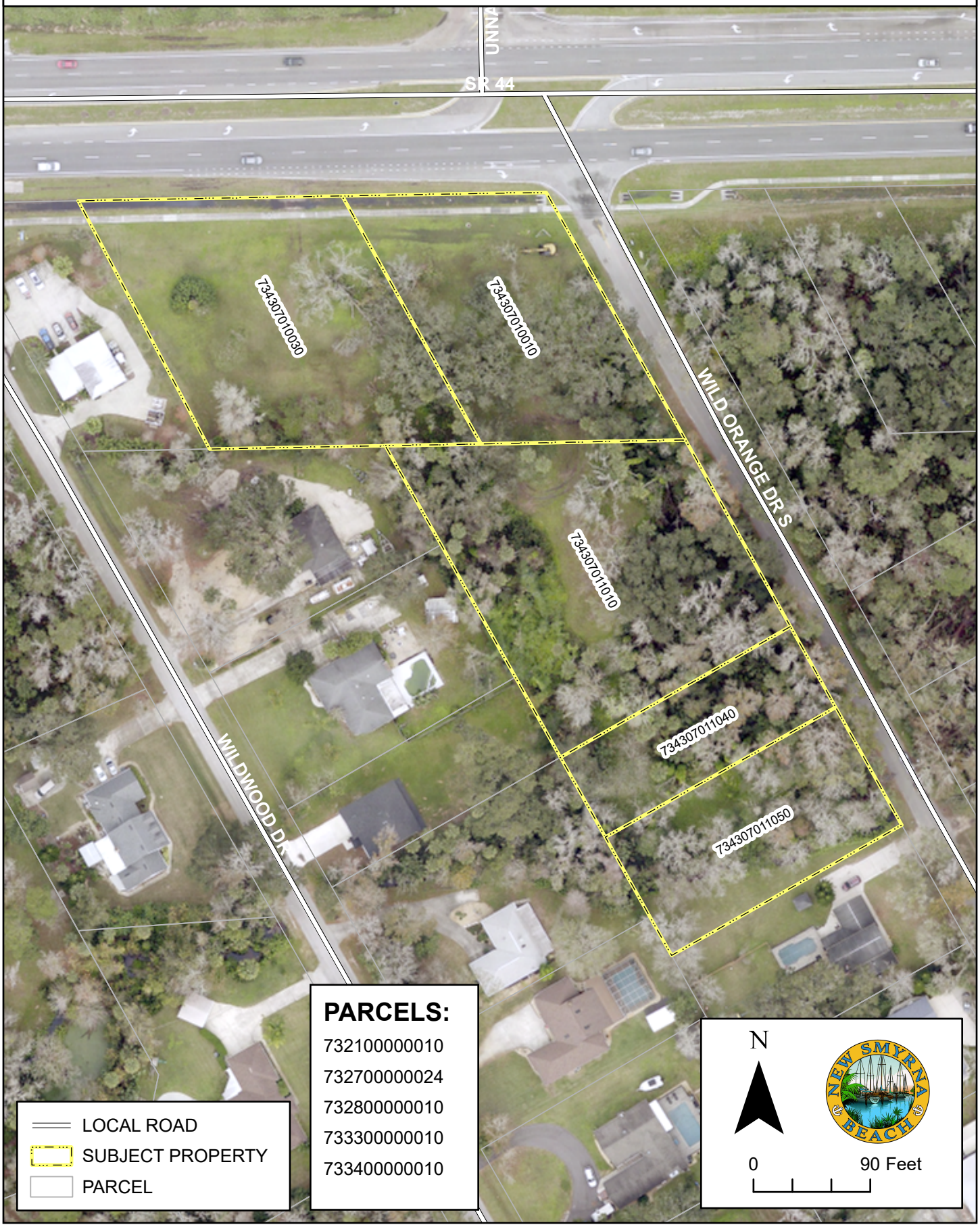
Attachments:

Ex. A Location Map.pdf
Ex. B Aerial Map.pdf
Ex. C Existing Zoning Map.pdf
Ex. D Existing FLU Map.pdf
Ex. E Survey and Legal Description 4-30-24.pdf
Ex. F Proposed MDA text - NSB Medical Complex and Wellness Center UPDATED 5-21-25.pdf
Ex. G-1 Conceptual Site Plan sheets - 3 total, all labeled as B-1
Ex. G-2 Architectural Elevations and Floor Plans_5.3.24.pdf
Ex. G-3 Conceptual Landscape Plan - 2 sheets.pdf
Ex. G-4 Monument Sign Detail 6-7-24.pdf
Ex. H Commision Minutes 2-11-25 re HTR-4-24
Ex. I Expired MDA for prior Coronado Office Park.pdf

PUD-4-22: MEDICAL COMPLEX AND WELLNESS CENTER LOCATION MAP

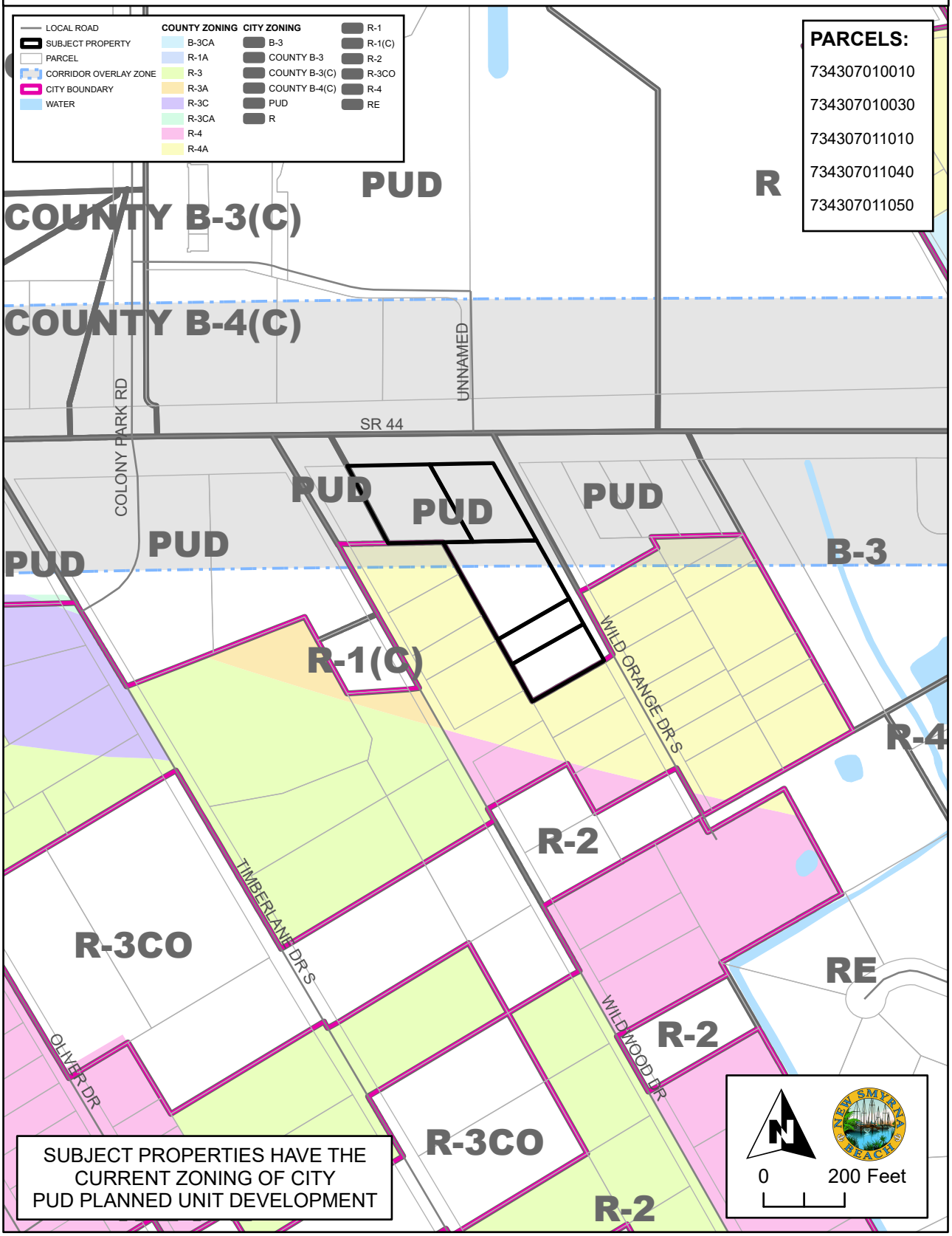


PUD-4-22: MEDICAL COMPLEX AND WELLNESS CENTER
AERIAL MAP



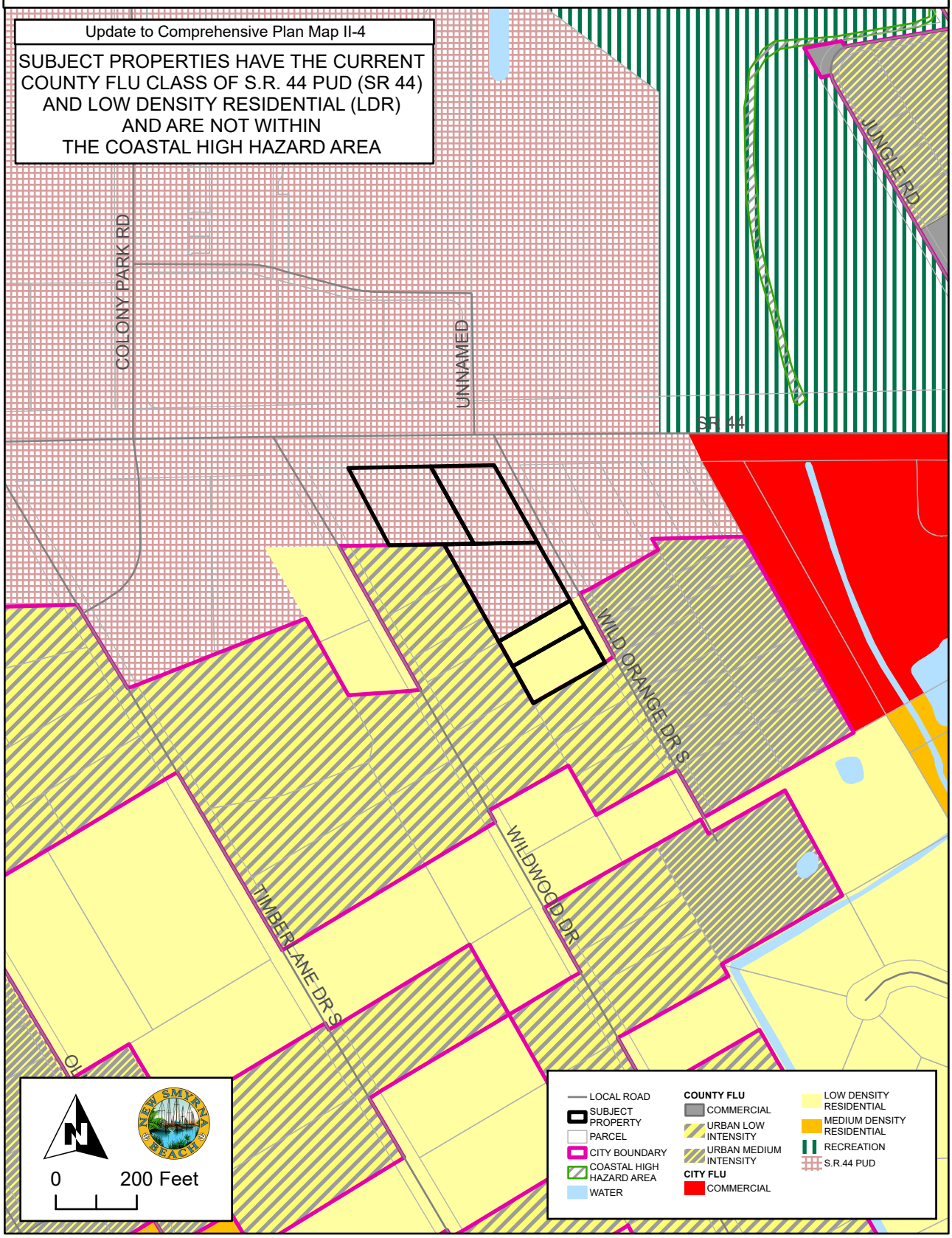
EXISTING ZONING

PUD-4-22

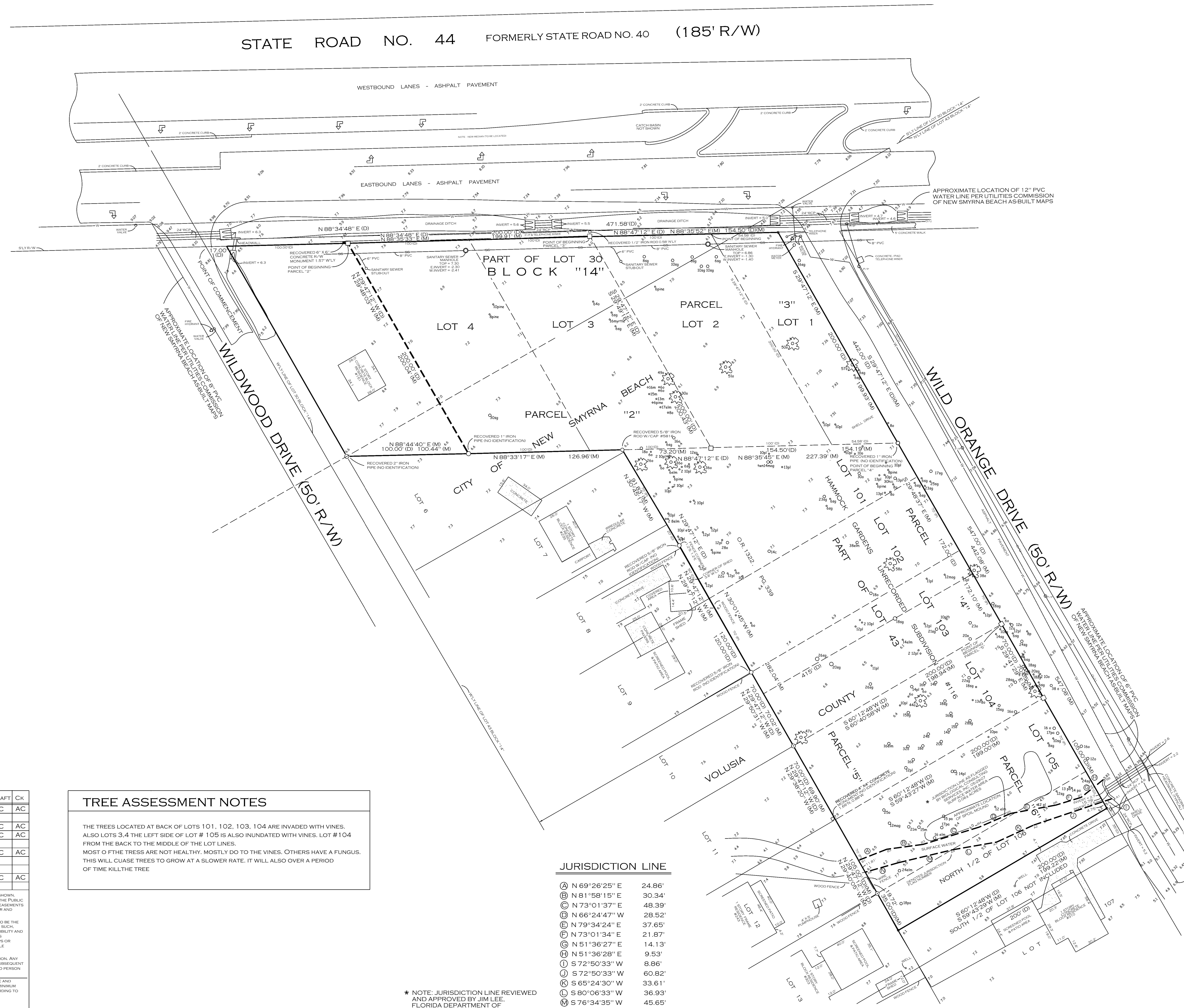


EXISTING FUTURE LAND USE DESIGNATIONS

PUD-4-22



NOTE : PROGRESS DRAWING



N DENOTES 5/8" IRON ROD W/ CAP "LB 7220" SET

DENOTES 4" X 4" CONCRETE MONUMENT (NO IDENTIFICATION) RECOVERED

DENOTES 5/8" IRON ROD W/ CAP "LB 2599" RECOVERED

SCALE : 1" = 40'

TREE LEGEND

- O = DENOTES OAK TREE *(W/ APPROX. DIAMETER IN INCHES INDICATED) (TYPICAL)
- C = DENOTES CEDAR
- PA = DENOTES PRICKLY ASH
- M = DENOTES MAPLE
- E = DENOTES ELM
- SG = DENOTES SWEET GUM
- HIC = DENOTES HICKORY
- MAG = DENOTES MAGNOLIA
- HOLLY = DENOTES HOLLY
- o = DENOTES APPROXIMATE TREE LOCATION
- = DENOTES TREE 36" DIAMETER OR LARGER

* UTILITY LOCATIONS SHOWN PER VISIBLE EVIDENCE FOUND IN THE FIELD AND PER UTILITIES COMMISSION OF NEW SMYRNA BEACH. CLIENT AND / OR CONTRACTOR MUST VERIFY LOCATIONS WITH THE APPROPRIATE UTILITY PROVIDER PRIOR TO CONSTRUCTION.

PLAT OF BOUNDARY, TOPOGRAPHIC & SPECIFIC PURPOSE SURVEY OF

PARCEL 2: BEGIN AT THE INTERSECTION OF THE WEST LINE OF LOT 30, SUBDIVISION OF NAPIER AND NORTH PART OF HULL GRANT AND THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 44; THENCE ALONG SAID ROAD LINE NORTH 88 34' 48" EAST 117 FEET TO THE POINT OF BEGINNING; THENCE ALONG SAID ROAD LINE 200 FEET TO A POINT; THENCE SOUTH 29 47' 12" EAST 200 FEET TO A POINT; THENCE SOUTH 88 34' 48" WEST 200 FEET TO A POINT; THENCE IN A STRAIGHT LINE TO THE POINT OF BEGINNING 200 FEET. BEING LOTS 3 AND 4, BLOCK 1, HAMMOCK GARDENS, AN UNRECORDED PLAT OF LOT 30 SOUTH OF HIGHWAY 44 AND OF LOT 43, BLOCK 14 OF NAPIER AND THE NORTH PART OF HULL GRANTS, PER MAP BOOK 2, PAGE 42, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

PARCEL 3: A PART OF BLOCK 14, SOUTH OF STATE ROAD #40 ACCORDING TO THE PLAT OF NAPIER & HULL GRANTS, VOLUSIA COUNTY, FLORIDA, AS FOLLOWS, TO-WITH; COMMENCING AT THE INTERSECTION OF THE WESTERLY LINE OF LOT 30 WITH THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD #40; THENCE RUNNING EASTERLY AND BINDING ON THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD #40 A DISTANCE OF 417 FEET TO A POINT WHICH IS THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING EASTERLY AND BINDING ON THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD #40 A DISTANCE OF 54.58 FEET TO A POINT WHICH IS THE INTERSECTION WITH THE WEST LINE OF WILD ORANGE DRIVE, A 50 FOOT ROAD WAY; THENCE SOUTH 29 47' 12" EAST A DISTANCE OF 200 FEET TO A POINT IN THE WEST LINE OF WILD ORANGE DRIVE; THENCE WESTERLY AND PARALLEL TO THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD #40 A DISTANCE OF 54.58 FEET TO A POINT; THENCE NORTHERLY AND PARALLEL TO THE WEST LINE OF WILD ORANGE DRIVE A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION. (ALSO KNOWN AND DESCRIBED AS LOT 1, BLOCK 1, OF HAMMOCK GARDENS, AN UNRECORDED SUBDIVISION).

AND

BEGIN AT THE INTERSECTION OF THE WEST LINE, LOT 30, SUBDIVISION OF NAPIER AND NORTH PART OF HULL GRANT AND THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 40; THENCE NORTH 88 34' 48" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE 317 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 88 47' 12" EAST 100 FEET; THENCE SOUTH 29 47' 12" EAST 200 FEET; THENCE SOUTH 88 47' 12" WEST 100 FEET; THENCE NORTH 29 47' 12" WEST 200 FEET TO THE POINT OF BEGINNING; BEING PARTS OF LOTS 30 AND 43, SAID SUBDIVISION OF NAPIER AND NORTH PART OF HULL GRANTS, ACCORDING TO MAP RECORDED IN MAP BOOK "M", PAGE 688, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

PARCEL 4: A PART OF BLOCK 14, SOUTH OF STATE ROAD #40 ACCORDING TO PLAT OF NAPIER & HULL GRANT, VOLUSIA COUNTY, FLORIDA, AS FOLLOWS, TO-WIT:; COMMENCING AT THE INTERSECTION OF THE WESTERLY LINE OF LOT 30 IN SAID BLOCK 14 WITH THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD #40; THENCE RUNNING EASTERLY AND BINDING ON THE SOUTH RIGHT OF WAY OF STATE ROAD #40 A DISTANCE OF 471.58 FEET MORE OR LESS TO THE INTERSECTION OF THE WEST LINE OF WILD ORANGE DRIVE, A 50 FOOT ROAD WAY; THENCE SOUTH 29 47' 12" EAST ALONG SAID WEST LINE OF WILD ORANGE DRIVE A DISTANCE OF 200 FEET TO A POINT WHICH IS THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ALONG SAID ROAD LINE 172 FEET TO A POINT; THENCE WESTERLY AND AT RIGHT ANGLES A DISTANCE OF 200 FEET TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES A DISTANCE OF APPROXIMATELY 280 FEET TO A POINT WHICH IS 200 FEET SOUTH 29 47' 12" EAST FROM THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD #40; THENCE IN A STRAIGHT LINE AND PARALLEL TO STATE ROAD #40 TO THE POINT OF BEGINNING OF THIS DESCRIPTION.
(ALSO KNOWN AND DESCRIBED AS LOTS 101, 102, AND 103, BLOCK 1, OF HAMMOCK GRADENS, AN UNRECORDED SUBDIVISION.)

PARCEL 5: A PORTION OF LOT 43, BLOCK 14, MAP OF PROPERTY BELONGING TO CHAS. DOUGHERTY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN DEED BOOK "M", PAGE 688, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE WEST LINE OF LOT 30, BLOCK 14 AND THE SOUTH R/W LINE OF STATE ROAD #44; THENCE NORTH 88 DEGREES 34 MINUTES 48 SECONDS EAST, 471.58 FEET ALONG THE SOUTH R/W LINE TO THE INTERSECTION OF THE WEST BOUNDARY LINE OF "WILD ORANGE DRIVE", A 50 FOOT ROAD RUNNING NORTH 29 DEGREES 47 MINUTES 12 SECONDS WEST AND INTERSECTING IN THE S/W LINE OF SAID STATE ROAD AT THE POINT AS STATED; THENCE RUNNING WITH AND BINDING ON THE WEST LINE OF "WILD ORANGE DRIVE" SOUTH 29 DEGREES 47 MINUTES 12 SECONDS EAST, 372 FEET TO THE STAKE THERE FIXED WHICH IS THE POINT OF THE LAND HEREIN DESCRIBED; THENCE AT RIGHT ANGLES WESTERLY 200 FEET; THENCE AT RIGHT ANGLES SOUTHERLY PARALLEL TO "WILD ORANGE DRIVE" 70 FEET; THENCE AT RIGHT ANGLES EASTERLY 200 FEET TO THE WEST LINE OF SAID ROAD; THENCE BINDING ON SAID ROAD NORTH TO THE POINT OF BEGINNING 70 FEET, ALSO DESCRIBED AS LOT 104, BLOCK 1, HAMMOCK GARDENS, UNRECORDED SUBDIVISION NO. 116.

PARCEL 6: A PORTION OF LOT 43, BLOCK 14, SUBDIVISION OF THE NAPIER AND NORTH PART OF THE HULL GRANT, AS PER MAP THEREOF RECORDED IN DEED BOOK "M", PAGE 688 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH 105 FEET OF THE NORTH 547 FEET ON THE EAST LINE, SOUTH OF STATE ROAD 40, OF THE EAST 200 FEET OF THE WEST 415 FEET OF LOT 43, NAPIER AND HULL GRANT. ALSO DESCRIBED AS LOT 105 AND THE NORTH 1/2 OF LOT 106, BLOCK 1, HAMMOCK GARDENS UNRECORDED SUBDIVISION NO. 116.

SURVEYOR'S NOTES & SURVEY REPORT:
1. LEGAL DESCRIPTION PER TITLE COMMITMENT NO. CD07-111189 PROVIDED BY CLIENT OR AGENT OF CLIENT.
2. BEARINGS PER DESCRIPTION AND BASED ON THE WEST LINE OF WILD ORANGE DRIVE AS BEING S 29 47' 12" E.
3. SUBJECT TO RESTRICTIONS, RESERVATIONS, LIMITATIONS, EASEMENTS AND RIGHTS OF WAY, IF ANY, APPEARING OF RECORD PER CHAPTER 472.027 FLORIDA STATUTES, SURVEYOR IS NOT RESPONSIBLE FOR ANY EASEMENTS THAT ARE NOT PROVIDED TO HIM EXCEPT THOSE ON PLAT OF RECORD.
4. THIS SKETCH OF SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
5. THIS SKETCH OF SURVEY PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT AND NO TITLE WORK HAS BEEN PERFORMED OR PROVIDED TO THIS SURVEYOR EXCEPT AS NOTED ABOVE.
6. UNDERGROUND UTILITIES AND FEATURES NOT LOCATED.
7. DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
8. DRAWING DISTANCE BETWEEN FEATURES SUCH AS WALLS OR FENCES, TREES AND PROPERTY LINE MAY BE EXAGGERATED FOR CLARITY ON THIS PROGRESS DRAWING.
9. FEATURES SHOWN BY SYMBOL ARE OF APPROXIMATE LOCATION NOT TO SCALE
10. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
11. SUBDIVISION OF THE NAPIER AND THE NORTH PART OF THE HULL GRANT ALSO RECORDED IN MAP BOOK 2, PAGE 42, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
12. ENVIRONMENTALLY SENSITIVE AREAS, IF ANY, NOT LOCATED.
13. ELEVATIONS REFER TO NAVD 1988 AND BASED ON USC & GS MONUMENT S-212, ELEVATION 27.46 FEET.

TREE ASSESSMENT NOTES

THE TREES LOCATED AT BACK OF LOTS 101, 102, 103, 104 ARE INVADED WITH VINES.
ALSO LOTS 3,4 THE LEFT SIDE OF LOT # 105 IS ALSO INUNDATED WITH VINES. LOT #104 FROM THE BACK TO THE MIDDLE OF THE LOT LINES.
MOST O FTHE TRESS ARE NOT HEALTHY. MOSTLY DO TO THE VINES. OTHERS HAVE A FUNGUS. THIS WILL CUASE TREES TO GROW AT A SLOWER RATE. IT WILL ALSO OVER A PERIOD OF TIME KILLTHE TREE

JURISDICTION LINE

Ⓐ	N 69°26'25" E	24.86'
Ⓑ	N 81°58'15" E	30.34'
Ⓒ	N 73°01'37" E	48.39'
Ⓓ	N 66°24'47" W	28.52'
Ⓔ	N 79°34'24" E	37.65'
Ⓕ	N 73°01'34" E	21.87'
Ⓖ	N 51°36'27" E	14.13'
Ⓗ	N 51°36'28" E	9.53'
Ⓘ	S 72°50'33" W	8.86'
Ⓙ	S 72°50'33" W	60.82'
Ⓚ	S 65°24'30" W	33.61'
Ⓛ	S 80°06'33" W	36.93'
Ⓜ	S 76°34'35" W	45.65'
Ⓝ	S 73°19'15" W	28.49'

* NOTE: JURISDICTION LINE REVIEWED AND APPROVED BY JIM LEE, FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REPRESENTATIVE ON MAY 31, 2007.

LEGEND & ABBREVIATIONS

(P) PLAT	PC POINT OF CURVATURE	C/L CENTERLINE	Δ DELTA
(D) DESCRIPTION	PT POINT OF TANGENCY	P/L PROPERTY LINE	R RADIUS
(M) MEASURED	P/P POWER POLE	RCP REINFORCED CONCRETE PIPE	L ARC LENGTH
(C) CALCULATED	O/U OVERHEAD UTILITIES	CMP CORRUGATED METAL PIPE	C CHORD
(PR) PRORATED	A/C AIR CONDITIONER	TBM TEMPORARY BENCH MARK	T TANGENT
(R) RADIAL	R/W RIGHT OF WAY	0.0 EXISTING ELEVATION	CB CHORD BEARING
(NR) NON-RADIAL		D.O.T. DEPARTMENT OF TRANSPORTATION	
POC POINT OF COMMENCEMENT		USC & GS UNITED STATES COAST & GEODETIC SURVEY	
POB POINT OF BEGINNING		NGVD NATIONAL GEODETIC VERTICAL DATUM	
DNR DEPARTMENT OF NATURAL RESOURCES		F.I.R.M. FEDERAL INSURANCE RATE MAP	

SURVEY TYPE	SURVEY DATE	JOB NUMBER	PC	CALC	DRAFT	CK
SPECIFIC PURPOSE (TREES)	08-06-21	05-21-007	KC	AC	KC	AC
SKETCH OF DESCRIPTION						
TOPOGRAPHIC	08-06-21	05-21-007	KC	AC	KC	AC
BOUNDARY	08-06-21	05-21-007	KC	AC	KC	AC
FOUNDATION						
TREE SURVEY	04-30-24	05-21-007	KC	AC	KC	AC
UPDATE						
UPDATE						
REVISED	04-30-24	05-21-007	KC	AC	KC	AC
REVISED						

©

ALLEN CAMPBELL & ASSOCIATES, INC.
PROFESSIONAL SURVEYING & MAPPING
308 NORTH CAUSEWAY
NEW SMYRNA BEACH, FL
32169
OFFICE : (386) 428-2218

NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT-OF-WAY AND OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR, EXCEPT AS SHOWN. THERE MAY BE ADDITIONAL RESTRICTIONS AND/ OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN. IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER, PER FLORIDA STATUTES RULES 61G17-6.0031(4)(E)

THE TERM CERTIFIED AS USED ON THIS SURVEY IS FOR THE EXCLUSIVE USE OF THE PARTIES LISTED ON THIS SURVEY. IT IS ALSO UNDERSTOOD TO BE THE PROFESSIONAL OPINION OF THIS SURVEYOR AND THE FIRM, SAID OPINION BASED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF, AND AS SUCH, DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. THIS SURVEYOR AND FIRM, DOES NOT ASSUME RESPONSIBILITY AND SHALL NOT BE LIABLE FOR CLAIMS ARISING FROM ERRONEOUS OR INCORRECT INFORMATION FURNISHED BY THE OWNER, LENDER, OR OWNER'S CONTRACTORS OR OTHERS, WHICH IS USED AS A BASIS FOR THIS SURVEYOR'S OPINION. ADDITIONS, DELETIONS, OR REVISIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE PARTY, PER FLORIDA STATUTE CHAPTER RULE 61G17-6.003(2)(E)

THIS SURVEY IS PROTECTED BY COPYRIGHT AND IS CERTIFIED ONLY TO THE PEOPLE LISTED ABOVE AND ONLY FOR THIS PARTICULAR TRANSACTION. ANY USE OR REPRODUCTION OF THIS SURVEY WITHOUT THE EXPRESS PERMISSION OF THE SURVEYOR IS PROHIBITED. USE OF THIS SURVEY IN ANY SUBSEQUENT TRANSACTIONS IS NOT AUTHORIZED. THE SURVEYOR EXPRESSLY DISCLAIMS ANY CERTIFICATION TO ANY PARTIES IN FUTURE TRANSACTIONS. NO PERSON OTHER THAN THOSE LISTED SHOULD RELY UPON THIS SURVEY.

I HEREBY CERTIFY THAT THIS PLAT OF SURVEY OF THE SUBJECT PROPERTY IS TO THE BEST OF MY KNOWLEDGE, BELIEF AND INFORMATION TRUE AND CORRECT AS SURVEYED UNDER MY SUPERVISION ON THE DATES SHOWN HEREON. I FURTHER CERTIFY THAT THIS PLAT OF SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS PER F.A.C. RULE 61G17-6, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, ACCORDING TO THE FLORIDA STATUTES CH. 472.027, SUBJECT TO ANY QUALIFICATIONS NOTED HEREON.

M. ALLEN CAMPBELL PSM #6176 CERTIFICATE OF AUTHORIZATION #7220

SCALE : 1" = 40'	MAP EFFECTIVE: 09-29-2017 THIS PROPERTY IS IN FLOOD ZONE(S) : "X"
FILE : NAPIER & HULL GRANTS	THIS LOCATION DETERMINED BY SCALING F.I.R.M. COMMUNITY PANEL : 125155 0540 J
PREPARED FOR : NEW SMYRNA BEACH WELLNESS CWNTER	MAP NUMBER : 12127 CO540 J

Document prepared by:
Storch Law Firm
420 South Nova Road
Daytona Beach, FL 32114

Return recorded document to:
City of New Smyrna Beach Records Clerk
210 Sams Avenue
New Smyrna Beach, FL 32168

NEW SMYRNA BEACH MEDICAL COMPLEX AND WELLNESS CENTER PLANNED UNIT DEVELOPMENT
MASTER DEVELOPMENT AGREEMENT

The CITY OF NEW SMYRNA BEACH, FLORIDA, a Florida municipal corporation located in Volusia County, Florida ("City"), and FORT Investment Group LLC, a Florida limited liability company, the record title property owner (“Owner” or “Developer”), hereby agree and covenant, and bind their heirs, successors, and assigns, as follows:

1. PROPERTY DESCRIPTION AND OWNERSHIP.

A. The property subject to this Agreement consists of approximately 3.3 acres of real property ("Property") and is described in Exhibit "A", attached hereto and by reference made a part hereof.

B. The Property is under the sole ownership of FORT Investment Group LLC, a Florida limited liability company.

C. The Property was subject to that certain Mater Development Agreement Coronado Office Park Planned Unit Development, approved by the City and recorded at Book 6465, Page 3164, Public Records of Volusia County, Florida (the “Original Coronado Office Park MDA”). However, Original Coronado Office Park MDA has lapsed in accordance with its terms; therefore, Development of the Property will be solely governed by the provisions of this Agreement.

2. EXHIBITS.

The Exhibits listed below are by reference made a part hereof, and copies or reduced size copies are attached hereto. Full-sized copies of the Exhibits shall be retained by the City Clerk and shall be controlling in case of any ambiguity in the Exhibits. In the event of a conflict between the graphic illustrations of any Exhibit and the textual provisions of this Agreement, the textual provisions shall control.

Exhibit A: Property legal description and survey.

Exhibit B: Conceptual Development Plan, rev. date June 5, 2024, prepared by Mark Dowst & Associates, Inc.

Exhibit C: Architectural Elevations, rev. date May 3, 2024, prepared by BPF Design

Incorporated.

Exhibit D: Landscape Plan, rev. date June 5, 2024, prepared by The Stern Design Group, P.A.,

Exhibit E: Sign Plan.

3. DEVELOPMENT PLAN.

A. Developer has designated the Property as "**New Smyrna Beach Medical Complex and Wellness Center** ".

B. The Property will be developed as a Planned Unit Development (PUD) pursuant to the City's Land Development Regulations (LDRs). Development shall be controlled by the LDRs and the terms and provisions of this Agreement. In the event of a conflict between this Agreement and the LDRs or other ordinances, this Agreement shall control. If this Agreement fails to address a particular subject or requirement, the applicable requirements of the LDRs or other City ordinance in effect at the time of development shall control.

C. Development of the Property shall be consistent with Exhibit B (Conceptual Development Plan)**.** Exhibit B generally depicts the planned layout of buildings, parking areas, driveways, common areas, and other planned features or improvements to the Property.

D. SITE DEVELOPMENT CRITERIA. The following development criteria shall apply to the Property:

(1) Minimum lot size: 3.3 acres

(2) Maximum building height: 35 feet (2 stories)

(3) Maximum individual building footprint: 11,000 sq. ft.

(4) Minimum building separation: N/A

(5) Setbacks: side 25 ft.; front (Wild Orange Drive) 25 ft.; front (SR 44) 75 ft.; rear 25 ft.

(6) FAR: 0.25

(7) Maximum density: N/A

(8) Maximum building coverage: 15%

(9) Minimum open space: 50%

(10) Maximum impervious surface area; 40%

(11) Natural vegetation: 30 % of open space, which shall be made up of existing trees or additional vegetation to create a sense of dense growth

(12) Off-street parking: 80 spaces

(13) Minimum off-street parking stall dimensions: 9 ft. x 20 ft.

(14) Off-street parking area minimum interior landscaping: 30%

(15) Minimum interior landscaping: as provided for in City LDR

(16) Landscape buffers: side 25 ft.; front (Wild Orange Drive) 25 ft.; front (SR 44) 50 ft.; rear 25 ft.

(17) Wetland buffer: N/A 25 feet

(18) All development shall comply with the Corridor Overlay Zone requirements of the City LDR.

4. CONFORMANCE WITH COMPREHENSIVE PLAN; CONCURRENCY; PERMITS.

A. The City has determined that the Property is suitable in size, location, and character for the uses proposed, and that the uses proposed are consistent with the City's comprehensive plan.

B. Developer shall be responsible for obtaining all development permits required by the LDRs and applicable federal and state laws. Developer specifically acknowledges that approval of this Agreement does not constitute a Concurrency Certificate as required by the LDRs, and that Developer will be required to separately obtain a Concurrency Certificate or, where applicable, to enter into proportionate fair share agreement. Approval of this agreement and exhibits is not a permit to begin clearing, to begin site work, or to begin construction without necessary permits.

C. The City agrees to issue the required permits for development of the Property in the manner set forth in this Agreement and the LDRs.

D. The Conceptual Development Plan shows the 2 different future land use designations on the Property. Most of the Property is designated SR 44 Commercial PUD and approximately 175 ft. of the southerly portion of the Property is designed Low Density Residential. In order to protect adjacent residential neighborhoods from adverse impacts of unbridled commercial development, no buildings shall be located within the area designed Low Density Residential.

5. PERMITTED USES.

The following uses are permitted within the Property, subject to compliance with the standards set forth in the LDRs for such uses, except to the extent specifically provided otherwise herein:

Exercise and health spas
Medical and dental clinics
Medical and dental offices
Outpatient care

All accessory uses/structures generally permitted by the LDC in association with the permitted principal uses identified above

6. INFRASTRUCTURE.

A. Stormwater retention and drainage facilities. An on-site stormwater retention facility will be constructed in conjunction with the development. The stormwater retention facility will be maintained at a level consistent with the standards of the St. Johns River Water Management District. Collection and transmission facilities shall be located pursuant to the approved site plan, or site plans approved for individual lots or structures.

B. Utilities and utility easements. All utilities will be installed underground and constructed to Utility Commission standards.

C. Access easements and right-of-way. Access easements and right-of-way will be as depicted on the Conceptual Development Plan.

D. A transportation impact analysis shall be submitted as part of the development site plan application.

7. PROPERTY OWNERS' ASSOCIATION AND COMMON AREA MAINTENANCE.

There will be no common areas in the development.

8. ARCHITECTURAL AND DESIGN STANDARDS.

A. All buildings and accessory structures constructed within the Property shall be developed in compliance with the requirements of this section, Article XII, Architectural Design Standards of the City LDR, and with the applicable provisions of the LDRs relating to architectural standards where they do not conflict with the provisions of this section.

B. All of the following requirements shall be met within the Property:

(1) All buildings and accessory structures shall be consistent with a common architectural theme. The theme shall be established by harmoniously coordinating the general appearance of all buildings and accessory structures, including but not limited to: exterior wall finishes or materials; roof styles, slopes, and materials; colors; and architectural details and ornamentation.

(2) All structures shall complement one another and shall convey a sense of quality and permanence. Lower grade materials, such as unfinished concrete and pre-fabricated metal, shall be prohibited.

(3) Corporate prototype design and materials shall be permitted provided they comply with the provisions of this section.

(4) False or real windows shall be provided on all elevations visible from public right of way in sufficient size and number to complement the proportions of the building.

(5) All buildings and accessory structures shall generally be consistent with the Exhibit C (Architectural Elevations).

(6) Through the LDR site plan review process, the City reserves the right to review the proposed construction of all buildings and structures, to recommend the substitution or inclusion of colors, materials, architectural details, and ornamentation, and to require or prohibit the use of the same to ensure compliance with the requirements of this section.

(7) No outside display or storage shall be permitted.

(8) No vending machines shall be permitted on outside walkways or other outdoor pedestrian areas.

(9) The physical appearance of all parking lot lighting fixtures shall be consistent.

9. ENVIRONMENTAL CONSIDERATIONS.

Development of the Property shall comply with the LDR tree preservation requirements. 30% of the open space required for the development shall include non-exotic natural vegetation and existing trees to create a sense of dense growth.

Developer shall comply with all rules, statutes, and regulations pertaining to protected wildlife species, including but not limited to the rules and permitting requirements of the Florida Game and Freshwater Fish Commission concerning gopher tortoises.

Developer shall comply with all rules, statutes, and regulations pertaining to wetlands preservation and mitigation. An easement to the benefit of the City shall be provided over the wetlands and drainage ditch located on the southerly portion of the Property, as depicted on the Conceptual Development Plan, for conservation of the wetlands and to allow maintenance of the existing drainage ditch. The Developer or the then Owner of the Property, as the case maybe, shall be responsible for the removal of all invasive plant species on the Property, and shall ensure the ongoing removal of same in perpetuity.

Burning shall not be used to clear land. After clearing, appropriate measures shall be taken by the Developer to retain prevent excessive dust or windblown sand from impacting neighboring properties, and to retain such onsite.

10. SIGNAGE.

The PUD shall have a uniform sign program, as follows: one (1) monument sign up to a height of 10-feet, a maximum 3-foot base and a maximum 49-square foot copy area, consistent with Exhibit E, Sign Plan; wall signage shall be permitted as outlined in Section

604.12 of the City LDR.

11. EFFECTIVE DATE; COMPLETION SCHEDULE.

A. This Agreement shall be effective upon execution by all parties. The restrictions on use and development imposed by this Agreement shall be binding upon all successors in interest in the Property, unless and until the City alters or eliminates such restrictions in the course of its actions as zoning authority.

B. Application shall be submitted for initial construction permits for the development, within 24-months of the approval of this Agreement by the City Commission. The filing of an appeal of the land development order by any person shall toll the time for permitting until final resolution of the appeal.

C. Construction shall be substantially complete within 5 years of the approval of this Agreement.

D. One 12-month extension of the scheduled initial permit application or construction completion dates may be permitted as a minor modification to this Agreement.

E. Failure to comply with the schedule set out above shall cause the development rights granted pursuant to this Agreement to lapse.

12. MINOR MODIFICATIONS.

A. The following may be administratively authorized as minor modifications to this Agreement:

(1) Amendments to an Exhibit that are necessary for compliance with the provisions of this Agreement, the LDRs, or extra-jurisdictional permitting requirements, and address technical considerations that could not reasonably be anticipated during the Planned Unit Development approval process.

(2) Have no material effect on the character of the approved PUD district, the basic concept and terms of the PUD Master Development Agreement. These may include, but are not limited to, the following:

a) Structural alterations that do not significantly affect the basic size, form, style, and appearance of principal structures.

b) Minor changes in the location and configuration of streets and driveways that do not adversely affect vehicular access and circulation on or off the site.

c) Minor changes in the location or configuration of buildings, parking areas, landscaping, or other site features.

d) Minor changes in the location and configuration of public infrastructure facilities that do not have a significant impact on the City's utility and stormwater management systems.

e) Increases of five percent or less in the total number of parking spaces.

(3) Modifications of up to 20% to any of the lot dimensional requirements and associated Exhibit revisions, where such modifications are necessary to address minor Exhibit errors or unanticipated conditions that reasonably need to be addressed to ensure the development plan can be implemented, EXCEPT:

a) Modifications, such as to floor area ratios, that increase intensity or density of the entire project or any phase by more than 2%.

b) Modifications that increase building height or decrease setbacks, yards, or landscaping along the perimeter of the Property by more than 10%.

c) Modifications that, when combined with previously approved minor and substantial modifications, would result in a cumulative change of more than 20% of the original requirement for the area in question; and

d) Modifications that would unduly impact public utilities.

B. Requests for minor modifications shall be submitted in writing on forms provided by the City. Requests shall be reviewed pursuant to the general technical review process described in the LDRs.

C. Denial of a requested minor modification shall be issued in writing to the applicant. Upon denial, or if more than 60 days elapses after the submittal of a completed application without a decision by the City, the applicant may apply for an amendment to the Agreement.

D. Approved modifications shall be noted on the official plan documents.

13. AMENDMENTS.

A. Any revision to this Agreement other than a minor modification as described above shall require an amendment approved by the City Commission after review and recommendation by the Planning and Zoning Board. Requests for an amendment must be submitted in writing and, except as otherwise provided herein, shall be processed in accordance with the LDRs. Notice of public hearings shall be provided as if the application is one to rezone property.

14. VARIANCES.

This Agreement shall not be deemed to prohibit any owner of property within the planned development from seeking or obtaining one or more variances from the requirements of this Agreement pursuant to the LDRs. In addition to those entitled to notice pursuant to the

LDRs, notice of any public hearing to consider a proposed variance shall be provided to the property owners association/s representing all property owners within the planned development. No such variance shall be deemed to require formal amendment to this Agreement.

15. MAINTENANCE OF DEVELOPMENT STANDARDS.

All development within the Property, whether privately owned or common area, shall continue to be bound by the standards set forth in this Agreement and any approved modifications or amendments, and applicable LDRs, and shall be maintained in compliance with the requirements. This requirement shall be subject to enforcement by the Code Enforcement Board or Special Magistrate, with all remedies as provided in ch. 162, Florida Statutes.

16. POLICE POWER AND SOVEREIGN IMMUNITY NOT WAIVED.

Nothing contained in this Agreement shall be construed as a waiver of or contract with respect to the regulatory and permitting authority of the City as it now or hereafter exists under applicable laws, rules, and regulations. Further, nothing contained in this Agreement shall be construed as a waiver of or attempted waiver by the City of its sovereign immunity under the constitution and laws of the State of Florida.

17. COMPLETE AGREEMENT; AGREEMENT TO BE RECORDED.

A. This Agreement represents the complete understanding by and between the parties with respect to the development and use of the Property. Any and all prior agreements between the parties with respect to any subject comprehended by this Agreement is hereby voided and superseded by this Agreement.

B. This Agreement shall be recorded in the Public Records of Volusia County, Florida, at Developer's expense. The restrictions on use and development imposed by this Agreement shall be binding upon all successors in interest in the Property.

18. VENUE AND SEVERABILITY.

A. In the event of any claim, action, litigation, or proceeding under this Agreement, venue shall be in Volusia County, Florida.

B. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid or otherwise unenforceable, such holding shall not affect the validity or enforceability of any other provision of this Agreement unless the holding so states.

IN WITNESS WHEREOF, the parties hereto attached their hands and seals on the dates set forth below.

[Signature pages following]

Signed, sealed and delivered in the presence of:

THE CITY OF NEW SMYRNA BEACH, FLORIDA, a Florida municipal corporation

_____
Witness 1

By: _____
Fred Cleveland, Mayor

_____
Print Name of Witness 1

Attest:

_____
Witness 2

By: _____
Sharon Taylor-Harding, City Clerk

_____
Print Name of Witness 2

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of [_] physical presence or [_] online notarization, this _____ day of _____, 201_ by Fred Cleveland and Sharon Taylor-Harding , Mayor and City Clerk, respectively, of The City of New Smyrna Beach, Florida, a chartered municipal corporation, on behalf of the City. They are personally known to me and did not take an oath.

_____
Notary Public
Commission No: _____

Signed, sealed and delivered in the presence of:

FORT Investment Group LLC, a Florida limited liability company

_____
Witness 1

By: _____
Name: Ellis Fort
Title: Manager

_____
Print Name of Witness 1

_____
Witness 2

Date: _____

[Corporate Seal]

_____
Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of [_] physical presence or [_] online notarization, this _____ day of _____, 201_, by Ellis Fortas Manager of FORT Investment Group LLC, referred to in this agreement as "Owner" and "Developer". He is [_] personally known to me or [_] has produced as identification and did not take an oath.

_____
Notary Public
Commission No. _____

Approved as to legal form:

By: _____
Carrie Avallone, City Attorney

[Exhibit pages attached:]

EXHIBIT A

Legal Description of the Property

EXHIBIT B

Conceptual Development Plan

EXHIBIT C

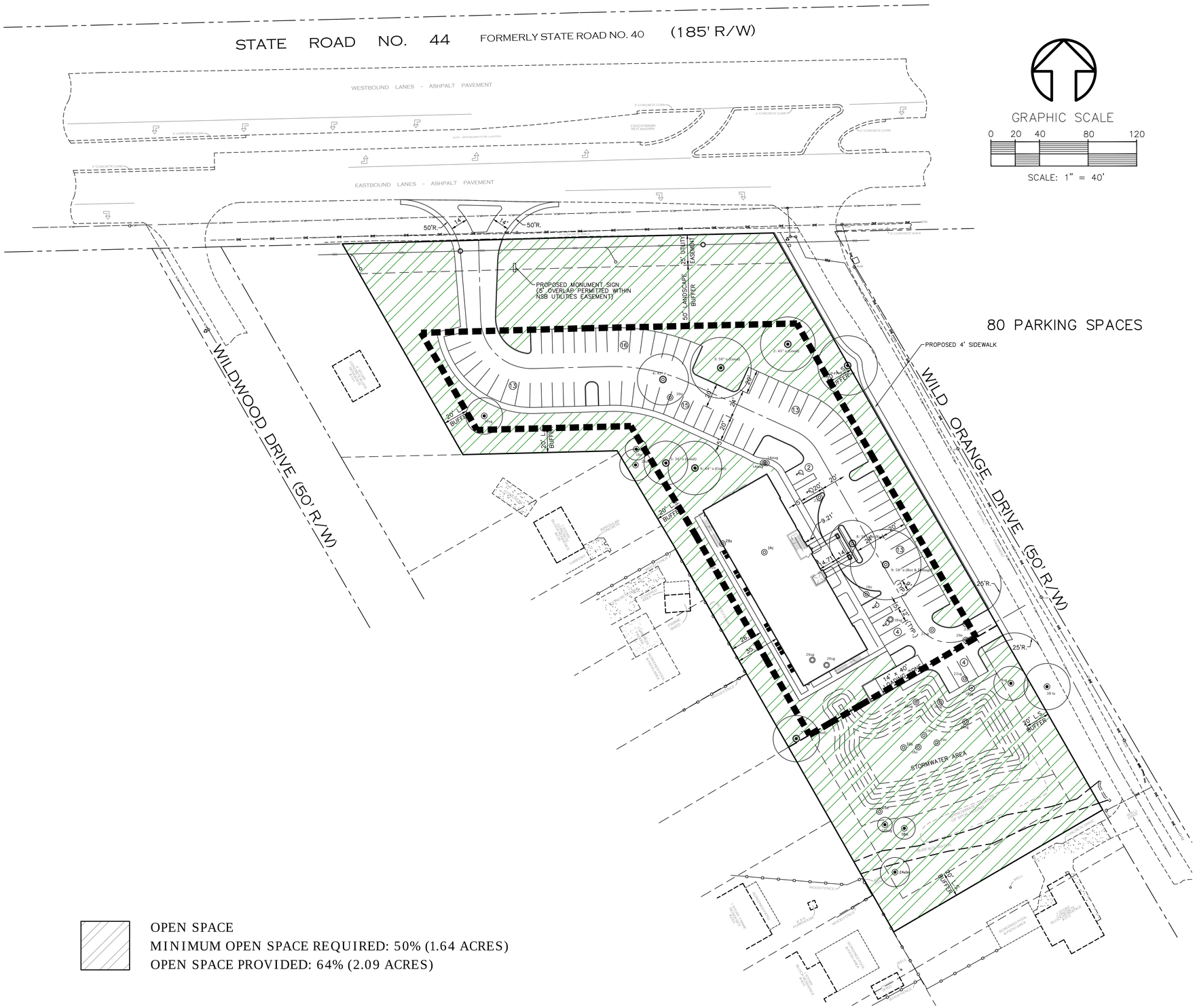
Architectural Elevations

EXHIBIT D

Landscape Plan

EXHIBIT E

Sign Plan



GRAPHIC SCALE

0 20 40 80 120

SCALE: 1" = 40'

SITE DATA

EXISTING FUTURE LAND USE: SR44 PUD, LDR
PROPOSED FUTURE LAND USE: SR44 PUD, LDR
EXISTING ZONING: PUD
PROPOSED ZONING: PUD
PROPOSED USE: COMMERCIAL
TOTAL PROJECT AREA: 3.27 ACRES

MINIMUM LOT AREA: 87,120 SF (2 ACRES)
MINIMUM LOT WIDTH: 300 FT
MAX. IMPERVIOUS SURFACE AREA: 40%
GROSS BUILDING FLOOR AREA: 20,000 SF (2 FLOORS)

MINIMUM LANDSCAPE BUFFERS:
FRONT(SR44): 50'
FRONT(WILD ORANGE DRIVE): 20'
REAR (WEST AND SOUTH): 20'

OPEN SPACE REQUIRED: 50% (1.64 ACRES)
OPEN SPACE AREA PROVIDED: 64% (2.09 ACRES)

NATURAL VEGETATION PRESERVATION REQUIRED: 30% (0.98 ACRES)
NATURAL VEGETATION PRESERVATION PROVIDED: 34% (1.10 ACRES)

REQUIRED PARKING: GFA X (4 SPACES / 1,000 SF GFA) = 80 SPACES
PROVIDED PARKING: 80 SPACES

GENERAL NOTES

1. BUILDING SIZE PAD, PARKING DIMENSIONS, AND LOCATIONS ARE CONCEPTUAL; ACTUAL LOCATIONS, SIZES, AND DIMENSIONS WILL BE DETERMINED WITH FINAL SITE PLAN.
2. EXISTING VEGETATION CONSISTS OF WOODS AND AN ISOLATED WETLAND.
3. THERE ARE CURRENTLY NO KNOWN ENDANGERED SPECIES OR SPECIES WITH SPECIAL CONCERN INHABITING THE SITE.
4. TOPOGRAPHY: ELEVATIONS VARY THROUGHOUT THE SITE WITH OF EL. 7.5' NAVD 88 AT THE NORTH PROPERTY LINE TO EL. 2.5' NAVD 88 AT THE SOUTH PROPERTY LINE.
5. SCS SOIL TYPES:
   20 EAUGALLIE FINE SAND – HYDROLOGIC GROUP A/D
   55 RIVIERIA FINE SAND – HYDROLOGIC GROUP A/D
6. PARCEL FALLS IN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE 100YR FLOOD PLAIN) AS DETERMINED FROM FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 12127C0540 J, EFFECTIVE DATE SEPTEMBER 29, 2017.

GRAPHIC SCALE

0 20 40 80 120

SCALE: 1" = 40'

OPEN SPACE
MINIMUM OPEN SPACE REQUIRED: 50% (1.64 ACRES)
OPEN SPACE PROVIDED: 64% (2.09 ACRES)

NO.	DATE	APPR.	REVISION
1	08-05-24	MSD	REVISED PER UPDATED TREE SURVEY AND BUILDING FOOTPRINT

MARK DOWST & ASSOCIATES, INC.
ENGINEERS * PLANNERS * SURVEYORS
EB 4335 LB 4335
536 N. HALIFAX AVENUE, SUITE # 100 • DAYTONA BEACH, FLORIDA. 32118 • (386) 258-7999

SCALE	DESIGNED	DRAWN	CHECKED	DATE
1" = 40'	MSD	JAY	MSD	02-24-22

BY

CONCEPT PLAN

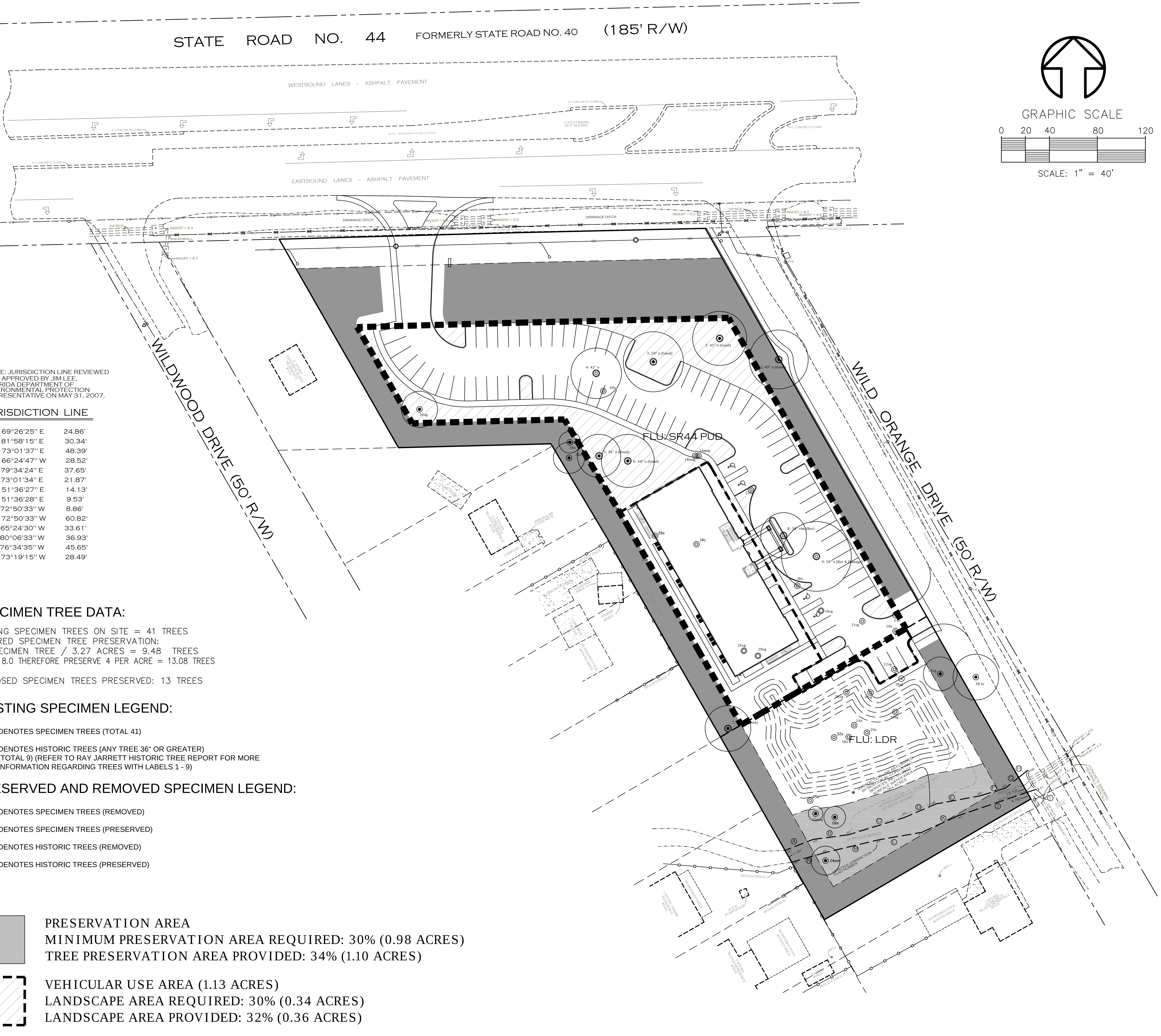
N.S.B. WELLNESS CENTER

NEW SMYRNA BEACH, FLORIDA

PROJECT NO. 1515

B1

1515-PUD5



* NOTE: JURISDICTION LINE REVIEWED AND APPROVED BY JIM LEE, FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REPRESENTATIVE ON MAY 31, 2007.

JURISDICTION LINE

Ⓐ	N 69°26'25" E	24.86'
Ⓑ	N 81°58'15" E	30.34'
Ⓒ	N 73°01'37" E	48.39'
Ⓓ	N 66°24'47" W	28.52'
Ⓔ	N 79°34'24" E	37.65'
Ⓕ	N 73°01'34" E	21.87'
Ⓖ	N 51°36'27" E	14.13'
Ⓗ	N 51°36'28" E	9.53'
Ⓘ	S 72°50'33" W	8.86'
Ⓙ	S 72°50'33" W	60.82'
Ⓚ	S 65°24'30" W	33.61'
Ⓛ	S 80°06'33" W	36.93'
Ⓜ	S 76°34'35" W	45.65'
Ⓝ	S 73°19'15" W	28.49'

SPECIMEN TREE DATA:

EXISTING SPECIMEN TREES ON SITE = 41 TREES
REQUIRED SPECIMEN TREE PRESERVATION:
41 SPECIMEN TREE / 3.27 ACRES = 9.48 TREES
9.48 > 8.0 THEREFORE PRESERVE 4 PER ACRE = 13.08 TREES

PROPOSED SPECIMEN TREES PRESERVED: 13 TREES

EXISTING SPECIMEN LEGEND:

- DENOTES SPECIMEN TREES (TOTAL 41)
- DENOTES HISTORIC TREES (ANY TREE 36" OR GREATER) (TOTAL 9) (REFER TO RAY JARRETT HISTORIC TREE REPORT FOR MORE INFORMATION REGARDING TREES WITH LABELS 1 - 9)

PRESERVED AND REMOVED SPECIMEN LEGEND:

- DENOTES SPECIMEN TREES (REMOVED)
- DENOTES SPECIMEN TREES (PRESERVED)
- DENOTES HISTORIC TREES (REMOVED)
- DENOTES HISTORIC TREES (PRESERVED)

PRESERVATION AREA
MINIMUM PRESERVATION AREA REQUIRED: 30% (0.98 ACRES)
TREE PRESERVATION AREA PROVIDED: 34% (1.10 ACRES)

VEHICULAR USE AREA (1.13 ACRES)
LANDSCAPE AREA REQUIRED: 30% (0.34 ACRES)
LANDSCAPE AREA PROVIDED: 32% (0.36 ACRES)

TREE LEGEND

O = DENOTES OAK TREE
LO = DENOTES LAUREAL OAK TREE
C = DENOTES CEDAR
PA = DENOTES PRICKLY ASH
M = DENOTES MAPLE
E = DENOTES ELM
SG = DENOTES SWEET GUM
HIC = DENOTES HICKORY
MAG = DENOTES MAGNOLIA
HOLLY = DENOTES HOLLY
o = DENOTES APPROXIMATE TREE LOCATION
◎ = DENOTES TREE 36" DIAMETER OR LARGER

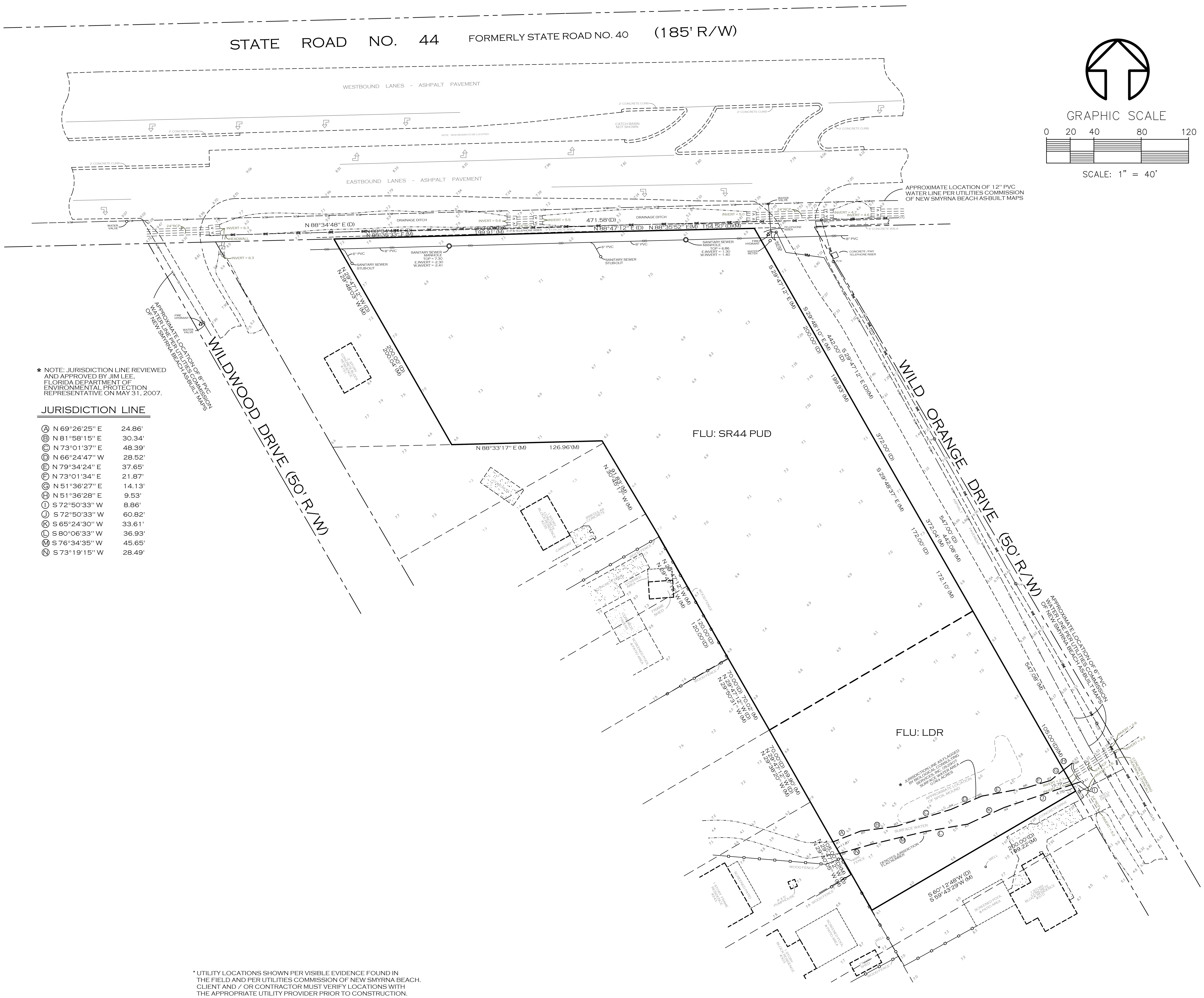
NO.	DATE	APPR.	REVISION
1	06-05-24	MSD	REVISED PER UPDATED TREE SURVEY AND BUILDING FOOTPRINT

MARK DOWST & ASSOCIATES, INC.
ENGINEERS * PLANNERS * SURVEYORS
EB 4335 LB 4335
536 N. HALIFAX AVENUE, SUITE # 100 * DAYTONA BEACH, FLORIDA 32118 * (386) 258-7999

SCALE	DESIGNED	DRAWN	CHECKED	DATE
1" = 40'	MSD	JAY	MSD	02-24-22
			BY	DATE

VUA / SPECIMEN TREE PLAN
N.S.B. WELLNESS CENTER
NEW SMYRNA BEACH, FLORIDA

PROJECT NO. 1515
B1
1515-PUD5



* NOTE: JURISDICTION LINE REVIEWED AND APPROVED BY JIM LEE, FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REPRESENTATIVE ON MAY 31, 2007.

JURISDICTION LINE

Ⓐ	N 69°26'25" E	24.86'
Ⓑ	N 81°58'15" E	30.34'
Ⓒ	N 73°01'37" E	48.39'
Ⓓ	N 66°24'47" W	28.52'
Ⓔ	N 79°34'24" E	37.65'
Ⓕ	N 73°01'34" E	21.87'
Ⓖ	N 51°36'27" E	14.13'
Ⓗ	N 51°36'28" E	9.53'
Ⓘ	S 72°50'33" W	8.86'
Ⓙ	S 72°50'33" W	60.82'
Ⓚ	S 65°24'30" W	33.61'
Ⓛ	S 80°06'33" W	36.93'
Ⓜ	S 76°34'35" W	45.65'
Ⓝ	S 73°19'15" W	28.49'

* UTILITY LOCATIONS SHOWN PER VISIBLE EVIDENCE FOUND IN THE FIELD AND PER UTILITIES COMMISSION OF NEW SMYRNA BEACH. CLIENT AND / OR CONTRACTOR MUST VERIFY LOCATIONS WITH THE APPROPRIATE UTILITY PROVIDER PRIOR TO CONSTRUCTION.

NO.	DATE	APPR.	REVISION
1	06-05-24	MSD	REVISED PER UPDATED TREE SURVEY AND BUILDING FOOTPRINT

MARK DOWST & ASSOCIATES, INC.
ENGINEERS * PLANNERS * SURVEYORS
EB 4335 LB 4335
536 N. HALIFAX AVENUE, SUITE # 100 * DAYTONA BEACH, FLORIDA 32118 * (386) 258-7999

SCALE	DESIGNED	DRAWN	CHECKED	DATE
1" = 40'	MSD	JAY	MSD	02-24-22
			BY	DATE

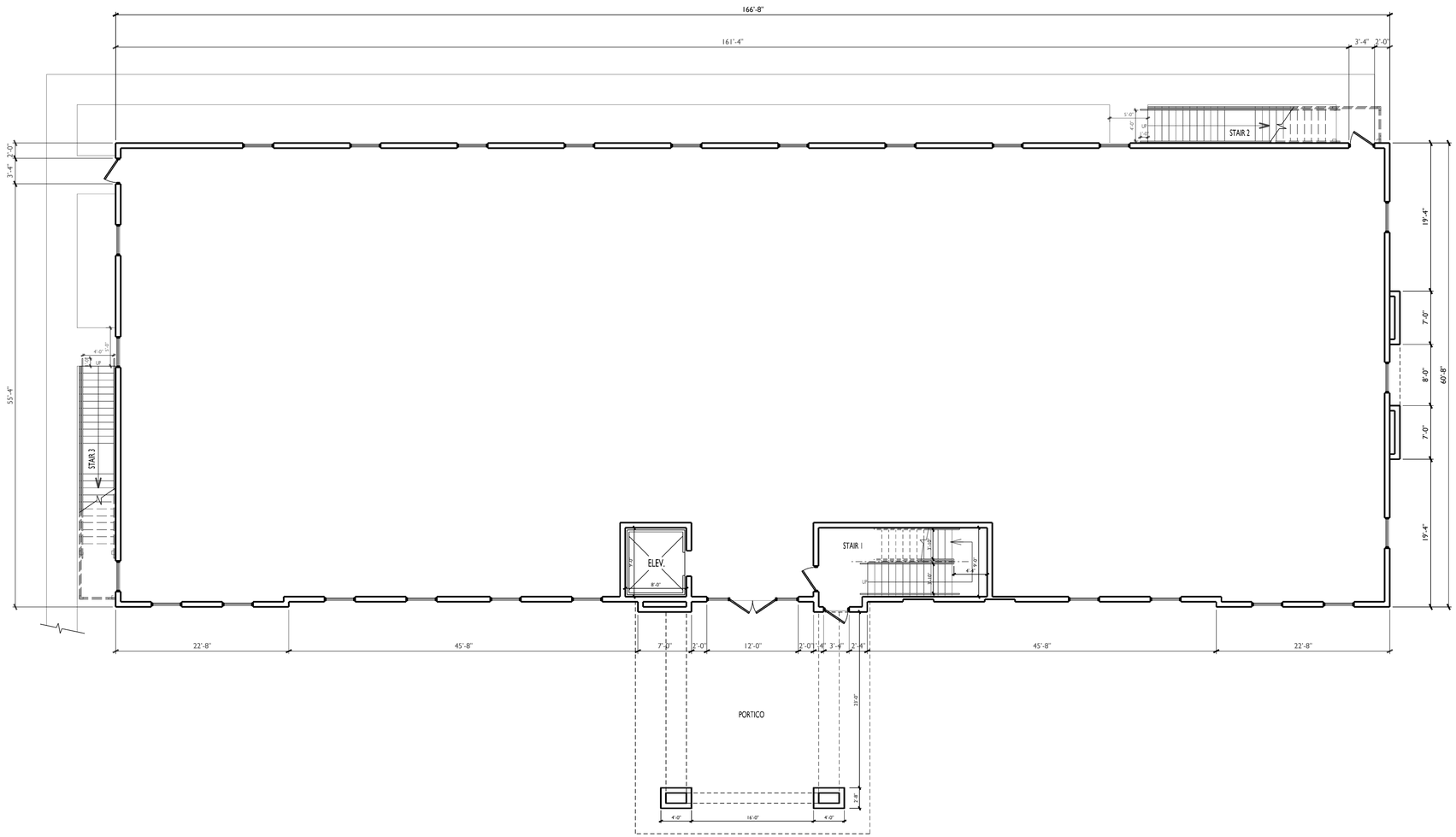
EXISTING SITE CONDITIONS

N.S.B. WELLNESS CENTER

NEW SMYRNA BEACH, FLORIDA

PROJECT NO. 1515 | B1

1515-PUD5



PLUMBING FIXTURE SCHEDULE - ALL FLOORS	
FIXTURE	QTY.
WATER CLOSET	
LAVATORY	
SHOWER	
DRINKING FOUNTAIN	
2-COMP. SINK	
WASHER	
WATER HEATER	
SERVICE SINK	
HAND SINK	

WALL LEGEND

INT. 3⅝ 25 G. METAL FRAME WALL W/ 5/8" GYP. ON EACH SIDE

EXT. CMU BLOCK WALL

AREA CALC.

FLOOR 1 (A/C):	10,000 SF GROSS
FLOOR 2 (A/C):	10,000 SF GROSS
COVERED PORTICO:	600 SF GROSS
TOTAL UNDER ROOF (A/C):	20,600 SF GROSS

A3 PROPOSED FIRST FLOOR PLAN

SCALE: 1/8"=1'-0"

GENERAL NOTES:

ALL GENERAL & SUB-CONTRACTORS TO FIELD VERIFY ALL DIMENSIONS, ELECTRICAL, WATER, SEWER AND GAS SERVICE LOCATIONS.
ALL WORK MUST COMPLY WITH THE 2023 8TH EDITION (EXPOSURE "C") OF THE FLORIDA BUILDING CODE SECT. 1609/ 137 MPH WIND LOAD AND THE FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION
ALL DOOR & WINDOW OPENINGS TO MEET OR EXCEED DESIGN PRESSURE RANGE AS SPECIFIED ON SHEET TBL
WIND IMPORTANCE FACTOR IS "1.0" AND THE BUILDING CATEGORY IS "ENCLOSED"
INTERNAL PRESSURE COEFFICIENT IS .18 IN ACCORDANCE WITH ASCE 7-22

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REVISIONS

DR. FORT MEDICAL OFFICE BUILDING

OWNER: ELLIS FORT, PRESIDENT, FORT INVESTMENT GROUP, 502 PALMETTO STREET, FL 32168
PROJECT LOCATION: STATE ROAD 44, NEW SMYRNA BEACH, FL
GENERAL CONTRACTOR: TO BE DETERMINED

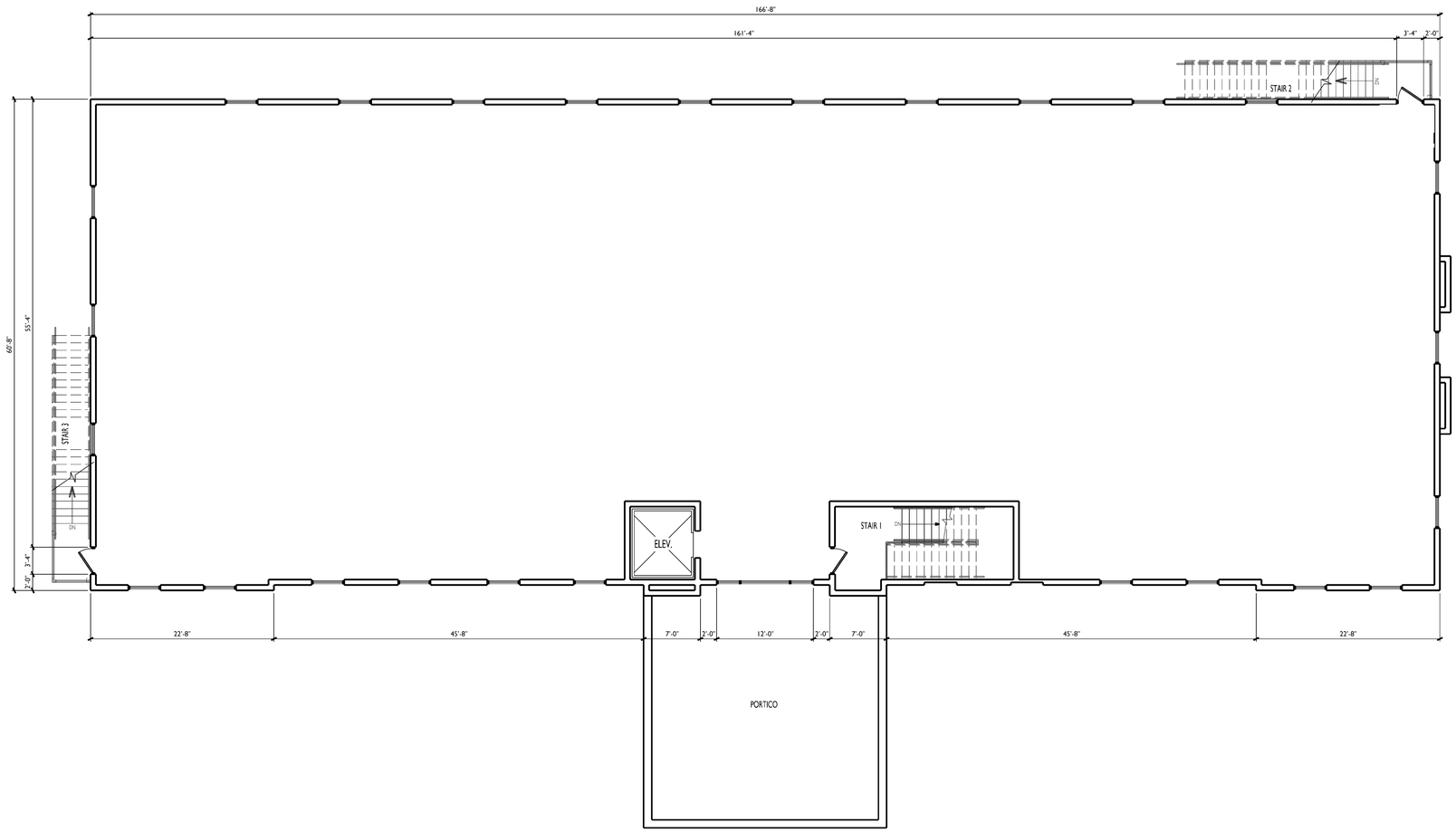
BPF
DESIGN INCORPORATED
ARCHITECTURE, DESIGN, & DRAWING SERVICES
BRIAN P. FREDLEY, ASSOC. AIA, PROJECT MANAGER
DALLAS B. PEACOCK, AIA, ARCHITECT
AR 0009706
207 FAIRVIEW AVENUE, DAYTONA BEACH, FL 32114
PH: (386) 257-0502 FX: (386) 257-1050
E-MAIL: bpfdesign@cfl.rr.com WEBSITE: bpfdesign.net

PROPOSED FIRST FLOOR PLAN

DATE: MAY 3, 2024
SCALE: 1/8"=1'-0"
SHT NO. A3

0 2' 6' 14' 20'

ARCHITECT'S / ENGINEER'S SEAL



WALL LEGEND	
	INT. 3⅝ 25 G. METAL FRAME WALL W/ 5/8" GYP. ON EACH SIDE
	EXT. CMU BLOCK WALL

AREA CALC.	
FLOOR 1 (A/C):	10,000 SF GROSS
FLOOR 2 (A/C):	10,000 SF GROSS
COVERED PORTICO:	600 SF GROSS
TOTAL UNDER ROOF (A/C):	20,600 SF GROSS

A/A4 PROPOSED SECOND FLOOR PLAN

SCALE: 1/8"=1'-0"

GENERAL NOTES:

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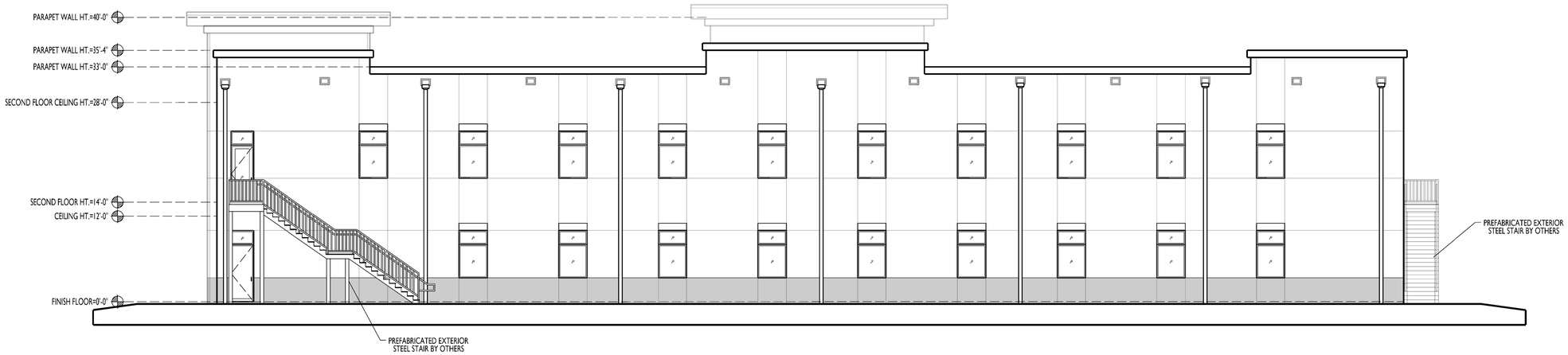
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PROPOSED SECOND FLOOR PLAN

DATE: MAY 3, 2024
SCALE: 1/8"=1'-0"
SHT NO. A4

0 2' 6' 14' 20'

ARCHITECT'S / ENGINEER'S SEAL



A/A6 BUILDING ELEVATION
WEST FACADE SCALE: 1/8"=1'-0"



A/A6 BUILDING ELEVATION
EAST FACADE SCALE: 1/8"=1'-0"

GENERAL NOTES:

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ALL DOOR & WINDOW OPENINGS TO MEET OR EXCEED DESIGN PRESSURE RANGE AS SPECIFIED ON SHEET TBL
WIND IMPORTANCE FACTOR IS "1.0" AND THE BUILDING CATEGORY IS "ENCLOSED"
INTERNAL PRESSURE COEFFICIENT IS .18 IN ACCORDANCE WITH ASCE 7-22

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REVISIONS

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PROJECT LOCATION: STATE ROAD 44, NEW SMYRNA BEACH, FL
GENERAL CONTRACTOR: TO BE DETERMINED

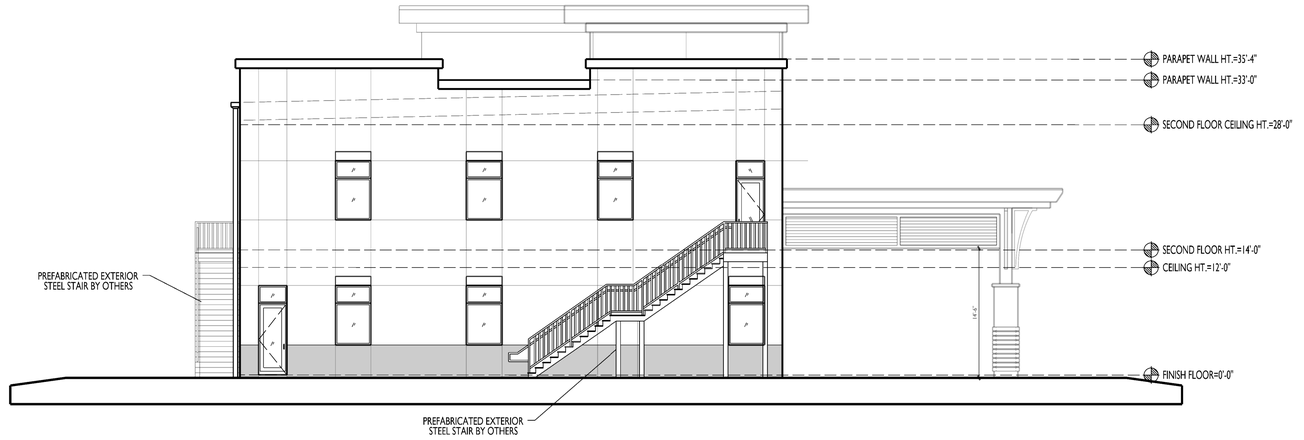
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E-MAIL: bpfdesign@cfl.rr.com WEBSITE: bpfdesign.net

BUILDING ELEVATIONS

DATE: MAY 3, 2024
SCALE: 1/8"=1'-0"
SHT NO. A6

0 2' 6' 14' 20'

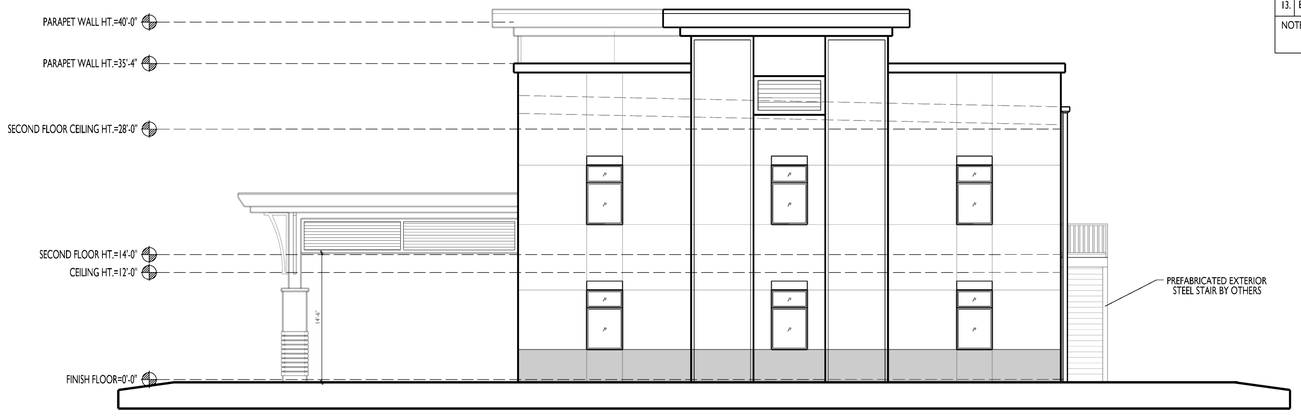
ARCHITECT'S / ENGINEER'S SEAL



A/A7 BUILDING ELEVATION
SOUTH FACADE SCALE: 1/8"=1'-0"

	BUILDING / MATERIAL COLOR SCHEDULE		
	BUILDING ELEMENT	MATERIAL	SPECIFIED COLOR
1.	MAIN WALLS	CMU BLOCK W/ STUCCO	COLOR WHEEL - SW 6252 ICE CUBE
2.	NOT USED		
3.	ACCENT WALL	CMU BLOCK W/ STUCCO	COLOR WHEEL - SW 7066 GRAY MATTERS
4.	LOWER WALL	CMU BLOCK W/ STUCCO	COLOR WHEEL - SW 7067 CITYSCAPE
5.	PREFAB CORNICE	PVC OR FOAM W/ TEXTURE FINISH	COLOR WHEEL - SW 7005 PURE WHITE
6.	CANTILEVER CANOPY	ALUMINUM	MANUF. WHITE
7.	LOW SLOPE ROOF - 1/4 : 12 PITCH	MTL. / STANDING SEAM METAL	WHITE
8.	DOOR/WINDOW FRAME	ALUM. STOREFRONT/VINYL	MANUF. BLACK
9.	RECESSED STRIPES	CONC. TILTWALL W/ TEXTURE FINISH	MATCH PANEL COLOR
10.	METAL DOWNSPOUTS	ALUMINUM FACTORY	COLOR WHEEL - SW 6252 ICE CUBE
11.	MAN DOORS	MTL. FACTORY	MANUF. WHITE
12.	SIGNAGE *	BY OTHERS	BY OTHERS
13.	EXTERIOR COLUMNS	CMU W/ STUCCO & DECORATIVE PANELS	DARK / MED. BROWN

NOTES: A) SIGNAGE TO MEET REQUIREMENTS OF SEC 6.10 OF DAYTONA BEACH LDC
B) ALL WALL MOUNTED EQUIPMENT TO BE PAINTED TO MATCH WALL



A/A7 BUILDING ELEVATION
NORTH FACADE SCALE: 1/8"=1'-0"

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AS SPECIFIED ON SHEET TBL
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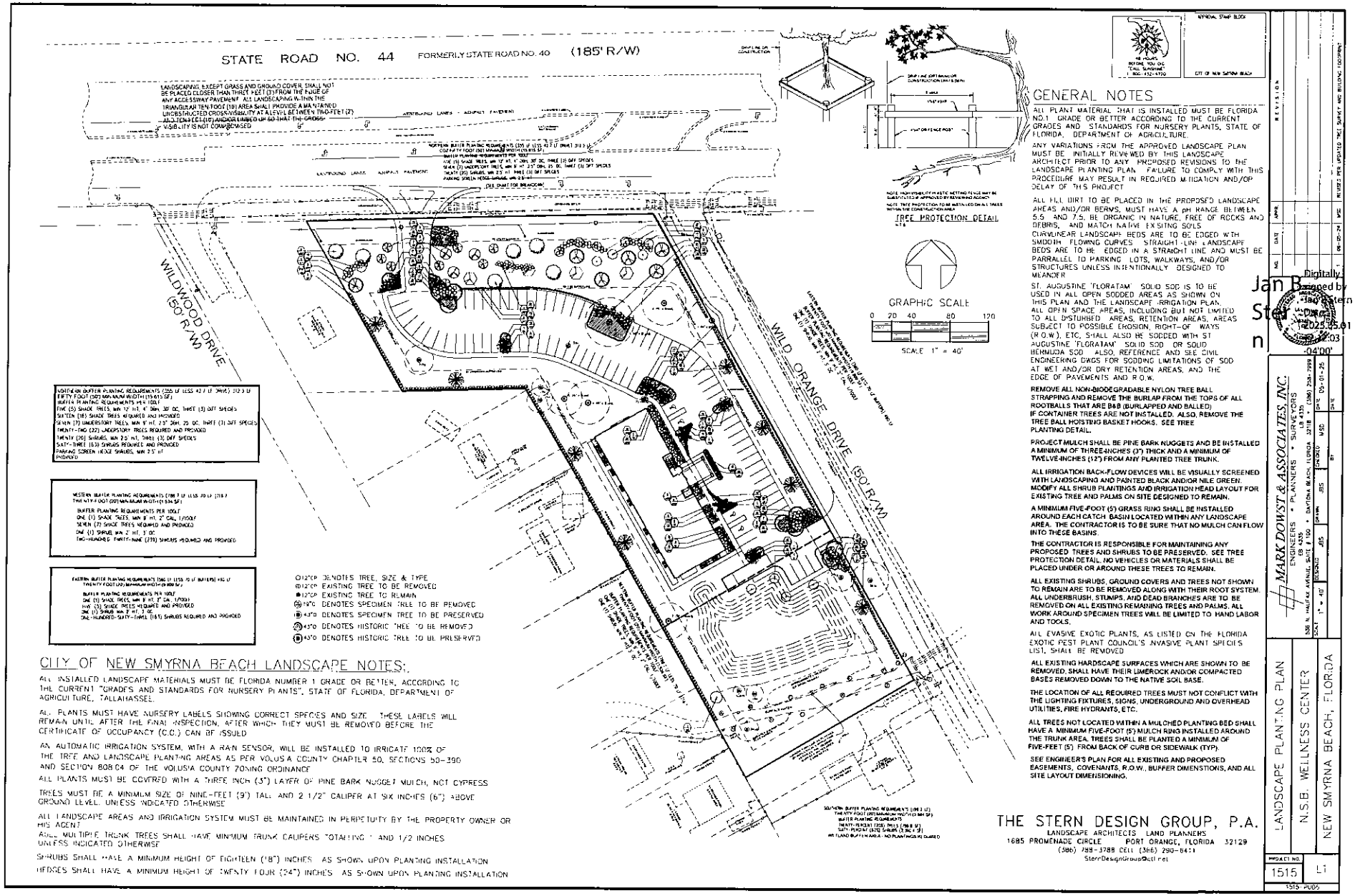
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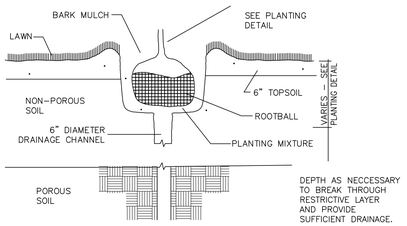
BUILDING ELEVATIONS

DATE: MAY 3, 2024
SCALE: 1/8"=1'-0"
SHT NO. A7

0' 2' 6' 14' 20'

ARCHITECT'S / ENGINEER'S SEAL


STATE ROAD NO. 44 FORMERLY STATE ROAD NO. 40 (185' R/W)
WILDWOOD DRIVE (50' R/W)
WILD ORANGE DRIVE (50' R/W)
GRAPHIC SCALE
0 20 40 80 120
SCALE 1" = 40'
TREE PROTECTION DETAIL
GENERAL NOTES
ALL PLANT MATERIAL THAT IS INSTALLED MUST BE FLORIDA NO.1 GRADE OR BETTER ACCORDING TO THE CURRENT GRADES AND STANDARDS FOR NURSERY PLANTS, STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE.
ANY VARIATIONS FROM THE APPROVED LANDSCAPE PLAN MUST BE INITIALLY REVIEWED BY THIS LANDSCAPE ARCHITECT PRIOR TO ANY PROPOSED REVISIONS TO THE LANDSCAPE PLANTING PLAN. FAILURE TO COMPLY WITH THIS PROCEDURE MAY RESULT IN REQUIRED MITIGATION AND/OR DELAY OF THIS PROJECT
ALL FILL DIRT TO BE PLACED IN THE PROPOSED LANDSCAPE AREAS AND/OR BERMS, MUST HAVE A pH RANGE BETWEEN 5.5 AND 7.5, BE ORGANIC IN NATURE, FREE OF ROCKS AND DEBRIS, AND MATCH NATIVE EXISTING SOILS
CURVILINEAR LANDSCAPE BEDS ARE TO BE EDGED WITH SMOOTH FLOWING CURVES. STRAIGHT-LINE LANDSCAPE BEDS ARE TO BE EDGED IN A STRAIGHT LINE AND MUST BE PARRALLEL TO PARKING LOTS, WALKWAYS, AND/OR STRUCTURES UNLESS INTENTIONALLY DESIGNED TO MEANDER
ST. AUGUSTINE 'FLORATAM' SOLID SOD IS TO BE USED IN ALL OPEN SODDED AREAS AS SHOWN ON THIS PLAN AND THE LANDSCAPE IRRIGATION PLAN. ALL OPEN SPACE AREAS, INCLUDING BUT NOT LIMITED TO ALL DISTURBED AREAS, RETENTION AREAS, AREAS SUBJECT TO POSSIBLE EROSION, RIGHT-OF WAYS (R.O.W.), ETC. SHALL ALSO BE SODDED WITH ST AUGUSTINE 'FLORATAM' SOLID SOD OR SOLID BERMUDA SOD. ALSO, REFERENCE AND SEE CIVIL ENGINEERING DWGS FOR SODDING LIMITATIONS OF SOD AT WET AND/OR DRY RETENTION AREAS, AND THE EDGE OF PAVEMENTS AND R.O.W.
REMOVE ALL NON-BIODEGRADABLE NYLON TREE BALL STRAPPING AND REMOVE THE BURLAP FROM THE TOPS OF ALL ROOTBALLS THAT ARE B&B (BURLAPPED AND BALLED) IF CONTAINER TREES ARE NOT INSTALLED. ALSO, REMOVE THE TREE BALL HOISTING BASKET HOOKS. SEE TREE PLANTING DETAIL.
PROJECT MULCH SHALL BE PINE BARK NUGGETS AND BE INSTALLED A MINIMUM OF THREE INCHES (3") THICK AND A MINIMUM OF TWELVE INCHES (12") FROM ANY PLANTED TREE TRUNK.
ALL IRRIGATION BACK-FLOW DEVICES WILL BE VISUALLY SCREENED WITH LANDSCAPING AND PAINTED BLACK AND/OR NILE GREEN. MODIFY ALL SHRUB PLANTINGS AND IRRIGATION HEAD LAYOUT FOR EXISTING TREE AND PALMS ON SITE DESIGNED TO REMAIN.
A MINIMUM FIVE-FOOT (5') GRASS RING SHALL BE INSTALLED AROUND EACH CATCH BASIN LOCATED WITHIN ANY LANDSCAPE AREA. THE CONTRACTOR IS TO BE SURE THAT NO MULCH CAN FLOW INTO THESE BASINS.
THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING ANY PROPOSED TREES AND SHRUBS TO BE PRESERVED. SEE TREE PROTECTION DETAIL. NO VEHICLES OR MATERIALS SHALL BE PLACED UNDER OR AROUND THESE TREES TO REMAIN.
ALL EXISTING SHRUBS, GROUND COVERS AND TREES NOT SHOWN TO REMAIN ARE TO BE REMOVED ALONG WITH THEIR ROOT SYSTEM. ALL UNDERBRUSH, STUMPS, AND DEAD BRANCHES ARE TO BE REMOVED ON ALL EXISTING REMAINING TREES AND PALMS. ALL WORK AROUND SPECIMEN TREES WILL BE LIMITED TO HAND LABOR AND TOOLS.
ALL EVASIVE EXOTIC PLANTS, AS LISTED ON THE FLORIDA EXOTIC PEST PLANT COUNCIL'S INVASIVE PLANT SPECIES LIST, SHALL BE REMOVED
ALL EXISTING HARDSCAPE SURFACES WHICH ARE SHOWN TO BE REMOVED, SHALL HAVE THEIR LIMEROCK AND/OR COMPACTED BASES REMOVED DOWN TO THE NATIVE SOIL BASE.
THE LOCATION OF ALL REQUIRED TREES MUST NOT CONFLICT WITH THE LIGHTING FIXTURES, SIGNS, UNDERGROUND AND OVERHEAD UTILITIES, FIRE HYDRANTS, ETC.
ALL TREES NOT LOCATED WITHIN A MULCHED PLANTING BED SHALL HAVE A MINIMUM FIVE-FOOT (5') MULCH RING INSTALLED AROUND THE TRUNK AREA. TREES SHALL BE PLANTED A MINIMUM OF FIVE-FEET (5') FROM BACK OF CURB OR SIDEWALK (TYP).
SEE ENGINEER'S PLAN FOR ALL EXISTING AND PROPOSED EASEMENTS, COVENANTS, R.O.W., BUFFER DIMENSTIONS, AND ALL SITE LAYOUT DIMENSIONING.
NORTHERN BUFFER PLANTING REQUIREMENTS (255 LF LESS 42 F (THRU) 213 LF
FIFTY FOOT (50') MINIMUM WIDTH (15,615 SF)
BUFFER PLANTING REQUIREMENTS PER 10067
FIVE (5) SHADE TREES, MIN 12' HT, 4" DBH, 30' OC, THRIT (3) DIFF SPECIES
SIXTEEN (16) SHADE TREES REQUIRED AND PROVIDED
SEVEN (7) UNDERSTORY TREES, MIN 9' HT, 2.5" DBH, 20 OC, THRIT (3) DIFF SPECIES
TWENTY-TWO (22) UNDERSTORY TREES REQUIRED AND PROVIDED
TWENTY (20) SHRUBS, MIN 2.5' HT, THRIT (3) DIFF SPECIES
SIXTY-THREE (63) SHRUBS REQUIRED AND PROVIDED
PARKING SCREEN HEDGE SHRUBS, MIN 2.5' HT
PROVIDED
WESTERN BUFFER PLANTING REQUIREMENTS (788.7 LF LESS 70 LF (THRU) THIRTY FOOT (30') MINIMUM WIDTH (19,936 SF)
BUFFER PLANTING REQUIREMENTS PER 10067
ONE (1) SHADE TREES, MIN 8' HT, 2" CAL, 1/100LF
SEVEN (7) SHADE TREES REQUIRED AND PROVIDED
ONE (1) SHRUBS MIN 2' HT, 3' OC
TWO-HUNDRED THIRTY-NINE (239) SHRUBS REQUIRED AND PROVIDED
EASTERN BUFFER PLANTING REQUIREMENTS (586.1' LESS 70 LF BUFFERS) 516 LF
TWENTY FOOT (20') MINIMUM WIDTH (10,320 SF)
BUFFER PLANTING REQUIREMENTS PER 10067
ONE (1) SHADE TREES, MIN 8' HT, 2" CAL, 1/100LF
FIVE (5) SHADE TREES REQUIRED AND PROVIDED
ONE (1) SHRUB MIN 2' HT, 3' OC
ONE-HUNDRED SIXTY-THREE (163) SHRUBS REQUIRED AND PROVIDED
12"CP DENOTES TREE, SIZE & TYPE
12"CP EXISTING TREE TO BE REMOVED
12"CP EXISTING TREE TO REMAIN
12"CP DENOTES SPECIMEN TREE TO BE REMOVED
12"CP DENOTES SPECIMEN TREE TO BE PRESERVED
12"CP DENOTES HISTORIC TREE TO BE REMOVED
12"CP DENOTES HISTORIC TREE TO BE PRESERVED
CITY OF NEW SMYRNA BEACH LANDSCAPE NOTES:
ALL INSTALLED LANDSCAPE MATERIALS MUST BE FLORIDA NUMBER 1 GRADE OR BETTER, ACCORDING TO THE CURRENT "GRADES AND STANDARDS FOR NURSERY PLANTS", STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE, TALLAHASSEE.
ALL PLANTS MUST HAVE NURSERY LABELS SHOWING CORRECT SPECIES AND SIZE. THESE LABELS WILL REMAIN UNTIL AFTER THE FINAL INSPECTION, AFTER WHICH THEY MUST BE REMOVED BEFORE THE CERTIFICATE OF OCCUPANCY (C.O.) CAN BE ISSUED
AN AUTOMATIC IRRIGATION SYSTEM, WITH A RAIN SENSOR, WILL BE INSTALLED TO IRRIGATE 100% OF THE TREE AND LANDSCAPE PLANTING AREAS AS PER VOLUSIA COUNTY CHAPTER 50, SECTIONS 50-390 AND SECTION 808.04 OF THE VOLUSIA COUNTY ZONING ORDINANCE
ALL PLANTS MUST BE COVERED WITH A THREE INCH (3") LAYER OF PINE BARK NUGGET MULCH, NOT CYPRESS
TREES MUST BE A MINIMUM SIZE OF NINE-FEET (9') TALL AND 2 1/2" CALIPER AT SIX INCHES (6") ABOVE GROUND LEVEL, UNLESS INDICATED OTHERWISE
ALL LANDSCAPE AREAS AND IRRIGATION SYSTEM MUST BE MAINTAINED IN PERPETUITY BY THE PROPERTY OWNER OR HIS AGENT
ALL MULTIPLE TRUNK TREES SHALL HAVE MINIMUM TRUNK CALIPERS TOTALLING 1" AND 1/2 INCHES UNLESS INDICATED OTHERWISE
SHRUBS SHALL HAVE A MINIMUM HEIGHT OF EIGHTEEN (18") INCHES AS SHOWN UPON PLANTING INSTALLATION
HEDGES SHALL HAVE A MINIMUM HEIGHT OF TWENTY FOUR (24") INCHES AS SHOWN UPON PLANTING INSTALLATION
SOUTHERN BUFFER PLANTING REQUIREMENTS (295.2 LF)
THIRTY FOOT (30') MINIMUM WIDTH (8,856 SF)
BUFFER PLANTING REQUIREMENTS
(NIATT-PERSIMMON (2018) PALM (788.8 SF)
SIXTY-PERSIMMON (2018) SHRUBS (5 INCH SF)
NO PLANTINGS REQUIRED
THE STERN DESIGN GROUP, P.A.
LANDSCAPE ARCHITECTS LAND PLANNERS
1685 PROMENADE CIRCLE PORT ORANGE, FLORIDA 32129
(386) 788-3788 CELL (386) 290-8451
SternDesignGroup@Cfl.rr.com
MARK DOWST & ASSOCIATES, INC.
ENGINEERS • PLANNERS • SURVEYORS
EB 4335 LB 4335
536 N. HALIFAX AVENUE, SUITE #100 • DAYTONA BEACH, FLORIDA 32118 • (386) 253-7999
DESIGNED JBS DRAWN JBS CHECKED MSD
SCALE 1" = 40' DATE 05-01-25
REVISIONS
NO. DATE
1 06-05-24 MSE REVISED PER UPDATED TREE SURVEY AND BUILDING FOOTPRINT
LANDSCAPE PLANTING PLAN
N.S.B. WELLNESS CENTER
NEW SMYRNA BEACH, FLORIDA
PROJECT NO. 1515
SHEET L1
1515-PUD5
Digitally signed by Jan Brown Stern
Date: 2025.05.01 12:04:03 -04'00'



DRAINAGE TESTING/DRAINAGE CHANNEL REQUIREMENTS

PRIOR TO PLANTING PITS SELECTED FOR TESTING SHALL BE TESTED IN THE FOLLOWING MANNER:

A. DIG EACH PLANTING PIT TO THE MINIMUM SPECIFIED SIZE.

B. FILL PLANTING PIT TWELVE INCHES (12") OF WATER. IF THE WATER LEVEL DROPS FOUR INCHES (4") OR MORE WITHIN FOUR (4) HOURS, THE DRAINAGE IS SUFFICIENT AND DRAINAGE CHANNEL IS NOT REQUIRED. IF HOWEVER, THE WATER LEVEL DROPS LESS THAN FOUR INCHES (4") WITHIN THE FOUR (4) HOUR PERIOD, A DRAINAGE CHANNEL IS REQUIRED.

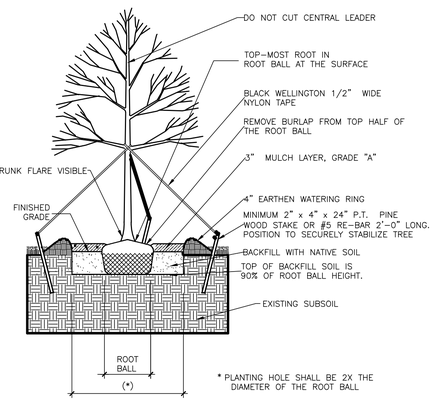
C. WHERE REQUIRED, THE DRAINAGE CHANNEL MUST EXTEND DOWN THROUGH THE NON-POROUS SOIL AND INTO POROUS SOIL. (SEE DETAIL)

D. ALL MATERIAL REMOVED FROM THE DRAINAGE CHANNEL SHALL BE DISCARDED.

E. WHEN BACKFILLING PLANTING PITS WITH PLANTING MIXTURE, CARE MUST BE TAKEN TO KEEP THE CONSISTENCY OF THE SOIL MIX THE SAME THROUGHOUT THE PLANTING PIT AND DRAINAGE CHANNEL.

DRAINAGE CHANNEL DETAIL

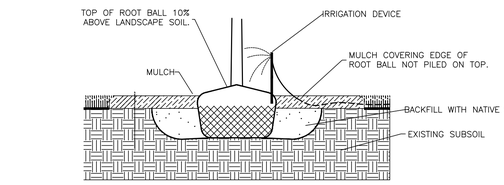
NOT TO SCALE



STANDARD CONSTRUCTION DETAIL

LARGE TREE PLANTING DETAILS

NTS.



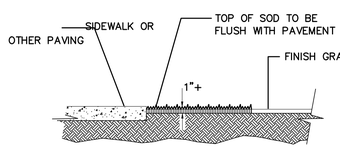
NEVER PLACE ANY SOIL OVER THE ROOT BALL. ROOT BALL SHOULD BE POSITIONED IN THE HOLE SHALLOW ENOUGH SO THE FINISHED GRADE OF THE BACKFILL SOIL DOES NOT REACH THE TOP. IN OTHER WORDS, LEAVE THE TOP FEW INCHES OF THE ROOT BALL SIDES EXPOSED TO THE AIR. MULCH WILL COVER THE REMAINING COUPLE INCHES. THE TOP OF THE ROOT BALL SHOULD BE SEVERAL INCHES HIGHER THAN THE SURROUNDING LANDSCAPE SOIL. BE SURE THAT WHEN YOU ARE FINISHED PLANTING, THERE IS NO SOIL OVER THE TOP OF THE ROOT BALL. SOIL (AS WELL AS THICK MULCH LAYERS MORE THAN 3 INCHES DEEP) OVER THE ROOT BALL CAN PREVENT WATER AND AIR FROM ENTERING THE ROOT BALL. YOU SHOULD BE ABLE TO SEE THE TOP-MOST ROOT ORIGINATING FROM THE TRUNK AT THE SOIL SURFACE OR WITHIN THE TOP INCH OF SOIL IN THE ROOT BALL. THE TRUNK FLARE SHOULD BE VISIBLE.

MULCH SHOULD COVER ONLY THE EDGE OF THE ROOT BALL, SINCE THICK LAYERS OVER THE ROOT BALL CAN KEEP THE TRUNK TOO MOIST OR TOO DRY AND CAN CAUSE OTHER PROBLEMS. LOCATE THE IRRIGATION DEVICE SO IT DELIVERS WATER DIRECTLY TO THE ROOT BALL. THERE IS USUALLY NO NEED TO WATER AREAS OUTSIDE THE ROOT BALL. NO AMENDMENTS OF ANY KIND ARE NECESSARY IN THE BACKFILL SOIL, BECAUSE EXTENSIVE RESEARCH CLEARLY SHOWS THAT THEY TYPICALLY DO NOT INCREASE THE SURVIVAL, NOR GROWTH AFTER PLANTING. NO SOIL BERM IS NEEDED IF TREES WILL BE IRRIGATED WITH A LOW-VOLUME DEVICE. PLACE THE BERM AT THE EDGE OF THE ROOT BALL IF THE ROOT BALL IS FINER TEXTURE THAN THE BACKFILL SOIL. THIS WILL HELP INSURE THAT WATER PERCOLATES INTO THE ROOT BALL.

STANDARD CONSTRUCTION DETAIL

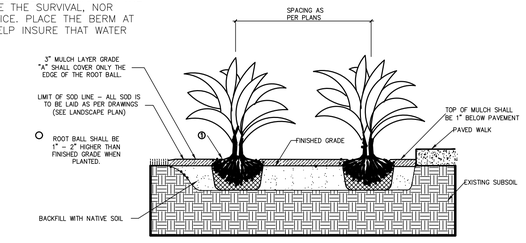
PLANT LIKE THIS DETAIL

NTS.



SOD PLACEMENT ADJ. TO PAVEMENT

Scale: N.T.S.



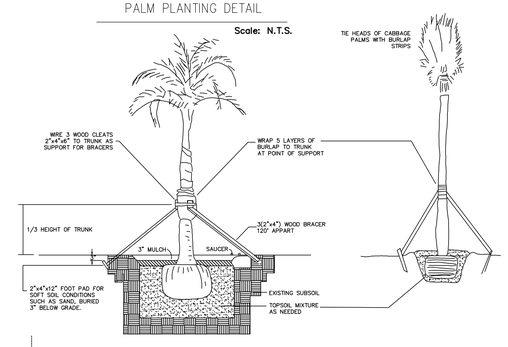
STANDARD CONSTRUCTION DETAIL

TYPICAL GROUND COVER DETAIL

NTS

PALM PLANTING DETAIL

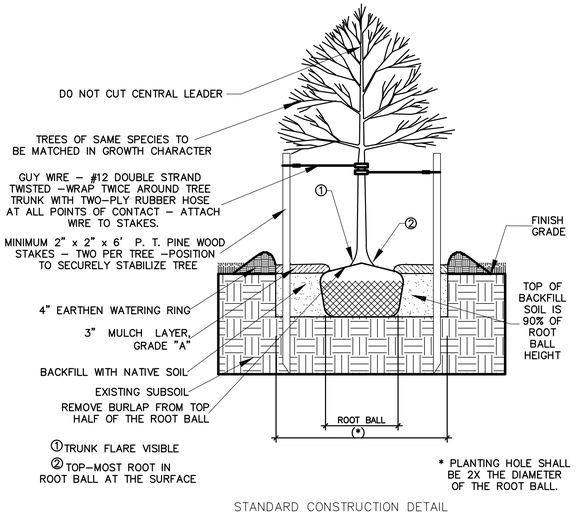
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STANDARD CONSTRUCTION DETAIL

TYPICAL SHRUB PLANTING DETAIL

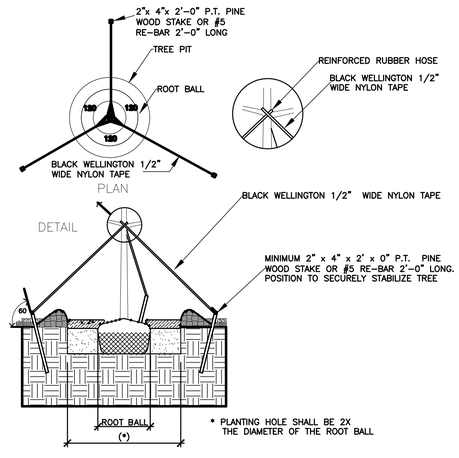
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STANDARD CONSTRUCTION DETAIL

SMALL TREE PLANTING DETAIL

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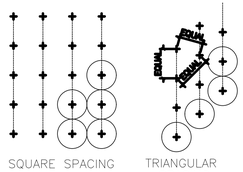


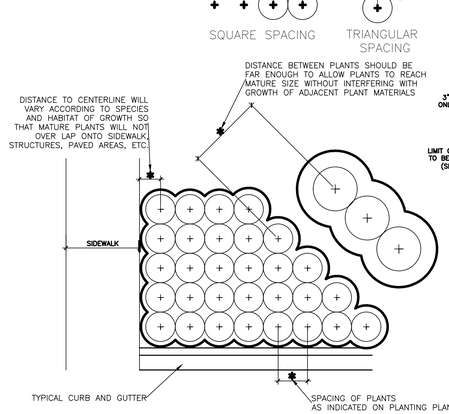
STANDARD CONSTRUCTION DETAIL

TYPICAL TREE GUYING DETAIL

NTS.

NOTE: IN MOST CASES, TRIANGULAR SPACING IS PREFERRED. USE SQUARE SPACING ONLY IN SMALL RECTILINEAR AREAS.

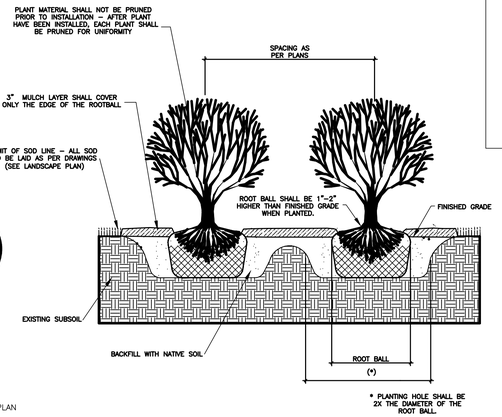




STANDARD CONSTRUCTION DETAIL

TYPICAL CONTAINER SPACING

NTS.



PLANTING NOTES

1. ALL MATERIALS ARE TO BE FLORIDA #1 OR BETTER, INSTALLED ACCORDING TO THE HIGHEST NURSERY STANDARDS.
2. MULCH IS TO BE 100% PINE BARK NUGGETS GRADE "A", INSTALLED A MINIMUM OF 3" THICK IN ALL PLANTING AREAS. MULCHED PLANTING BEDS SHALL BE A MINIMUM OF 10" WIDE AND SHALL BE CONTINUOUS WHERE PLANTINGS ARE PROPOSED.
3. ALL AREAS MARKED SOD ON THE PLANS, SHALL BE SODDED WITH 95% WEED-FREE ST. AUGUSTINE 'FLORATAM' SOLID SOD. SOD SHALL BE INSTALLED WITH TIGHT JOINTS, ROLLED, AND FERTILIZED. NUTRIENTS SHALL BE ADDED TO THE SOIL AS PER SOIL TESTING RESULTS. SEE IRRIGATION PLAN
4. BAHIA SOLID SOD SHALL BE USED ON ALL AREAS SO MARKED AS IN SWALES, RIGHT-OF-WAYS, DISTURBED AREAS, OR OTHER AREAS SUBJECT TO EROSION.
5. GRASS SEEDED AREAS SHALL MEET FLORIDA STATE DEPARTMENT OF TRANSPORTATION STANDARDS.
6. LANDSCAPE CONTRACTOR IS TO LOCATE AND VERIFY ALL UNDERGROUND UTILITIES PRIOR TO BEGINNING THE WORK. THE LANDSCAPE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO UTILITY OR IRRIGATION
7. LANDSCAPE CONTRACTOR IS TO VERIFY ALL DRAWINGS AND CHECK FOR DISCREPANCIES AND BRING THEM TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO COMMENCING WITH THE WORK.
8. THE PLANT MATERIALS SCHEDULE IS PROVIDED FOR THE CONVENIENCE OF THE LANDSCAPE CONTRACTOR. SHOULD THERE BE ANY DISCREPANCY, PLANTING PLANS SHALL TAKE PRECEDENCE OVER THE PLANT LIST.
10. NO SUBSTITUTIONS WILL BE MADE AT THE TIME OF BIDDING OR CHANGES OF ANY KIND, SO AS TO PROVIDE FOR FAIR COMPARISONS. NO FURTHER CHANGES ARE TO ME BADE WITHOUT PRIOR CONSENT OF THE LANDSCAPE ARCHITECT.
11. OWNER TO BE RESPONSIBLE FOR IRRIGATION OF ALL PLANT MATERIALS
12. ALL BUILDING MATERIALS AND LABOR ARE TO CONFORM TO THE SOUTHERN BUILDING CODE AND ALSO TO ALL LOCAL CODES THAT HAVE JURISDICTION.
13. ALL PERMIT AND VARIANCE APPLICATION ARE TO BE MADE BY THE CONTRACTOR.
14. PRIOR TO THE INSTALLATION OF THE IRRIGATION SYSTEM, A WATER TEST IS TO BE CONDUCTED ON THE WATER SOURCE TO DETERMINE PH.. IT IS THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR TO NOTIFY THE LANDSCAPE ARCHITECT IF THE RESULTING WATER PH. REQUIRES AMENDING PLANT SELECTIONS OR MODIFYING WATER SOURCE.
15. PRIOR TO CONSTRUCTION OF PLANTING BEDS, ALL AREAS ARE TO HAVE SOIL TESTS CONDUCTED TO DETERMINE PH; AND FERTILITY. IT IS THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR TO AMEND THE SOIL TO MEET ADEQUATE FERTILITY AND PH. FOR CORRESPONDING PLANT MATERIALS.
16. PRIOR TO THE LAND CLEARING STAGE, THE CONTRATOR SHALL CLEARLY MARK ANY TREE, TREE GROUPS OR SHRUBS TO BE MAINTAINED IN THE PROXIMITY OF ANY AREA WHERE LAND CLEARING EQUIPMENT IS TO BE OPERATED. THE MARKINGS SHALL REMAIN IN PLACE DURING CONSTRUCTION. SAID EQUIPMENT SHALL BE OPERATED IN A MANNER AS OT NOT INJURE OR DESTROY THREE (3) FEET IN HEIGHT SHALL BE FORMED A MINIMUM RADIUS OF SIX (6) FEET FROM THE BASE OF THE TREES OR SHRUBS, AND THE DEVELOPER SHALL NOT CAUSE OR ALLOW THE CLEARING OF EQUIPMENT OR MATERIAL WITHIN THE DRIP LINE OF ANY TREE OR GROUPS OF TREES TO BE MAINTAINED. NEITHER SHALL THE DEVELOPER CAUSE OR ALLOW THE DISPOSAL OF WASTE MATERIAL SUCH AS PAINT, OIL SOLVENTS, ASPHALT, CONCRETE, MORTAR OR OTHER MATERIALS HARMFUL TO THE LIFE OF A TREE WITHIN THE DRIP LINE OF ANY TREE OR GROUPS OF TREES. NO ATTACHMENT WIRES (OTHER THAN PROTECTION GUY WIRES), SIGNS, OR PERMITS MAY BE FASTENED TO A TREE.
17. REMOVE ALL TAGS FROM INSTALLED PLANT MATERIALS.
18. PLACE TERRA SORB UNDER THE ROOT BALL OF ALL PLANT MATERIALS.
19. ALL TREES ARE TO BE GUYED WITHING "DUCKBILL" ANCHORING SYSTEMS OR AN APPROVED EQUAL.
20. ALL TREE CALIPERS ARE TO BE MEASURED ACCORDING TO LOCAL CODES AND ORDINANCES.
21. ALL QUESTIONS CONCERNING THE PLAN AND/OR SPECIFICATIONS ARE TO BE DIRECTED TO THE LANDSCAPE ARCHITECT. (386) 788-3788
22. ALL PLANT MATERIAL TO BE GUARANTEED FOR A PERIOD OF NOT LESS THAN ONE (1) YEAR FROM THE TIME OF FINAL ACCEPTANCE. ALL REPLACEMENTS TO BE MADE WITHING TWO (2) WEEKS OF CONTRACTOR NOTIFICATION. CONTRACTOR IS RESPONSIBLE FOR SUPPLYING AN AS-BUILT TO THE LANDSCAPE ARCHITECT FOR FINAL SIGNOFF AND CITY CO

48 HOURS BEFORE YOU DIG "CALL SUNSHINE" 1-800-432-4770

APPROVAL STAMP BLOCK

CITY OF NEW SMYRNA BEACH

SITE LANDSCAPE PLANTING PALLETTE

PROPOSED SHADE AND UNDERSTORY TREES

KEY	QTY	BOTANICAL/COMMON NAMES	HT.	SPR.	REMARKS
IL	4	Ilex x attenuatta 'Eagleston' Eagleston Holly	9'	3'	Min 2" Cal
IL*	10	Ilex x attenuatta 'Eagleston' Eagleston Holly	10'-12'	5'	Min 2.5" DBH
IW	9	Ilex vomittoria Pendula Weeping Holly	8'	3'	Min 2.5" Cal Single Trunk
JS*	3	Juniperus silicola Southern Red Cedar	12'	5'	Min 4" DBH Shape/Full
LI*	8	Lagerstroemia indica 'STD' Crepe Myrtle Tree	10'-12'	5'	Min 2.5" DBH Single Trunk
MG	1	Magnolia grandiflora 'DD Blanchard' DD Blanchard Magnolia	9'	4'	Min 2.5" Cal Shape/Full
MG*	6	Magnolia grandiflora 'DD Blanchard' DD Blanchard Magnolia	12'	5'	Min 4" DBH Shape/Full
PM	2	Phoenix dactylifera 'Medjool' Queen Palm	12' CT MATCHED		Min 12" Cal
QV	13	Quercus virginiana Live Oak	9'	4'	Min 2 1/2" Cal Shape/Full
QV*	7	Quercus virginiana Live Oak	12'	5'	Min 4" DBH Shape/Full
SR	8	Syagrus romanzoffiana Queen Palm	IN GROUPS 10'OA, 12' OA,	14' OA	Min 10" Cal
UP*	5	Ulmus parvifolia 'Drake' Drake Elm	10'	4'	Min 2 1/2" DBH Shape/Full

PROPOSED SHRUBS AND GROUND COVERS

KEY	QTY	BOTANICAL/COMMON NAMES	HT.	SPR.	REMARKS
ARB	92	Schefflera arboricola 'Trinnette' Varigated Dwarf Umbrella	30"	12"	3 Gal Cont 30" O.C.
CRO	38	Codiaeum variegatum 'Twist' Twist Leaf Croton	14"	12"	3 Gal Cont 30" O.C.
DIA	30	Dianella tasmanica 'Varigated' Varigated Blueberry Flax Lily	14"	12"	3 Gal Cont 36" O.C.
DRA	12	Cordyline fruticosa Hawaiian Ti Plant	28"	10"	3 Gal Cont Min 3 PPP
FOU	50	Pennisetum setaceum 'Rubrum 'Alba/Rubrum' Red / White Fountain Grass (Mix)	30"	10"	3 Gal Cont Min 36" O.C.
ILE	89	Ilex vomittoria 'Schellings' Yaupon Holly 'Schellings'	18"	12"	3 Gal Cont 30" O.C.
JUN	344	Juniperus parsonii 'Squmatta' Parson's Juniper	6"	6"	1 Gal Cont 36" O.C.
LAN	120	Lantana camera Pineland Lantana	6"	6"	1 Gal Cont 30" O.C.
LIR	210	Liriope muscari Giant Liriope	6"	6"	1 Gal Cont 18" O.C.
PLU	82	Plumbago 'Imperial Blue' Blue Plumbago	18"	10"	3 Gal Cont Min 36" O.C.
POD	73	Podocarpus macrophyllum Japanese Yew	30"	10"	3 Gal Cont Min 24" O.C.
ROS	16	Rosa knockout sp 'Dwarf' Red Dwarf Rose	18"	12"	3 Gal Cont Min 30" O.C.
STR	5	Strelitzia reginae Orange Bird of Paradise	36"	24"	15 Gal Cont FULL
VIB	385	Viburnum suspensum Sandankwa Viburnum	30"	10"	3 Gal Cont Min 36" O.C.
VLR	50	Varigated Liriope ' Aztec ' Varigated Liriope	6"	6"	1 Gal Cont 18" O.C.
ZAM	74	Zamia pumila Coontie Fern	18"	12"	3 Gal Cont Min 30" O.C.

THE STERN DESIGN GROUP, P.A.
LANDSCAPE ARCHITECTS LAND PLANNERS
1685 PROMENADE CIRCLE PORT ORANGE, FLORIDA 32129
(386) 788-3788 CELL (386) 290-6411
SternDesignGroup@att.net

NO.	DATE	APPR.	REVISION
1	06-05-24	MSD	REVISED PER UPDATED TREE SURVEY AND BUILDING FOOTPRINT

REGISTERED LANDSCAPE ARCHITECT JAN STERN LA 0001180 STATE OF FLORIDA

MARK DOWST & ASSOCIATES, INC.
ENGINEERS * PLANNERS * SURVEYORS
EB 4335 LB 4335
536 N. HALIFAX AVENUE, SUITE # 100 * DAYTONA BEACH, FLORIDA 32118 * (386) 258-7999

SCALE	DESIGNED	DRAWN	CHECKED	DATE
1" = 40'	JBS	JBS	MSD	05-01-25

BY DATE

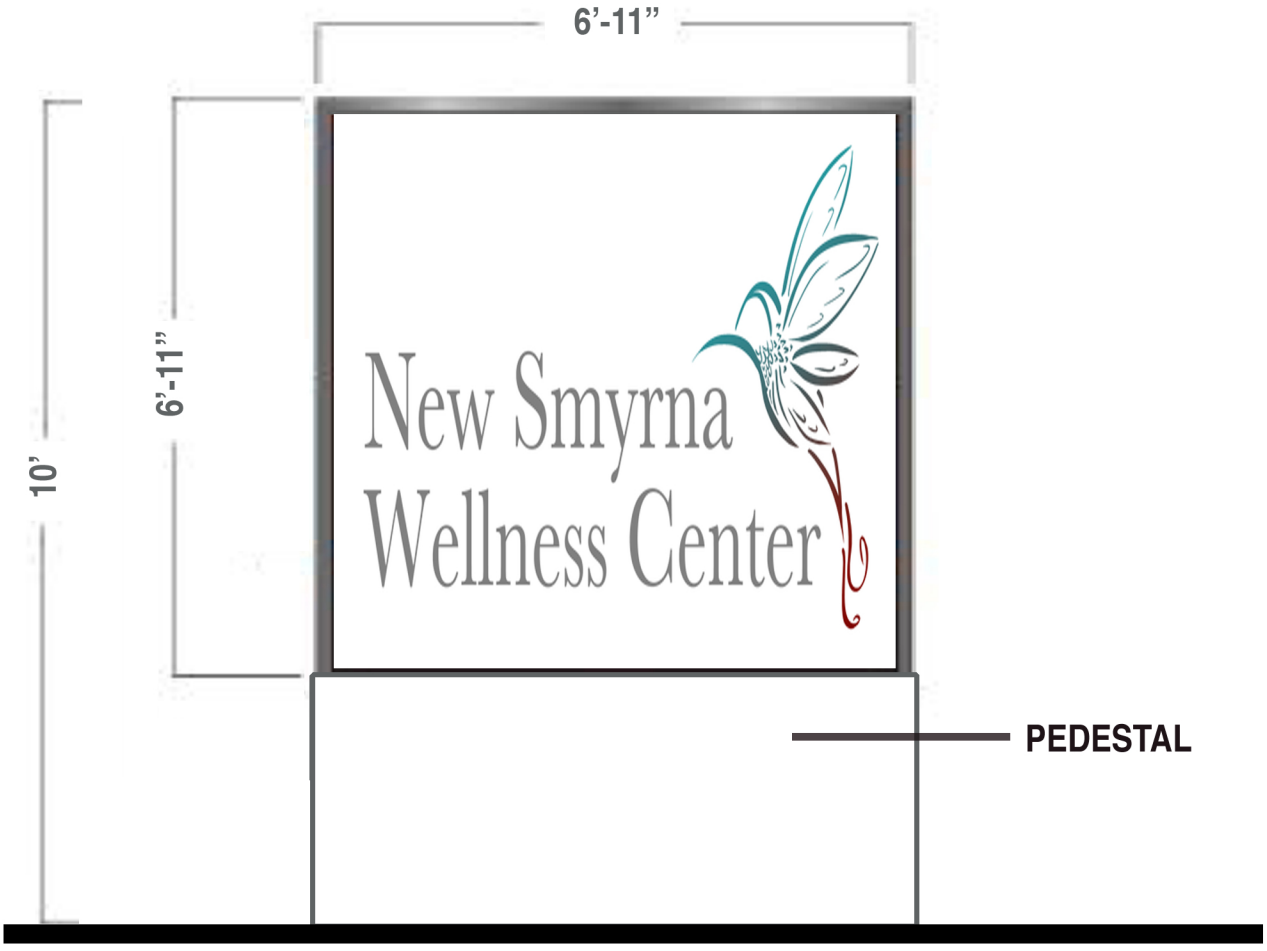
LANDSCAPE DETAILS /PLANTING KEY

N.S.B. WELLNESS CENTER

NEW SMYRNA BEACH, FLORIDA

PROJECT NO. 1515 L2

1515-PUD5


6’-11”
6’-11”
10’
New Smyrna
Wellness Center
PEDESTAL

9. QUASI-JUDICIAL HEARINGS

9A. Conduct a Quasi-Judicial Public Hearing to consider the approval of Application No. HTR-4-24 - Historic Tree Removal of three (40", 45", and 53" DBH) trees on the commercial property at 190 S Wild Orange Dr.

A Quasi-Judicial Public Hearing was conducted to consider the approval of Application No. HTR-4-24 - Historic Tree Removal of three (40", 45", and 53" DBH) trees on the commercial property at 190 S Wild Orange Dr.

Compliance Coordinator Channing Mailolo outlined the application.

Joey Posey, 420 South Nova Road, outlined a PowerPoint presentation regarding the approval of Application No. HTR-4-24 Historic Tree removal.

Matthew Dowst, Mark Dowst and Associates, 536 North Halifax Avenue, provided clarification regarding the site plan and parking lot layout.

Development Services Director Shane Corbin provided information regarding the parking lot and trees.

Ray Jarrett, Certified Arborist, 2990 Hardy Avenue, provided testimony regarding trees.

Mayor Cleveland opened the Quasi-Judicial public hearing.

Cindy Harris, Glencoe Road, commented on an office building on Orange Avenue in Daytona Beach.

Tiffany Kyle, 620 Hidden Pines Boulevard, commented on the building, collection of water, streams, ditches, and the removal of the historic trees on the property.

Rhonda Spellers, 538 North Myrtle Avenue, commented on the traffic on State Road 44 and using public transportation.

Amber Deets-Cooper, 643 Middle Bury Loop, commented on the moving the entryway of the building and creating round-abouts. She stated that tree eight had an active beehive.

Damien Zambrano, 304 Inlet Street, commented on changing the entrance of the building, the expectant patient volume, and relocating the beehive.

Steve Gunter, 140 Temple Street, commented on property rights and the flooding on the property.

Joey Posey, 420 South Nova Road, provided closing remarks regarding the HTR application and the PUD. He stated the applicant would like to hold the application until the PUD meeting date.

Mayor Cleveland closed the Quasi-Judicial public hearing.

Motion:
Vice Mayor Martin moved to table the approval of Application No. HTR-4-24 to a future meeting date to coincide with the PUD. Commission Perrine seconded the motion, and the motion carried unanimously.

10. PUBLIC HEARINGS

10A. Ordinance No. 04-25: Conduct the Second Reading and Public Hearing, which if adopted would grant a non-exclusive franchise agreement to Cloer & Sons Inc. DBA Edgewater Recycling.

City Attorney Avallone read Ordinance No. 04-25, the second time, by title only.

A Public Hearing was conducted to consider the adoption of Ordinance No. 04-25.

Maintenance Operation Director David Ray outlined the non-exclusive franchise agreement with Cloer & Sons Inc.

Mayor Cleveland opened the Public Hearing.

As no citizens wished to speak, Mayor Cleveland closed the Public Hearing.

Motion:
Vice Mayor Martin moved to adopt Ordinance No. 04-25, as submitted. Commissioner Perrine seconded it the motion, and the motion carried unanimously.

10B. Ordinance No. 05-25: Conduct the Second Reading and Public Hearing, which if adopted would grant a non-exclusive franchise agreement to Brad's Concrete Inc.

City Attorney Avallone read Ordinance No. 05-25, the second time, by title only.

04/15/2010 09:02 AM
Instrument# 2010-066784 # 1
Book: 6465
Page: 3164

03/17/2010 11:05 AM
Instrument# 2010-047135 # 1
Book: 6455
Page: 3795

MASTER DEVELOPMENT AGREEMENT CORONADO OFFICE PARK PLANNED UNIT DEVELOPMENT

The CITY OF NEW SMYRNA BEACH, FLORIDA, a chartered municipal corporation located in Volusia County, Florida (the "City"), enters this Agreement with CORONADO LAND INVESTMENTS, LLC ("Owner" and "Developer"), a Florida limited liability corporation, to hereby agree and covenant, and bind future successors and assignees, as follows.

1. OWNERSHIP OF THE PROPERTY

Evidence of unified ownership and control in addition to the legal description of the property that is subject to this Agreement, consisting of approximately 3.3 acres of real property ("Property"), is attached hereto and incorporated herein as EXHIBIT "A", with attached graphical description. Developer intends to subject the Property to the conditions and restrictions of this Agreement and the City intends to permit development of the Property in accordance with the terms and provisions set forth in this Agreement. The Property is under the sole ownership of CORONADO LAND INVESTMENTS, LLC.

2. DEVELOPMENT PLAN

Development of the Property shall be controlled by the terms of this Agreement and City of New Smyrna Beach Land Development Regulations (LDR), including the regulations contained therein. Developer has designated the Property as "CORONADO OFFICE PARK."

B. Developer shall develop Property as medical/dental clinics and general offices, as shown on the Conceptual Development Plan attached hereto and incorporated herein as EXHIBIT "B". The Property shall generally be developed as depicted on the Conceptual Development Plan. It is also considered that the requirements of the applicable City ordinance(s) in effect at the time of development plan approval shall supersede or take precedence over the provisions in this Agreement. Failure of either to address a particular permit, condition, term, or restriction shall not relieve Developer of the necessity of complying with the law governing said permitting requirements, conditions, term or restriction.

C. As part of the development process, the Property will be serviced with public utilities. Developer agrees to pay all applicable fair-share (pro rata) fees and charges for installation of utilities as required by Utilities Commission rules and tariffs, or participate in any assessment district created for this purpose by the City of New Smyrna Beach.

D. The parties acknowledge that any minor modifications, no increase in density or intensity to the Conceptual Development Plan, may be approved without "minor amendment" defined in Section 16 of this Agreement, if they are consistent with the New Smyrna Beach LDR, and that denial of such modifications may be appealed directly to the City Manager.

Instrument# 2010-066784 # 2
Book: 6465
Page: 3165

Instrument# 2010-047135 # 2
Book: 6455
Page: 3796

3. PHASING

A. Developer intends to develop the Property in a single phase, but may be developed in multiple phases. Development of the Property will consider all infrastructure, such as utilities, water/sewer, and storm water, being constructed during the first phase. Individual storm water systems shall be permitted, but joint storm water may be required as provided on the attached Conceptual Development Plan. Storm water retention shall be provided for in initial infrastructure improvements for the Property. Utility service and parking spaces will be considered as part of the overall infrastructure constructed in the first phase of property development. Developer agrees to abide by any future utility easements on the subject property designated by the City.

B. Developer agrees to provide appropriate maintenance guarantees or any future maintenance guarantees on the subject property designated by the City.

4. CONFORMANCE WITH COMPREHENSIVE PLAN

The Property is designated as State Road 44 PUD and Low Density Residential on the City's Future Land Use Map. The City has determined that the Property is suitable in size, location and character for the uses proposed, that the uses proposed meet the needs of the City, and that the uses proposed are consistent with the City's Comprehensive Plan. Developer agrees to deed restrict the southernmost 150 feet along Wild Orange Drive to limit uses in that area to parking, stormwater retention and open space. The deed restrictions shall be submitted to Staff for review and must be recorded prior to receiving approval for the first site plan and/or subdivision plat for this property.

5. PERMITTED USES

A. Business closing hours for all sues of the PUD Property shall be no later than 9:00 pm. Developer intends to use the PUD Property for medical/dental clinics and general offices. However, the PUD Corridor Overlay Zone also allows for the following additional land uses and customary accessory uses and structures for this development, in addition to other unspecified uses approved by City Commission.

Art, dance, modeling, and music schools
Beauty shops and barbershops (not including tattoo parlors)
Bumper boats
Child care facilities
Essential utility services
Exercise and health spas
Financial institutions
Funeral homes
General offices
Hospitals, nursing homes, and adult congregate living facilities
Hotels
Houses of worship
Laundry and cleaning establishments (without coin operation)
Medical and dental clinics/offices
Miniature recreation vehicles

Motels
Multiple-family standard dwellings with 60% commercial development completion prior to the start of residential construction (unless an alternative phasing plan is approved) and maximum permitted density of 18 units per acre
Offices, general and professional
Pharmacies
Public uses
Restaurants (class "A")
Retail specialty shops
Schools, parochial and private
Single-family residencies
Tailor shops
Taxicab stands
Theaters (without drive-ins)
Travel agencies
Two-family residencies
Other uses and structures of a similar nature approved by City Commission at the time of overall development plan approval and that such uses and structures are compatible with the BPUD development and the surrounding area

B. Permitted accessory uses of the PUD Property recognized by the LDR include the following.

On-site temporary sales and brokerage offices and display models for residential dwelling units that are newly constructed, that have never been occupied for residential purposes, and have never been sold
On-site temporary sales and brokerage structures to be used as a sales office for dwelling units planned to be constructed or under construction
On-site sales and brokerage offices and temporary sales and brokerage structures subject to the following limitations and regulations

1. said sales and brokerage office shall only be used to promote the sales of newly constructed dwelling units and part of an approved Site Plan located on the same side as the office, and
2. said sales and brokerages offices shall only be used to sell residential dwelling units located on the same site as the sales office, and
3. said sales and brokerage offices may only have one sign not to exceed ten square feet in area in addition to the allowable signs indicated in Section 604.14 of the LDR, and
4. said sales and brokerage offices shall be allowed within a development upon issuance of a Certificate of Occupancy for the offices by the Development Division Director or designee and said sales office must be removed from the site upon the issuance of a Certificate of Occupancy for the last building to be constructed within a development, and
5. the following additional limitations and regulations shall be placed on on-site temporary sales and brokerage structures

    (a) said sales and brokerage structures shall have a minimum floor area of three hundred square feet and shall not have been formerly a travel trailer, camper, recreational vehicle, or tractor trailer

(b) the perimeter of the area between the ground and floor level of the sales and brokerage structures shall be enclosed with ornamental skirting
(c) said sales and brokerage structures must be located on the site such that it meets the minimum setback requirements
(d) a minimum of three parking spaces must be provided for the sales and brokerage structures or the minimum number of parking spaces required for an office, whichever is greater, with said parking spaces and access aisle must meet the requirements of Section 604.10 of the LDR except an alternative surfacing agent, such as shell, may be used
(e) a minimum ten foot wide and six foot high natural vegetative buffer shall be maintained along the front, side, and rear of the sales and brokerage structure, parking area and any accessory structures
(f) no sales and brokerage structure shall be allowed on a site until all permits as required by federal, state, and county agencies have been secured and the Site Plan for the proposed permanent use of a temporary sales and brokerage structure
(g) said sales and brokerage structures shall not remain on a site longer than one year from the date a Certificate of Occupancy is issued for said sales office or until a Certificate of Occupancy is issued for the first building within the development, and
(h) upon removal of the sales and brokerage structure, developer may maintain an on-site temporary sales and brokerage office within the dwelling unit(s).

6. PUD INFRASTRUCTURE/TRANSPORTATION

A. Access easements and utility easements within the Property shall be owned by Developer and/or the property owners association, their successors and assigns, subject to dedications of easement and rights of ingress and egress in favor of the City and/or Utilities Commission for the purpose of owning and maintaining utilities located within the Property. The access easements shall be constructed to City standards. The Developer acknowledges for itself, its successors and assigns that the access easements are private and shall be a private construction and maintenance responsibility without recourse to the City. The exception to this limitation shall be when the City, through its agents, designees or assigns, shall damage facilities including pavement within the Property in the course of repairing, replacing, or enlarging City-owned or dedicated utility lines. In such event the City shall repair the area in a workmanlike fashion.

B. During the site plan review process, Property will consider a driveway on State Road 44, contingent on Florida Department of Transportation (FDOT) approval, with the following planning considerations:

(1) The driveway is restricted to right-in/right-out turning movements, and no left hand turns will be permitted;

(2) Paving of an existing eastbound deceleration taper on State Road 44 with Construction of a 50-foot dimension turning radii for eastbound traveling vehicles making right-hand turns into the development; and

(3) A 130-foot space between the proposed driveway and South Wild Orange Drive, as agreed upon at an October 30, 2007 meeting with FDOT, with the letter attached in EXHIBIT "E".

C. During the site plan review process, Developer will consider development of the Property prohibiting access to Wild Orange Drive, except for emergency vehicular access.

D. Developer will build or provide for the construction of storm water, water, sewer and reuse waterlines to Utilities Commission specifications and upon acceptance by the Utilities Commission, the lines shall be dedicated to the Utilities Commission together with all easements and licenses necessary for the Utilities Commission to maintain and operate the utility systems located on the lots. The storm water areas, water, sewer and reuse waterlines (if reuse service is available) shall be located and built in common area, pursuant to the site plan review process.

E. Storm water drainage will be constructed for the development within the Property with design considerations for a storm water system to retain a 100 year flood event. The storm water retention facility will be maintained by the property owner's association to a level consistent with the standards and permit conditions of the St. Johns River Water Management District (SJRWMD). Storm water collection and transmission facilities on the Property shall be located pursuant to site development plan approval. The parties intend to utilize techniques within said storm water protection area to provide appropriate vegetation within said drainage retention areas as permitted by the City and SJRWMD, including but not limited to, cypress and/or other appropriate tree placement.

F. Developer agrees to participate in any proportionate fair-share (pro rata) program for installation of utilities as required by Utilities Commission rules and tariffs, or any assessment district created for this purpose by the City of New Smyrna Beach, and the Property Developer will be subject to transportation impact fees, and/or storm water improvement impact fees, in addition to utility infrastructure and capacity fees. In addition, Developer agrees to participate in the installation of a lift station and gravity sewer to be coordinated with property owners on the south side of State Road 44 between Glencoe Road and Wild Orange Drive. Developer recognizes that this infrastructure cost will be incurred as a shared (pro rata) cost between all of the property owners designated in this assessment district.

G. During the site plan review process, Developer agrees to the following additional off-site infrastructure improvements:

(1) Construction of a 4-foot sidewalk on the west side of Wild Orange Drive to the south side of the site across the drainage ditch, with a meandering path through the right-of-way to minimize tree removal;

(2) Provision of a meandering sidewalk, with a minimum width of 4-feet, from the north side of the Second building (Building 2) to the 4-foot sidewalk on the west side of Wild Orange Drive; and

(3) No landscape planting in the southwest corner of the Property along the south side of an existing drainage ditch.

H. Development will be considered with 50% of the PUD Property designated as open space, fulfilling the open space requirement according to the City of New Smyrna Beach LDR for properties zoned Plan Unit Development (PUD). The location, shape, size, character, and use of the open space shall be as designated on the Conceptual Development Plan. Common open space shall be usable by all tenants of the PUD Property.

I. Off-street parking and loading spaces shall be designed according to the LDR, and specifically not permitted in any required landscaped buffer area. All parking areas shall contain a minimum of 20% interior landscaping, excluding any required landscaped buffer areas.

J. Developer reserves the option, during the Site Plan review process, of reducing the parking space requirement on the PUD Property, not to exceed 20% of the total off-street parking area, to save and protect existing specimen and historical trees approved by the City for preservation.

K. Developer shall consider development of the PUD Property with a 45-foot landscape buffer and utility easement along State Road 44, and a perimeter buffer of 25-feet, according to the LDR rules. Developer further agrees to any future changes to the City of New Smyrna Beach LDR rules as a "minor amendment" defined in Section 16 of this Agreement.

L. Developer agrees to participate in proportionate fair-share (pro rata) program for improving the level of service with signalization at the intersection of State Road 44 and Glencoe Road.

M. Developer agrees to design the site according to VOTRAN guidelines in order to accommodate VOTRAN services should such be available in the future.

7. ARCHITECTURAL/DESIGN STANDARDS

A. All buildings and accessory structures on each lot shall be developed and considered during the Site Plan review process in compliance with the requirements of City Development Service staff's recommendation of an "Old Florida" style of development to conform with aspects of the historic buildings within the City of New Smyrna Beach with specifications as follows:

(1) All buildings and accessory structures constructed within the Property shall include architectural features associated with the predominant styles within the City, such as frame vernacular, bungalow, colonial revival, masonry vernacular or Mediterranean revival, including Italian Renaissance style. The common architectural theme shall be established by harmoniously coordinating the general appearance of all buildings and accessory structures. For purposes herein, general appearance includes, but is not limited to, exterior wall finishes or materials, roof styles, slopes and materials, colors, and architectural details and ornamentation;

(2) Exterior embellishments, such as ornamental cement work and stucco, shall be harmoniously coordinated with the general color and appearance of all buildings and accessory structures. Other exterior embellishments could include classical columns, pilasters, traditional decorative brackets supporting the eaves, hipped roof, false-hipped roof;

(3) Roof materials will be consistent with the architectural style of the buildings. Acceptable roof materials include, but are not limited to, metal, barrel tile, and wood shake;

(4) Wall siding, if applicable, includes, but is not limited to, wood simulated shingle, clapboard, weatherboard, and drop siding;

(5) Windows are specified as casement, double hung, and 2/2 lights, and blank walls will not be permitted;

(6) All structures within the Property shall complement one another and shall convey sense of quality and permanence; lower grade exterior wall finishes and roof materials will not be permitted;

(7) Corporate prototype design and materials must comply with the provisions of this Section;

(8) The City reserves the right to review the proposed architectural construction and design of all buildings and structures within the Property, to require the substitution or inclusion of colors, materials, architectural details and ornamentation, and to require or prohibit the use of the same to ensure compliance with the requirements of this section;

(9) No vending machines shall be permitted on the outside walkways or other outdoor pedestrian areas of the Property;

(10) No newspaper stands shall be permitted except in areas designated by Developer and approved by the City;

(11) Any exterior phone booths shall not be visible from public rights-of-way;

(12) Lot function, layout and architectural design of the buildings thereon shall be coordinated, once established by the function and layout of the first of these lots to receive site development plan approval. For purposes herein, lot function and layout includes, but is not limited to, building placement, landscaping layout/design, parking lot layout/design, and access drive layout/design. Architectural design refers to building style and appearance;

(13) All parking lot lighting fixtures shall be consistent with respect to their physical attributes, design and appearance. The specific design shall be established by the type of parking lot lighting fixture constructed or installed according to site development plan approval. Provisions will be made to deflect light from residential areas and be contained within the project, with design considerations for the maximum light level at the site boundaries to be no greater than 1 foot-candle; and

(14) Elevations shall be provided consistent with these standards during the site plan review process.

8. NATURAL VEGETATION PRESERVATION

A. The overall PUD Property shall demonstrate compliance with the Corridor Overlay Zone regulations that provide for 30% of natural vegetation to remain in the area. Dense vegetation will consist of trees or additional shrubs and trees so as to create dense vegetative growth. Shrub specifications call for placement of plants no more than three feet apart, measured from center to center, and a minimum shrub height of two feet immediately following planting. Tree specifications call for provision of one tree for each 100 square feet of land. Tree species shall be a minimum of nine feet in height and a minimum transverse diameter of two inches at a point four feet above ground level. Trees shall be planted within twelve feet of publicly maintained streets or other municipal improvements. Trees shall be selected from a designated "List of Trees" provided by the City Horticulturist. Maintenance of all natural areas and vegetation includes the removal of dead trees, limbs, and vines. All clearing of underbrush shall be performed in a manner consistent with providing a neat manicured appearance. No removal of small trees, palmetto bushes or other under brush, except for removal of invasive species, will be done. The natural areas are to remain as natural as possible to provide for a thick vegetative buffer between the commercial and residential areas. Any existing trees credited toward required buffers or landscape requirements removed for any reason shall be replaced with trees meeting City approval with regard to species and size. Perimeter buffers shall comply with LDR and shall be used to meet the required natural vegetation preservation requirements. Prior to commencement of land clearing, all areas to be preserved shall be marked and inspected by City.

B. The preservation areas around the perimeter boundaries of the Property shall consist of natural vegetation that may be enhanced, if necessary, to mitigate visual impact from residents of the adjacent residential neighborhood.

C. The southern boundary of the Property has been designated by the Florida Department of Environmental Protection as a wetland area and any vegetation along the wetland border will be preserved in its natural state.

D. The State Road 44 boundary of the Property will contain dense vegetation with a minimum 15-foot buffer that will remain in the natural state or be enhanced with plants and large trees (such as canopy trees and live oak). The portion of the buffer containing the utility easement will be planted with small rooted trees, ground cover, and shrubs that will not interfere with underground utility improvements, as shown on the Conceptual Development Plan in EXHIBIT"B".

E. The interior landscaping in the parking area will be 20% of the total off-street parking area, excluding any required buffers, according to the LDR rules.

F. Development will consider tree preservation required by the LDR rules, during the site plan process.

9. ENVIRONMENTAL CONSIDERATIONS

Both during and after construction, Developer will use reasonable efforts to preserve trees and natural vegetation within the Property and maximize protection of natural drainage pathways. Developer shall comply with the tree preservation provisions of the

LDR. Developer shall comply with all rules, statutes, laws and regulations pertaining to protected wildlife species, including, but not limited to, the rules and permitting requirements of the Florida Game and Freshwater Fish Commission concerning gopher tortoises. An endangered species survey will be conducted for the site with a copy of same to be submitted to City Development Service staff with the initial site plan review.

10. UTILITY MASTER PLAN

Public utilities consisting of electric, water, wastewater, reuse water, and fiber optic conduit for the Property or portion thereof and any applicable off-site infrastructure shall be obtained from the Utilities Commission, City of New Smyrna Beach, and shall be applied for, built and conveyed in accordance with UC rules and regulations, requirements, tariffs, policies and Agreements prevailing at the time of Developer's requested approval of a UC Agreement(s) from the UC. Other utilities not provided by the UC shall be built in accordance with and consistent with the City of New Smyrna Beach LDR rules and standards.

11. SIGNAGE

The PUD Property shall have a uniform sign program. A single monument sign (constructed according to LDR specifications with a maximum vertical height of 8 feet, designed to accommodate a sign panel of a maximum of 48-square feet), will be located on the State Road 44 side of the property, as shown on the Conceptual Development Plan in EXHIBIT "B". Directional signage, wall signage, and other allowable supplementary signage shall comply with the provisions and requirements of the City of New Smyrna Beach LDR. The pedestal of the monument sign shall be constructed of the same materials as the walls of the buildings on the Property and contain exterior embellishments that will complement harmoniously with the appearance of the buildings on the Property. The colors of the sign face shall complement and coordinate with the appearance of the buildings on the Property.

12. LOT DEVELOPMENT CRITERIA

A. The Property shall be developed in accordance with the general development criteria, as shown in the Conceptual Development Plan, attached hereto and incorporated herein as EXHIBIT "C". The terms of this Agreement shall prevail in the event of a conflict with the terms of the LDR, unless otherwise specifically provided herein. In the event a subject is not addressed in this Agreement, the LDR shall prevail

B. Construction of sidewalks on the PUD Property will conform to the requirements, codes, and ordinances specified by the City Commission.

13. PROPERTY OWNERS ASSOCIATION

A. Developer intends to construct individual offices for long-term tenant leases, but reserves the option of individual office condominium ownership. If individual office condominium ownership is allowed, then Developer and its future successors will form

and incorporate a non-profit property owners association ("POA") which will operate, maintain and control, subject to other documents of record, the common areas, and common facilities, including but not limited to, the common private access ways, sidewalks, parking, and lighting within the Property, any common storm water retention and drainage systems within the Property, and the entrance areas to the Property. The Property owners and/or tenants will be required to become a member of the association and subject to the rules, covenants, and restrictions of the POA, with responsibilities and voting privileges pro rated based upon gross building square footage constructed. The general scope and format of the property owner's association documents, and the covenants and restrictions, will be similar in concept to the documents of similar property owners associations in New Smyrna Beach. The covenants and restrictions governing the Property and association responsibilities shall be executed and recorded in the public records of Volusia County, Florida. The POA will have a board of directors to legislate and govern the rules and regulations of the POA. The POA board will have the means and authority to enforce and regulate the by-laws and restrictions governing the perpetual maintenance, operation and repairs of all common areas and facilities. Notwithstanding, the board of directors will regulate and govern the common areas, and require and enforce each and every member to maintain and service of his own individual building site. At its discretion, the POA rules may levy fines and liens upon individual members own property in order to maintain, operate and service all common facilities on the Property, and to collect unpaid POA dues. The POA will have the power and means to hire, supervise, and regulate persons employed by them for the maintenance, repair and operation of common areas and facilities.

B. If the POA fails to perform the maintenance, repair or replacement, as necessary, on the storm water retention and drainage facility, the City shall, after notice, have the right, but not the obligation to enter upon the common area of the Property and to provide the maintenance, repair, or replacement of the storm water retention and drainage facility and assess and collect such costs and place a lien upon Property for the cost of said maintenance, repair, and replacement as the City may deem necessary.

C. Developer reserves for itself, its successors and assigns, the right to maintain and operate separate facilities within the Property which shall not be construed to be common facilities owned by the subject POA. If requested by the City and as otherwise needed for plat improvements, Developer will provide easements and grants for the installation, maintenance, and upkeep of the public utilities, including water, sewer, and electricity. Developer may from time to time add additional covenants and restrictions or make changes in the Association by-laws as may be required to guarantee that the project will be developed in accordance with the policies outlined in this Agreem ent.

D. Developer and POA agree to abide by the language, rules, and provisions of the City of New Smyrna Beach LDR, including any covenants, easements, and other restrictions. Nothing in the covenants and restrictions of other POA documents will contravene anything in the City's Land Development Regulations. In the event of a conflict between the POA and the LDR, the provisions of the LDR will supercede anything in the covenants.

14. COSTS

Under the policies and provisions set forth in this Agreement, no costs of development of the Property shall be incurred by the City unless the City specifically agrees in writing to assume such cost.

15. EFFECTIVE DATE AND EXPIRATION

A. This Agreement shall be effective upon approval by the City Commission and the City of New Smyrna Beach Commission. Developer will be required to record the Agreement with the Volusia County Clerk of the Court and provide a copy to the City Clerk and Development Services Director. The restrictions on use and development imposed by this Agreement shall be binding upon all successors in interest in the Property, unless and until the City alters or eliminates such restrictions in the course of the City's actions as zoning authority or until this Agreement expires.

B. The duration of this Agreement is ten (10) years from the date of its execution, which can be extended in additional 5-year terms by mutual consent of the Developer and the City, subject to a public hearing.

C. The term "development" shall mean that the Developer, his successors or assigns, shall actively be in pursuit of installation of improvements, permits for installation of improvements, or installation of improvements over a portion or all of the Property.

D. If the City does not approve this Agreement it shall be declared null and void, without further effect. In addition, if Developer is a contract purchaser of the PUD Property and fails to acquire title to the PUD Property within 60 days of approval, then the City or the Developer shall have the option to terminate this Agreement, exercised by providing written notice to the other parties hereto, after which this Agreement shall be declared null and void, without further effect. Neither the City nor Developer shall acquire any enforceable rights or claims against each other with respect hereto in the event this Agreement becomes null and void under this paragraph.

16. AMENDMENTS

A. Amendments to this Agreement, other than minor modifications to the Conceptual Development Plan set forth in this Agreement, shall not be effective unless in writing and signed by all record title property owners of the land for which the amendment is to be applied, and the City. A "minor amendment" is defined as a minor shift of facilities, parking spaces, buildings, or other provisions defined by the Development Services Director.

B. Before amending this Agreement, the City shall conduct two or more public hearings. At the City's option, one of these public hearings may be held by the Planning and Zoning Board:

(1) Notice of intent to consider an amendment to this Agreement shall be published by the City, at the Owner's cost, in a newspaper of general circulation and readership in Volusia County, Florida;

(2) If applicable, notice of intent to consider an amendment shall comply with the requirements of Section 166.041(3)(c), Florida Statutes (2004), as amended from time to time;

(3) The day, time, and place at which the second public hearing, if any, will be held shall be announced at the first public hearing;

(4) The notices required above shall specify the location of the Property, the location of that portion of the Property subject to the proposed amendment, the nature of the proposed amendment, and the following information to the extent applicable;

(5) Changes in permitted and/or conditional uses shall be disclosed by public hearings conducted by the Planning and Zoning Board;

(6) Changes in population densities shall be disclosed by public hearings conducted by the Planning and Zoning Board;

(7) Changes in building intensities and/or height shall be disclosed by public hearings conducted by the Planning and Zoning Board; and

(8) All notices for public hearings conducted by the Planning and Zoning Board shall specify a place where a copy of the proposed amendment can be obtained prior to the public hearing.

17. PUBLIC RECORD

The parties agree this Agreement shall be recorded in the Public Records of Volusia County, Florida, at Developer's expense. The provisions of this Agreement shall constitute covenants running with the land applicable to the entire subject Property described herein or any portion thereof. The restrictions on use and development imposed by this Agreement shall be binding upon all successors in interest in the Property, unless and until the City alters or eliminates such restrictions in the course of the City's actions as zoning authority.

18. SEVERABILITY

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid or otherwise unenforceable, such holding shall not affect the validity or enforceability of any other provision of this Agreement unless the holding so states.

19. POLICE POWER AND SOVEREIGN IMMUNITY NOT WAIVED

Nothing contained in this Agreement shall be construed as a waiver of or contract with respect to the regulatory and permitting authority of the City as it now or hereafter exists under applicable laws, rules and regulations. Further, nothing contained in this Agreement shall be construed as a waiver of or attempted waiver by the City of its sovereign immunity under the constitution and laws of the State of Florida.

20. COMPLETE AGREEMENT

This Agreement represents the complete understanding by and between the parties with respect to the development and continued use of the subject Property. Any and all prior agreements between the parties with respect to any subject comprehended by this Agreement is hereby voided and superseded by this Agreement. Any amendment to this Agreement shall be in writing and signed by the City, or Utilities Commission, if applicable, and the Owner/Developer.

IN WITNESS WHEREOF, the parties hereto attached their hands and seals on the dates set forth below.

OWNER/DEVELOPER
CORONADO LAND INVESTMENTS, LLC
5703 Red Bug Lake Road, PMB-401
Winter Springs, Florida 32708

By:_____
Vincenzo Giuliano
Title: President/C.E.O.

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 15 day of FEBRUARY, 2010, by VINCENZO GIULIANO, who produced FL. DRIVERS LIC. as identification, and did not take an oath.

_____
Notary Public

[Affix Seal]

PAUL V. BEALS
Comm# DD0766117
Expires 4/11/2012
Florida Notary Assn., Inc

CITY OF NEW SMYRNA BEACH,
A Florda municipal corporation
210 sams Avenue
New Smyrna Beach, Florida 32168

By:_____
Adam Barringer
Title: Mayor

STATE OF FLORIDA

Best Available Image

COUNTY OF VOLUSIA
The foregoing instrument was acknowledged before me this 25th day of February, 2010, by Adam Cottingham, who ~~produced~~ is personally known ~~identification~~, and did not take an oath.

JOHNNY RAY BLEDSOE
Comm [redacted]
Expires 8/13/2011
Florida Notary Assn., Inc

[Affix Seal]

Notary Public

CITY OF NEW SMYRNA BEACH
A Florida municipal corporation
210 Sams Avenue
New Smyrna Beach, Florida 32168

By: _____
Johnny Bledsoe
Title: City Clerk

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 25th day of February, 2010, by Johnny R Bledsoe, who ~~produced~~ is personally known by me ~~identification~~, and did not take an oath.

[Affix Seal]

Notary Public

SANDY WINKLER
MY COMMISSION EXPIRES
August 13, 2011
#DD 702818
Bonded thru
Troy Fain-Insurance
NOTARY PUBLIC, STATE OF FLORIDA

Instrument# 2010-047135 # 16
Book: 6455
Page: 3810

Instrument# 2010-066784 # 16
Book: 6465
Page: 3179

EXHIBIT 'A'

Parcel 2:

Begin at the intersection of the West line of Lot 30, subdivision of NAPIER and North part of HULL GRANT and the South right of way line of State Road 44; thence along said road line North 88 degrees 34 minutes 48 seconds East, 117.00 feet to the Point of Beginning; thence along said road line 200 feet to a point; thence South 29 degrees 47 minutes 12 seconds East 200 feet to a point; thence South 88 degrees 34 minutes 48 seconds West 200 feet to a point; thence in a straight line to the Point of Beginning 200 feet, being Lots 3 and 4, Block 1, HAMMOCK GARDENS, UNRECORDED PLAT of Lot 30 South of Highway 44 and of Lot 43 Block 14 of NAPIER and the North part of Hull Grants, per Map Book 2, Page 42, Public Records of Volusia County, Florida.

Parcel 3:

A part of Block 14, South of State Road #40 according to the plat of NAPIER and HULL GRANTS, Volusia County, Florida, as follows, to-wit: Commencing at the intersection of the Westerly line of Lot 30 with the South right-of-way line of State Road #40; thence running Easterly and binding on the South right-of-way line of State Road #40 a distance of 417 feet to a point which is the Point of Beginning of this description; thence continuing Easterly and binding on the South right-of-way line of State Road #40 a distance of 54.58 feet to a point which is the intersection with the West line of Wild Orange Drive, a 50 foot road way; thence South 29 degrees 47 minutes 12 seconds East a distance of 200 feet to a point on the West line of Wild Orange Drive; thence Westerly and parallel to the South right-of-way line of State Road #40 a distance of 54.58 feet to a point; thence Northerly and parallel to the West line of Wild Orange Drive a distance of 200 feet to the Point of Beginning of this description. (Also known and described as Lot 1, Block 1, of HAMMOCK GARDENS, an unrecorded subdivision).

And

Begin at the intersection of the West line, Lot 30, Subdivision of NAPIER and North part of HULL GRANT and the South right-of-way line of State Road No. 40; thence North 88 degrees 34 minutes 48 seconds East along said South right-of-way line 317 feet for the Point of Beginning; thence North 88 degrees 47 minutes 12 seconds East 100 feet; thence South 29 degrees 47 minutes 12 seconds East 200 feet; thence South 88 degrees 47 minutes 12 seconds West 100 feet; thence North 29 degrees 47 minutes 12 seconds West 200 feet to the Point of Beginning; being parts of Lots 30 and 43, said Subdivision of NAPIER and North part of

Instrument# 2010-047135 # 17
Book: 6455
Page: 3811

Instrument# [redacted] # 17
Book: 6465
Page: 3180

Fidelity National Title
Insurance Company

FNTIC No.: CD[redacted]
Agent ID: FL-2357
Agent File No. 5343-30 and 33
Policy Jacket No. 2710609-74090416

HULL GRANTS, according to the map recorded in Map Book "M", Page 688, Public Records of Volusia County, Florida.

Parcel 4:

A part of Block 14, South of State Road #40 according to the plat of NAPIER and HULL GRANTS, Volusia County, Florida, as follows, to-wit: Commencing at the intersection of the Westerly line of Lot 30 in said Block 14 with the South right-of-way line of State Road #40; thence running Easterly and binding on the South right-of-way line of State Road #40 a distance of 471.58 feet more or less to the intersection with the West line of Wild Orange Drive, a 50 foot road way; thence South 29 degrees 47 minutes 12 seconds East along said West line of Wild Orange Drive a distance of 200 feet to a point which is the Point of Beginning of this description; thence continuing along said road line 172 feet to a point; thence Westerly and at right angles a distance of 200 feet to a point; thence Northerly and at right angles a distance of approximately 280 feet to a point which is 200 feet South 29 degrees 47 minutes 12 seconds East from the South right-of-way line of State Road #40, thence in a straight line and parallel to State Road #40 to the Point of Beginning of this description. (Also known and described as Lots 101, 102 and 103, Block 1, of HAMMOCK GARDENS, an unrecorded subdivision.)

Parcel 5:

A portion of Lot 43, Block 14, MAP OF PROPERTY BELONGING TO CHAS. DOUGHERTY, according to the plat thereof as recorded in Deed Book "M", Page 688, Public Records of Volusia County, Florida being more particularly described as follows: Commence at the intersection of the West line of Lot 30, Block 14 and the South R/W line of State Road #44; thence North 88 degrees 34 minutes 48 seconds East, 471.58 feet along the South R/W line to the intersection of the West boundary line of "Wild Orange Drive", a fifty foot road running North 29 degrees 47 minutes 12 seconds West and intersecting in the S/W line of said State Road at the point as stated; thence running with and binding on the West line of "Wild Orange Drive" South 29 degrees 47 minutes 12 seconds East, 372 feet to the stake there fixed which is the point of the land herein described; thence at right angles Westerly 200 feet; thence at right angles Southerly parallel to "Wild Orange Drive" 70 feet; thence at right angles Easterly 200 feet to the West line of said road; thence binding on said road North to the Point of Beginning 70 feet. Also described as Lot 104, Block 1, HAMMOCK GARDENS, unrecorded Subdivision No. 116.

Instrument# 2010-047135 # 18
Book: 6455
Page: 3812
Diane M. Matousek
Volusia County, Clerk of Court

Instrument# 2010-066784 # 18
Book: 6465
Page: 3181

Fidelity National Title
Insurance Company

FNTIC No.: CD[redacted]
Agent ID: FL-2357
Agent File No. 5343-30 and 33
Policy Jacket No. 2710609-74090416

Parcel 6:

A portion of Lot 43, Block 14, Subdivision of the Napier and the North part of the Hull Grant, as per map thereof recorded in Deed Book "M", Page 688, of the Public Records of Volusia County, Florida, said part being more particularly described as follows: The South 105 feet of the North 547 feet on the East line South of State Road 40 of East 200 feet of West 415 feet of Lot 43, Napier and Hull Grant, also described as Lot 105 and the North ½ of Lot 106 Block 1, Hammock Gardens unrecorded Subdivision No. 116.

EXHIBIT "A"

OPINION OF TITLE BY LICENSED ATTORNEY & LEGAL DESCRIPTION OF PROPERTY

Instrument# 2010-066784 # 20
Book: 6465
Page: 3183

POHL & SHORT, P.A.
ATTORNEYS AT LAW

STACY J. BORISOV
ERIC C. BOUGHMAN
ALEX CHRIS COSTOPOULOS
ALEXANDER S. DOUGLAS II
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MARK A. GRIMES
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WINTER PARK, FLORIDA 32790

COURIER ADDRESS:
280 WEST CANTON AVENUE, SUITE 410
WINTER PARK, FLORIDA 32789

www.pohlshort.com

June 17, 2008

Coronado Land Investments LLC
5703 Red Bug Lake Road
Post Office Box 72
Winter Springs, Florida 32708

Re: Guiliano Title Opinion Letter
Our File No.: 5343-30

Ladies and Gentlemen:

Based solely on that owner's title insurance policy having an effective date of July 2, 2007 at 10:41 a.m., issued by Fidelity National Title Insurance Company and covering that property described in Exhibit A (the "Property") and that Ownership and Encumbrance Report issued by Fidelity National Title Insurance Company covering the Property to June 15, 2008, it is our opinion that title to the Property is, as of June 15, 2008 at 5:00 p.m., owned by Coronado Land Investments LLC, subject to those exceptions contained in that title insurance policy and ownership and encumbrance search attached hereto as Exhibit B and Exhibit C.

This opinion is also subject to the following:

1. Any liens for any construction or survey or other work on the property which are not the subject of a recorded claim of lien or notice of commencement;
2. Any unrecorded easement;
3. Any matter which would be shown by a current survey;
4. Any leases and any rights of any persons in possession of the Property;
5. Any rights with respect to mineral interests;

M:\5343-30\Ltr\New Smyrna beach-001

Instrument# 2010-066784 # 21
Book: 6465
Page: 3184

6. Any matters arising after the effective date of the above-described ownership and encumbrance certificate; and
7. Liens for ad valorem taxes and special assessments.

No person other than the addressee and the City of New Smyrna Beach may rely upon the opinions given in this letter.

Sincerely yours,

Robert S. MacDonald

RSM:ab

EXHIBIT B

ORIGINAL

Owner's Policy of Title Insurance

Fidelity National Title Insurance Company
A Stock Company
Policy Number F[redacted]D07-111189-2007.2710609-74090416

OWNER'S POLICY OF TITLE INSURANCE

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIDELITY NATIONAL TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. *Title to the estate or interest described in Schedule A being vested other than as stated therein;*
2. *Any defect in or lien or encumbrance on the title;*
3. *Unmarketability of the title;*
4. *Lack of a right of access to and from the land.*

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

This policy shall not be valid or binding until Schedule A has been countersigned by either a duly authorized agent or representative of the Company and Schedule B has been attached hereto.

IN WITNESS WHEREOF, FIDELITY NATIONAL TITLE INSURANCE COMPANY has caused this policy to be signed and sealed by its duly authorized officers as of Date of Policy shown in Schedule A.

FL2357 CD07-111189
Pohl & Short, P.A.
280 West Canton Avenue, Suite 410
Winter Park, FL 32789
Tel:(407) 647-7645
Fax:(407) 647-2314

FIDELITY NATIONAL TITLE INSURANCE COMPANY

SEAL

By _____ President

ATTEST _____ Secretary

Countersigned: _____
Authorized Signature

FORM 1332 (7/05) (2710609)

ALTA Owner's Policy (10-17-92) with Florida Modifications

Fidelity National Title
Insurance Company

FNTIC No.: CD[redacted]
Agent ID: FL-2357
Agent File No. 5343-30 and 33
Policy Jacket No. 2710609-74090416

SCHEDULE A

Date of Policy: July 2, 2007 at 10:41 A.M.

Amount of Insurance: $1,446,394.00

1. Name of Insured

   CORONADO LAND INVESTMENTS, LLC, A FLORIDA LIMITED LIABILITY COMPANY

2. The estate or interest in the land which is covered by this policy is:

   FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

   CORONADO LAND INVESTMENTS, LLC, A FLORIDA LIMITED LIABILITY COMPANY by virtue of Warranty Deed recorded in Official Records Book 6086 at Page 4746, and Official Records Book 6086, Page 4750, all in Public Records of VOLUSIA County, Florida.

4. The land referred to in this policy is described as follows:

   See Attached Exhibit 'A'

Countersigned: Pohl & Short, P.A.
280 W. Canton Ave., Suite 410
Winter Park, FL 32789

BY: _____
Authorized Signatory

Fidelity National Title
Insurance Company

FNTIC No.: CD[redacted]
Agent ID: FL-2357
Agent File No. 5343-30 and 33
Policy Jacket No. 2710609-74090416

SCHEDULE B
EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

1. The lien of all special assessments and taxes for the year 2007, and subsequent years.

2. The following matters as set forth on survey, dated May 12, 2007, and prepared by Allen Campbell & Associates, job number #02-07-033: Including but not limited to the following:

   a) Rights of abutting property owners on Westerly side of parcel in and to the use of the drainage ditch in Parcel 6 as set forth on the survey.

   b) Drainage ditch situated along Northerly property line and rights of other parties to use that ditch.

   c) Fence encroachments into neighboring property along the Westerly and Northerly sides of lot.

   d) Brick fence encroachment into Wild Orange Drive.

3. Oil, Gas and Mineral Lease by and between Wayne E. Connor, a widower individually and D.B.A. Indian River Ranch, Inc., lessor, and Tide Water Associated Oil Company, lessee, recorded September 15, 1944 in Deed Book 311, Page 67, Public Records of Volusia County, Florida. As to all Parcels without right of entry pursuant to marketable record title act.

4. Mineral Right and Royalty Transfer by and between Wayne E. Conner, a widower, individually for himself and as agent of Indian River Ranch, Inc. to Richard Smith recorded May 17, 1947 in Deed Book 363, Page 404; Mineral Right and Royalty Transfer by and between Richard Smith and Marian W. Smith, his wife to James A. Dorsey recorded June 10, 1947 in Deed Book 365, Page 60; Mineral Right and Royalty Transfer by and between James A. Dorsey and wife, Louise T. Dorsey to R. J. Fuller recorded July 9, 1947 in Deed Book 365, Page 274 and re-recorded August 6, 1947 in Deed Book 365, Page 552; Mineral Right and Royalty Transfer by and between James A. Dorsey and wife, Louise T. Dorsey to H. J. Strief recorded July 9, 1947 in Deed Book 365, Page 270 and re-recorded August 6, 1947 in Deed Book 365, Page 550; Mineral Right and Royalty Transfer by and between James A. Dorsey and wife, Louise T. Dorsey to Neill Masterson, Jr. recorded May 17, 1948 in Deed Book 383, Page 599, Public Records of Volusia County, Florida. As to all Parcels. All without right of entry pursuant to marketable record title act.

5. Ordinance No. 105-89 recorded December 17, 1991 in Official Records Book 3714, Page 442, Public Records of Volusia County, Florida. As to Parcel 2 and 3.

Fidelity National Title
Insurance Company

FNTIC No.: CD[redacted]
Agent ID: FL-2357
Agent File No. 5343-30 and 33
Policy Jacket No. 2710609-74090416

6. Rights of Dolores Bigaj (Parcel 2) and Jack D. MacArthur and Margaret Fern MacArthur (Parcels 3-6) to remain in possession under terms and conditions of the addendum to the purchase and sale agreement.

THE TELEPHONE NUMBER TO PRESENT INQUIRIES OR OBTAIN INFORMATION ABOUT COVERAGE AND TO PROVIDE ASSISTANCE IS 1-800-669-7450.

EXHIBIT C

Fidelity National Title
Insurance Company

Ownership and Encumbrance Report

FNTIC File No: CD08-113660
Agent File No: 5343-35

CC /CC

June 16, 2008

Agent Name: Pohl & Short, P.A., Legal Department
280 West Canton Avenue, Ste. 410
Winter Park, FL 32790-

Attn: Robert MacDonald

Re: 5343-35
Search From: July 2, 2007 To: June 15, 2008 at 5:00 P.M.
In the Public Records of: Volusia

Owner of Record: CORONADO LAND INVESTMENTS, LLC, A FLORIDA LIMITED LIABILITY COMPANY
By Virtue of: Warranty Deeds recorded in Official Records Book 6086, Page 4746 and Official Records Book 6086, Page 4750, Public Records of Volusia County, Florida.

Legal Description:

See Attached Exhibit 'A'

Mortgage Information:

	Instrument Type	Book Type	Recorded In Book No.	Page
1.	None			

Judgment and Lien Information:

	Instrument Type	Book Type	Recorded In Book No.	Page
1.	None			

Informational:

1. Oil, Gas and Mineral Lease by and between Wayne E. Connor, a widower individually and D.B.A. Indian River Ranch, Inc., lessor, and Tide Water Associated Oil Company, lessee, recorded September 15, 1944 in Deed Book 311, Page 67, Public Records of Volusia County, Florida. As to all Parcels.

2. Mineral Right and Royalty Transfer by and between Wayne E. Conner, a widower, individually for himself and as agent of Indian River Ranch, Inc. to Richard Smith recorded May 17, 1947 in Deed Book 363, Page 404; Mineral Right and Royalty Transfer by and between Richard Smith and Marian W. Smith, his wife to James A. Dorsey recorded June 10, 1947 in Deed Book 365, Page 60; Mineral

Fidelity National Title
Insurance Company

Ownership and Encumbrance Report

FNTIC File No: CD08-113660
Agent File No: 5343-35

Right and Royalty Transfer by and between James A. Dorsey and wife, Louise T. Dorsey to R. J. Fuller recorded July 9, 1947 in Deed Book 365, Page 274 and re-recorded August 6, 1947 in Deed Book 365, Page 552; Mineral Right and Royalty Transfer by and between James A. Dorsey and wife, Louise T. Dorsey to H. J. Strief recorded July 9, 1947 in Deed Book 365, Page 270 and re-recorded August 6, 1947 in Deed Book 365, Page 550; Mineral Right and Royalty Transfer by and between James A. Dorsey and wife, Louise T. Dorsey to Neill Masterson, Jr. recorded May 17, 1948 in Deed Book 383, Page 599, Public Records of Volusia County, Florida. As to all Parcels.

3. Ordinance No. 105-89 recorded December 17, 1991 in Official Records Book 3714, Page 442, Public Records of Volusia County, Florida. As to Parcel 2 and 3.

4. Rights of Dolores Bigaj (Parcel 2) and Jack D. MacArthur and Margaret Fern MacArthur (Parcels 3-6) to remain in possession under terms and conditions of the purchase and sale agreement.

NOTE: 2007 Taxes are paid under Tax Parcel No. 734307010030; 2007 Gross amount being $544.49. As to Parcel 1.
NOTE: 2007 Taxes are paid under Tax Parcel No. [redacted] 2007 Gross amount being $925.66. As to Parcel 2.
NOTE: 2007 Taxes are paid under Tax Parcel No. [redacted] 2007 Gross amount being $2,724.82. As to Parcel 3.
NOTE: 2007 Taxes are paid under Tax Parcel No. [redacted] 2007 Gross amount being $1,038.68. As to Parcel 4.
NOTE: 2007 Taxes are paid under Tax Parcel No. [redacted] 2007 Gross amount being $1,480.11. As to Parcel 5.

The above-captioned property has been searched only by the above description and by no other description or name. This report purposely omits restrictions, easements, subdivision agreements and any reference to mortgages, judgments and/or liens which appear to be satisfied of record or have expired pursuant to Florida Statues.

This report does not reflect those documents, if any, which may have been recorded prior (other than an assumed mortgage) or subsequent to the time period covered herein and which may disclose the possible existence of encumbrances, liens, rights, interests or other matters which may affect the subject property.

This company, in issuing this certificate, expressly disclaims any liability for the validity of any document or proceeding appearing in the public records and which constitutes a part of the chain of title. This certificate does not directly or indirectly set forth or imply any opinion, warranty, guarantee, insurance, or other similar assurance as to the status of title. This Company expressly disclaims any liability for loss or damage resulting from reliance on this certificate in excess of the fee paid to FIDELITY NATIONAL TITLE INSURANCE COMPANY or $1,000.00, whichever is less.

FIDELITY NATIONAL TITLE INSURANCE COMPANY

Carma Cornett

BY: _____

Instrument# 2010-066784 # 28
Book: 6465
Page: 3191

Fidelity National Title
Insurance Company

Ownership and Encumbrance Report

FNTIC File No: CD08-113660
Agent File No: 5343-35

EXHIBIT 'A'

Parcel 1:

Begin at the intersection of the West line of Lot 30, subdivision of NAPIER and North part of HULL GRANT and the South right of way line of State Road 44; thence along said road line North 88 degrees 34 minutes 48 seconds East, 117.00 feet to the Point of Beginning; thence along said road line 200 feet to a point; thence South 29 degrees 47 minutes 12 seconds East 200 feet to a point; thence South 88 degrees 34 minutes 48 seconds West 200 feet to a point; thence in a straight line to the Point of Beginning 200 feet, being Lots 3 and 4, Block 1, HAMMOCK GARDENS, UNRECORDED PLAT of Lot 30 South of Highway 44 and of Lot 43 Block 14 of NAPIER and the North part of Hull Grants, per Map Book 2, Page 42, Public Records of Volusia County, Florida.

Parcel 2:

A part of Block 14, South of State Road #40 according to the plat of NAPIER and HULL GRANTS, Volusia County, Florida, as follows, to-wit: Commencing at the intersection of the Westerly line of Lot 30 with the South right-of-way line of State Road #40; thence running Easterly and binding on the South right-of-way line of State Road #40 a distance of 417 feet to a point which is the Point of Beginning of this description; thence continuing Easterly and binding on the South right-of-way line of State Road #40 a distance of 54.58 feet to a point which is the intersection with the West line of Wild Orange Drive, a 50 foot road way; thence South 29 degrees 47 minutes 12 seconds East a distance of 200 feet to a point on the West line of Wild Orange Drive; thence Westerly and parallel to the South right-of-way line of State Road #40 a distance of 54.58 feet to a point; thence Northerly and parallel to the West line of Wild Orange Drive a distance of 200 feet to the Point of Beginning of this description. (Also known and described as Lot 1, Block 1, of HAMMOCK GARDENS, an unrecorded subdivision).

And

Begin at the intersection of the West line, Lot 30, Subdivision of NAPIER and North part of HULL GRANT and the South right-of-way line of State Road No. 40; thence North 88 degrees 34 minutes 48 seconds East along said South right-of-way line 317 feet for the Point of Beginning; thence North 88 degrees 47 minutes 12 seconds East 100 feet; thence South 29 degrees 47 minutes 12 seconds East 200 feet; thence South 88 degrees 47 minutes 12 seconds West 100 feet; thence North 29 degrees 47 minutes 12 seconds West 200 feet to the Point of Beginning; being parts of Lots 30 and 43, said Subdivision of NAPIER and North part of HULL GRANTS, according to the map recorded in Map Book "M", Page 688, Public Records of Volusia County, Florida.

Parcel 3:

Fidelity National Title
Insurance Company

Ownership and Encumbrance Report

FNTIC File No: CD08-113660
Agent File No: 5343-35

A part of Block 14, South of State Road #40 according to the plat of NAPIER and HULL GRANTS, Volusia County, Florida, as follows, to-wit: Commencing at the intersection of the Westerly line of Lot 30 in said Block 14 with the South right-of-way line of State Road #40; thence running Easterly and binding on the South right-of-way line of State Road #40 a distance of 471.58 feet more or less to the intersection with the West line of Wild Orange Drive, a 50 foot road way; thence South 29 degrees 47 minutes 12 seconds East along said West line of Wild Orange Drive a distance of 200 feet to a point which is the Point of Beginning of this description; thence continuing along said road line 172 feet to a point; thence Westerly and at right angles a distance of 200 feet to a point; thence Northerly and at right angles a distance of approximately 280 feet to a point which is 200 feet South 29 degrees 47 minutes 12 seconds East from the South right-of-way line of State Road #40, thence in a straight line and parallel to State Road #40 to the Point of Beginning of this description. (Also known and described as Lots 101, 102 and 103, Block 1, of HAMMOCK GARDENS, an unrecorded subdivision.)

Parcel 4:

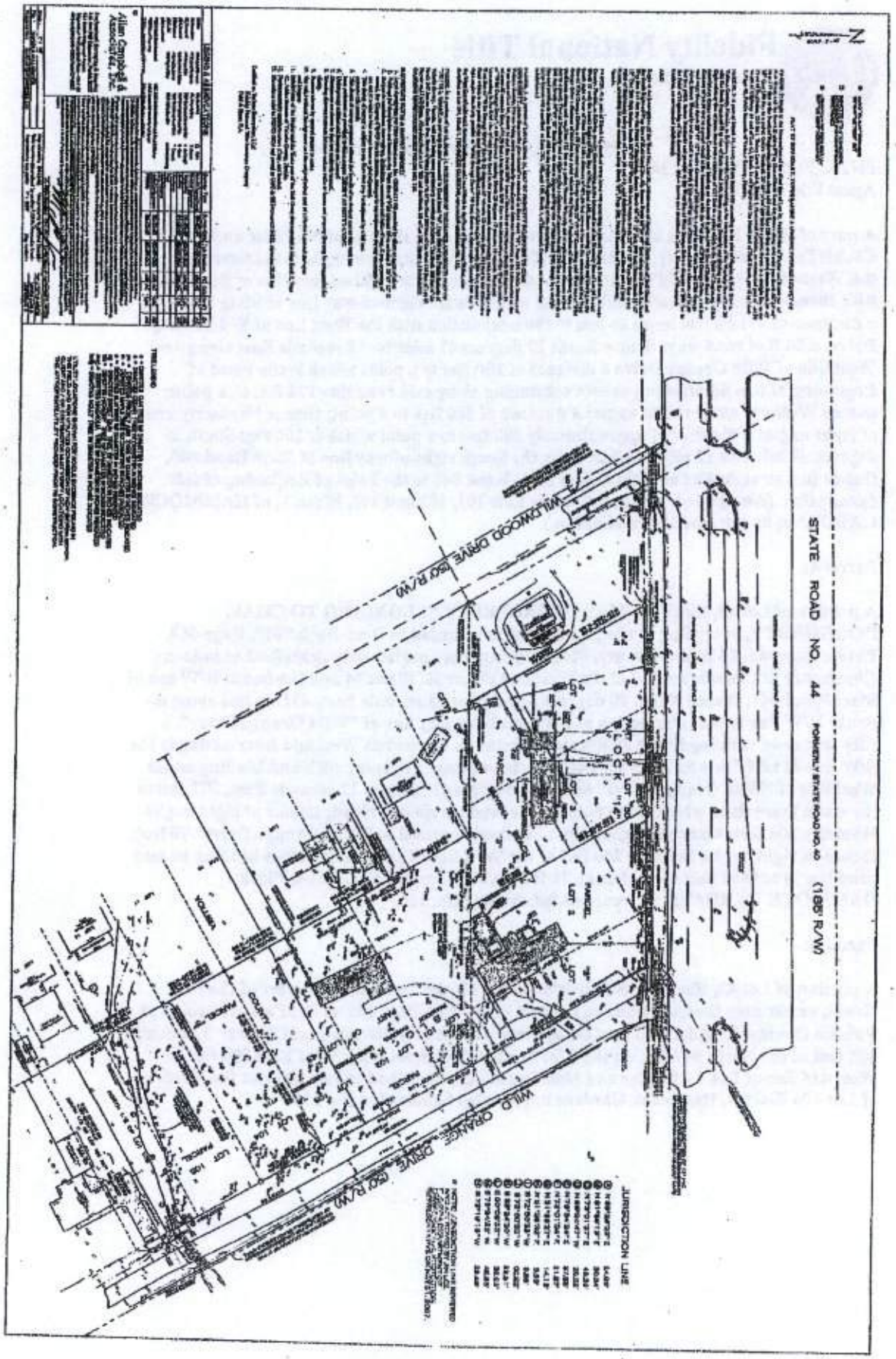
A portion of Lot 43, Block 14, MAP OF PROPERTY BELONGING TO CHAS. DOUGHERTY, according to the plat thereof as recorded in Deed Book "M", Page 688, Public Records of Volusia County, Florida being more particularly described as follows: Commence at the intersection of the West line of Lot 30, Block 14 and the South R/W line of State Road #44; thence North 88 degrees 34 minutes 48 seconds East, 471.58 feet along the South R/W line to the intersection of the West boundary line of "Wild Orange Drive", a fifty foot road running North 29 degrees 47 minutes 12 seconds West and intersecting in the S/W line of said State Road at the point as stated; thence running with and binding on the West line of "Wild Orange Drive" South 29 degrees 47 minutes 12 seconds East, 372 feet to the stake there fixed which is the point of the land herein described; thence at right angles Westerly 200 feet; thence at right angles Southerly parallel to "Wild Orange Drive" 70 feet; thence at right angles Easterly 200 feet to the West line of said road; thence binding on said road North to the Point of Beginning 70 feet. Also described as Lot 104, Block 1, HAMMOCK GARDENS, unrecorded Subdivision No. 116.

Parcel 5:

A portion of Lot 43, Block 14, Subdivision of the Napier and the North part of the Hull Grant, as per map thereof recorded in Deed Book "M", Page 688, of the Public Records of Volusia County, Florida, said part being more particularly described as follows: The South 105 feet of the North 547 feet on the East line South of State Road 40 of East 200 feet of West 415 feet of Lot 43, Napier and Hull Grant, also described as Lot 105 and the North ½ of Lot 106 Block 1, Hammock Gardens unrecorded Subdivision No. 116.

Best Available Image

Instrument# 2010-066784 # 30
Book: 6465
Page: 3193

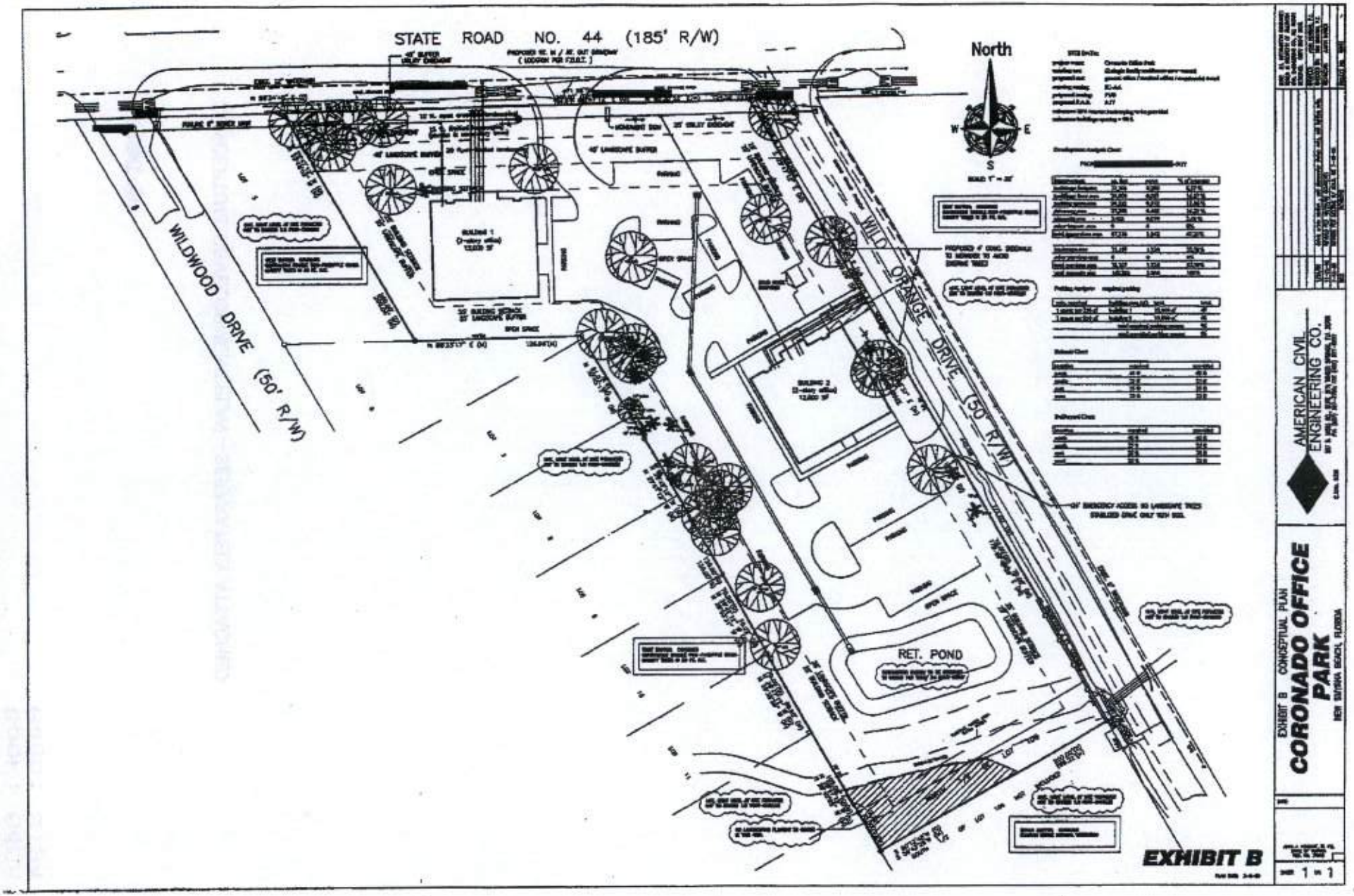


Instrument# 2010-066784 # 31
Book: 6465
Page: 3194

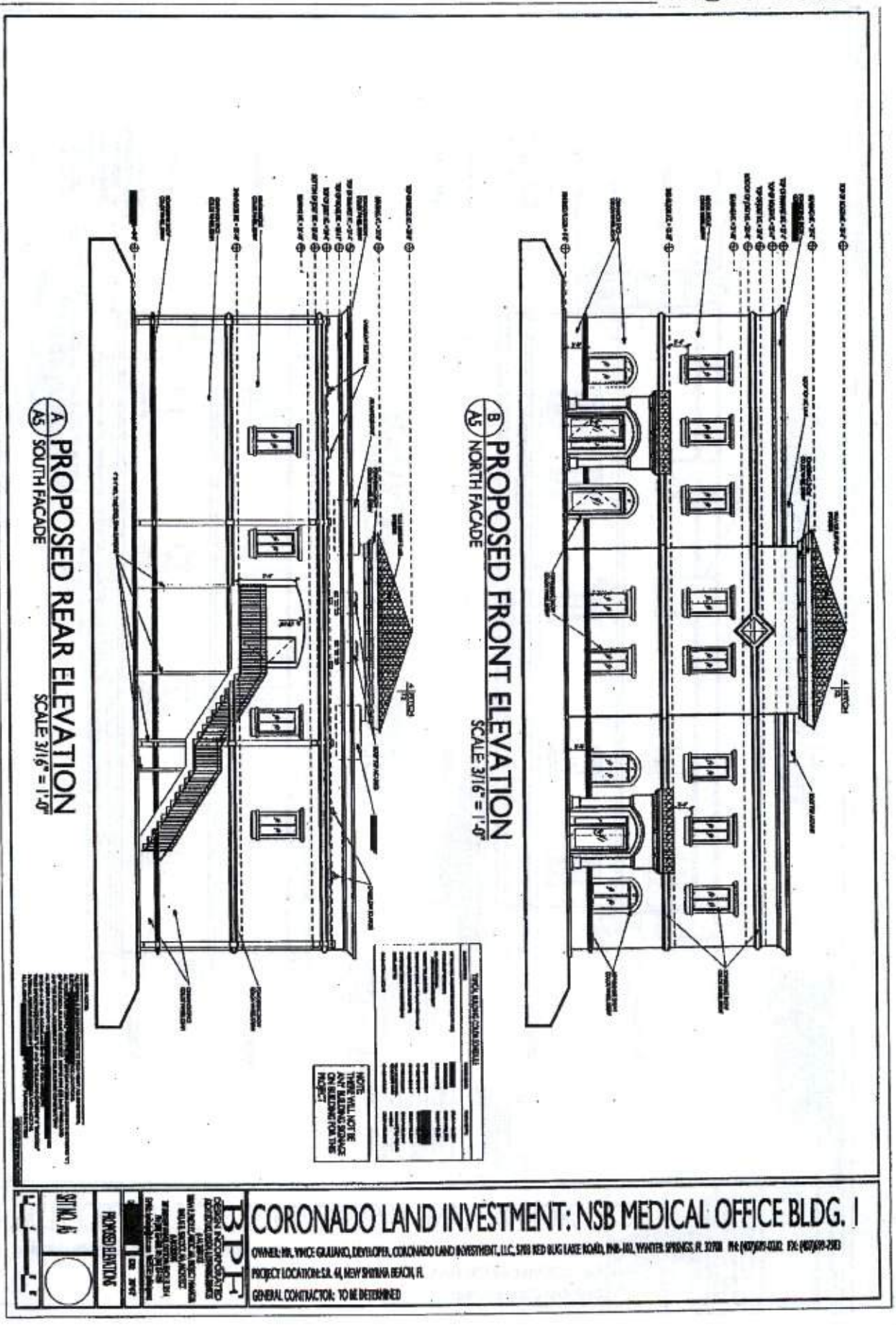
EXHIBIT "B"

CONCEPTUAL DEVELOPMENT PLAN – SEPARATELY ATTACHED

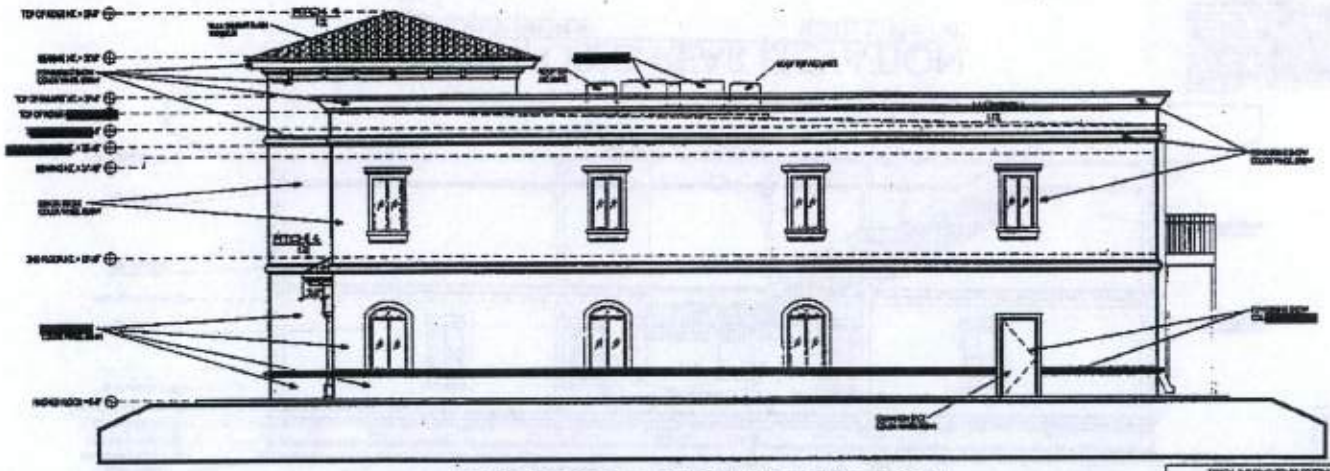
Instrument# 2010-066784 # 32
Book: 6465
Page: 3195



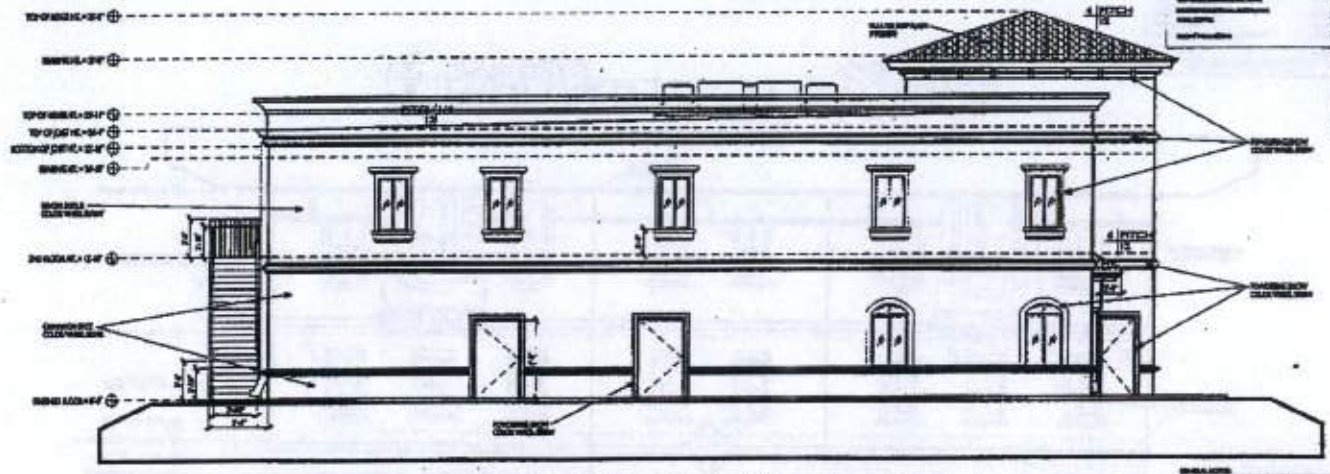
Instrument# 2010-066784 # 33
Book: 6465
Page: 3196



Instrument# 2010-066784 # 34
Book: 6465
Page: 3197



B/A6 PROPOSED SIDE ELEVATION
WEST FACADE
SCALE: 3/16" = 1'-0"



A/A6 PROPOSED SIDE ELEVATION
EAST FACADE
SCALE: 3/16" = 1'-0"

NOTE:
THERE WILL NOT BE ANY BUILDING SIGNAGE ON BUILDING FOR THIS PROJECT

CORONADO LAND INVESTMENT: NSB MEDICAL OFFICE BLDG. I

BPF
DESIGN INCORPORATED

PROPOSED ELEVATIONS

SHT NO. A6

..\Bldg.1\cad_95\elev.DGN Nov. 13, 2008 07:51:48

EXHIBIT "C"

DIMENSIONAL & PHYSICAL SITE REQUIREMENTS OF PROPERTY

TABLE OF DIMENSIONAL & PHYSICAL SITE REQUIREMENTS OF PROPERTY

Project Name:	Coronado Office Park
Existing Land Use:	Two (2) single family residencies, now vacant
Proposed Land Use:	General office, medical office, commercial, retail
Existing Zoning:	R1-AA
Proposed Zoning:	PUD
Proposed F.A.R.:	0.17

DEVELOPMENT ANALYSIS CHARTS

Proposed Conditions at Build-Out

Improvement	Sq. Feet	Acres	% of Property
Buildings Footprint	12,206	0.280	11.35%
Buildings Floor Area	24,000	0..551	22.32%
Parking Space Area	19,720	0.372	15.10%
Driveway Area	23,093	0.465	18.82%
Sidewalk Area	3,455	0.079	3.21%
Other Impervious Area	0	0	0
Total Impervious Area	58,504	1.197	41.12%
Landscaped Area	83,779	1.923	58.88%
Other Pervious Area	0	0	0
Total Pervious Area	83,779	1.923	58.88%
Total Property Size	142,283	3.266	100.00%

Minimum Building Spacing	50-Feet

Parking Analysis – Required Parking

Criteria	Site	Sq. Feet	#Spaces
1 Parking Space per 250 SF	Building 1	12,000	48
1 Parking Space per 250 SF	Building 2	12,000	48
Total Required Parking Spaces			96
Total Provided Parking Spaces			99

Setback Chart

Location	Required	Provided
SR-44	65-feet	65-feet
South	25-feet	25-feet
East	25-feet	25-feet
West	25-feet	25-feet

Bufferyard Chart

Location	Required	Provided
SR-44	35-feet	35-feet*
South	25-feet	25-feet
East	25-feet	25-feet
West	25-feet	25-feet

(*) First 10-feet easement only.

EXHIBIT "D"

NAMES AND ADDRESSES OF PROPERTY OWNERS WITHIN 150 FEET OF PROPERTY

Instrument# 2010-066784 # 38
Book: 6465
Page: 3201

Adjacent Property Owners (within 150 feet of Subject Site)

Parcel I.D.	Owner Name	Property Location	Owner Address
43-17-33-06-00-0064	New Smyrna Beach Acquisition LLC	SR 44 New Smyrna Beach, FL 32168	411 Commercial Court, Suite E Venice, FL 34292
43-17-33-06-00-0061	New Smyrna Beach Acquisition LLC	SR 44 New Smyrna Beach, FL 32168	411 Commercial Court, Suite E Venice, FL 34292
43-17-33-06-00-0230	Colony Park LLC	SR 44 New Smyrna Beach, FL 32168	411 Commercial Court, Suite E Venice, FL 34292
43-17-33-06-00-0292	Village Acquisitions LLC	Canal Street New Smyrna Beach, FL 32168	P.O. Box 1685 New Smyrna Beach, FL 32170
43-17-33-07-01-0050	Vivian Russell	151 Wildwood Drive New Smyrna Beach, FL 32168	1135 South SR 415 New Smyrna Beach, FL 32168
43-17-33-06-00-0446	Anthony H. McConnell Elizabeth J. Giardina	290 Wildwood Drive New Smyrna Beach, FL 32168	290 Wildwood Drive New Smyrna Beach, FL 32168
43-17-33-06-00-0444	Roger W. Banks Debra E. Banks	298 Wildwood Drive New Smyrna Beach, FL 32168	298 Wildwood Drive New Smyrna Beach, FL 32168
43-17-33-07-01-0060	Lionel W. McGill Shirley R. McGill	235 Wildwood Drive New Smyrna Beach, FL 32168	200 Conova Street New Smyrna Beach, FL 32168
43-17-33-07-01-0080	Jason Greene	251 Wildwood Drive New Smyrna Beach, FL 32168	251 Wildwood Drive New Smyrna Beach, FL 32168
43-17-33-07-01-0100	Richard L. Collison	Wildwood Drive New Smyrna Beach, FL 32168	635 Yupon Avenue New Smyrna Beach, FL 32169
43-17-33[redacted]	James E. McKenzie Connie L. McKenzie	293 Wildwood Drive New Smyrna Beach, FL 32168	293 Wildwood Drive New Smyrna Beach, FL 32168
43-17-33[redacted]	Donald R. Holmes Lamie M. Holmes	323 Wildwood Drive New Smyrna Beach, FL 32168	323 Wildwood Drive New Smyrna Beach, FL 32168
43-17-33[redacted]	Steven R. Jones Traci Jean Jones	310 S. Wild Orange Drive New Smyrna Beach, FL 32168	310 S. Wild Orange Drive New Smyrna Beach, FL 32168
43-17-33[redacted]	Peter R. Minelga Leonida Minelga	320 S. Wild Orange Drive New Smyrna Beach, FL 32168	320 S. Wild Orange Drive New Smyrna Beach, FL 32168
43-17-33[redacted]	Robert Beitzel Vicki Beitzel	330 S. Wild Orange Drive New Smyrna Beach, FL 32168	4371 Old Seale Hwy. Seale, AL 36875
43-17-33[redacted]	Jerry C. Sapp, Jr. Dolores W. Sapp	Canal Street New Smyrna Beach, FL 32168	613 Timberlane New Smyrna Beach, FL 32168
43-17-33[redacted]	Jerry C. Sapp, Jr. Dolores W. Sapp	Canal Street New Smyrna Beach, FL 32168	613 Timberlane New Smyrna Beach, FL 32168

Instrument# 2010-066784 # 39
Book: 6465
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Parcel I.D.	Owner Name	Property Location	Owner Address
43-17-33-07-02-0070	PP&P Property Investing Inc.	S. Wild Orange Drive New Smyrna Beach, FL 32168	242 W. Pine Avenue New Smyrna Beach, FL 32168
43-17-33-07-02-0080	PP&P Property Investing Inc.	S. Wild Orange Drive New Smyrna Beach, FL 32168	242 W. Pine Avenue New Smyrna Beach, FL 32168
43-17-33-07-02-0100	Mark D. Ledford	309 S. Wild Orange Drive New Smyrna Beach, FL 32168	309 S. Wild Orange Drive New Smyrna Beach, FL 32168
43-17-33-07-02-0120	Mark D. Black	323 S. Wild Orange Drive New Smyrna Beach, FL 32168	P.O. Box 207 Edgewater, FL 32132

Instrument# 2010-066784 # 40
Book: 6465
Page: 3203

EXHIBIT "E"

LETTER FROM TRAFFIC ENGINEER

LETTER FROM TRANSIT SERVICE

Instrument# 2010-066784 # 42
Book: 6465
Page: 3205

Traf Tech
ENGINEERING, INC.

Mr. Victor A. Lopiccolo
Contracts & Permits Coordinator
DeLand Operations – Florida DOT
1650 North Kepler Road
DeLand, Florida 32724

November 5, 2007

Re: **SR 44 Access for Proposed Medical Office PUD, New Smyrna Beach, Florida**

Dear Mr. Lopiccolo:

The purpose of this letter is to summarize the results of our meeting held on Tuesday, October 30, 2007 in connection with the proposed access driveway off of SR 44 for the proposed Medical Office PUD project. The subject development is to be located on the south side of SR 44, between Wildwood Drive and Wild Orange Drive, in the City of New Smyrna Beach, Florida. Present at the meeting were the following individuals:

Mr. Victor Lopiccolo – Contracts and Permits Coordinator for FDOT District Five
Mr. Chad Lingenfelter – Chief Planner for New Smyrna Beach
Mr. Vincent Giuliano – Coronado Investments
Mr. Ralph Giuliano – Coronado Investments
Mr. Joaquin Vargas – Traf Tech Engineering, Inc. (Project Traffic Engineer)

The purpose of the meeting was to discuss the proposed access for the project. Specifically, discussions regarding the driveway location and the need for a separate right-turn lane were held. The following decisions were reached during the meeting between the attending parties:

- The proposed driveway will be restricted to right-turns in/right-turns out movements. That is, no left turns will be permitted at the proposed project driveway.

- Due to the low number of new trips anticipated to be generated by the proposed Medical Office PUD project, an eastbound right-turn lane is not warranted. However, in order to maintain adequate safety along SR 44, and given the existing taper for eastbound traveling motorist that are turning right onto Wild Orange Drive, the following design considerations should be implemented as part of the driveway construction:

  - The driveway should be located approximately 130 feet west of Wild Orange Drive.

  - Take advantage of the existing eastbound taper in order to provide deceleration opportunities to future patrons of the subject medical-office development.

8400 North University Drive, Suite 202, Tamarac, Florida 33321
Tel: (954) 582-0988 Fax: (954) 582-0989 E-mail: joaquin@traftech.biz

- In order to maintain adequate safety along SR 44, provide a 50-foot turning radii for eastbound traveling vehicles that are turning right from SR 44 onto the medical office development. The 50-foot dimension is the optimum radii for right-turning-vehicle purposes (typical radii range from 25 feet to 50 feet).

I trust the above information is an accurate representation of the discussions and decisions held during the October 30th meeting. Please give me a call if you have any comments relative to the information presented herein.

Sincerely,

TRAF TECH ENGINEERING, INC.

Joaquin E. Vargas, P.E., PTOE
Senior Transportation Engineer

Copies to: Chad T. Lingenfelter, AICP (Chief Planner for New Smyrna Beach)
Vincent Giuliano (Coronado Investments)
Ralph Giuliano (Coronado Investments)

Instrument# 2010-066784 # 44
Book: 6465
Page: 3207

Traf Tech
ENGINEERING, INC.

June 11, 2008

Mr. Vincent Giuliano
Coronado Investments

Re: **SR 44 & Wild Orange Medical Office PUD – Traffic Study**

Dear Vincent:

In response to the three traffic-related comments provided by the City of New Smyrna Beach in connection with the SR 44 & Wild Orange Medical Office PUD, we offer the following clarifications:

Pages 14 and 15 - Distance to Jungle Road/Hidden Pines
The project site is located approximately 1400 feet west of Jungle Road/Hidden Pines, which is just over 0.25 miles. The purpose of this statement was to indicate that the intersection of Jungle Road/Hidden Pines is outside of the influence area of the subject project. If the radius of development influence for this project is 0.5 miles as opposed to 0.25 miles, the conclusions reached do not change because the intersection of SR 44 and Jungle Road/Hidden Pines was evaluated in the traffic study.

Page 16 – Bullet Addressing Access on Wild Orange Drive
The third bullet on Page 16 is no longer applicable since the access for the project was changed based on the results of a meeting held with the FDOT.

Page 16 – Northbound Approach of SR 44/Wild Orange Drive Intersection
The recommended improvement on Wild Orange Drive (construct a separate northbound left-turn lane) is no longer needed since the access will be off of SR 44.

Please give me a call if you or the City has any questions or comments.

Sincerely,

TRAF TECH ENGINEERING, INC.

Joaquin E. Vargas, P.E.
Senior Transportation Engineer

8400 North University Drive, Suite 202, Tamarac, Florida 33321
Tel: (954) 582-0988 Fax: (954) 582-0989 E-mail: joaquin@traftech.biz

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Votran
We drive a great bargain

June 11, 2008

Dr. Vincent Guiliano
Coronado Land Investments, LLC
5703 Red Bug Lake Rd., PMB-102
Winter Springs, Florida 32708

Dear Dr. Guiliano:

In response to your e-mil request of June 9, we provide the following information, regarding bus service to 2310 Canal Street, New Smyrna Beach, Florida.

1. Votran, the public [redacted] or Volusia County, does not provide service to this address. Service is currently terminated at SR 44 and Wallace Rd., approximately 1.1 miles east of the address.
2. Volusia Count is currently assessing its service capacity for possible reductions in service, due to [redacted]ed revenue reductions. Service expansion in not expected in the near term.

I hope this provides you with the information you require. If you have any questions or concerns please let me know at rdavenport@co.volusia.fl.us .

Sincerely,

Robert E. Davenport
Customer Service Manager

Cc: Heather Blanck, [redacted] General Manager

950 BIG TREE ROAD — SOUTH DAYTONA, FLORIDA 32119-8915
(386) 756-7496 — FAX (386) 756-7487

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Traf Tech
ENGINEERING, INC.

November 15, 2008

Mr. Vincent Giuliano
Coronado Investments

Re: **SR 44 & Wild Orange Medical Office PUD – Additional Traffic Analyses**

Dear Vincent:

In response to the three traffic-related comments provided by the City of New Smyrna Beach in connection with the SR 44 & Wild Orange Medical Office PUD, we offer the following responses:

New Impacts on SR 44 Based on New Access Plan

The previous full access driveway on Wild Orange Drive has been moved to SR 44. The new SR 44 access driveway will be restricted to right-turns in/right-turns out. Hence, vehicles arriving from the east will continue past the project, execute a west-to-east U-turn at Wildwood Drive in order to access the project site. Similarly, vehicles exiting the project that wish to head west on SR 44 will first be required to head east on SR 44 and execute an east-to-west U-turn at Jungle Road/Hidden Pines Boulevard. (Due to the close proximity of the project driveway from Wild Orange Drive, all exiting vehicles were assumed to continue east past Wild Orange Drive. That is, no east-to-west U-turns were assumed at the intersection of SR 44 and Wild Orange Drive). The new project trip distribution is graphically depicted in the revised Figure 4 – Project Traffic Assignment for the PM peak hour. Table 1 below shows the revised project impacts on SR 44 based on the new access plan.

TABLE 1
Project Impacts on SR 44
Medical Office PUD

Roadway Segment	Project Trips – PM Peak Hour
West of Glencoe Road	22
Glencoe Road to Colony Park Road	33
Colony Park Road to Project Site	61
Project Site to Jungle Road/Hidden Pines	99
East of Jungle Road /Hidden Pines	42

Source: Traf Tech Engineering, Inc.

Based on the information contained in Table 1, the average project impacts, east and west of the project site, are 71 and 39 peak hour trips, respectively.

8400 North University Drive, Suite 202, Tamarac, Florida 33321
Tel: (954) 582-0988 Fax: (954) 582-0989 E-mail: joaquin@traftech.biz

SR 44 and Jungle Road/Hidden Pines Boulevard

With the new access plan, additional project trips will impact the intersection of SR 44 and Jungle Road/Hidden Pines Boulevard (specifically, an additional 24 east-to-west U-turning vehicles). The subject intersection was re-analyzed with the new impacts and the intersection, as a whole, is projected to operate at level of service "D", which is acceptable. The revised future volume spreadsheet, capacity analysis, and overall level of service for the subject intersection are attached.

SR 44 and Glencoe Road Proportionate Share Analysis

Based on the results of the capacity/level of service analyses conducted for the intersection of SR 44 and Glencoe Road, the proposed project, on average, is adding approximately 0.6 seconds of additional delay to the eastbound and westbound left-turning movements. The eastbound and westbound through and right-turn movements are free-flowing and therefore, no delay is experienced by these movements. The 0.6 seconds of delay is associated with three (3) westbound left-turning vehicles, or 0.2 seconds per vehicle. Since the northbound and southbound approaches are operating at a poor level of service and a high volume-to-capacity ratio, the capacity software does not produce delays for these approaches. In order to determine the delay caused by this project to the north and south approaches, the three project trips (one northbound right and two southbound lefts) were assumed to also have approximately 0.2 seconds per vehicle of additional delay, for a total of 0.6 seconds for the Glencoe Road approaches. Therefore, the proposed project is anticipated to increase delay be 1.6 seconds (0.6 + 0.6), say 2 seconds, at the intersection of SR 44 and Glencoe Road.

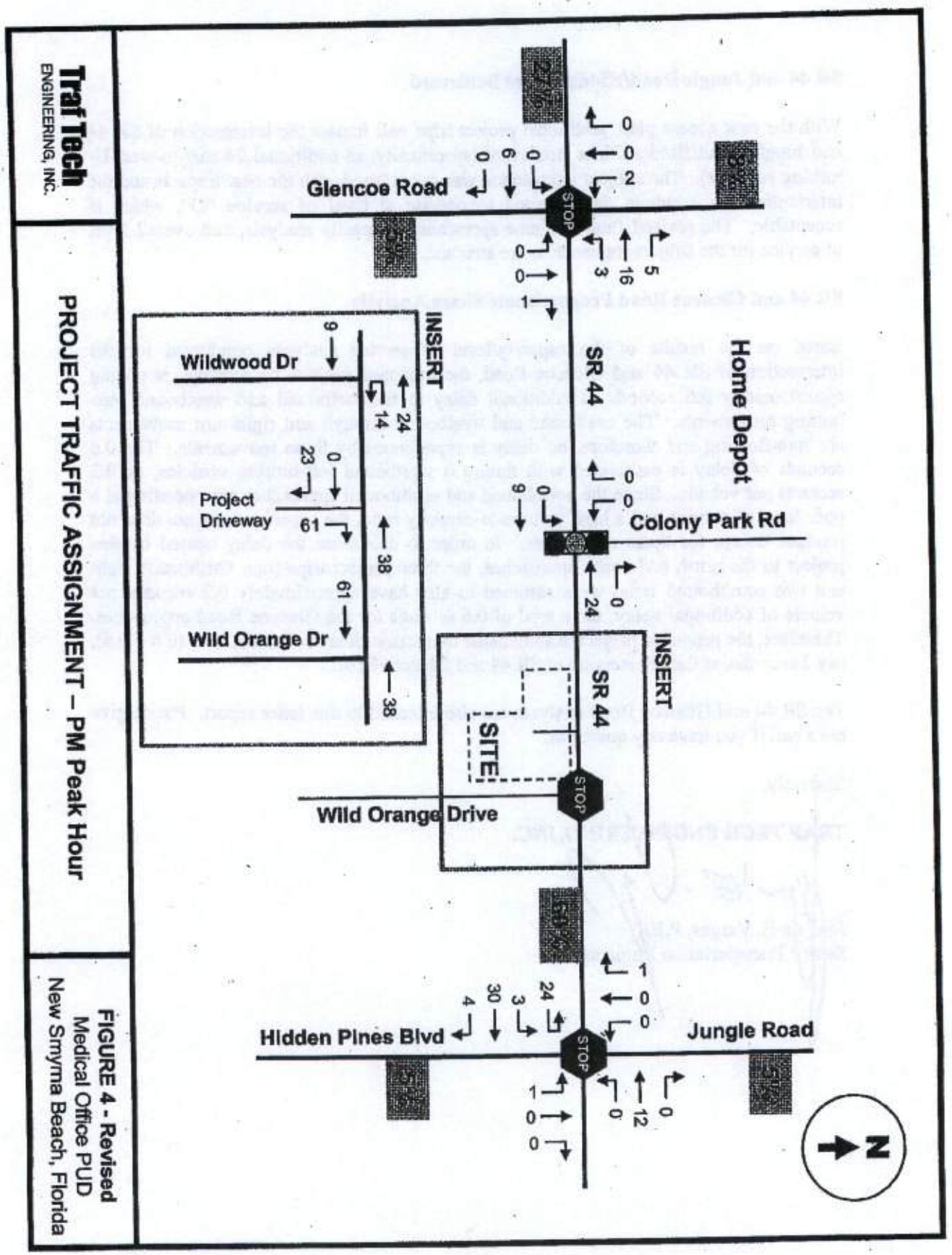
The SR 44 and Glencoe Road analyses are also attached to this letter report. Please give me a call if you have any questions.

Sincerely,

TRAF TECH ENGINEERING, INC.

Joaquin E. Vargas, P.E.
Senior Transportation Engineer

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FUTURE TURNING MOVEMENT VOLUME ANALYSIS

SR 44 and Jungle Road
PM Peak Hour Analysis

Description	Hidden Pines Blvd Northbound			Jungle Road Southbound			SR 44 Eastbound			SR 44 Westbound		
	Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right
2007 Existing Traffic	19	5	44	1	1	33	45	959	47	34	1,001	5
Season Adjustment Factor	1.10	1.10	1.10	1.10	1.10	1.10	1.10	1.10	1.10	1.10	1.10	1.10
2007 Peak Season Traffic	21	6	48	1	1	36	50	1,055	52	37	1,101	6
Annual Growth Rate	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%
2008 Growth Traffic	21	6	50	1	1	37	51	1,080	53	38	1,128	6
Committed Traffic								241			161	
Home Depot Traffic								15			0	
Timberlane Retail	4					4	4	40	5		38	
Village Square								39			31	
2008 Background Traffic	25	6	50	1	1	41	55	1,415	58	38	1,358	6
Project Traffic	1					1	27	30	4		12	
2008 Total Traffic	26	6	50	1	1	42	82	1,445	62	38	1,370	6

NOTE: Home Depot Traffic includes projected traffic, as documented in the Home Depot Traffic Study, minus 2007 traffic counts which reflects some of the Home Depot trips anticipated at buidout.

Movements with Delay	Volume	Delay	Vol x Delay		
Eastbound Left	82	14.8	1,213.6		
Westbound Left	38	15.0	570.0		
Northbound	82	68.0	5,576.0		
Southbound	44	20.3	893.2		
				Average Delay	LOS
Total	246		8,252.8	33.5	D

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TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	Vargas
Agency/Co.	Traf Tech Engineering, Inc.
Date Performed	8/25/2007
Analysis Time Period	PM Peak Hour

Site Information

Intersection	SR 44/Jungle
Jurisdiction	New Smyrna Beach
Analysis Year	2008 Total w/Project

Project Description

East/West Street: SR 44 | North/South Street: Jungle Road/Hidden Pines

Intersection Orientation: East-West | Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	82	1445	62	38	1370	6
Peak-Hour Factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92
Hourly Flow Rate, HFR (veh/h)	89	1570	67	41	1489	6
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type	Raised curb					
RT Channelized			0			0
Lanes	1	2	1	1	2	0
Configuration	L	T	R	L	T	TR
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	26	6	50	1	1	42
Peak-Hour Factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92
Hourly Flow Rate, HFR (veh/h)	28	6	54	1	1	45
Percent Heavy Vehicles	0	2	0	0	2	0
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	1	1	0	0	1	0
Configuration	L		TR		LTR	

Delay, Queue Length, and Level of Service

Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L	L	L		TR		LTR	
v (veh/h)	89	41	28		60		47	
C (m) (veh/h)	455	401	50		192		282	
v/c	0.20	0.10	0.56		0.31		0.17	
95% queue length	0.72	0.34	2.15		1.27		0.59	
Control Delay (s/veh)	14.8	15.0	145.2		32.1		20.3	
LOS	B	B	F		D		C	

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Approach Delay (s/veh)	--	--	68.0	20.3
Approach LOS	--	--	F	C

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Book: 6465
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TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	Varges
Agency/Co.	Traf Tech Engineering, Inc.
Date Performed	8/25/07
Analysis Time Period	PM Peak Hour

Site Information

Intersection	SR 44/Glencoe
Jurisdiction	New Smyrna Beach
Analysis Year	2008 Background

Project Description

East/West Street: SR 44 | North/South Street: Glencoe Road

Intersection Orientation: East-West | Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	53	1408	168	158	935	143
Peak-Hour Factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92
Hourly Flow Rate, HFR (veh/h)	57	1530	182	171	1016	155
Percent Heavy Vehicles	2	--	--	2	--	--
Median Type	Raised curb					
RT Channelized			0			0
Lanes	1	2	1	1	2	1
Configuration	L	T	R	L	T	R
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	69	67	132	86	67	62
Peak-Hour Factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92
Hourly Flow Rate, HFR (veh/h)	74	72	143	93	72	67
Percent Heavy Vehicles	2	2	2	2	2	2
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	1	0	0	1	0
Configuration		LTR			LTR	

Delay, Queue Length, and Level of Service

Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L	L		LTR			LTR	
v (veh/h)	57	171		289			232	
C (m) (veh/h)	592	367					0	
v/c	0.10	0.47						
95% queue length	0.32	2.39						
Control Delay (s/veh)	11.7	23.1						
LOS	B	C					F	

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Approach Delay (s/veh)	--	--		
Approach LOS	--	--		

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TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	Vargas
Agency/Co.	Traf Tech Engineering, Inc.
Date Performed	8/25/07
Analysis Time Period	PM Peak Hour

Site Information

Intersection	SR 44/Glencoe
Jurisdiction	New Smyrna Beach
Analysis Year	2008 Total w/Project

Project Description

East/West Street: SR 44 | North/South Street: Glencoe Road

Intersection Orientation: East-West | Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	53	1414	168	161	951	148
Peak-Hour Factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92
Hourly Flow Rate, HFR (veh/h)	57	1536	182	174	1033	160
Percent Heavy Vehicles	2	--	--	2	--	--
Median Type	Raised curb					
RT Channelized			0			0
Lanes	1	2	1	1	2	1
Configuration	L	T	R	L	T	R
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	69	67	133	88	67	62
Peak-Hour Factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92
Hourly Flow Rate, HFR (veh/h)	74	72	144	95	72	67
Percent Heavy Vehicles	2	2	2	2	2	2
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	1	0	0	1	0
Configuration		LTR			LTR	

Delay, Queue Length, and Level of Service

Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L	L		LTR			LTR	
v (veh/h)	57	174		290			234	
C (m) (veh/h)	581	365					0	
v/c	0.10	0.48						
95% queue length	0.32	2.48						
Control Delay (s/veh)	11.9	23.5						
LOS	B	C					F	

Instrument# 2010-066784 # 55
Book: 6465
Page: 3218
Diane M. Matousek
Volusia County, Clerk of Court

Approach Delay (s/veh)	–	--		
Approach LOS	–	--		

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THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

CPA-1-25: REVIEW AND GIVE A RECOMMENDATION TO THE CITY COMMISSION ON A PROPOSED, SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT, CHANGING THE FUTURE LAND USE FROM INDUSTRIAL MIXED USE TO INDUSTRIAL ON APPROXIMATELY 0.59 ± ACRES OF LAND LOCATED ON THE SOUTHEAST CORNER OF SOUTH MYRTLE AVENUE AND W 7TH STREET.

June 2, 2025

Background:

Applicant: Glen D. Storch, Storch Law Firm, 420 South Nova Road, Daytona Beach, Florida 32114.

Property Owner: MOD 9304 LLC, 1217 Commodore Drive, New Smyrna Beach, Florida 32168.

Request: Small Scale *Comprehensive Plan* amendment:

- **From:** City Future Land Use designation of Industrial Mixed Use.
- **To:** City Future Land Use designation of Industrial.

Site Information:

- **Size:** 0.59 ± acres.
- **Location:** Southeast corner of South Myrtle Avenue and W 7th Street (see **Exhibit A** for a location map).

Tax I.D. Number: 7449-01-20-0011

Exhibits Used in this report:

Exhibit A: Location Map
Exhibit B: Aerial Map
Exhibit C: Existing Future Land Use Map
Exhibit D: Existing Future Land Use Text
Exhibit E: Existing Zoning Map
Exhibit F: Existing Zoning Text
Exhibit G: Proposed Future Land Use Map
Exhibit H: Proposed Future Land Use Text
Exhibit I: Concept Plan

Exhibit J: Comprehensive Plan Review
Exhibit K: Survey

Findings:

The subject property is located within the City limits and is currently undeveloped. An aerial view/map of the subject property and surrounding area is attached as **Exhibit B**.

The property currently has a City Future Land Use designation of Industrial Mixed Uses and is zoned City I-1, Light Industrial. Map showing the current and surrounding existing Future Land Use categories are attached as **Exhibit C**. The text description of the existing Future Land Use designation for the subject property is attached as **Exhibit D**. The associated current zoning Map and zoning text description for the subject property are attached as **Exhibits E & F**.

With this application, the property owner wishes to change the Future Land Use from Industrial Mixed Use to Industrial which would create a decrease in allowable density and Floor to Aera Ratio, (FAR). A proposed Future Land Use map and associated text is attached as **Exhibits G & H**. The applicant did provide a conceptual plan for the board to show what future development may be on this parcel. **See Exhibit I**.

The intent of the Industrial Mixed Use, Future Land Use designation is as follows:

- "The purpose of this land use designation is to promote the sustainable development or redevelopment land near railways and/or major highways and in close proximity to the Canal Downtown Neighborhood, by providing maximum opportunity for innovative site planning for living, shopping, and working environments. Areas designated as Industrial Mixed Use are intended to accommodate a mix of light industrial/research, office, retail and medium to high density residential uses. Areas designated as Industrial Mixed Uses are required to develop using the planned unit development format."

The current Future Land Use designation of Industrial Mixed Use allows for a mixed development of retail, office, residential and industrial. The residential density is 40 dwelling units per acre with a density of transient lodging to be 75 units per acre. This future land use category also allows a Floor to Area Ratio to be 6.5. Because of the allowable mixed development, all properties with a future land use category of Industrial Mixed Use are required to be developed using a Planned Unit Development, (PUD) zoning. A development agreement between the property owner and the city would be reviewed by the City Commission. Because the size of this parcel is less than 2 acres, variances may be required to meet the minimum standard of a PUD zoning.

The intent of the Industrial, Future Land Use designation is as follows:

- "This category is designed for activity predominantly connected with manufacturing, assembly, processing, packaging, research, or storage of products. Additional permitted used in such areas include warehousing, wholesale activity, machine repair, and construction that are not suitable for either residential or commercial districts. Adequate buffering should be provided from adjacent land uses; and transitional uses (such as office or commercial uses) should be provided between industrial and residential areas."

The proposed Future Land Use designation of Industrial removes the allowable residential and transient lodging density. This proposed designation also lowers the allowable Floor to Area Ration from 6.5 to 2.0 thus reducing the size of an allowable building. This Future Land Use designation can be developed using the existing I-1, Light Industrial Zoning District designation.

The *Land Development Regulations* requires any proposed development to conform to the Concurrency Management System. That system includes traffic, parks and recreation, potable water, wastewater treatment, solid waste collection, stormwater management, and public-school facilities. Because the subject property is requesting a proposed decrease of gross density and Floor to Area Ration, staff did not prepare a concurrency analysis table for this case. Any proposed development would have to provide concurrency during a site plan review application.

The *Comprehensive Plan* provides guidance on future land use amendments, and rezonings. The following is a list of objectives in the *Comprehensive Plan* that support this proposal:

- Future Land Use Element, Goal 2, Objective 1
- Future Land Use Element, Goal 2, Objective 2
- Future Land Use Element, Goal 4, Objective 1
- Economic Development Element, Goal

Recommendation:

The Planning Department recommends that the Planning and Zoning Board give a positive recommendation to the City Commission to **approve** the requested decrease in overall density and reduction of the Floor to Area Ratio by changing the Future Land Use from Industrial Mixed Use to Industrial.

Fiscal Analysis:
N/A

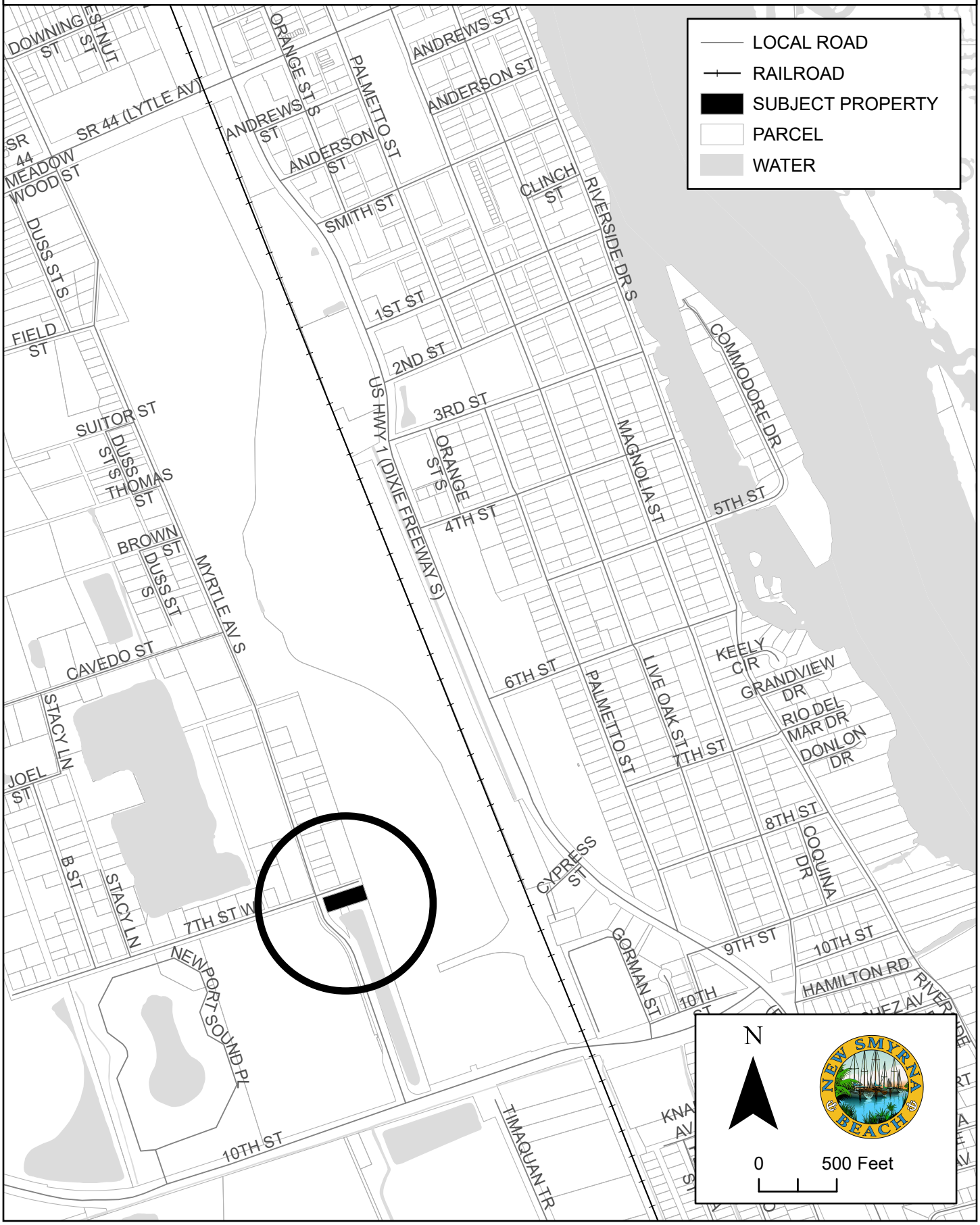
Strategic Plan Item:
No

Staff Report Created By: Robert Mathen - Senior Planner

Attachments:

Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Existing FLU Map.pdf
Exhibit D Industrial Mixed Use FLU Text.pdf
Exhibit E Existing Zoning Map.pdf
Exhibit F City I-1 Zoning Text.pdf
Exhibit G Proposed FLU Map.pdf
Exhibit H Industrial FLU Text.pdf
Exhibit I CONCEPTUAL SITE PLAN.pdf
Exhibit J Comprehensive Plan Review.pdf
Exhibit K Survey.pdf

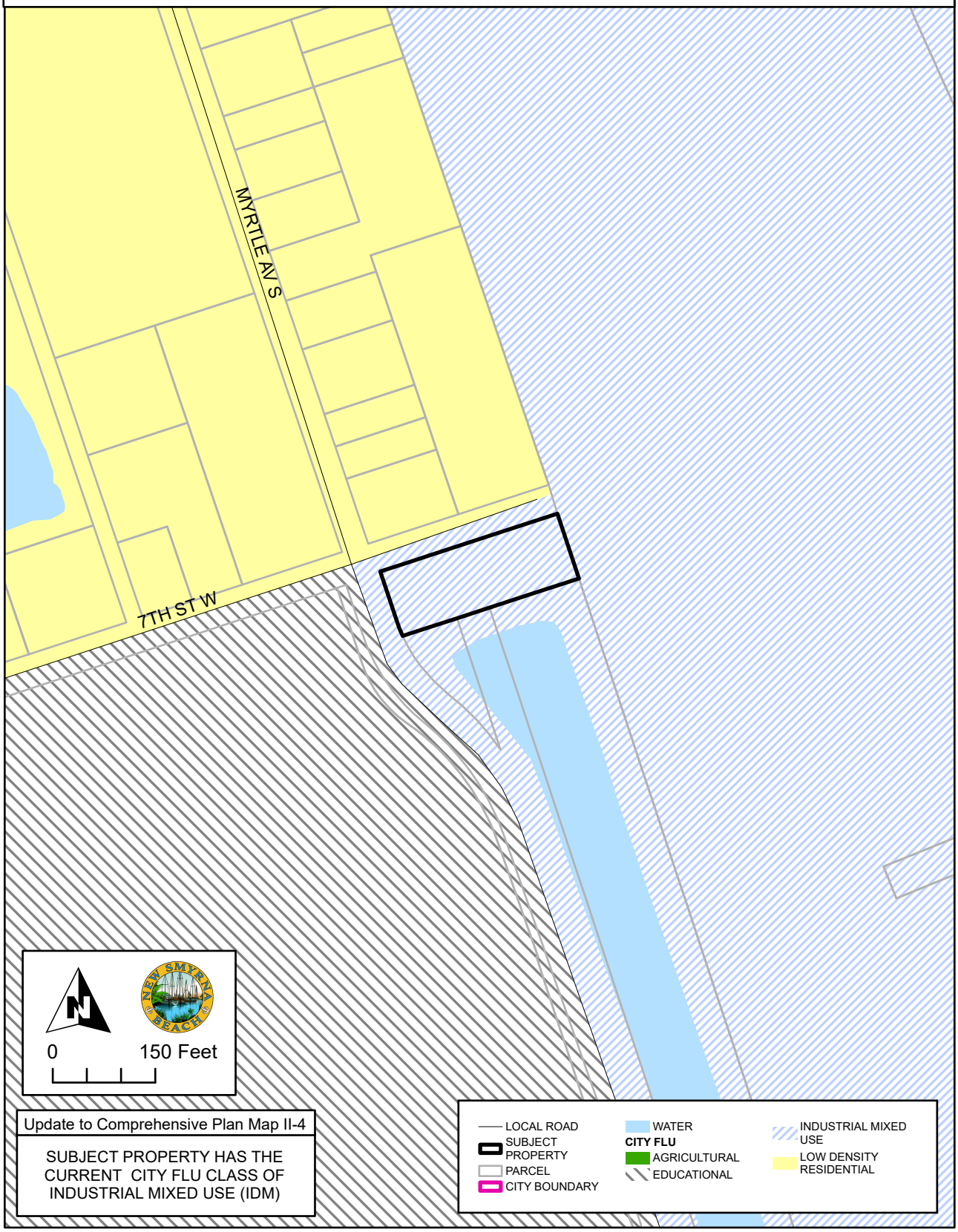
CPA-1-25: S. MYRTLE AVENUE
PARCEL: 7449-01-20-0011 LOCATION MAP



CPA-1-25: S. MYRTLE AVENUE
PARCEL: 7449-01-20-0011 AERIAL MAP



CPA-1-25: S. MYRTLE AVENUE
EXISTING FUTURE LAND USE MAP



FUTURE LAND USE

INDUSTRIAL MIXED USE

Maximum allowed density:

Up to 40 dwelling units per acre

Up to 75 transient lodging units per acre

Maximum allowed Floor Area Ratio (FAR): 6.50

Maximum Allowable Percentage of uses for Development Using the Planned Unit Development format:

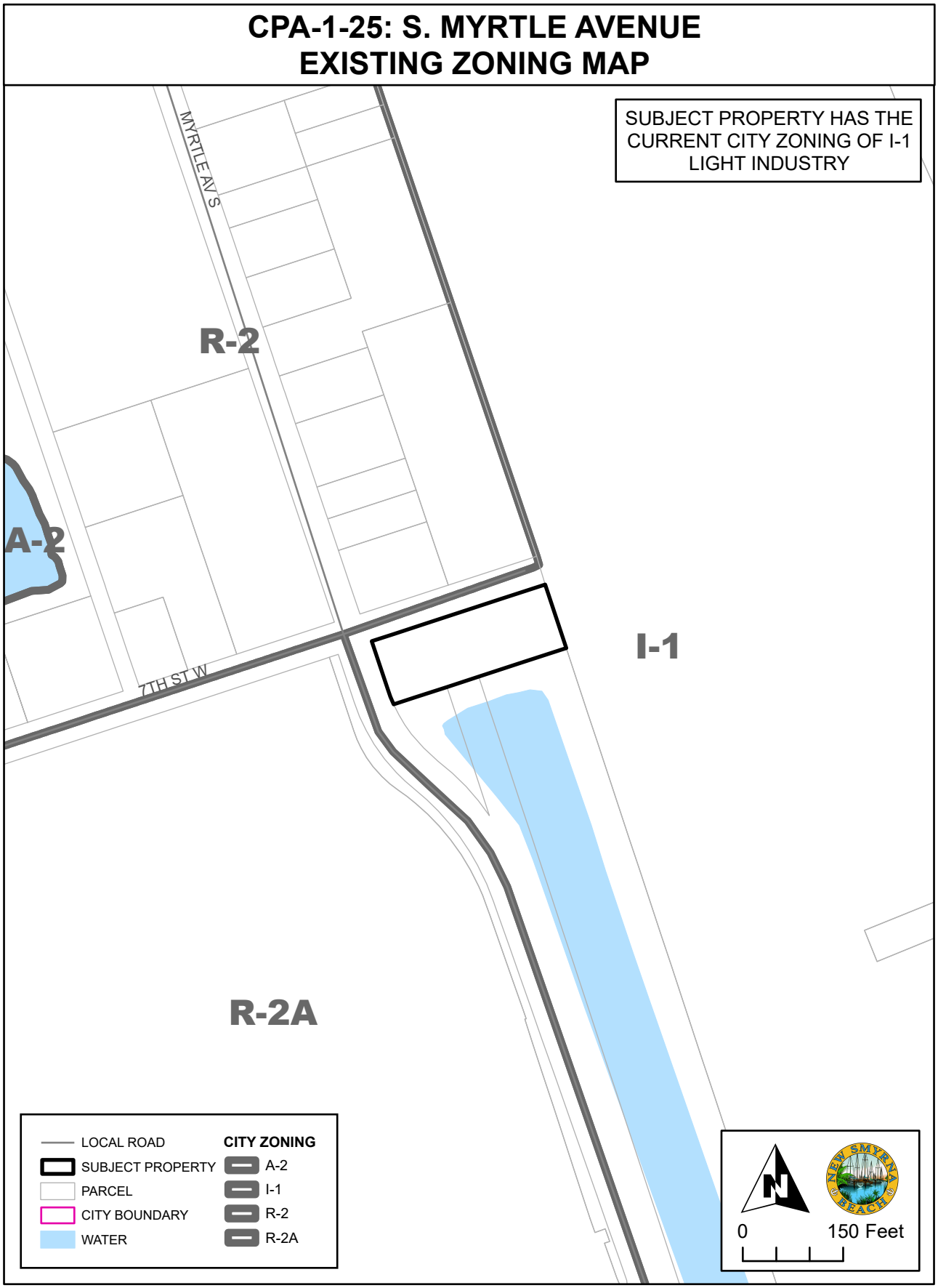
Retail: 65%

Office: 75%

Residential: 65%

Industrial: 65%

Intent: The purpose of this land use designation is to promote the sustainable development or redevelopment land near railways and/or major highways and in close proximity to the Canal Downtown Neighborhood, by providing maximum opportunity for innovative site planning for living, shopping, and working environments. Areas designated as Industrial Mixed Use are intended to accommodate a mix of light industrial/research, office, retail and medium to high density residential uses. Areas designated as Industrial Mixed Uses are required to develop using the planned unit development format.


CPA-1-25: S. MYRTLE AVENUE
EXISTING ZONING MAP
SUBJECT PROPERTY HAS THE CURRENT CITY ZONING OF I-1 LIGHT INDUSTRY
MYRTLE AV S
7TH ST W
R-2
A-2
I-1
R-2A
LOCAL ROAD
SUBJECT PROPERTY
PARCEL
CITY BOUNDARY
WATER
CITY ZONING
A-2
I-1
R-2
R-2A
0
150 Feet

I-1- LIGHT INDUSTRIAL DISTRICT

Intent:

This district is intended for light manufacturing, assembly, processing, raw materials, repairing, research, storage, wholesaling and distribution, retail associated with a principal manufacturing use, and closely related light industrial uses, in which all operations, other than transportation, are performed entirely within enclosed buildings, and are not obnoxious because of dirt, smoke, odor, vibration, radio-activity, or explosive capability. Light manufacturing and light industrial uses are compatible one to another and industrially compatible with nearby residential districts. This district also includes uses that are not compatible with residential or commercial uses.

Permitted Uses:

Adult entertainment establishment (subject to restrictions herein)
Animal Hospitals, Kennels, provided that no hospitals, structures, pens or kennels are located closer than fifty (50) feet to any residential property line.
Automobile Leasing and Rentals
Automobile Repair (indoors only)
Banks or Related Banking Facilities
Boat Building, Repair and Sales
Building Material Sales for Buildings and Yards
Cabinet, Woodworking Shops
Ceramic Shops
Cold Storage and Freezer Locker Plants
Contractor and Construction Offices and Equipment Storage
Farm Machinery Sales and Services
Food and Beverage Processing and Distribution, except the slaughter of animals
Heating, Air-Conditioning, Plumbing Equipment
Hydroponic Gardening Industry
Light Machine Shops
Medical or Dental Laboratories
Mobile Homes for Security and/or Office Purposes
Municipal or Governmental Buildings
Paint and Body Shops
Printing, Photo Engraving, Photostatting, Blueprinting, Bookbinding, and Publishing Establishments
Professional Offices
Recycling Centers
Retail sales (subject to restrictions herein)
Retail Sales of Portable Lawn Buildings
Service Station, Type "C"
Sheet Metal Shops
Upholstery Shops
Warehousing and Storage Facilities

Welding Shops

Adult Entertainment Establishment Restrictions:

In addition, said use shall be subject to the restrictions imposed on adult entertainment establishments in Article IX of the LDR.

Retail Sales Restrictions:

In addition, said use shall be limited to a maximum floor area of 40,000 square feet per tenant. Furthermore, the amendment allowing retail sales as a permitted use shall stand repealed on December 31, 2008 unless reviewed and saved from repeal through reenactment by the City Commission. Upon automatic repeal by this provision, retail sales shall no longer be permitted except as accessory uses as described below. Places of business that are used for the purpose of retail sales shall be allowed to continue said use as a non-conforming use subject to the conditions that the non-conforming use is not discontinued and a city business tax receipt for the non-conforming use is continuously maintained. In the event that the non-conforming use shall be discontinued for a period of more than six months or the non-conforming use shall fail to maintain a city business tax receipt, the non-conforming use as a place of business that is used for the purpose of retail sales shall be automatically terminated upon the happening of either event and the non-conforming use shall no longer be allowed as a permitted non-conforming use.

Accessory Uses:

Any accessory use customarily incidental to a permitted use.
Retail sales, provided the retail sales area does not occupy more than 15% of the building footprint, and the retail sales area is used to display products manufactured wholly, or in part, on the site.

Special Exceptions:

One attached dwelling is allowed for each principal commercial use when attached by common walls or floors as part of the principal commercial use structure, subject to the following:

(a) off-street parking shall be provided in accordance with parking requirements for apartments as required in this LDR.
(b) minimum floor area shall be four-hundred fifty (450) square feet of livable area for a one (1) bedroom unit; five-hundred fifty (550) square feet of livable area for a two (2) bedroom unit; and seven hundred (700) square feet of livable area for a three (3) bedroom unit;
(c) other conditions may be required as the City Commission deems necessary.

Place of Assembly provided:

(a) The event location or facility is for an art show or exhibit, concert hall theatrical play or musical dance studio including instruction and competition wedding venue or other public or private event.

(b) All of the following requirements are met:
  (1) One parking space per every four attendees shall be provided:
  (2) Recorded or live music shall comply with Section 38-72 City Code.
  (3) Appropriate site plan shall be submitted and approved by the City Technical Review Staff, per Article XI of the City Land Development Regulation:
  (4) Alcohol shall be supplied and served by a State of Florida alcohol licensed caterer or by a State of Florida special event alcohol permit: and
  (5) Any proposed temporary parking lot must be approved by separate application to the City Commission after review by the City Engineer.

Recreational vehicles and boat storage, provided:
(a) Such areas shall be secured and screened a six-foot fence or barrier
(b) no other use shall be permitted with the facility
(c) a landscaped buffer area shall be required at property lines as follows:
  (1) All front property lines; and
  (2) Alongside or rear lot lines abutting residentially zoned lots except the buffer shall be 25 feet wide; and
  (3) Alongside and rear lot lines not abutting residentially zoned lots, the buffer shall be seven feet wide.

Prohibited Uses:

Home improvement stores
Retail uses not associated with on-site manufacturing.

Dimensional Requirements:

Minimum Lot Size:

Area	None
Depth	None
Width	75 feet

Minimum Yard Size:

Front yard: 25 feet or as required per Section 504.01M. of this LDR

Side yard: 10 feet, except where the lot abuts a residentially zoned lot. In such instance, the abutting side yard shall be twenty-five (25) feet.

Rear yard: 15 feet, except where the lot abuts a residentially zoned lot. In such instance, the abutting rear yard shall be twenty-five feet.

Reduction of side to a and Rear Yard Requirements:

A five (5) foot side or rear yard is required adjacent railroad right-of-way, provided the site plan shows sufficient access for fire protection.

Maximum Principal Building Height:

50 feet: all structures over thirty-five (35) feet in height shall be set back from all yard requirements by one foot for each two feet over thirty-five (35) feet.

Maximum Building Coverage:

On any lot the total area covered with buildings including accessory buildings shall not exceed fifty (50) percent of the total lot area.

Maximum Impervious Lot Coverage:

The total area of the lot that may be covered with impervious material is 75 percent (75%).

Buffers:

Landscaped buffer area(s) as defined in this LDR shall be required at property lines as follows:

(1) all front property lines; and
(2) alongside or rear lot line abutting a residentially zoned lot.

Visibility at Intersections:

Visibility at intersections shall be provided as required in this LDR.

Landscaping:

A landscaping plan is required as described in this LDR.

Outdoor Storage:

No outdoor storage of bulk items shall be allowed (except parking of commercial vehicles licensed to travel public streets, screened solid waste containers, and above ground storage containers).

Outdoor storage of all commercial vehicles shall be allowed provided no access is blocked and no required parking spaces are blocked.

Above ground tanks storage shall be allowed with a landscaped buffer meeting the

requirements of this LDR.

Off-Street Parking and Loading:

Off-street parking and loading shall be provided as required in this LDR.

Performance Standards:

It is the intent of these regulations to prevent land or buildings, including those permitted by right or special exception, from being used or occupied, in any manner to as to create any dangerous, injurious, noxious or other hazardous condition; noise or vibration; smoke, dust or other form of air pollution; electrical or other disturbances; glare or heat; liquid or solid refuse or wastes; condition conducive to the breeding of rodents or insects; or other substance, condition or elements (all referred to herein as "Dangerous or Objectionable Elements") in a manner or amount as to adversely affect the surrounding area. Any use permitted under the Permitted Use section may be undertaken and maintained if it conforms to all district regulations including the regulations of this section referred to herein as "Performance Standards".

No site plan in this district shall be approved without a signed and sealed report from an appropriately qualified certified engineer stating that all performance standards will be met.

Specifically, all uses shall operate in conformance with the limitations set forth in each subsection below.

(1.) Vibration

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line; nor shall any vibration produced exceed 0.0028g peak measured at or beyond the lot line using either seismic or electronic vibration measuring equipment.

(2.) Noise

Sound level measurements shall be made in accordance with Section 21-85, New Smyrna Beach LDR of Ordinances. In no event, shall noise emissions exceed the standards set forth in Chapter 21, New Smyrna Beach LDR of Ordinances.

(3.) Air Pollution

a. Visible Emissions. There shall not be discharged into the atmosphere, from any source, any air pollution in excess of the darkness limitations listed below. This shall include emissions of air pollutant of such opacity as to obscure an observer's view to a degree equal to, or greater than, do the visible emissions described below. In addition to the

foregoing, visible emissions of any kind at ground level past the lot line of the property on which the source of the emissions is located are prohibited. The darkness and/or opacity limitations are as follows: No. 1 on the Ringelmann Chart at all times, except upon determination that the emission contains less than one tenth pound of dry gases, adjusted to twelve percent carbon dioxide or fifty percent excess air.

b. Materials Handling. No person shall cause or permit any material to be handled, transported, or stored in a manner which allows or may allow particulate matter to become airborne.

c. Particulate Matter. There shall not be discharged into the atmosphere any particulate matter in excess of the quantities shown below:

(1) From refuse-burning equipment, per one thousand pounds of dry gases, adjusted to twelve percent CO2 or fifty percent excess air, sixty-five hundredths' pounds for capacities over two hundred pounds per hours. In any one-hour period this shall not exceed two hundred fifty pounds. Refuse shall not be burned in fuel-burning equipment.

(2) From fuel-burning equipment, six tenths pound per million BTU input for installation using less than ten million BTU per hour total input. For installations using more than ten million BTU per hour total input, the allowable particulate emission, in pounds per million BTU is determined by multiplying 8.58 times the input, in BTU per hour, raised to the minus 0.165 power (E=8.58 1-165).

d. Threshold Values. There shall not be discharged into the atmosphere any contaminant for which threshold limit values are listed for working atmosphere by the American Conference of Governmental industrial Hygienists in such quantity that the concentration of the contaminant at ground level at any point beyond the boundary of the property shall, at any time, exceed the threshold limit.

(4.) Odors

Any condition of operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor.

(5.) Electromagnetic Radiation

The following standard shall apply:

a. General

It shall be unlawful to operate or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these present purposes which does not comply with the then current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation except that for all governmental agencies and government owned plants; the regulations of the Interdepartment Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission or the interdepartmental Radio Advisory Committee regulations shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious reradiation, harmonic content, modulation or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" and "of quality and property design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association.

b. Electromagnetic Interference

For the purpose of these regulations, electromagnetic interference shall be defined as electromagnetic disturbances which are generated by the use of electrical equipment other than planned and intentional sources of electromagnetic receptors of quality and proper design. It shall be unlawful to operate, or to cause to be operated, any source of electromagnetic interference where the radiation or transmission from same violates the provisions of Section 4-8, Chapter 4, New Smyrna Beach LDR of Ordinances.

(6.) Fire and Explosion

All activities and storage of flammable and explosive materials at any location shall be provided with adequate safety and firef ighting devices in accordance with the Fire Prevention Code and other technical codes adopted by the City of New Smyrna Beach, State of Florida, and other appropriate governmental agencies.

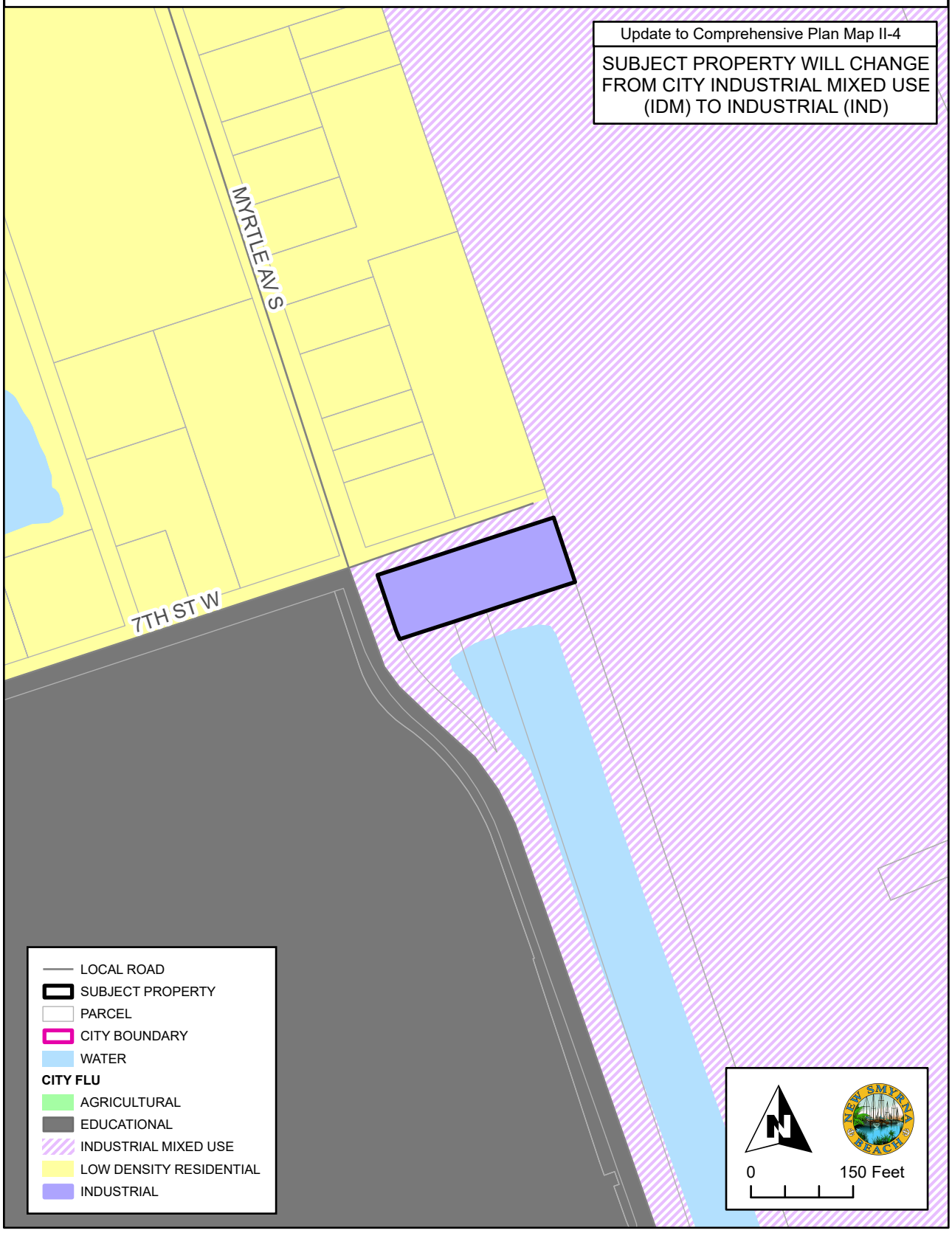
(7.) Radioactive Materials

The handling of radioactive materials, the discharge of such materials into the air and water, and the disposal of radioactive wastes, shall be in conformance with the regulations of the Atomic Energy Commission as set forth in the Title 10, Chapter One, Part 20, Standards for Protection Against Radiation, as amended, from time to time, and all applicable regulations of the State of Florida, and other appropriate governmental agencies.

(8.) Glare and Heat

No direct or sky-reflected glare, whether from floodlights, or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the lot line, shall be permitted. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line and shall not exceed applicable governmental agency standards. In addition, all applicable requirements set forth in Chapter 4, New Smyrna Beach Code of Ordinances, shall also apply.

CPA-1-25: S. MYRTLE AVENUE
PROPOSED FUTURE LAND USE MAP

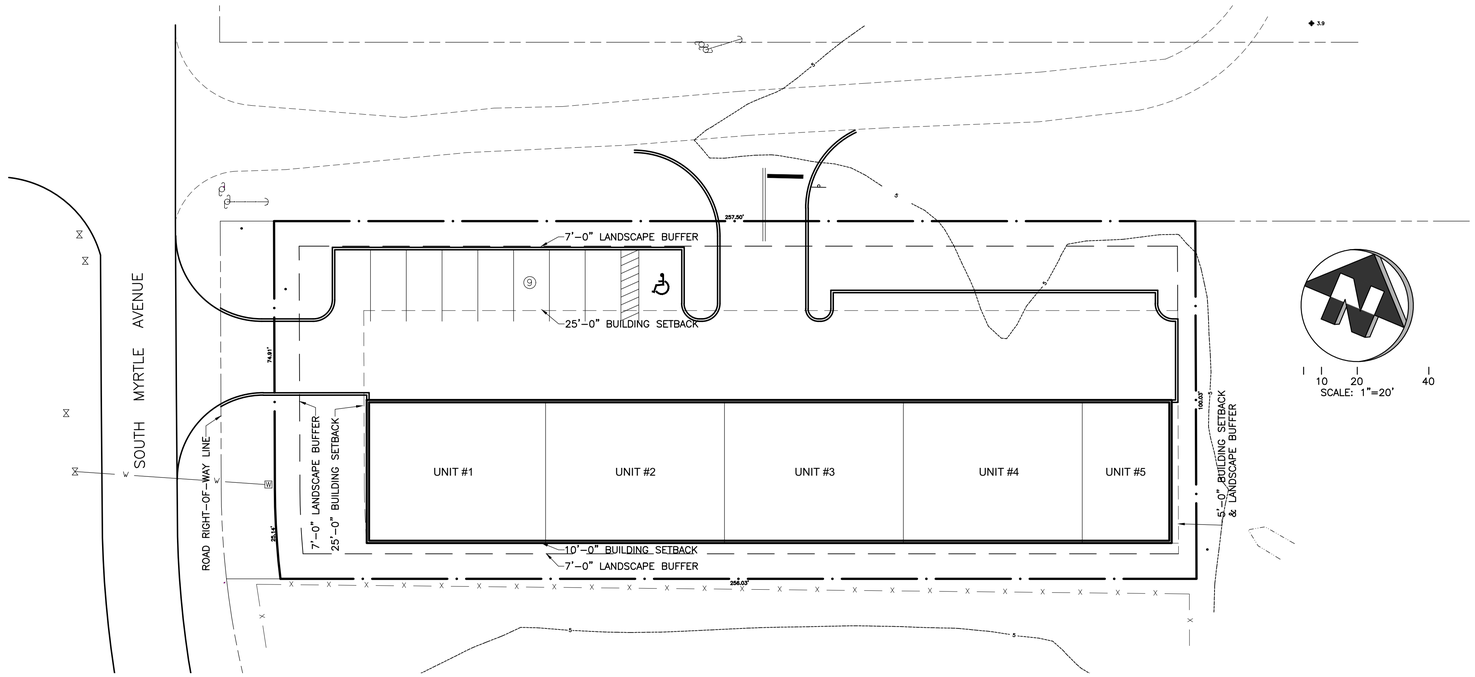


FUTURE LAND USE

INDUSTRIAL

Maximum allowed Floor Area Ratio (FAR): 2.0

Intent: This category is designed for activity predominantly connected with manufacturing, assembly, processing, packaging, research, or storage of products. Additional permitted used in such areas include warehousing, wholesale activity, machine repair, and construction that are not suitable for either residential or commercial districts. Adequate buffering should be provided from adjacent land uses; and transitional uses (such as office or commercial uses) should be provided between industrial and residential areas.



ZONING DATA

ANDERSON DIXON
ENGINEERING · PLANNING · PERMITTING

Exhibit I

December 12, 2024

Client:	MOD 9304, LLC
	PID# 7449-01-20-0011
ADDRESS:	MYRTLE AVENUE
	NSB, FL 32168
TERRITORY:	NSB
Zoning Classification:	I-1

Zoning Setbacks:

		SETBACKS
Min Lot Sqft :	None	
Min Lot Width Ft	75 Ft	West Front - 25 Ft
Min Lot Dept Ft	None	North Front - 25 Ft
Min Front Yard Ft	25 Ft	East Side - 5 Ft
		South Side - 10 Ft)
Min Rear Yard Ft	15 Ft	
Min Side Yard Ft	10 Ft / 25 Ft (Abutting Res)	
Max Height Ft	35 FT or 50 FT	
Max % Bldg Cov	50%	
Max % Imp. Cov	75%	
Min Floor Area Sqft		
Corner Lot (Y,N)	YES	
Major Road	YES	

Comments:	Landscape Buffers - All front property lines & side/rear abutting Res.	
Landscape Buffers:	Front -	7 Ft
	Side -	7 Ft
	Rear -	7 Ft
	with Fence for Residential Side	
Side Setbacks:	10 Ft except abutting residential, then side is 25 Ft.	
Rear Setbacks:	15 Ft except abutting residential, then side is 25 Ft.	
Railroad ROW:	5 Ft side or rear is required adjacent railroad ROW, provided the site plan shows sufficient access for fire protection	
Max Height:	50 Ft - all structures over 35 ft in height shall be setback from all yard requirements by 1 foot fo reach 2 feet over 35 Ft.	

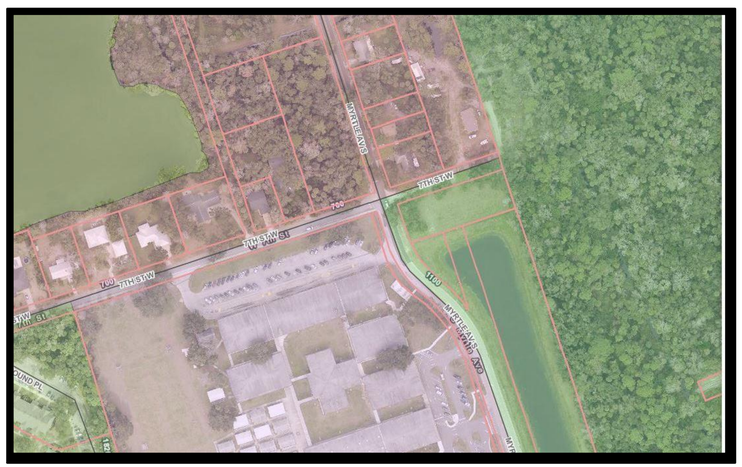
MYRTLE AVENUE, NEW SMYRNA BEACH, FL
PID # 7449-01-20-0011
Location Map



ANDERSON DIXON
ENGINEERING · PLANNING · PERMITTING

MYRTLE AVENUE, NEW SMYRNA BEACH, FL
PID # 7449-01-20-0011
ZONING MAP

I-1 – Light Industrial



ANDERSON DIXON
ENGINEERING · PLANNING · PERMITTING

MYRTLE AVENUE, NEW SMYRNA BEACH, FL
PIDs #8448-01-
FLOOD Map



ANDERSON DIXON
ENGINEERING · PLANNING · PERMITTING

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DATE: 04-03-25

ANDERSON DIXON
ENGINEERING · PLANNING · PERMITTING
PHONE: (386) 428-5834 - FAX: (386) 409-3781

RICHARD J. DIXON, P.E.
PROFESSIONAL ENGINEER
FL. REG.# 47544
102 SOUTH ORANGE STREET
NEW SMYRNA BEACH, FL
32168 (386) 428-5834

SETBACK EXHIBIT FOR:
MYRTLE AVE. FLEX SPACE
NEW SMYRNA BEACH, FL.

REV.	DATE:	NOTES:

DRAFTER: DBA
CHECKED BY: RD
PROJECT NO. 24-1442

CLIENT: ODONNELL
MYRTLE AVE & WEST 7th ST.
NEW SMYRNA BEACH, FL.

SHEET NO.
EX-1

Comprehensive Plan Review

Future Land Use Element, Goal 2

To promote, protect and improve the public health, safety, and general welfare by ensuring consistency, economic viability, and stewardship of the natural environment, through appropriate land uses and land development regulations.

Objective 1

Future Land Use Map: The City's continued growth shall be based upon the Future Land Use Map, which shall specify the desired development pattern for New Smyrna Beach through a land use category system that provides for the location, type, density, and intensity of development.

Objective 2

Land Development Regulations: Future growth and development will be managed through the use of the Land Development Regulations, in a manner consistent with the Future Land Use Map and Comprehensive Plan.

Future Land Use Element, Goal 4

Provide for high-quality commercial and industrial development so as to maintain the economic health of the City, and to increase the job opportunities, per capita income and convenience for its residents.

Objective 1

Maintaining Land for Non-residential Uses: Ensure that the amount of land already designation for non-residential uses does not decrease.

Economic Development Element, Goal

Promote and maintain orderly and diversified economic growth, increased employment, and investment opportunities, enhance, and promote relationships with the business community and stakeholders, while protecting quality of life through environmental sustainability to ensure competitiveness in today's economy.

Exhibit K

PLAT OF BOUNDARY SURVEY OF

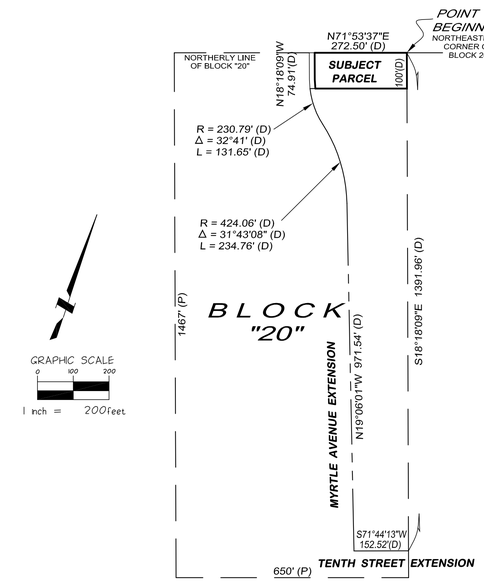
THE NORTHERLY 100 FEET, AS MEASURED ALONG THE EAST LINE, OF THE FOLLOWING DESCRIBED PARCEL:

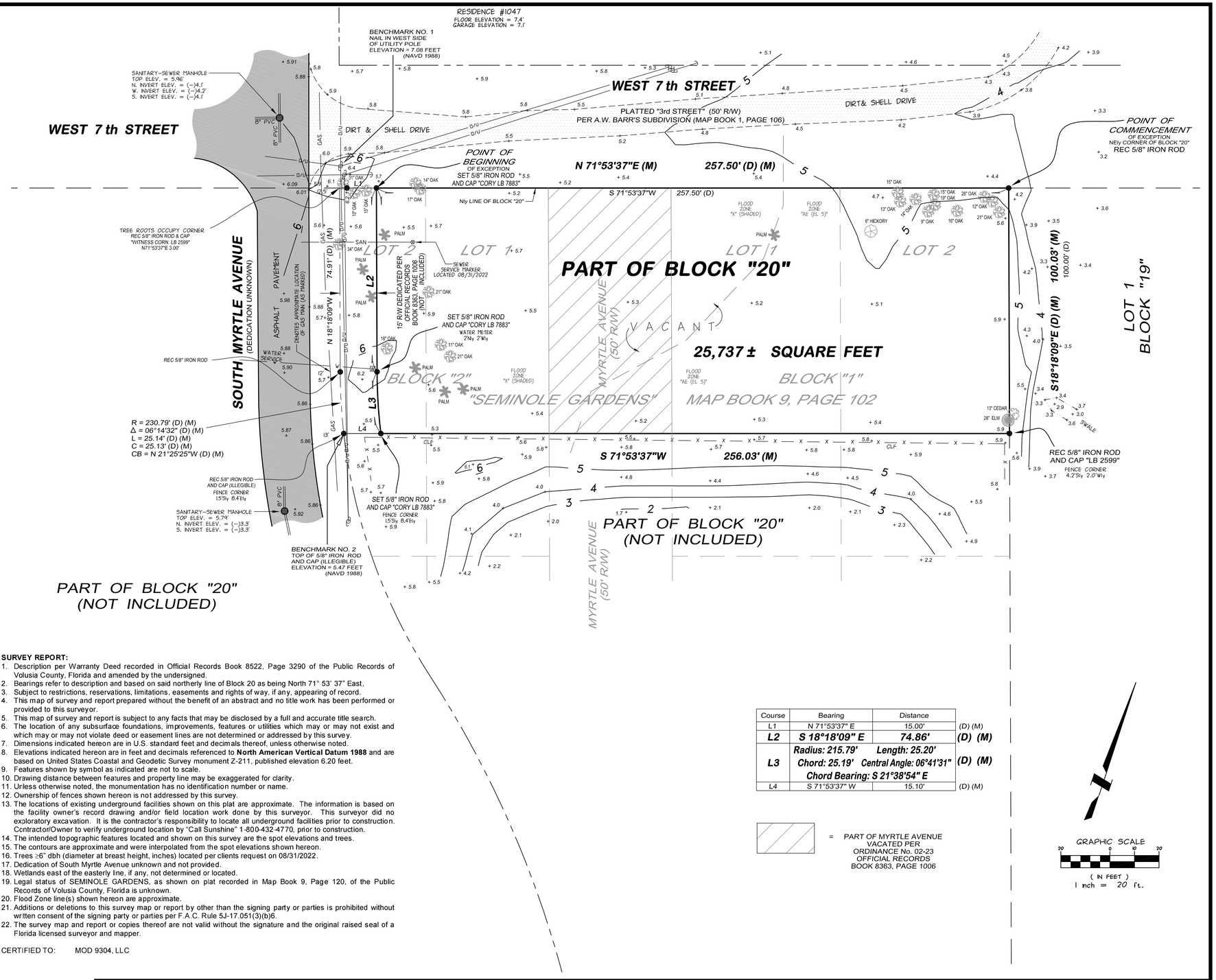
A PORTION OF BLOCK 20, LYING EASTERLY OF MYRTLE AVENUE EXTENSION AND NORTHERLY OF TENTH STREET EXTENSION, A.W. BARR'S SUBDIVISION OF THE SEYMOUR PICKETT GRANT AS SHOWN ON MAP IN MAP BOOK 1, PAGE 106, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID BLOCK 20; THENCE SOUTH 18° 18' 09" EAST, A DISTANCE OF 1391.96 FEET TO THE NORTHERLY LINE OF TENTH STREET EXTENSION, A 100 FOOT RIGHT-OF-WAY AS NOW LAID OUT; THENCE SOUTH 71° 44' 13" WEST ALONG SAID NORTHERLY LINE, A DISTANCE OF 152.52 FEET TO THE EASTERLY LINE OF MYRTLE AVENUE EXTENSION; THENCE NORTH 19° 16' 01" WEST ALONG THE SAID EASTERLY LINE, A DISTANCE OF 971.54 FEET TO THE PC OF A CURVE; THENCE NORTHWESTERLY ALONG SAID CURVE CONCAVE TO THE WEST, SAID CURVE HAVING A CENTRAL ANGLE OF 31° 43' 08", A RADIUS OF 424.06 FEET, AN ARC DISTANCE OF 234.76 FEET TO THE PRC OF A CURVE; THENCE NORTHERLY ALONG A CURVE CONCAVE TO THE NORTHEAST, SAID CURVE HAVING A CENTRAL ANGLE OF 32° 41', A RADIUS OF 230.79 FEET, AN ARC DISTANCE OF 131.65 FEET TO THE PT OF SAID CURVE; THENCE NORTH 18° 18' 09" WEST ALONG SAID EASTERLY LINE OF MYRTLE AVENUE, A DISTANCE OF 74.91 FEET TO THE NORTHERLY LINE OF SAID BLOCK 20; THENCE NORTH 71° 53' 37" EAST ALONG SAID NORTHERLY LINE, A DISTANCE OF 272.50 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

A PORTION OF BLOCK 20, A. W. BARR'S SUBDIVISION OF THE SEYMOUR PICKETT GRANT, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 1, PAGE 106, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEASTERLY CORNER OF SAID BLOCK 20; THENCE SOUTH 71°53'37" WEST, ALONG THE NORTHERLY LINE OF SAID BLOCK 20, A DISTANCE OF 257.50 FEET FOR THE POINT OF BEGINNING, THENCE SOUTH 18° 18' 09" EAST, A DISTANCE OF 74.86 FEET TO A POINT OF CURVATURE; THENCE 25.20 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 215.79 FEET, A CENTRAL ANGLE OF 06° 41' 31" AND A CHORD OF 25.19 FEET THAT BEARS SOUTH 21° 38' 54" EAST; THENCE SCUTH 71° 53' 37" WEST, ALONG A LINE NON-TANGENT AND NON-RADIAL TO THE LAST DESCRIBED CURVE. A DISTANCE OF 15.10 FEET; THENCE 25.14 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE BEING NON-TANGENT TO THE LAST DESCRIBED LINE AND HAVING A RADIUS OF 230.79 FEET, A CENTRAL ANGLE OF 06° 14' 32" AND A CHORD OF 25.13 FEET WHICH BEARS NORTH 21° 25' 25" WEST TO A POINT OF TANGENCY; THENCE NORTH 18° 18' 09" WEST, A DISTANCE OF 74.91 FEET TO THE NORTHERLY LINE OF SAID BLOCK 20; THENCE NORTH 71° 53' 37" EAST, ALONG THE NORTHERLY LINE OF SAID BLOCK 20, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.





SURVEY REPORT:

1. Description per Warranty Deed recorded in Official Records Book 8522, Page 3290 of the Public Records of Volusia County, Florida and amended by the undersigned.
2. Bearings refer to description and based on said northerly line of Block 20 as being North 71° 53' 37" East,
3. Subject to restrictions, reservations, limitations, easements and rights of way, if any, appearing of record.
4. This map of survey and report prepared without the benefit of an abstract and no title work has been performed or provided to this surveyor.
5. This map of survey and report is subject to any facts that may be disclosed by a full and accurate title search.
6. The location of any subsurface foundations, improvements, features or utilities which may or may not exist and which may or may not violate deed or easement lines are not determined or addressed by this survey.
7. Dimensions indicated hereon are in U.S. standard feet and decimals thereof, unless otherwise noted.
8. Elevations indicated hereon are in feet and decimals referenced to **North American Vertical Datum 1988** and are based on United States Coastal and Geodetic Survey monument Z-211, published elevation 6.20 feet.
9. Features shown by symbol as indicated are not to scale.
10. Drawing distance between features and property line may be exaggerated for clarity.
11. Unless otherwise noted, the monumentation has no identification number or name.
12. Ownership of fences shown hereon is not addressed by this survey.
13. The locations of existing underground facilities shown on this plat are approximate. The information is based on the facility owner's record drawing and/or field location work done by this surveyor. This surveyor did no exploratory excavation. It is the contractor's responsibility to locate all underground facilities prior to construction. Contractor/Owner to verify underground location by "Call Sunshine" 1-800-432-4770, prior to construction.
14. The intended topographic features located and shown on this survey are the spot elevations and trees.
15. The contours are approximate and were interpolated from the spot elevations shown hereon.
16. Trees ≥6" dbh (diameter at breast height, inches) located per clients request on 08/31/2022.
17. Dedication of South Myrtle Avenue unknown and not provided.
18. Wetlands east of the easterly line, if any, not determined or located.
19. Legal status of SEMINOLE GARDENS, as shown on plat recorded in Map Book 9, Page 120, of the Public Records of Volusia County, Florida is unknown.
20. Flood Zone line(s) shown hereon are approximate.
21. Additions or deletions to this survey map or report by other than the signing party or parties is prohibited without written consent of the signing party or parties per F.A.C. Rule 5J-17.051(3)(b)6.
22. The survey map and report or copies thereof are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

CERTIFIED TO: MOD 9304, LLC

Course	Bearing	Distance	
L1	N 71°53'37" E	15.00'	(D) (M)
L2	**S 18°18'09" E**	**74.86'**	**(D) (M)**
L3	**Radius: 215.79' Length: 25.20' Chord: 25.19' Central Angle: 06°41'31" Chord Bearing: S 21°38'54" E**		**(D) (M)**
L4	S 71°53'37" W	15.10'	(D) (M)

= PART OF MYRTLE AVENUE VACATED PER ORDINANCE No. 02-23 OFFICIAL RECORDS BOOK 8363, PAGE 1006

GRAPHIC SCALE
20 0 10 20
(IN FEET)
1 inch = 20 ft.

BURIED UTILITIES NOTE

BURIED UTILITIES ARE SHOWN AT THEIR APPROXIMATE LOCATION BASED UPON INFORMATION OBTAINED FROM UTILITY COMPANIES AND FIELD EVIDENCE. OTHER BURIED UTILITIES MIGHT EXIST ON THE SUBJECT SITE WHICH ARE NOT SHOWN ON THIS DRAWING. USE EXTREME CAUTION DURING EXCAVATION PROCEDURES AND CONTACT SUNSHINE STATECONE. ● 1-800-432-4770 FOR EXACT LOCATION OF BURIED FACILITIES PRIOR TO EXCAVATION OPERATIONS.

CALL BEFORE YOU DIG...
1-800-432-4770
UTILITIES PROTECTION CENTER
IT'S THE LAW

TYPE	SURVEY DATE	WORK ORDER #	P.C.	CALC.	DRAFT	CHECKED
BOUNDARY SURVEY	02/13/2025	24-12-023	JWC/BTC	J.W.C.	BTC/JWC	D.W.C.
TOPOGRAPHIC SURVEY	02/1232025	24-12-023	JWC/BTC	J.W.C.	BTC/JWC	D.W.C.

TYPE	DATE	WORK ORDER #	---	CALC.	DRAFT	CHECKED

LEGEND & ABBREVIATIONS

● = DENOTES 5/8" IRON ROD W/ CAP " LB #2599" UNLESS OTHERWISE NOTED
○ = DENOTES IRON PIPE UNLESS OTHERWISE NOTED
□ = DENOTES CONCRETE MONUMENT UNLESS OTHERWISE NOTED
EMT = ELECTRICAL METAL TUBING
FND = FOUND
REC = RECOVERED
N(Y) = NORTHING COORDINATE VALUE
E(X) = EASTING COORDINATE VALUE
LB = LICENSED BUSINESS
P.S.M. = PROFESSIONAL SURVEYOR AND MAPPER
F.I.R.M. = FLOOD INSURANCE RATE MAP
N.A.V.D. = NORTH AMERICAN VERTICAL DATUM
N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
C.C.C.L. = COASTAL CONSTRUCTION CONTROL LINE
U.S.C.&G.S. = UNITED STATES COAST & GEODETIC SURVEY
Δ = DELTA
R = RADIUS OR RANGE
L = ARC LENGTH
C = CHORD
CB = CHORD BEARING
T = TANGENT OR TOWNSHIP
(R) = RADIAL
(NR) = NON-RADIAL
(NT) = NON-TANGENT
PC = POINT OF CURVATURE OR PARTY CHIEF
PT = POINT OF TANGENCY
(P) = PLAT
(D) = DESCRIPTION
(M) = MEASURED
(C) = CALCULATED (CALC)
(PR) = PRORATED
(G) = GRID
O.R. = OFFICIAL RECORD BOOK
M.B. = MAP BOOK
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
W = WATER METER
T = TELECOMMUNICATIONS (TELE) RISER
F.F. = FINISHED FLOOR ELEVATION
RCP = REINFORCED CONCRETE PIPE
CMP = CORRUGATED METAL PIPE
T.B.M. = TEMPORARY BENCHMARK
+0.0 = EXISTING ELEVATION (ELEV)
P.R.M. = PERMANENT REFERENCE MONUMENT
P.C.P. = PERMANENT CONTROL POINT
= POWER POLE
= GUY WIRE
O/U = OVERHEAD UTILITIES
A/C = AIR CONDITIONER
CLF = CHAIN-LINK FENCE
BWF = BARBED WIRE FENCE
AC. = ACRES
R/W = RIGHT-OF-WAY
℄ = CENTER LINE
CONC = CONCRETE (CONC)
S = CONCRETE STOOP
-SAN- = SANITARY SEWER SERVICE

CERTIFICATE OF AUTHORIZATION NUMBER LB 2599

I hereby certify that this survey map and report of the subject property is true and correct to the best of my knowledge, information and belief as surveyed in the field under my supervision on the dates shown hereon. I further certify that this survey map and report meets the Standards of Practice set forth in F.A.C. Rule 61G17-6, adopted by the Florida Board of Professional Surveyors and Mappers, pursuant to Florida Statutes Ch. 472.027, subject to the qualifications noted hereon.

DANIEL W. CORY P.S.M. NO. 2027
JEFFREY W. CORY P.S.M. NO. 4139

THIS PROPERTY IS LOCATED IN F.I.R.M. ZONE(S) "X" (SHADED) & "AE (EL 5)"
THIS LOCATION IS DETERMINED FROM F.I.R.M. COMMUNITY PANEL 125132 0543 J MAP REVISED 09/29/2017

DANIEL W. CORY
SURVEYOR, LLC
300 CANAL STREET
NEW SMYRNA BEACH, FLORIDA 32168
(386) 427-9575
FAX (386) 427-1783
web site: corysurveyor.com

PREPARED FOR: MOD 9304, LLC
SCALE 1" = 20' FILE # 1521

CADD FILE: 24120231

THE CITY OF NEW SMYRNA BEACH - DEVELOPMENTAL SERVICES

DEVELOPMENT ACTIVITY

June 2, 2025

Background:

Please go to the City of New Smyrna Beach website (cityofnsb.com) to view the current Development Activity. Please click on “Maps” and “Development Activity”.

Fiscal Analysis:
N/A

Strategic Plan Item:
No

Staff Report Created By: Stephanie Ferrara - Development Services Coordinator