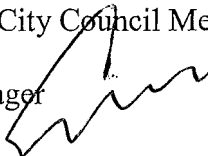



MEMORANDUM

TO: Honorable Mayor Strickland and City Council Members

FROM: Eugene Miller, Interim City Manager 

DATE: March 11, 2010

SUBJECT: **Business Planned Unit Development – Villa Tuscany Assisted Living Facility**

MAR 15 2010 

Introduction: The purpose of this item is to obtain City Council approval for the rezoning to Business Planned Unit Development for the Villa Tuscany Assisted Living Facility property north of Veterans Memorial Parkway approximately 2,300 feet south of the intersection with Graves Avenue.

Background: Jerry Cutrona of Monroe Investments, representing Villa Tuscany, submitted a BPUD application to the Development Services Department on August 10, 2009. The Applicant is requesting approval of BPUD rezoning to allow the construction of a 100- bed assisted living facility

On March 3, 2010 the Orange City Planning Commission voted unanimously to forward its recommendation for approval of the rezoning for the Business Planned Unit Development for Villa Tuscany Assisted Living Facility.

Discussion: Explanation and description of the planned development, application, property analysis of the plan can be found in the attached backup documents previously sent to the Planning Commission to evaluate the request.

Budget Impact: Based on the proposed 2009 tax roll information, the taxable value of the vacant property is \$164,798, thereby creating a potential City ad valorem revenue of \$856.18 under its current county land use designation of (ULI) Urban Low Intensity. However, once the land use and zoning have changed, and the property is fully developed as an assisted living facility, the City revenue will increase significantly. Additional revenues will be realized from utility taxes following development of the property.

Recommendations: The Interim City Manager recommends City Council approval of Ordinance # 418 for the rezoning to Business Planned Unit Development, BPUD, for the property owned by Monroe Investments LLC, located north of Veterans Memorial Parkway approximately 2,300 feet south of the intersection with East Graves Avenue.

Prepared By: Wendy A. Hickey, Planning & Zoning Analyst I

Reviewed by: Elaine Wilson, Interim Development Services Director.

ORDINANCE NO. 418

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, AMENDING SECTION 8.3 OF THE CITY'S LAND DEVELOPMENT CODE, SAID SECTION BEING THE OFFICIAL ZONING MAP OF THE CITY OF ORANGE CITY, FLORIDA, SAID AMENDMENT CHANGING THE ZONING CLASSIFICATION OF VILLA TUSCANY ASSISTED LIVING FACILITY, CONSISTING OF APPROXIMATELY 4.65 ACRES GENERALLY LOCATED NORTH OF VETERANS MEMORIAL PARKWAY APPROXIMATELY 2,300 FEET SOUTH OF GRAVES AVENUE, FROM ITS PRESENT ZONING CLASSIFICATION OF MIXED USE, SUBURBAN (MX-2) TO BUSINESS PLANNED UNIT DEVELOPMENT (BPUD), CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Jerry Cutrona, representing Monroe Investments, LLC, is the applicant for certain real property generally located immediately north of Veterans Memorial Parkway approximately 2,300 feet south of Graves Avenue, containing approximately 4.65 acres, and

WHEREAS, the applicant desires to change the zoning classification of said property from its classification of Mixed Use, Suburban (MX-2) to Business Planned Unit Development (BPUD) in conjunction with the creation of a Assisted Living Facility, and in order to be consistent with the City's adopted Future Land Use Map, and

WHEREAS, the City Council finds such rezoning consistent with the City's Comprehensive Plan and deems it in the best interest of the inhabitants of said City to amend aforesaid Revised Official Zoning Map as hereinafter set forth:

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORANGE CITY, FLORIDA:

Florida, is hereby amended, and a certain 4.654 acre property is hereby changed and transferred from its present zoning classification of MX-2 to BPUD. Said properties are more particularly described in the Attachment "A" Legal Descriptions.

SECTION 2. REPEALER: That all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed, as well as any portion of the Official Zoning Map of the City of Orange City, Florida, in conflict herewith.

SECTION 3. SEVERABILITY: If any section, part of a section, paragraph, clause, phrase or word of this ordinance is declared invalid, the remaining provisions of this ordinance shall not be affected.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

ROLL CALL VOTE AS FOLLOWS:

First Reading, this _____ day of _____, 2010.

O. William Crippen	_____	Anthony Pupello	_____
Gary A. Blair	_____	Tom Abraham	_____
Jeff Allebach	_____	Tom Laputka, Vice Mayor	_____
Harley Strickland, Mayor	_____		

ROLL CALL VOTE AS FOLLOWS:

Second Reading, this _____ day of _____, 2010.

O. William Crippen	_____	Anthony Pupello	_____
Gary A. Blair	_____	Tom Abraham	_____
Jeff Allebach	_____	Tom Laputka, Vice Mayor	_____
Harley Strickland, Mayor	_____		

PASSED and ADOPTED this _____ day of _____, 2010.

ATTEST:

AUTHENTICATED:

Deborah J. Renner, CMC, City Clerk

Harley Strickland, Mayor

Approved as to form and legal sufficiency:

William E. Reischmann, Jr., City Attorney

ATTACHMENT A

LEGAL DESCRIPTION:

Lot 19, North of Veterans Memorial Parkway, and Lot 20, North of Veterans Memorial Parkway, Country Woods, according to the plat thereof as recorded in Map Book 37, Pages 112 and 113, of the Public Records of Volusia County, Florida, Lying in Section 12, Township 18 South, Range 30 East, Being more specifically described as follows.

Begin at the Northwest corner of aforesaid Lot 20; Thence run North $89^{\circ}48'25''$ East along the north line of said Lot 20, for a distance of 670.16 feet to the Northeast corner of said Lot 20, also being a point on the West line of ORANGE CITY HEIGHTS "Section A", according to the Plat thereof as recorded in Map Book 19, Page 6 of the Public Records of Volusia County, Florida; Thence run South $00^{\circ}10'42''$ East along said West line and East line of aforesaid Lot 20, for a distance of 156.86 feet to a point on the North right of way line of Veterans Memorial Parkway, also being a point on a curve concave to the Northwest, having a radius of 1840.00 feet, Thence from a tangent bearing of North $57^{\circ}20'35''$ East, run Southwesterly along the arc of said curve also being the North right of way line of Veterans Memorial Parkway, through a central angle of $16^{\circ}27'37''$ and an arc length of 528.61 feet to a point of curvature; Thence run South $73^{\circ}48'12''$ East, for a distance of 153.81 feet to a point on the West line of aforesaid Lot 19; Thence departing aforesaid North right of way line, run North $12^{\circ}04'40''$ West along aforesaid West line, also being the East line of Lot 18, COUNTRY WOODS, according to the Plat thereof as recorded in Map Book 37, Pages 112 through 113 of the Public Records of Volusia County, Florida, for a distance of 280.21 feet to the Northwest corner of aforesaid Lot 19, also being the Northeast corner of aforesaid Lot 18, also being a point on the cul-de-sac right of way of OAKLAND COURT, as described in COUNTRY WOODS, according to the Plat thereof as recorded in Map Book 37, Pages 112 through 113 of the Public Records of Volusia County, Florida, also being a point on a curve concave to the Northwest, having a radius of 68.00 feet, Thence from a tangent bearing of North $77^{\circ}42'52''$ East, run Northeasterly along the arc of said curve also being the right of way line of aforesaid OAKLAND COURT, through a central angle of $131^{\circ}36'33''$ and an arc length of 156.20 feet to a point of reverse curvature, concave to the Northeast, having a radius of 25.00 feet, Thence run Northwesterly along the arc of said curve through a central angle of $53^{\circ}44'37''$, for a distance of 23.45 feet to the aforesaid Point of Beginning.

Containing 202,775.19 square feet or 4.654 acres more or less.

PARCEL ID: 8012-04-00-0190

Monroe Investments Property Status Report

Ownership Status

Property Owner	Monroe Investments LLC				
Applicants Name	Jerry Cutrona				
Mailing Address	248 Via Tuscany Lane				
City	Lake Mary	State	Florida	Zip	32746

General Description of Current Property Status :

Property Location	Located on the north side of Veterans Memorial Parkway approximately 2,300 feet south of East Graves Avenue.				
Property Address	Veterans Memorial Parkway				
Size of Property	Width:	Irregular	Depth:	Irregular	Acres: 4.65
Total Acres	4.65				
Population	None				
Number of Structures	None				
Dwelling Units	None				
Building Square Feet	None				
Parcel Number	8012-04-00-0190 and 8012-04-00-0200				
Legal Description	See Attachment A Legal Description to Ordinance 418				

Current Revenue Status

	Volusia County	Orange City
Total Millage Rate	(19.38832)	(19.26027)
City Millage Rate	N/A	(4.48000)
Assessed Land Value	270,323	270,323
Assessed Building Value	0	0
Exemption	0	0
Taxable Value	270,323	270,323
Stormwater	0	N/A
Total Ad Valorem	5,241.11	5,206.49
City Ad Valorem	N/A	1,211.05

The above revenues are based on the current assessed property value as listed in the Volusia County 2008 Tax Roll.

Subject Property Current Land Use and Zoning Description

The subject property currently maintains the following:	
Land Use Designation	(Volusia County) ULI Urban Low Intensity
Zoning	(Volusia County) RR Rural Residential
	The property is vacant and undeveloped.

Detailed Subject Property Proposed Land Use and Zoning Description

The subject property is proposed to be changed to the following:	
Land Use Designation	(Orange City) MX Mixed Use
Zoning	(Orange City) MX-2 Mixed Use
	The proposed property usage is unknown at this time.

MEMORANDUM

DATE: February 23, 2010

TO: Chairman De Silva and members of the Planning Commission

FROM: Wendy Hickey, Planning & Zoning Analyst

SUBJECT: Review and consideration of an application for : Rezoning, Master Plan/ Site Plan for the Villa Tuscany Assisted Living Facility Planned Unit Development located at 675 Veterans Memorial Pkwy., identified as parcel No. 8012-04-00-0190

BACKGROUND – The subject property is an irregularly shaped parcel located on the north side of Veterans Memorial Parkway approximately 2,300 feet south of Graves Avenue. The property is vacant.

The proposal is to build a one building 100 bed assisted living facility that would also accommodate Alzheimer's patients.

Jerry Cutrona, owner of the property, submitted a Planned Unit Development Application for this project to the Development Services Department on August 10, 2009 and a Site Plan on October 12, 2009.

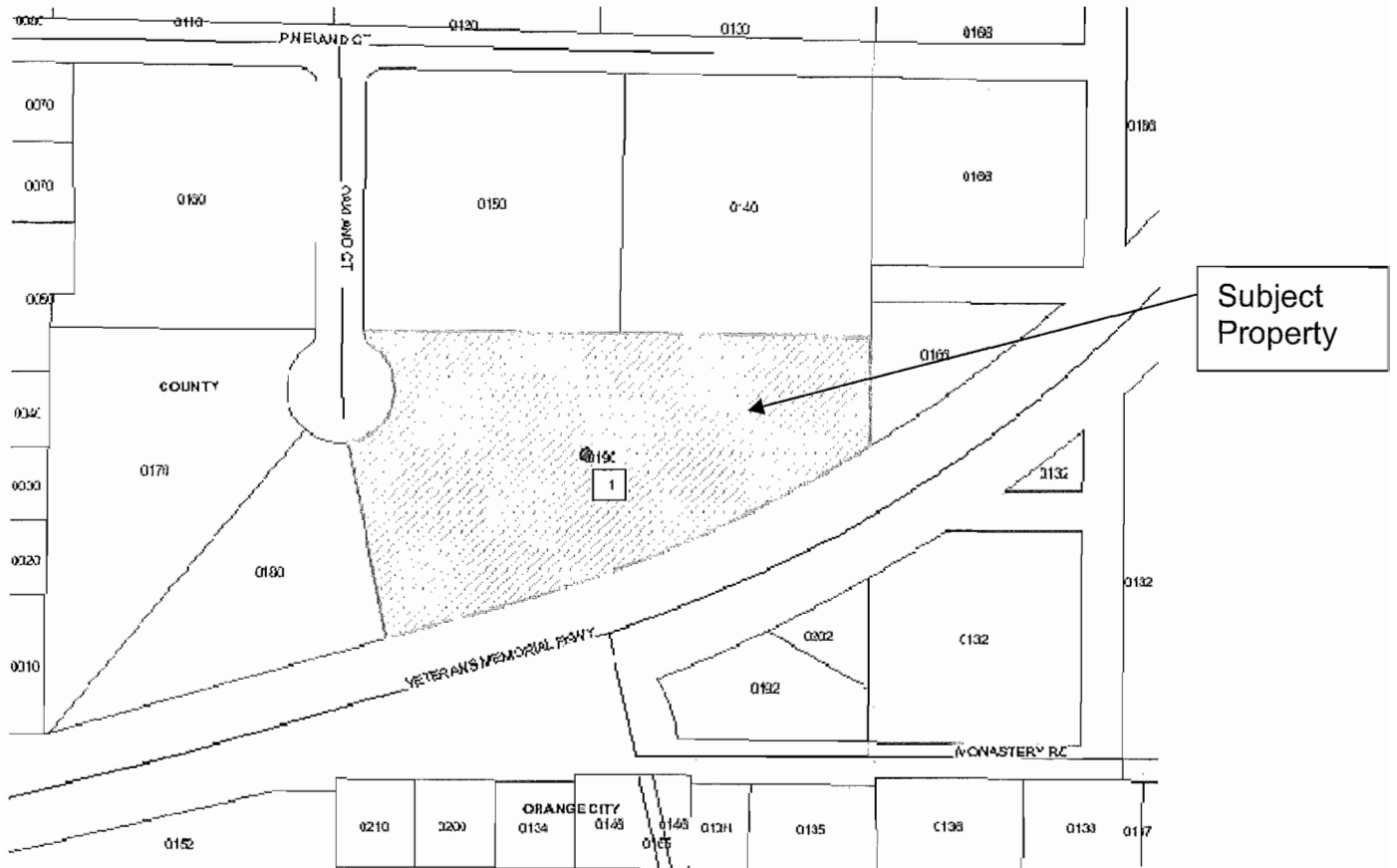
The Future Land Use and zoning of the property currently are Volusia County designations. Because this property was annexed into the city on June 23, 2009, the land use change is still in process. The FLU will be MX, the project was submitted to the Volusia Growth Management Commission for Consistency Certification in accordance with VGMC rules. The application was approved on January 27, 2010. Because the property is within the MX area, it must be developed under the planned unit development process.

The TRC met with the development team on January 14, 2010 to review the proposed project. At that meeting, several matters were discussed with the applicant. The TRC agreed that the outstanding items could be resolved by making minor revisions to the site plan and should be forwarded on to the Planning and Zoning Commission.

OVERVIEW OF LAND USE AND ZONING STATUS

	Designated Land Use	Zoning Classification	Existing Land Use	Percentage Developed	Jurisdiction
Subject Property	Urban Low Intensity ULI	Rural Residential RR	Vacant Undeveloped	0	City
North	Urban Low Intensity ULI	Rural Residential RR	Residential	100	County
South	Mixed Use MX	Mixed Use Suburban MX-2	Residential	75	City
East	Mixed Use MX	Mixed Use Suburban MX-2	Vacant Undeveloped	0	City
West	Urban Low Intensity ULI	Rural Residential RR	Residential	50	County

VICINITY MAP



PROJECT ANALYSIS

The proposed two-story 71,866 square foot building will contain a 100 unit assisted living facility. The owner proposes two sections a standard assisted living facility and a memory ward for Alzheimer and related diseases. The intent is for the owner to operate the business.

TRC REVIEW

The Technical Review Committee (TRC) met with the applicant on January 14, 2010 to review the site plan for issues related to appearance, access control, water, stormwater drainage and retention, parking, landscaping, as listed in of the City's land development code.

Building Setback — The site plan meets setback requirements on all sides. The required front setback from Veterans Memorial Pkwy is 50 feet and 60 feet are proposed. The required rear and side setbacks are 35 feet, which is what is proposed.

Parking Calculations — Based on one parking space for each 1 space for every 3 beds and one for each employee on the largest shift, a total of 40 spaces are required. A total of 53 spaces are proposed, four of which will be handicapped accessible in compliance with City Code. The TRC determined that the parking requirement has been met.

Driveway and Access — The proposed access to the property is via a 50-foot driveway connection to Veterans Memorial Pkwy.

Emergency Services — The plan meets requirements with regard to Police and Fire protection.

Water and Wastewater Service — The proposed development lies within the Orange City water service area. Sewer is available at the site. The developer is working with the city to provide a master lift station on this property it will dedicated to the city upon completion of the project.

Solid Waste Disposal — One compactor has been proposed. Details of the screening for the dumpster are in compliance with City Code.

Stormwater Drainage/ Retention —The proposed system has been reviewed by the City Engineer, who has requested revised calculations. The project engineer has stated he will work directly with the City Engineer to resolve any outstanding questions.

Open Space — The proposed plan meets the City requirement for 25 percent open space. Total pervious areas show on the site plan equals 38 percent.

Tree Protection & Landscaping — The proposed landscape plan meets and exceeds Code requirements. A total 94 trees are to be preserved and 53 new trees are to be planted. The required number of tree inches at DBH is 486 inches. A total of 2051 inches are proposed .

Sidewalk and Pedestrian Pathway — A 5 foot sidewalk connects building entrances to the parking areas and will connect to the existing side walk on Veterans Memorial Pkwy.

Master Lighting Plan — A lighting plan showing proposed location of parking lot lights, and spillage at the property lines was submitted. The proposed fixtures and spillage meet City standards.

Proposed Signage — Details of the size, style and setback of the monument sign were submitted with the site plan and meet the City requirements.

Threatened and Endangered Species — A Threatened and Endangered Species survey was conducted in May of 2009. The report by Morgan Environmental Consulting, Inc. stated no evidence of any species of special concern was found on the site.

Appearance Standards — The proposed building meets the City's appearance standards with regard to architectural features, equipment screening and overall design.

Requirements for the Planned Unit Development — The City's land development code requires that the Planning Commission hold a public hearing on the rezoning after due public notice and consider the application with respect to the items found in Section 8.6.16 and 8.7.22. The required public notice has been published.

Section 8.6.16.A states: "The planned unit development (PUD) district is intended to provide a flexible approach for unique and innovative land development proposals, which would otherwise not be permitted by this Code. Notwithstanding the specific criteria identified herein, PUD proposals shall be consistent with the comprehensive plan and should accomplish the following purposes, to the greatest extent possible."

Planning staff has reviewed the purposes to be accomplished, and finds that the Villa Tuscany Planned Unit Development (BPUD) application is consistent with Section 8.6.16, 1 through 7 of the City's land development code.

Sec. 8.6.16.B.2 states: "The permitted uses within a BPUD may be those found in any of the business zoning districts, provided that said uses are listed in the development agreement and have been approved by the City Council."

Planning staff has reviewed the Villa Tuscany Business Planned Unit Development (BPUD) and finds that the use is consistent with a business development.

Sec. 8.6.16.C.1 states the minimum parcel size for a BPUD is 20,000 square feet. (0.45 acres)

The subject property consists of 4.654 acres, thereby significantly exceeding the requirement.

Sec. 8.6.16.E states: Landscape buffers shall comply with the requirements of Chapter 10 of this Code.

As noted previously, the proposed landscape buffers meet the size and planting requirements of Section 10.

Sec. 8.6.16.F states: “Off-street parking and loading/unloading areas shall comply with Section 8.7.7.”

The parking requirements for a commercial development have been met on the proposed plan.

Sec. 8.6.16.G states: “A transportation impact analysis report shall be required for any use which, according to the Institute of Transportation Engineers Trip Generation Manual, latest edition, rates published by the Florida Department of Transportation or rates documented by study and agreed to prior to use by the DSD, will generate in excess of 1,000 trips per day. The contents of the transportation impact analysis report shall meet the requirements of Chapter 4.”

The analysis, prepared by American Civil Engineering Co., was provided with the master plan/site plan as required, indicating 360 new external daily vehicle trips.

Sec. 8.7.22 A states: “All land included for purposed of development as a PUD shall be under the legal control of the applicant, whether that applicant be an individual, partnership or corporation or group of individuals, partnerships or corporations.”

A copy of the recorded warranty deed indicates the subject property is owned by Monroe Investments, LLC .

Sec. 8.7.22 C states: “There shall be a minimum common open space requirement of 30 percent of the total gross acreage of the PUD.”

The Development Agreement and master plan indicates that open area will equal 57.59 percent (2.690 acres) of the total gross acreage of the development. Open space includes the retention and landscape areas.

Sec. 8.7.22 D states: “Within a PUD, all utility distribution lines, including telephone, television cable and electrical systems, shall be installed underground. However, appurtenances to said utilities requiring above ground installation may be exempted by the City Council.”

The master plan indicates that all utilities will be installed underground.

Sec. 8.7.22.5.a through p are either described or indicated on the master plan as required.

Sec. 8.7.22.6 a through l are included in the required development agreement, which is under review by the City Attorney.

Development Services Department Recommendation & Summary – The Technical Review Committee has worked with the developer of Villa Tuscany. Staff believes that the necessary

safe-guards to ensure compliance with all code requirements have been incorporated in the development agreement and the Master Plan/ Site Plan.

The Commission may wish to take the following action:

➤ Create a motion stating that the Planning Commission recommends to City Council the approval of Ordinance # 418 for the rezoning to BPUD, Resolution # 597-10 for the master plan/site plan for Villa Tuscany Assisted Living Facility with the following stipulations:

- A development agreement approved by the City Attorney be signed and recorded by the developer.
- All outstanding items from the City Engineer's report must be resolved.
- Continued Collaboration with the City in providing a Master Lift Station on this site.

1 **Commissioner Seaman and passed by 5/0 roll call vote of the Commission.**

- 2
- 3 **5. Review and Consider** forward a recommendation to the City Council for approval of an application for
4 Rezoning, Master Plan, and Site Plan for Villa Tuscany Assisted Living Facility Planned Unit
5 Development to be located at 675 Veterans Memorial Parkway, identified as Parcel No. 8012-04-00-
6 0190.

7

8 Chairman DeSilva opened the public hearing by asking anyone who wishes to speak to come forward to be
9 sworn in. Ms. Wilson administered the oath.

10

11 Tara Barrett, Acting City Attorney, advised any ex-parte communications regarding any of these matters
12 must be disclosed. Chairman DeSilva noted for the record that there were no disclosures.

13

14 Wendy Hickey, Planning and Zoning Analyst came forward and noted that Villa Tuscany is located on
15 Veterans Memorial Parkway across from Monastery Road. The proposed project is for a 100-bed assisted
16 living facility that would also accommodate Alzheimer's patients. The property retained its land use
17 designation of mixed use (MX) when it annexed into the City limits and it must be rezoned to business
18 planned unit development (BPUD). Ms. Hickey showed a PowerPoint presentation of the proposed project.

19 She said staff is requesting that the Planning Commission recommend that the City Council approve
20 Ordinance No. 418 for rezoning and Resolution No. 597-10 for the master and site plans for the Villa
21 Tuscany Assisted Living Facility with the stipulations outlined as follows: (1) A developer agreement must
22 be approved by the City Attorney, executed, and recorded; (2) All outstanding items from the City
23 Engineer's report must be resolved; and (3) Continued collaboration with the City in providing a Master Lift
24 Station on site. Ms. Hickey concluded her presentation by stating the project engineer is present to answer
25 any questions the Commission may have.

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27 Commissioner Durica pointed out there may be traffic jams when traveling north on Veterans Memorial
28 Parkway. He asked whether a left turn lane to access the facility would be installed before construction
29 begins. Ms. Hickey responded in the negative, noting Veterans is a County road. Mr. Durica said Orange
30 City residents would be impacted he questioned what would be an appropriate solution. John Herbert,
31 Project Engineer, came forward and said the left turn already exists, but is not striped. He said the
32 intersection would be restriped to provide a left turn lane as well as a deceleration lane for a right turn into
33 the project. Ms. Hickey said the Volusia Growth Management Commission (VGMC) reviewed the traffic
34 issues and felt that for a 100-bed assisted living facility, the traffic congestion would be very minimal.

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36 Mr. Herbert advised that he is working with the City's consulting engineer to resolve any outstanding issues.
37 Ms. Hickey noted that a master lift station would be located on site. Mr. Herbert explained that a force
38 main would be installed running south to connect with the City system. A lengthy discussion ensued on the
39 details of the project.

40

41 Hearing no further requests to speak, Chairman DeSilva closed the public hearing.

42

43 **Commissioner Franklin moved that the Planning Commission forward a**
44 **recommendation to the City Council for approval of an application for**
45 **rezoning master plan/site plan for Villa Tuscany Assisted Living Facility**
46 **planned unit development to be located at 675 Veterans Memorial Parkway**

1 identified as Parcel No. 8012-04-00-0190 with the stipulations imposed by
 2 staff, seconded by Commissioner Wilson and passed by 5/0 roll call vote of
 3 the Commission.
 4

- 5 **6. Review and Consideration** of a request to amend the conditional use of Asaad Orange City Motors at
 6 992/1020 South Volusia Avenue, identified as Parcel No. 8011-08-29-0206 and 8011-08-27-0202.
 7

8 Chairman DeSilva opened the public hearing by asking anyone who wished to speak to come forward to be
 9 sworn in. Ms. Wilson administered the oath.
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11 Ms. Hickey said the owner of Orange City Motors applied for a conditional use to amend the conditional use
 12 permit issued in 2008. Ms. Hickey provided a brief history of the property noting that it was developed as a
 13 car lot in 2001. At that time the business was granted a conditional use permit with conditions attached. She
 14 noted that when Mr. Asaad bought the property, the original conditions were transferred to him. In 2008 Mr.
 15 Asaad applied for and received a conditional use permit with additional conditions with which he has
 16 complied. She said that there had been some problems in the past with cars being parked in the driveway,
 17 however the matter was resolved. Ms. Hickey said Mr. Asaad wishes to expand his business and purchased
 18 710 sq. ft. in the front of the neighboring property. Referring to a PowerPoint presentation, Ms. Hickey
 19 pointed out the location of the property. She detailed the conditions noting the conditional use permit
 20 becomes void if the stipulations are not adhered to. She noted that the conditions appear lengthy, however,
 21 they are the aggregate of three conditional use permits.
 22

23 **Commissioner Seaman moved that based on the facts presented, the**
 24 **Planning Commission finds that the applicant has met the criteria found in**
 25 **Section 3.7 of the Land Development Code and that the Planning**
 26 **Commission, therefore, approve Sam Asaad, Orange City Motors' request**
 27 **for a conditional use to operate a retail used vehicle sales operation to be**
 28 **located at 992 and 1020 S. Volusia Avenue with the following stipulations:**
 29 **1) The concrete wall must be installed along the property line which abuts**
 30 **the residential area if the rear of the property (Phase II) is developed for**
 31 **commercial use; 2) any vehicles other than automobiles that are for sale**
 32 **such as boats, trucks, or motorcycles must be parked at the rear of the**
 33 **display area and not found within the front display area; 3) Dual flower**
 34 **beds must be planted along the front area of the property; 4) a thirty inch**
 35 **hedge must be planted on 24 inch centers along the southern property line**
 36 **of the additional display area; 5) a drive connecting the two properties must**
 37 **be constructed in the form of a "U" shape for access of emergency vehicles;**
 38 **6) no car display allowed within the driveway area including driveway to**
 39 **the rear property; 7) the additional display area must be paved with an**
 40 **impervious substance per Section 8.7.7.8.1 of the Land Development Code;**
 41 **and 8) non compliance with any of the above conditions will result in the**
 42 **immediate rescinding of the conditional use, seconded by Commissioner**
 43 **Franklin, and passed by unanimous 5/0 roll call vote of the Commission.**
 44

- 45 **7. Review and Consideration** of a request from Sgt. David G. Ledgerwood Disabled American Veterans
 46 Chapter #92, for a conditional use for an arcade amusement establishment at 301 West Blue Springs

Commissioner Seaman and passed by 5/0 roll call vote of the Commission.

- 1
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27 **for a conditional use to operate a retail used vehicle sales operation to be**
28 **located at 992 and 1020 S. Volusia Avenue with the following stipulations:**
29 **1) The concrete wall must be installed along the property line which abuts**
30 **the residential area if the rear of the property (Phase II) is developed for**
31 **commercial use; 2) any vehicles other than automobiles that are for sale**
32 **such as boats, trucks, or motorcycles must be parked at the rear of the**
33 **display area and not found within the front display area; 3) Dual flower**
34 **beds must be planted along the front area of the property; 4) a thirty inch**
35 **hedge must be planted on 24 inch centers along the southern property line**
36 **of the additional display area; 5) a drive connecting the two properties must**
37 **be constructed in the form of a "U" shape for access of emergency vehicles;**
38 **6) no car display allowed within the driveway area including driveway to**
39 **the rear property; 7) the additional display area must be paved with an**
40 **impervious substance per Section 8.7.7.8.1 of the Land Development Code;**
41 **and 8) non compliance with any of the above conditions will result in the**
42 **immediate rescinding of the conditional use, seconded by Commissioner**
43 **Franklin, and passed by unanimous 5/0 roll call vote of the Commission.**
44

45 7. **Review and Consideration** of a request from Sgt. David G. Ledgerwood Disabled American Veterans
46 Chapter #92, for a conditional use for an arcade amusement establishment at 301 West Blue Springs