

Meeting Date: 7/13/2010



Agenda Item # 5-A

CITY COUNCIL AGENDA ITEM

Contact Name: Jim Kerr, City Planner Department Director: *James Wilson*
Department/Contact # 386 775-5414 City Manager: *[Signature]*

- Type of Item:
- | | | | |
|-------------------------------------|--------------------------|--------------------------|---------------------|
| <input type="checkbox"/> | Public Hearing | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | Ordinance First Reading | <input type="checkbox"/> | Discussion & Action |
| <input type="checkbox"/> | Ordinance Second Reading | <input type="checkbox"/> | Council Approval |

Subject: Rezoning of GEL property to I-PUD

BACKGROUND:

The rezoning of the GEL property to I-PUD was previously reviewed and approved by the City Council on June 23, 2009, via Ordinance No. 398. However, at the time GEL was hesitant to sign the development agreement, and the ordinance became null and void. GEL recently signed the development agreement, and the City is again moving forward to rezone the property. The processing of this item by City staff has included a development review of (1) a planned development, and (2) a rezoning of the property to an I-PUD, and (3) a development agreement.

Recycling activities are allowed as per Section 8.6.1 of the City's land development code subject to approval as a planned development, as amended by Ordinance No. 421.

RECOMMENDATIONS:

City staff and the Planning Commission recommend that the City Council approve and adopt Ordinance No. 422, therein approving the rezoning of the GEL property to an I-PUD, subject to City Council approval of the GEL site plan.

ATTACHMENTS:

- Ordinance No. 422
- Staff report to the Planning Commission dated 6-2-10.
- Minutes of the June 2, 2010 Planning Commission meeting
- Development Agreement
- I-PUD Planned Development plans

FINANCIAL IMPACT:

None anticipated

Reviewed by City Attorney _____

Reviewed by Finance Dept. _____

Reviewed by: _____

| | | | |
|---|---|--|--|
| 1st Discussion Date: 7/13/2010 | 2nd Discussion Date: Click here to enter a date. | Third Discussion Date: Click here to enter a date. | Other Dates: Click here to enter a date. |
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ORDINANCE NO. 422

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 THE GEL CORPORATION PROPERTY, CONSISTING OF APPROXIMATELY 33.8 ACRES OF PROPERTY GENERALLY LOCATED WITHIN THE NORTHEAST QUADRANT OF RHODE ISLAND AVENUE AND LEAVITT AVENUE; FROM ITS PRESENT ZONING CLASSIFICATION OF (I-2) HEAVY INDUSTRIAL TO (I-PUD) INDUSTRIAL PLANNED UNIT DEVELOPMENT; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Milton Evans Jr. (dba Gel Corporation) is the owner of certain real property generally located within the northeast quadrant of Rhode Island Avenue and Leavitt Avenue, containing approximately 33.8 acres, and

WHEREAS, the City Council annexed said property into the City of Orange City in 1984, and

WHEREAS, responding to the property owner's request for a rezoning, the City desires to change the zoning classification of said property from (I-2) Heavy Industrial to (I-PUD) Industrial Planned Unit Development; and

WHEREAS, on June 2, 2010, the Planning Commission of the City of Orange City, Florida, conducted a public hearing to review and consider the rezoning, and forwarded a recommendation of approval to the City Council, 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 COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:

SECTION 1. That Section 8.3 of the Land Development Code of the City of Orange City, said section being the official zoning map of the City of Orange City, Florida, is hereby amended, and a certain property located within the northeast quadrant of Rhode Island Avenue and Leavitt Avenue, containing approximately 33.8 acres, is hereby changed and transferred from its present zoning classification of (I-2) Heavy Industrial to (I-PUD) Industrial Planned Unit Development. Said properties are more particularly described in the Attachment "A" Legal Description.

A copy of the amendment to the Zoning Map is attached hereto and included as Exhibit A, and such amendment is hereby adopted pursuant to the City's Code of Ordinances.

SECTION 2. CONFLICTS: 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 upon adoption by the City Council of the City of Orange City, Florida.

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 422):

First Reading this _____ day of _____, 2010.

Jeff H. Allebach _____ Thomas Laputka, Vice Mayor _____

Tom Abraham _____ Anthony Pupello _____

Gary Blair _____ Bill Crippen _____

Harley Strickland, Mayor _____

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 422):

Second Reading this _____ day of _____, 2010.

Jeff H. Allebach _____ Thomas Laputka, Vice Mayor _____

Tom Abraham _____ Anthony Pupello _____

Gary Blair _____ Bill Crippen _____

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

Ordinance No. 422

Legal Description

GEL Corporation Rezoning

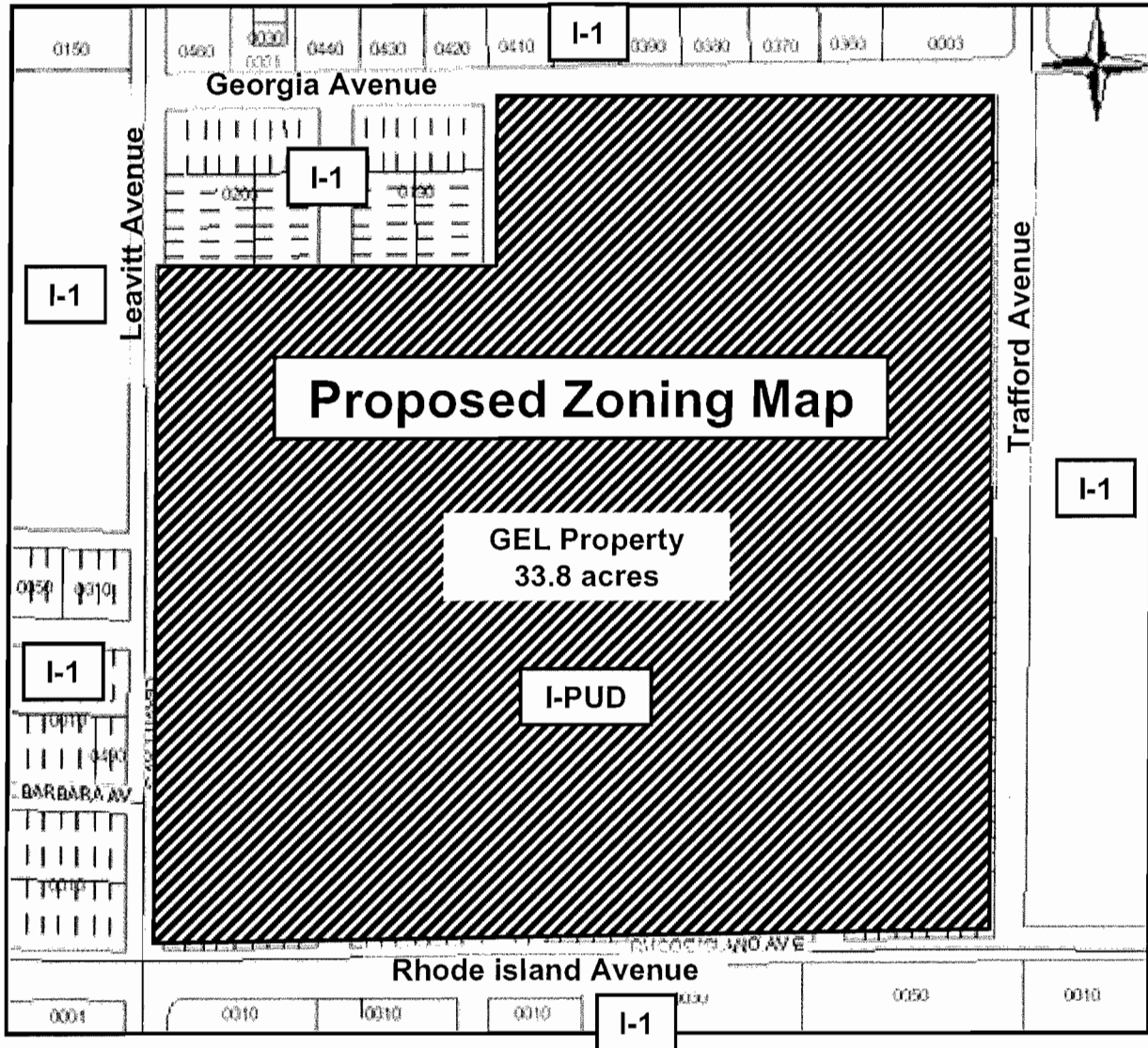
Parcel Nos. 8011-03-01-0010, 8011-03-02-0010, 8011-03-03-0010, 8011-03-04-0010, 8011-03-05-0010, 8011-03-06-0010, 8011-03-07-0010, 8011-03-08-0010, 8011-03-09-0010, 8011-03-10-0010

LEGAL DESCRIPTION: VINELAND SUBDIVISION PROPERTY (WRITTEN)

Lots 1 to 19, inclusive, and Lots 41 to 50, inclusive, Block 1; Lots 1 to 18, inclusive, and Lots 39 to 48, inclusive, Block 2; Lots 1 to 48, inclusive, Block 3; Lots 1 to 48, inclusive, Block 4; Lots 1 to 50, inclusive, Block 5; Lots 1 to 50, inclusive, Block 6; Lots 1 to 48, inclusive, Block 7; Lots 1 to 48, inclusive, Block 8; Lots 1 to 48, inclusive, Block 9; Lots 1 to 50, inclusive, Block 10; and Bell Avenue, Lying East of the Easterly Right of Way of Leavitt Avenue and West of the Westerly Right of Way of Trafford Avenue; and Willard Street lying South of the Northerly boundary of said Lot 41, Block 1 and Lot 18, Block 2 and North of the Northerly Right of Way of Rhode Island Avenue; and Green Street lying South of the Northerly boundary of said Lot 39, Block 2 and North of the Northerly Right of Way of Rhode Island Avenue; and the E ½ of Green Street lying North of the Easterly extension of the Northerly boundary of said Lot 39, Block 2 and South of the Southerly Right of Way of Georgia Avenue and Booth Street lying South of the Southerly Right of Way of Georgia Avenue and North of the Northerly Right of Way of Rhode Island Avenue; and Henry Street lying South of the Southerly Right of Way of Georgia Avenue and North of the Northerly Right of Way of Rhode Island Avenue, Vineland Park, a subdivision according to map in Map Book 7, Page 77, Public Records of Volusia County, Florida, and being more particularly described as follows: Commencing at the Southwest corner of the SE ¼ of Section 11, Township 18 South, Range 30 East, Volusia County, Florida, run thence S 89°51'34" E along the South line of said SE ¼ a distance of 30.00 feet; run thence N 00°03'53" W along a line 30.00 feet East of at right angle to and parallel with the West line of said SE ¼ a distance of 30.00 feet to the point of intersection of the Northerly Right of Way of Rhode Island Avenue and the Easterly Right of Way line of Leavitt Avenue, as now established and the Point of Beginning. Continue thence N 00°03'53" W along said Easterly Right of Way a distance of 1017.13 feet; run thence S 89°48'50" E a distance of 512.65 feet; run thence N 00°00'36" E a distance of 251.80 feet to a point on the Southerly Right of Way of Georgia Avenue; run thence S 89°48'00" E along said Right of Way a distance of 755.48 feet to a point on the Westerly Right of Way of Trafford Avenue; run thence S 00°03'45" E along said Right of Way a distance of 1267.74 feet to a point on aforesaid Northerly Right of Way of Rhode Island Avenue; run thence N 89°51'34" W along said Right of Way lying 30.00 feet North of at right angle to and parallel with aforesaid South line of the SE ¼ a distance of 1268.40 feet to the Point of Beginning. Being subject to any Easements and Rights of Way of Record.

Exhibit A Ordinance No. 422

Zoning Map for GEL Property





Orange City Development Services Department
205 East Graves Avenue, Orange City, Florida 32763-5299
Phone 386 775-5414 - Fax 386 775-5420
E-mail: jkerr@ourorangecity.com

MEMORANDUM

Date: June 2, 2010

To: Chairman DeSilva and members of the Planning Commission

Prepared by: J.H.Kerr III, City Planner *JHK*

Reviewed by Elaine Wilson, Interim Development Services Director *ew*

**SUBJECT: REVIEW AND CONSIDERATION OF GEL CORPORATION
(I-PUD) INDUSTRIAL PLANNED UNIT DEVELOPMENT REZONING
PUD PLAN DATED: October 22, 2008**

Staff Recommendation

The Technical Review Committee has reviewed the GEL Corporation I-PUD Industrial Planned Unit Development and finds that the I-PUD rezoning application meets the minimum standards per the City's Land Development Code, and is compatible with the adjoining industrial community. Therefore, based on competent substantial evidence, planning staff recommends the Planning Commission consider a recommendation to City Council for approval of the GEL Corporation property rezoning application as follows:

The Planning Commission recommends that the City Council approve Ordinance No. 422, thereby rezoning the 33.8 acre GEL Corporation property, from (I-2) Heavy Industrial to (I-PUD) Industrial Planned Unit Development, said property located within the northeast quadrant of Rhode Island Avenue and Leavitt Avenue, consisting of Lots 1 through 19 and Lots 41 through 50, Block 1; Lots 1 thorough 18 and Lots 39 through 48, Block 2; and all of Blocks 3, 4, 5, 6, 7, 8, 9, and 10; within the Vineland Park Subdivision, Map Book 21, Page 85, and including the street rights-of-way contained therein between said blocks.

Background

The subject property is located within the northeast quadrant of Rhode Island Avenue and Leavitt Avenue. The use of the subject property as a solid waste landfill (aka Lake Marie Landfill) commenced in approximately 1970. Following the closure of the landfill in 1984, the property was purchased by the Evans family in 1985, and was annexed into the City in April of 1986. The property was rezoned to the I-2 Heavy Industrial zoning classification in 1991. In 1994, GEL applied for a permit to construct a building to conduct recycling. This building was approved by the Planning Commission in October of 1994 subject to GEL submitting a master development plan for approval by the City, which is being forwarded to the Commission for review and consideration of approval along with the request for a rezoning.

This item was previously reviewed by the Commission on December 3, 2008. However, when the item was submitted and reviewed by Council, the rezoning could not be approved because the development agreement was not signed by GEL. Since that time, the City and GEL were successful in resolving all legal issues, and the development agreement and a settlement

agreement have been signed by both parties. Since it has been more than a year and a half since the Commission has seen this item, staff felt that the Commission should review it again.

Detailed Property Land Use and Zoning Description

Subject: The subject property is in the City's jurisdiction, and maintains an IH Industrial Heavy land use designation and an I-2 Heavy Industrial zoning classification. The subject property maintains a solid waste landfill that was closed in 1984, and the property is currently used as a household and C&D recycling facility.

Table 1 OVERVIEW OF LAND USE AND ZONING STATUS

| | Designated Land Use | Zoning Classification | Existing Land Use | Percent Developed | Jurisdiction |
|---------------------------|---------------------|-----------------------|------------------------|-------------------|--------------|
| SUBJECT PROPERTY | IH Industrial Heavy | I-2 Heavy Industrial | Landfill & Recycling | 100 | City |
| ADJOINING TO NORTH | IL Industrial Light | I-1 Light Industrial | Industrial | 100 | City |
| ADJOINING TO SOUTH | IL Industrial Light | I-1 Light Industrial | Industrial | 50 | City |
| ADJOINING TO EAST | IL Industrial Light | I-1 Light Industrial | Vacant and undeveloped | None | City |
| ADJOINING TO WEST | IL Industrial Light | I-1 Light Industrial | Industrial | None | City |

North: The property adjoining to the north of the subject property is located within Orange City's jurisdiction, and maintains an IL Industrial Light land use designation and an I-1 Light Industrial zoning classification. The property to the north is developed as a truck storage facility and industrial usage.

South: The property adjoining to the south of the subject property is located within Orange City's jurisdiction, and maintains an IL Industrial Light land use designation and an I-1 Light Industrial zoning classification. The property to the south is developed as industrial usage.

East: The property adjoining to the east of the subject property is located in Orange City's jurisdiction, and maintains an IL Industrial Light land use designation and an I-1 Light Industrial zoning classification. The property to the east is currently vacant and undeveloped.

West: The property adjoining to the west of the subject property lies within Orange City's jurisdiction, and maintains an IL Industrial Light land use designation and an I-1 Light Industrial zoning classification. The property to the west is vacant and undeveloped at this time.

Project Analysis

Milton (Geno) Evans, Jr., owner and applicant, has submitted an application to rezone the property to I-PUD, along with a preliminary master development plan and site plan to construct

an office building as part of the existing recycling facility. This report will deal only with the property rezoning.

Following the submittal of the application packet on June 9, 2008, the Technical Review Committee (TRC) met on August 28, 2008 to thoroughly review this project for issues related to those listed in Sections 8.6.16 and 8.7.22 of the City's land development code, including unified control, the preliminary master development plan, development agreement, and the property rezoning. The TRC recommended that the GEL I-PUD rezoning be approved.

Property Characteristics

As mentioned above, the subject property is currently developed as a recycling facility and the property maintains a relatively flat terrain except for the closed landfill. There are no trees currently existing onsite due to the property being used as a landfill for over 37 years.

Water and Wastewater

The proposed development lies within the Orange City Utilities water and wastewater service area. According to Orange City Utilities, sufficient capacity exists to meet the water and wastewater demands of the proposed industrial project.

REQUIREMENTS FOR THE I-PUD PLANNED UNIT DEVELOPMENT

The City's land development code requires that the Planning Commission hold a public hearing on the preliminary master development plan and rezoning after due public notice and consider the application with respect to the items found in Section 8.6.16 and 8.7.22, of which, the following is a compilation of that information.

8.6.16.A Intent and Purposes to be Accomplished

Section 8.6.16.A states as follows:

"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 GEL Corporation (I-PUD) Industrial Planned Unit Development application is consistent with the comprehensive plan, and the application appears to accomplish the purposes listed in Section 8.6.16, 1 through 7 of the City's land development code. The applicant has endeavored to create an orderly development consisting of 12.5 acres of household and C&D recycling activity (and a 21.3 acre inactive (closed) solid waste landfill) with a "visually attractive physical environment through the coordination and consistency of architectural styles, landscaping designs, and appropriate buffer areas between land uses".

8.6.16.B.1 - Allowable Uses

Section 8.6.16.B.3 states as follows:

"The permitted uses within an IPUD may be those found in any of the industrial 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 GEL Corporation (I-PUD) Industrial Planned Unit Development and finds that the proposed usage is consistent with the City's Industrial zoning districts subject to the zoning matrix amendment approval by the City Council. The proposed onsite uses include the processing of household and C&D recycling items, the onsite storing and shipping of the recycled materials, employee parking and drainage retention facilities.

8.6.16.C.1 - Minimum Area

This Section requires the following.

To qualify as an I-PUD, a development shall require a minimum of one-acre of land.

The property, on which the GEL (I-PUD) Industrial Planned Unit Development will be developed, is 33.8 acres, of which the recycling activity is limited to 12.5 acres, thereby meeting and exceeding this requirement.

8.6.16.E - Landscape Buffer Requirements

This Section states as follows.

Landscape buffers shall comply with the requirements of Chapter 10 of this Code.

The proposed landscape buffers meet the minimum requirements of Section 10 of the City's land development code, in that, a minimum 20-foot landscape buffer is provided on Leavitt Avenue and Rhode Island Avenue, and 10-foot buffer on the north and east property lines.

8.6.16.F - Off Street Parking

The applicant has stated there will be 38 employees onsite. The project requires one parking space per each employee, for which the site plan indicates that 38 parking spaces will be provided as required.

8.6.16.G - Transportation Impact Analysis

This Section states as follows.

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 1000 trips per day. The contents of the transportation impact analysis report shall meet the requirements of Chapter 4.

The analysis of the preliminary master development plan indicates 228 vehicle trips per day for the project. Sufficient capacity exists to meet the traffic demands of the development. Access to the development will occur solely from Leavitt Avenue. However, actual traffic counts done at random indicate much lower vehicle trips at the facility.

8.7.22 A and 8.7.22.A.6.a - Evidence of Unified Control

Section 8.7.22 A states as follows.

All land included for purpose 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. Applicants requesting approval of a PUD shall present firm evidence of unified control of the entire area within the proposed PUD together with a certificate of apparent ownership and encumbrance with the opinion of counsel

representing the developer establishing that the developer has the unrestricted right to impose all of the covenants and conditions upon the land as are contemplated by the provisions of these regulations.

Section 8.7.22.A.6.a states as follows:

Firm evidence of unified control of the entire area within the proposed PUD, including a certificate of apparent ownership and encumbrance with the opinion of counsel representing the applicant establishing that the applicant has the unrestricted right to impose all of the covenants and conditions upon the land as are contemplated by the provisions of these regulations.

The adequacy of evidence of unified control has been provided as required, and the GEL Corporation (I-PUD) Industrial Planned Unit Development possesses adequate unified control.

8.7.22 C - Open Space

This Section states as follows.

There shall be a minimum common open space requirement of 30 percent of the total gross acreage of the PUD. Common open space shall include active and passive recreation areas, with residents having physical access to the space, such as playgrounds, golf course, waterways, floodplains, nature trails and other similar open spaces. Passive facilities such as picnic tables and nature trails shall be placed in a manner that functions with the site's natural amenities or recreational needs of future residents. Examples of active recreational common space are playgrounds; free play areas, golf courses, swimming pools, and tennis courts. Open water bodies beyond the perimeter of the site; fenced retention areas; yards and spacing between buildings and street rights-of-way, driveways and parking areas shall not be included in determining the amount of common open space. Provisions for maintenance of the common open space shall be provided in the development agreement. Land designated as common open space shall be dedicated by plat, deed or other appropriate legal instrument satisfactory to the City Attorney and usable by all residents of the PUD. Such instrument shall be binding upon the developer, its successors and assigns, and shall constitute a covenant running with the land and be in recordable form.

The common open space requirement has been provided as required. Planning staff has reviewed the open space requirement, and finds that the project possesses adequate open space. The property owner will be responsible for the maintenance and conservation of the open space. The proposed I-PUD open space meets and exceeds the minimum 30 percent open space requirements as illustrated in Table 1.

Table 1 - Open Space Calculation

| | Square feet | Acres | Percentage |
|---------------------------------------|------------------|---------------|-------------|
| Required Open Space (Minimum) | 441,832 | 10.14 | 30.0 |
| Landscaping (Open Space) | 52,300 | 1.201 | 3.8 |
| Landscaping (10% of driveway/parking) | 6,925 | 0.159 | 0.5 |
| Open Drainage Retention | 78,427 | 1.800 | 5.3 |
| Other Pervious Area | 1,004,193 | 23.053 | 68.1 |
| Total Open Space | 1,141,845 | 26.213 | 77.5 |

8.7.22 D - Underground Utilities

This Section states as follows.

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 I-PUD master plan, development agreement and the site plan state that all utilities will be installed underground.

8.7.22 E.1 through 4 - Procedure for rezoning to PUD

The required preapplication meeting occurred, including a sketch plan. An application for rezoning to an I-PUD was submitted, together with a preliminary master development plan, which will be forwarded to the City Council for consideration of approval.

8.7.22.E.5.a through e – Plan exhibits

Section 8.7.22.E.5 a through e are either described or indicated on the preliminary master development plan as required, including; name of project; legal description; topography; etc.

8.7.22.E.5.f - Traffic Access

This Section states as follows.

“Conceptual configuration of proposed streets, which depict access into and traffic flow within the development, with particular reference to the separation of vehicular traffic from pedestrian or other types of traffic.”

Traffic accessing the proposed recycling facility will be entirely from Leavitt Avenue. The property is strategically located next to this street, which is classified as a major collector. Rhode Island Avenue is a minor arterial. Pedestrian traffic on these two streets are separated from the vehicular traffic through the use of sidewalks.

8.7.22.E.5.g through p – Plan exhibits

Section 8.7.22.5 g through p are either described or indicated on the master development plan as required, including water, sewer, and drainage detention locations; open space; vicinity map; soils survey, etc.

8.7.22.E.6 - Development Agreement

A draft of the development agreement required in Section 8.7.22.E.6.a through h of the land development code is attached to this report, and is currently being reviewed by planning staff and the legal department.

8.7.22.E.6.e – Maximum Building Height

The project's proposed maximum building height does not exceed the maximum height limit of 35 feet.

8.7.22.E.6.i - Phasing Schedule

Section 8.7.22.E.6.i states as follows:

When the PUD is planned for phase development, a schedule of the phases.

The single phase development is proposed to commence construction within one year from the date of approval of the master development plan and site plan. Construction will include the internal driveways, water and sewer, trees and landscaping, new building, and all improvements depicted on the preliminary master development plan and site plan necessary to sustain the development.

8.7.22.E.6.j - Land Use Analysis

Section 8.7.22.E.6.j states as follows:

A table showing acreage for each category of land use including roads, open space, and recreation, and a table of proposed maximum and average gross and net residential densities for residential land uses.

The above is addressed in Section 6.F of the development agreement and the preliminary master development plan as follows.

Table 2 – Residential Property Analysis

| | Square feet | Acres | Percentage |
|---|-------------|--------|------------|
| Buildings | 1,534 | 0.036 | 0.1 |
| | 15,600 | 0.358 | 1.0 |
| | 7,575 | 0.174 | 0.5 |
| Parking Space Area | 5,580 | 0.128 | 0.4 |
| Driveway Area | 295,614 | 6.786 | 20.1 |
| Sidewalk Area | 2,572 | 0.059 | 0.2 |
| Other Impervious Area | 2,455 | 0.056 | 0.2 |
| Total Impervious Area | 330,930 | 7.597 | 22.5 |
| | | | |
| Landscaping (Open Space) | 52,300 | 1.201 | 3.8 |
| Landscaping (10% of driveway and parking) | 6,925 | 0.159 | 0.5 |
| Open Drainage Retention | 78,427 | 1.800 | 5.3 |
| Other Pervious Area | 1,004,193 | 23.053 | 68.1 |
| Total Pervious Area | 1,141,845 | 26.213 | 77.5 |
| | | | |
| Total Property Size | 1,472,775 | 33.810 | 100.0 |

Planning Commission Consideration

When reviewing a request for a zoning change, Section 3.5.2 F of the City's Land Development Code requires the Planning Commission to consider the following.

1. Whether the change is consistent with all adopted elements of the Comprehensive Plan and other laws and ordinances.

The goals of the future land use element are listed as follows.

Goal 1: Promote orderly growth and development in the City of Orange City in such a manner as to: (1) Protect the small community character and lifestyle of the "traditional/historic" sections of the City, and (2) Provide appropriate opportunities for commerce, employment and housing in the "emerging growth" sections of the City, consistent with the City's continuing role as a regional retail service provider.

Goal 2: Provide for a range of residential land uses and densities while continuing to emphasize detached single-family housing development.

Goal 3: Promote development of non-polluting industrial land use and an efficient pattern of commercial land use.

Goal 4: Future development shall be designed and located in a manner that protects the City's natural and historic resources.

Goal 5: Promote the retention of open space in the urban environment and the conservation of significant natural resources and in the path of growth.

Goal 6: Promote the orderly growth and development while minimizing adverse impacts and disruption associated with a variety of land uses.

Staff maintains that the proposed GEL Corporation (I-PUD) is consistent with the appropriate goals in the future land use element in the City's comprehensive plan except for Goal 2, which is obviously not applicable. Although the location of the proposed development probably does not enhance the small community character of the City, the recycling activities will be located behind a (proposed) landscaped wall, and the use does provide a necessary function for the recycling of household and C&D waste products. There does not appear to be any inconsistency between the proposed I-PUD zoning classification and any comprehensive plan element or any other law or ordinance.

2. Whether the change would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, as well as compatibility with existing and proposed land uses and an orderly and compatible land use pattern.

The surrounding land consists of either vacant and undeveloped properties, or industrial usage. The proposed zoning change does not appear to result in any zoning incompatibility. The site appears to be ideally suited for the proposed recycling development because of its close proximity to the two major arterials in Orange City, that being US 17-92 (Volusia Avenue) and Veterans Memorial Parkway, and its centralized location within the industrial zoning district.

3. Whether the change is in the public interest or would benefit only the applicant.

The change of zoning will benefit the developer and will also be in the best interest of Orange City as a recycling facility. This development will provide a location for household and C&D recycling to be conducted for households in Orange City and southwest Volusia County.

4. The zoning change impact upon the environment and natural resources.

It appears that the proposed zoning change will have little impacts upon the environment and the natural resources. The development has been under regulation of the Florida Department of Environmental Regulations for over 30 years.

5. The zoning change impact upon the economy of the effected area.

It appears that the proposed zoning change will have a positive impact by providing jobs for the community as well as the need to recycle household waste products from southwest Volusia County, including Orange City.

6. Whether the applicant has demonstrated that the zoning change in policy would not cause inadequacies in the level of service for transportation systems, potable water and wastewater systems, drainage, solid waste, parks and recreation facilities.

Staff maintains that the proposed zoning change will not adversely impact the level of services for transportation, and potable water and wastewater systems, drainage, and solid waste facilities. In fact, such level-of-service impacts will be less than the impacts generated by other types of industrial uses that could potentially occupy the site.

7. Any changes in circumstances or conditions affecting the area.

It is not anticipated that the proposed zoning change will incur or promote any changes in circumstances or conditions that will affect the area. The property is currently operating as a recycling facility and is expected to maintain said usage. However, the appearance of the property will be significantly improved by the addition of trees and landscaping along Leavitt and Rhode Island.

8. The changes impact upon the use or value of the affected area.

It is not anticipated that the proposed zoning change will adversely affect the use or value of the area. On the contrary, it is expected that the landscaping and wall improvements will have a positive impact on the aesthetics and appearance of this site and the surrounding area.

9. The changes impact upon the public health, welfare, safety or morals.

It is not anticipated that the proposed zoning change will adversely affect the public health, welfare, safety or morals of the area.

10. Other matters that may be deemed appropriate to preserve consistency with the Comprehensive Plan, the general intent of this Code and its enabling legislation.

It is not anticipated that there are any other matters that will cause any adverse impacts to preserving consistency with the comprehensive plan, or the intent of this code.

Summary

City staff has worked very closely with the applicant in order to maintain a recycling facility in an area that will serve the recycling needs of Orange City. The Technical Review Committee has attempted to determine and accomplish what was in the best interests of the City, and the adjacent industrial community and the non-adjacent residential community. The Technical Review Committee feels that the applicant's project has provided a quality development that will be an asset to the community. Staff recommends approval.

Planning Commission Responsibility

Section 3.5.2.E - The planning commission shall hold a public hearing on each application after due public notice, and forward its recommendation to the city council and to the applicant. In making its determination, the planning commission shall consider those standards as contained in section 3.5.2.F, of this chapter. It may accept, reject, modify, return or seek additional information on any application. Once the planning commission makes its recommendation, the application shall be forwarded to the city council.

Section 3.5.2.G - The city council shall hold a public hearing after due public notice on all recommendations from the planning commission. In making its determination; the city council shall consider those standards as contained in section 3.5.2.F. of this chapter. It may accept, reject, modify or return the planning commission's recommendation, or seek additional information regarding said recommendations. No approval of an amendment to the code's text or the OZM shall be made unless said amend-

ment has an affirmative vote of a majority of those council members present. All said amendments shall be by ordinance of the city council.

Section 8.7.22.E.4 - PUD rezoning application stage. An application for rezoning to a PUD, together with a master development plan (MDP) and such application fees as established by resolution of the city council shall be submitted to the development services department. If a rezoning applicant desires concurrent review under this code, the applicant shall so state at the time of application, and shall submit any additional information required by this code. The master development plan shall consist of a preliminary plan and a written development agreement.

1 **MINUTES OF THE ORANGE CITY PLANNING COMMISSION MEETING**, held on
2 Wednesday, June 2, 2010, at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City,
3 Florida.

4
5 **1. CALL TO ORDER:**

6
7 The meeting was called to order at 7:00 p.m. by Chairman DeSilva and roll call was taken.

8
9 **2. ROLL CALL:**

10
11 **PRESENT:** Chairman Paul DeSilva; Vice Chairman Ben Franklin; Commissioners: Frank Wilson,
12 Henry Durica, David Seaman, and Michelle Polgar; Staff Members: Jim Kerr, City
13 Planner; Wendy Hickey, Planning and Zoning Analyst

14
15 **ABSENT:** Christopher Weldon

16
17 **3. APPROVAL OF MINUTES:** May 5, 2010, and May 19, 2010

18
19 **Commissioner Wilson moved to approve the minutes of May 5, and**
20 **May 19, 2010, seconded by Commissioner Franklin and approved by**
21 **6/0 voice vote of the Commission.**

22
23 **PUBLIC HEARING:**

24
25 **4. Review and consideration** for the purpose to consider an administrative recommendation to City
26 Council to amend Chapter 8, Section 8.6.1 schedule of Zoning District Permitted and Conditional
27 Uses to modify the text allowing recycling uses within the PUD zoning district.

28
29 Mr. Darren Elkind, Attorney for GEL Corporation, administered an oath to those wishing to speak
30 during the public hearing.

31
32 Jim Kerr, City Planner came forward and stated that this item is to amend Section 8.6.1 of the Land
33 Development Code (LDC). The proposed change would strike the current language in Footnotes 12 and
34 13 c. and replace it with the following statement: "Operations shall comply with the conditions of all
35 required permits from any local, state or federal agency and all applicable local, state and federal laws."
36 He advised that the Planning Commission will be tasked with making a recommendation to the City
37 Council. Mr. Kerr noted that this portion of the code was amended by the City Council last year. He
38 advised that this proposed amendment affects only footnotes 12 and 13. The proposed changes have
39 been mutually agreed upon by Orange City and GEL Corporation.

40
41 Mr. Kerr advised that staff has considered this change in regard to all of the requirements contained in
42 the code and finds that the changes do meet the requirements contained therein. He stated that staff
43 recommends that the Planning Commission make a positive recommendation to the City Council to
44 approve the proposed amendment to modify the recycling requirements. Mr. Kerr noted that staff was
45 present along with Attorney Allen Watts, representing Orange City, to address any questions. In
46 addition, Darren Elkind, Attorney for GEL Corporation and Geno Evans, owner of GEL Corp. are also
47 present.

1 Commissioner Seaman questioned why this amendment is necessary. Mr. Kerr responded that the City
2 felt that the State was not adequately enforcing their requirements and the proposed language made the
3 City "feel more comfortable." Commissioner Seaman again questioned the value of the new language.
4 He noted that the change affects not only GEL Corp., but any similar operation which may begin in the
5 City. He said that he does not see the change as a benefit to the City.

6
7 Allen Watts, Special Counsel to Orange City, responded by stating that his instructions were to bring the
8 City to this point. He advised that the language being amended tonight was added to this section last
9 year. It is being removed at this time because it was objectionable to GEL. GEL Corp. felt that the
10 language added at that time singled them out for a special remedy of code enforcement. Mr. Watts
11 stated that the language being presented tonight is "fully protective of the City's interest" and he is
12 recommending that the change be adopted. Commissioner Seaman questioned whether the proposed
13 change weakens the City's code enforcement authority in this case anymore than in regard to any other
14 type of business. Mr. Watts responded, "No more than in any other case." He explained that GEL felt
15 that if they agreed to a provision that expressly provided for code enforcement in their business, they
16 were subject to some greater threat than other businesses in the City. Mr. Watts noted that the Circuit
17 Court did affirm previous code violations that the magistrate had determined. The case is being held in
18 abeyance by the Court of Appeals pending the outcome of the settlement agreement. Commissioner
19 Seaman asked for confirmation that the City would have the authority to initiate a code enforcement
20 action in response to a violation at the GEL facility. Mr. Watts responded, "Absolutely."

21
22 Commissioner Franklin said that he does not see anything wrong with the proposed language; however,
23 he did feel that it may be in response to an individual case rather than for the City's good as a whole. He
24 said that he did not object to the change as long as it did not diminish the City's authority. Mr. Watts
25 responded, "What Mr. Elkind told me was that GEL wanted to be treated like anyone else rather than
26 have a special provision in that footnote."

27
28 In response to a question from Commissioner Polgar, Mr. Watts clarified that the previous language was
29 added when the zoning matrix was modified last year to include recycling activities. Commissioner
30 Polgar asked whether the section was being returned to its original form. Mr. Watts responded in the
31 negative, noting that previously, recycling activities was not allowed anywhere in the City. He stated,
32 "We've added a way in which GEL can legalize their operation." He reiterated that the change tonight
33 only treats GEL the same as any other business in the City with regard to enforcement.

34
35 Commissioner Durica questioned whether GEL Corporation is "self-monitoring." He specifically
36 referenced a requirement to have a safety plan on file and asked whether this had been done. Mr. Watts
37 responded that the City has the right to inspect the premises as it does with any other business. Mr. Kerr
38 noted that these types of questions would be more appropriate during the public hearing on the following
39 item. Mr. Watts concurred and advised that the matter currently under discussion is "Step 1" in the
40 process.

41
42 Chairman DeSilva closed the public hearing.

43
44 **Commissioner Polgar moved that the Planning Commission**
45 **recommend that the City Council adopt Ordinance No. 421 therein**
46 **amending the City's Land Development Code as proposed in**
47 **Attachment "A" thereby amending the processing of household and**

1 **construction and demolition (C&D) recycling, seconded by**
2 **Commissioner Seaman.**

3
4 Commissioner Seaman stated that he wanted to “make perfectly clear” that the proposed change does
5 not preclude any code enforcement activity at GEL any more than anywhere else in the City. Mr. Watts
6 said that it did not.

7
8 Chairman DeSilva reopened the public hearing.

9
10 Attorney Darren Elkind, 505 Deltona Blvd., came forward and advised that his client wishes to be
11 treated the same as any other corporate or individual citizen in the City. He said that is the basis for the
12 issue at this time.

13
14 Chairman DeSilva asked Mr. Watts if there is any harm done to the City by the proposed action. Mr.
15 Watts responded, “No, sir.” He advised that if a violation were alleged, GEL, or any other business,
16 would receive a “Notice to Correct” prior to the initiation of any code enforcement action. Chairman
17 DeSilva asked whether other cities require recycling plants to submit PUDs. Mr. Watts responded, “I
18 think recycling plants in other cities are largely neglected.” He noted that this operation began as a
19 C&D Landfill and is currently in the midst of a five-year closure plan.

20
21 **Motion passed by unanimous 6/0 roll call vote of the Commission.**

- 22
23 **5. Review and consideration** for the purpose to consider a recommendation to City Council
24 regarding a request from Milton Evans Jr. (d.b.a. GEL Corporation) for approval of the Master
25 Development Plan and Rezoning from (I-2) Heavy Industrial to (I-PUD) Industrial Planned Unit
26 Development on property consisting of 33.81 acres located within the northeast quadrant of Rhode
27 Island Avenue and Leavitt Avenue, consisting of Lots 1 through 19 and Lots 41 through 50, Block
28 1; Lots 1 through 18 and Lots 39 through 48, Block 2; and all of Blocks 3, 4, 5, 6, 7, 8, 9, and 10;
29 within the Vineland Park Subdivision, Map Book 21, Page 85, and including the street rights-of-
30 way contained therein between said blocks.

31
32 Mr. Kerr noted that the subject property is located at the corner of Rhode Island and Leavitt Avenues.
33 He said that currently the property is zoned I-2 and the surrounding properties are I-1. Mr. Kerr
34 provided a power point presentation, noting the location on a map. He said that staff is required to
35 review the application to ensure that it is consistent with the requirements in the code. He stated that has
36 been done and it has been deemed consistent. Mr. Kerr advised that staff recommends that the Planning
37 Commission recommend City Council adoption of the rezoning ordinance.

38
39 In response to comments from Commissioner Seaman, Mr. Kerr explained that the project is “an
40 Industrial PUD” which includes a Developers Agreement as part of the I-PUD rezoning process.
41 Commissioner Seaman stated that he thought the project had already been approved and transmitted to
42 Council. Mr. Kerr concurred that there was a recommendation for approval last November. However,
43 staff felt that since the Commission had to review the proposed change to the LDC, staff felt that the
44 PUD should be reviewed again at the same time. He said that the site plan would also be brought back
45 to the Commission in July.

46
47 Mr. Kerr stated that staff is recommending that the Planning Commission render a positive

1 recommendation for the City Council to adopt the ordinance rezoning the GEL property to I-PUD
2 subject to approval of the site plan which will be presented at the next meeting.

3
4 Commissioner Durica again asked his question regarding safety and having a plan to respond in the
5 event of a fire during hours when the facility is closed. He questioned who watches over the operation
6 at night and who would provide notification in the event of an incident on the site after hours. Mr.
7 Elkind said that the facility is equipped with "very expensive" security cameras which are monitored by
8 a security company. Commissioner Durica clarified that his concern is for the safety of people in the
9 surrounding neighborhoods. Commissioner Durica asked what the hours of operation are at GEL. Mr.
10 Elkind responded that it is open from 7 a.m. to 5 p.m. Commissioner Durica referenced the
11 requirement that the operation not impact the health, safety and welfare of the surrounding community.
12 He questioned whether there were any hazards present in the operation that the City should be aware of.
13 Mr. Kerr responded that no adverse effects are anticipated. Mr. Elkind noted that the PUD clearly spells
14 out the allowed parameters for the operation of the business to protect the interests of all of the involved
15 parties. He stated that having such a contract in place is beneficial to the health, safety and welfare of
16 the community.

17
18 In regard to the Developers Agreement, Mr. Watts stated that he was "holding it in escrow."
19 Commissioner Seaman expressed his support for the proposed project, stating that he would much rather
20 see a recycling operation on the site than a landfill. Commissioner Wilson concurred. Commissioner
21 Franklin asked whether there would be a requirement that only materials from Orange City be accepted
22 at the facility or if the materials could come from anywhere. Mr. Kerr responded that the materials
23 could be from anywhere in the Southwest Volusia area. Mr. Watts noted that GEL operates a similar
24 facility at the Tomoka Landfill.

25
26 Commissioner Polgar asked what type of landscaping would be installed at the facility. Mr. Kerr
27 responded that those details would be presented when the site plan is considered. He said that trees
28 would be used to create a visual screen around the perimeter of the wall. In addition, there will be some
29 trees in the parking area. Mr. Watts noted that the steps involved in this approval have been presented
30 in a somewhat different order than usual. He said that normally, the rezoning would be done first, based
31 on a conceptual site plan and then site plan review and approval. In this case, the site plan was made the
32 final exhibit to the PUD agreement therefore, the PUD would not become effective until the site plan is
33 approved.

34
35 Chairman DeSilva questioned how GEL's compliance with the types of materials allowed into the
36 facility would be monitored. Mr. Kerr responded that the City would not "be inspecting every truck that
37 comes in." He said that is the responsibility of Mr. Evans. Mr. Elkind noted that within the
38 Development Agreement on page 3, provisions for extra inspections exist that the City requested and
39 that GEL agreed to. He explained why it is in GEL's best interest to comply with the requirements.

40
41 There being no further requests to speak, Chairman DeSilva closed the public hearing.

42
43 **Commissioner Seaman moved that the Planning Commission**
44 **recommend City Council approval of Ordinance No. 422 subject to**
45 **approval of the site plan to be submitted at a later date, thereby**
46 **rezoning the 33.8 acre GEL Corporation property from I-2 Heavy**
47 **Industrial to I-PUD, Industrial Planned Unit Development, said**

1 **property located within the northeast quadrant of Rhode Island**
2 **Avenue and Leavitt Avenue, consisting of Lots 1-19 and Lots 41**
3 **through 50, Block 1; Lots 1 through 18 and Lots 39 through 48, Block**
4 **2; and all of Blocks 3, 4, 5, 6, 7, 8, 9, and 10; within the Vineland Park**
5 **Subdivision, Map Book 21, Page 85, and including the street rights-of-**
6 **way contained therein between said blocks, seconded by**
7 **Commissioner Wilson and passed by unanimous 6/0 roll call vote of**
8 **the Commission.**
9

10 **6. STAFF COMMENTS**

11
12 Ms. Hickey noted that two months ago, the Commission approved the DAV's request for a conditional
13 use with stipulations to that approval. The DAV has since filed an appeal to the City Council regarding
14 those stipulations. The appeal will be heard by the City Council on June 22nd. Each member of the
15 Planning Commission will receive a notice of the public hearing. Ms. Hickey stated that the appeal was
16 in regard to the fence and parking requirements. Commissioner Durica questioned whether the people
17 who spoke at that meeting would be informed of the date for the appeal and public hearing. Ms. Hickey
18 responded in the affirmative.
19

20 Mr. Kerr advised that the GEL site plan would be coming forward on July 7th.
21

22 Chairman DeSilva asked what Council's options are in response to the appeal. Ms. Hickey responded
23 that they could maintain the recommendation of the Commission, or they could change the approval.
24 She stated, "They can pretty much do anything they want with it." Commissioner Polgar asked whether
25 minutes of that Planning Commission meeting would be included in Council's packet. Ms. Hickey
26 responded in the affirmative.
27

28 **7. COMMISSION COMMENTS**

29
30 Commissioner Polgar questioned whether the Planning Commission meetings could be moved to a
31 starting time of 6:00 p.m. Commissioner Franklin responded that he works in Ormond Beach and
32 doesn't get off work until 6:00. Commissioner Seaman said that it could be a problem for him to get
33 there at that time as well. Commissioner Durica suggested that Council should not move their meeting
34 to an earlier start time as it could deter people who work from running for office. Commissioner Polgar
35 said that some of the current Council Members can't make the 4:30 start time.
36

37 Ms. Hickey noted that the Florida Planning and Zoning Association will be holding Planning
38 Commission training on a Saturday morning. Orange City will be hosting the training. Commissioner
39 Polgar said that she might possibly be interested in attending.
40

41 Chairman DeSilva thanked staff and stated, "It is always nice to see a situation where we avoid
42 litigation. Especially costly litigation."
43

44 **8. ADJOURNMENT**

45
46 There being no further business, Chair DeSilva adjourned the meeting at 8:04 p.m.
47

1 **RESPECTFULLY SUBMITTED:**
2
3
4
5 Deborah J. Renner, CMC
6 City Clerk

APPROVED ON

DEVELOPMENT AGREEMENT

**For
GEL RECYCLING I-PUD**

THIS DEVELOPMENT AGREEMENT AND ORDER, also referred to herein as "Development Agreement" entered into and made as of the _____ day of _____, 2010, by and between the CITY OF ORANGE CITY, FLORIDA, (hereinafter also referred to as the "City"), and GEL Corporation (hereinafter referred to as the "Owner/Developer").

WITNESSETH

WHEREAS, Owner/Developer owns real property lying within the municipal boundaries of the City of Orange City; consisting of a 33.81 acre parcel of land which is more specifically located at the northeast corner of South Leavitt Avenue and East Rhode Island Avenue and more particularly described in Exhibit "A" attached hereto (the Property); and

WHEREAS, the real property includes the GEL Corporation Construction & Demolition (C&D) Landfill and the GEL Recycling Facility. The C&D Landfill encompasses approximately 21.3 acres lying in the eastern portion of the property. The C&D Landfill is no longer an active use and is being closed in accordance with applicable Florida Statutes and Rules of the Florida Department of Environmental Protection. The Recycling Facility encompasses approximately 12.5 acres lying in the western portion of the property; and

WHEREAS, the Owner/Developer desires to develop a 12.5 acre portion of the real property identified as the Recycling Facility for the processing of household recyclables and C&D recyclables, in accordance with the GEL Recycling I-PUD master development plan, Exhibit "C", attached to this Development Agreement; and

WHEREAS, the C&D Landfill portion of the property shall not be impacted by development within the Recycling Facility; and

WHEREAS, the Owner/Developer desires to commence and continue the orderly development and use of the Property, in compliance with the laws and regulations of the City, and of other governmental authorities, and the Owner/Developer desires to ensure that its development is compatible with other properties in the area and planned traffic patterns; and

WHEREAS, this Agreement is consistent with the provisions in the City's Land Development Code, Ordinance Number 157, as amended, establishing standards for an industrial recycling development; and

WHEREAS, the GEL Recycling I-PUD Application, herein attached as Exhibit "B", was duly and properly filed herein on the 9th day of June, 2008, as required by City code, and all fees and costs which are by law or regulation or ordinance required, are to be borne and paid by the Owner/Developer; and

WHEREAS, the Owner/Developer has met with the Technical Review Committee (TRC) on the 9th day of June, 2008, as required by Section 8.7.22.E.2 of the City's Land Development Code Ordinance Number 157; and

WHEREAS, the Orange City Planning Commission held a public hearing on the 3rd day of December, 2008, and has reviewed and recommended approval of the GEL Recycling I-PUD Development Application and the master development plan herein attached as Exhibit "B" and "C" respectively; and

ME

WHEREAS, the City Council of Orange City held a public hearing on the ____ day of _____, 20__, and has reviewed and approved the GEL Recycling I-PUD master development plan herein attached as Exhibit "C". Said approval was performed by the adoption of Ordinance Number _____; and

WHEREAS, the City Council of Orange City also held a regular meeting on the _____ day of _____, 20__, and has reviewed and approved the GEL Recycling site plan herein attached as Exhibit "D". Said approval was performed by the adoption of Resolution Number _____.

NOW THEREFORE, in consideration of the obligations and covenants herein contained, the City and the Owner/Developer agree that City Council shall consider Owner/Developers application for rezoning of the Property to the classification of I-PUD, and which rezoning shall be subjected to the terms and conditions of this Development Agreement and Order as follows:

SECTION 1. RECITALS

The above recitals are true and correct and form a material part of the Agreement.

SECTION 2. OWNERSHIP & LEGAL DESCRIPTION OF PROPERTY; AGREEMENT TO RUN WITH THE LAND

The Owner/Developer represents that it is the fee owner of the "Property". The legal description of the "Property", is set forth in Exhibit "A" Legal Description and Exhibit "C" master development plan attached hereto and by this reference made a part hereof. This agreement shall run with the Property and wherever the words "Owner / Developer" appear, it shall be constituted to also mean the successors in title to the Owner/Developer.

SECTION 3. TITLE OPINION/CERTIFICATION.

The Owner/Developer has provided to the City, in advance of the City's execution of this Agreement, a title opinion of an attorney licensed in Florida, or a certification by an abstractor or title company authorized to do business in Florida, showing marketable title to the Property to be in the name of the Owner/Developer and showing all liens, mortgages, easements, and other encumbrances not satisfied or released of record.

SECTION 4. AGREEMENTS

The Owner/Developer agrees to proceed with the proposed development and land use according to all regulations including the provisions of the City's land development code provided that in the event of any conflict between the requirements of the City's code and the requirements of any state or federal statute or regulation, the requirements of said statute or regulation shall prevail over the requirements of the City's code. The Owner/Developer agrees to bind all successors in title to any commitments made in this Agreement.

SECTION 5. OBLIGATIONS

The Owner/Developer shall develop and use its land and operate its businesses thereon in accordance with all applicable building codes and in conformance with the Orange City Land Development Code Ordinance Number 157, as amended, and conditions of all permits now or hereafter in force. There shall be no obligation on the part of the City to enforce Owner's performance of its duties and obligations, and Owner shall indemnify and hold the City harmless against any damages or liability arising from any alleged failure of the City to enforce, including remediation, professional and attorney's fees.

The Owner/Developer and the City agree that at any time that FDEP or the St. Johns River Water Management District conduct an inspection of the Owner/Developer's property which is the subject of this Agreement, with twenty four (24) hours notice to the Owner/Developer, then the City shall be authorized to provide up to three (3) representatives to attend and observe such inspection for the purpose of obtaining information to provide the City concerning the Owner/Developer's compliance with the aforementioned permits.

SECTION 6. DESCRIPTION OF DEVELOPMENT

A. This property will be developed and used as set forth in the Exhibit "C" master development plan, and Exhibit "D" site plan attached hereto and by this reference made a part hereof. In the event of a conflict between the terms of this Agreement and any Exhibits attached hereto, then the terms stated in this Agreement shall take precedence and control.

| Exhibit "C" PUD Master Development Plan | | Exhibit "D" Site Plan | |
|--|-----------------|------------------------------|-----------------------|
| Sheet PD-1 | = Title Sheet | Sheet C-1 | = Title Page |
| Sheet PD-2 | = Site Layout | Sheet C-2 | = Site Layout - North |
| Sheet PD-3 | = North Layout | Sheet C-3 | = Site Layout - South |
| Sheet PD-4 | = South Layout | Sheet C-4 | = Overall Drainage |
| Sheet PD-5 | = Existing Topo | Sheet C-5 | = Paving & Grading |
| Sheet SU | = Survey | Sheet C-6 | = Details & Notes |
| | | Sheet C-7 | = Details & Notes |
| | | Sheet C-8 | = Lift Station |
| | | Sheet C-9 | = Site Conditions |
| | | Sheet P-1 | = Photometrics |
| | | Sheets L-1 & L-2 | = Landscape Plan |
| | | Sheets I-1 & I-2 | = Irrigation Plan |
| | | Sheets A2.2 & A4.1 | = Architectural Plans |
| | | Sheet SU | = Survey |
| 6 sheets | | 17 Sheets | |

B. The Development Plan consists of this "Development Agreement" and all of the Exhibits mentioned herein; (1) Exhibit "A" Legal Description, and (2) Exhibit "B" Planned Unit Development Application, (3) Exhibit "C" PUD Master Development Plan, (4) Exhibit "D" site plan, (5) Exhibit "E" FDEP Permit Number SO64-0126923-004, and (6) Exhibit "F" St. Johns River Water Management District Permit Number 42-127-91108-1, and any amendments thereto, which shall be filed and retained for public inspection in the office of the City's Development Services Department.

C. Allowable Uses

The allowable uses are the receiving and processing of household recyclables and C&D debris (waste materials) in accordance with the GEL Recycling I-PUD Master Development Plan and Florida Department of Environmental Protection (FDEP) Permit Number SO64-0126923-004 and continued long term care activities for the C&D disposal area issued under Section(s) 403.061(14) and 403.707, of the Florida Statutes. If the Owner intends to make any different or additional use of the C&D disposal area, the Owner shall first apply for and obtain a modification of this Agreement in accordance and conformity with the City's land development code. Such modification may allow reduction of the volume of C&D materials within the permitted disposal area but shall not permit replacement or redeposit of such materials once removed.

Household recyclables include old newspaper, old corrugated containers, high grade/office paper, mixed paper, plastic bottles, all other plastic, aluminum cans, other non-ferrous, steel cans, other ferrous (other than used oil filters), glass, rubber (other than waste tires) and textiles.

ME

C&D debris are materials generally considered to be not water soluble and non-hazardous in nature, including, but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard, plastics and lumber from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure. The term includes rocks, soils, tree remains, trees and other vegetative matter which normally results from land clearing or land development operations for a construction project. More specifically, C&D operations are limited to; (1) weighing C&D debris brought to the site; (2) crushing of concrete products and chipping/mulching of wood; (3) separating and/or processing the waste materials; (4) selling/transferring the recovered/recycled materials; and (5) transporting rejected waste to an appropriate, permitted waste disposal facility.

The allowable uses shall not include receiving, processing, storing, transport or disposal of Class I waste, hazardous waste, PCBs, household waste, industrial solid waste and byproducts, biomedical waste, automotive or automotive parts, automotive batteries, used oil and tires.

D. 8.7.22 C Open Space. The Master Development Plan reflects sufficient common open space to satisfy the requirements of the City's Land Development Code as per the schedule and calculations below. Provision for maintenance of the open space has been provided in this Agreement. Common open space areas will be owned and maintained by the Owner/Developer as long as it owns fee titlé to the Property, and thereafter by its successors in title.

Open Space Calculation

| | Square feet | Acres | Percentage |
|--|------------------|---------------|-------------|
| Landscaping (Includes yard setbacks) | 52,300 | 1.201 | 3.8 |
| Landscaping (10% of driveway and parking) | 6,925 | 0.159 | 0.5 |
| Open Drainage Retention | 78,427 | 1.800 | 5.3 |
| Other Pervious Area * | 1,004,193 | 23.053 | 68.1 |
| Total Pervious Area | 1,141,845 | 26.213 | 77.5 |

E. 8.7.22 D Underground Utilities. Within the GEL Recycling I-PUD, all utility distribution lines, including but not limited to telephone, television cable and electrical systems, shall meet City codes existing at the time of installation, unless upgrades are required by such codes. All new lines shall be installed underground.

F. 8.7.22 E.6.c Land Use Analysis. Property Analysis Land Use Chart

Property Analysis Chart

| | Square feet | Acres | Percentage |
|--|----------------|--------------|-------------|
| Buildings (list each, if more than one) | 1,534 | 0.036 | 0.1 |
| | 15,600 | 0.358 | 1.0 |
| | 7,575 | 0.174 | 0.5 |
| Parking Space Area | 5,580 | 0.128 | 0.4 |
| Driveway Area | 295,614 | 6.786 | 20.1 |
| Sidewalk Area | 2,572 | 0.059 | 0.2 |
| Other Impervious Area | 2,455 | 0.056 | 0.2 |
| Total Impervious Area | 330,930 | 7.597 | 22.5 |
| Landscaping (Includes yard setbacks) | 52,300 | 1.201 | 3.8 |
| Landscaping (10% of driveway and parking) | 6,925 | 0.159 | 0.5 |

ME

| | Square feet | Acres | Percentage |
|-------------------------|-------------|--------|------------|
| Open Drainage Retention | 78,427 | 1.800 | 5.3 |
| Other Pervious Area * | 1,004,193 | 23.053 | 68.1 |
| Total Pervious Area | 1,141,845 | 26.213 | 77.5 |
| Total Property Size | 1,472,775 | 33.810 | 100.0 |

In the event that in the future the C&D landfill is/or must be capped, then the "pervious area" noted in the two charts above shall be deemed revised to reflect the reduced pervious or open space, and all necessary modifications to existing stormwater management systems and permits shall be secured by the Owner.

G. 8.7.22.6.e Building Height. The building height for GEL Recycling I-PUD is a maximum 47.0 feet, subject to site plan approval. The finished height of the C&D disposal area shall be in compliance with the FDEP permits and closure plan.

H. 8.7.22.6.f Spacing and Floor Areas. Per applicable City code, the spacing between buildings shall be as reflected in the Master Development Plan.

I. 8.7.22.6.g Lot Configurations. Lot configurations, building setbacks, buffers, lot coverage and building heights are as set forth in the Master Development Plan, herein attached as Exhibit "C" to this Development Agreement. The lot size meets the minimum size required by the City's Land Development Code.

J. 8.7.22.6.h Infrastructure Disposition

Potable water will be supplied to the development through a potable water distribution system interconnected to and served by the City of Orange City. The on-site potable water system will be owned and maintained by the Owner/Developer as long as it owns fee title to the Property, and thereafter by its successors in title.

Wastewater sewer service will be provided to the development through a central sewer collection system interconnected to and treated by the City of Orange City. The on-site wastewater system will be owned and maintained by the Owner/Developer as long as it owns fee title to the Property, and thereafter by its successors in title, including the on-site lift station, which is a private lift station owned by Owner/Developer.

Stormwater design and management of this project will be in conformance with FDEP Permit Number SO64-0126923-004, St. Johns River Water Management District Permit Number 42-127-91108-1, and Chapters 62.701 & 40C-42 of the Florida Administrative Code (F.A.C.), and Chapter 12 of the Orange City Land Development Code Ordinance Number 157, so long as said ordinance does not conflict with or provide terms and conditions in conflict with the aforementioned FDEP Permit and St. Johns River Water Management District Permit. The stormwater conveyance and detention system will be owned and maintained by the Owner/Developer as long as it owns fee title to the Property, and thereafter by its successors in title.

Pursuant to Section 5.1.1 of the Orange City Land Development Code, the Developer shall provide the City with a guarantee of performance for infrastructure improvements naming the City as insured in connection with infrastructure improvements.

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K. Completion Schedule

The Owner/Developer agrees to secure and maintain all necessary City, FDEP and Water Management District permits necessary to commence construction and operations on the property within one (1) year after the date of the approval of the Master Development Plan and site plan. Extensions may be granted pursuant to Section 5.5 of the Orange City Land Development Code.

The Owner/Developer shall be entitled to utilize the existing scale house and the existing or a replacement temporary trailer for the purpose of maintaining its existing office operations until such time as a permanent office structure is constructed. Said temporary trailer must meet all applicable building and life safety codes. The Owner/Developer must obtain building permits and all other necessary permits for the construction of a permanent office/scale house within three (3) years after the date of the approval of the Master Development Plan and site plan.

On site infrastructure improvements necessary to sustain the ultimate development of the Property will be accomplished in a single phase and in conformance with the Master Development Plan.

L. 8.6.16.F Off-Street Parking. Off-street parking meets the requirements of Section 8.7.7 of the City's Land Development Code.

M. 8.6.16.G Transportation Impact Analysis

Traffic access to this site will be in accordance with the submitted Exhibit "C" Master Development Plan, with access limited to a primary ingress/egress access to South Leavitt Avenue.

The transportation impact analysis report has been prepared by CSI Engineers according to the Institute of Transportation Engineers Trip Generation Manual, latest edition and indicates 228 vehicle trips per day, in compliance with the City's Land Development Code.

Access into and traffic flow within the development, with particular reference to the separation of vehicular traffic from pedestrian or other types of traffic are referenced or depicted on the Exhibit "C" Master Development Plan.

N. Signage. Signage shall be permitted as shown on the attached Exhibit "D" Site Plan and in accordance with the City's sign regulations and ordinances in effect at time of request for development approval.

O. Public Transportation facilities. When and if they are warranted, the Owner/Developer agrees to assist the City of Orange City by providing a location and allowing the installation of a bus stop and/or bus shelter on the Property along South Leavitt Avenue and East Rhode Island Avenue. The Owner/Developer agrees to provide for the maintenance of said bus shelter.

P. Street Light Assessment. The Owner/Developer agrees to be assessed its reasonable proportionate share of costs for a streetlight assessment program to install streetlights along that portion of South Leavitt Avenue and East Rhode Island Avenue abutting the 33.81-acre Subject Property.

Q. Recycling Stipulations. The Owner/Developer agrees to abide by the following:

(i) Recovered Screen Material (RSM). Storage of RSM within designated, predefined, temporary storage areas at the Property shall not exceed 30 days. The limits of the RSM storage area footprint have been delineated with permanent monuments (markers) and shall be depicted on the site plan. The locations of the monuments shall remain visible and easily identifiable. The monuments may not be moved without City site plan approval.

M.E

(ii) Mulch. The Owner/Developer is permitted to process recovered wood into mulch via chipping/mulching equipment designed for this use. Storage of processed mulch within designated, predefined, temporary storage areas at the Property shall not exceed 18 months. The limits of the Processed Mulch Storage Area footprint have been delineated with permanent monuments (markers) and shall be depicted on the site plan. The locations of the monuments shall remain visible and easily identifiable. The monuments may not be moved without City site plan approval.

(iii) Yard Trash. Yard trash accepted by the Owner/Developer at the Property must be processed or removed within 6 months of receipt.

(iv) Recyclables. Recyclable materials at the Property include metal, glass, plastic, paper, textiles and rubber. Recyclable materials must be sold, used or reused within one year of receipt. Documentation of incoming and outgoing recyclable material loads must be maintained and shall be provided to City inspectors and/or City representatives upon request.

(v) Fire Prevention/Safety. The property shall have an emergency plan for the monitoring, controlling, and extinguishing of spot fires, and possess a reliable means for prompt communication with the City's fire department.

- a. Mounded material shall not have slopes that are steeper than permitted by the NFPA or DEP permit, whichever is stricter.
- b. An emergency all-weather access road, at least 20-foot wide, must be maintained around the perimeter of the Property. The City hereby acknowledges that the location of a perimeter road proximate to the portions of the property containing combustible buildings and combustible material storage areas as shown on the master development plan attached hereto as Exhibit "C" is deemed to be compliant with the requirement for a 20-foot wide perimeter access road. If any of such buildings or storage areas is relocated, the location of the perimeter road shall be reviewed during site plan review to ensure compliance with the continuing requirement for perimeter road access. The parties further and specifically acknowledge that the City has required Owner/Developer to erect a concrete wall around the perimeter of the south, and portions of the west and north sides of the Property as per the master development plan attached hereto as Exhibit "C" and that the perimeter road shall fall between the wall and any combustible buildings or storage areas constructed, located or relocated hereafter. A building is combustible if it is constructed of combustible materials or combustible materials are used or stored therein. Interior lanes, at least 15-foot wide, must also be maintained. All roadways within the Property boundaries must be designed such that no part of the area that is occupied by processed or unprocessed material shall be more than 50 feet from access by motorized firefighting equipment. Roads/lanes must be kept clear at all times.

(vi) Processing Equipment.

All permanently affixed and/or stationary equipment used for sifting, chipping/mulching, shredding, crushing, mixing, separating and like procedures shall be located as shown in Exhibit D and erection shall conform to all applicable building, electrical and other relevant codes. Owner/Developer must obtain approval for amendment of Exhibit D prior to locating or relocating equipment at the Property.

The City and/or its agents and representatives shall have the right to inspect the Property upon

the same terms and conditions applicable to all commercial land uses within the City.

SECTION 7. LANDSCAPE AND BUFFERING

All landscaping and buffering shall be as provided in the Master Development Plan and site plan attached as Exhibit "C" and Exhibit "D" respectively and shall otherwise conform to the landscaping requirements of the Orange City Land Development Code Ordinance Number 157 except as may be otherwise provided in Section 7 of this Agreement, pertaining to Stipulations or Departures.

Twelve months following completion of the development, and issuance of the first certificate of occupancy for the first building, the Development Services Department shall conduct an on-site visual inspection of the tree and landscaping to assure that the trees and landscaping are healthy, and meet applicable City codes. Any dead, dying, or substandard vegetation must be replaced at that time. This responsibility shall be met by the Owner/Developer as long as it owns fee title to the Property, and thereafter by its successors in title.

SECTION 8. VEHICULAR AND PEDESTRIAN AREAS

All roadway and pedestrian areas within the project boundary will remain under the ownership and responsibility of the Owner/Developer of the property.

SECTION 9. EXPANSIONS, AMENDMENTS & MODIFICATIONS TO THIS AGREEMENT

A. Expansions, amendments, and modifications to this Development Agreement, if requested by the Owner/Developer, may be permitted following review by the Planning Commission and in conformance with the City's Land Development Code Ordinance Number 157. Such requests for expansions, amendments and modifications by Owner/Developer shall not be unreasonably refused or withheld by the City.

B. Minor modifications to this Agreement, requested by the Owner/Developer, may be authorized by the Development Services Director or as otherwise provided by the City's Land Development Code.

SECTION 10. APPLICABLE LOCAL LAW

The City's ordinances shall govern the development of this Property. All development approvals and permits specified by the City's Land Development Code, Ordinance Number 157, as amended, shall be required for the developer of the Owner/Developer's Property. Failure to list in this Development Agreement and Order any approval or permit required by Federal, State or local laws shall not be construed to release the Owner/Developer from obtaining same. This Agreement is an acknowledgment of application of the City's land use policies and codes rather than any variance therefrom. Nothing as contained in this Agreement shall be construed as the grant of a land use or development approval by contract or to be in derogation of the City's police powers.

SECTION 11. AGREEMENT TO BE BINDING

This Development Agreement, including any and all supplementary orders and resolutions, together with the approved development plan and all final site plans shall be binding upon the Owner/Developer and their successors and assigns in title or interest. The provisions of the Development Agreement and all approved plans shall run with the land and shall be administered in a manner consistent with Florida Statutes and local law.

SECTION 12. ENFORCEMENT

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Violations of this Development Agreement and Order may be subject to enforcement through the City's Code Enforcement proceedings authorized in Chapter 162, Florida Statutes, or by proceedings for injunctive or other judicial relief to specifically abate such violations, by intervention in administrative proceedings instituted by any agency of the State, or by any other remedy authorized by law. The parties acknowledge that alleged instances of groundwater contamination require the adduction and interpretation of scientific and technical evidence which are beyond the competence of the City's code enforcement process.

SECTION 13. INDEMNIFICATION

It is specifically understood that the City is not guaranteeing the appropriateness, efficiency, quality or legality of the use or development of the Property, including, but not limited to, drainage or sewer plans, fire safety, or quality of construction, whether or not inspected, approved, or permitted by the City.

SECTION 14. COMPLIANCE

The Owner/Developer agrees that it, and its successors and assigns, will abide by the provisions of this Agreement, the City's Comprehensive Plan, and the City's Land Development Code, including but not limited to, the site plan regulations of the City, so long as the Plan and Code do not conflict with or attempt to supersede the terms of this Agreement. Further, all required improvements, including landscaping, and all uses of the property, shall be continuously maintained by the Owner/Developer, or its successors and assigns, in accordance with the City's Land Development Code.

SECTION 15. UTILITY EASEMENTS

The Owner/Developer shall provide to the City such easements and other legal documentation, in a form and location mutually acceptable to the City Attorney and the Owner/Developer, as the City may deem reasonably necessary or appropriate for the installation and maintenance of the utility and other services, including but not limited to, sewer, potable water, and reclaimed water services, electric, cable and telecommunications, to the extent the City installs said utilities and/or has a duty to maintain the same.

SECTION 16. CONCURRENCY AND VESTED RIGHTS

The Owner/Developer acknowledges and agrees that prior to the issuance of any building permit(s) for the Property, the Owner/Developer must have received and be in the possession of a valid and unexpired certificate from the Utility provider, which verifies the reservation of infrastructure capacity sufficient to permit development pursuant to the approved Master Development Plan, for the Property without causing a reduction in the levels of service adopted in the City's comprehensive plan, and shall be effective for a term as defined in the City's Land Development Code. This Development Agreement and the approved site plan creates a vested right or rights to develop the Property and constitutes a current and valid and unexpired Certificate of Capacity. Nothing in this section shall constitute a vested right to commence or continue any activity which constitutes a public nuisance or a violation of any Federal or State law or local ordinance of general applicability.

SECTION 17. RESOLUTIONS AND REGULATIONS

This Agreement shall not operate as a limitation of the Owner/Developer's power and duty to comply with all applicable laws, ordinances, resolutions and regulations of either the United States, the State of Florida, Volusia County or the City, regulating the development and use of the Owner/Developer's Property, to the extent that same are not specifically addressed or referenced herein, nor shall the failure of this Agreement to address specifically any particular requirement act of the City's Development Code to relieve the Owner/Developer from complying with any such development

requirement, condition, term or restriction that does not expressly conflict with the terms of this Agreement.

SECTION 18. SUBSEQUENTLY ENACTED STATE AND FEDERAL LAW

If state or federal laws are enacted after the execution of this Agreement which are applicable to and preclude the parties' compliance with the terms of this Agreement, this Agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws, so long as such laws are constitutional on their face and in application.

SECTION 19. GOVERNING LAW; VENUE

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. The Venue for purpose of litigation shall be the Seventh Judicial Circuit in Volusia County, Florida.

SECTION 20. COOPERATION IN THE EVENT OF LEGAL CHALLENGE

In the event of any legal action instituted by a third party or other governmental entity or official challenging the validity of any provisions of this Agreement, the parties hereby agree to cooperate in defending such action.

SECTION 21. CITY'S OBLIGATIONS

This Agreement shall not be deemed to pledge the credit of the City nor to make the City a co-venturer or partner of the Owner/Developer.

SECTION 22. NOTICES

Where notice is herein required to be given, it shall be by certified mail return receipt requested, addressee only, hand delivery or courier. Said notice shall be sent to the following as applicable:

OWNER/DEVELOPER'S REPRESENTATIVE:

GEL Corporation
Milton Eugene Evans, Jr.
1200 South Leavitt Avenue
Orange City, Florida 32763

CITY'S REPRESENTATIVE:

City of Orange City
City Manager
205 East Graves Avenue
Orange City, Florida 32763

Should any party identified above change, it shall be said party's obligation to notify the remaining parties of the change in a fashion as is required for notices herein. It shall be the Owner/Developer's obligation to identify its lender(s) to all parties in a fashion as is required for notices herein.

SECTION 23. RECORDING

This Development Agreement shall be recorded, at Owner/Developer's expense, among the Public Records of Volusia County, Florida in accordance with the requirements of the Zoning Ordinance no later than fourteen (14) days after full execution. Notwithstanding the foregoing, the same shall not constitute any lien or encumbrance on title to the Property and shall instead constitute record notice of governmental regulations which may regulate the use and enjoyment of the Property.

SECTION 24. SUBSEQUENT COSTS

The cost of defending this Development Agreement with a mutually agreeable attorney from third

party challenges, in any form, shall be born equally by both parties.

SECTION 25. TIME IS OF THE ESSENCE

Time is hereby declared of the essence as to the lawful performance of all duties and obligations set forth in this Development Agreement.

SECTION 26. ENTIRE AGREEMENT/CONTINUING EFFECT/EFFECT UPON OTHER AGREEMENTS

A. This Development Agreement constitutes the entire agreement between the parties as to the matters set forth herein and supersedes all previous understandings, discussions and agreements to the contrary as to all matters set forth herein whether oral, expressed or implied.

B. No variations, modifications, amendments or changes shall be binding upon the parties unless set forth in a written agreement executed by all parties of equal dignity herewith.

C. This Development Agreement may be one in a series of development approvals relating to the Owner/Developer's Property. This Development Agreement shall operate to supersede the imposition of terms, conditions and commitments in other prior development orders or permits inconsistent herewith.

SECTION 27. NON-WAIVER

No consent or waiver, expressed or implied, by either party, to or of any breach or default of the other party, with regard to the performance by said other party of its obligations under this Development Agreement shall be deemed or construed to constitute consent or waiver, to or of, any other breach or default in the performance of that party, of the same or of any other objection of performance incumbent upon that party. Failure on the part of any party to complain of any act or failure to act on the part of the other party in default, irrespective of how long the failure continues, shall not constitute a waiver by that party of its rights and any remedies that exist under this Development Agreement, at law, or in equity.

SECTION 28. CONSTRUCTION

A. This Development Agreement shall not be construed against any party on the basis of it being the drafter of the Development Agreement. The parties agree that the parties herein played an equal part in reciprocity in drafting this Development Agreement.

B. Capitalized terms contained herein shall have no more force nor effect than uncapitalized terms.

C. Captions and section headings in this Development Agreement are provided for convenience only and shall not be deemed to explain, modify, amplify or aid in the interpretation, construction or meaning of this Development Agreement.

D. There are no third party beneficiaries to this Agreement. This Development Agreement is entered into exclusively for the benefit of the parties herein.

SECTION 29. FURTHER ASSURANCES

Each party hereto agrees to sign any other and further instruments and documents, consistent herewith, as may be necessary and proper in order to give complete effect to the benefits deriving from the terms and conditions of this Development Agreement.

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SECTION 30. CURATIVE PERIODS

No default as to any provision of this Agreement on the part of either the City or the Owner/Developer shall be claimed or charged by either party against the other until notice thereof has been given to the defaulting party as provided herein above in Section 6 in writing, and such default remains uncured for a period of ten (10) days after such notice. In addition to the remedies provided in Section 12 above, each party hereto shall also have the right to seek specific performance in circuit court for any uncured defaults as to any provision of this Agreement. The prevailing party in any litigation to enforce the terms of this Agreement shall be entitled to reasonable attorney's fees and costs from the nonprevailing party associated with said litigation.

SECTION 31. SEVERABILITY

If any part of this Development Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not affect the other parts of this Development Agreement, if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can be affected. To that end, this Development Agreement is declared severable.

SECTION 32. EFFECTIVE DATE

This Agreement shall not be effective and binding until the latest date that (1) this Agreement is approved by and signed by all parties hereto; (2) all mortgagees and/or lien holders on the Owner/Developer's Property have executed a Joinder by Mortgagee/Lien holder; and (3) Ordinance Number ____ shall become effective.


THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK.

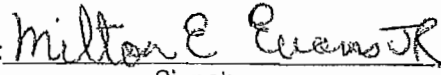
M.E

IN WITNESS WHEREOF, the Owner/Developer and the City have executed this Agreement as of the day and year first above written.

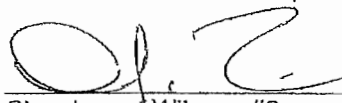
Signed, Sealed and Delivered
In the Presence of:

OWNER/DEVELOPER
GEL Corporation


Signature of Witness #1
Printed Name: LAURAJ RAFTERY

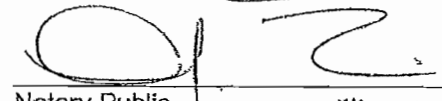

By: 
Signature
Printed Name: Milton Eugene Evans, Jr.
Title: Owner / Developer

MAILING ADDRESS:
Milton Eugene Evans, Jr.,
1200 Leavitt Avenue
Orange City, Florida 32763


Signature of Witness #2
Printed Name: Darren J. Elkind

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 1st day of March, 2010, by Milton Eugene Evans, Jr. as owner of GEL Corporation, who is personally known to me or who has produced _____ as identification and who did ~~(did not)~~ take an oath.


Notary Public
Printed Name: Darren J. Elkind
My commission expires:  Commission # DD617171
Expires January 24, 2011
Bonded Troy Fair - Insurance, Inc 800-365-7019

Approved as form and
legality for use and reliance by the
City of Orange City, Florida.

CITY OF ORANGE CITY, FLORIDA

William E. Reischmann, Jr., Esquire

By: _____
Harley Strickland, Mayor

ATTEST:

By: _____
Deborah J. Renner, City Clerk

MAILING ADDRESS:
205 E. Graves Avenue
Orange City, Florida 32763

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2010, by HARLEY STRICKLAND and DEBORAH J. RENNER, Mayor and City Clerk respectively, of the City of Orange City, Florida, who are personally known to me and they acknowledged executing the same freely and voluntarily under authority vested in them and that the seal affixed thereto is the true and corporate seal of the City of Orange City, Florida.

_____ as identification and who did (did not) take an oath.

Notary Public
Printed Name: _____

My commission expires: _____

This instrument prepared by:

To be returned to:
Debbie Renner
City of Orange City
205 E. Graves Avenue
Orange City, Florida 32763

EXHIBIT 'A'

Legal Description
GEL Corporation Property

Legal Description - A portion of Vineland Park Subdivision

Lots 1 to 19, inclusive, and Lots 41 to 50, inclusive, Block 1; Lots 1 to 18, inclusive, and Lots 39 to 48, inclusive, Block 2; Lots 1 to 48, inclusive, Block 3; Lots 1 to 48, inclusive, Block 4; Lots 1 to 50, inclusive, Block 5; Lots 1 to 50, inclusive, Block 6; Lots 1 to 48, inclusive, Block 7; Lots 1 to 48, inclusive, Block 8; Lots 1 to 48, inclusive, Block 9; Lots 1 to 50, inclusive, Block 10; and Bell Avenue, Lying East of the Easterly Right of Way of Leavitt Avenue and West of the Westerly Right of Way of Trafford Avenue; and Willard Street lying South of the Northerly boundary of said Lot 41, Block 1 and Lot 18, Block 2 and North of the Northerly Right of Way of Rhode Island Avenue; and Green Street lying South of the Northerly boundary of said Lot 39, Block 2 and North of the Northerly Right of Way of Rhode Island Avenue; and the E ½ of Green Street lying North of the Easterly extension of the Northerly boundary of said Lot 39, Block 2 and South of the Southerly Right of Way of Georgia Avenue and Booth Street lying South of the Southerly Right of Way of Georgia Avenue and North of the Northerly Right of Way of Rhode Island Avenue; and Henry Street lying South of the Southerly Right of Way of Georgia Avenue and North of the Northerly Right of Way of Rhode Island Avenue, Vineland Park, a subdivision according to map in Map Book 7, Page 77, Public Records of Volusia County, Florida, and being more particularly described as follows: Commencing at the Southwest corner of the SE ¼ of Section 11, Township 18 South, Range 30 East, Volusia County, Florida, run thence S 89°51'34" E along the South line of said SE ¼ a distance of 30.00 feet; run thence N 00°03'53" W along a line 30.00 feet East of at right angle to and parallel with the West line of said SE ¼ a distance of 30.00 feet to the point of intersection of the Northerly Right of Way of Rhode Island Avenue and the Easterly Right of Way line of Leavitt Avenue, as now established and the Point of Beginning. Continue thence N 00°03'53" W along said Easterly Right of Way a distance of 1017.13 feet; run thence S 89°48'50" E a distance of 512.65 feet; run thence N 00°00'36" E a distance of 251.80 feet to a point on the Southerly Right of Way of Georgia Avenue; run thence S 89°48'00" E along said Right of Way a distance of 755.48 feet to a point on the Westerly Right of Way of Trafford Avenue; run thence S 00°03'45" E along said Right of Way a distance of 1267.74 feet to a point on aforesaid Northerly Right of Way of Rhode Island Avenue; run thence N 89°51'34" W along said Right of Way lying 30.00 feet North of at right angle to and parallel with aforesaid South line of the SE ¼ a distance of 1268.40 feet to the Point of Beginning. Being subject to any Easements and Rights of Way of Record.

G.E.L. CORPORATION

INDUSTRIAL P.U.D.

S. LEAVITT AVENUE ORANGE CITY, FLORIDA

CONTACTS:

Owner/Applicant:
G.E.L. Corporation
Milton E. Evons, Jr.
1200 S. Leavitt Avenue
Orange City, FL 32763
(386) 775-5385
(386) 775-0355 FAX
Email: gelcorp@iag.net

Architect:
John Stoudenmire Carter
Registration #AA0002396
19 Tymber Cove
DeLand, FL 32724
(386) 736-3311
(386) 717-8800 CELL
(386) 736-9111 FAX
Email: jcarter30@cfl.r.com

Landscape Architect:
Anthologia, Inc.
Garth A. Schweizer
Registration #LA0000963
P.O. Box 471206
Lake Monroe, FL 32747
(407) 321-2280
(407) 321-0784 FAX
Email: katy@gsia.net

Engineer:
CSI Engineering
605-C W. New York Avenue
DeLand, FL 32720
C.O.A. #9845
(386) 740-1454
(386) 943-9257 FAX
Email: csiengineering@cfl.r.com

Surveyor:
Blackwell & Associates
Registration #LS3282
995 W. Volusia Ave.
DeLand, FL 32720
(386) 734-8050
(386) 734-7660 FAX
Email: blackwell@cfl.r.com

SETBACKS

| GEOGRAPHICAL LOCATION | BUILDING LOCATION | REQUIRED | PROVIDED |
|-----------------------|-------------------|----------|----------|
| NORTH | SIDE | 25.0' | 50.9' |
| SOUTH | SIDE (STREET) | 50.0' | 674.2' |
| EAST | REAR (STREET) | 25.0' | 950.8' |
| WEST | FRONT | 50.0' | 117.9' |

TAX PARCEL No.(s):

| | |
|-----------------|-----------------|
| 8011-03-01-0010 | 8011-03-06-0010 |
| 8011-03-02-0010 | 8011-03-07-0010 |
| 8011-03-03-0010 | 8011-03-08-0010 |
| 8011-03-04-0010 | 8011-03-09-0010 |
| 8011-03-05-0010 | 8011-03-10-0010 |

DESCRIPTION:

LEGAL DESCRIPTION: VINELAND PROPERTY VACATED (WRITTEN)
LEGAL DESCRIPTION: VINELAND SUBDIVISION PROPERTY (WRITTEN)
 Lots 1 to 19, inclusive, and Lots 41 to 50, inclusive, Block 1; Lots 1 to 18, inclusive, and Lots 39 to 40, inclusive, Block 2; Lots 1 to 40, inclusive, Block 3; Lots 1 to 48, inclusive, Block 4; Lots 1 to 50, inclusive, Block 5; Lots 1 to 50, inclusive, Block 6; Lots 1 to 48, inclusive, Block 7; Lots 1 to 48, inclusive, Block 8; Lots 1 to 48, inclusive, Block 9; Lots 1 to 50, inclusive, Block 10; and Bell Avenue, lying East of the Eastern Right of Way of Leavitt Avenue and West of the Western Right of Way of Trafford Avenue and Millard Street, lying South of the Northern boundary of said Lot 41, Block 1 and Lot 18, Block 2 and North of the Northern Right of Way of Rhode Island Avenue; and Green Street lying South of the Northern boundary of said Lot 39, Block 2 and North of the Northern Right of Way of Rhode Island Avenue; and the E 1/2 of Green Street lying North of the Eastern extension of the Northern boundary of said Lot 39, Block 2 and South of the Southern Right of Way of Georgia Avenue and South Street lying South of the Southern Right of Way of Georgia Avenue and North of the Northern Right of Way of Rhode Island Avenue; Vineland Park, a subdivision according to map in Map Book 7, Page 77, Public Records of Volusia County, Florida, and being more particularly described as follows: Commencing at the Southwest corner of the SE 1/4 of Section 11, Township 18 South, Range 30 East, Volusia County, Florida, run thence S 89°51'34" E along the South line of said SE 1/4 a distance of 30.00 feet; run thence N 00°03'53" W along a line 30.00 feet East of and parallel to the West line of said SE 1/4 a distance of 30.00 feet to the point of intersection of the Northern Right of Way of Rhode Island Avenue and the Eastern Right of Way line of Leavitt Avenue, as now established and the Point of Beginning; Continue thence N 00°03'53" W along said Eastern Right of Way a distance of 1017.13 feet; run thence S 89°48'50" E a distance of 512.65 feet; run thence N 00°00'35" E a distance of 251.80 feet to a point on the Southern Right of Way of Georgia Avenue; run thence S 89°48'00" E along said Right of Way a distance of 755.48 feet to a point on the Western Right of Way of Trafford Avenue; run thence S 00°03'45" E along said Right of Way a distance of 1287.74 feet to a point on aforesaid Northern Right of Way of Rhode Island Avenue; run thence N 89°51'34" W along said Right of Way lying 30.00 feet North of and parallel to aforesaid South line of the SE 1/4 a distance of 1268.40 feet to the Point of Beginning; Being subject to any Easements and Rights of Way of Record.

LEGAL DESCRIPTION: VINELAND SUBDIVISION PROPERTY VACATED (WRITTEN)
 A parcel of land lying in and being a part of the SE 1/4 of Section 11, Township 18 South, Range 30 East, Volusia County, Florida, and being more particularly described as follows: Commencing at the Southwest corner of the SE 1/4 of Section 11, Township 18 South, Range 30 East, Volusia County, Florida, run thence S 89°51'34" E along the South line of said SE 1/4 a distance of 30.00 feet; run thence N 00°03'53" W along a line 30.00 feet East of and parallel to the West line of said SE 1/4 a distance of 30.00 feet to the point of intersection of the Northern Right of Way of Rhode Island Avenue and the Eastern Right of Way line of Leavitt Avenue, as now established and the Point of Beginning; Continue thence N 00°03'53" W along said Eastern Right of Way a distance of 1017.13 feet; run thence S 89°48'50" E a distance of 512.65 feet; run thence N 00°00'35" E a distance of 251.80 feet to a point on the Southern Right of Way of Georgia Avenue; run thence S 89°48'00" E along said Right of Way a distance of 755.48 feet to a point on the Western Right of Way of Trafford Avenue; run thence S 00°03'45" E along said Right of Way a distance of 1287.74 feet to a point on aforesaid Northern Right of Way of Rhode Island Avenue; run thence N 89°51'34" W along said Right of Way lying 30.00 feet North of and parallel to aforesaid South line of the SE 1/4 a distance of 1268.40 feet to the Point of Beginning; Being subject to any Easements and Rights of Way of Record.

PROPERTY ANALYSIS CHART

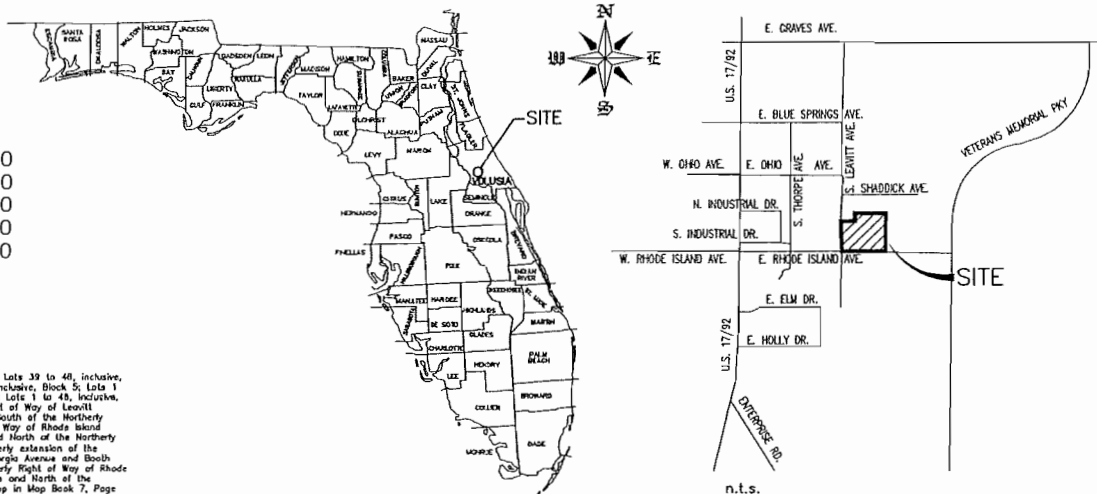
| IMPROVEMENT | SQ.FT. | ACRES | % |
|--------------------------------|-----------|--------|-------|
| Building#1 - Office/Scalehouse | 1,534 | 0.036 | 0.1 |
| Building#2 | 15,600 | 0.358 | 1.0 |
| Building#3 | 7,575 | 0.174 | 0.5 |
| Parking Spaces | 5,580 | 0.128 | 0.4 |
| Driveway(s) | 295,614 | 6.786 | 20.1 |
| Sidewalk(s), Porches | 2,572 | 0.059 | 0.2 |
| Other Impervious | 2,455 | 0.056 | 0.2 |
| TOTAL IMPERVIOUS | 330,930 | 7.597 | 22.5 |
| Landscaping (Open Space) | 52,300 | 1.201 | 3.6 |
| Landscaping (10% Parking) | 6,925 | 0.159 | 0.5 |
| Open Drainage Retention | 78,427 | 1.800 | 5.3 |
| Other Pervious | 1,004,193 | 23.053 | 68.1 |
| TOTAL PERVIOUS | 1,141,845 | 26.213 | 77.5 |
| TOTAL PROPERTY | 1,472,775 | 33.810 | 100.0 |

OPEN SPACE CALCULATION

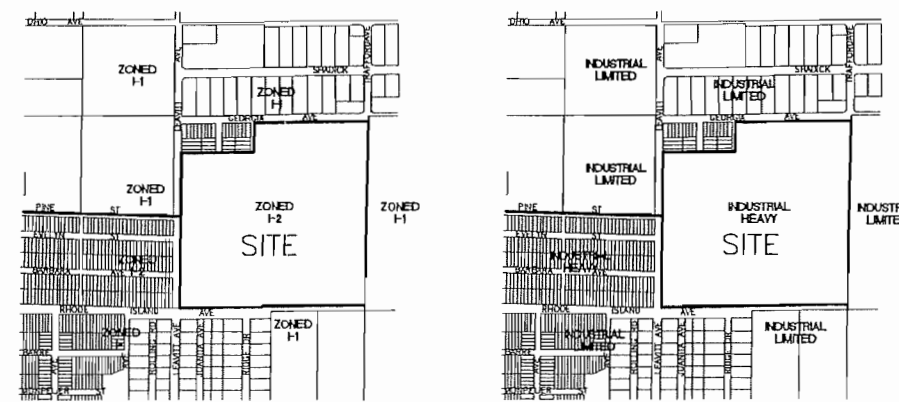
| | SQ.FT. | ACRES | % |
|----------------------------------|-----------|--------|------|
| Landscaping (Open Space) | 52,300 | 1.201 | 3.6 |
| Landscaping (10% Parking) | 6,925 | 0.159 | 0.5 |
| Open Drainage Retention | 78,427 | 1.800 | 5.3 |
| Other Pervious (Mostly Landfill) | 1,004,193 | 23.053 | 68.1 |
| TOTAL PERVIOUS | 1,141,845 | 26.213 | 77.5 |

LAND USE AND ZONING CHART

| LOCATION | DESIGNATED LAND USE | ZONING CLASSIFICATION |
|------------------|---------------------|-----------------------|
| SUBJECT PROPERTY | IH INDUSTRIAL HEAVY | I-2 HEAVY INDUSTRIAL |
| NORTH | IH INDUSTRIAL HEAVY | I-2 HEAVY INDUSTRIAL |
| EAST | IL INDUSTRIAL LIGHT | I-1 LIGHT INDUSTRIAL |
| SOUTH | IL INDUSTRIAL LIGHT | I-1 LIGHT INDUSTRIAL |
| WEST | IL INDUSTRIAL LIGHT | I-1 LIGHT INDUSTRIAL |



LOCATION MAP



ZONING MAP LAND USE MAP

INDEX:

| | |
|------------|--|
| SHEET PD-1 | TITLE PAGE |
| SHEET PD-2 | OVERALL SITE LAYOUT PLAN |
| SHEET PD-3 | NORTH SECTION OF SITE |
| SHEET PD-4 | SOUTH SECTION OF SITE |
| SHEET PD-5 | EXISTING SITE CONDITIONS & TOPO SURVEY |

STATEMENT OF PARCELS INTENDED USE:

THE GEL CORPORATION DEVELOPMENT IS PROPOSED AS A MATERIALS RECYCLING FACILITY CONSISTING OF A 3000 SQUARE FOOT OFFICE/SCALE HOUSE AND 23,175 SQUARE FEET AND INCLUDES SEVERAL PIECES OF MATERIALS PROCESSING EQUIPMENT ON APPROXIMATELY 12.5 ACRES OF A 33.8 ACRE SITE. THE BUSINESS IS STAFFED BY 28 PEOPLE. CONSTRUCTION ON THE OFFICE/SCALEHOUSE AND PROPOSED IMPROVEMENTS IS SCHEDULED TO COMMENCE JANUARY OF 2009 AND BE COMPLETED AND OPEN FOR BUSINESS BY JUNE OF 2009. THE DEVELOPER DOES NOT ANTICIPATE ANY INCREASE IN CURRENT EMPLOYMENT LEVELS. WATER AND SEWER WILL BE NEEDED IN MARCH OF 2009. THE BALANCE OF THE 33.8 ACRES NOT CURRENTLY USED FOR STORWATER PURPOSES (CLOSED LANDFILL) WILL BE LEFT AS-IS IN ACCORDANCE WITH FDEP PERMITS AND REQUIREMENTS.

PREDEVELOPMENT PERFORMANCE BOND

SECTION 5.1.1. PREDEVELOPMENT REQUIREMENTS
 AS A CONDITION FOR THE ISSUANCE OF ANY DEVELOPMENT ORDER, EITHER IN CONJUNCTION WITH A SITE PLAN AND/OR SUBDIVISION PLAT, THE APPLICANT SHALL PROVIDE THE CITY WITH A GUARANTEE OF PERFORMANCE OF THE DEVELOPMENT ORDER RELATING TO INFRASTRUCTURE. THIS GUARANTEE MAY BE IN THE FORM OF A PERFORMANCE/MAINTENANCE BOND, TRUST, DEED OR ESCROW AGREEMENT, IN AN AMOUNT APPROVED BY THE DEVELOPMENT SERVICES DIRECTOR, AND IN A FORM AS APPROVED BY THE CITY ATTORNEY. SUCH GUARANTEE OR SURETY SHALL COVER AT LEAST 110% OF THE COST OF ALL DEVELOPMENT ORDER REQUIREMENTS AND/OR OBLIGATIONS RELATING TO INFRASTRUCTURE, WITH ESTIMATES PROVIDED BY THE APPLICANT AND AS APPROVED BY THE DEVELOPMENT SERVICES DIRECTOR. THIS GUARANTEE SHALL BE PROVIDED TO THE CITY PRIOR TO ISSUANCE OF ANY DEVELOPMENT PERMIT. THIS PREDEVELOPMENT PERFORMANCE GUARANTEE SHALL TAKE INTO CONSIDERATION THE APPLICANT'S OBLIGATIONS FOR PERFORMANCE AND/OR MAINTENANCE GUARANTEES OTHERWISE ESTABLISHED IN THIS LAND DEVELOPMENT CODE. INFRASTRUCTURE SHALL INCLUDE, BUT NOT BE LIMITED TO, ALL RIGHT OF WAYS, ROADS, STORMWATER IMPROVEMENTS, UTILITIES, COMMON ELEMENTS AND LANDSCAPING REQUIREMENTS.

CIVIL SOLUTIONS INCORPORATED ENGINEERING
 OF CENTRAL FLORIDA

605-C W. NEW YORK AVENUE DELAND, FLORIDA 32720
 PHONE (386) 740-1454 FAX (386) 943-9257 C.O.A. # 9845
 G.E.L. CORPORATION CS-07-040

GEORGIA AVENUE
(60' R/W, UNMAINTAINED DIRT ROAD)

S 89°48'00" E 730.48'(FM)

N 89°56'07" E 537.64'(FM)

N 00°00'36" E 251.79'(FM)

S 00°03'45" E 1267.74'(FM)

N 00°03'53" W 1014.78'(FM)

N 89°51'34" W 1268.40'(FM)

RHODE ISLAND AVENUE
(ASPHALT ROAD)

LEGEND:

- = EXISTING ELEVATIONS
- = PROPOSED ELEVATIONS
- = EXISTING CONTOURS
- = DRAINAGE FLOW
- = SILT FENCE
- = EXISTING FENCE
- = PROPOSED CHAIN LINK FENCE
- = TRAFFIC FLOW
- = EXISTING FIRE HYDRANT
- = PROPOSED FIRE HYDRANT
- = EXISTING WATER MAIN
- = PROPOSED WATER MAIN W/ SIZE
- = EXISTING SANITARY SEWER
- = PROPOSED SANITARY SEWER
- = SOIL BORING
- = IMPERVIOUS AREA TO BE REMOVED
- = ZONING CLASSIFICATION
- = FUTURE LAND USE



PLAN NOTES:

- 1.) THE APPLICANT AGREES TO PROCEED WITH THE PROPOSED DEVELOPMENT ACCORDING TO THE PROVISIONS OF THESE REGULATIONS AND SUCH CONDITIONS AS MAY BE ATTACHED TO THE APPROVED IPUD.
- 2.) THE APPLICANT AGREES TO PROVIDE AGREEMENTS, CONTRACTS, DEED RESTRICTIONS AND SURETIES ACCEPTABLE TO THE CITY COUNCIL FOR COMPLETION OF THE DEVELOPMENT ACCORDING TO THE APPROVED PLANS, AND MAINTENANCE OF SUCH AREAS, FUNCTIONS AND FACILITIES, AS ARE NOT TO BE PROVIDED, OPERATED, OR MAINTAINED AT PUBLIC EXPENSE; AND BIND THEIR SUCCESSORS IN TITLE TO ANY COMMITMENTS MADE UNDER SECTION 8.7.22 A.1 AND 2 ALL SUCH AGREEMENTS AND EVIDENCE OF UNIFIED CONTROL SHALL BE EXAMINED BY THE CITY ATTORNEY AND NO IPUD SHALL BE APPROVED WITHOUT CERTIFICATIONS BY THE CITY ATTORNEY THAT SUCH AGREEMENTS AND EVIDENCE OF UNIFIED CONTROL MEET THE REQUIREMENTS OF THIS CODE.
- 3.) ALL UTILITY DISTRIBUTION LINES, INCLUDING TELEPHONE, TELEVISION CABLE AND ELECTRICAL SYSTEMS, SHALL BE INSTALLED UNDERGROUND.
- 4.) THE APPLICANT AGREES TO CREATE LEGAL INSTRUMENTS PROVIDING FOR THE MANAGEMENT OF COMMON AREAS AND FACILITIES.
- 5.) THERE WILL BE NO ACTIVITY ON THE CLOSED LANDFILL PORTION OF THE SITE.
- 6.) THE FRONT GATE WILL BE ELECTRICALLY OPERATED AND POSSESS A KNOX BOX FOR FIRE DEPARTMENT ACCESS IN ACCORDANCE WITH THEIR REQUIREMENTS.
- 7.) THE NEW FIRE HYDRANT DEPICTED ON SITE SHALL CONTAIN A LOCK AS SPECIFIED BY THE ORANGE CITY FIRE DEPARTMENT. ONCE INSTALLED MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE CITY.
- 8.) TRUCKS WILL BE PREPARED FOR ROAD TRAVEL ON SITE. TURNING MOVEMENTS HAVE VERIFIED FOR UP TO W867 VEHICLES. INBOUND VEHICLES WILL STACK IN THE EXISTING AUXILIARY LANE. SHOULD THE STACKING LANE BE FULL THE PLAN ALLOWS FOR TRUCKS TO USE THE BYPASS LANES AND DO A "U" TURN WITHOUT ENTERING LEAVITT AVENUE ROADWAY.
- 9.) THE DEVELOPER INTENDS TO REMOVE ALL OVERHEAD ELECTRICAL LINES FROM THE SITE AND REPLACE WITH UNDERGROUND CONDUITS.
- 10.) THE DEVELOPER INTENDS TO CONNECT TO THE PROPOSED SANITARY SEWER FORCE MAIN TO BE CONSTRUCTED IN RHODE ISLAND AVENUE RIGHT-OF-WAY. PLANS WILL BE FORTHCOMING WHEN LINE INFORMATION IS READY TO INCORPORATE IN DESIGN.

CIVIL SOLUTIONS OF CENTRAL FLORIDA INCORPORATED ENGINEERING

605-C W. NEW YORK AVENUE DELAND, FLORIDA 32720
PHONE (386) 740-1454 FAX (386) 943-9257 C.O.A. # 9845

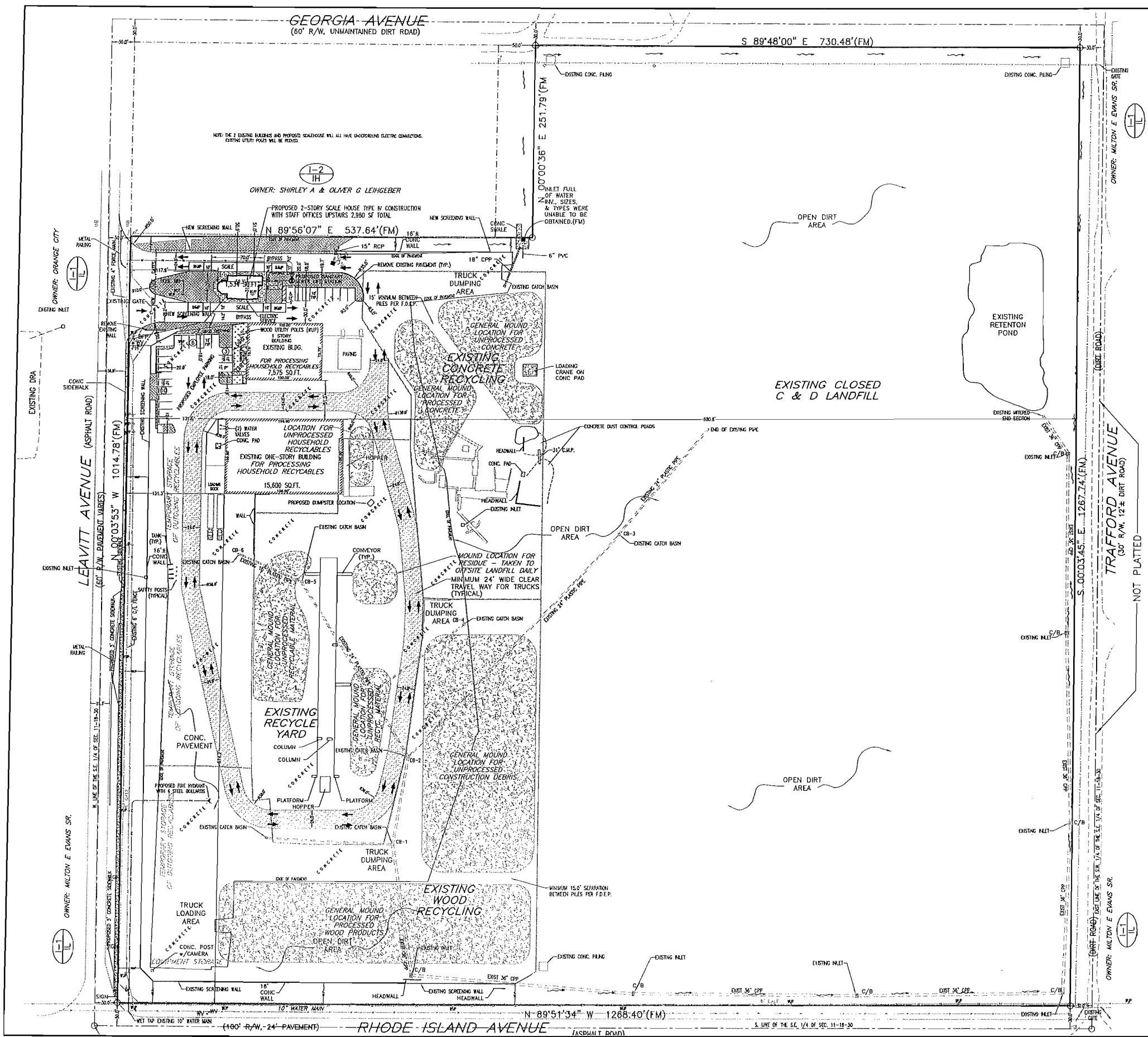
IPUD PLAN FOR GEL CORPORATION
LEAVITT AVENUE, ORANGE CITY, FLORIDA

THESE PLANS ARE SUBJECT TO APPROVAL BY THE FOLLOWING AGENCIES AND ARE NOT VALID FOR CONSTRUCTION WITHOUT THEIR DOCUMENTED APPROVAL:
 CS ENGINEERING AND THE ENGINEER OF RECORD ARE NOT RESPONSIBLE FOR ANY CHANGES INCURRED WITHOUT SUCH DOCUMENTATION.
 CITY OF ORANGE CITY
 ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
 FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FOR POTABLE WATER)
 FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FOR SEWAGE TREATMENT)
 FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FOR P.D.E.S.)

THIS DRAWING IS NOT VALID UNLESS IT HAS THE ENGINEER'S ORIGINAL DATED SIGNATURE & IS EXERCISED WITH HIS SEAL.

| | | |
|------------------------------------|--|------------|
| DATE | REVISED | BY |
| 8/23/08 | PER ORANGE CITY STAFF REVIEW COMMENTS DATED 8-9-08 | WTC |
| 10/17/08 | PER ORANGE CITY STAFF REVIEW COMMENTS | WTC |
| PROJECT # CSI-07-040 SCALE: 1"=60' | | |
| DATE: MAY 30, 2008 | DRAWN: MTC | SHEET PD-2 |

JOHN SCHULTHEIS, P.E.
FLORIDA REG. #57863



GEORGIA AVENUE
(60' R/W, UNMAINTAINED DIRT ROAD)



NOTE: PROPOSED IMPROVEMENTS RESULT IN AN OVERALL REDUCTION PAVEMENT COVERAGE.

PROPOSED 2-STORY SCALE HOUSE TYPE IV CONSTRUCTION WITH STAFF OFFICES UPSTAIRS 2,980 SF TOTAL

INLET FULL OF WATER INV., SIZES, & TYPES WERE UNABLE TO BE OBTAINED.(FM)

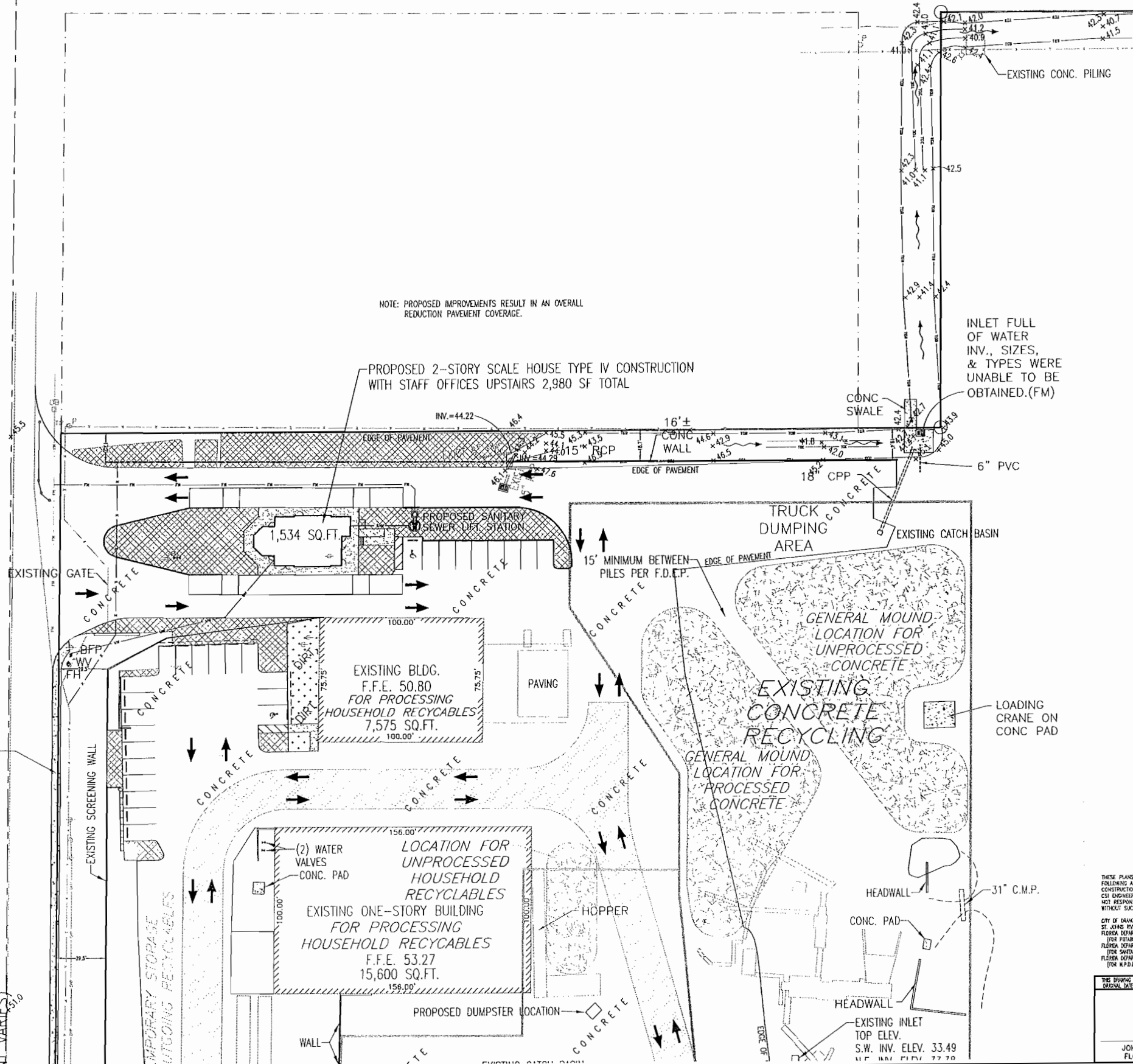
LEGEND:

- = EXISTING ELEVATIONS
- = PROPOSED ELEVATIONS
- = EXISTING CONTOURS
- = DRAINAGE FLOW
- = SILT FENCE
- = EXISTING FENCE
- = PROPOSED CHAIN LINK FENCE
- = TRAFFIC FLOW
- = EXISTING FIRE HYDRANT
- = PROPOSED FIRE HYDRANT
- = EXISTING WATER MAIN
- = PROPOSED WATER MAIN W/ SIZE
- = EXISTING SANITARY SEWER
- = PROPOSED SANITARY SEWER
- = SOIL BORING
- = IMPERVIOUS AREA TO BE REMOVED
- = ZONING CLASSIFICATION FUTURE LAND USE

EXISTING INLET
TOP ELEV. 48.45
INVERT ELEV. 46.10

EXISTING DRA

CONC SIDEWALK
AVENUE (ASPHALT ROAD)
JT VARIES 5/10



THESE PLANS ARE SUBJECT TO APPROVAL BY THE FOLLOWING AGENCIES AND ARE NOT VALID FOR CONSTRUCTION WITHOUT THEIR DOCUMENTED APPROVAL. CSI ENGINEERING AND THE ENGINEER OF RECORD ARE NOT RESPONSIBLE FOR ANY DAMAGES INCURRED WITHOUT SUCH DOCUMENTATION.

CITY OF ORANGE CITY
ST. JAMES WATER WASTEWATER DISTRICT
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FOR PERMITS)
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FOR SANITARY SEWER)
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FOR NPDES)

THIS DRAWING IS NOT VALID UNLESS IT HAS THE ENGINEER'S ORIGINAL SIGNED SIGNATURE & IS EXEMPTED WITH HIS SEAL.

CIVIL SOLUTIONS OF CENTRAL FLORIDA INCORPORATED ENGINEERING
605-C W. NEW YORK AVENUE DELAND, FLORIDA 32720
PHONE (886) 740-1454 FAX (886) 943-9257 C.O.A. # 9845

NORTH SECTION OF SITE FOR GEL CORPORATION IPUD
LEAVITT AVENUE, ORANGE CITY, FLORIDA

| DATE | REVISED | BY |
|----------|--|-----|
| 8/23/01 | FOR ORANGE CITY STAFF REVIEW COMMENTS DATED 8-9-01 | MTC |
| 10/17/08 | FOR ORANGE CITY STAFF REVIEW COMMENTS | MTC |

PROJECT #CSI-07-040 SCALE: 1"=30' SHEET PD-3
DATE: MAY 30, 2008 DRAWN: MTC

JOHN SCHULTHEIS, P.E.
FLORIDA REG. #57863



NOTE: CONTOURS SHOWN HEREON ARE TAKEN FROM VOLUSIA COUNTY LIDAR NAVD88 BASED DATA.

THESE PLANS ARE SUBJECT TO APPROVAL BY THE FOLLOWING AGENCIES AND ARE NOT VALID FOR CONSTRUCTION WITHOUT THEIR DOCUMENTED APPROVAL. CSI ENGINEERING AND THE ENGINEER OF RECORD ARE NOT RESPONSIBLE FOR ANY DAMAGES INCURRED WITHOUT SUCH DOCUMENTATION.

CITY OF ORANGE CITY
 ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT
 FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FOR POTABLE WATER)
 FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FOR SEWAGE TREATMENT)
 FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FOR N.P.S.)
 VOLUSIA COUNTY HEALTH DEPARTMENT FOR SEPTIC SYSTEMS (LOT BY LOT APPROVAL AT TIME OF BEARING POINT)

CIVIL SOLUTIONS
 OF CENTRAL FLORIDA
INCORPORATED
ENGINEERING

605-C.W. NEW YORK AVENUE DELAND, FLORIDA 32720
 PHONE (886) 740-1454 FAX (886) 943-9257 C.O.A. # 9845

EXISTING CONDITIONS FOR GEL CORPORATION
 LEAVITT AVENUE, ORANGE CITY, FLORIDA

THE DRAWING IS NOT VALID UNLESS IT HAS THE ENGINEER'S ORIGINAL DATED SIGNATURE & IS EMBOSSED WITH HIS SEAL.

AS TO DRAINAGE PATTERNS

JOHN SCHULTHEIS, P.E.
 FLORIDA REG. #57863

| DATE | REVISED | BY |
|---------|--|-----|
| 9/23/08 | PER ORANGE CITY STAFF REVIEW COMMENTS DATED 9-8-08 | MTC |
| | | |
| | | |
| | | |

PROJECT # CSI-07-040 SCALE: 1"=80' SHEET PD-5
 DATE: SEPT. 23, 2008 DRAWN: MTC