

ORDINANCE 2023-40

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING VOLUSIA COUNTY COMPREHENSIVE PLAN ORDINANCE NUMBER 90-10, AS PREVIOUSLY AND SUBSEQUENTLY AMENDED, BY AMENDING THE FUTURE LAND USE MAP; CHANGING THE FUTURE LAND USE DESIGNATION OF 40.22 ACRES LOCATED ON THE WEST SIDE KEPLER ROAD, AT ITS INTERSECTION WITH SR 44/EAST NEW YORK AVENUE, IN DELAND, FROM URBAN LOW INTENSITY (ULI) TO URBAN HIGH INTENSITY (UHI) AND COMMERCIAL (COM); AUTHORIZING INCLUSION IN THE VOLUSIA COUNTY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3161, *et. seq.*, Florida Statutes, creates the Community Planning Act ("Act"); and

WHEREAS, Section 163.3167, Florida Statutes, requires each county in the State of Florida to prepare and adopt a Comprehensive Plan; and

WHEREAS, the Volusia County Council adopted the Volusia County Comprehensive Plan by Ordinance No. 90-10 pursuant to the Act; and

WHEREAS, Section 163.3184, Florida Statutes, provides for amendments to the adopted Comprehensive plan by the local government; and

WHEREAS, the Volusia County Council has provided for broad dissemination of the proposed amendment to the Comprehensive Plan in compliance with Sections 163.3181 and 163.3184(3) and (11), Florida Statutes; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, Volusia County Code of Ordinances, chapter 72, article II, section 72-413, has designated the Volusia County Planning and Land Development Regulation Commission as a local planning agency for the unincorporated area of the County of Volusia, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

(Words in ~~strike through~~ are deletions; words in underscore type are additions)

SECTION I: FUTURE LAND USE MAP AMENDMENT – The Future Land Use Map is hereby amended from Urban Low Intensity (ULI) to Urban High Intensity (UHI)

1 and Commercial (COM) for the Subject Property located on the west side of Kepler Road,
2 at its intersection with SR 44/East New York Avenue, DeLand, FL, more particularly
3 described as Parcel Numbers 6026-01-00-2221, 6026-01-00-2000, 6026-01-00-1990,
4 6026-01-00-2020, 7011-11-10-0020, 7011-11-10-0040, and 7011-11-10-0050, as
5 described in Exhibit A. The Future Land Use designation for a portion of Parcel 6026-01-
6 00-2220 is being amended, as described in Exhibit A. These changes are as graphically
7 depicted in Exhibit B, which are attached hereto and incorporated herein. Policy 1-11 is
8 amended as a site specific policy and limitation for this property as described in Exhibit
9 C.

10 **SECTION II: SEVERABILITY** - Should any section or provision of this Ordinance,
11 or application of any provision of this Ordinance, be declared to be unconstitutional or
12 invalid, or inconsistent with the applicable state law, such declaration shall not affect the
13 validity of the remainder of this Ordinance.

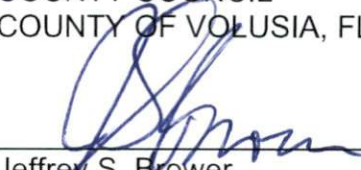
14 **SECTION III: EFFECTIVE DATE** - Within ten (10) days after enactment, a certified
15 copy of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk of
16 the County Council and transmitted to the state land planning agency and any other
17 agency or local government that provided timely comments pursuant to the expedited
18 state review process in Section 163.3184(3), Florida Statutes. This Ordinance shall take
19 effect upon the latter of the following dates: (a) thirty-one (31) days after the state land
20 planning agency notifies the County that the plan amendment package is complete and
21 the issuance of a certificate of consistency or conditional certificate of consistency by the
22 Volusia County Growth Management Commission, or (b) issuance of a final order by the
23 state land planning agency or the State of Florida Administration Commission determining
24 the amendment adopted by this Ordinance to be in compliance.

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2 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN
3 OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT
4 THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE,
5 DELAND, FLORIDA, THIS 20th DAY OF February A.D. 2024 ~~2023~~.

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8 ATTEST:

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11 _____
George Recktenwald
County Manager

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA



Jeffrey S. Brower
County Chair



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A PORTION OF LOTS 199 THROUGH 202 AND A PORTION OF LOTS 221 THROUGH 223, BLUE LAKE CELERY COMPANY SUB, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGE 25, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND LOTS 2, 3, 4 AND 5, BLOCK 10, WINNEMISSETT PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 17, PAGES 47 AND 48 OF SAID PUBLIC RECORDS, LYING IN SECTION 14, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE EAST LINE OF SAID LOT 223 AND THE NORTH RIGHT OF WAY LINE OF STATE ROAD 44 ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION MAP SECTION 79070-2901; THENCE RUN THE FOLLOWING COURSES ALONG SAID NORTH RIGHT OF WAY LINE: SOUTH 87°17'36" WEST FOR A DISTANCE OF 198.00 FEET; THENCE RUN NORTH 01°19'19" WEST FOR A DISTANCE OF 27.00 FEET; THENCE RUN SOUTH 87°18'02" WEST FOR A DISTANCE OF 103.03 FEET; THENCE RUN SOUTH 87°17'27" WEST FOR A DISTANCE 226.97 FEET; THENCE RUN SOUTH 87°17'40" WEST FOR A DISTANCE 69.94 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE NORTHERLY HAVING A RADIUS OF 1372.39 FEET, WITH A CHORD BEARING OF SOUTH 89°26'35" WEST, AND A CHORD DISTANCE OF 102.90 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°17'49" FOR A DISTANCE OF 102.92 FEET TO A POINT ON A NON TANGENT CURVE; CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1372.39 FEET, WITH A CHORD BEARING OF NORTH 87°02'50" WEST, AND A CHORD DISTANCE OF 65.21 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°43'22" FOR A DISTANCE OF 65.22 FEET TO A POINT ON A NON-TANGENT LINE; THENCE RUN NORTH 85°38'12" WEST FOR A DISTANCE OF 2.35 FEET SAID POINT BEING ON THE WEST LINE OF THAT CERTAIN 100 FOOT UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 918, PAGE 117, OFFICIAL RECORDS BOOK 1377, PAGE 119 AND OFFICIAL RECORDS BOOK 2276, PAGE 950 OF SAID PUBLIC RECORDS; THENCE RUN NORTH 02°34'42" WEST ALONG SAID WEST LINE FOR A DISTANCE OF 1191.29 FEET TO A POINT ON SOUTH RIGHT OF WAY OF NEW YORK AVENUE, AS RECORDED IN SAID BLUE LAKE CELERY COMPANY SUB; THENCE RUN THE FOLLOWING COURSES ALONG SAID SOUTH RIGHT OF WAY LINE; THENCE RUN NORTH 87°40'40" EAST FOR A DISTANCE OF 353.68 FEET; THENCE RUN NORTH 70°47'22" EAST FOR A DISTANCE OF 61.98 FEET; THENCE RUN NORTH 56°41'37" EAST FOR A DISTANCE OF 62.15 FEET; THENCE RUN NORTH 56°02'15" EAST FOR A DISTANCE OF 138.19 FEET; THENCE RUN NORTH 52°50'04" EAST FOR A DISTANCE OF 107.36 FEET; THENCE RUN NORTH 42°13'37" EAST FOR A DISTANCE OF 85.60 FEET; THENCE RUN NORTH 35°27'07" EAST FOR A DISTANCE OF 94.10 FEET; THENCE RUN NORTH 29°45'41" EAST FOR A DISTANCE OF 19.59 FEET TO THE NORTHERLY MOST CORNER OF THE AFORESAID LOT 199; THENCE RUN SOUTH 01°19'19" EAST ALONG THE EAST LINE OF SAID LOT 199 AND THE EAST LINE OF LOT 200 FOR A DISTANCE OF 310.86 FEET; TO A POINT ON THE SOUTH LINE OF THE NORTH 25.00 FEET OF THE AFORESAID LOT 2; THENCE RUN NORTH 87°40'40" EAST ALONG SAID SOUTH LINE FOR A DISTANCE OF 614.88 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF KEPLER ROAD, ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION MAP SECTION 79070-2543; THENCE RUN SOUTH 01°46'22" EAST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 1,215.73 FEET TO A POINT ON THE AFORESAID NORTH RIGHT OF WAY LINE OF STATE ROAD 44; THENCE RUN SOUTH 87°50'25" WEST ALONG SAID NORTH RIGHT OF WAY LINE FOR A DISTANCE OF 624.42 FEET TO A POINT ON THE EAST LINE OF SAID LOT 223; THENCE RUN SOUTH 01°19'19" EAST ALONG SAID EAST LINE, FOR A DISTANCE OF 34.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,751,820 SQUARE FEET, OR 40.22 ACRES OF LAND, MORE OR LESS.

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Exhibit A

Legal Description: Parcel 6026-01-00-2020

LEGAL DESCRIPTION:

A PORTION OF LOTS 202 AND 221, BLUE LAKE CELERY COMPANY SUB, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 14, PAGE 25, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LYING IN SECTION 14, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 221, ALSO BEING A POINT ON THE NORTH RIGHT OF WAY LINE OF STATE ROAD 44 ACCORDING TO OFFICIAL RECORDS BOOK 8351, PAGE 1620 AND OFFICIAL RECORDS BOOK 8351, PAGE 1625 OF SAID PUBLIC RECORDS, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION MAP SECTION 79070-2901; THENCE RUN THE FOLLOWING COURSES AND DISTANCES ALONG THE SOUTH LINE OF SAID LOT 221 AND SAID NORTH RIGHT OF WAY LINE: SOUTH 87°17'40" WEST FOR A DISTANCE 69.94 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE NORTHERLY HAVING A RADIUS OF 1372.39 FEET, WITH A CHORD BEARING OF NORTH 89°11'44" WEST, AND A CHORD DISTANCE OF 168.04 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°01'11" FOR A DISTANCE OF 168.14 FEET TO A POINT ON A NON-TANGENT LINE; THENCE RUN NORTH 85°41'10" WEST FOR A DISTANCE OF 2.35 FEET TO A POINT ON THE WEST LINE OF THAT CERTAIN 100 FOOT UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 918, PAGE 117, OFFICIAL RECORDS BOOK 1377, PAGE 119 AND OFFICIAL RECORDS BOOK 2276, PAGE 950 OF SAID PUBLIC RECORDS; THENCE DEPARTING SAID SOUTH LINE AND SAID NORTH RIGHT OF WAY LINE RUN NORTH 02°34'42" WEST ALONG SAID WEST LINE FOR A DISTANCE OF 1191.30 FEET TO A POINT ON THE NORTH LINE OF AFORESAID LOT 202, ALSO BEING A POINT ON THE SOUTH RIGHT OF WAY LINE OF NEW YORK AVENUE, AS RECORDED IN SAID BLUE LAKE CELERY COMPANY SUB; THENCE RUN NORTH 87°40'40" EAST ALONG SAID NORTH LINE AND SAID SOUTH RIGHT OF WAY LINE FOR A DISTANCE OF 136.37 FEET TO THE NORTHEAST CORNER OF SAID LOT 202; THENCE DEPARTING SAID NORTH LINE AND SAID SOUTH RIGHT OF WAY LINE RUN SOUTH 01°08'18" EAST ALONG THE EAST LINE OF SAID LOT 202 FOR A DISTANCE OF 600.54 FEET TO THE SOUTHEAST CORNER OF SAID LOT 202, ALSO BEING A POINT ON THE NORTH LINE OF AFORESAID LOT 221; THENCE RUN NORTH 87°55'58" EAST ALONG SAID NORTH LINE FOR A DISTANCE OF 131.89 FEET TO THE NORTHEAST CORNER OF SAID LOT 221; THENCE RUN SOUTH 01°19'19" EAST ALONG THE EAST LINE OF SAID LOT 221 FOR A DISTANCE OF 599.34 FEET TO THE POINT OF BEGINNING.

CONTAINING 224,823 SQUARE FEET, OR 5.16 ACRES OF LAND, MORE OR LESS.

Exhibit B

FUTURE LAND USE - PROPOSED
CPA-23-010

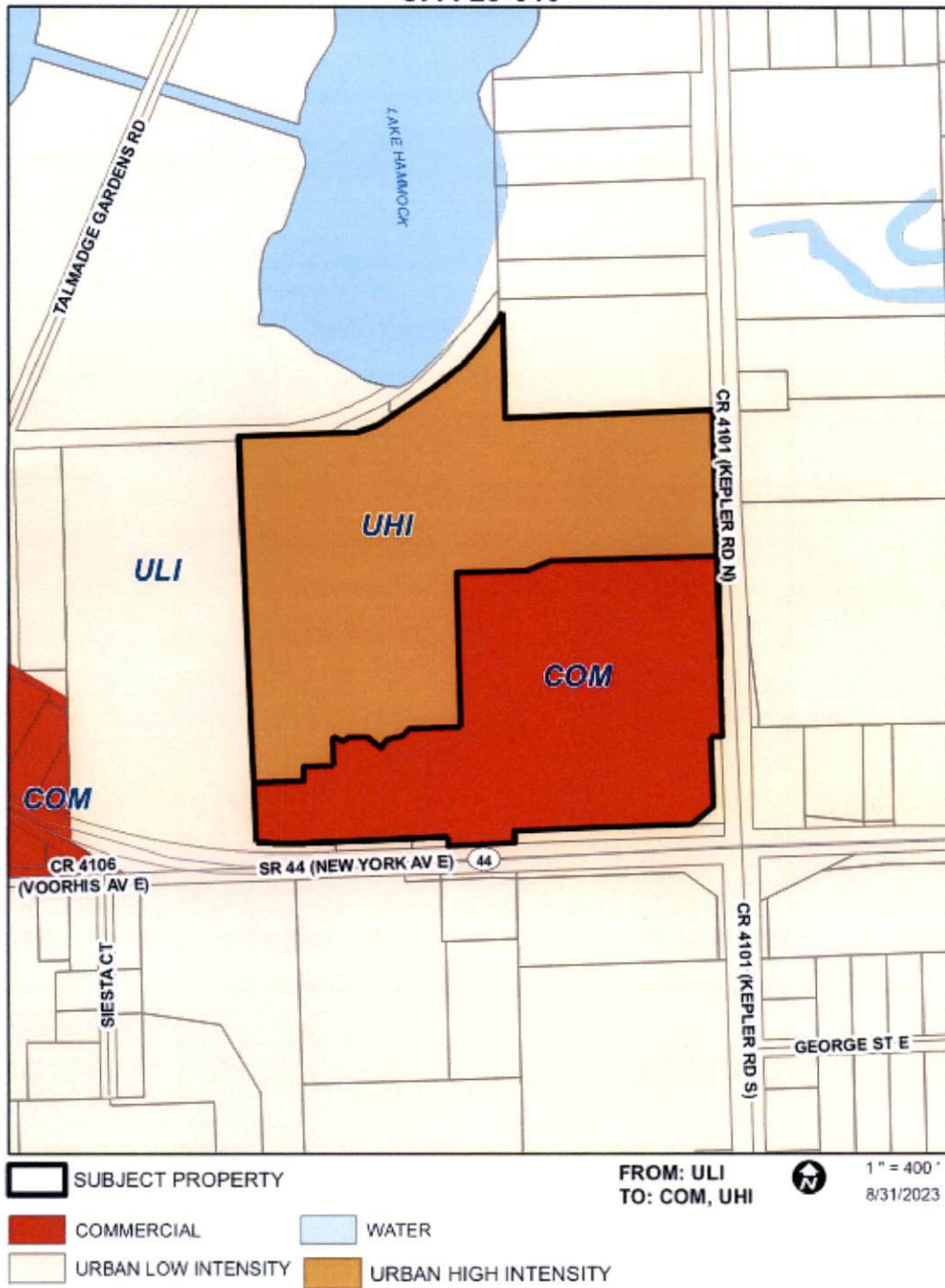


EXHIBIT C

(Words in ~~strike through~~ are deletions; words in double underscore type are additions)

1-11. Future Land Use Map/Plan Notations

Note: The following Future Land Use Map Notations have been adopted as a component of the Future Land Use Map.

Map Notation	Parcel Numbers or Legal Description	Acres	Adopted FLU Designation	Restriction	Ordinance
1	01-16-31-00-00-0010	20.92	Industrial	Development of the parcel shall be limited to a Floor Area Ratio of 0.6.	2007-46
2	01-16-31-00-00-0010	5.14	Industrial	Development of the parcel shall be limited to a Floor Area Ratio of 0.6.	2008-19
3	30-15-33-11-00-0010, 25-15-32-11-00-0010, 25-15-32-11-00-0020, 25-15-32-07-00-0021, 25-15-32-07-00-0020, 25-15-32-07-00-0010, 25-15-32-00-00-0049, 25-15-32-00-00-0048, 25-15-32-00-00-0040, 36-15-32-00-00-0039, and that part of 39-15-32-53-01-0010 to the east and south of Bellevue Ave. approximately 460 feet to the west of the west ROW line of Clyde Morris Blvd.	226.00	Public/Semi-Public	Development of the parcels taken together shall be limited to a maximum of 118,583 Average Daily Trips. This property will not be zoned residential or non-aeronautical industrial.	2008-28
4	28-16-30-00-00-0410 28-16-30-00-00-0070 28-16-30-01-00-0050	17.31	Commercial	Commercial uses shall not exceed 116,552 square feet.	2010-09
5	26-13-31-00-00-0020, 26-13-31-00-00-0024, 26-13-31-00-00-0025, and 26-13-31-00-00-0026	144.83	Mixed Use Zone - Planned	Development of parcels taken together shall generate no more than 8,808 daily external project trips.	2006-24
6	That part of 25-16-30-00-00-0032 that is the western most 420.16 feet	8.8	Commercial	Development of this expansion shall be limited to 76 Average Daily Trips and 8 p.m. Peak-Hour trips	2018-19
7	11-17-30-11-12-0040	4.69	Commercial	The development shall be limited to 89,900 square feet of mini warehouse and self-storage space.	2022-30
<u>8</u>	<u>26-16-30-01-00-2221,</u> <u>26-16-30-01-00-2220,</u> <u>26-16-30-01-00-2000,</u>	<u>40.22</u>	<u>Commercial and Urban High Intensity</u>	<u>Limited to 100 townhomes</u>	<u>2023-40</u>

	<u>26-16-30-01-00-1990.</u> <u>26-16-30-01-00-2020.</u> <u>11-17-30-11-10-0020.</u> <u>11-17-30-11-10-0040. and</u> <u>11-17-30-11-10-0050</u>				
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