

IN THE COUNTY COUNCIL OF THE
COUNTY OF VOLUSIA, FLORIDA

IN RE: Application of
ADVANCED MEDICAL & PHARMACEUTICAL SUPPLIERS, INC.,
A FLORIDA CORPORATION
RESOLUTION #95-152
ORDER AND RESOLUTION
GRANTING A REQUEST FOR CHANGE OF ZONING FROM A-2C TO
AMPS - BUSINESS PLANNED UNIT DEVELOPMENT

The application of Advanced Medical & Pharmaceutical Suppliers, Inc., a Florida corporation, ("AMPS") for rezoning was heard by and before the Volusia County Council, Volusia County, Florida, on September 18, 1997. Based upon the verified application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advise, report, and recommendations of the Growth Management Services Group, Legal Services, and other offices and agencies of Volusia County and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning and Land Development Regulation Commission on August 12, 1997, and otherwise being fully advised, the County Council does hereby find and determine as follows:

GENERAL FINDINGS

A. That the application of Advanced Medical & Pharmaceutical Suppliers, Inc., a Florida corporation, ("AMPS") was duly and properly filed herein on June 27, 1997, as required by law.

B. That all fees and costs which are by law, regulation or Ordinance required to be borne and paid by the applicant have been paid.

C. That the applicant is the owner of a 1.13 +/- acre parcel of land which is situated in Volusia County. This parcel of land is described more particularly in the survey and legal description , a true copy of which is attached hereto as Exhibit "A".

D. That the Applicant/Owner has held a pre-application meeting as required by Volusia County Zoning Ordinance No. 80-8, as amended.

E. That the Applicant/Owner has complied with the "Due Public Notice" requirements of the Volusia County Zoning Ordinance 80-8, as amended.

FINDINGS REGARDING REZONING

A. That the Applicant/Owner has applied for a change of zoning from the present zoning classification of the parcel described in Exhibit "A" from A-2C to Business Planned Unit Development (BPUD).

B. That the said rezoning to a BPUD is consistent with both the Volusia County Comprehensive Plan, Ordinance No. 90-10, as amended, and the intent and purpose of the Volusia County Zoning Ordinance No. 80-8, as amended, and does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY ADMINISTRATION CENTER, COUNTY COUNCIL MEETING ROOM, DELAND, FLORIDA, THIS 18TH DAY OF SEPTEMBER, A.D., 1997, AS FOLLOWS:

A. That the Application of Advanced Medical & Pharmaceutical Suppliers, Inc., a Florida corporation, for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Exhibit "A" attached hereto is hereby amended from A-2C to BPUD as described in Article VII of the Volusia County Zoning Ordinance No. 80-8, as amended.

C. That the Official Zoning Map of Volusia County is hereby amended to show the rezoning of said parcel to AMPS BPUD.

D. That Volusia County Zoning Ordinance No. 80-8, as amended, is consistent with the provisions of the "Development Agreement" as hereinafter set forth in this Order and Resolution and with respect with any conflict between Ordinance No. 80-8, as amended, and the Development Agreement" the provisions of the "Development Agreement" shall govern. Ordinance No. 80-8, as amended, shall govern with respect to any matter not covered by the Development Agreement." The Volusia County Zoning Enforcement Official will insure overall compliance with this order and resolution.

E. Unless otherwise provided for herein, Article VII, Zoning Classification, and Article VIII, Supplementary Regulations of Volusia County Zoning Ordinance No. 80-8, as amended, shall apply to the BPUD in the same manner as B-5, Heavy Commercial classification.

F. Nothing in this Order and Resolution shall abridge the requirements of any Volusia County Ordinance other than Zoning Ordinance No. 80-8, as amended. Timing and review procedures contained in this Order and Resolution may be modified to comply with the Volusia County Land Development Code, Ordinance No. 88-3, as amended. Further, nothing in the Development Agreement is intended to abridge the requirements of Ordinance No. 88-3, as amended, and any other County Ordinances.

DEVELOPMENT ORDER

A. Development Concept. The property shall be developed as a BPUD substantially in accordance with the Master Development Plan (MDP). The Master Development Plan shall govern the development of the property as a BPUD and shall regulate the future land use of this parcel.

1. Master Development Plan. The Master Development Plan shall consist of the Preliminary Plan prepared by Don Dugger, Civil Engineer and dated March 7, 1997, and this development agreement. The Preliminary Plan is hereby approved and incorporated in this Order and Resolution by reference as Exhibit "B". The Master Development Plan shall be filed and retained for public inspection in the Growth Management Services Group and shall constitute a supplement to the Official Zoning Map of Volusia County.

2. Amendments. All amendments of the Master Development Plan, other than those deemed by the Zoning Enforcement Official to be minor amendments as set out by Section 813.06 of Ordinance No. 80-8, as amended, shall require the review and recommendation of the Planning and Land Development Regulation Commission and action by the Volusia County Council in the same manner as a rezoning of the parcel.

3. Final Site Plan Approval. After the Master Development Plan is recorded, and prior to issuance of any permits for construction, including clearing and landfill, a Final Site Plan shall be prepared and submitted for review and approval in the manner required by Article III of the Volusia county Land Development Code, Ordinance No. 88-3, as amended.

B. Unified Ownership. The Applicant or his successors shall maintain unified ownership of the subject parcel until after issuance of the Final Site Plan Development Order.

C. Phases of Development. The project will be developed as a single phase.

D. Land Uses Within the BPUD. The development of the parcel shall be consistent with the uses prescribed for each area within the proposed BPUD. The general location and size of said land use areas are shown on the Preliminary Plan, Exhibit "B". The following land uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures:

Retail sales
Mail Order Sales
Inventory Storage
General Office

E. Development Standards.

- | | | |
|----|------------------------------------|----------|
| 1. | Minimum lot area: | 1 acre |
| 2. | Minimum lot width and/or depth: | 200 feet |
| 3. | Minimum yard size (building): | |
| | (a) Front yard: | 75 feet |
| | (b) Rear yard: | 35 feet |
| | (c) Side yard abutting any lot: | 35 feet |
| | (d) Side yard abutting any street: | 75 feet |

4. Maximum lot coverage: 30%
5. Maximum building height: 45 feet
6. Landscape buffer requirements: Per Section 808.00, of the Zoning Ordinance 80-8, as amended.
7. Off-street parking and loading: Per Section 810.00 of the Zoning Ordinance 80-8, as amended.

8. Special Regulations: The subject property is located within the County's designated Thoroughfare Overlay Zone as described under Section 821.00 of the Zoning Ordinance, as amended. The applicant shall comply with the special development regulations of this section.

F. Environmental Considerations. Landscape and tree preservation requirements of the Volusia County Land Development Code, Ord. 88-3, as amended, shall be met. No conservation environmental or other easements are anticipated. Any other provisions of the Land Development Code, Ord. 88-3, as amended, shall be met.

G. Sewage Disposal and Potable Water. Provision for sewage disposal and potable water needs of the BPUD will be provided in accordance with the Comprehensive Plan, Ordinance No. 90-10, as amended, the Land Development Code Ordinance No. 88-3, as amended, and State of Florida Administrative Code 10-D6. The property is within the municipal service area for Daytona Beach. Water and sewer will be provided or obtained as dictated by the City utility policy.

H. Stormwater Drainage. Provision for stormwater retention shall be in accordance with the Land Development Code, Article VIII, Ordinance No. 88-3, as amended.

I. Access and Transportation System Improvements. Access and transportation system improvements shall be provided in accordance with the Land Development Code, Ordinance 88-3, as amended. The parcel shall be developed in substantial accordance with the following access and transportation system improvements:

1. Access. Access will be from Roosevelt Drive via a single driveway meeting the spacing requirements of the Land Development Code, as illustrated on the Preliminary Plan, Exhibit "B".

2. Transportation System Improvements. No road improvements are required to ensure safe ingress and egress to the proposed development. Turn lanes and other work within the right-of-way shall be provided as required by the driveway permit.

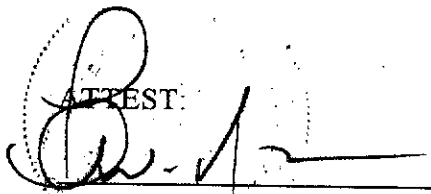
J. Binding Effect of Plans: Recording: and Effective Date. The Master Development Plan, including any and all supplementary orders and resolutions, and the Preliminary Plan shall bind and inure to the benefit of the Applicant/Owner and his successor in title or interest. The BPUD zoning, provisions of the "Development Agreement," and all approved plans shall run with the land and shall be administered in a manner consistent with Article IX of the Volusia County Zoning Ordinance No. 80-8, as amended.

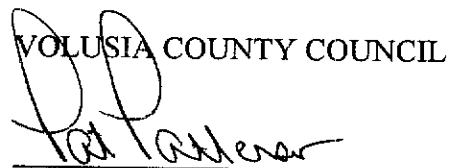
This Order and Resolution and all subsequent Orders and Resolutions shall be filed with the Clerk of the Circuit Court and recorded within forty-five (45) days following execution of the document by the Volusia County Council, in the Official Records of Volusia County, Florida.

One copy of the document, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Growth Management Services Group. The date of receipt of this document by the Growth Management Services Group shall constitute the effective date of the BPUD or its subsequent amendments. The applicant shall pay all filing costs for recording documents.

K. Conceptual Approval: The parties hereto acknowledge that reductions in density and/or intensity may and do occur; and that minor changes to roadway design, location and size of structures, actual location of parking places, specific locations for land uses, and location and design of stormwater storage, landscape buffers and upland buffers may result to comply with the Volusia County Land Development Code Ordinance No. 88-3, as amended. Upon determination of the Zoning Enforcement Official, these revisions may be processed as minor amendments as set forth in Section 813.06 of the Volusia County Zoning Ordinance No. 80-8, as amended. The Applicant agrees to revise and record the Revised Preliminary Plan which reflects any such changes with the Clerk of the Court immediately following the expiration of the 30 day period for appealing Development Review Committee (DRC) decisions to the County Council. A copy of the Revised Preliminary Plan, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Growth Management Services Group.

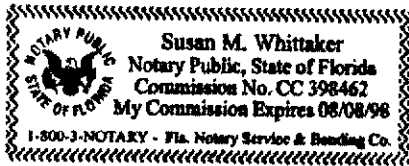
DONE and ORDERED by the County Council of Volusia County, Florida, this 18th day of September, 1997.

ATTEST:

Lawrence Arrington
County Manager

VOLUSIA COUNTY COUNCIL

Pat Patterson
Chairman

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 29th day of October, 1997, by Pat Patterson and Lawrence Arrington, Volusia County Council Chairman and County Manager, respectively, on behalf of County of Volusia. They are personally known to me and did not take an oath.



Susan M. Whittaker
SUSAN M. WHITTAKER

Type, Print or Stamp Name
My commission expires: 8/8/98

ADVANCED MEDICAL &
PHARMACEUTICAL SUPPLIERS,
INC., a Florida corporation

Witnesses:

By: Diana L. Barcomb
Print Name: Diana L. Barcomb

By: Michael Poniatowski
Michael Poniatowski

By: Leslie T. Hinzman
Print Name: Leslie T. Hinzman

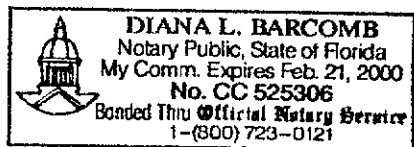
Its: President

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 29th day of October, 1997, by Michael Poniatowski, President of Advanced Medical & Pharmaceutical Suppliers, Inc., a Florida corporation, on behalf of the corporation. He is personally known to me or has produced _____ as identification and did (did not) take an oath.

Diana L. Barcomb
Diana L. Barcomb

Type, Print or Stamp Name
My commission expires: 2/21/2000



LEGAL DESCRIPTION

AMPS - BPUD

Lots 33 through 38, inclusive, Block 3 and the un-numbered 50-foot wide strip north of the same, HIGHRIDGE ESTATES, as per map recorded in Map Book 11, Page 154, of the Public Records of Volusia County, Florida.

Exhibit "A"

EXHIBIT "B"

