Marion County Growth Services

Date: 4/10/2023 | **P&Z: 4/24/2023 BCC: TBD (Pending 5/16/2023, 5:30 P.M.)**

Application No:
2023-04DA
[AR# 29857]

Type of Application:
Developer's Agreement

Developer's Agreement:
Pending

Related Comprehensive Plan Amendment(s):
22-S20

Related Rezoning(s):
221208ZP

Current Owner(s):
TDC Deltona Land, L.L.C.

Applicant:
W. James Gooding, III, Esq.

Parcel #/Acreage:
Varies; Total ±228.10 AC

Existing Use:
Vacant / forested.

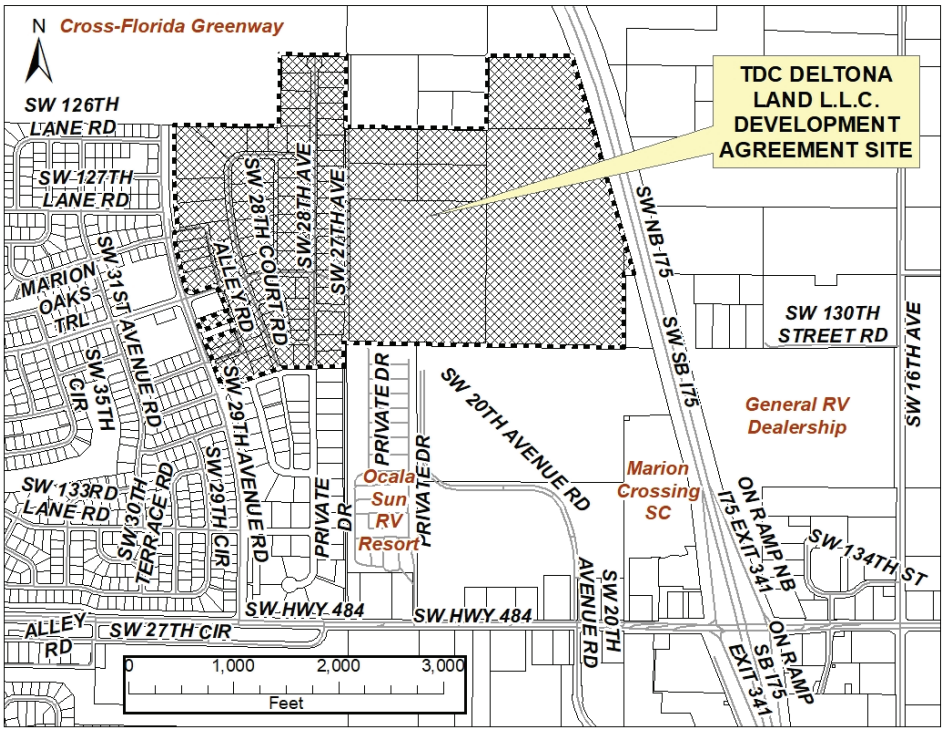
Location: ±1/2-mile north of SW Hwy 484 then extending ±1/2-mile further north, and then extending west from In-75 to SW 29th Avenue Road.

Staff Recommendation:
APPROVAL WITH CONDTIONS

P&Z Recommendation:
TBD

Project Planner:
Christopher D. Rison, AICP, Senior Planner

Code Enforcement Action: N/A



Item Summary

Staff is recommending **APPROVAL** to implement a Chapter 163, Florida Statutes (F.S.) Development Agreement for the design and construction of a north and west extension of SW 20th Avenue Road, expansion of SW 29th Avenue Road, and intersection & signalization improvements at the SW Hwy 484/SW 20th Avenue Road and SW Hwy 484/SW 29th Avenue Road intersections, as related to the proposed Trailhead Commerce Park Planned Unit Development (PUD - 2231009Z) encompassing ±109 acres.

Public Notice

Notice of public hearing was mailed to 49 property owners within 300 feet of the subject property.

Location

The overall site generally begins approximately ½-mile north of SW Hwy 484 and extending approximately ½-mile further north, and then extending west from Interstate 75 (I-75) to SW 29th Avenue Road.

Request

In 2019, the Board of County Commissioners approved the Marco Polo Industries Planned Unit Development (PUD – 190902Z) that included lands northwest of the I-75 and SW Hwy 484 Interchange. The north end of the PUD is currently being developed as the Trailhead Logistics Park for a 940,700 GSF of industrial distribution warehouse (Phase 1 – 681,000 GSF, Phase 2 – 259,700 GSF). The Developer of the Trailhead Logistics Park site has acquired additional land north and northwest of that site, including some lands that were part of an intended Marion Oaks Special

Business/Commerce Park Area from the Deltona Corporation. For the additional land, the Developer has filed a Comprehensive Plan Amendment and PUD Rezoning Applications (22-S20 and 221208ZP, respectively) to create a new commerce park that will then extend north from the Marco Polo Industries PUD to then extend west from I-75 to SW 29th Avenue Road. The resulting development is tentatively titled the "Trailhead Commerce Park" (TCP).

As part of the proposed TCP, the Developer is proposing a series of improvements that will include road construction, road widening, and intersection & signalization activities to coordinate access within the TCP with the surrounding areas. The improvements will enable roadway connectivity between the new park, the Marco Polo Industries PUD, the Marion Oaks community to the west, and other lands to the north, and form an interconnected street network. As such the Developer is proposing a Development Agreement consistent with Chapter 163.3220-3243, F.S. to address the proposed improvements in order to obtain impact fee credits, concurrency reservations, and proportionate share credits. The components of the Development Agreement are outlined below:

#	AGREEMENT	LDC
1	Definitions	Standardizes terms of the Agreement
2	Representations and Warranties	Obligations and requirements of the Parties
3	Development Uses Permitted	List of potential development as required by Chapter 163.3227, F.S.; includes providing for an equivalency matric for the exchange of uses, subject to consistency with the site's PUD.
4	Traffic Study	Identification of completed Study
5	Developer's Construction of Developer's Improvements	Listing of Developer design and construction obligations
6	Conveyance of Right-of-Way (ROW)	Provisions for obtaining and conveying ROW
7	Impact Fee Credits	Provisions for addressing Credits for costs incurred per F.S. and LDC
8	Proportionate Share Mitigation	Provisions for recognition of proportionate share obligations and application of proposed project towards improvement obligations
9	Capacity Reservations	Provisions for reserving traffic capacities based on funds expended/contributed
10	Maintenance	Provisions to address maintenance of improvements
11	Force Majeure	Provisions to address reasonable delays
12	Acknowledgment Upon Compliance	Provides for recognition of completion of improvements
13	Development Permits Required	List of required permits per F.S.
14	Public Facilities	Summary of public facilities potentially affected
15	Additional Provisions	Reference to Agreement's F.S. status
16	General Provisions	Standard Agreement Terms regarding notices, etc. with 30-year duration.

Analysis

The TCP is tentatively projected to include up to 3,600,000 gross square feet (GSF) of industrial warehouse/distribution. Based on the TCP's PUD Master Plan, the Developer provided a Traffic Impact Analysis (TIA) that has been reviewed and approved by staff. The TIA identifies a series of road and intersection improvements necessary to support stages of the development. Further, based on conversations with the staff, the Developer has agreed to provide for roadway improvements within the Marion Oaks

community to ensure the connecting road network is improved in conjunction with the overall infrastructure TCP development and avoid prolonged construction periods over time. The primary improvements to be completed include the following:

1. Construction of a SW 20th Avenue Road extension from the Marco Polo PUD north and west to SW 29th Avenue Road at its intersection with Marion Oaks Trail, completing a roadway "loop" and enabling additional access routes for both the TCP and Marco Polo PUD,
2. Widening/construction for that part of SW 29th Avenue Road extending south from its intersection with the SW 20th Avenue Road extension and Marion Oaks Trail,
3. Intersection improvements at the Hwy 484 & SW 20th Avenue Road intersection,
4. Intersection improvements at the Hwy 484 & SW 29th Avenue Road intersection,
5. Stormwater improvements for the listed road and intersection improvements.

In addition to the listed improvements, the Developer is proposing to key provisions within the Agreement. The first provision requires an update to the TIA to be started within one month after 500,000 GSF of industrial warehouse/distribution space is completed, and that the TIA update will be completed within three months. The second provision provides for a land use equivalency matric that would allow other land uses to be exchanged for amounts of the industrial warehouse/distribution GSF, with the amount of traffic generated being the test for the exchange to ensure there is no net increase the amount of expected traffic to be generated. The potential uses that may be implemented will be based on the TCP's final approved PUD Master Plan, and that consideration is expected to occur in a concurrent public hearing with the consideration of this Agreement.

The proposed road and intersection improvements listed in the Agreement are not scheduled improvements listed in the County's current 5-Year Transportation Improvement Plan (5-Year TIP). County ordinances ordinarily require a project to be listed as part of the 5-Year TIP to be eligible for Impact Fee Credit; however, the Board may authorize such credits for projects outside the 5-Year TIP window if the proposed project is deemed to be an integral part of the major road network and the request obtains a super majority vote for approval (4 out of 5 votes). The County Engineer and Growth Service staffs support the proposal as the project will complete an interconnected and "looped" road network pattern accommodating appropriately spaced signalization connection the commerce park areas and Marion Oaks community to access SW Hwy 484 which is a County designated Major Arterial.

The proposed Agreement reflects the findings of a project traffic study which is attached and proposes other coordinated improvements that will allow simultaneous construction prior to the implementation of individual site development. County staff have reviewed the draft Agreement and provided comments to the Developer and Applicant who are currently preparing revisions. DRC Staff Comments are also attached for reference.

STAFF RECOMMENDATION: APPROVAL, PENDING FINAL REVISIONS (EXPECTED PRIOR TO FINAL BOARD OF COUNTY COMMISSIONER CONSIDERATION)

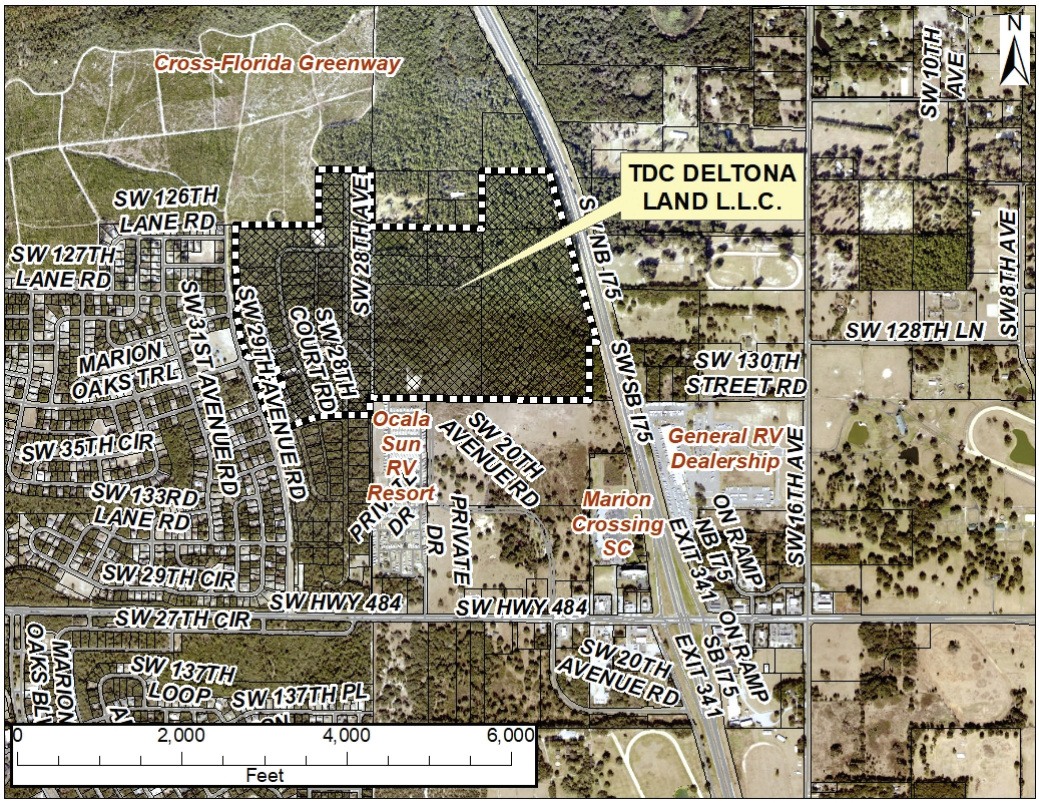
P&Z RECOMMENDATION – 4/24/2023: TBD

BOARD OF COUNTY COMMISSIONER ACTION: TBD (5/16/2023, 2:00 P.M.)

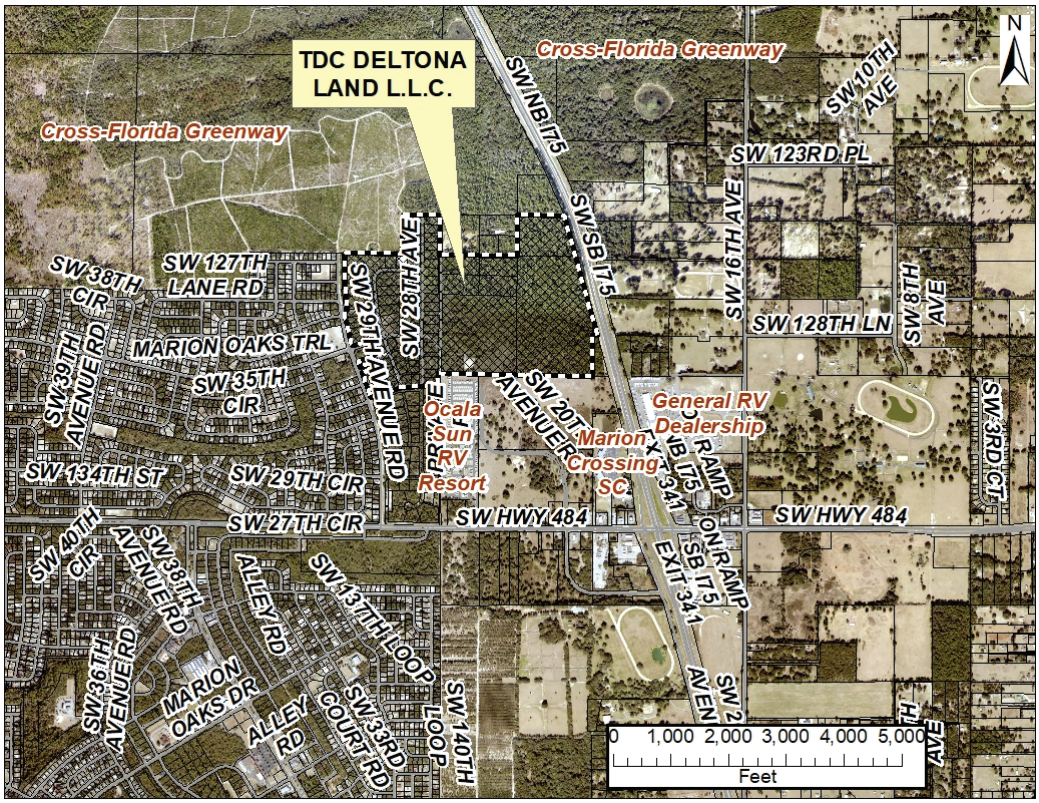
ATTACHMENTS:
A. Draft TDC Deltona Concurrency Development Agreement,
B. Proposed PUD Conceptual Plan Trailhead Commerce Park (221208ZP),

C. DRC Staff review remarks
D. Trailhead Logistics Park North Traffic Impact Analysis January 2023,
E. CPA-22-S20 Staff Report
F. 221208ZP Staff Report

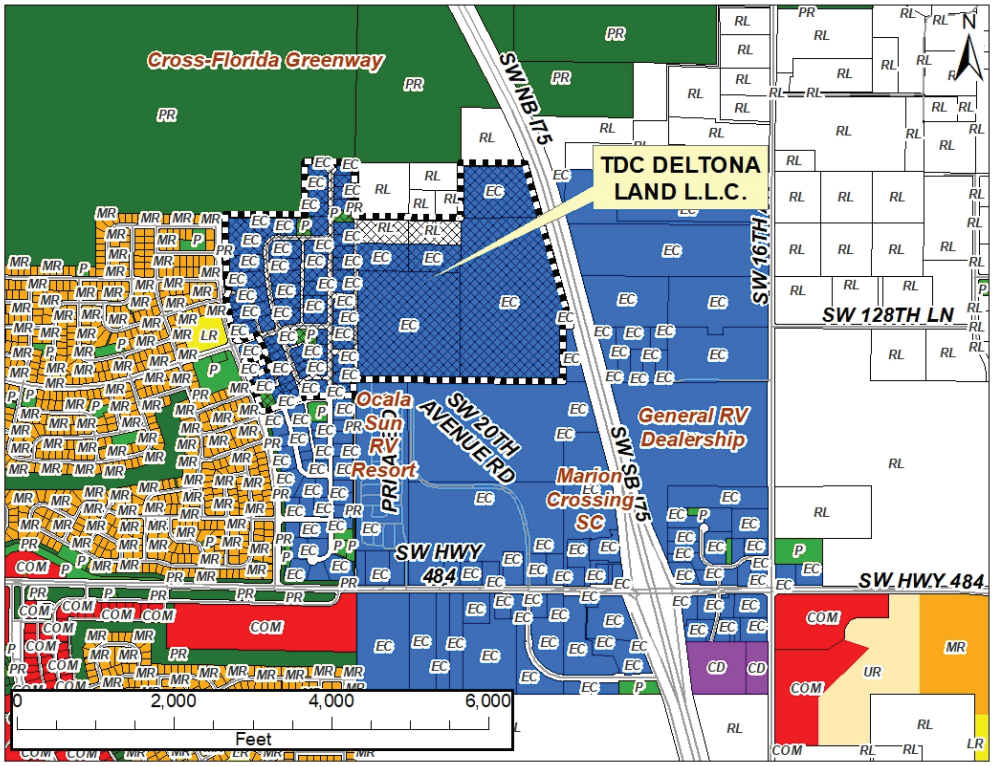
Aerial Map



Enlarged Aerial Location Map



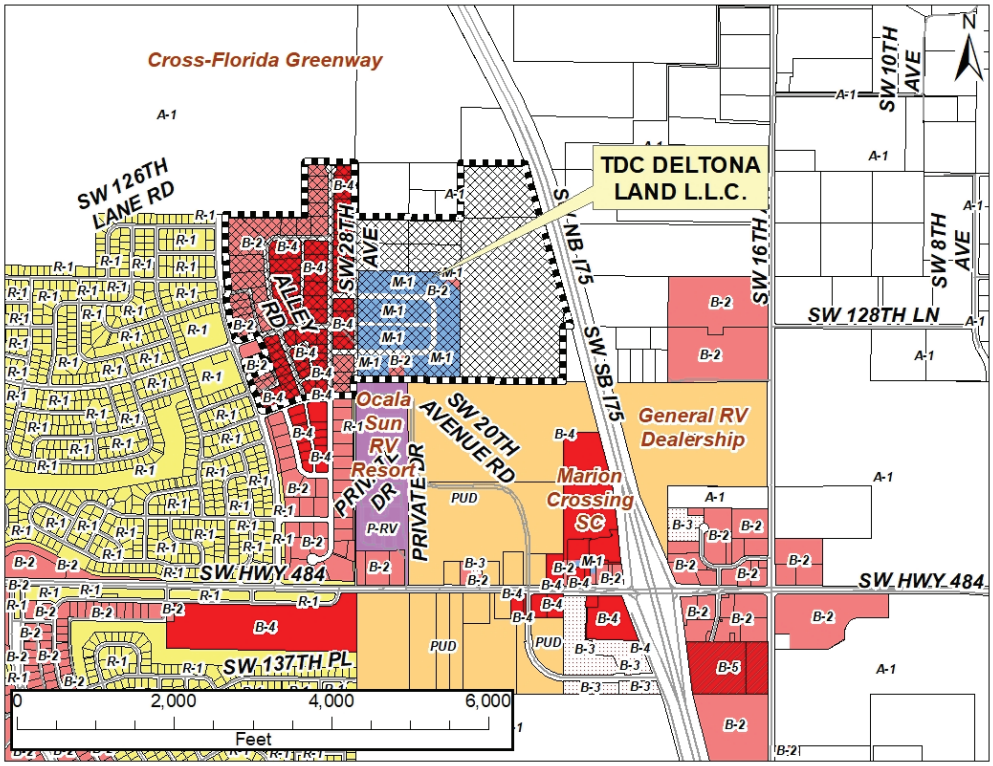
Existing Future Land Use Designations:



Future Land Use Designation Legend

- RL - Rural Land (1 du/10 ac)
- LR - Low Residential (0-1 du/ac)
- MR - Medium Residential (1-4 du/ac)
- UR - Urban Residential (8-16 du/ac)
- COM - Commercial (0-6 du/ac; FAR 1.0)
- EC - Employment Center (0-12 du/ac; FAR 2.0)
- CD - Commerce District (N/A; FAR 2.0)
- P - Public (N/A; FAR 1.0)
- PR - Preservation (N/A; N/A)

Existing Zoning



Zoning District Classifications Legend

- A-1 General Agriculture
- R-1 Single-Family Dwelling
- P-RV Recreational Vehicle Park
- B-2 Community Business
- B-3 Specialty Business
- B-4 Regional Business
- B-5 Heavy Business
- M-1 Light Industrial
- PUD Planned Unit Development