

CITY OF DELTONA
FINAL SITE PLAN DEVELOPMENT ORDER

Dairy Queen and Type A Restaurant
2953 Howland Boulevard
Parcel No.: 8130-39-13-0110

- A. FILE NO.: SP24-0010
- B. NAME OF APPLICANT: Harry Newkirk P.E./ Newkirk Engineering
- C. APPLICANT ADDRESS/TELEPHONE NO: 1230 N US Highway 1, Suite 3,
Ormond Beach, FL
- D. DESCRIPTION OR TYPE OF AUTHORIZED DEVELOPMENT: Final Site Plan
Application to allow a 2,617 square-foot Dairy Queen restaurant with a drive-thru
and a 2,042 square-foot sit-down restaurant at 2953 Howland Boulevard. The
property is ± 1.79 acres and zoned C-1, Retail Commercial.
- E. FINDINGS AND CONCLUSIONS:
1. Application received on: July 1, 2024
 2. Deemed complete on: July 8, 2024
 3. Approved by DRC on: _____
 4. Development Order Issued on: _____
 5. The authorized development is found to be consistent with all applicable
provisions of the City's Comprehensive Plan and the Land Development Code.
- F. TIME LIMIT:
- This Final Site Plan Development Order shall be valid for a period of 24 months
from the date of Development Order recordation.
- G. CONDITIONS OF APPROVAL:
1. The proposed development shall be built in conformance with the approved
Final Site Plan, Development Order, and other related documents for this
project.
 2. The owner/developer shall contact Public Works Project Administrator, Ms.
Bobbie Degon, at (386) 878-8976 to schedule a Pre-Construction Meeting
after the Development Order is issued.

3. Before the clearing of the site commences, the owner/developer shall contact the NPDES Inspector at (386) 878-8979 to arrange for a site inspection to verify the proper installation of silt fences and other best management protection devices. A minimum of 48 hours advance notice is required prior to scheduled clearing.
4. The owner/developer or contractor shall contact Public Works Engineering Inspectors office at (386) 878-8945 or (386) 878-8996 to schedule all engineering and stormwater inspections. A minimum of 24 hours advance notice is required for all field inspections.
5. The owner/developer shall contact the Utility provider at (386) 878-8945 or (386) 878-8996, Deltona Water, schedule the coordination of utility construction activities, such as wet taps, backflow prevention equipment inspections, pressure testing, lift station start-ups, inspections, and fees.
6. A Site Engineering Permit/Inspection Placard shall be issued by Public Works consistent with the implementation of the applicable conditions of this Development Order. This permit, when issued, shall be posted at the construction site in a prominent place for public viewing. A minimum of 48 hours advance notice is required for all inspections. Please see the Site Engineering Permit/Inspection Placard for contact information.
7. The owner/developer shall contact the Deltona Fire Department, Fire Prevention Division at (386) 878-6908 to schedule the coordination of fire safety required site and construction inspections, such as underground fire lines, fire sprinkler backflows, water supplies, etc.; as well as questions concerning fire safety fees. A minimum of 48 hours advance notice is required for all field activities or inspections.
8. The holder of all required state and federal permits shall have acquired such permits before the commencement of any site development or clearing and provide a copy to the City of Deltona for review.
9. Fire department access roads shall maintain a clear width of 24 feet and a vertical clearance of 17 feet. The locations of any plantings shall consider the full growth of trees and landscaping, and shall not obstruct fire

apparatus access, or access to, visibility of, or function of any fire protection equipment.

10. Fire Department access roads provided in accordance with 18.2.3 shall be provided at the start of a project and shall be maintained throughout construction (NFPA 1, Fire Code, 2021 Edition, Section 16.1.4).
11. Before site clearing work can commence, the owner/developer must post the approved original signature permits from all local, state, and federal agencies on-site at all times, and arrange for a pre-clearing inspection to verify that the tree barrier protection, landscape buffers, historic/specimen trees, if any, and all trees to remain, are properly protected. The owner/developer must have all legally required local, state, and federal permits for construction and or land-clearing activities prior to the live capture, relocation, and release of any species listed as endangered, threatened, or of special concern by the State of Florida Fish and Wildlife Conservation Commission. The owner/developer will contact the Public Works Department's Project Manager/Environmental at (386) 878-8965 a minimum of 48 hours before the owner/developer environmental consultant/contractor commences work on-site.
12. In accordance with Florida Statute 556.105, before any site clearing or digging commences, the owner/developer shall provide a copy of the call ticket and number to Public Works Environmental staff at a pre-clearing inspection. To schedule the utility locate, please contact Sunshine One at (800) 432-4770, or visit www.callsunshine.com. This condition must be prior to pre-clearing inspection (see #5 above). If the call ticket is not provided at time of pre-clearing, the inspection will not be approved and will be subject to any civil penalties. For more information or additional assistance, please contact the Public Works Division at (386) 878-8950.
13. Although irrigation plans are submitted to the City as part of the Final Site Plan review process, approval and permitting for irrigation is obtained from the Volusia County Office of the Florida State Health Department. Please contact Mr. Andy Natal at (386) 736-5444 for additional information.

14. Consistent with Ordinance No. 06-2019 the City has granted a waste hauler exclusive right to haul waste and refuse (residential and non-residential uses) within the city limits of Deltona. Therefore, all waste management, including, but not limited to, debris and other refuse generated during the land clearing and construction phase shall be hauled by the sole hauler granted exclusive rights by the City. The City currently has a relationship with the solid waste hauler Waste Pro. To coordinate waste management with Waste Pro, contact Waste Pro at (386) 788-8890. This condition will apply to any future exclusive solid waste hauling terms negotiated by the City.
15. After roads or other infrastructure are built and accepted by the City, no right-of-way or other dedicated areas can be used to store or place any solid waste or solid waste container.
16. Applicant shall have a NO PARKING; NO OVERNIGHT PARKING signage or similar along any joint/shared roadway access. Therefore, the developer needs to address with signage on their portion of the roadway.
17. The applicant shall apply for a Business Tax Receipt (BTR) before or after a Certificate of Occupancy is issued. BTR's can be applied for at City Hall in person. Please contact the BTR Analyst at (386) 878-8559 for additional information.
18. Prior to the construction, the applicant shall have an approved TIA with Volusia County, and if applicable, have an approved proportionate fair share agreement executed and recorded.

H. CERTIFICATE OF CONCURRENCY:

Concurrency requirements, pursuant to the City's Comprehensive Plan and Land Development Code, have been reviewed and are determined to be sufficient. The Certificate of Concurrency is achieved by issuance of this Development Order and shall remain valid for the duration of this Development Order. However, concurrency is not vested and, should the project fail to meet concurrency requirements at the time a building permit application is made, the

permit may not be issued. If a proportionate fair share agreement is required, and applicable fees are paid, traffic shall be vested.

I. LIMITATIONS:

1. This Development Order authorizes development within the City of Deltona, as specified herein. Any deviation from or modifications of the development authorized by this Development Order must be submitted to the Department of Planning and Development Services for appropriate review and, if warranted, approval.
2. This Development Order does not confer vested rights to development after the expiration date, specified herein. This Development Order authorizes the issuance of permits and is not a substitute for any required permit. This Development Order does not eliminate or substitute obligations to comply with all applicable City codes or ordinances, or for compliance with any other required federal, state, regional, or local permits.
3. As part of the inspection and acceptance of project infrastructure, the Fire Prevention Division shall determine if the accessibility for a fire apparatus is met, as per a Final Site Plan, and any corrective measures necessary shall be completed prior to the issuance of a Certificate of Occupancy.
4. Where underground water mains and hydrants are to be provided, they shall be installed, completed, and in service prior to commencing construction work on any structure. (NFPA 1, Fire Code, 2021 Edition, Section 16.5.3.1.3).
5. A water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material accumulates on site. There shall be no delay in the installation of fire protection equipment. (NFPA 1, Fire Code, 2021 Edition, Sections 16.5.3.1.1 and 16.5.3.1.2).
6. No vertical construction or storage of combustible material on-site shall be permitted, until fire hydrants are installed, inspected, flow tested and approved by the Fire Prevention Division. Fire flows shall be conducted during peak demand hours, as determined by the Fire Department.

7. Buildings undergoing construction, alteration, or demolition operations, shall comply with NFPA 1, Fire Code, as amended, Sections 16.1, 16.4 and 16.5 and NFPA 241, Standard for Safeguarding Construction, Alteration, and Demolition Operations, 2018 Edition.
8. The DelNorth Utility Department shall be notified to witness tapping of water lines for hydrants and the inspection of hydrant connections and piping. All hydrants and installations shall meet Volusia County specifications.
9. Requirements for Projects with NPDES Permits: It will be the responsibility of the contractor(s) to ensure that all required permits are obtained and are in hand at the job site prior to commencement of construction. The contractor shall abide by all conditions contained therein. Permits included (but not necessarily limited to) are:
 - FDEP and St. Johns River Water Management District permits
 - Local right-of-way use permits
 - NPDES General Stormwater Permit
 - USF&W and FWC environmental permits

Copies of the Notice of Intent (NOI) acknowledgement letter from FDEP with permit number and a copy of the Stormwater Pollution Prevention Plan (SWPPP) must be sent to the following address prior to commencing construction:

NPDES Inspector
201 Howland Blvd.
Deltona, Florida 32738

10. A copy of the NOI or letter from the FDEP confirming coverage under the State of Florida Construction Generic Permit shall be posted at the construction site in a prominent place for public viewing, in compliance with Part III (C)(2) of the State of Florida Construction Generic Permit.
11. Perimeter soil and erosion controls and controls for sensitive areas that conform to Best Management Practices (BMPs) must be installed prior to land clearing/disturbing activities. The contractor is to continually maintain, at his/her expense, any and all erosion prevention systems, material management, and waste management needed to ensure that project construction will limit the exposure of these materials to stormwater and that construction will not cause

any water quality degradation or violations to on-site or off-site properties, water bodies, ponds, lakes, or wetlands. No direct discharge of unfiltered water to downstream receiving waters will be allowed and discharge water shall be routed in such a manner as to adequately remove silt prior to runoff from the site. The proposed BMP controls shall conform to federal, state, and local requirements or manual of practice, as applicable. The contractor shall implement additional controls as directed by permitting agency or owner. Wash-out areas shall be clearly delineated with silt fence, utilized, inspected daily, and maintained.

12. The contractor shall be responsible for performing weekly inspections of the SWPPP erosion controls and completing the Inspection Forms. Copies of these reports shall be maintained at the project site and made available to the City NPDES Inspector, upon request.

13. The limits of disturbance have been provided to the contractor on the construction plan. Unless otherwise directed by the owner or engineer, the contractor is expected to contain all construction activities within these limits. At no time shall the contractor disturb surrounding properties or travel on surrounding properties without written consent from the property owner. Any repair or reconstruction of damaged areas in surrounding properties shall be repaired by the contractor on an immediate basis. All repairs shall be the responsibility of the contractor, and no extra compensation shall be provided.

A. All Florida Department of Environmental Protection application forms submitted to the City or Deltona Water must bear original signatures and seal of the engineer of record (EOR). Two (2) sets of signed and sealed construction plans are required for City records.

B. Two (2) sets of as-built plans signed and sealed by the EOR, and a certification of construction letter from the EOR certifying that construction has been completed in substantial accordance with the approved plans and specifications must be submitted to the City/Deltona Water prior to final project inspections being performed of the completed project. Any deviations or modifications from the approved plans and specifications

must be noted by the EOR in the certification letter and indicated on the as-built plans as applicable.

- C. The Site Engineering Permit/Inspection Placard shall be posted with the Building Permit and inspections performed by the applicable City Departments, as noted on the permit. It is the responsibility of the owner/developer and/or contractor to ensure that inspections are requested and performed as appropriate for the project.
- D. A copy of the St. Johns River Water Management District Environmental Resource Permit (District), or letter from the District exempting site from permitting requirements, shall be provided to Public Works/Engineering prior to construction of any stormwater system improvements. Upon completion of construction, the EOR shall also submit a copy of the executed District certification of construction form.

Planning & Dev. Services Director or Designee

Date Approved

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2025, by the **Director of Planning and Development Services**, who is personally known to me and who did not take an oath.

Notary Public Signature

(Notary Stamp)