

Document Prepared By:

Robert A. Merrell III, Esquire
Cobb Cole
149 S. Ridgewood Ave. Suite 700
Daytona Beach, FL 32114

Return Recorded Document To:

City of Daytona Beach Records Clerk
P.O. Box 2451
Daytona Beach, FL 32115-2451

**SECOND AMENDMENT TO SOFRAN ECKERDS
PLANNED DISTRICT AGREEMENT**

THIS SECOND AMENDMENT TO SOFRAN ECKERDS PLANNED DISTRICT AGREEMENT (Second Amendment) made and entered into by and between the **CITY OF DAYTONA BEACH, FLORIDA**, a Florida municipal corporation located in Volusia County, Florida (City), **165 KELLEY STREET, LLC**, a Foreign limited liability company, located at 1330 Beville Road, Daytona Beach, FL 32114, the record title property owner of a portion of the property within the Sofran Eckerds Planned District Agreement ("Owner"), and **SUPER SUDS CARWASH OF DAYTONA, LLC**, a Florida limited liability company, located at 1330 Beville Road, Daytona Beach, FL 32114 ("Developer"), constitutes the Second Amendment to the Sofran Eckerds Planned District Agreement.

WHEREAS, the City and Sofran Company entered into a the Sofran Eckerds Planned Commercial Development Agreement, recorded in Official Records Book 4625, Page 948, Public Records of Volusia County, Florida (the "PD Agreement"); and

WHEREAS, Sofran entered into the First Amendment to the Sofran Eckerds PCD Agreement, recorded in Official Records Book 4942, Page 3318, Public Records of Volusia County, Florida (the "First Amendment"); and

WHEREAS, Sofran Group transferred a portion of the property subject to the terms of the PD Agreement (the "Property") to the TML, LLC; and

WHEREAS, the TML, LLC Transferred the Property to 165 Kelley Street, LLC; and

WHEREAS, Sofran Group transferred the remainder of the property subject to the terms of the PD Agreement to AMBA Estates Daytona Beach FL, LLC, located at 30 Compass Isle, Fort Lauderdale, FL 33308 ("AMBA"); and

WHEREAS, this Second Amendment affects only that portion of the Property owned by 165 Kelley Street, LLC; and

WHEREAS, the Developer proposes to amend the PD Agreement as set forth herein; and

WHEREAS, Owner and Developer are in agreement with the amendment; and

WHEREAS, the City is willing to grant the Developer's request, subject to the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the City and the Developer, and any successors and assigns, hereby agree to amend the PD Agreement as follows:

Section 3.b. of the PD Agreement is amended to read, in its entirety as follows:

b) Use: The Property will be developed with two (2) buildings as illustrated on the Civil Site Design drawings and the Dimension Plan labeled as Composite Exhibit "B" or Composite Exhibit "B-1" both of which are by reference incorporated into the terms and provisions of this Agreement. As indicated on the Amended Composite Exhibit "B", the westerly building on the PCD Property has been developed as a drug store. If the easterly building on the Property is developed as a ~~self serve~~ full service car wash with related facilities and landscaping, it shall be developed as illustrated on Composite Exhibit "B-~~1~~2". If the eastern building is developed as a facility for retail sales, bank restaurant of no more than 2,000 square feet, professional services, medical services, or personal services it shall be developed as illustrated on Composite Exhibit "B". The permitted restaurant shall be one that does not generate exterior cooking odors. It is intended that the permitted restaurant will be small in size offering food products that are packaged or cooked elsewhere and assembled at the restaurant. An example of the type of restaurant allowed would be a sub-sandwich shop. An example of the type of restaurant not allowed would be a fast food restaurant such as McDonalds hamburgers or a restaurant cooking food such as Barbecue on premises. Due to the small size of the restaurant and the limited menu it may offer, the restaurant will generate a relatively low volume of traffic.

Exhibit "B-1" shall be replaced with the Exhibit "B-2" attached hereto.

Section 3.c. of the PD Agreement is amended to read, in its entirety as follows:

c) Building Styles and Colors: The building style and colors of Eckerds (Building 1) shall be as illustrated on the Architectural drawing prepared by Lyman, Davidson, Dooley which is attached as Exhibit "C" and by reference incorporated herein. ~~Building 2 shall be designed so as to be architecturally compatible with the Eckerds design.~~ Consistent exterior materials and colors shall be utilized throughout the development. The building style and colors of Supersuds (Building 2) shall be illustrated as shown in the architectural elevations included in Exhibit "C-2" and shall comply with the architectural and design standards for major city thoroughfares, provided in Section 6.12.C. of the LDC.

Exhibit "C-1" shall be amended consistent with the Exhibit "C-2" attached hereto.

Section 5. Building Square Footage shall be revised to read, in its entirety as follows:

Building Square Footage:

- | | | |
|----|-------------------------------|----------------------------------|
| b) | Building 1 (Eckerds) | 11,200 Sq. Ft. Gross Bldg. |
| | Building 2 (Supersuds) | 4,500 Sq. Ft. Gross Bldg. |

NO OTHER MODIFICATIONS

Except as otherwise expressly provided for herein, the Sofran Eckerds PCD Agreement and First Amendment shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have set their hands, this ____ day of _____, 2018.

(Remainder of Page Intentionally Left Blank)

Signed, sealed and delivered in the presence of:

**THE CITY OF DAYTONA BEACH
FLORIDA, a Florida municipal
corporation**

By: _____
Derrick L. Henry, Mayor

Printed Name of Witness 1

Attest:

By: _____
Letitia LaMagna, City Clerk

Printed Name of Witness 2

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2018 by DERRICK L. HENRY and LETITIA LAMAGNA, Mayor and City Clerk, respectively, of The City of Daytona Beach, Florida, a chartered municipal corporation, on behalf of the City. They are personally known to me and did not take an oath.

Notary Public
Commission No: _____

Signed, sealed and delivered in the presence of:

165 KELLEY STREET, LLC, a Foreign limited liability company

By: _____

Name:

Title:

Printed Name of Witness 1

Date: _____

Printed Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2018 by _____ as _____ of 165 KELLEY STREET, LLC, a Foreign limited liability company, referred to in this agreement as "Owner." He is personally known to me or produced _____ as identification and did not take an oath.

Notary Public
Commission No: _____

Signed, sealed and delivered in the presence of:

SUPER SUDS CARWASH OF DAYTONA, LLC, a Florida limited liability company

By: _____

Name:

Title:

Date: _____

Printed Name of Witness 1

Printed Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2018 by _____ as _____, of Super Suds Carwash of Daytona, LLC, a Florida limited liability company, referred to in this agreement as "Developer." They are personally known to me or produced _____ and _____ as identification and did not take an oath.

Notary Public
Commission No: _____

Approved as to legal form:

By: _____
Robert Jagger, City Attorney

Composite Exhibit B-2

SUPERSUDS CAR WASH

CITY OF DAYTONA BEACH - VOLUSIA COUNTY, FL

PLANNED DEVELOPMENT-GENERAL

DEV2018-076



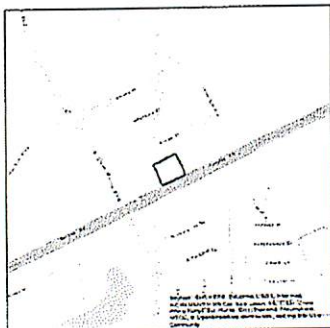
ZEV COHEN & ASSOC., INC.
 1301 S. AGULSHINE
 ST. AUGUSTINE, FL 32086
 (386) 677-2402
 (386) 677-2505 (FAX)
 CONTACT: JUSTIN BARTON, P.E.
 e-mail: jbarton@zevcohen.com

CLIENT: BRIAN BRIGGS
 13127 BRIDGEPORT CROSSING
 LAKEWOOD RANCH FL 32411
 (803) 396-5827
CONTACT: BRIAN BRIGGS
 e-mail: brian.briggs@mb3companies.com

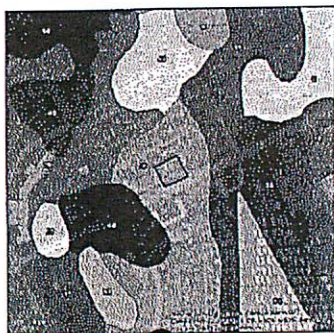
CIVIL ENGINEER: ZEV COHEN & ASSOC., INC.
 300 INTERCHANGE BOULEVARD
 ORMOND BEACH, FL, 32174
 (386) 677-2432
 (386) 677-2505 (FAX)
CONTACT: JUSTIN BARTON, P.E.
 e-mail: jbarton@zevcohen.com

ENVIRONMENTAL ENGINEER: ZEV COHEN & ASSOC., INC.
 300 INTERCHANGE BOULEVARD
 ORMOND BEACH, FL, 32174
 (386) 677-2402
 (386) 677-2505 (FAX)
CONTACT: BILL LUTES
 e-mail: bill@zevcohen.com

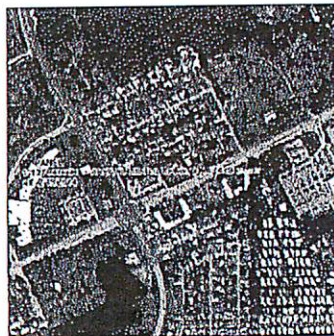
SURVEYOR: WILBERT JR. LAND SURVEYING, INC.
 P.O. BOX 1497
 ORMOND BEACH, FL 32175
 (386) 676-9056
CONTACT: ANDY WILBERT
 e-mail: wilbertsurveying@cfl.rr.com



VICINITY MAP
 SCALE: 1" = 300'

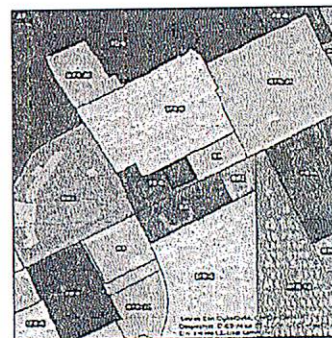


SOILS MAP
 SCALE: 1" = 300'
 THE SITE LIES WITHIN THE FOLLOWING VOLUSIA COUNTY SOIL CLASSIFICATIONS:
 49 POVONA FINE SAND (R/E)
 20 POVONA FINE SAND - DEPRESSIONAL (R/D)
 33 POCPAN-PLAINS COMPLEX (A/P)



FLOOD ZONE MAP
 SCALE: 1" = 300'

THE PROPERTY LIES IN:
 FLOOD ZONE X-AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN
 FEMA MAP 12127C0356H REVISED FEBRUARY 10, 2014



ZONING MAP
 SCALE: 1" = 300'

CURRENT ZONING FOR THIS SITE IS: PD-G

LEGAL DESCRIPTION:

PROPERTY DESCRIPTION (PROVIDED BY CLIENT)

PARCEL 1 (SEE SIMPLE):

A PORTION OF LOTS 2 AND 3, CASCADE PARK, AS RECORDED IN MAP BOOK 40, PAGE 6, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AS DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF SAID LOT 3 AS THE POINT OF BEGINNING, RUN SOUTH 64°21'43" WEST ALONG THE NORTH LINE OF SAID LOTS 2 AND 3, A DISTANCE OF 223.10 FEET; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 25°42'23" EAST, A DISTANCE OF 237.18 FEET TO 5/8" INCH IRON ROD LOCATED ON THE NORTH RIGHT-OF-WAY LINE OF BEVILLE ROAD (S.R. NO. 400), A VARIABLE WIDTH RIGHT-OF-WAY AS SHOWN ON THE DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR S.P. 483 (CLYDE MORRIS BOULEVARD) AND S.R. NO. 406 (BEVILLE ROAD) SECTION 78001-2511; THENCE NORTH 67°00'00" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 123.92 FEET; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE NORTH 64°22'40" EAST, A DISTANCE OF 103.15 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE NORTH 23°38'00" WEST ALONG THE EAST LINE OF SAID LOT 3, A DISTANCE OF 214.70 FEET TO THE POINT OF BEGINNING.

PARCEL 2 (EASEMENT):

NON-EXCLUSIVE EASEMENT RIGHTS FOR INGRESS AND EGRESS AS MORE PARTICULARLY SET FORTH IN THAT CERTAIN DECLARATION OF RECIPROCAL EASEMENTS AND RESTRICTIVE COVENANTS, RECORDED IN OFFICIAL RECORDS BOOK 4358, PAGE 2343, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

PROJECT DESCRIPTION:

THE PROPOSED PROJECT CONSISTS OF THE DEMOLITION OF THE EXISTING SELF-SERVICE CARWASH. A NEW FULL SERVICE CAR WASH BUILDING WILL BE CONSTRUCTED TOTALING 4,189 SF. SITE IMPROVEMENTS INCLUDE ADDITIONAL PARKING AND STORMWATER IMPROVEMENTS.

SITE INFORMATION:

SITE ADDRESS : 1330 BEVILLE ROAD

TAX PARCEL ID : 5330-08-00-0030

EXISTING ZONING : PD-G

PROPOSED ZONING : PD-G

EXISTING USE : SELF SERVE CAR WASH

PROPOSED USE : FULL SERVICE CAR WASH

PROPERTY AREA : 1.12 AC

EXISTING BUILDING AREA : 3,850 SF = 0.088 AC

PROPOSED BUILDING AREA : 4,485 SF = 0.103 AC

PROPOSED BUILDING HEIGHT : 22'-8"

EXISTING IMPERVIOUS AREA : 0.75 AC

PROPOSED IMPERVIOUS AREA : 0.75 AC

EXISTING PERVIOUS AREA : 0.37 AC

PROPOSED PERVIOUS AREA : 0.37 AC

EXISTING LANDSCAPE AREA : 16,100 SF

PROPOSED LANDSCAPE AREA : 16,137 SF

PLANNED DEVELOPMENT SHEET INDEX:

- PD-1 COVER SHEET
- PD-2 EXISTING CONDITIONS
- PD-3 OVERALL DEVELOPMENT PLAN
- PD-4 LANDSCAPE PLAN

UTILITIES:

POTABLE WATER, FIRE PROTECTION, AND SEWER SYSTEMS WILL UTILIZE EXISTING SYSTEMS AND CONNECTIONS IN ACCORDANCE WITH CITY OF DAYTONA BEACH LAND DEVELOPMENT CODE.

STORMWATER:

ON-SITE STORMWATER MANAGEMENT AND TREATMENT WILL BE CONSTRUCTED IN ACCORDANCE WITH CITY OF DAYTONA BEACH LAND DEVELOPMENT CODE.

EXHIBIT - B

SUPERSUDS CAR WASH
 1330 BEVILLE ROAD
 PD-G MASTER PLAN

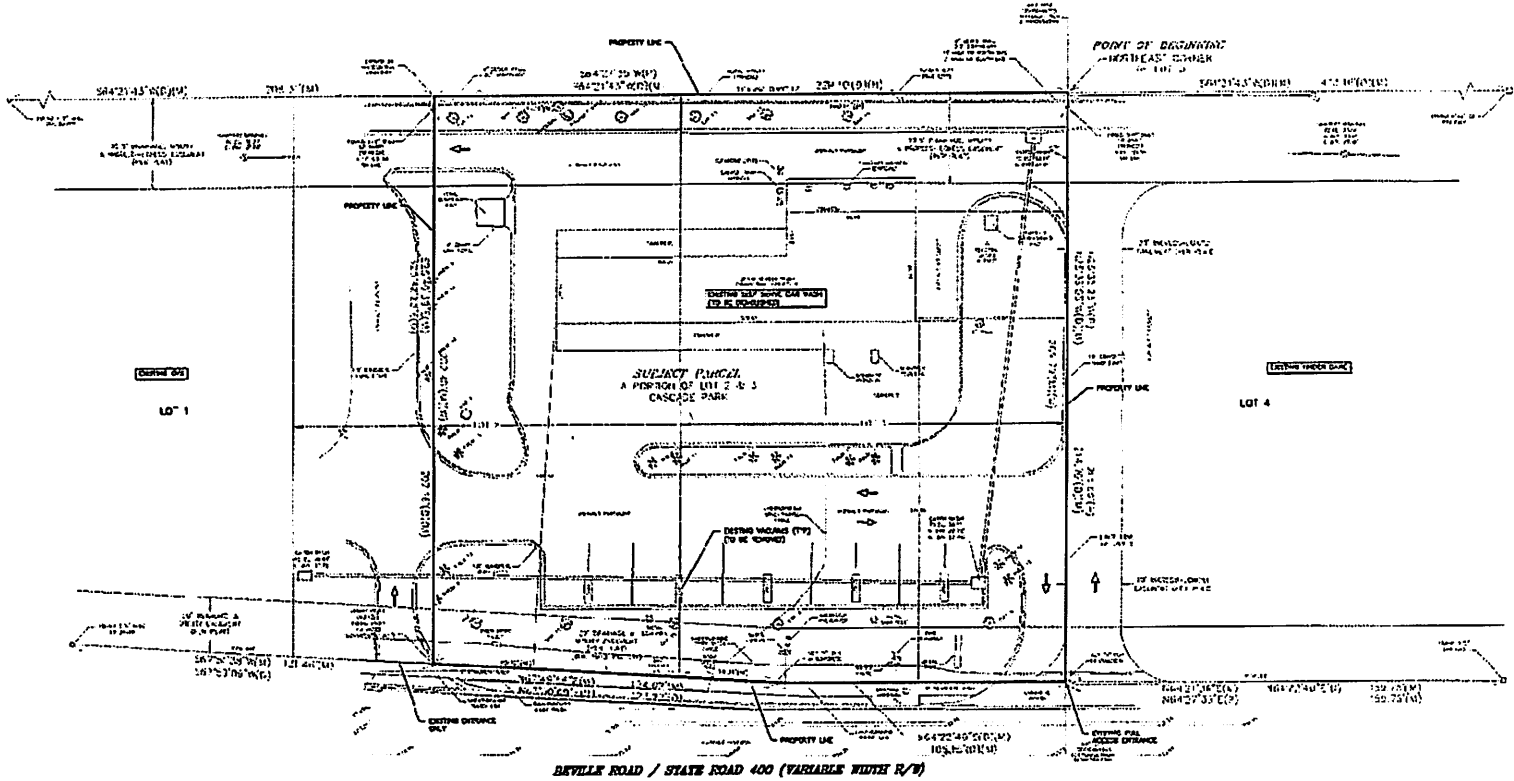
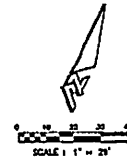
COVER SHEET

PROJECT NO.:	
DATE:	
DESIGNED BY:	
CHECKED BY:	
DATE:	
SCALE:	
DATE:	
SCALE:	
DATE:	

sheet PD-1 of 4

BLOCK 13, INDECREST
 SUBMISSION UNIT 2
 (A.S. 27, P.O. 215)

DEV2018-076



GRANDDAD BEACH
 SUPERSTARS WITH
 OPERATING PARTNERSHIP
 2775 JAWOLINE
 OVERLAND PARK, KS 66211
 ENGINEER
 PROJECT NO. 18-001
 DATE: 11/20/18

1	
2	
3	
4	
5	

SUPERSUBS CAR WASH
1330 BEVILLE ROAD
PD-C MASTER PLAN
EXISTING CONDITIONS

PROJECT NO.	18-001
CLIENT	Supersubs
DATE	11/20/18
SCALE	AS SHOWN
PROJECT	EXISTING CONDITIONS

DATE	11/11/08
BY	STC
CHECKED BY	STC
SCALE	AS SHOWN
PROJECT NO.	2008-001
PROJECT NAME	1330 BEVILLE ROAD
OWNER	STC
DESIGNER	STC
DATE	11/11/08
BY	STC
CHECKED BY	STC
SCALE	AS SHOWN
PROJECT NO.	2008-001
PROJECT NAME	1330 BEVILLE ROAD
OWNER	STC
DESIGNER	STC

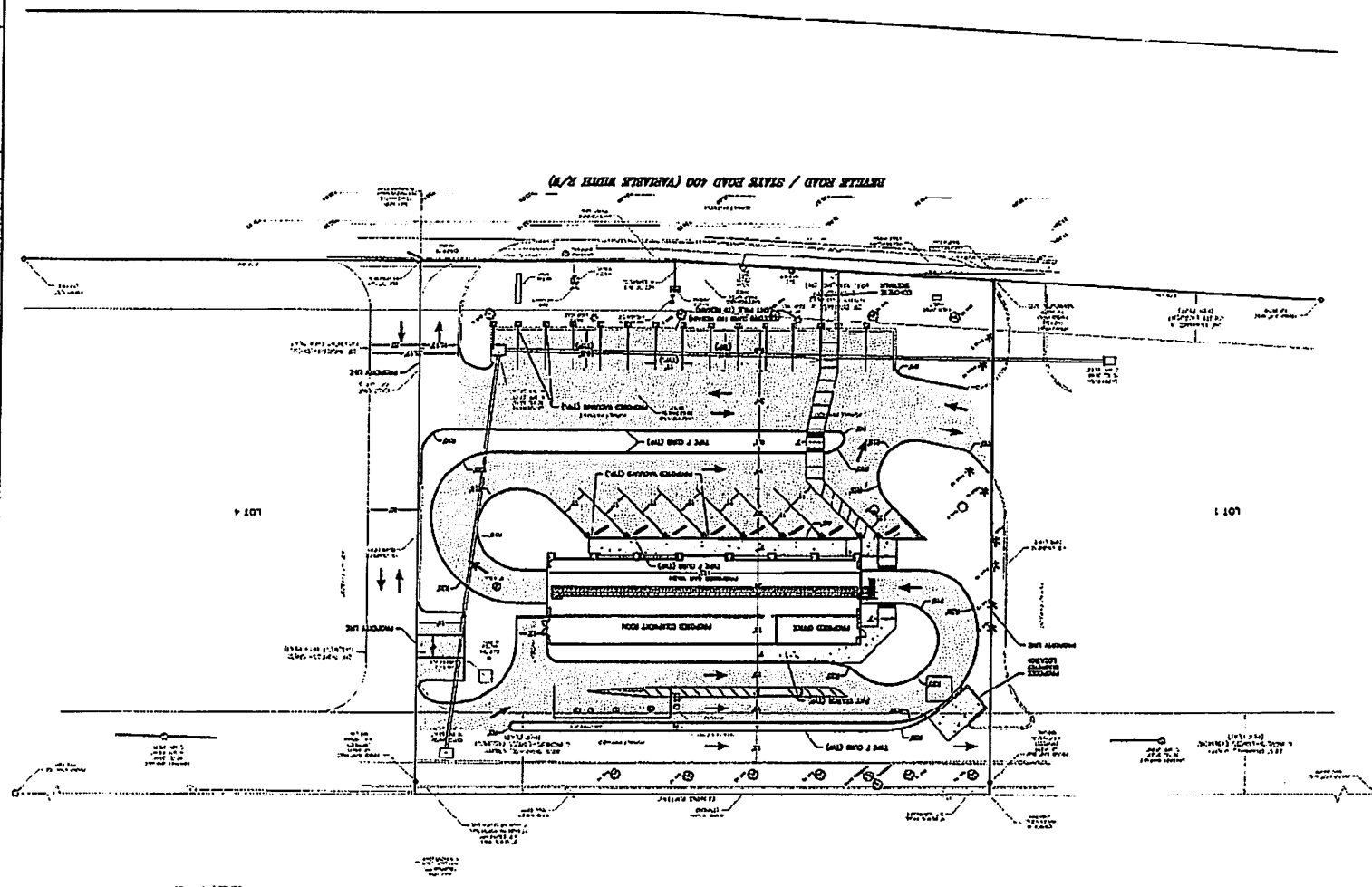
SUPERSUDS CAR WASH
1330 BEVILLE ROAD
PD-G MASTER PLAN
SITE LAYOUT PLAN

NO.	1	EXISTING DRIVE
NO.	2	EXISTING DRIVE
NO.	3	EXISTING DRIVE
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NO.	100	EXISTING DRIVE

AMANDA JENSEN
 PROJECT MANAGER
 STC
 1330 BEVILLE ROAD
 SUITE 100
 FORT WORTH, TEXAS 76104
 TEL: 817-339-1111
 FAX: 817-339-1112
 WWW.STC.COM

ZEV COHEN
 ARCHITECT
 1000 WEST 19TH AVENUE
 SUITE 100
 FORT WORTH, TEXAS 76102
 TEL: 817-339-1111
 FAX: 817-339-1112
 WWW.ZEVCOHEN.COM

DEV2018-076



BLOCK 13, RECONSTRUCT
 SUBMISSION PART 2
 (M.D. 27, P.O. 210)

LEGEND

1. Proposed Site Boundary
2. Existing Site Boundary

LANDSCAPE BUFFER REQUIREMENTS

Buffer Type	Minimum Buffer Width (ft)	Minimum Buffer Height (ft)	Minimum Buffer Depth (ft)
Street	10	6	10
Other	5	3	5

MINIMUM SITE TREES

Plant Species	Quantity
...	...

INTERIOR LANDSCAPE REQUIREMENTS

Plant Species	Quantity
...	...

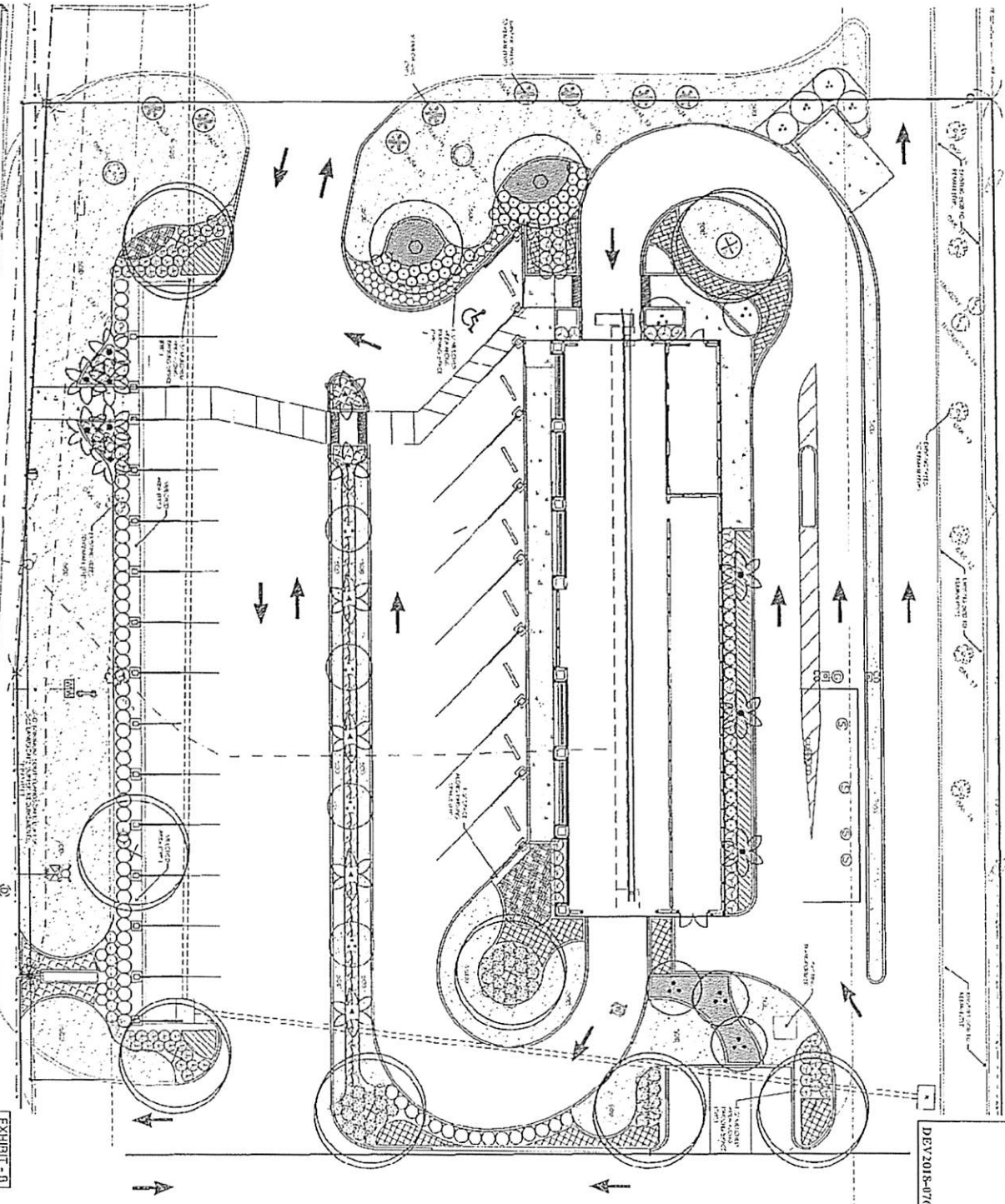


EXHIBIT-B

DEV2015-076

<p>SUPERSUDS CARWASH 1330 BEVILLE ROAD PD-G MASTER PLAN LANDSCAPE PLAN</p>		<p>NO DATE SUBMITTED FOR REVIEW</p>	<p>ENGINEERING LANDSCAPE ARCHITECTURE SURVEYING PLANNING TRANSPORTATION</p>	 <p>ZEV COHEN & ASSOCIATES, P.C. 1000 W. 15th Street, Suite 200 Tulsa, Oklahoma 74107 www.zevcohen.com</p>
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Composite Exhibit C-2

LEGEND.

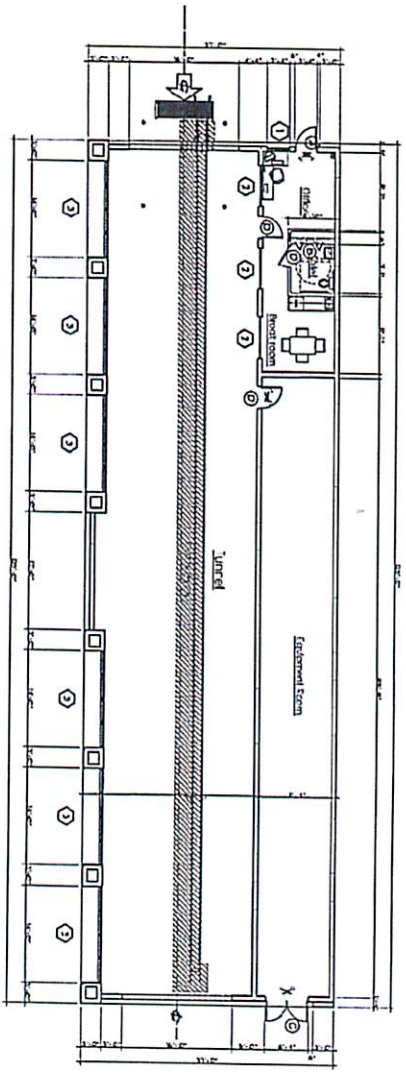
- ① GENERAL CONSTRUCTION NOTE
- ② ROOM SERIAL
- ③ FLOOR SERIAL
- ④ ROOM/AREA SYMBOL

LIFE SAFETY LEGEND.

- ① DOOR, OPEN BY PULLING HANDLE
- ② DOOR, OPEN BY PUSHING HANDLE
- ③ DOOR, OPEN BY TURNING HANDLE
- ④ DOOR, OPEN BY TURNING HANDLE AND PUSHING HANDLE
- ⑤ DOOR, OPEN BY TURNING HANDLE AND PULLING HANDLE
- ⑥ DOOR, OPEN BY TURNING HANDLE AND PUSHING HANDLE AND PULLING HANDLE
- ⑦ DOOR, OPEN BY TURNING HANDLE AND PULLING HANDLE AND PUSHING HANDLE
- ⑧ DOOR, OPEN BY TURNING HANDLE AND PULLING HANDLE AND PUSHING HANDLE AND PULLING HANDLE

DOOR AND WINDOW
① 3'-0" x 6'-0" HOLLOW METAL DOORS w/ HOLLOW METAL FRAMES
② 0'-11" x 6'-0" HOLLOW METAL DOORS w/ HOLLOW METAL FRAMES
③ 3'-0" x 6'-0" HOLLOW METAL DOORS w/ HOLLOW METAL FRAMES
④ 3'-0" x 6'-0" HOLLOW METAL DOORS w/ HOLLOW METAL FRAMES

WINDOW AND GLAZING
① 3'-0" x 4'-0" FIXED
② 6'-0" x 4'-0" FIXED
③ 3'-0" TILT AND TURN WINDOW

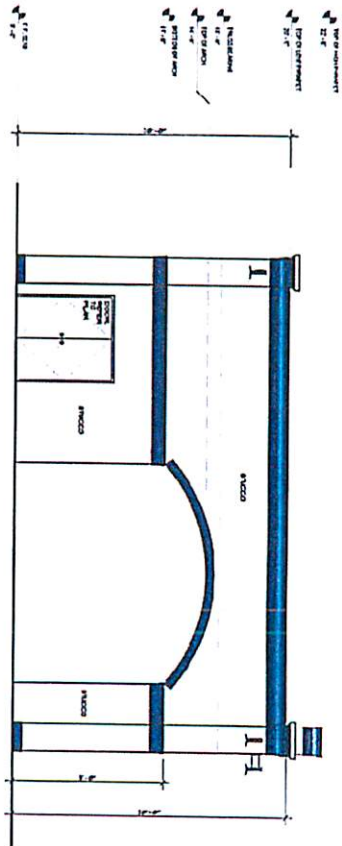


FLOOR PLAN
SCALE: 1/8" = 1'-0"



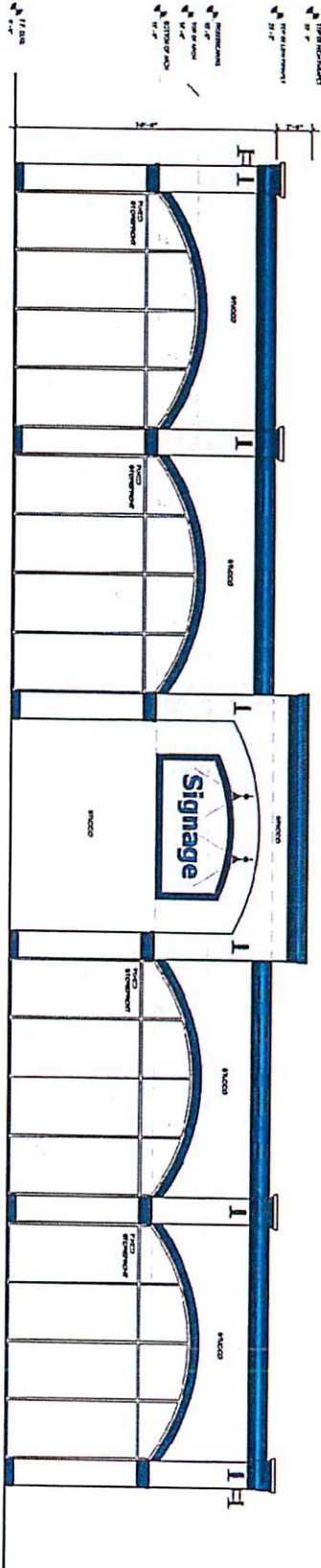
THIS DOCUMENT IS THE PROPERTY OF ARCHITECTONICS ARCHITECTS, P.L.L.C. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

	<p>Floor Plan</p> <p>Project No. 2318-030C Date: May 2, 2018</p>	<p>Super Suds</p> <p>New Construction 1330 Beville Road Daytona Beach, Florida</p>	<p>1101 N. US Highway 1 St. Petersburg, FL 33704 Tel: 727-323-5674 www.architectonicsuda.com</p>
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LEFT ELEVATION

SCALE: 1/8" = 1'-0"



FRONT ELEVATION

SCALE: 1/8" = 1'-0"

ELEVATION NOTES:

1. REFER TO ARCHITECTURAL SPECIFICATIONS FOR MATERIALS AND FINISHES.
 2. REFER TO ARCHITECTURAL SPECIFICATIONS FOR MATERIALS AND FINISHES.
 3. REFER TO ARCHITECTURAL SPECIFICATIONS FOR MATERIALS AND FINISHES.

ARCHITECT & ENGINEER: THE ARCHITECTURAL GROUP, INC.
 1300 N. W. 10th Street, Suite 200, Ft. Lauderdale, FL 33304
 (954) 581-1111

a2.1



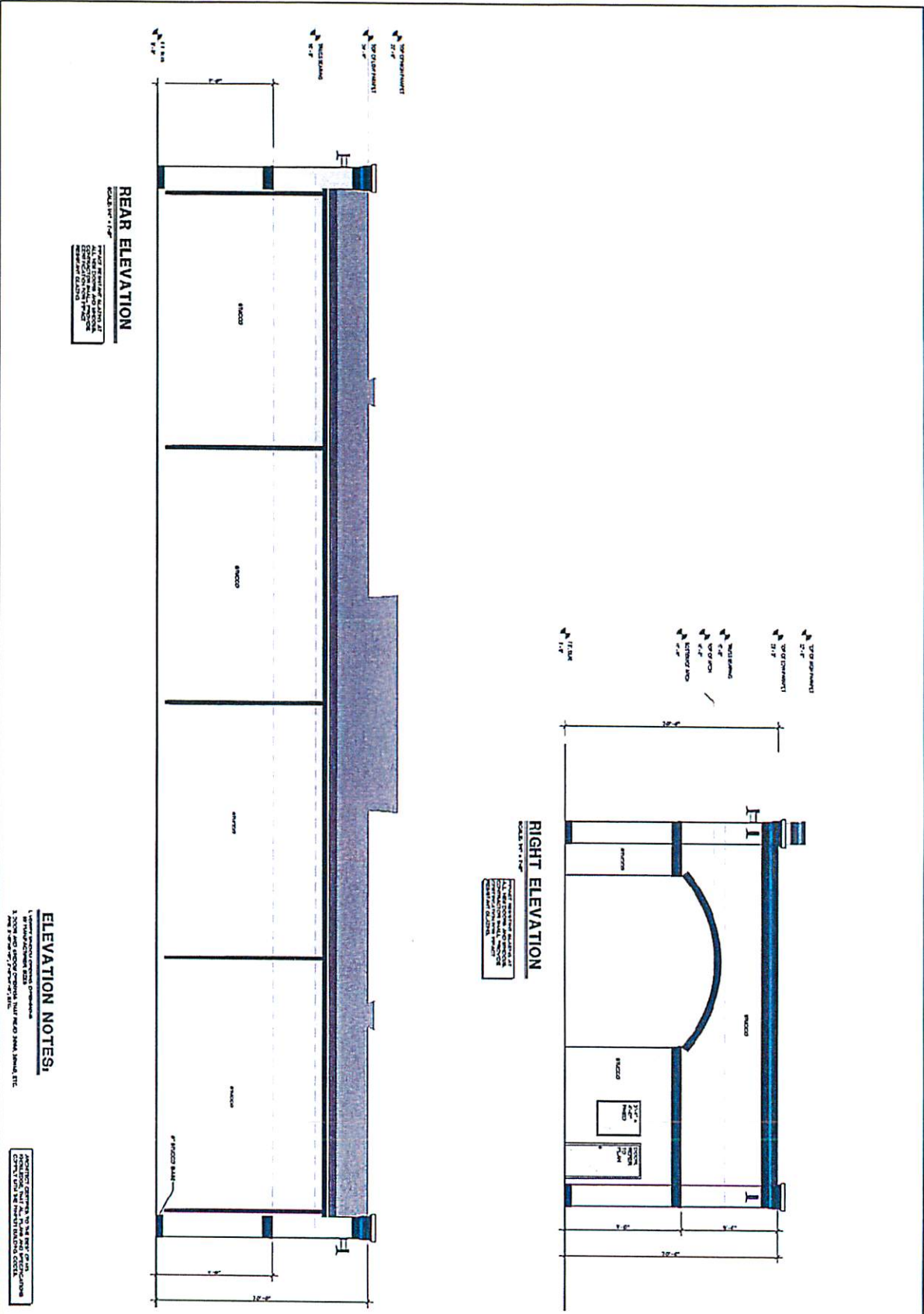
Elevations	
Project No.	2010-0330
Date	May 2, 2010
Scale	

Super Suds
 New Construction
 1330 Beville Road
 Daytona Beach, Florida

ARCHITECTONICS
 architects • planners

LIC. # AA-0003347
 2500 Dr. M.L.K. Jr. Street 11, Suite 600,
 Ft. Lauderdale, FL 33304
 (954) 327-3333-5074
 www.architectonics.com

St. Petersburg, FL 33704
 (727) 323-5823
 www.architectonics.com



22.2

Elevations

Project No. 2318-03-02
Date: May 2, 2019

Super Suds
New Construction
1330 Deville Road
Daytona Beach, Florida

ARCHITECTONICS STUDIOS
architects + planners

Lic. # AA 0023347
2500 Dr. MLK Jr. Blvd #1100, Ft. Lauderdale, FL 33301
Tel: 754-323-5811
www.architectonicsstudios.com