



CITY OF DELAND
SPECIAL MEETING OF THE CITY COMMISSION
JANUARY 31, 2022 AT 6:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

AGENDA

CALL TO ORDER

ROLL CALL

NEW BUSINESS

1. First Reading of Ordinance Changing the Zoning of Approximately 167.65 Acres of Property, Located North of East Beresford Avenue (C.R. 4112), East of South Boston Avenue and West of South Hill Avenue (C.R. 4105), from R-1A (Single Family) to Beresford Reserve PD 1st Rdg. Cont'd from 5/3/21, 6/7/21, 7/19/21, 8/2/21 & 11/22/21.

ADJOURNMENT

CITY OF DELAND
Request for Commission Action
January 31, 2022

SUBJECT: First Reading of Ordinance Changing the Zoning of Approximately 167.65 Acres of Property, Located North of East Beresford Avenue (C.R. 4112), East of South Boston Avenue and West of South Hill Avenue (C.R. 4105), from R-1A (Single Family) to Beresford Reserve PD 1st Rdg. Cont'd from 5/3/21, 6/7/21, 7/19/21, 8/2/21 & 11/22/21.

DEPARTMENT: Community Development

PREPARED BY: Rick Werbiskis, Community Dev. Director

ATTACHMENTS: Ordinance, Exhibit A- Legal Description, Exhibit B-Beresford Reserve PD, PD Exhibit A, PD Exhibit B, PD Exhibit C, PD Exhibit D, Density Analysis Map, Staff Report to Planning Board, Zoning and Location Map, Aerial

APPROVED BY: Michael Pleus, City Manager, January 26, 2022

SUMMARY/HIGHLIGHT:

The applicant, Mark Watts, Esq., Cobb Cole (for, Sandhill Enterprises, LLC, owner) has requested to amend the current zoning, from R-1A to Beresford Reserve (FKA Beresford Springs) PD. The name change was requested by the applicant after the Planning Board meeting. The property contains 167.65 acres located north of E. Beresford Avenue (C.R. 4112), east of S. Boston Avenue and west of S. Hill Avenue (C.R. 4105). The applicant wishes to amend the existing R-1A zoning to Beresford Reserve PD (Planned Development) to accommodate a new residential development with a mix of single-family detached, and single-family attached (town homes), with a public park in the northwest corner. The current zoning of R-1A allows for the development of single-family dwellings on 8,250 square foot lots.

After several continuations of First Reading, at the November 22, 2021 Commission meeting, the application was tabled to allow the applicant to work with staff to resolve the concerns raised by staff and the City Commission from the previous meetings. The Background section provides a summary of the latest proposal that reduces the total number of units to 597 units, relocates the HOA maintained pool amenity and eliminates the commercial component.

The application has been re-noticed to notify the public of this date that the project will be presented for City Commission consideration.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Institute Smart Growth Principles - Encourage redevelopment and quality growth that preserves the character of the city.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval subject to any changes requested by the City Commission.

BACKGROUND/DISCUSSION:

Through the previous hearings the City Commission asked the applicant to address the following comments:

1. Reduce the number of residential units for the entire project;
2. Retain a mixture of housing types, however consider removing the standard 40' wide lots;
3. Relocate/eliminate the commercial area away from the corner of Beresford Avenue and Boston Avenue; and
4. Create additional green or open space, throughout the project, but primarily new space in the southwestern portion of the project.

The original application contained a concept plan and development agreement requesting 861 total units. A second revision was submitted that included a total of 709 units. That concept plan converted the standard 40' wide lots to 50' wide lots for a total of 187 50' wide lots (previous total was 221 lots for both). The number of 60' wide lots were increased from 21 lots to 91 lots, primarily along the perimeter of the project. The rear loaded 40' wide lots remained at 79 lots because they provided an alternative to the typical single-family style dwelling. The northern multi-family section was changed from either 167 town homes or 289 multi-family units to solely 189 rental town homes. The town home section in the southwest corner increased from 151 to 163 units. Several expanded or new open space areas were provided in the south half of the development. A third concept plan was considered on November 22, 2021 that included the following revisions: (1) total number of residential units reduced to 615; (2) town houses were broken down to 154 for-sale units in the SW corner (reduced from 163) and 189 rental units in the northern section; (3) northeast park increased to 21.3 acres and is to be accessible to all city residents; (4) commercial area was relocated northerly next to amenity area, with a maximum amount of 20,000 sq. ft; (5) Open space (includes all parks) increased from 27.6 acres to approximately 50 acres; and (6) added multi-use trail along Beresford Avenue.

Latest Revisions

Since that last hearing, the applicant has submitted a revised agreement and concept plan on January 6, 2022 with the following revisions:

1. Total number of residential units has been reduced to 597.
2. HOA maintained pool amenity has been relocated southerly of the proposed public park.
3. Commercial area has been eliminated.

In addition, the City staff has added additional requirements into the development agreement. Following is a list of the more significant additional requirements:

1. No "mixing" of contaminated soils as a strategy for reducing contamination levels below clean up levels.
2. Requires the main park to be constructed, including environmental work, to be completed in the first phase of development.
3. Clarifies that all driveways in front loaded lots must be a minimum of 18 feet wide.
4. Provides that any costs associated with environmental clean up on the park will not be considered in calculating the parks and recreation impact fee credit due the developer.
5. Requires the developer to reimburse the city for the costs of independent environmental consultants.
6. Prohibits wells of any type on the property.
7. Provides a schedule within which all phases of the project must be commenced.

General Information

The subject property is located in the portion of the City that has been discussed as an appropriate area for infill type of development. The proposed mix of uses (residential and park land) are intended to complement the current mix of uses that are located throughout the surrounding area. The proposed rental style town homes help to address the housing availability issues facing the DeLand region.

The subject property is designated Low Density Residential on the Future Land Use map with a maximum density of 5.8 dwelling units per acre. The rezoning application, as revised (January 2022 version), is consistent with this category, with a proposed density of 3.53 units per acre. The existing zoning of R-1A allows for a density of 5.28 units per acre. The request is also inside the Urban Core Area of the 2050 Vision Plan which is the area recommended for the city's future infill growth.

An attachment to this agenda item provides a map of the residential dwelling unit densities for areas adjacent to the proposed project. These areas consist of residential development within both the city and the county. In addition, adjacent multi-family projects have also been identified.

ORDINANCE NO. 2022 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM CITY OF DELAND'S R-1A, SINGLE-FAMILY TO BERESFORD RESERVE PLANNED DEVELOPMENT (PD), ON PROPERTY LOCATED NORTH OF EAST BERESFORD AVENUE (C.R. 4112), EAST OF SOUTH BOSTON AVENUE AND WEST OF SOUTH HILL AVENUE (C.R. 4105); APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 167.65 ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Applicant, Mark Watts, Esq., on behalf of Sandhill Enterprises (hereinafter referred to as "Applicant"), the owner of approximately 167.65 +/- acres of land located north of east Beresford Avenue (C.R. 4112), east of south Boston Avenue and west of south Hill Avenue (C.R. 4105), which is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, the Applicant has applied for a change of zoning designation from City of DeLand's R-1A, Single Family to Beresford Reserve Planned Development (PD); and

WHEREAS, the Applicant wishes to amend the zoning to planned development to accommodate a new residential development with a mix of single-family detached and single-family attached (town homes), with a public park in the northwest corner; and

WHEREAS, said rezoning is consistent with both the Comprehensive Plan and the purpose and intent of Section 33-32 of the Code of Ordinances of the City of DeLand (the "Code"); and

WHEREAS, the Applicant has submitted an application for the approval of a development plan in order to amend the property zoning designation so as to change certain development standards for the property described in Exhibit "A" (hereinafter the "Property" or the "Project"); and

WHEREAS, the proposed development plan meets or exceeds the minimum conditions and standards for the PD District with respect to minimum development size, perimeter setbacks, comprehensive plan consistency, internal compatibility, external compatibility, open spaces, sidewalks, environmental constraints, internal access and circulation, external transportation access, off-street parking, public facilities and unified control; and

WHEREAS, the proposed development plan is consistent with the Low Density Residential land use designation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. The City Commission has held a public hearing to approve the change of zoning from City of DeLand's R-1A, Single-Family to Beresford Reserve Planned Development (PD) on the property located north of east Beresford Avenue (C.R. 4112), east of south Boston Avenue, and west of south Hill Avenue (C.R. 4105), consisting of approximately 167.65 +/- acres.

Section 2. Pursuant to the determination made at public hearing, the City Commission hereby amends the Comprehensive Zoning Map of the City to include the land described in Exhibit "A" as Beresford Reserve PD, Planned Development District.

Section 3. The zoning of the Property as PD, Planned Development District, is made pursuant to Section 33-32 of the Code and the development of the Property shall take place in accordance with that

Section and in substantial compliance with the Development Plan Agreement, Maps and other supporting documentation submitted by Applicant which shall be filed and retained for public inspection in the office of the City Planning Department and constitute a supplement to the official Zoning Map of the City.

Section 4. The approved Development Plan for Beresford Reserve PD, Planned Development District, including the Development Plan Agreement, Map and other supporting documentation (on file with the City Planning Department), are attached hereto as Exhibit “B” and by this reference made a part hereof.

Section 5. The failure of the approved Development Plan to address a particular permit, condition, term or restriction shall not relieve the Applicant of the necessity of complying with any law governing said permitting requirements, conditions, terms or restrictions, as same may be amended or enacted from time to time in the future. All current land development regulations of the City are applicable to the PD District except to the extent that they conflict with a specific provision of the approved Development Plan.

Section 6. At the time of development, the Applicant shall comply with all relevant building codes and development standards contained in the City’s Code of Ordinances or in the Development Plan; provided, however, that the development standards contained in the adopted Development Plan shall supersede comparable standards contained in the Code of Ordinances.

Section 7. Pursuant to Article 5 of the City’s Land Development Regulations, the Applicant shall comply with all applicable infrastructure regulations.

Section 8. The Planning Director is hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

Section 9. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 10. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this _____ day of _____, 2022.

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

ATTACHMENT A

LEGAL DESCRIPTION

DESCRIPTION FOR SOUTHRIDGE GOLF COURSE:

A PORTION OF BLOCKS 174, 175, 176, 177, 187, 188, 189, 190, 191, 192, 194, 215, 216, 217 and 218 OF THE "CORPORATION MAP OF THE CITY OF DELAND" RECORDED IN MAP BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND LOTS 1 THROUGH 60, SUNNYVIEW ADDITION, BEING A SUBDIVISION OF BLOCK 193, DELAND, FLORIDA, ACCORDING TO THE PLAT THEREOF, RECORDED IN MAP BOOK 4, PAGE 111, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 17 SOUTH, RANGE 30 EAST, RUN THENCE ALONG THE SOUTH LINE OF SAID SECTION 15, N 89°06'33" E, A DISTANCE OF 30.00 FEET, RUN THENCE N 01°16'11" W, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, POINT ALSO BEING ON THE EAST RIGHT OF WAY LINE OF SOUTH BOSTON AVENUE, THENCE RUN N 01°16'11" W ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 2437.96 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF EAST EUCLID AVENUE, THENCE RUN N 87°37'11" E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 2565.52 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SOUTH HILL AVENUE, THENCE RUN S 01°38'23" E ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 320.74 FEET, THENCE RUN S 89°06'19" W, A DISTANCE OF 115.00 FEET, THENCE RUN S 01°38'23" E, A DISTANCE OF 355.06 FEET, THENCE RUN S 89°06'19" W, A DISTANCE OF 10.00 FEET, THENCE RUN S 01°38'23" E, A DISTANCE OF 1829.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF EAST BERESFORD AVENUE, THENCE RUN S 89°06'33" W ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 566.28 FEET, THENCE RUN N 01°31'33" W, A DISTANCE OF 226.00 FEET, THENCE RUN S 89°06'33" W, A DISTANCE OF 208.00 FEET, THENCE RUN S 01°31'33" E, A DISTANCE OF 226.00 FEET, THENCE RUN S 89°06'33" W ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1681.99 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED PARCEL CONTAINING 138.72± ACRES.

TOGETHER WITH

(O.R. 6392 PAGE 0352)

ALL OF BLOCK 170 EXCEPT THE WESTERLY 440 FEET OF THE NORTH ONE-HALF AND EXCEPT THE WESTERLY 40 FEET OF THE SOUTH ONE-HALF AND EXCEPT THE SOUTHERLY 30 FEET; AND ALL OF BLOCK 171, EXCEPT THE WESTERLY 200 FEET OF THE SOUTHERLY 250 FEET AND EXCEPT THE SOUTHERLY 30 FEET, MAP OF THE CORPORATION OF THE CITY OF DELAND ACCORDING TO MAP IN MAP BOOK 2, PAGE 45, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND

(O.R. 6392 PAGE 0352)

WEST ½ OF BLOCK 172 OF DELAND, FLORIDA AS SHOWN IN MAP BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND

(O.R. 4157 PAGE 0210)

EAST ½ OF BLOCK 172, CORPORATION MAP OF CITY OF DELAND ACCORDING TO MAP IN MAP BOOK 2, PAGE 45, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; AND LESS AND EXCEPT THE SOUTH 25 FEET THEREOF.

"EXHIBIT B"

1 PLANNED DEVELOPMENT AGREEMENT

2 THE CITY COMMISSION

3 CITY OF DELAND, FLORIDA

4 IN RE: Z-20-105, Application of

5 ELEVATION SANDHILL, LLC

6 ORDINANCE # 2022-____

7
8 ORDER AND RESOLUTION

9
10 GRANTING A REQUEST FOR CHANGE OF ZONING FROM R-1A SINGLE-FAMILY

11 DWELLING DISTRICT TO BERESFORD RESERVE PD

12
13 The application of Elevation Sandhill, LLC, hereinafter, "Applicant", for rezoning
14 was heard by and before the City Commission, DeLand Florida, on _____, 202_.
15 Based upon the verified Application and other supporting documents, maps, charts,
16 overlays, other evidence and instruments; the advice, report, and recommendations of
17 the Community Development, and other Departments and agencies of DeLand, Florida;
18 and the testimony adduced and evidence received at the Public Hearing on this
19 Application by the Planning Board on March 17, 2021, and otherwise being fully advised,
20 the City Commission does hereby find and determine as follows:

GENERAL FINDINGS

A. That the application of Elevation Sandhill, LLC was duly and properly filed herein on July 22, 2020, 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 contract purchaser of a 167.36 +/- acre parcel of land which is situated in DeLand, Florida. 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 has complied with the concept plan provision as required by Land Development Regulations Ordinance No. 2013-11, as amended.

E. That the Applicant has complied with the "Due Public Notice" requirements of the City Commission, Land Development Regulations Ordinance No. 2013-11, as amended.

F. That the owner of the property, Sandhill Enterprises, LLC, agrees with the provisions of the Development Agreement.

FINDINGS REGARDING REZONING

A. That the Applicant has applied for a change of zoning from the present zoning classification of the parcel described in Exhibit "A" from R-1A Single-Family Dwelling District to Beresford Reserve PD.

B. That the said rezoning to a PD is consistent with both the City of DeLand Comprehensive Plan Ordinance No. 1990-04, as amended, and the intent and purpose of the City of DeLand Land Development Regulations Ordinance No. 2013-11, 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 CITY OF DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY COMMISSION CHAMBERS, 120 SOUTH FLORIDA AVENUE, DELAND, FLORIDA, THIS _____ DAY OF _____, A.D., 2022, AS FOLLOWS:

A. That the Application of Elevation Sandhill, LLC 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 R-1A Single-Family Dwelling District to Beresford Reserve PD as described in Article VII of the City of DeLand, Land Development Regulations Ordinance No. 2013-11, as amended.

C. That the Official Zoning Map of the City of DeLand, is hereby amended to show the rezoning of said parcel to Beresford Reserve PD.

"EXHIBIT B"

1 D. That the City of DeLand Land Development Regulations Ordinance No.
2 2013-11, as amended, is consistent with the provisions of the Beresford Reserve PD,
3 hereinafter "Development Agreement" as hereinafter set forth in this Ordinance and with
4 respect to any conflict between Land Development Regulations Ordinance No. 2013-11,
5 as amended, and the "Development Agreement", the provisions of the "Development
6 Agreement" shall govern. Ordinance No. 2013-11, as amended, shall govern with respect
7 to any matter not covered by the "Development Agreement." The City of DeLand, will
8 ensure overall compliance with this Ordinance.

9 E. Unless otherwise provided for herein the City of DeLand, Land
10 Development Regulations Ordinance No. 2013-11, as amended, shall apply to the PD in
11 the same manner as the R-1A, Single-Family Dwelling zoning classification.

12 F. Nothing in this Ordinance shall abridge the requirements of any City of
13 DeLand Ordinance other than Ordinance No. 2013-11, as amended. Timing and review
14 procedures contained in this Order and Resolution may be modified to comply with the
15 City of DeLand Land Development Regulations, Ordinance No. 2013-11, as amended.
16 Further, nothing in the Development Agreement is intended to abridge the requirements
17 of Ordinance No. 2013-11, as amended, and any other City Ordinances.

DEVELOPMENT AGREEMENT

A. Development Concept. The property shall be developed as a PD substantially in accordance with the Planned Development Plan. The Planned Development Plan shall govern the development of the property as a PD and shall regulate the future land use of this parcel.

1. Planned Development Plan. The Planned Development Plan for Beresford Reserve shall consist of the PD Concept Plan Map dated January 6, 2022 and this Development Agreement. The PD Concept Plan Map is hereby approved and incorporated by reference as Exhibit "B". The Planned Development Plan shall be filed and retained for public inspection in the Planning Department and it shall constitute a supplement to the Official Zoning Map of the City of DeLand.

2. Amendments. All amendments of the Planned Development Plan, other than those deemed by the Planning Department to be minor amendments as set out in Ordinance No. 2013-11, as amended, shall require the review and recommendation of the Planning Board and action by the City Commission in the same manner as a rezoning of the parcel. Minor modifications to this Planned Development Plan may be approved by the City Staff to accommodate issues that arise during the platting or site plan process so long as the modification does not add a new use nor increases the density or intensity permitted by this Development Agreement and Planned Development Plan.

3. Subdivision Approval. After the Planned Development Plan is recorded, and prior to any construction, including clearing and fill, a preliminary and/or a final plat of the area to be subdivided shall be submitted for review and approval in the manner required by Article 13 of the City of DeLand Land Development Regulations,

Ordinance No. 2013-11, as amended. The PD Concept Plan Map shall constitute a Sketch Plan for purposes of the Land Development Regulations of the City of DeLand.

4. Final Site Plan Approval. After the Planned Development Plan is recorded, and prior to issuance of any permits for construction, including clearing and fill, a final site plan shall be prepared and submitted for review and approval in the manner required by Article 12 of the City of DeLand, Land Development Regulations Ordinance No. 2013-11, as amended.

B. Unified Ownership. The Applicant or his successors shall maintain unified ownership of the subject parcel until after issuance of the final plat.

C. Phases of Development. The project may be developed in one or more phases. Phasing for the project may generally be provided per the attached Exhibit "C". Phases may be developed in any order. Mass-grading of the site may only occur over the development area included in a particular phase, as approved by the City during the subdivision review process, but not over the Tree Preservation Areas or any portion of the parcel not included within an approved phase. Clearing and grading may occur over areas not included within a particular phase if such clearing and grading activity is completed as part of the implementation of the Brownfield Site Rehabilitation Agreement. Mass-graded areas will be stabilized with vegetative cover.

Sales center, design center, model homes and construction trailers may commence construction upon approval of a preliminary plat and final construction plans and completion of a stabilized access to the sales center area for emergency vehicles and the provision of acceptable water supply for fire protection, and one of the following two options as approved by the City's Chief Building Official and the City Engineer where a temporary or final Certificate of Occupancy is requested prior to full City approval and

acceptance of the infrastructure:

1. There shall be potable water and a sewer tie-in as approved by the City Engineer for the buildings (this does not authorize a well or septic tank), or an ADA compliant fully self-contained temporary bathroom facility on site for each building to be used short term as determined by the Chief Building Official.

2. The public infrastructure serving the buildings has been accepted by the City Engineer and the utilities have been permanently connected.

Applicant may develop a central sales center area to be used during the life of the project. The sales center shall consist of the following temporary facilities to be located within homes to be built on 1 or more platted lots:

Sales Office (converted model home)

Design Center (converted model home)

Up to 4 Model Homes

Temporary Parking Lot

Temporary construction trailer(s) (may be converted model home)

Any temporary structurally supported covered entry to either the sales office or design center or construction trailer to facilitate entry into the side of either building shall not be subject to side yard setbacks provided the adjoining area is a vacant lot, right-of-way or temporary parking lot. Unless otherwise approved by the City, once the sales center and design center are done being used, the Applicant shall remove all temporary structures and convert the remaining model to comply with the requirements of this Development Agreement and the City building code. All sales office, model homes, and construction trailers shall be approved by the applicable regulatory authorities per the City's LDR's.

1 D. Land Uses Within the PD. The development of the parcel shall be
2 consistent with the uses prescribed for each area within the proposed BERESFORD
3 RESERVE PD. The approximate location and size of said land use areas are shown on
4 the PD Concept Plan Map, Exhibit "B", subject to minor revisions during preliminary and
5 final site design. The following land uses shall be allowed as permitted principal uses
6 and structures along with their customary accessory uses and structures:

7
8 Permitted Uses within Residential Areas:

9 1. Single-Family Residences:

10 Single-family dwellings, except mobile homes.

11 Family day care home.

12 Mini and neighborhood parks.

13 Community uses including but not limited to clubhouse, cabana,
14 community garden, public art displays, and sports courts.

15
16 2. Townhome Residences:

17 Two-family dwellings and duplexes.

18 Multiple-family dwellings and duplexes.

19 Family day care home.

20 Mini and neighborhood parks.

21 Community uses including but not limited to clubhouse, cabana,
22 community garden, public art displays, and sports courts.

23
24 E. Development Standards.

1

1. Single-Family Residences:

	40' Lots (Rear entry only)	50' Lots	60' Lots	70' Lots
1. Minimum lot area:	5,200 sq. ft.	6,000 sq. ft.	7,200 sq. ft.	8,400 sq. ft.
2. Minimum lot width:	40 ft.	50 ft.	60 ft.	70 ft.
3. Minimum lot length:	130 ft.	120 ft.	120 ft.	120 ft.
4. Minimum building setbacks:				
a. Front yard to garage face/door:	N/A	25 ft.	25 ft.	25 ft.
b. Front yard to structure:	15 ft.	15 ft.	15 ft.	15 ft.
c. Rear yard:	25 ft.	20 ft.	20 ft.	20 ft.
d. Rear yard screen enclosure	3 ft.	3 ft.	3 ft.	3 ft.
e. Side yard screen enclosure	5 ft.	5 ft.	5 ft.	5 ft.
f. Side yard:	5 ft.	5 ft.	5 ft.	5 ft.
g. Side street:	15 ft.	15 ft.	15 ft.	15 ft.
h. Waterfront rear yard:	N/A	25 ft.	25 ft.	25 ft.
i. Side setback for pools and accessory structures	Per Land Development Regulations	Per Land Development Regulations	Per Land Development Regulations	Per Land Development Regulations
j. Rear setback for pools and accessory structures	Per Land Development Regulations	Per Land Development Regulations	Per Land Development Regulations	Per Land Development Regulations

"EXHIBIT B"

5. Minimum floor area:	1,000	1,000 sq. ft.	1,000 sq. ft.	1,000 sq. ft.
6. Maximum lot coverage:	73%	73%	73%	73%
7. Maximum building height:	35 ft.	35 ft.	35 ft.	35 ft.
8. Maximum single family unit count - 254	45	116	32	61

2. Townhomes:

- a) Minimum Lot Area of 1,800 sq. ft.
- b) Minimum Lot Width of 20 feet
- c) Minimum Lot Depth of 90 feet
- d) Minimum Individual Unit Size of 750 sq. ft.
- e) Maximum Height of 35 ft.
- f) Minimum Spacing Between Townhome Buildings: 15 feet
- g) Minimum Setbacks: internal side 0 ft.; building side 7.5 ft.; front 25 ft.; rear 25 ft.; street side 15 ft.; accessory structure 5 ft.
- h) Specialty Setbacks
 - 1. i. Air Conditioning/Heating Units: 5 ft.
 - 2. ii. Patio: 5 ft.
 - 3. iii. Generators/Other Mech. Equip.: 5 ft.
 - 4. iv. Eaves: 5 ft.
- i) Maximum Impervious Surface Area: 50%
- j) Maximum Unit Count: 154 units in the southern section and an additional 189 rental units under unified ownership in the northern section above

Euclid Avenue.

3. Perimeter Landscape Buffer Requirements: The minimum perimeter buffer width shall be as follows:¹

20' buffer	Adjacent to East Euclid Avenue Adjacent to Beresford Avenue
30' buffer	All other boundaries
60' buffer	Adjacent to South Boston Avenue and South Hill Avenue

In addition, the eastern perimeter buffer shall include a six-foot (6 ft.) opaque fence on the boundary line between the Beresford Reserve PD and the adjacent Southridge Home Owners Association property. The opaque fence may be constructed as a masonry wall if the Southridge Home Owners Association contributes half of the total cost of the masonry wall in lieu of an opaque fence. The fence or wall shall be installed as part of the development infrastructure for the phase of the development adjacent to the Southridge Home Owners Association property.

4. Maximum number of single family/townhome units: 597

5. Parking Standards

In order to accommodate visitors and any demand for parking beyond spaces per residential lot, on-street parking shall be provided in various locations within the Property.

- a. 40' Rear Entry Lots

Each parcel shall be designed to accommodate no less than two (2) parking spaces via use of on-parcel driveway and two (2) spaces in an internal garage. In addition, on-street parking shall be provided along the

¹ Except as otherwise specified on the PD Concept Plan Map.

"EXHIBIT B"

street frontages in front of all 40' rear entry lots or along adjacent park or open space tracts. On street parking spaces shall be located outside of the travel way. No less than 0.25 spaces per lot of on-street parking spaces shall be provided. Said parking shall not encroach into the travel lanes and said travel lanes shall be no less than a combined 20 ft. wide.

b. 50',60', and 70' Lots

Each parcel shall be designed to accommodate no less than two (2) parking spaces via use of on-parcel driveway which shall be a minimum of eighteen feet (18') wide and two (2) spaces in an internal garage. Parking bays along the street outside of the travel way shall be provided. No less than 0.25 spaces per lot of on-street parking spaces shall be provided. Said parking shall not encroach into the travel lanes and said travel lanes shall be no less than a combined 20 ft. wide.

c. Townhomes

Each parcel shall be designed to accommodate no less than two (2) parking spaces via use of on-parcel driveway and two (2) spaces in an internal garage. Designated parking areas within the townhome sections of the development shall be provided for guest and overflow parking at a rate of 0.25 spaces per townhome, as shown on the PD Concept Plan Map.

6. Signage: Signage for the subdivision shall be provided in accordance with the sign plan attached as Exhibit "D".

7. Open Space: Open space and/or common area requirements shall meet the Land Development Regulations Ordinance No. 2013-11. An existing clubhouse may be retrofitted or replaced to provide for the following uses

1 which are permitted, but not required, uses for the said existing clubhouse
2 and associated green spaces: conference meeting spaces, office space,
3 computer lab, shade trees, benches, community garden, picnic area,
4 community fire pit, pavilion, BBQ area, pool and cabana area, playground
5 equipment, sports courts: basketball, volleyball, pickleball, shuffleboard,
6 and similar uses and activities.

7 A central park that will be open to the general public will be established in
8 the northeast quadrant of the development, as shown on the PD Concept
9 Plan Map (the "Central Park"). The Central Park may include a disc golf
10 course, putting green, volleyball and pickleball courts, picnic areas and
11 pavilions, open play fields and multi-purpose trails. In addition, public
12 pocket parks shall be provided throughout the development, as depicted on
13 the PD Concept Plan Map, and may include sculptures and similar art
14 displays for the benefit of the public. The Applicant or then owner of the
15 subject property shall offer to convey to the City the Central Park, either in
16 fee or as a public dedication, upon completion of all improvements in the
17 Central Park. If the City does not accept the Central Park, then the Central
18 Park shall be owned and maintained by a community development district
19 ("CDD") established for the Beresford Reserve PD if one is established,
20 which CDD shall also own and maintain all other public parks on the subject
21 property. If a CDD is not established, the established homeowners'
22 association shall own and maintain the Central Park, if not accepted by the
23 City, and shall own and maintain all other public parks on the subject
24 property. The Central Park and its improvements provided in connection

1 with the project shall serve to offset the parks that would otherwise be
2 funded from the City's park impact fees, but the cost of environmental
3 remediation shall not be included in the valuation of the offset. The Central
4 Park improvements, including any environmental activities, must be
5 completed in the first phase of development.

6 The townhome parcel north of Euclid Avenue, shall also include community
7 uses and common amenities limited to use by residents of the townhome
8 rental units.

9
10 F. Environmental Considerations. The development shall comply with the
11 requirements for preservation of environmental resources as set forth in the Land
12 Development Regulations Ordinance No. 2013-11, as amended. The development has
13 been laid out in a manner to best accommodate the existing topography, drainage, and
14 known environmental conditions identified on the property through the preliminary
15 environmental testing conducted under the State of Florida brownfield program.
16 However, the actual location and layout of the developed areas within the development
17 shall be determined during subdivision review and may be modified from the development
18 areas shown on the PD Concept Plan Map based on environmental conditions identified
19 during the brownfield remediation process and required for implementation of the
20 Brownfield Site Rehabilitation Agreement. Prior to beginning subsurface site development
21 activities under an approved development order in an area with documented soil impacts
22 above the applicable residential soil cleanup target level (as set forth in 62-777 of the
23 Florida Administrative Code) ("Area of Concern"), the Developer shall obtain Florida
24 Department of Environmental Protection approval of a cleanup plan for the Area of

"EXHIBIT B"

1 Concern (e.g., remedial action plan or soil management plan). The remedial action plan
2 or soil management plan may NOT provide for the mixing of contaminated soils as a
3 strategy for reducing contamination levels below the applicable cleanup target levels. The
4 remedial action plan or soil management plan may provide for off-site removal, on-site
5 soil management, and/or the use of institutional controls and engineering controls in
6 accordance with the requirements of Chapter 62-780 of the Florida Administrative Code.
7 The Developer shall implement the approved Florida Department of Environmental
8 Protection remedial action and/or soil management plan, complete all required post-
9 remedial action and/or soil management activities, and comply with the terms of
10 Developer's Brownfield Site Rehabilitation Agreement until the Florida Department of
11 Environmental Protection issues a Site Rehabilitation Completion order. As the
12 development may occur in phases, the City of DeLand and the Developer recognize that
13 the Florida Department of Environmental Protection cannot issue a Site Rehabilitation
14 Completion Order until all phases of the development and Area(s) of Concern meet the
15 applicable requirements for regulatory closure. The City of DeLand may contract with an
16 independent environmental consultant to review any submissions made by the
17 Developer's environmental consultant to the Florida Department of Environmental
18 Protection. The City's costs associated with the independent review shall be reimbursed
19 to the City of DeLand by the Developer. In addition, all landscaping, including buffers,
20 shall predominantly utilize Florida-Friendly Landscaping, as defined by the University of
21 Florida/Institute of Food and Agricultural Sciences ("UF/IFAS") Center for Landscape
22 Conservation and Ecology, native, or low-water plant material. The Planned Development
23 Plan encourages environmental preservation and sustainable development through the
24 provision of substantial perimeter buffers, natural areas, open space, the incorporation of

“EXHIBIT B”

1 Low Impact Development (“LID”) stormwater strategies, as developed by the UF/IFAS,
2 Center for Landscape Conservation and Ecology, and use of Florida-Friendly
3 Landscaping. The proposed buffers will add Florida-Friendly vegetation where needed to
4 screen adjoining residential properties. The development shall include landscape
5 designs such that plants will serve environmentally friendly functions including, but not
6 limited to, cooling, privacy screening, shade, aesthetics, wildlife habitat, runoff pollution
7 prevention, and directing traffic flow onto and within the community. All mulching will be
8 conducted in accordance with the most current version of the Florida Green Industries
9 Best Management Practices (BMPs) handbook guidelines. Mowing in common areas
10 shall be done in accordance with the most current version of the Florida Green Industries
11 BMPs handbook and by certified landscaping contractors. Mowing adjacent to swales
12 shall be performed such that no clippings are deposited into any swales or water bodies.
13 All clippings that may have been deposited on impervious surfaces will be swept back
14 into the vegetated area. All pesticide applications in common areas shall be done by a
15 certified professional in accordance with the most current version of the Florida Green
16 Industries BMPs handbook.

17
18 G. Sewage Disposal, Potable Water and Reclaimed Water. Provision for
19 sewage disposal, potable and reclaimed water needs of the PD will be provided in
20 accordance with the Comprehensive Plan, Ordinance No. 1990-04, as amended, the
21 Land Development Regulations Ordinance No. 2013-11, as amended, and State of
22 Florida Administrative Code 64E-6. No potable water, irrigation or wells of any type shall
23 be allowed on the subject property, other than as may be required for implementation of
24 Brownfield Site Rehabilitation Agreement, including but not limited assessment,

implementation of the remedial action plan, post remedial monitoring, and testing..

H. Stormwater Drainage. Provision for stormwater retention shall be in accordance with the Land Development Regulations Ordinance No. 2013-11, as amended. All stormwater retention systems will be designed to meet all required governmental regulations. Low Impact Development features such as bioswales, rain gardens and other similar features intended to encourage natural uptake of stormwater within the natural areas of the Planned Development shall be incorporated as elements in the stormwater system. A central bioswale is planned in the center of the boulevard connecting Beresford Avenue and Euclid Avenue, as shown on the PD Concept Plan Map.

I. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the Land Development Regulations, Ordinance No. 2013-11, as amended. The parcel shall be developed in substantial accordance with the following access and transportation system improvements:

1. Access. Access to the site will be from East Beresford Avenue, East Euclid Avenue, East Walts Avenue, and South Boston Avenue. The PD Concept Plan Map indicates the anticipated connection locations; however, the final locations may vary due to final engineering design and permitting considerations.

2. Transportation System Improvements. Transportation system improvements will be provided as required by permitting agencies and as needed according to the Traffic Impact Analysis (TIA) for the project.

3. Public Sidewalks and Multi-use Trails. Five-foot (5 ft.) sidewalks

Page 17 of 24

1 shall be provided adjacent to all internal roadways within the development. In addition, a
2 twelve-foot (12 ft.) wide multi-use trail shall be constructed along the northern right of way
3 of Beresford Avenue as part of the development of the property. A ten-foot (10 ft.) wide
4 multi-use trail will also connect Beresford Avenue to the central park area and Euclid
5 Avenue along the central boulevard shown on the PD Concept Plan Map. The trails shall
6 be owned and maintained by the proposed CDD. If a CDD is not established, the trails
7 shall be maintained by the homeowners' association or the City and dedicated to the
8 public.

9 J. Internal Roadways.

10 Internal roadways for the property shall be provided in accordance with the Land
11 Development Regulations Ordinance No. 2011-13, as amended. In order to limit the
12 amount of impervious area within the Planned Development, the width of all paved streets
13 may be twenty (20) feet, rather than twenty-four (24) feet as typically required by the City's
14 Land Development Regulations, subject to review by the City of DeLand Fire Department,
15 except at entryways into the project where wider pavement is required by the City for
16 ingress and egress of emergency or service vehicles. Sidewalks shall be maintained free
17 and clear of all tripping hazards in accordance with sidewalk maintenance industry best
18 practices. Street trees shall be pruned in such a fashion to maintain the health of the
19 trees and to maintain the appropriate vertical clearance for garbage trucks and fire
20 engines. The City is hereby granted an irrevocable license to enter upon the property to
21 conduct any work which is required to maintain the streets or sidewalks which has not
22 been performed by the homeowners' association or CDD, if established, and said
23 association shall be liable for any costs incurred by the City in connection therewith unless
24 an interlocal agreement between the City and CDD provides for payment of such costs

1 and reimbursement is received by the City. Typical roadway cross sections shall be in
2 accordance with those shown on the PD Concept Plan Map.

3 All rights-of-way will be a minimum of fifty (50) feet wide and any rights-of-way with
4 on-street parking will be a minimum of fifty-two (52) feet wide. All internal roads will be
5 dedicated to the public and owned and maintained by the proposed CDD or, if one is not
6 created, maintained by the HOA or the City of DeLand and dedicated to the public.

7 K. Home or Property Owners Association. The Applicant shall create a
8 homeowners' association. The charter and by-laws of said association and any other
9 agreements, covenants, easements or restrictions shall be furnished to the City of
10 DeLand at the time of creation. The Applicant shall be responsible for recording said
11 information in the Public Records of Volusia County, Florida. Also, the applicant shall
12 bear and pay all costs for recording all of the aforementioned documents. The Applicant
13 may petition for the creation of a Community Development District (CDD) subject to the
14 applicable petition requirements and separate approval by the City.

15 The City shall encourage a mixture of design facades within the development, and
16 the Applicant shall avoid a repeating sequence of designs and shall not utilize the same
17 design on lots within 3 single-family lots of each other on the same side of the street. The
18 homeowners' association shall ensure that an individual lot owner seeking building
19 permits shall demonstrate compliance with this Section as part of the construction permit
20 submittal for the lot.

21 With respect to the enforcement of said agreements, covenants, easements or
22 restrictions entered into between the Applicant and the owners or occupiers of property
23 within the BERESFORD RESERVE PD, the City of DeLand shall only enforce the
24 provisions of the "Development Agreement" and City of DeLand Land Development

1 Regulations Ordinance No. 2013-11, as amended, whichever is applicable, and not the
2 private agreements entered into between the aforementioned parties.

3 L. Community Development District. The Applicant may petition the City to
4 establish a CDD to finance, own and maintain certain public infrastructure improvements
5 required in connection with the development of the Beresford Reserve PD. If a CDD
6 petition is submitted, the Applicant shall comply with all requirements regarding formation
7 of CDDs in the City of DeLand. Nothing herein is intended to bind the City in any way
8 related to the approval of a petition for establishment of a CDD.

9 M. Reverter Provision: The terms of this Development Agreement shall be
10 vested for each phase of development upon approval of a final plat for the first phase of
11 the development, which shall occur within five (5) years from the effective date of the
12 ordinance adopting this Development Agreement. Each subsequent phase shall be
13 vested upon issuance of a final plat issued within three (3) years after the approval of the
14 final plat for the prior phase. If any portion of the subject property is not vested in
15 accordance with this paragraph, the City Commission may rezone the property as may
16 be necessary or appropriate to protect adjoining properties or the public health, safety
17 and welfare, unless the City Commission, for good cause shown, shall extend the time
18 period indicated in this paragraph.

19
20 N. Binding Effect of Plans; Recording; and Effective Date. The Planned
21 Development Plan, including any and all amendments shall bind and inure to the benefit
22 of the Applicant and his successor in title or interest. The BERESFORD RESERVE PD
23 zoning, provisions of the "Development Agreement," and all approved plans shall run with
24 the land and shall be administered in a manner consistent with Article 12 of the City of

"EXHIBIT B"

DeLand Land Development Regulations Ordinance No. 2013-11, as amended.

This Ordinance and all subsequent amendments shall be filed with the Clerk of the Court and recorded within forty-five (45) days following execution of the document by the City Commission, 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 Planning Department for placement in the public file. The date of recording of this document shall constitute the effective date of the BERESFORD RESERVE PD or its subsequent amendments. The applicant shall pay all filing costs for recording documents.

"EXHIBIT B"

DONE and ORDERED by the City Commission, City of DeLand, Florida,
this ____ day of _____ (mo/yr).

ATTEST:

City Commission of DeLand Florida

Michael Pleus
City Manager

Robert Apgar
Mayor

STATE OF FLORIDA

CITY OF DELAND

The foregoing instrument was acknowledged before me by means of ☐
physical presence or ☐ online notarization this _____ day of
_____ (mo/yr), by Michael Pleus and Robert Apgar, as City
Manager and Mayor, City of DeLand, respectively, on behalf of the City of
DeLand, and who are personally known to me.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

Commission No.: _____

My Commission Expires: _____

"EXHIBIT B"

1 WITNESSES:
2
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Elevation Sandhill, LLC, Applicant

Title

19 The foregoing instrument was acknowledged before me by means of ☐
20 physical presence or ☐ online notarization this _____ day of
21 _____ (mo/yr), by (_____), applicant,
22 who is personally known to me or who has produced
23 _____ as identification.
24
25
26

27 NOTARY PUBLIC, STATE OF FLORIDA

28 Type or Print Name:

29 _____
30 Commission No.: _____

31 My Commission Expires: _____
32
33

Revised January 26, 2022 u/p/zone/pd_doc

WITNESSES:

Sandhill Enterprises, LLC, Property Owner

Title

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____ (mo/yr), by (_____), property owner, who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

Commission No.: _____

My Commission Expires: _____

Revised January 26, 2022 u/p/zone/pd_doc

ATTACHMENT A

LEGAL DESCRIPTION

DESCRIPTION FOR SOUTHRIDGE GOLF COURSE:

A PORTION OF BLOCKS 174, 175, 176, 177, 187, 188, 189, 190, 191, 192, 194, 215, 216, 217 and 218 OF THE "CORPORATION MAP OF THE CITY OF DELAND" RECORDED IN MAP BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND LOTS 1 THROUGH 60, SUNNYVIEW ADDITION, BEING A SUBDIVISION OF BLOCK 193, DELAND, FLORIDA, ACCORDING TO THE PLAT THEREOF, RECORDED IN MAP BOOK 4, PAGE 111, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 17 SOUTH, RANGE 30 EAST, RUN THENCE ALONG THE SOUTH LINE OF SAID SECTION 15, N 89°06'33" E, A DISTANCE OF 30.00 FEET, RUN THENCE N 01°16'11" W, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, POINT ALSO BEING ON THE EAST RIGHT OF WAY LINE OF SOUTH BOSTON AVENUE, THENCE RUN N 01°16'11" W ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 2437.96 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF EAST EUCLID AVENUE, THENCE RUN N 87°37'11" E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 2565.52 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SOUTH HILL AVENUE, THENCE RUN S 01°38'23" E ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 320.74 FEET, THENCE RUN S 89°06'19" W, A DISTANCE OF 115.00 FEET, THENCE RUN S 01°38'23" E, A DISTANCE OF 355.06 FEET, THENCE RUN S 89°06'19" W, A DISTANCE OF 10.00 FEET, THENCE RUN S 01°38'23" E, A DISTANCE OF 1829.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF EAST BERESFORD AVENUE, THENCE RUN S 89°06'33" W ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 566.28 FEET, THENCE RUN N 01°31'33" W, A DISTANCE OF 226.00 FEET, THENCE RUN S 89°06'33" W, A DISTANCE OF 208.00 FEET, THENCE RUN S 01°31'33" E, A DISTANCE OF 226.00 FEET, THENCE RUN S 89°06'33" W ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1681.99 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED PARCEL CONTAINING 138.72± ACRES.

TOGETHER WITH

(O.R. 6392 PAGE 0352)

ALL OF BLOCK 170 EXCEPT THE WESTERLY 440 FEET OF THE NORTH ONE-HALF AND EXCEPT THE WESTERLY 40 FEET OF THE SOUTH ONE-HALF AND EXCEPT THE SOUTHERLY 30 FEET; AND ALL OF BLOCK 171, EXCEPT THE WESTERLY 200 FEET OF THE SOUTHERLY 250 FEET AND EXCEPT THE SOUTHERLY 30 FEET, MAP OF THE CORPORATION OF THE CITY OF DELAND ACCORDING TO MAP IN MAP BOOK 2, PAGE 45, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND

(O.R. 6392 PAGE 0352)

WEST ½ OF BLOCK 172 OF DELAND, FLORIDA AS SHOWN IN MAP BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND

(O.R. 4157 PAGE 0210)

EAST ½ OF BLOCK 172, CORPORATION MAP OF CITY OF DELAND ACCORDING TO MAP IN MAP BOOK 2, PAGE 45, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; AND LESS AND EXCEPT THE SOUTH 25 FEET THEREOF.

LEGEND

- Ⓐ AMENITY (1.5 ACRES)

Ⓑ PARK

Ⓒ RECREATION AREA

Ⓓ DRY RETENTION POND

Ⓔ EXISTING TREES
- PARK/RECREATION = ~40 ACRES

TOTAL GREEN SPACE = ~50 ACRES
- KEY

40' SINGLE FAMILY LOTS
REAR LOADED
(45 LOTS) 40'x130'

50' SINGLE FAMILY LOTS
(116 LOTS) 50'x120'

60' SINGLE FAMILY LOTS
(32 LOTS) 60'x120'

70' SINGLE FAMILY LOTS
(61 LOTS) 70'x120'

RENTAL UNITS
(189 UNITS)

TOWNHOMES (154 UNITS)

POCKET PARKS -
HISTORIC TREE SAVES

STREET PARKING
(320 SPACES)



MASTER PLAN 1"=200'

Beresford Reserve

Beresford Reserve

Phasing Plan

Phasing Lot Breakdown

Phase 1:	
Townhomes:	72
40' Lots:	9
50' Lots:	94
60' Lots:	6
70' Lots:	16
Total Phase 1:	197

Phase 2:	
Townhomes:	82
40' Lots:	36
70' Lots:	6
Total Phase 2:	124

Phase 3:	
Rental Units:	189
Total Phase 3:	189

Phase 4:	
50' Lots:	22
60' Lots:	26
70' Lots:	39
Total Phase 4:	87

Total Units:	597
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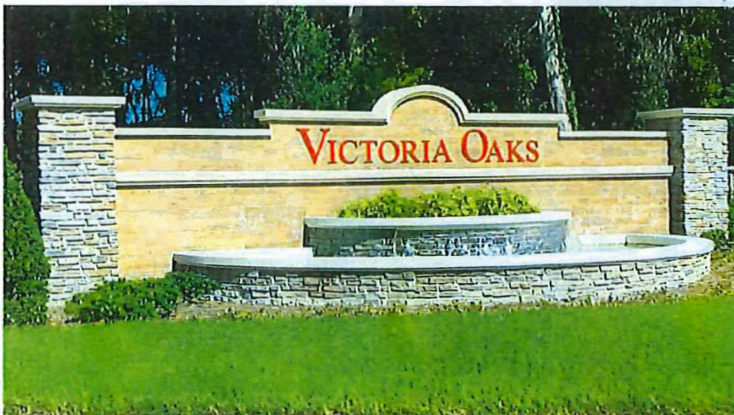
EXHIBIT "C"



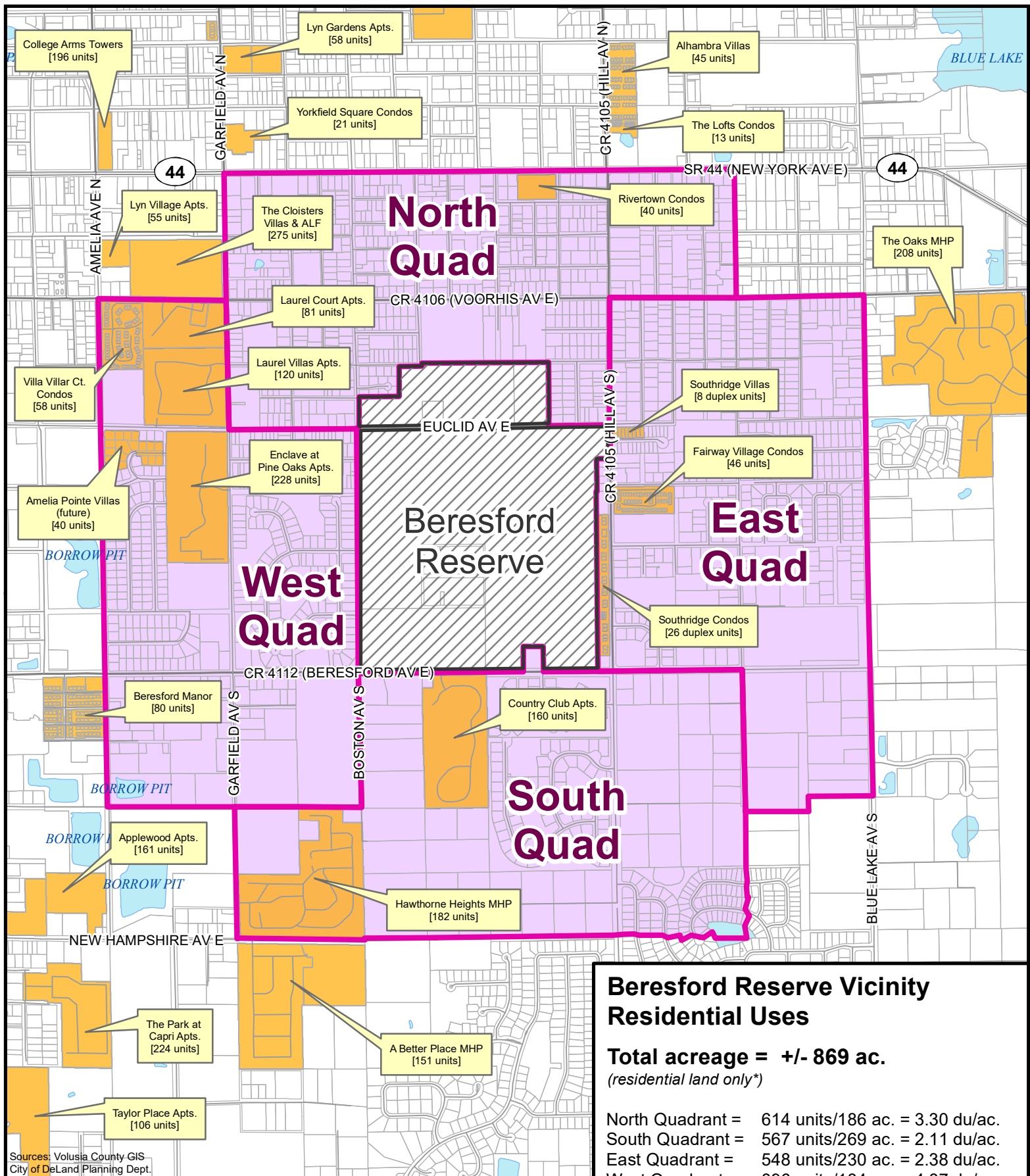
Beresford Springs



Residential Sign Concepts



Signs demonstrate design concepts and elements being considered.



Beresford Reserve Vicinity Residential Uses

Total acreage = +/- 869 ac.
(residential land only*)

North Quadrant = 614 units/186 ac. = 3.30 du/ac.
 South Quadrant = 567 units/269 ac. = 2.11 du/ac.
 East Quadrant = 548 units/230 ac. = 2.38 du/ac.
 West Quadrant = 896 units/184 ac. = 4.87 du/ac.

Total existing density = 3.02 du/ac.

*Note: Not all lots may currently be developed. Vacant parcels are counted as 1 dwelling unit, unless development is pending. Existing commercial businesses or institutional uses are not included in lot or acreage count. (Proposed Beresford Reserve PD is not included in unit or acreage count.)

Beresford Reserve Density Study



Prepared by:
City of DeLand Planning Dept.
April 27, 2021

This map is a graphic representation and is not intended to be used for any engineering or surveying purposes. The City of DeLand is not liable for any decisions made on the basis of this map or on the information contained within the map.

- Study Quadrant
- Medium - High Density Community
- Beresford Reserve Project Boundary





Planning Department

Memorandum

TO: Planning Board

DATE: March 17, 2021

FROM: Belinda Williams-Collins, Sr. Planner

SUBJECT: Z20-105 – Beresford Springs PD

=====

At the February 17, 2021 meeting of the Planning Board, a request continued from the November 19, 2020 meeting to rezone property from R-1A to Beresford Springs PD was heard. The applicant responded to changes that were requested by the members of the Planning Board and the public. The corresponding documents were provided, however, the version of the PD that was provided to the board members did not include the updates that were made.

Once again, the board voted to continue the request for an additional month in order to provide the documents with the suggested changes. The attached documents include those changes in the final formats as well as in strikethrough and underline format to highlight the changes.

These are presented for consideration of approval by the board.



Planning Department

Memorandum

TO: Planning Board

DATE: February 10, 2021

FROM: Belinda Williams-Collins, Sr. Planner

SUBJECT: Z20-105 – Beresford Springs PD

=====

At the November 18, 2020 meeting of the Planning Board, a request to rezone property from R-1A to Beresford Springs PD was heard. The board recommended a continuance to the January meeting of the board. The item was placed on the January 20, 2021 agenda; however, a continuance was requested by the applicant to the February 17, 2021 Planning Board meeting. The original staff report provides the background information, but many of the comments have been addressed.

The applicant requested the continuance in order to update the original request to address concerns brought forward by city staff and during public hearings before the Planning Board by board members and residents in the neighboring area. In the time since, the applicant has provided an updated development agreement and exhibits that address those issues and concerns with the original proposal.

Changes in the concept plan from the original plan:

- Adding 32' wide lots that open onto alleys
- Adding a second group of townhomes north of Euclid Ave.
- Shifting the central park area to northeast section of the development

Current changes being requested by staff to the agreement and the masterplan include:

- Creating a pedestrian connection to the 2-acre commercial area proposed
- Adding commercial uses and standards to the PD
- Providing adjustments to the TIA due to the overall reduction to the number of lots from 861 to 790

The specific details highlighting the changes to the text of the development agreement are attached. The applicant anticipates the continued review of the proposal during this meeting and a recommendation to the City Commission who will grant final approval.

**PLANNING DEPARTMENT STAFF REPORT
TO
PLANNING BOARD**

November 18, 2020

APPLICATION NO.: Z20-105

APPLICANT: Mark Watts, Esq., Cobb Cole, LLC (for Sandhill Enterprises, LLC)

REQUEST: Amend the existing zoning designation from R-1A to Beresford Springs (Planned Development).

APPLICABLE REGULATIONS:

Article IV	OVERLAY AND FLOATING ZONES Sec. 33-32 – Planned Development District.
Article XII	ADMINISTRATION AND ENFORCEMENT Sec. 33-135 – Procedure for text amendments & rezoning.

A. SITE FACTORS:

Location:	North of E. Beresford Avenue (C.R. 4112) east of S. Boston Avenue and west of S. Hill Avenue (C.R. 4105)
Parcel Size:	±167.65 ac.
Land Use:	Low Density Residential
Existing Zoning:	R-1A (Single-Family)
Existing Use:	Vacant, former golf course

	SURROUNDING USE:	SURROUNDING ZONING:
North:	Medium Density Residential	R-1, R-1B
South:	Low Density Residential, Medium Density Residential, Rural (VC)	PD, R-8, VC: R-4
East:	Medium Density Residential, Low Density Residential	PD, R-1B
West:	Low Density Residential, Medium Density Residential	R-1, PD

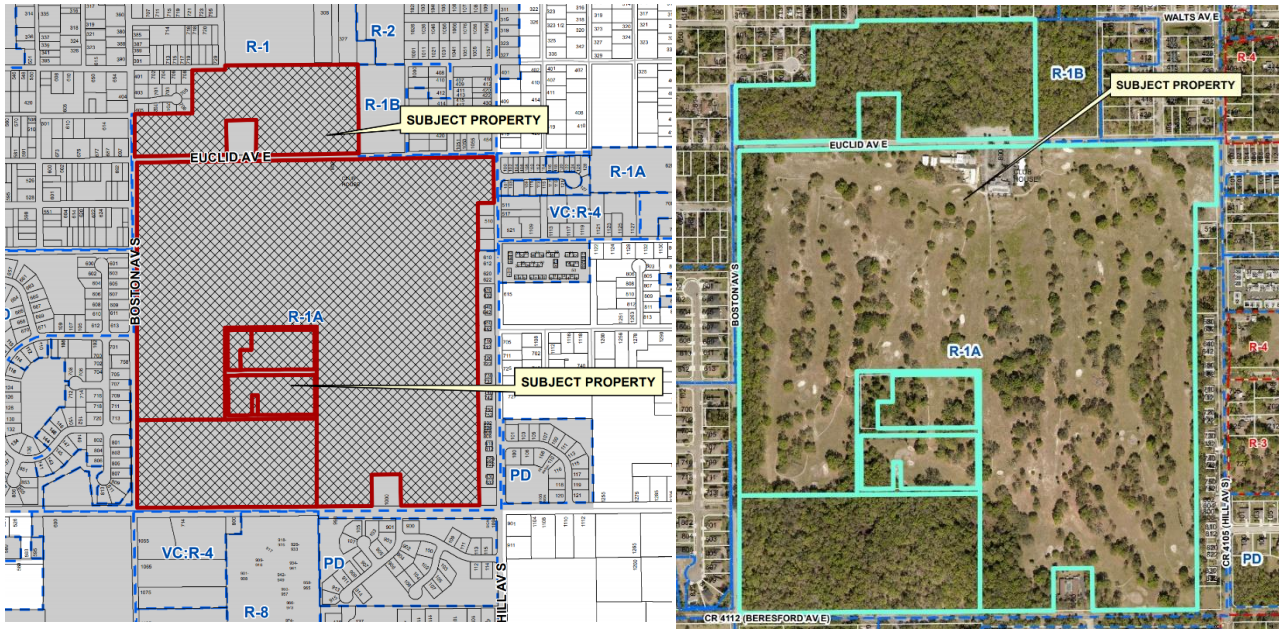
B. ANALYSIS:

The applicant is requesting the zoning be amended for six (6) parcels for a total of approximately 167.65 acres, located north of E. Beresford Avenue, east of S. Boston Avenue, and west of S. Hill Avenue. Many of the subject properties comprised the former Sandhill Golf Course, which is no longer in operation.

The subject properties are predominantly vacant due to the former use as a golf course, but do contain ancillary golf course uses, including the former clubhouse. The northern-most and southwest parcels are heavily wooded. The applicant wishes to amend the zoning to PD (Planned Development) to accommodate a new 861-unit residential development with a mix

of single-family detached, single-family attached and/or multi-family units. As part of the PD rezoning request, the applicant’s PD Plan proposes a development program of the following:

Development Type	Number of Lots/Units
40’ single-family lots	301
50’ single-family lots	226
60’ single-family lots	14
Multi-Family/Townhomes	320



The Technical Review Committee recommended at their August 20, 2020 meeting that the proposed Planned Development Agreement be forwarded on to the Planning Board subject to addressing remaining Staff comments.

The following TRC comments remain:

The following remaining comments were generated by the Planning Department:

1. Please include the width (and buffer type to be provided along the project perimeter), or a statement indicating its compliance with the appropriate landscape requirements of the landscape code.
2. Include a provision that provides an option that allows for single-family residential units, located along the project perimeter, may front existing residential streets (such Euclid Avenue). If these perimeter single-family residences do, in fact, front public right-of-way, the above-mentioned buffer would not be required.
3. The Off-Street Parking Requirements section on Pg. 10 of the Development Agreement addresses only the parking ratio for conventional detached and duplex residential uses. Please revise the off-street standards provided to include off-street parking standards for multi-family units, consistent with Sec. 33-91.03(f) of the Land Development Regulations.
4. Include a provision, consistent with Resolution 2019-34, that indicates how off-street visitor parking (or for homes with extra cars) will be provided; options may include:
 - a. Parking bays alongside street out of travel way;
 - b. Parking lots located within a reasonable distance from homes served; or

- c. Parking at recreational amenities that provide parking
- 5. In addition to the type of tree species provided in the landscape standards, include the number of trees (per X number of linear feet), shrubs and other required landscaping, or reference the applicable LDR landscape section that will be met.
- 6. Consistent with Resolution 2019-34, please include a provision that indicates that one of the following will be met for usable open space:
 - a. 10% usable land area of total site;
 - b. Size depend upon lot size difference between current zoning and requested lot size(s);
 - c. 0.5 acres per 50 lots (based on Comprehensive Plan ratio of 4.6 acres/1000 residents;
 - d. Construct (or redevelop) amenity center and recreational facilities, such as play fields and trails.
 - e. Provide open space phasing that describes when it will be provided and who will perform the maintenance.

The following remaining comments were generated by the Forestry Department:

- 1. Limited tree survey information has been provided. Additional information will be required at later stages.
- 2. Page 11 of 21, Line 22: Change “platted” to “planted.”

Section 33-135 of the Land Development Regulations provides the following criteria, which the City Commission shall utilize in reviewing a rezoning request:

1. Is the proposed rezoning consistent with the Comprehensive Land Use Plan, the land use, zoning pattern and character of the surrounding area?

The proposed development is abutted on all sides by single-family detached residential lots of varying sizes, including larger lots to the west. Directly adjacent to east and south are smaller, multi-family residential units.

The proposed development, with single-family residential lots ranging from 40-60 ft. in width, while smaller than some of the existing single-family residential lots nearby, are generally consistent with the varying lot sizes. Additionally, the proposed development program – which also includes multi-family/townhome units – is consistent with the different residential development styles and compatible with the general character of the surrounding neighborhood.

2. Will the proposed rezoning have an impact upon the environment or natural resources?

An environmental analysis, dated January 2018, was performed by Biological Consulting Services, Inc. This analysis shows that the site has several vegetative and land uses on site, including, Golf Courses, Dry Prairies, Pine Flatwoods, and Live Oak. Additionally, the analysis utilized the National Wetlands Inventory (NWI) and National Resource Conservation Services web soil survey and found that there are no wetlands, surface water systems or hydric soils are present on the subject site. The environmental analysis also studied the site for the potential of any endangered species or habitats. Aside from noting the presence of one Florida Sandhill Crane foraging on the subject property during the on-site analysis, the analysis found no Sandhill Crane nesting activity, nor was any other listed fauna or flora species or habitats were found on-site.

As noted above, a large portion of the site comprised the former Sandhill Golf Course. Golf courses often may contain uses or utilize chemicals or pesticides that have adverse environmental impacts. The City Commission on Nov. 2, 2020, approved resolution to assign a brownfield designation to the subject site. This will allow the applicant to work with the city, the State Brownfield Redevelopments Program and other environmental agencies to assess the potential for any environmental contamination and lead to remediation of any potential adverse impacts of the former uses on-site. This will have a positive environmental impact.

3. Will the proposed rezoning have an impact upon the economy of the affected area?

If appropriate mitigation is provided for critical roadway segments (see #4 below), the development of the subject properties should have an overall positive impact on the general area. The proposed development will lead to the redevelopment of the now-vacant and defunct Sandhill golf course, which will result in residential infill development in the urban core, as well as lead to any potential environmental remediation from potentially adverse uses from the former golf course (as noted above).

4. Will the proposed rezoning have an impact upon governmental services?

Governmental services such as potable water, sewer, code enforcement, police, and fire are available for the subject property and will be provided by the City.

Due to the size of the proposed development, a Traffic Impact Analysis is required. At build-out, the project's calculated net new daily vehicle trips are estimated at **7,296**, with **680** new P.M. peak hour vehicle trips. The submitted TIA compiled by Kimley Horn, September 2020, analyzed major roadway segments and intersections within a 3-mile radius of the project. All but two of the roadway segments in the study area currently operate at acceptable levels of service. (Portions of US17-92 between Euclid and Beresford Aves.; McGregor/Orange Camp Road between MLK Jr. Bltwy. and Interstate 4; SR-44/Kepler Rd.; and SR-44 between Summit Ave. and Interstate 4 currently operate over capacity with existing traffic volumes.) This increases to 11 roadway segments within the study area at time of projected project build-out. (2024). S. Hill Avenue (between Voorhis Ave. & Beresford Ave.) will be significantly impacted by the proposed development's number of trips (by 11.8%). The Transportation Impact Analysis recommended that, in addition to the applicable proportionate share contribution towards off-site improvements, additional improvements are needed to handle the project traffic at the Beresford Avenue access point. The TIA proposed an eastbound left-turn lane of at least 170 feet in length.

Staff has requested a third-party transportation engineering review of the TIA, analyzing the report findings and proposed traffic impacts on adjacent roadway segments to ensure accuracy, as well as assess whether the proposed improvements are adequate (or necessary) to accommodate the transportation impacts of the proposed development.

Volusia County Schools provided a Finding of Adequate Capacity Letter, dated October 14, 2020, to the applicant, which stated that while the development will generate students that will increase the student population above 100% at the elementary and high school

levels, the new student increase will not increase the planning area over 115% at the elementary or middle school, or 120% at the high school level.

5. Are there changes in the circumstances or conditions affecting the area since the original assignment of zoning that will support the proposed zoning?

New residential growth, as well as existing residential development patterns, make the proposed residential PD zoning standards compatible with the surrounding area, as noted above, and support the proposed zoning.

6. Was there a mistake in the original classification?

There was no mistake in the original zoning classification.

7. Will the proposed rezoning have any effect upon the use or value of the affected area?

The proposed development, at a maximum of 861 units, has a proposed density of approximately 5.13 du/ac., below the 5.8 du/ac. maximum allowed under the existing Low Density Residential land use category, which could yield a maximum of 972 units.

8. Will the proposed rezoning have an impact upon public health, safety and welfare?

With appropriate mitigation methods (see #'s 3 & 4 above) the proposed rezoning is not anticipated to negatively impact public health, safety, and welfare.

C. CONCLUSION:

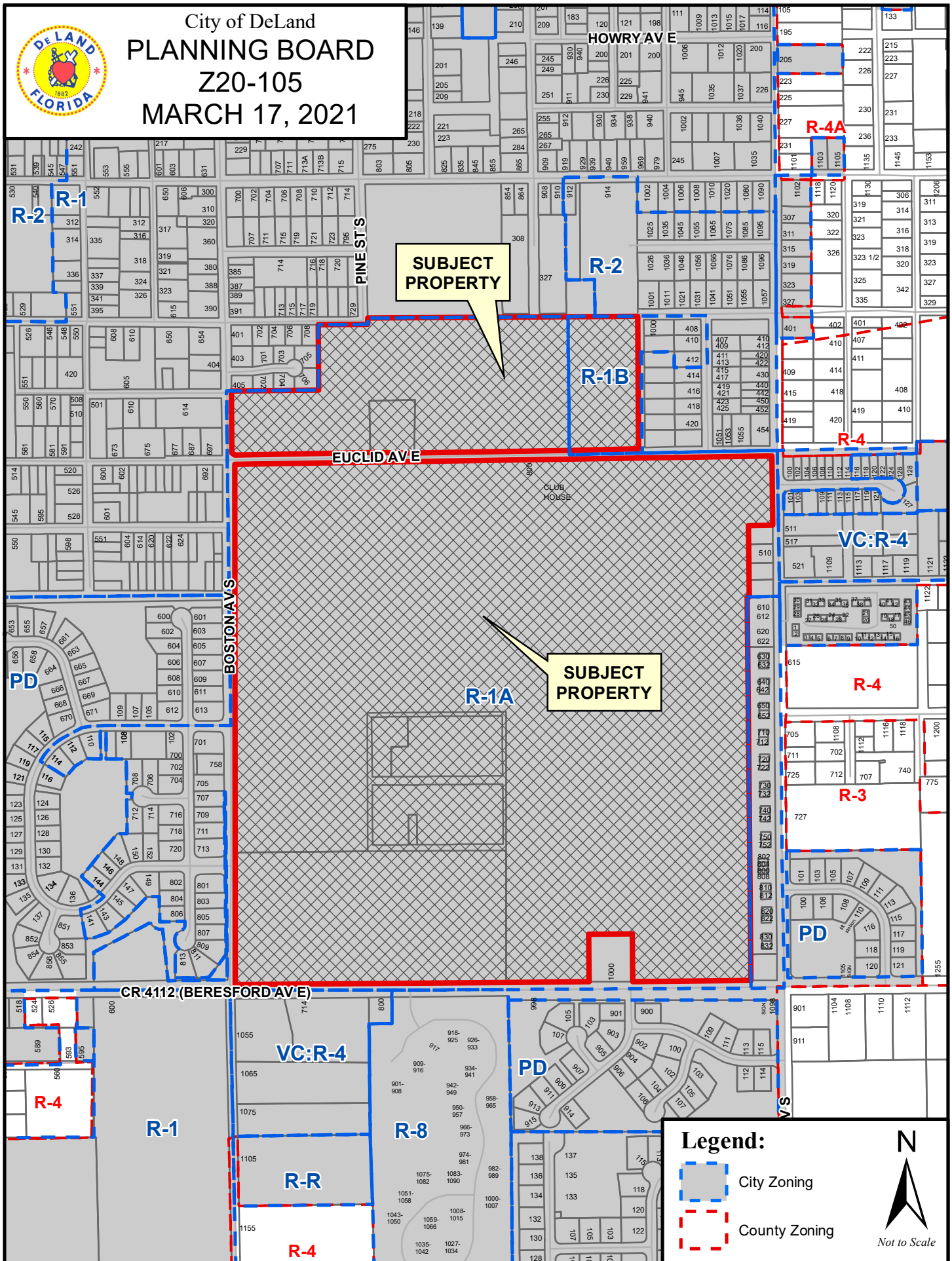
The Applicant is proposing a rezoning from R-1A to (PD) Planned Development in order to develop the subject property for a maximum of 861 single-family and multi-family/townhome units. Submittal of a plat will be required to ensure the provisions of the Planned Development Agreement are satisfied, as determined by TRC Staff.

D. STAFF RECOMMENDATION:

Staff recommends that the Planning Board forward the application to the City Commission with a recommendation of approval of the PD (Planned Development) zoning, subject to the applicant addressing the outstanding Technical Review Committee comments.



City of DeLand
PLANNING BOARD
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Legend:

- City Zoning
- County Zoning

N

Not to Scale



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