



**CITY OF DELAND
REGULAR MEETING OF THE PLANNING BOARD
JULY 17, 2024 AT 5:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE**

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

VERBAL REPORT ON CITY COMMISSION MEETINGS

MINUTES

1. Approval of the June 12, 2024 meeting minutes.
2. Approval of the June 27, 2024 meeting minutes.

PRESENTATIONS

1. Past member recognition.
2. Growth and Development Projections report.

VARIANCE OLD BUSINESS

VARIANCE NEW BUSINESS

PUBLIC PARTICIPATION PROCEEDINGS

PLANNING - OLD BUSINESS

1. Applicant Name: Jack Straw
Project Number: Z24-030 – Cloisters Planned Development Amendment
Project Location: ±1.56 acres located at 400 E Howry Ave
Project Description: PD Amendment to add a parcel, and amend uses
Staff Planner: Belinda Williams-Collins
2. Applicant Name: Mark Watts – Cobb Cole
Project Number: AN24-111 – Annexation Petition for DeLand Tech Park
Project Location: South side of Cassadaga Road, west of Interstate 4
Project Description: Annexation of ±0.99 acres of property into the City of DeLand
Project Planner: Kendall Story
3. Applicant Name: Mark Watts – Cobb Cole
Project Number: SMLU24-112 - Comprehensive Land Use Amendment

Project Location: Project Location: South side of Cassadaga Road, west of Interstate 4
Project Description: Land Use Change of ±0.99 acres of property from Volusia County Urban Low Intensity (ULI) to City of DeLand Commerce (COM)
Project Planner: Kendall Story

4. Applicant: Mark Watts – Cobb Cole
Project Number: Z24-081 – Planned Development Amendment for DeLand Tech Park
Project Location: South side of Cassadaga Road, west of Interstate 4
Project Description: PD amendment to add 3.73 acres of property to the existing DeLand Tech Park development plan and allow for off-site Tree Protection Areas
Project Planner: Kendall Story

PLANNING - NEW BUSINESS

1. Applicant Name: Mark Watts, Esq. – Cobb Cole
Project Name: SE24-031 – Special Exception
Project Location: ±1.467 acres located at S. Amelia Ave.
Description: Special Exception to allow a vehicle rental company
Project Manager: Belinda Williams-Collins
2. Applicant Name: Michael Woods, Esq. – Cobb Cole
Project Number: Z24-089 – Orange Camp DeLand Planned Development
Project Location: ±9.02 acres located at 1600 Orange Camp Rd.
Project Description: Amendment of the I-4 Automall PD to the Orange Camp Deland PD
Project Planner: Belinda Williams-Collins
3. Applicant: Cody Bogart – Newkirk Engineering, Inc.
Project Number: Z24-129 – Rezoning
Project Location: 1338 W Plymouth Ave
Project Description: Rezoning of ±9.51 acres of property from Volusia County A-3 to City of DeLand Single-Family Dwelling (R-1A)
Project Planner: Emily Kunkel

Applicant has requested a continuance.

4. Applicant Name: City of DeLand
Project Number: LDR23-149
Project Location: City-wide
Project Description: Tiny Home Discussion
Project Planner: Carol Kuhn

Discussion regarding draft tiny home regulations.

OTHER BUSINESS

ADJOURNMENT



**CITY OF DELAND
PLANNING BOARD REGULAR MEETING**

MINUTES

WEDNESDAY, JUNE 12, 2024 - 5:00 P.M.

CITY HALL

CALL TO ORDER

The meeting began at 5:00 p.m.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance – Mr. Owens, Chairperson

ROLL CALL

Henry Thiry	Present
Nora Lewis	Absent
Albert Neumann	Present – Late: 5:06pm
Don Liska	Absent
Troy Baumgartner	Present
Harper Hill, <i>Vice Chairperson</i>	Present
Jeremy Owens, <i>Chairperson</i>	Present

Quorum: Yes

Present – Carol Kuhn, Planning Director; Rick Werbiskis, Community Development Director; Aerial A. McCann, Assistant City Attorney; Deborah Glick, Development Services Manager; Belinda Williams-Collins, Senior Planner; Kendall Story, Senior Planner; Emily Kunkel, Planner II; Vivian Ford, Administrative Coordinator; applicants; and members of the public.

MINUTES

1. Mr. Thiry moved to approve the May 8, 2024 Meeting Minutes. Mr. Baumgartner seconded the motion. The board unanimously voted to approve the minutes.

VARIANCE OLD BUSINESS

None.

VARIANCE NEW BUSINESS

None.

PUBLIC PARTICIPATION PROCEEDINGS

Mr. Owens read the Public Participation procedures.

PLANNING – OLD BUSINESS

None.

PLANNING – NEW BUSINESS

1. Applicant Name: Nicole Martin – Madden Moorhead & Stokes
Project Name: PSB23-029 – Preliminary Plat for Summit Place
Project Location: ±59.88 acres located at N Summit Ave
Description: 300 Townhomes
Project Manager: Emily Kunkel

Public Participation: Nika Hosseini, Esq. of Cobb Cole, as attorney for Applicant, spoke and answered questions from the board.

Mr. Neumann expressed concerns that the application is not ready for a determination by the Planning Board, due to the missing architectural items. Mr. Hill agrees that the project is not complete. Mr. Owens stated that he can see both sides of holding and moving the application forward, as architectural details were not previously examined by the Planning Board.

Mr. Neumann moved to continue the request to a future Planning Board meeting. Mr. Hill seconded the motion. The motion to continue passed 4 to 1, with Mr. Owens dissenting.

2. Applicant Name: Jack Straw
Project Number: Z24-030 – Cloisters Planned Development Amendment
Project Location: ±1.56 acres located at 400 E Howry Ave
Project Description: PD Amendment to add a parcel, and amend uses
Staff Planner: Belinda Williams-Collins

Public Participation: Jack Straw, Applicant, made a presentation and answered questions from the board.

Mr. Hill moved to continue to next meeting. Ms. Kuhn advised a continuance is not possible for a PD application.

Applicant has requested a continuance and comments from board to return with an acceptable proposal.

The board expressed concerns regarding the impact to existing, limited parking associated with the removal of the age restriction. They would like to applicant to explore minimizing the parking deficit, including limitations on leasing, exploring internal options, and reducing required tree protection area, while also being mindful of stormwater challenges.

Applicant's motion to continue to the July 17, 2024 Planning Board meeting was unanimously approved by the board.

3. Applicant Name: Bill Merckel – Merckel Development LLC
Project Number: SSB24-062 – Subdivision Sketch
Project Location: 335 N McDonald Ave
Project Description: 5 single-family residential lots
Staff Planner: Belinda Williams-Collins

Public Participation: Staff presented and answered questions from the board.

Comments: Confirm that utility easements are not required along the rights-of-ways.

No vote required for this item.

4. Applicant Name: Mark Watts – Cobb Cole
Project Number: AN24-111 – Annexation Petition for DeLand Tech Park
Project Location: South side of Cassadaga Road, west of Interstate 4
Project Description: Annexation of ±0.99 acres of property into the City of DeLand
Project Planner: Kendall Story

Public Participation: Staff advised that the applicant has requested a continuance to the July 17, 2024 meeting.

Mr. Hill moved to approve a continuance to the July 17, 2024 meeting. Mr. Thiry seconded the motion. The motion to approve passed unanimously.

5. Applicant Name: Mark Watts – Cobb Cole
Project Number: SMLU24-112 - Comprehensive Land Use Amendment
Project Location: Project Location: South side of Cassadaga Road, west of Interstate 4
Project Description: Land Use Change of ±0.99 acres of property from Volusia County Urban Low Intensity (ULI) to City of DeLand Commerce (COM)
Project Planner: Kendall Story

Public Participation: Staff advised that the applicant has requested a continuance to the July 17, 2024 meeting.

Mr. Hill moved to approve a continuance to the July 17, 2024 meeting. Mr. Thiry seconded the motion. The motion to approve passed unanimously.

6. Applicant: Mark Watts – Cobb Cole
Project Number: Z24-081 – Planned Development Amendment for DeLand Tech Park
Project Location: South side of Cassadaga Road, west of Interstate 4
Project Description: PD amendment to add one (1) new parcel to existing PD
Project Planner: Kendall Story

Public Participation: Staff advised that the applicant has requested a continuance to the July 17, 2024 meeting.

Mr. Hill moved to approve a continuance to the July 17, 2024 meeting. Mr. Thiry seconded the motion. The motion to approve passed unanimously.

7. Applicant Name: City of DeLand

Project Location: City-wide
Project Description: Update to the City's 2050 Vision Plan
Project Planner: Carol Kuhn

Public Participation: Staff presented and answered questions from the board.

Mr. Hill moved to approve the request. Mr. Thiry seconded the motion. The motion to approve passed unanimously.

8. Applicant Name: City of DeLand
Project Number: COMP24-110 – Text Amendment
Project Location: City-wide
Project Description: 2024 Comprehensive Plan Update
Project Planner: Carol Kuhn

Public Participation: Staff presented and answered questions from the board.

Mr. Neumann moved to approve the request. Mr. Hill seconded the motion. The motion to approve passed unanimously.

OTHER BUSINESS

1. Ms. Kuhn reminded the board that the July meeting will be on the 3rd Wednesday, July 17, 2024.
2. Ms. Kuhn announced that a plaque presentation will be done on July 17, 2024 to former Planning Board members Buz Nesbit and Virginia Comella.

ADJOURNMENT

The meeting ended at 7:16 p.m.



**CITY OF DELAND
PLANNING BOARD SPECIAL MEETING
MINUTES**

WEDNESDAY, JUNE 27, 2024 - 5:00 P.M.

CITY HALL

CALL TO ORDER

The meeting began at 5:02 p.m.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance – Mr. Owens, Chairperson

ROLL CALL

Henry Thiry	Present
Nora Lewis	Present
Albert Neumann	Absent
Don Liska	Present
Troy Baumgartner	Absent
Harper Hill, <i>Vice Chairperson</i>	Absent
Jeremy Owens, <i>Chairperson</i>	Present

Quorum: Yes

Present – Carol Kuhn, Planning Director; Rick Werbiskis, Community Development Director; Darren Elkind, City Attorney; Deborah Glick, Development Services Manager; Emily Kunkel, Planner II; Vivian Ford, Administrative Coordinator; applicants; and members of the public.

PUBLIC PARTICIPATION PROCEEDINGS

Mr. Owens read the Public Participation procedures.

PLANNING – OLD BUSINESS

1. Applicant Name: Nicole Martin – Madden Moorhead & Stokes
Project Name: PSB23-029 – Preliminary Plat for Summit Place
Project Location: ±59.88 acres located at N Summit Ave
Description: 300 Townhomes
Project Manager: Emily Kunkel

Public Participation: Mark Watts, Esq. of Cobb Cole, as attorney for Applicant, spoke and answered questions from the board.

Ms. Lewis moved to approve the request, with the condition that all staff comments be addressed. Mr. Liska seconded the motion. The motion to approve passed unanimously.

PLANNING – NEW BUSINESS

None.

OTHER BUSINESS

None.

ADJOURNMENT

The meeting ended at 5:49 p.m.

**PLANNING DEPARTMENT STAFF REPORT
TO
THE CITY OF DELAND PLANNING BOARD**

June 12, 2024

A. APPLICATION NO.: Z24-030 DeLand Cloisters

APPLICANT: Jack Straw, Pacifica

REQUEST: The applicant is requesting an amendment to the existing Cloisters Planned Development (PD) to modify the allowable uses to include multi-family residential and nursing home, assisted, congregate living, and skilled nursing facility, and amend the PD boundary to add an adjacent 1-acre parcel for associated parking.

APPLICABLE ORDINANCES:

Article XII

ADMINISTRATION AND ENFORCEMENT

Sec. 33-135 – Procedure for text amendments and rezoning

Location: 400 E. Howry Ave.

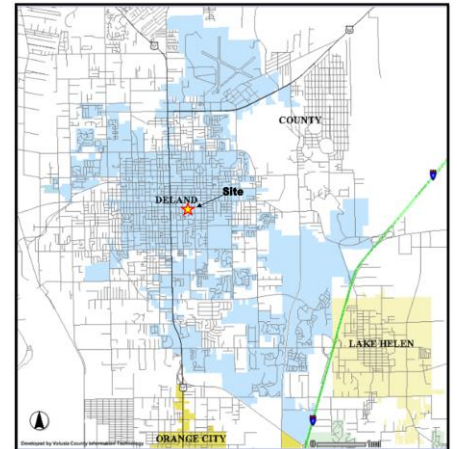
Parcel Size: 14.178 ± acres

Existing Use: Age restricted multi-family residential

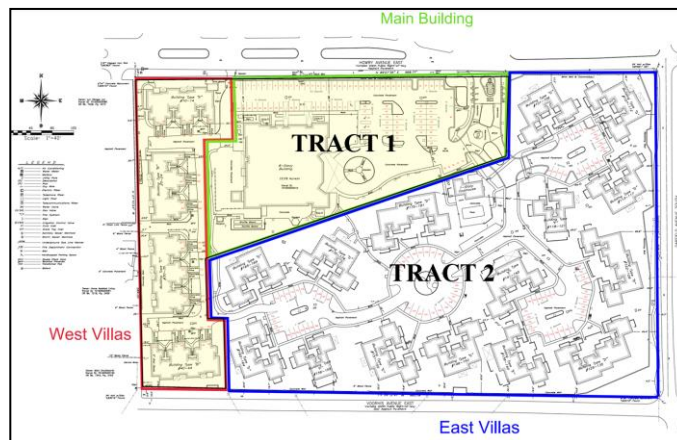
B. ANALYSIS:

History - Rezoning of the property from R-16 to PD was approved by the City Commission on August 18, 2003.

The PD was developed using the standards of the R-16 zoning designation as the basis for the development regulations. The original PD permitted age restricted residential living facilities, including assisted living, with associated offices, kitchen, dining and other associated facilities and included several single-story residential units with an associated pool and club house.



The development is divided into 2 tracts and contains a total of 272 units including a multi-story building containing 170 units (Tract 1), 4 villa buildings containing 21 units and 15 bungalow buildings containing 81 units (Tract 2). The 2003 PD set the parking standards for the development, with 96 spaces for Tract 1 and 113 spaces for Tract 2 (92 uncovered + 21 garage spaces). This reduced parking standard was approved based on the age-restricted use.

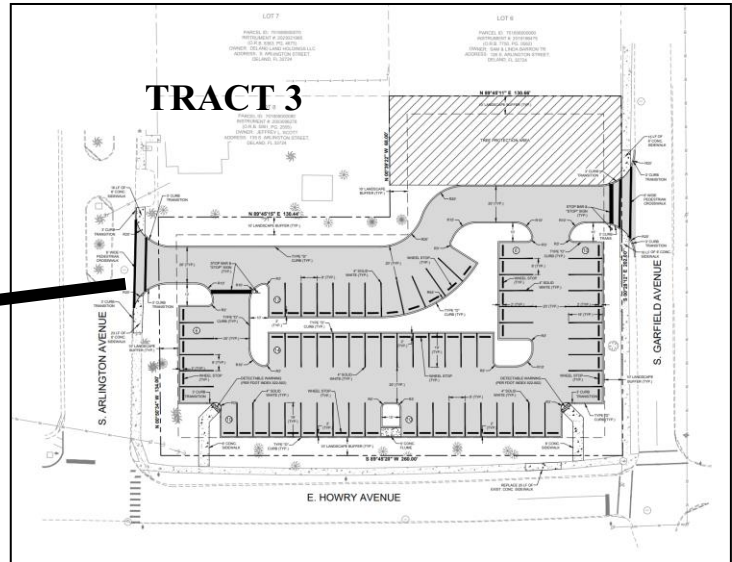
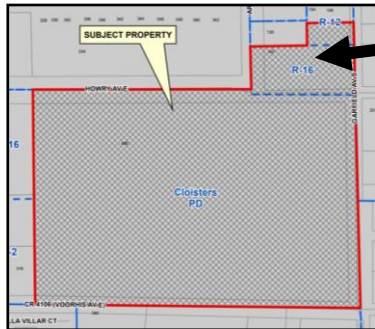


This proposed PD amendment includes a request to add multi-family residential uses and additional assisted living, nursing home, and skilled nursing facility uses to the 2003 Planned Development and to add an additional 1-acre site to the PD. This adjacent parcel is intended to be developed with 68 additional parking spaces in order to accommodate the increased parking demand associated with the proposed multi-family residential use. No additional units are proposed, however, the 2003 PD set a parking standard based on the established “retirement housing, assisted living” use. The existing parking does not meet the current parking standards and the applicant is proposing additional parking to meet the anticipated needs associated with the removal of the age restriction, as the parking demand associated with multi-family is higher than the parking demand of an “Over-55” community.

The applicant has acquired an adjacent parcel to be added to the PD. The City’s Land Development Regulations do not permit off-site parking for residential uses. Therefore, the applicant is requesting deviation from this standard through the PD to allow residential off-site parking. Although the current boundary of the PD is being expanded, the additional parking is located across Howry Avenue and a specific request for deviation from the Land Development Regulations requiring off-street parking be located on the same parcel as the use it serves (33-91.06(a)1) must be included in the PD. The City Commission may approve off-site parking for non-residential uses, however no provision is included for residential uses. A separate site plan application shall be submitted for any improvements on the adjacent parcel as well any modifications within the existing development.

The following table highlights the proposed changes to the language of the development agreement.

	Existing PD	Proposed PD
Land uses	<u>Tract One</u>	<u>Tract One</u>
	- Residential living facilities	- Residential living facilities
	- Assisted living facilities w/ associated offices, kitchen, dining and other associated facilities.	- Multiple-family dwellings as well as Nursing homes and adult congregate living including independent living and Assisted living facilities w/ associated offices, kitchen, dining, skilled nursing facilities and other associated facilities.
	<u>Tract Two</u>	<u>Tract Two</u>
	- Single story residential units w/associated pool and club house.	- Single story residential, Multiple-family dwelling units and Nursing homes and adult congregate living including independent living and assisted living w/associated pool and club house.
		<u>Tract Three</u>
		Parking lot with 68 spaces (to be used by residents of the Mid-rise building).
Development Standards:	<u>Tract One</u>	<u>Tract One</u>
	10. Off-street parking requirements - 96 spaces	10. Off-street parking requirements - 96 spaces 164 spaces, 50 bike stalls (No additional spaces are provided on site. The additional spaces are located within Tract Three - $96+68=164$)
	<u>Tract Two</u>	<u>Tract Two</u>
	10. Off-street parking requirements - 92 spaces	10. Off-street parking requirements - 92 spaces 134 spaces, 50 bike stalls (The 42 driveway and garage spaces provided for use by the residents of the West Villas are included in this total - $92+42=134$)
		<u>Tract Three</u>
		68 spaces (see language for Tract One)



The additional 1-acre parcel is currently designated with R-16 and R-12 zoning and land uses of High and Medium density residential respectively, both of which permit Planned Development (PD) zoning. The development agreement, survey, and Planned Development concept plan must be updated to include this additional one-acre parcel of land and to allow for the adjacent, off-site parking.

The parking currently provided for the development, the spaces proposed for the newly acquired lot and the number required by city regulations results in the following number of vehicle spaces:

Existing		Proposed		Required	
Main building	94 spaces	Main building	94 spaces	Main building	350 spaces
West Villas	42 spaces	West Villas	42 spaces	West Villas	53 spaces
East Villas	92 spaces	East Villas	92 spaces	East Villas	190 spaces
		New parking lot	68 spaces		
TOTAL	228 spaces	TOTAL	296 spaces	TOTAL	592 spaces

The parking requirements for a cluster/multifamily development are as follows:

Studio	1 space/unit
1 bedroom	1.5 spaces/unit
2+ bedrooms	2 spaces/unit
Visitor parking	0.5 space/unit

The following chart demonstrates the breakdown of residential units required for the development and what the applicant proposes to provide:

		City requirement		Proposed
		Pkg rqmt.	spaces	spaces
MAIN BLDG units				
Studio	36	1	36	18
1 Br	79	1.5	119	70
2 br	55	2	110	74
	170			
Visitor		0.5	85	0
Sub-total			350	162
WEST VILLAS units				
2 br	21	2	42	42
	21			
Visitor		0.5	11	0
Sub-total			53	42
EAST VILLAS units				
Studio	4	1	4	2
1 Br	18	1.5	27	18
2 br	59	2	118	72
	81			
Visitor		0.5	41	0
Sub-total			190	92
TOTAL			592	296

The required number of spaces is 592 and the proposal to provide 296 spaces results in a shortage of 296 spaces.

The parking standards were established as part of the previous PD approval and no additional units are being proposed. To date, no concerns have been raised regarding the number of existing, on-site parking spaces aside from one complaint regarding the availability of ADA spaces. In addition to the 68 spaces to be constructed on the adjacent 1-acre parcel, the applicant is proposing to add 105 bicycle parking spaces within the development to provide another transportation option for the residents. The site is located near the DeLand Multi-Modal Transportation Facility (15-minute walk and 4-minute bike ride).

Section 33-135 provides the following criteria, which shall be utilized 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 existing PD has a variety of land uses that are consistent with the High-Density Land Use designation. The proposed amendment to add multi-family residential and some additional skilled nursing and congregate care uses would also be consistent with the existing land use designation. The adjacent 1-acre parcel has split zoning (R-16 and R-12 zoning) and split land use designations (High and Medium density). This additional parcel will be used to accommodate the increased parking demand associated with the removal of the age-restriction and the addition of multi-family residential use to the PD.

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

The PD amendment to add multi-family residential use and add an adjacent 1-acre parcel for additional parking are not expected to impact the environment or natural resources as there are limited site improvements within the existing PD area and tree protection and stormwater will be provided on the adjacent 1-acre parcel.

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

This is an existing developed site and the proposed amendment to add multi-family residential to the PD is not expected to impact the economy. The applicant contends that the addition of multi-family residential will provide additional housing options and reduce the vacancy rate at the exiting Cloisters' development. The additional parking area is proposed to help meet the increased parking demands associated with the proposed multi-family use.

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

The rezoning action is not anticipated to have a significant impact on governmental services. The property is located within the urban area and such services are already provided. No new City services are anticipated to be required with this PD amendment. However, school concurrency was not evaluated during the original 2023 Planned Development application, due to the age restriction. However, the applicant is required to pay Volusia County School impact fees due to the removal of the age restriction. The currency review form has been submitted to the Volusia County School District.

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

This property is currently an age-restricted community. The applicant is requesting to add additional uses to reduce current vacancies and provide additional housing options in the area.

6. Was there a mistake in the original classification?

The Cloisters property was developed in 1985 as a retirement community and was rezoned in 1994 to R-16 during the city-wide administrative rezoning process. However, the existing retirement community did not meet all of the newly-imposed R-16 standards. To alleviate some of the non-conformities, a Planned Development rezoning application was approved in 2003 to adjust some performance standards, memorialize the non-conforming uses, and set a parking standard for the development. The site was developed with 188 parking spaces and the PD set the parking standard for the development at 188 spaces. However, additional spaces were added and the site currently has 228 spaces. To help offset any potential impact associated with adding multi-family to the list of allowed uses, the applicant is requesting to add an adjacent parcel into the PD and develop it with 68 parking spaces.

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

The proposed amendment will expand the allowed uses in the PD to reduce the vacancies within the development. This change is not anticipated to impact the use or value of the surrounding area since it will continue as a residential development.

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

Aside from the addition of bicycle parking within the existing development, no other site improvements within the existing development. The additional parcel would be developed with 68 parking spaces to accommodate the anticipated increased parking demand associated with removing the age restriction. Existing utilities are in place to serve the property. The rezoning request is not anticipated to adversely impact health, safety or welfare.

C. CONCLUSION:

Because this is a developed site, no space exists to provide additional parking on-site, however, the property that has been acquired to provide 68 parking spaces will relieve a portion of the shortage. To meet the current requirement, the amount of parking that is provided would have to be doubled, but there is no land available in the vicinity of the development that would accommodate it and neither would it meet the requirement to be on the same parcel. In this situation, application of the city's parking standards cannot be accomplished within the current confines of the existing site.

The proposed amendment to expand the Planned Development boundary to include an adjacent parcel and modify the uses within the PD is consistent with the rezoning criteria as outlined above. The applicant has requested deviation from the off-site parking restriction as part of the PD amendment. Minor site work to add the additional bicycle parking and to develop the adjacent parcel for associated parking shall be processed through a site plan application.

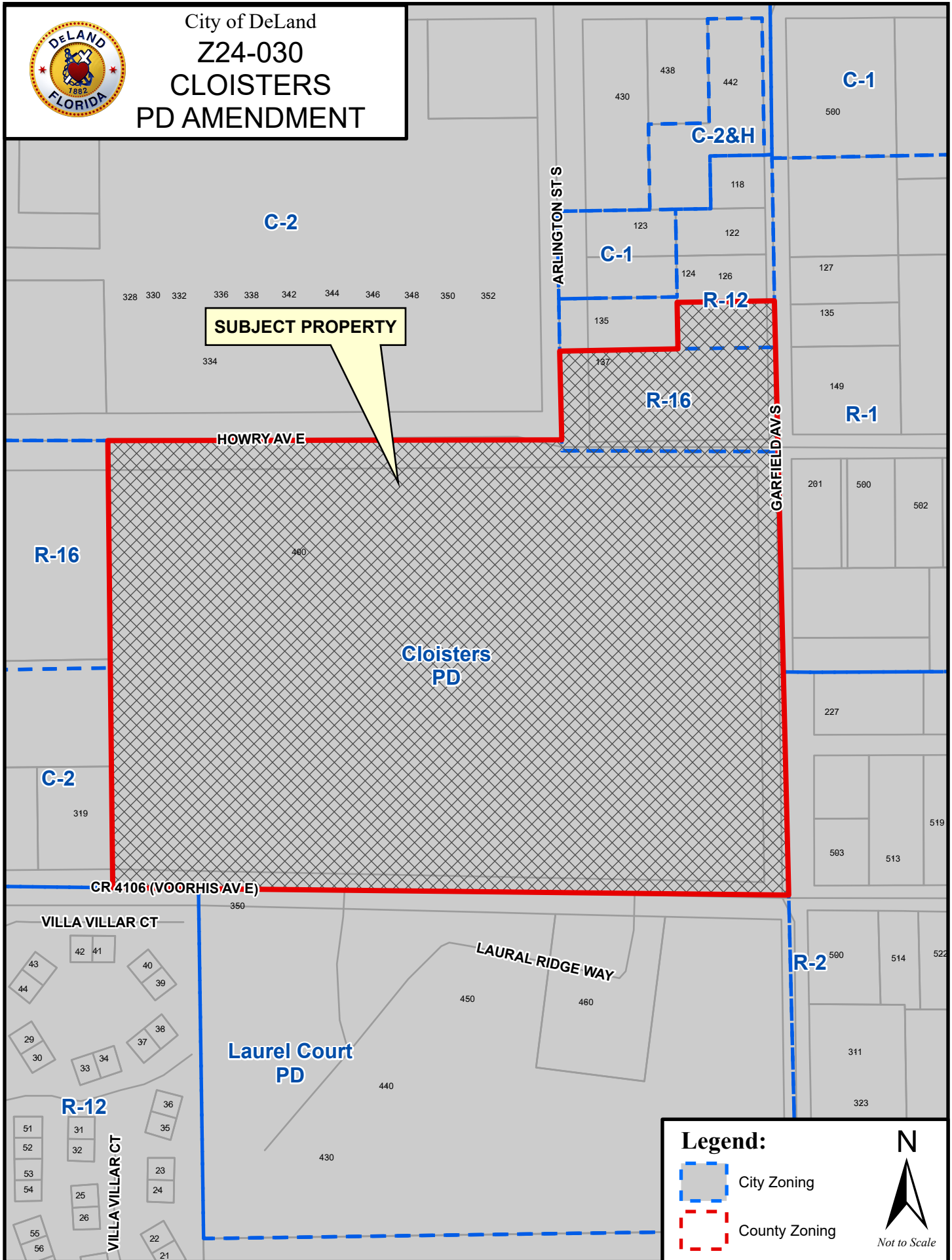
D. STAFF RECOMMENDATION:

Staff recommends approval of the proposed Cloisters Planned Development Amendment subject to the following condition of approval:

1. Applicant shall provide the Volusia County School Concurrency Determination Letter prior to scheduling this item for first reading at City Commission.

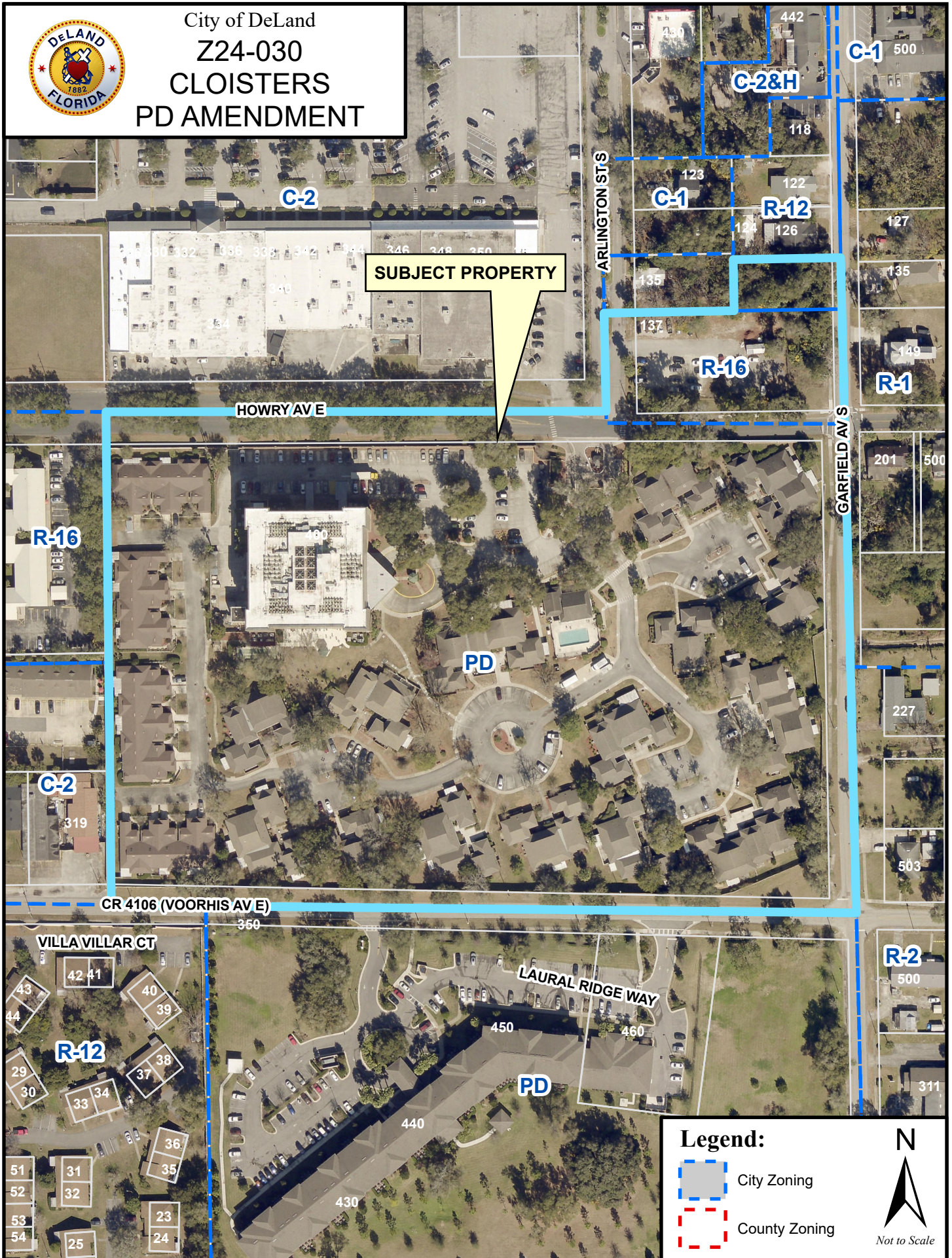


City of DeLand
Z24-030
CLOISTERS
PD AMENDMENT





City of DeLand
Z24-030
CLOISTERS
PD AMENDMENT



FIRST AMENDMENT TO CLOISTERS

PLANNED DEVELOPMENT AGREEMENT

This First Amendment to the Cloisters Planned Development Agreement (the “First Amendment”) is made this ____ day of _____, 2024 between the **CITY OF DELAND**, a Florida municipal corporation (hereafter, the “City”), whose mailing address is 120 S. Florida Avenue, DeLand, FL 32720, and **DeLand Land Holdings LLC**, a Florida limited liability company with a mailing address of 1775 Hancock St., Suite 200, San Diego, CA 92110 (hereafter, “DL Holdings”).

WHEREAS, the City and Cloisters RHF Housing, L.L.C. (previous owner) previously entered into that certain Planned Development Agreement (the “PD Agreement”) dated on or about August 13, 2003 and recorded in Official Records Book 5234, Page 92 of the Public Records of Volusia County, Florida in connection with the rezoning of + 13.178 acres known as the “Cloisters” PD; and

WHEREAS, DL Holdings (current owner) purchased the property associated with the PD Agreement from Cloisters RHF Housing, L.L.C. on August 22, 2022; and

WHEREAS, DL Holdings desires to modify the allowable uses on the site while incorporating parcel 701606000090 into the PD Agreement in order to develop additional parking to support the proposed allowable uses; and

WHEREAS, the application of DL Holdings to amend the Cloisters PD was duly and properly filed with the City on April ____, 2024 and the application was reviewed by the City’s Community Development Department and determined to be consistent with the City’s Comprehensive Plan; and

WHEREAS, Public Hearings on this First Amendment to the Cloisters PD Agreement were held by the Planning Board on Month XX, 2024 and the City Commission on _____ and _____ after due public notice was provided in accordance with the City’s Land Development Regulations Ordinance No. 2013-11, as amended.

NOW THEREFORE, the City and DL Holdings acknowledge and agree that the Cloisters PD is hereby amended to reflect the following changes, revisions and amendments to the Cloisters PD Agreement and amended Planned Development Plan:

1. Section D. of the Development Agreement for the Cloisters PD is amended as follows (changes shown in ~~strikethrough~~/underline format):

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

Tract One – ~~Residential Living Facilities~~, Multiple-family dwellings as well as Nursing homes and adult congregate living including independent living and assisted living, with associated offices, kitchen, dining, skilled nursing facilities and other associated facilities.

Tract Two – Single story residential Multiple-family dwelling units and Nursing homes and adult congregate living including independent living and assisted living with associated pool and club house.

2. Section E. of the Development Agreement for the cloisters PD is amended as follows:

E. Development Standards.

Tract One – Mid-Rise Building

...

10. *Off-street parking requirements* ~~96 spaces~~ 162 spaces, 50 bike stalls

...

Tract Two – Single Story Villas

...

10. *Off-street parking requirements* ~~92 spaces~~ 134 spaces, 50 bike stalls

...

Tract Three – Residential/Visitor Parking Lot

1. Minimum lot area 1 acre
2. Minimum Lot width and /or depth Per attached Plan, Exhibit B
3. Minimum yard size (building) Per attached Plan, Exhibit B
 - a. Front yard: Per attached Plan, Exhibit B
 - b. Rear yard: Per attached Plan, Exhibit B
 - c. Side yard: Per attached Plan, Exhibit B
 - d. Waterfront yard: Per attached Plan, Exhibit B
4. Minimum Floor area: Per attached Plan, Exhibit B
5. Maximum lot coverage Per attached Plan, Exhibit B
6. Maximum building height Per attached Plan, Exhibit B
7. Landscape buffer requirements Per attached Plan, Exhibit B

- | | |
|---|-------------------------------------|
| 8. <u>Perimeter building setbacks</u> | <u>Per attached Plan, Exhibit B</u> |
| <u>Minimum building separation</u> | <u>Per attached Plan, Exhibit B</u> |
| 9. <u>Off-street parking requirements</u> | <u>68 spaces</u> |
| 10. <u>Signage requirements</u> | <u>Per attached Plan, Exhibit B</u> |
| 11. <u>Open Space and/or Common</u> | <u>Per attached Plan, Exhibit B</u> |
| <u>Area requirements:</u> | |

3. Exhibit B is amended to incorporate Attachment A herein as the amended Planned Development Plan for the Cloisters PD.

IN WITNESS WHEREOF, the City and DL Holdings have caused this First Amendment to the Cloisters Planned Development Agreement to be duly executed by their authorized representatives as of the last date entered below.

ATTEST:

City Commission of DeLand Florida

Michael Pleus
City Manager

Christopher M. Cloudman
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 Christopher M. Cloudman, 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.: _____

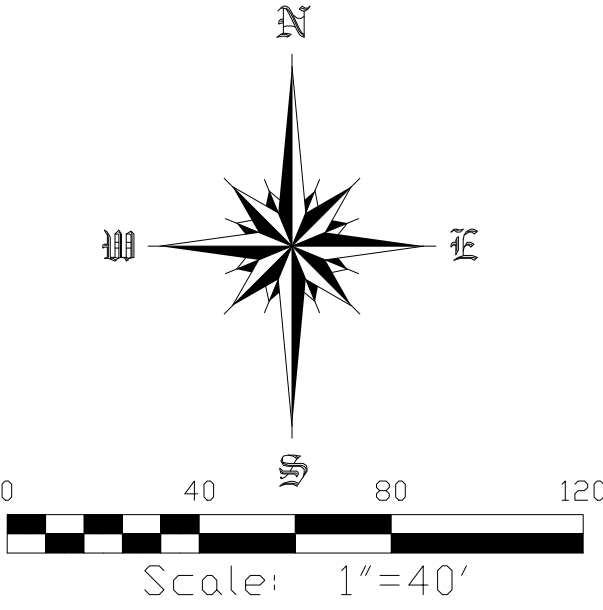
My Commission Expires: _____

LEGAL DESCRIPTION

+/- 13.178 ACRES

LOTS 1 & 2 CLOISTERS MB 50 PGS 80-81 INC PER OR 8301 PG 4405

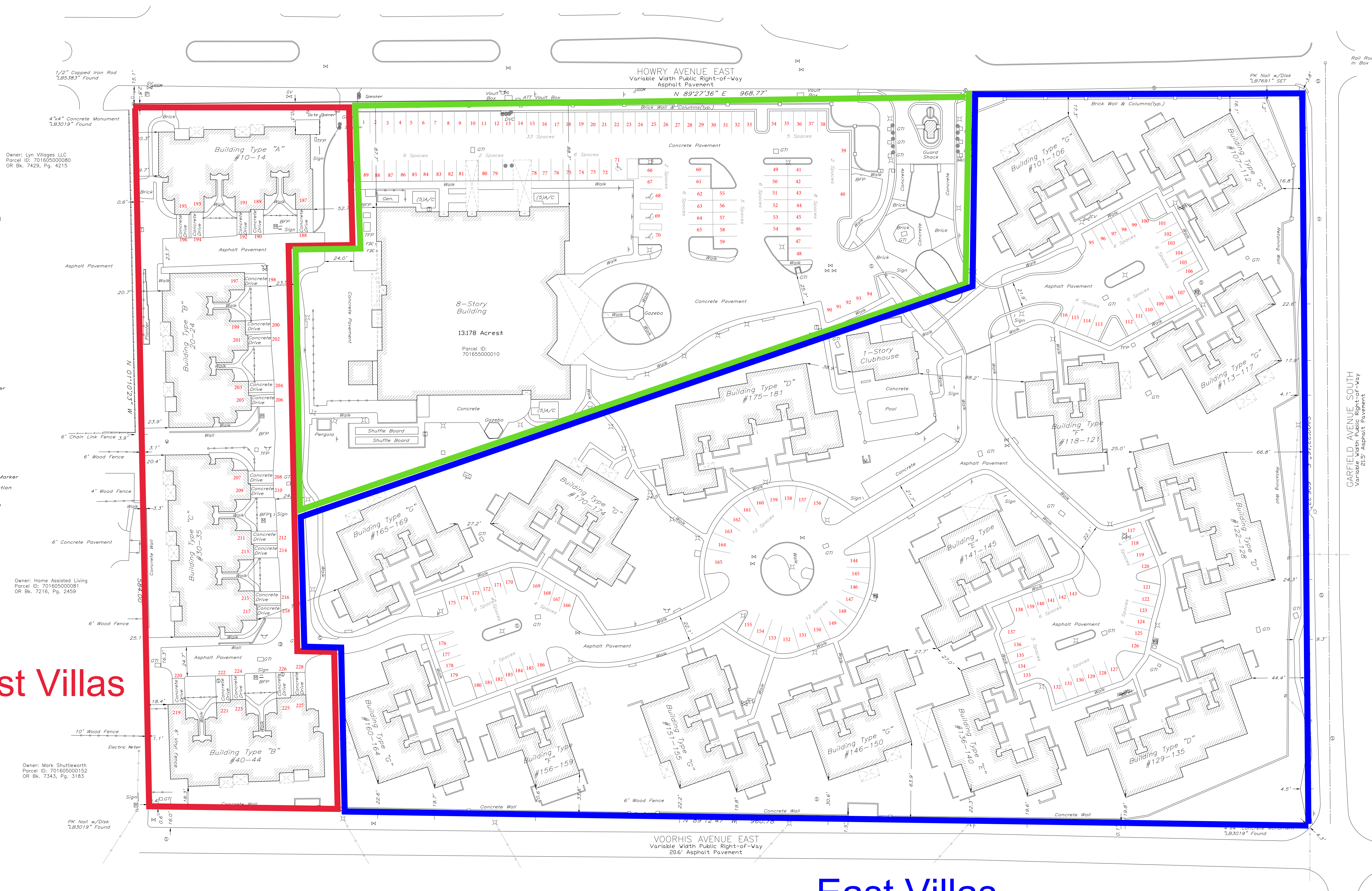
Main Building



- LEGEND**
- A/C Air Conditioning
 - WM Water Meter
 - MB Mailbox
 - UP Utility Pole
 - (D) Description
 - (P) Plat
 - GW Guy Wire
 - ER Electric Riser
 - TR Telephone Riser
 - LP Light Post
 - TR Telecommunications Riser
 - WV Water Valve
 - GV Gas Valve
 - FD Fire Hydrant
 - SI Sign
 - ICV Irrigation Control Valve
 - CI Curb Inlet
 - GTI Grate Top Inlet
 - SM Sanitary Sewer Manhole
 - SSM Storm Sewer Manhole
 - UGM Underground Gas Line Marker
 - FD Fire Department Connection
 - W Well
 - DCV Handicapped Parking Space
 - DCV Double Check Valve
 - BFP Backflow Preventer
 - TP Transformer Pad
 - B Ballast

West Villas

East Villas



SURVEY COORDINATED BY:	REVISION HISTORY		GRS PROJECT NO. / JOB NO.	
	DATE	Comments	22-56589.6	
G R S O U P	3-11-22	Comments	SCALE:	1" = 40'
	9-24-22	Comments	DRAWN BY:	JWV
	10-23-22	Comments	APPROVED BY:	LT
300 SPECTRUM CENTER DRIVE, SUITE 145, IRVINE, CALIFORNIA 92618 PHONE: 330-779-1167				

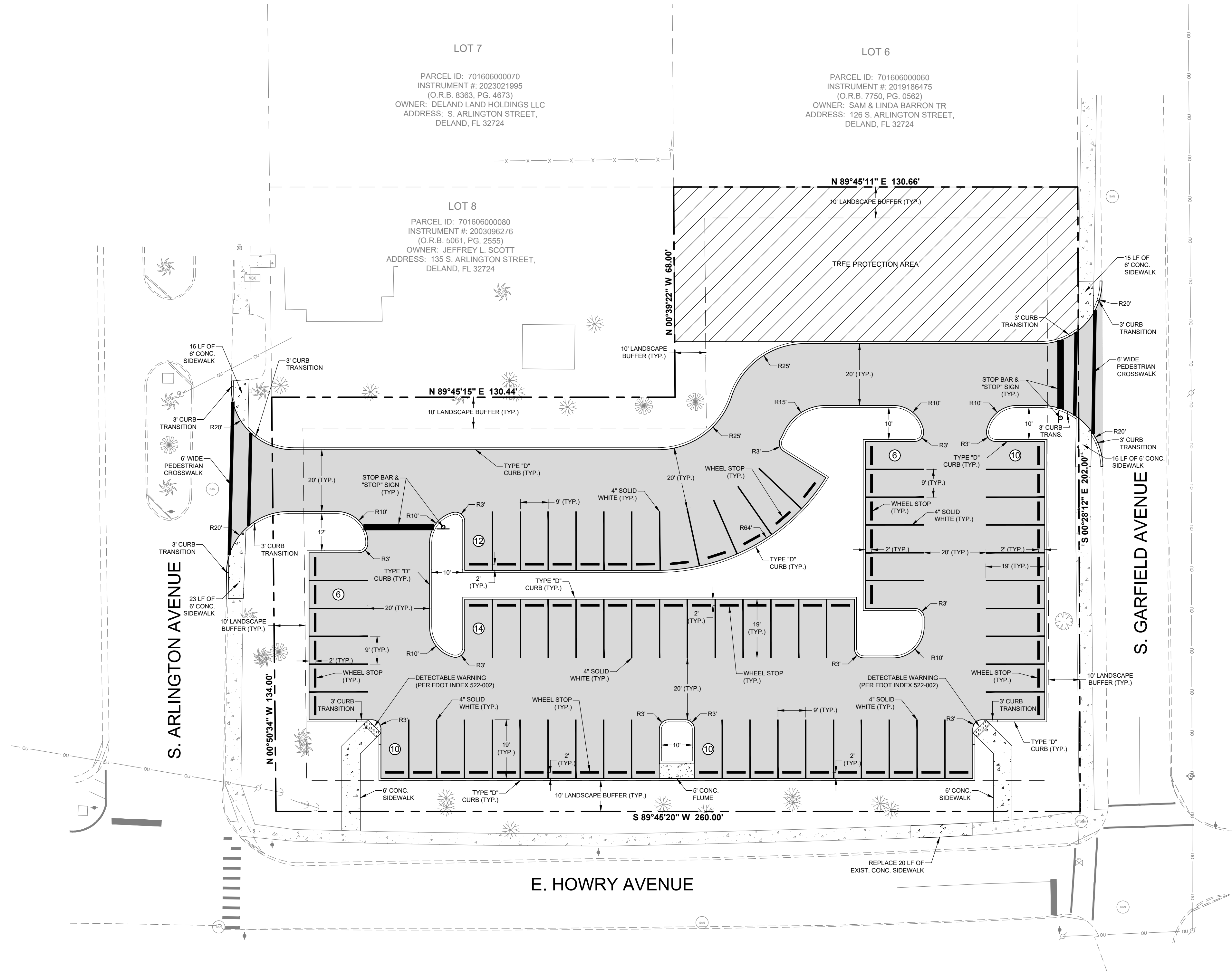


THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY BOWMAN CONSULTING GROUP, LTD. SHALL BE WITHOUT LIABILITY TO BOWMAN CONSULTING GROUP, LTD.

NOTE:

ALL ELEVATIONS SHOWN ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD).

Cod file name: \\FL-STUA-TF-VM\\FASTData\\TALONFAST_CORE\\TALONFAST-SRV\\Shared_Projects\\011461 - Pacifica Deland Land Holdings\\011461-01-001 (ENG) - Cloisters Deland\\Engineering\\CAD_Plans (dwg)\\PLANS\\011461-SIT.dwg 05/20/24



LEGEND

(EXISTING)

= PROPERTY LINE

(PROPOSED)

= PROPERTY LINE

= STANDARD DUTY CONCRETE

= HEAVY DUTY CONCRETE

= STANDARD DUTY ASPHALT PAVEMENT

NOTES

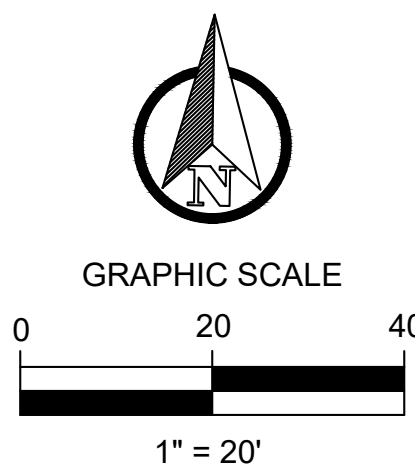
- ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY OF DELAND REGULATIONS AND CODES AND O.S.H.A. STANDARDS.
- CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULES, CANOPIES, APRONS, SLOPE PAVING, SIDEWALKS, EXIT PORCHES, TRUCK DOCKS, PRECISE BUILDINGS DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
- ALL UNSURFACED AREAS DISTURBED BY GRADING OPERATION SHALL RECEIVE 4 INCHES OF TOPSOIL. CONTRACTOR SHALL APPLY STABILIZATION FABRIC TO ALL SLOPES 1V:3H OR STEEPER. CONTRACTOR SHALL GRASS DISTURBED AREAS IN ACCORDANCE WITH CITY SPECIFICATIONS UNTIL A HEALTHY STAND OF GRASS IS OBTAINED.
- ALL ISLANDS WITH CURB & GUTTER SHALL BE LANDSCAPED.
- ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, (UNLESS OTHERWISE NOTED ON PLANS) INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SIGNS, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.
- SITE BOUNDARY, TOPOGRAPHIC, UTILITY AND ROAD INFORMATION WERE TAKEN FROM A SURVEY PREPARED BY BOWMAN.
- REFER TO ARCHITECTURAL PLANS FOR SITE LIGHTING AND ELECTRICAL PLANS.
- ALL SIDEWALKS AND ADA ACCESSIBLE AREAS SHALL HAVE A MAXIMUM RUNNING SLOPE OF 1V:20H & A MAXIMUM CROSS SLOPE OF 1V:50H.
- ALL CURB RAMPS TO HAVE DETECTABLE WARNINGS & BE CONSTRUCTED PER LATEST EDITIONS OF FDOT STANDARDS PLANS FOR ROAD CONSTRUCTION, INDEX 522-002, FDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, SECTION 527 & PER ADA REQUIREMENTS.
- F.I.R.M. NO. 12085C0310G, EFFECTIVE DATE MARCH 16, 2015 INDICATES THE SITE IS LOCATED IN ZONE X.
- ALL STRIPING TO BE HIGH SLIP-RESISTANT FINISH TO PREVENT SLIPPING IN WET & DRY CONDITIONS.
- ALL STRIPING SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF FDOT STANDARD PLANS FOR ROAD CONSTRUCTION, INDEX# 711-001, FDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION SECTION 711 "THERMO PLASTIC PAVEMENT MARKINGS". INSTALL RETRO-REFLECTIVE PAVEMENT MARKINGS (RPMs).
- ALL STRIPING SHALL BE INSTALLED AFTER NEW PAVEMENT.

SITE DATA

RESIDENTIAL			
TOTAL PERVIOUS AREA	18,191 SF	0.42 AC	42%
GREEN SPACE	11,679 SF	0.27 AC	27%
TREE PROTECTION AREA	6,512 SF	0.15 AC	15%
TOTAL IMPERVIOUS AREA			
PAVEMENT/CONCRETE	25,583 SF	0.58 AC	58%
TOTAL	43,774 SF	1.00 AC	100%

PARKING CALCULATIONS

RESIDENTIAL	
STANDARD SPACES	68
TOTAL	68



Bowman

Bowman Consulting Group, Ltd., Inc.
301 SE Ocean Blvd, Suite 301
Stuart, Florida 34994
Phone: (772) 283-1413
Fax: (772) 220-7881
www.bowman.com
© Bowman Consulting Group, Ltd.

CLOISTERS DELAND
PARKING
SITE PLAN
FLORIDA
VOLUSIA COUNTY

PROJECT NO
011461-01-001

OCTAVIO "OATS" REIS, P.E.
FL. LICENSE NO. 65661

PLAN STATUS

DATE	DESCRIPTION	
BK	GC	OR
DESIGN	DRAWN	CHKD

SCALE: 1" = 20'

JOB No. 011461

DATE: 2024/05/20

FILE No. 011461-SIT

SHEET

C1

SCHEDULE B-II ITEMS

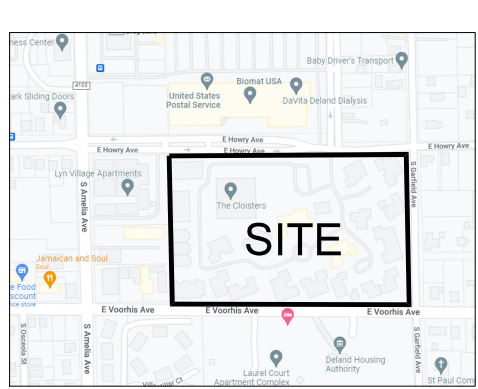
- Items 1-3. Not matters of survey.
4. All matters shown on the plat recorded in Plat Book 50, Pages 80 and 81, of the Public Records of Volusia County, Florida.(effects - not plotted - document contains no easements)
5. A) State Road Reservation and Oil and Mineral Reservation reserved unto the State of Florida by that certain Deed from the Trustees of the Internal Improvement Fund of the State of Florida, filed 07/22/1946, in Deed Book 346, Page 151, of the Public Records of Volusia County, Florida. (effects - not plotted - document contains no easements)
- 6)The right of entry in respect to any interest in phosphate, minerals, and metals or any interest in petroleum heretofore or hereafter reserved in favor of the Board of Trustees of the Internal Improvement Trust Fund has been released as to any parcel of property that is, or ever has been a contiguous tract of less than 20 acres in the aggregate under the same ownership, by virtue of F.S. 270.11. (document is ambiguous and it is unclear as to the extent that it affects subject site)
6. Easement granted to Florida Power Corporation, as more fully set forth in the document recorded in Official Records Book 2520, Page 1150, of the Public Records of Volusia County, Florida. (effects - not plotted - easement blanket in nature following utilities)
7. Easement for Cable Television and Communications Service recorded in Official Records Book 3885, Page 2580, of the Public Records of Volusia County, Florida.(effects - not plotted - easement blanket in nature)
8. Notice of Water and/or Wastewater Development Fee Credits recorded in Official Records Book 4302, Page 2137, of the Public Records of Volusia County, Florida.(effects - not plotted - document contains no easements)
9. Easement granted to the City of Deland, as more fully set forth in the document recorded in Official Records Book 4345, Page 1561, of the Public Records of Volusia County, Florida.(effects - not plotted - easement placement not described)
10. Easement granted to the City of Deland, as more fully set forth in the document recorded in Official Records Book 4398, Page 2680, of the Public Records of Volusia County, Florida.(effects - not plotted - easement placement not described)
11. Easement granted to Bell South Telecommunications, a Georgia corporation, as more fully set forth in the document recorded in Official Records Book 4441, Page 1742, of the Public Records of Volusia County, Florida.(effects - not plotted - easement placement follows utilities installed)
12. Easement and Memorandum of Agreement recorded in Official Records Book 6922, Page 242, of the Public Records of Volusia County, Florida.(not plotted - easement blanket in nature)
13. Memorandum of Agreement recorded 11/10/2020 in Official Records Book 7940, Page 2510, of the Public Records of Volusia County, Florida.(effects - not plotted - document contains no easement)
14. not a matter of survey
15. Ordinance No. 2003-30, recorded 08/25/2003 in Official Records Book 5146, Page 3259, of the Public Records of Volusia County, Florida.(effects - not plotted - document contains no easement)

SITE PICTURE



VICINITY MAP

NOT TO SCALE



LAND AREA

574,029 SQUARE FEET±
13.178 ACRES±

PARKING SPACES

REGULAR= 176 HANDICAP= 4
TOTAL= 180

ZONING DATA

ZONING ITEM	REQUIRED	PARKING REQUIREMENTS
ZONING DISTRICT	PD - Planned Development, Core Gateway Corridor	1 space per 4 beds (min) =92 spaces required
PERMITTED USE		
MINIMUM LOT AREA (SQ.FT.)	1 acre	
MAX BUILDING COVERAGE	Not Specified	
MAX BUILDING HEIGHT	Not Specified	
BUILDING SETBACKS		CONTACT:
FRONT	Per Site Plan	Timothy Van Zant
SIDE	Per Site Plan	580-372-2507
STREET SIDE	Per Site Plan	tvanzant@grs-global.com
REAR	Per Site Plan	REPORT DATE: Final 3-2-22 Rev 1-17-22
		PROJECT SITE #: 22-56589.18

FLOOD NOTE

FLOOD NOTE: BASED ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AVAILABLE ONLINE AT WWW.MSC.FEMA.GOV. AND BY GRAPHIC PLOTTING ONLY. THIS PROPERTY IS LOCATED IN ZONE (X) ON FLOOD INSURANCE RATE MAP NUMBER (12127C0470H), WHICH BEARS AN EFFECTIVE DATE OF (02/19/2014) AND (IS NOT) IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THE ACCURACY OF THE MAPS AND/OR TO APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

SIGNIFICANT OBSERVATIONS

None

LEGEND

A/C	----- Air Conditioning	GTI	----- Grate Top Inlet
W	----- Water Meter	S	----- Sanitary Sewer Manhole
M	----- Manhole	SSM	----- Storm Sewer Manhole
U	----- Utility Pole	UGM	----- Underground Gas Line Marker
D	----- Description	FC	----- Fire Department Connection
P	----- Plat	G	----- Guy Wire
E	----- Electric Riser	W	----- Well
T	----- Telephone Riser	HCP	----- Handicapped Parking Space
L	----- Light Post		
TR	----- Telecommunications Riser		
WV	----- Water Valve	DCV	----- Double Check Valve
GV	----- Gas Valve	BP	----- Backflow Preventer
FP	----- Fire Hydrant	TFP	----- Transformer Pad
S	----- Sign	B	----- Bollard
ICV	----- Irrigation Control Valve		
CI	----- Curb Inlet		

RECORD DESCRIPTION

THE LAND REFERRED TO HEREIN IS DESCRIBED AS FOLLOWS:

Tract 1 and Tract 2, Cloisters, according to the map or plat thereof as recorded in Plat Book 50, Pages 80 and 81, of the Public Records of Volusia County, Florida.

SHEET 1 OF 2

TITLE COMMITMENT INFORMATION

THE PROPERTY HEREON DESCRIBED IS THE SAME AS THE PERTINENT PROPERTY AS DESCRIBED IN STEWART TITLE GUARANTY COMPANY, COMMITMENT FILE NO.:22000480018, WITH AN EFFECTIVE DATE OF DECEMBER 30, 2021. (Revision One.)

GENERAL SURVEY NOTES

- ALL STATEMENTS WITHIN THE CERTIFICATION, AND OTHER REFERENCES LOCATED ELSEWHERE HEREON, RELATED TO: UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARKING, EASEMENTS, SERVITUDES, AND SIGNIFICANT OBSERVATIONS ARE BASED SOLELY ON ABOVE GROUND, VISIBLE EVIDENCE, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON.
- THIS DRAWING MEETS OR EXCEEDS THE SURVEYING STANDARDS AND STANDARDS OF CARE AS SET FORTH IN SECTION 3 OF THE 2021 ALTA/NSPS SURVEYING REQUIREMENTS.
- ALL FIELD MEASUREMENTS MATCH RECORD DIMENSIONS WITHIN THE PRECISION REQUIREMENTS OF ALTA/NSPS SPECIFICATIONS.
- AT THE TIME OF SURVEY, THERE IS NO RECORD OR OBSERVED EVIDENCE OF A CEMETERY, BURIAL GROUNDS OR LOCATION OF ISOLATED GRAVESITES.
- THE BASIS OF BEARING FOR THIS SURVEY THE SOUTH RIGHT-OF-WAY LINE OF HOWRY AVENUE EAST, HAVING AN ASSUMED BEARING OF N 89°00'00"W.
- THE TITLE LINES AND LINES OF ACTUAL POSSESSION ARE THE SAME.
- THE PARCELS CONTAINED IN THE RECORD DESCRIPTION ARE CONTIGUOUS WITHOUT ANY GAP, GORES OR OVERLAYS.
- THE SUBJECT PROPERTY HAS ACCESS TO AND FROM HOWRY AVENUE EAST.
- AT THE TIME OF THE FIELD WORK, THERE WAS NO OBSERVABLE EVIDENCE OF SUBSTANTIAL AREAS OF REFUSE.
- AT THE TIME OF THE FIELD WORK, OWNERSHIP OF FENCING SHOWN HEREON IS UNKNOWN TO THIS SURVEYOR.
- IN REGARDS TO TABLE "A" ITEM 7(A), THE BUILDING AREA SHOWN HEREON IS FOR THE FOOTPRINT OF THE BUILDING ONLY AT GROUND LEVEL.
- IN REGARDS TO TABLE "A" ITEM 10, AT THE TIME OF THIS SURVEY THERE WERE NO PARTY WALLS DESIGNATED BY THE CLIENT TO REFERENCE HEREON.
- IN REGARDS TO TABLE "A" ITEM 14, THE NEAREST INTERSECTION OF STREET IS THAT OF HOWRY AVENUE EAST AND SOUTH GARFIELD AVENUE, BEING 0 FEET NORTHEAST OF SUBJECT PROPERTY.
- IN REGARDS TO TABLE "A" ITEM 16, AT THE TIME OF THIS SURVEY, THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
- IN REGARDS TO TABLE "A" ITEM 17, AT THE TIME OF THIS SURVEY, NO APPARENT CHANGES IN STREET RIGHT OF WAY LINES EXCEPT AS SHOWN OR DESCRIBED HEREON. THERE NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.

GRS PROJECT NO. / JOB NO.	22-56589.18
SCALE:	1" = 40'
DRAWN BY:	JWV
APPROVED BY:	LT

REVISION HISTORY	DATE
3-11-22 Comments	
8-24-22 Comments	
10-23-22 Comments	

ALTA/NSPS LAND TITLE SURVEY

THE CLOISTER

400 EAST HOWRY

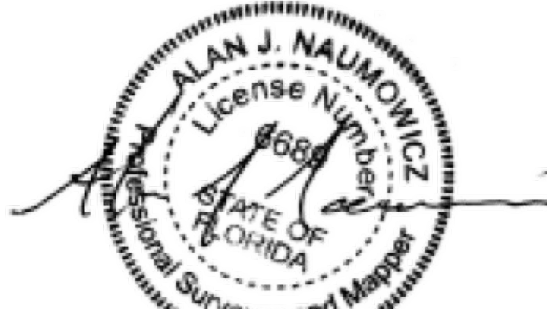
VOLUSIA COUNTY

DELAND, FLORIDA, 32774

SURVEYOR'S CERTIFICATE

TO: Deland Land Holdings LLC, a Florida limited liability company; U.S. Bank National Association, a national banking association, its successors and/or assigns; Stewart Title Guaranty Company, GRS Group, an NVS Company

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6a, 6b, 7a, 7b, 7c, 8, 9, 10, 13, 14, 16, 17, and 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 2-8-22. DATE OF PLAT OR MAP: 8-24-22



ALAN J. NAUMOWICZ
PROFESSIONAL LAND SURVEYOR NO.: 6689
STATE OF FLORIDA

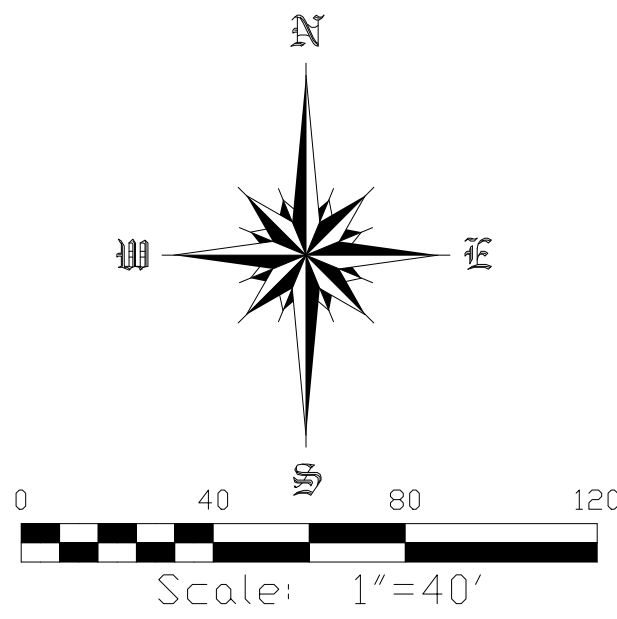
8-24-22
DATE

SURVEYED BY:
AJN SURVEYING, LLC
530 HILLSIDE DRIVE
AUBURNDALE, FLORIDA 33823
813-352-9453
ALAN@AJNSURVEYING.COM

DATED 2022 - USE OF THIS DOCUMENT'S FORMAT IS PROHIBITED AND CONTINGENT UPON THE WRITTEN CONSENT & PERMISSION BY GRS GROUP, LLC.

SURVEY COORDINATED BY:

GRS GROUP



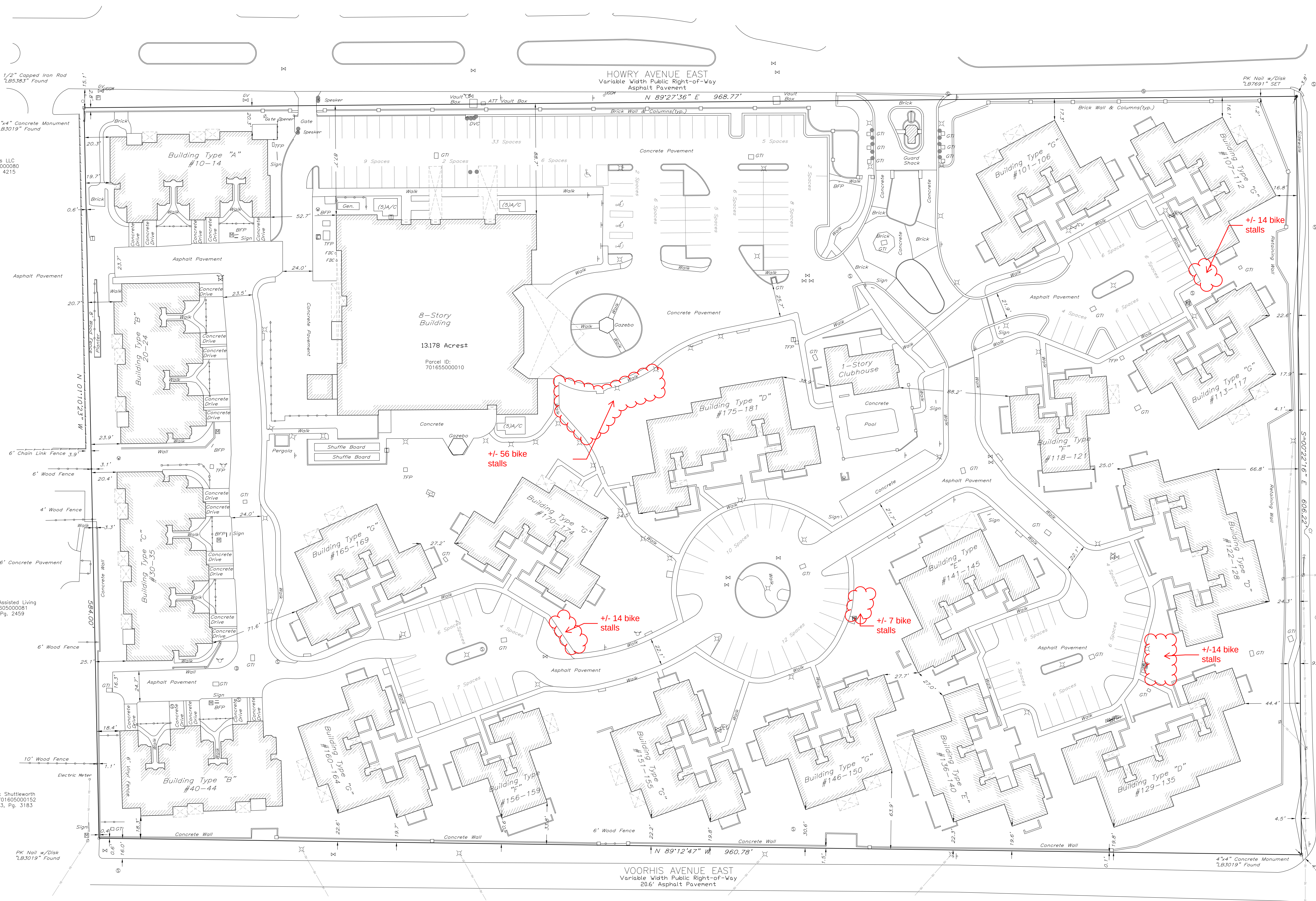
LEGEND

- A/C Air Conditioning
- WM Water Meter
- MB Mailbox
- UP Utility Pole
- (D) Description
- (P) Plat
- GW Guy Wire
- ER Electric Riser
- TR Telephone Riser
- LP Light Post
- TR Telecommunications Riser
- WV Water Valve
- GV Gas Valve
- FD Fire Hydrant
- SI Sign
- ICV Irrigation Control Valve
- CI Curb Inlet
- GTI Grate Top Inlet
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- UGM Underground Gas Line Marker
- FD Fire Department Connection
- W Well
- DCV Handicapped Parking Space
- DCV Double Check Valve
- BFP Backflow Preventer
- TP Transformer Pad
- B Bollard

Owner: Lyn Villages LLC
Parcel ID: 701605000080
OR Bk. 7429, Pg. 4215

Owner: Home Assisted Living
Parcel ID: 701605000081
OR Bk. 7216, Pg. 2459

Owner: Mark Shuttleworth
Parcel ID: 701605000152
OR Bk. 7343, Pg. 3183



GARFIELD AVENUE SOUTH
Variable Width Public Right-of-Way
20.5' Asphalt Pavement

REVISION HISTORY	
DATE	COMMENTS
3-11-22	Comments
9-24-22	Comments
10-23-22	Comments

GRS PROJECT NO. / JOB NO.	
22-56589.6	
SCALE:	
1" = 40'	
DRAWN BY:	
JWV	
APPROVED BY:	
LT	

GRS GROUP

SURVEY COORDINATED BY:

300 SPECTRUM CENTER DRIVE, SUITE 145, IRVINE, CALIFORNIA 92618 | PHONE: 330-779-1167

	Units	Parking Stalls	Bicycle Parking	Parking Ratio*
Main Building				
Studio	36	18	18	0.75
1br	79	70	24	1.04
2br	55	74	8	1.42
MB Total	170	162	50	1.10
West Villas**				
2br	21	42	0	2
East Villas				
Studio	4	2	2	0.75
1br	18	18	12	1.33
2br	59	72	36	1.53
EV Total	81	92	50	1.44
Property Total	272	296	100	1.27

*Inclusive of Bicycle Parking

**West Villas parking consists of tandem parking of 1 garage space and 1 driveway space for each unit.

Building Type Unit Breakdown

Building Type A (Qty: 1)		
2br	5	
Building Type B (Qty: 2)		
2br	5	
Building Type C (Qty: 1)		
2br	6	
Building Type D (Qty: 3)		
1br	2	
2br	5	
Building Type E (Qty: 2)		
Studio	1	
2br	4	
Building Type F (Qty: 2)		
Studio	1	
1br	2	
2br	1	
Building Type G Layout 1 (Qty: 2)		
1br	4	
2br	2	
Building Type G Layout 2 (Qty: 6)		
2br	5	

**PLANNING DEPARTMENT STAFF REPORT
TO
PLANNING BOARD**

July 17, 2024

Continued from June 12, 2024

APPLICATION: AN24-111

- 1. Requested Action:** Annexation of 0.987 acres of property into the City limits of DeLand
- 2. Location:** Cassadaga Rd., west of I-4
- 3. Petitioner:** Mark Watts, CobbCole
- 4. Owner:** Longleaf Four, LLC
- 5. Size of parcel(s):** ± 0.987 acres
- 6. Parcel ID:** 810600000072
- 7. Land Use Designation & Zoning of Subject Property:**

Future Land Use: Volusia County: Urban Low Intensity (ULI)

Existing Zoning: Volusia County: R-4

Existing Use: Wooded/Undeveloped

- 8. Surrounding Land Use & Zoning:**

	LAND USE	ZONING
North:	VC: URBAN LOW INTENSITY	VC: R-4
South:	COMMERCE	TECH PARK PD
East:	COMMERCE	TECH PARK PD
West:	COMMERCE	TECH PARK PD

- 9. Physical Characteristics:** The subject property is ± 0.987 acres in size and is wooded and undeveloped. It does not appear to contain any wetlands and does not lie within the 100-year flood zone.

The subject property is located in unincorporated Volusia County and is currently zoned VC: R-4 (Volusia County Urban Single Family), with a future land use designation of VC: ULI (Volusia County Urban Low Intensity). It is owned by Longleaf Four, LLC, and the property is currently vacant. The applicant intends on combining the subject property's 0.987 acres with the with existing 143.24 acres of property within the Tech Park Planned Development to the south. This application is accompanied by a request for a future land use amendment (SMLU24-112) and a request for a rezone (Z24-081). If the requests are approved, any future site improvements will require review and approval of a separate development application.

10. Public Services & Utilities: The City's Utilities Department determined the closest City water main is an 8" main on Cassadaga Rd. and the closest city sewer main is also located on Cassadaga Rd., with a 6" force main.

11. Growth Management Plan Consistency:

North of the property is mostly rural, with residential homes and located in unincorporated Volusia County. To the south, east and west will be commercial and industrial uses as part of the DeLand Tech Park Planned Development.

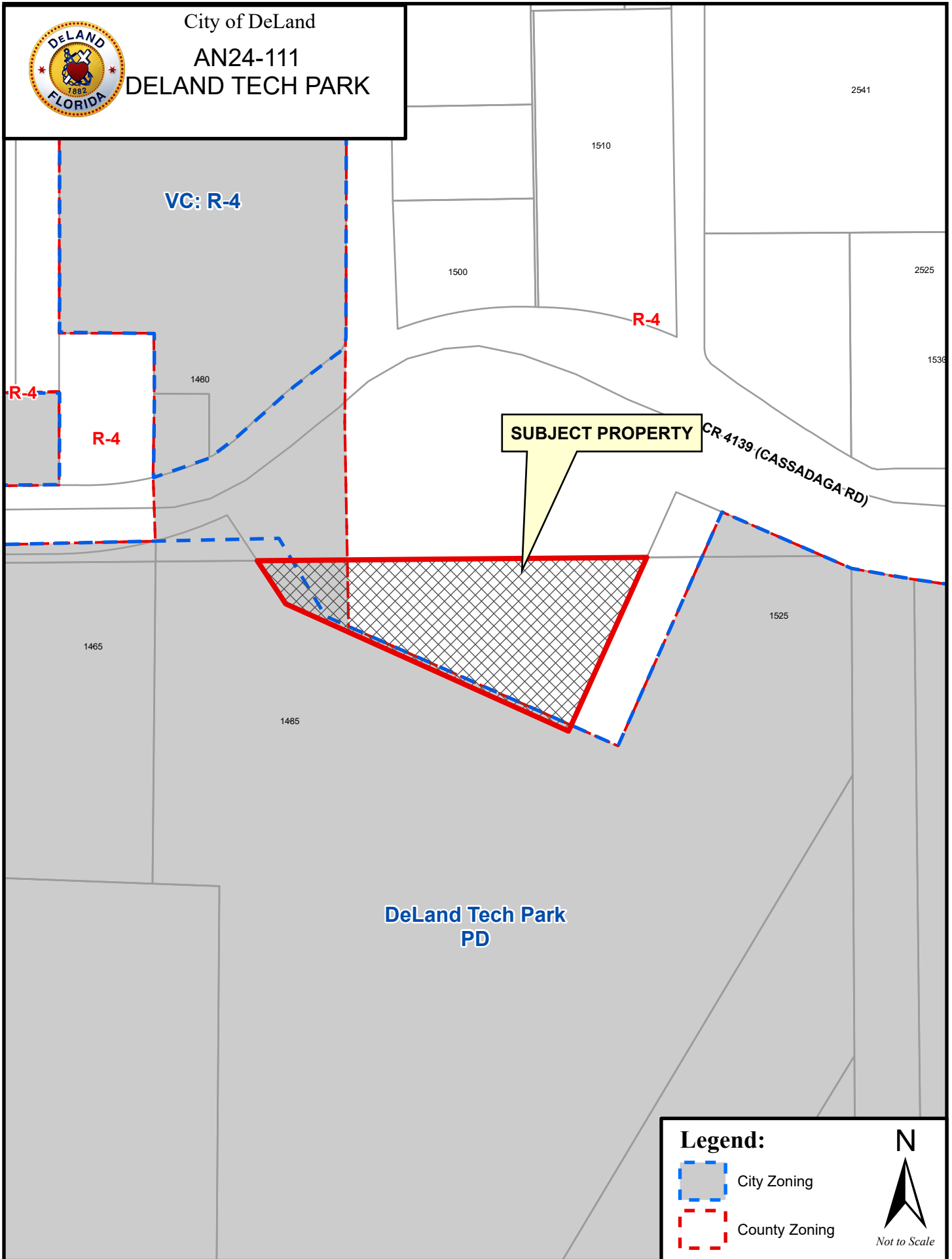
12. Analysis: The City's guidelines for annexation require a property be sufficiently contiguous to property already within the city limits and to be accessible to public services provided. In addition, the State requires the property be reasonably compact, not circuitous, and does not create an enclave. The subject property does not create an enclave, is contiguous to the City of DeLand, is reasonably compact and is not circuitous. The parcel is contiguous to the city to the south, by ± 587 ft.

Recommendation: Staff recommends that the Planning Board forward this annexation petition to the City Commission, with a recommendation for approval.

Based upon the concurrency requirements of the State of Florida and the City's concurrency management plan, as adopted in Article 5, Sec. 33-41 of the Land Development Regulations, approval of the proposed annexation does not automatically provide vested development rights. At the time the developer applies for a development permit, adequate infrastructure must exist to support the proposed development. If such infrastructure does not exist, the developer may be required to incur additional expense to ensure that the necessary infrastructure is provided.



City of DeLand
AN24-111
DELAND TECH PARK



Legend:



City Zoning

County Zoning

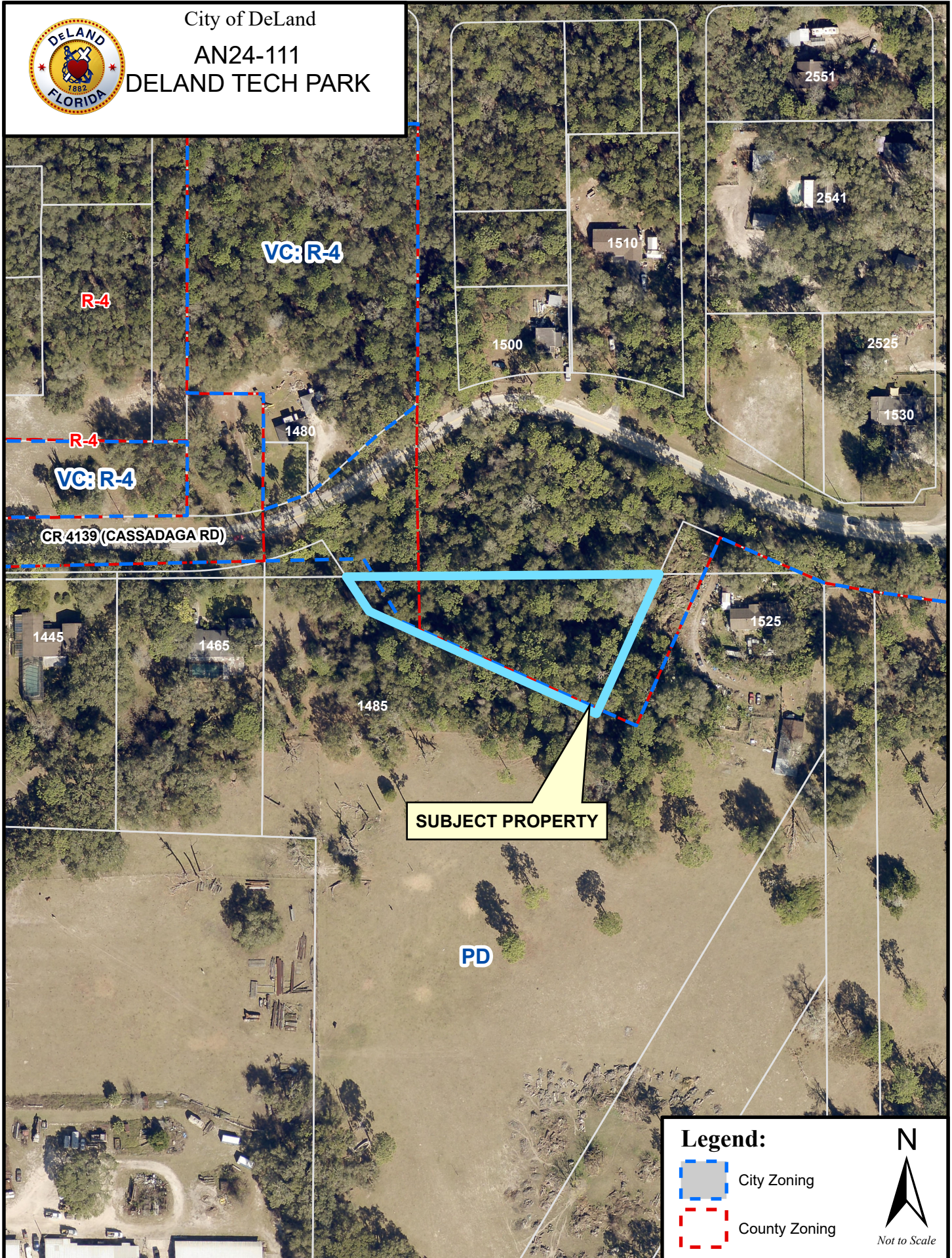
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Not to Scale



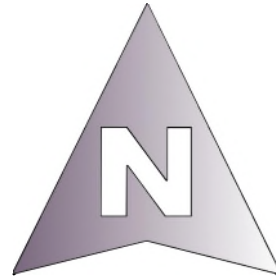
City of DeLand
AN24-111
DELAND TECH PARK



N 89°54'31" E 1314.37'

POINT OF COMMENCEMENT

N.E. CORNER OF CANOPY TERRACE (M.B. 63, PGS. 139-143)
& N.W. CORNER OF GOVERNMENT LOT 3, SECTION 6-18-31



CANOPY TERRACE
(M.B. 63, PGS. 139-143)

E. LINE OF CANOPY TERRACE SUBDIVISION (S 00°14'44" E, PLAT)

S 00°14'47" E 1300.54'
(W. LINE OF GOVERNMENT LOT 3)

(E. LINE OF GOVERNMENT LOT 3)

CASSADAGA RD. R/W
(AS DESCRIBED IN
O.R.B. 3779, PG. 3818)

(N. LINE OF SOUTH 1/2 OF GOVERNMENT LOT 3)

C/L OF CASSADAGA ROAD
(COUNTY ROAD 4139)

"POND PARCEL"

N. R/W LINE

N 89°31'01" E

PC

P.O.B.

94.44'

N 89°31'01" E 414.52'

LANDS DEEDED TO
THE COUNTY OF VOLUSIA
IN O.R.B. 5243, PG. 4423

N 89°31'01" E

S. R/W LINE

100.00'

S 89°31'01" W 707.66'

50.00'

EASTERLY PROJECTION
OF THE SOUTH R/W LINE
(AS DESCRIBED IN
O.R.B. 3779, PG. 3818)

N 33°27'08" W
(N 33°38'05" W, deed)

55.02'

330.00'

N 65°45'10" W
(N 65°56'05" W, deed)

202.81'
S 24°14'52" W, deed
(S 24°02'55" W, deed)

REVISED:

LEGEND & ABBREVIATIONS (UNLESS OTHERWISE NOTED)

C/L = CENTERLINE
L = ARC LENGTH
O.R.B. = OFFICIAL RECORDS BOOK
PC = POINT OF CURVATURE
PT = POINT OF TANGENCY
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT

R = RADIUS
RNG. = RANGE
R/W = RIGHT OF WAY
Δ = CENTRAL ANGLE
RNG. = SECTION
TWP. = TOWNSHIP
T = TANGENT

CASSADAGA ROAD (C.R. 4139)
PARCEL TRANSFER (PORTION OF POND PARCEL) TO
LONGLEAF FOUR, LLC.

SKETCH OF DESCRIPTION ONLY / NOT A BOUNDARY SURVEY
SECTION 6, TWP. 18 SOUTH, RNG. 31 EAST, VOLUSIA COUNTY, FLORIDA



COUNTY OF VOLUSIA
PUBLIC WORKS DEPARTMENT
CONSTRUCTION ENGINEERING
SURVEY DIVISION
123 W. INDIANA AVE. DELAND, FL 32720
PHONE 1-386-736-5967 FAX 1-386-822-5736

	NAME	DATE	PLOT DATE:	DRAWING #
CADD	MM	1/24	1/16/24	2542
SURVEY DATE	N/A	N/A	SCALE:	
CHECKED	EAB	1/24	1" = 200'	SHEET #
PROJECT #	LEGAL		FIELD BOOK	
			N/A	1 OF 2

LEGAL DESCRIPTION (POND PARCEL TO LONGLEAF FOUR, LLC):

A PORTION OF THE SOUTH ½ OF GOVERNMENT LOT 3, SECTION 6, TOWNSHIP 18 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE CANOPY TERRACE SUBDIVISION AS RECORDED IN MAP BOOK 63, PAGES 139 THROUGH 143 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF AFORESAID GOVERNMENT LOT 3; THENCE RUN S 00°14'47" E (S 00°14'44" E, PLAT), ALONG THE EAST LINE OF SAID CANOPY TERRACE SUBDIVISION AND THE WEST LINE OF SAID GOVERNMENT LOT), A DISTANCE OF 1300.54 FEET (1300.63', PLAT) TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF CASSADAGA ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 3779, PAGE 3818 OF THE AFORESAID PUBLIC RECORDS; THENCE CONTINUE, S 00°14'47" E, ALONG THE WEST LINE OF SAID GOVERNMENT LOT 3, A DISTANCE OF 100.00 FEET TO ITS INTERSECTION SOUTH RIGHT-OF-WAY LINE OF SAID CASSADAGA ROAD; THENCE, DEPARTING THE WEST LINE OF SAID GOVERNMENT LOT 3, RUN N 89°31'01" E, ALONG THE EASTERLY EXTENSION OF THE SOUTH RIGHT-OF-WAY LINE OF CASSADAGA ROAD AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 3779, PAGE 3818, A DISTANCE OF 707.66 FEET TO ITS INTERSECTION WITH THE WESTERLY BOUNDARY LINE OF THOSE LANDS DEEDED TO THE COUNTY OF VOLUSIA IN OFFICIAL RECORDS BOOK 5243, PAGE 4423 OF THE AFORESAID PUBLIC RECORDS AND THE POINT OF BEGINNING: THENCE CONTINUE N 89°31'01" E, A DISTANCE OF 414.52 FEET TO A POINT ON THE EASTERLY BOUNDARY LINE OF THOSE AFORESAID LANDS DEEDED TO COUNTY OF VOLUSIA IN OFFICIAL RECORDS BOOK 5243, PAGE 4423; THENCE, DEPARTING THE SAID EASTERLY EXTENSION, RUN ALONG THE BOUNDARY OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5243, PAGE 4423 THE FOLLOWING THREE (3) COURSES, S 24°14'52" W (S 24°02'55" W, DEED), A DISTANCE OF 202.81 FEET; THENCE N 65°45'10" W (N 65°56'05" W, DEED), A DISTANCE OF 330.00 FEET; THENCE N 33°27'08" W, (N 33°38'05" W, DEED), A DISTANCE OF 55.02 FEET TO ITS INTERSECTION WITH THE AFORESAID EASTERLY EXTENSION OF THE SOUTH RIGHT-OF-WAY LINE OF CASSADAGA ROAD AND THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED PARCEL CONTAINS 43,031 SQUARE FEET MORE OR LESS.

SKETCH OF DESCRIPTION NOTES:

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 - C. FLORIDA DEPARTMENT OF TRANSPORTATION R/W MAP SECTION 79110 (F.P. NO. 408463 1).
 - D. FLORIDA DEPARTMENT OF TRANSPORTATION R/W MAP SECTION 7716-4018 .
 - E. VOLUSIA COUNTY R/W MAP FOR THE PROPOSED "I-4 FRONTAGE ROAD" (COUNTY PROJECT #4738).

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**CASSADAGA ROAD (C.R. 4139)
PARCEL TRANSFER (PORTION OF POND PARCEL) TO
LONGLEAF FOUR, LLC.**

SKETCH OF DESCRIPTION ONLY / NOT A BOUNDARY SURVEY
SECTION 6, TWP. 18 SOUTH, RNG. 31 EAST, VOLUSIA COUNTY, FLORIDA



COUNTY OF VOLUSIA
PUBLIC WORKS DEPARTMENT
CONSTRUCTION ENGINEERING
SURVEY DIVISION
123 W. INDIANA AVE. DELAND, FL. 32720
PHONE 1-386-736-5967 FAX 1-386-822-5736

	NAME	DATE	PLOT DATE:	DRAWING #
CADD	MM	1/24	1/16/24	2542
SURVEY DATE	N/A	N/A	SCALE:	
CHECKED	EAB	1/24	N/A	
PROJECT #			FIELD BOOK	SHEET #
LEGAL			N/A	2 OF 2



Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 8025456
LONGLEAF FOUR LLC

Parcel ID: 810600000072
CASSADAGA RD, DELAND, FL

Parcel Summary

Alternate Key:	8025456
Parcel ID:	810600000072
Township-Range-Section:	18 - 31 - 06
Subdivision-Block-Lot:	00 - 00 - 0072
Owner(s):	LONGLEAF FOUR LLC - FS - Fee Simple - 100%
Mailing Address On File:	320 N MERIDIAN ST STE 700 INDIANAPOLIS IN 46204 1744
Physical Address:	CASSADAGA RD, DELAND 32724
Property Use:	0000 - VACANT RES
Tax District:	012-DELAND
2023 Final Millage Rate:	18.7526
Neighborhood:	5045
Subdivision Name:	
Homestead Property:	No

**PLANNING DEPARTMENT STAFF REPORT
TO
THE CITY OF DELAND PLANNING BOARD**

July 17, 2024

Continued from June 12, 2024

A. APPLICATION NO.: SMLU24-112

APPLICANT: Mark Watts, CobbCole

REQUEST: To amend the land use designation from Volusia County Urban Low Intensity (ULI) to City of DeLand Commerce (COM)

B. SITE FACTORS:

Location: Cassadaga Rd., west of I-4 and east of Dr. Martin Luther King Jr. Bltwy.
Parcel ID: 810600000072
Parcel Size: ± 0.987 acres
Land Use: VC: ULI
Existing Use: Vacant

	SURROUNDING USE:
North:	VC: ULI
South:	COM
East:	COM
West:	COM

C. REQUESTED ACTION & HISTORY:

A request is being made for the future land use designation to be amended for a parcel located on Cassadaga Rd., west of Interstate-4. The request is to change the future land use designation from Volusia County Urban Low Intensity (VC: ULI) to City of DeLand Commerce (COM). The parcel is wooded and undeveloped. The applicant intends on combining the 0.987 acres with the existing 143.24-acre development known as the Tech Park Planned Development. *Concurrent applications to annex and rezone the property (AN24-111) (Z24-081) were also submitted.*

D. CHRONOLOGY OF PAST EVENTS:

The request to amend the future land use designation consists of ± 0.987 acres of property owned by Longleaf Four, LLC. The subject property is adjacent to the Southwest Activity Center (SWAC) and shall comply with the policies identified within the Local Plan as Commerce (COM). The SWAC has trip allowances based on the uses and the district (Commerce/West Central/Community). According to the Local Plan, the maximum average daily trips in the Commerce district is 13,700; the West Central district allows for average daily trips of up to 19,600; and for the Community district, the maximum allowable average daily trips per day is 4,700 trips. This trip allowance was incorporated in the PD agreement that was approved by City Commission on October 3, 2022. With the incorporation of the 0.987-acre parcel, those trips are not being exceeded with the approval of the land use amendment.

E. ALTERNATIVES & ANALYSIS:

The purpose of this section is to analyze the reasonableness of the applicant's request for an amendment of the land use designation for the subject property. This analysis will include a description of the current and future land uses of the site and the surrounding area, potential impacts on the transportation system, and any significant adverse environmental impacts.

1. Availability of Public Facilities (water, sewer, solid waste, drainage, traffic, recreation, and schools if residential):

- a.* The subject property is within the city's service area for both water and sewer and availability has been confirmed.
- b.* A Traffic Impact Analysis was reviewed with the application submittal and meet the standards set forth in the SWAC Local Plan and the DeLand Tech Park PD.
- c.* The change in designation will not generate a new demand for recreational facilities.
- d.* Volusia County already provides a sanitary landfill for the disposal of solid waste. The landfill has adequate capacity at this time.
- e.* The City can provide an adequate LOS of Fire/Rescue & Police service.

2. Compatibility with Land Use and Other Elements: The Future Land Use element requires that the subject property be consistent with surrounding development. Per the City of DeLand SWAC Local Plan, the intent of the Commerce (COM) land use designation is to, "provide for a mix of office and light industrial uses". The uses may include Industrial/Business Park, Office/Office Park ancillary supportive commercial uses.

The subject property is being incorporated into the Southwest Activity Center with the Commerce land use designation. The Commerce designation is one of three land uses permitted within the SWAC. The adjacent parcels are compatible with the Commerce designation, as they are also part of the SWAC, with land use designations being a mixture of Commerce, West Center and Community.

3. Future Land Use Map: The proposed change in the land use designation to Commerce (COM) will be shown on the revised Future Land Use Map.

4. Location of Lakes, Floodplains, and Wetlands: The property does not appear to contain bodies of water or wetlands.

5. Analysis of Natural Resources:

- a.* *Soil types:* Astatula Fine Sand, 8-17% slope
- b.* *Presence of Endangered Species:* None known of at this time.

6. Existing and Future Impact upon Infrastructure Capacity:

- a.* *Water* – obtained from City – availability confirmed
- b.* *Sewer* – obtained from City – availability confirmed
- c.* *Drainage* –Stormwater capture for future development will be addressed on-site and will be reviewed with the site plan application.
- d.* *Solid Waste* – Solid waste services are available for the property.
- f.* *Fire/Rescue Service* – The City can provide an adequate LOS of Fire/Rescue service.
- g.* *Police Service* - The City can provide an adequate LOS of Police protection.

7. Impact upon Recreation and Open Space: No need for new recreational facilities is anticipated as recreational facilities are not needed for commercial property.

8. New Public Facilities Needed to Serve Land Use: No need for new public facilities is anticipated as services such as water/sewer and public safety are already in place for the property to connect to.

9. **Impact Upon Existing Deficiencies:** As identified in the City's Comprehensive Plan, drainage is the only existing deficiency within the City. Any future development on this site will be required to manage its own stormwater mitigation and minimize any off-site stormwater impacts that the development may create.
 10. **Impact upon Ability of the City to Fund Capital Improvements:** The development should not create an additional impact upon the City's ability to fund the projects listed in the adopted Five-Year Capital Improvement Program as this is not a publicly-funded project.
 11. **Impact upon Adopted Five-Year Schedule in Capital Improvements Element:** The proposed land use amendment will not require revision to the City's adopted Five-Year Capital Improvement Program as this is not a publicly-funded project.
 12. **Compatibility with Existing Zoning Classification:** The existing zoning classification may be amended upon approval of the land use amendment to the DeLand Tech Park PD which is compatible with both the Southwest Activity Center's Local Plan and the Commerce land use designation. The zoning request is being reviewed concurrent to the land use amendment.
 13. **Will the proposed land use change impact schools?** The proposed amendment is to Commerce (COM) which does not allow for residential uses.
 14. **How does this proposal fit with the guidelines developed for DeLand 2050 and the City's Strategic Plan?**
 - a. *Located in the Urban Core/Activity Center Overlay (Category 2) – "emphasizes an intensive mix of uses that are compatible with and include residential. These centers will become the major commercial areas".* The site is located west of Interstate-4 and east of Dr. Martin Luther King Jr. Blvd and adjacent to other industrial uses to the south, east and west that are designated in the Local Plan as being Commerce (COM) or West Center (WCD). The COM and WCD designations allow uses such as light industrial, office or commercial uses. To the north is a 140-lot single-family residential subdivision known as Canopy Terrace which, according to the Local Plan, has a land use designation of Community (CMN), allowing for a mixture of residential and neighborhood retail uses.
 - b. *DeLand 2050 Land Use Guidelines: "...Concentrate development at the core of the city or at transit-oriented sites and corridors. The urban core is the key area to focus development, maintaining a strong job base and taking advantage of existing infrastructure. Locating higher intensity along select corridors or major centers will encourage transit and lessen traffic congestion."* – the subject property is within the Southwest Activity Center which has "the ultimate goal of developing a key employment area for the City of DeLand and the rest of southwest Volusia County". The 0.987-acre parcel will be added into the Tech Park Planned Development which supports the uses outlined in the Local Plan, such as light industrial uses and retail/commercial uses.
- F. **CONCLUSION:** The facility analysis presented in the above sections suggests the proposed land use should not cause any of the City's facilities to degrade below the adopted or current operational LOS. The proposed land use designation, COM (Commerce), is consistent with the surrounding area, and is not expected to create any land use incompatibilities.
- G. **STAFF RECOMMENDATION:** Staff recommends approval of the proposed amendment of the subject property's future land use designation from VC: ULI (Volusia County Urban Low Intensity), to City of DeLand's COM (Commerce) land use.

H. VGMC INFRASTRUCTURE IMPACT ASSESSMENT:

In accordance with standard practice from the Florida Department of Economic Opportunity (DEO) and other review agencies, an impact comparison analysis of the proposed amendment has been completed based upon the theoretical maximum development potential under the currently adopted future land use designation versus the proposed designation.

The following seven public facilities and services were examined: (Table 4)

1. Schools (population)
2. Transportation
3. Sanitary Sewer
4. Potable Water
5. Recreation
6. Solid Waste
7. Stormwater Drainage

Impact Analysis Table 4 (Theoretical Max.)

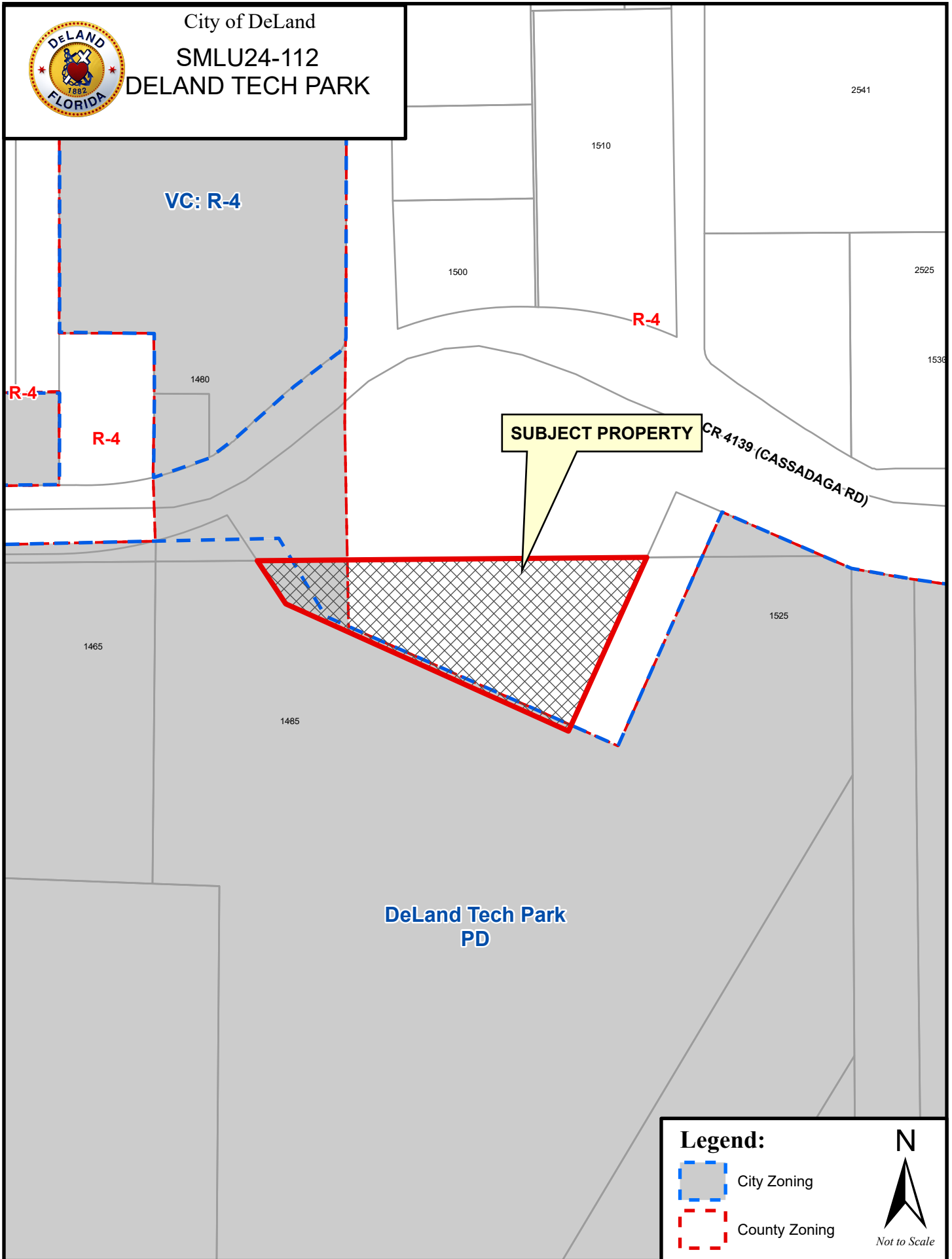
Development Variable	EXISTING Future Land Use	PROPOSED Future Land Use	Net Change
	<i>Theoretical Maximums</i>		
Permitted Density/Intensity	0.50 F.A.R.	60% impervious	N/A
Dwelling Units	4	N/A	-4
Non-residential Sq. Ft.	21,500 sq. ft.	25,800 sq. ft.	+4,300
1. Population	10	N/A	-10
2. Average Daily Trips	Residential: 203 ADT Industrial: N/A	Residential: N/A Industrial: 105 ADT	-203 +105
3. Sanitary Sewer (gallons/day)	Residential: 1,600 Industrial (other): N/A	Residential: N/A Industrial (other): 2,580	-1,600 +2,580
4. Potable Water (gallons/day)	Residential: 800 Industrial (other): N/A	Residential: N/A Industrial (other): 1,000	-800 +1,000
5. Solid Waste (pounds/day)	Residential: 13 lbs. Industrial (other): N/A	Residential: N/A Industrial (other): 83 lbs.	-13 lbs. +80 lbs.
6. Stormwater Drainage	N/A	N/A	N/A
7. Recreation/Open Space	0.3	N/A	N/A

Notes:

1. Population: 2.44 persons per household (per 2020 Census)
2. Transportation: ITE Trip Generation Manual, 11th Edition: *Single-Family Residential (210)*: 9.43 ADT/Dwelling Unit
General Light Industrial (110): 4.87 ADT/1,000 sq. ft.
3. Sanitary Sewer: 200 GPD per Equivalent Residential Unit; 0.10 GPD per sq. ft. commercial/other use
4. Potable Water: 300 GPD per Equivalent Residential Unit; 0.10 GPD per sq. ft. commercial/other use
5. Solid Waste: 3.21 pounds per person per day; 10 lbs. per 1,000 sq. ft. non-residential development per day
6. Stormwater Drainage: LOS Standard 25-yr, 24-hr event. Drainage system to be designed to meet the req. of the LDC during subdivision or site plan review.
7. Rec. & Open Space: 7 acres/1,000 persons (0.007 acres/person)



City of DeLand
SMLU24-112
DELAND TECH PARK



Legend:



City Zoning

County Zoning

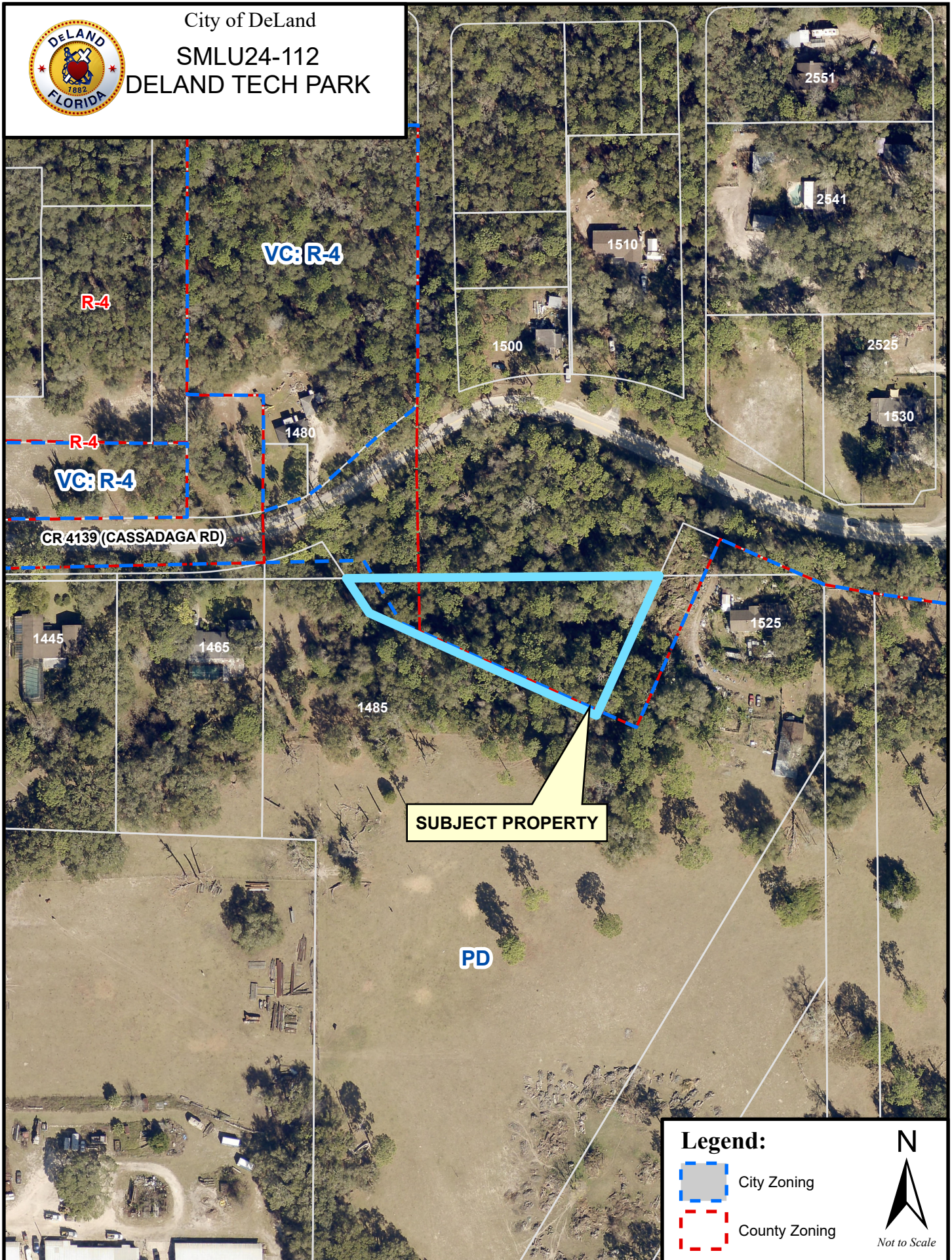
N



Not to Scale



City of DeLand
SMLU24-112
DELAND TECH PARK



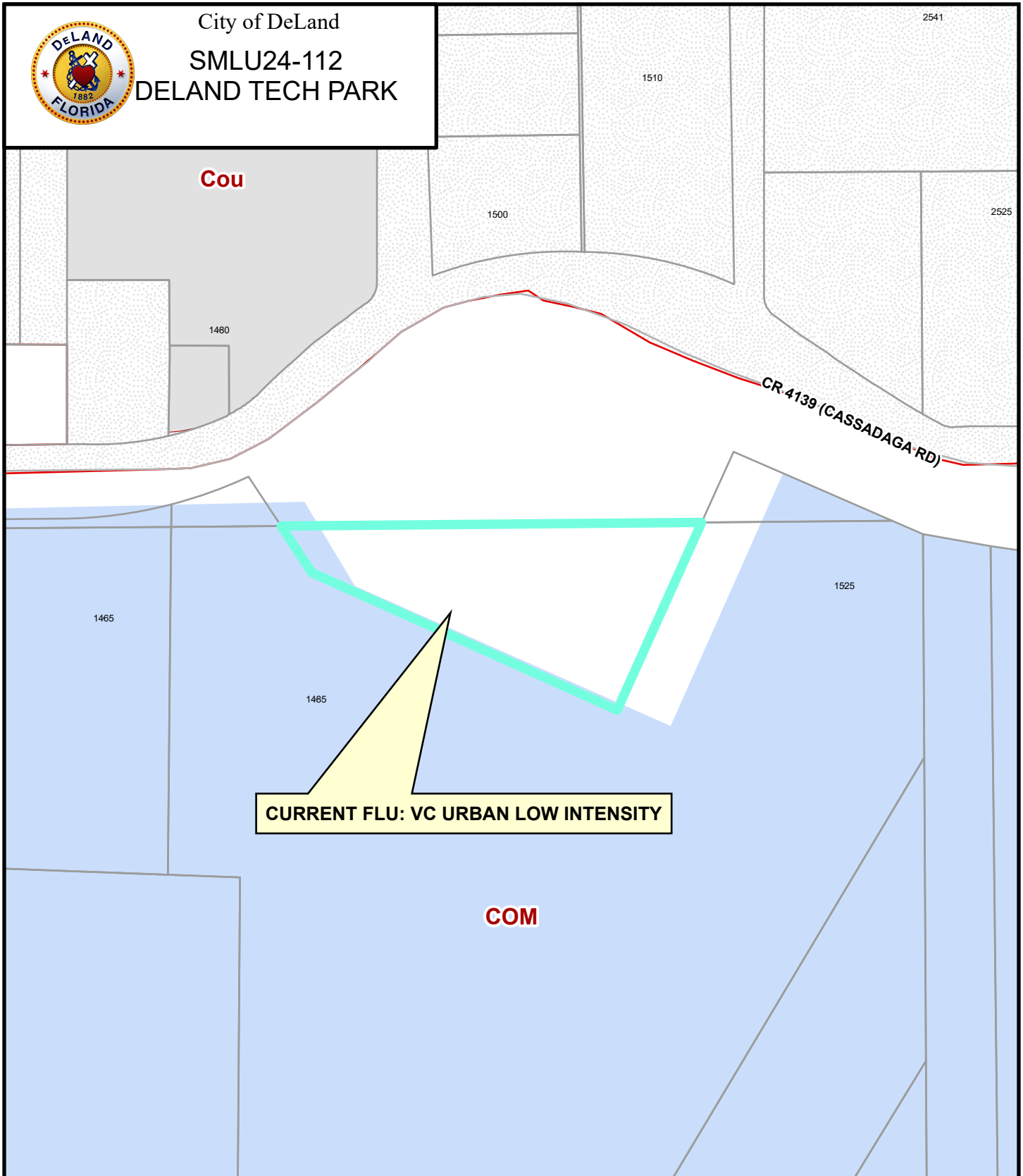
Legend:

-  City Zoning
-  County Zoning





City of DeLand
SMLU24-112
DELAND TECH PARK



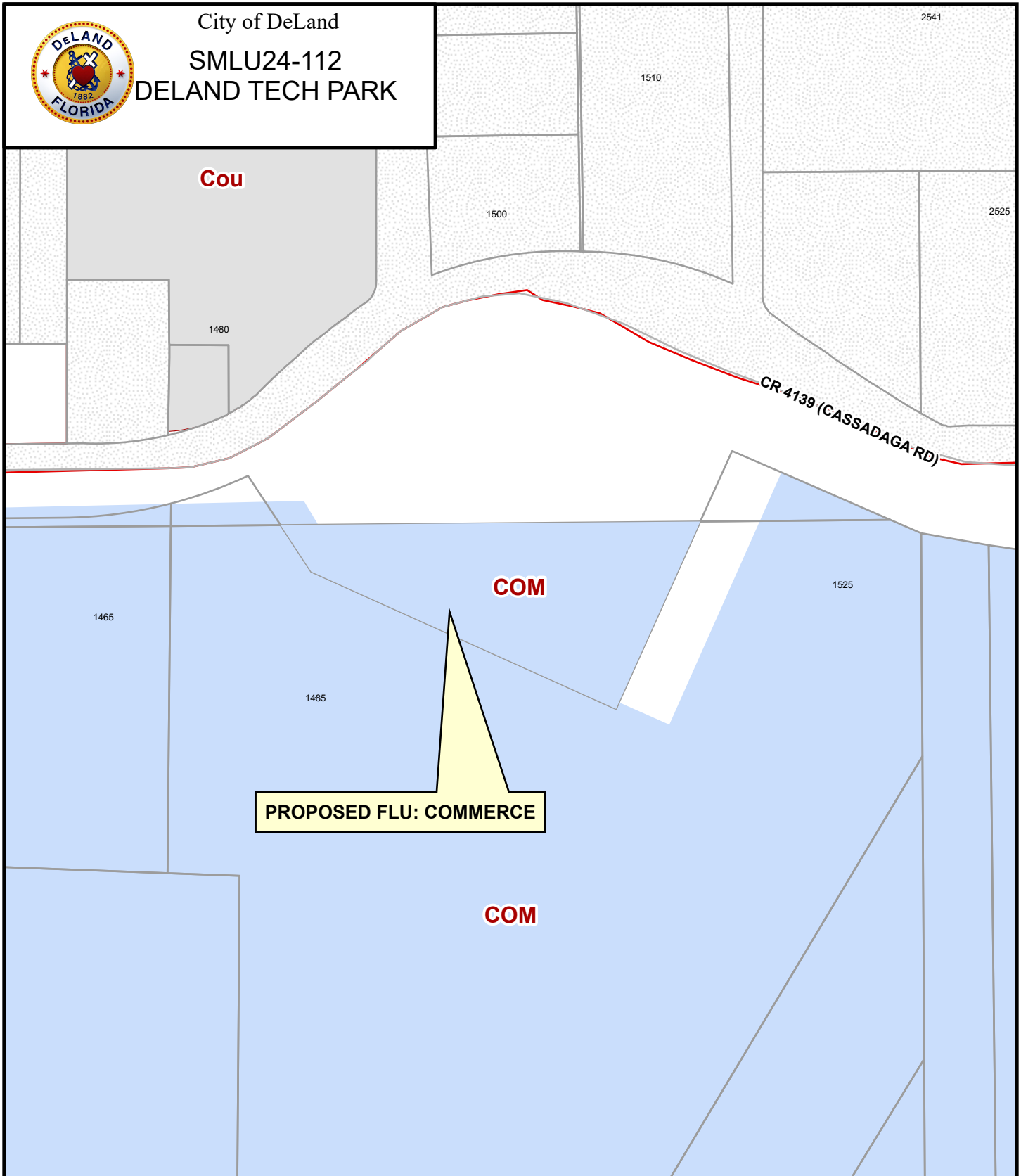
DeLand Future Land Use:

Agricultural Conservation	Educational	Downtown Commercial	New Community Development
Urban Low Intensity	Mixed Office - Residential	Redevelopment	Community
Low Density Residential	Mixed Commercial	Gateway	Commerce
Medium Density Residential	Business Retail	Rail Spur	West Central District
High Density Residential	Highway Commercial	Industrial	County





City of DeLand
SMLU24-112
DELAND TECH PARK



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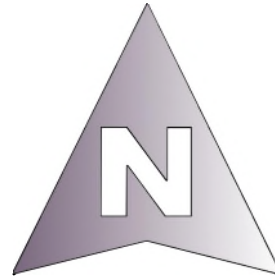
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N 89°54'31" E 1314.37'

POINT OF COMMENCEMENT

N.E. CORNER OF CANOPY TERRACE (M.B. 63, PGS. 139-143)
& N.W. CORNER OF GOVERNMENT LOT 3, SECTION 6-18-31



CANOPY TERRACE
(M.B. 63, PGS. 139-143)

E. LINE OF CANOPY TERRACE SUBDIVISION (S 00°14'44" E, PLAT)

S 00°14'47" E 1300.54'
(W. LINE OF GOVERNMENT LOT 3)

(E. LINE OF GOVERNMENT LOT 3)

CASSADAGA RD. R/W
(AS DESCRIBED IN
O.R.B. 3779, PG. 3818)

(N. LINE OF SOUTH 1/2 OF GOVERNMENT LOT 3)

C/L OF CASSADAGA ROAD
(COUNTY ROAD 4139)

N 89°31'01" E

100.00'

PC

P.O.B.

"POND PARCEL"

94.44'

N 89°31'01" E 414.52'

LANDS DEEDED TO
THE COUNTY OF VOLUSIA
IN O.R.B. 5243, PG. 4423

EASTERLY PROJECTION
OF THE SOUTH R/W LINE
(AS DESCRIBED IN
O.R.B. 3779, PG. 3818)

S 89°31'01" W 707.66'

N 33°27'08" W
(N 33°38'05" W, deed)

55.02'

330.00'

(N 65°45'10" W, deed)

(N 65°56'05" W, deed)

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(S 24°02'55" W, deed)

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CHECKED	EAB	1/24	SCALE: 1" = 200'
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SURVEY DATE	N/A	N/A	SCALE:	
CHECKED	EAB	1/24	N/A	
PROJECT #			FIELD BOOK	SHEET #
LEGAL			N/A	2 OF 2

STATEMENT FOR SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT REQUEST

PARCEL ID NO. 8106-00-00-0072

Longleaf Four, LLC is the owner of parcel 8106-00-00-0072. They recently acquired this parcel in a swap of land with Volusia County. Longleaf Four, LLC is looking to amend the land use designation on this parcel from County ULI to City Commerce to match the land use designations of the surrounding DeLand Tech Park project parcels.

**PLANNING DEPARTMENT STAFF REPORT
TO
PLANNING BOARD**

July 17, 2024

Continued from June 12, 2024

APPLICATION NO.: Z24-081

APPLICANT: Mark Watts, CobbCole

REQUEST: Amend the existing zoning designation from Volusia County's R-4 (Urban Single-Family) and DeLand Tech Park Planned Development to First Amendment to DeLand Tech Park 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:	Northwest quadrant of SR 472 and Interstate 4
Parcel Size:	± 3.73 being added to original PD
Land Use:	Southwest Activity Center (Commerce District/West Central District)
Existing Zoning:	Volusia County R-4, Tech Park Planned Development
Existing Use:	Mostly undeveloped

	SURROUNDING USE:	SURROUNDING ZONING:
North:	VC: ULI; SWAC Community	Kirk DeLand PD (Canopy Terrace); R-4
South:	Orange City	Orange City
East:	VC: ULI	VC: RR
West:	VC: Unincorporated	VC: Unincorporated

B. ANALYSIS:

The applicant is requesting to amend the Planned Development Agreement for the DeLand Tech Park Planned Development, which was approved by the City Commission on October 3, 2022, originally consisting of 143.24 acres. The purpose of the amendment is to incorporate additional property into the existing Planned Development, update the expiration date of the Planned Development and to allow for off-site Tree Protection Area (TPA). The additional property will add 3.73 acres of property to DeLand Tech Park, with a grand total of 146.97 acres. Additionally, the amendment provides the option to utilize adjacent property for off-site Tree Protection Area through an easement dedicated to the City of DeLand.

The subject property lies within the Southwest Activity Center (SWAC) and shall comply with the policies identified within the Local Plan as “Commerce” and “West Central”. According to the vision of the SWAC, the ultimate goal is to develop a key employment area for the City of DeLand and the rest of southwest Volusia County. As described in the original Planned Development, the applicant seeks to develop the eastern side of the subject property as industrial space and the western side of the property as commercial/neighborhood retail.

None of the development standards from the original DeLand Tech Park Planned Development agreement are being changed and the developer will need to follow the requirements that were previously outlined in the original Planned Development Agreement.

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 zoning classification of Planned Development is consistent with the Comprehensive Land Use Plan and the existing Commerce/West Central District Future Land Use Designations.

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

The site is heavily wooded and the proposed development would reduce this tree coverage significantly. However, the Planned Development Agreement and associated plan ensures that tree preservation areas, buffering and other tree requirements meet the minimum standards of the Land Development Regulations. The proposed development should not have any other negative impacts on environmental or natural resources on the site or the surrounding area. The developer will be required to conduct an environmental study of the property prior to site plan approval.

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

The subject site is currently vacant. The proposed rezoning would allow for development of commercial and industrial uses, which would lead to additional jobs and tax revenue for the City.

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.

The Southwest Activity Center (SWAC) has trip allowances based on the uses and the district (Commerce/West Central/Community). According to the SWAC plan, the maximum allowable trips for the Commerce district is 13,700 average daily trips; for the West Central District the allowable trips totals to 19,600 average daily trips; and for the Community district, the maximum allowable average daily trips per day is 4,700 trips.

In a Trip Comparison Memo provided by the applicant dated May 27, 2022, the three land use categories for the SWAC are compared. In this memo, trip data for upcoming projects within the SWAC are compared with the maximum trip threshold for the entirety of the SWAC, if fully developed. The comparison includes not only the DeLand Tech Park Planned Development, but it also includes data from the proposed DeLand CTC development, Canopy Terrace and a trip projection for the Advent Health parcel. The provided trip comparison demonstrates how the proposed DeLand Tech Park Planned Development will not cause the maximum number of trips allotted in the SWAC plan to be exceeded.

The applicant also submitted a Traffic Impact Analysis dated July 2023 which was reviewed by staff. The additional acreage being added as part of this amendment to DeLand Tech Park is not anticipated to have any affect on the original study.

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

There have not been any changes in the area surrounding DeLand Tech Park since its original approval in 2022.

6. Was there a mistake in the original classification?

There was no mistake in the original classification.

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

The proposed project will be developed for industrial, neighborhood commercial and retail uses, all of which will positively contribute to the jobs in the area. The proposed rezoning will not have an effect on the use or negatively affect the value of the area, as the proposed development is in line with the City's long-range plans.

Additionally, the development will provide a road connecting the north end of the development to the south end, lessening congestion on nearby thoroughfares.

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

Impacts upon public health, safety and welfare will generally be positive impacts, as the development will reduce traffic congestion from roads by providing alternate routes for drivers. The approval of the amendment should have no additional impacts, as the property being added into the Planned Development totals less than one acre.

C. CONCLUSION:

The original Southwest Activity Center (SWAC) designation was designed for high intensity uses including office, commercial, industrial and recreational uses. With this application, the applicant is proposing a rezoning from Volusia County's R-4 to the First Amendment to DeLand Tech Park Planned Development in order to develop the subject property, to include the additional acreage.

D. STAFF RECOMMENDATION:

Staff recommends that the Planning Board forward to the requested amendment to City Commission recommending approval for the rezoning request.

FIRST AMENDMENT TO DELAND TECH PARK
PLANNED DEVELOPMENT AGREEMENT

This First Amendment to the Planned Development Agreement (the "First Amendment") is made this ____ day of _____, 2024, between the **CITY OF DELAND**, a Florida municipal corporation (hereafter, the "City"), whose mailing address is 120 S. Florida Avenue, DeLand, FL 32720, and **LONGLEAF FOUR, LLC**, a limited liability company, whose mailing address is 320 N. Meridian St., Ste 700, Indianapolis, IN 46204 (hereafter, "Applicant").

WHEREAS, the City and Applicant previously entered into that certain Planned Development Agreement (the "PD Agreement") dated on or about **Month XX, 2024**, and recorded in Official Records Book **XXXX, Page XXXX** of the Public Records of Volusia County, Florida in connection with the rezoning of ± 143.24 acres known as the "DeLand Tech Park PD"; and

WHEREAS, the Applicant wishes to amend the DeLand Tech Park PD to incorporate an additional + 3.73 acres of property, more specifically described in Exhibit "A-1", for a total of ± 146.97 acres of property, and to revise the reverter provision; and

WHEREAS, the application to amend the DeLand Tech Park PD was duly and properly filed with the City on **March XX, 2024**, and the application was reviewed by the City's Community Development Department and determined to be consistent with the City's Comprehensive Plan; and

WHEREAS, public hearings on this First Amendment to the DeLand Tech Park Planned Development Agreement were held by the City of DeLand's Planning Board on **Month XX, XXXX**, and the City Commission on **Month XX, XXXX**, and **Month XX, XXXX**, after due public notice was provided in accordance with the City's Land Development Regulations Ordinance No. 2013-11, as amended.

~~L. Reverter Provision: The City Commission may rezone any portion of the project which has not secured a final development order on or before 7 years from the effective date of this ordinance as may be necessary or appropriate to protect adjoining properties or the public health, safety and welfare, unless the City Commission, for good cause shown, shall extend the time period indicated in this paragraph.~~

L. Expiration: The terms of this Development Agreement shall be vested upon issuance of a final plat development order for the development issued within five (5) years from the effective date of the ordinance which adopts the Planned Development Plan unless the City Commission, for good cause shown, extends the time period indicated in this paragraph. If not vested by said date, the Planned Development Plan shall expire and will be of no further force or effect and no development shall occur on the subject property until it is rezoned. The City Commission may rezone the subject property as may be necessary or appropriate to protect adjoining properties or the public health, safety and welfare if the Planned Development Plan expires.

IN WITNESS WHEREOF, the City and the Applicant have caused this First Amendment to the DeLand Tech Park Planned Development Agreement to be duly executed by their authorized representatives as of the last date entered below.

(Signatures on Following Pages)

WITNESSES

LONGLEAF FOUR, LLC

Print Name

Sign Name

Print Name

Sign Name

By: _____

Print: Harry F McNaught

Title: Manager

Date: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this ____ day of _____, 2024, by Harry F. McNaught, as Manager of **LONGLEAF FOUR, LLC**, who is personally known to me or has produced _____ as identification.

Seal

Notary Public

Type or Print Name: _____

Commission No. _____

My Commission Expires: _____

WITNESSES

W. L. Kirk Jr. Trustees and J. Scott Kirk

Print Name

Sign Name

Print Name

Sign Name

By: _____

Print: _____

Title: _____

Date: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence
or ☐ online notarization this ____ day of _____, 2024, by _____, as
_____, who is personally known to me or has produced _____
as identification.

Seal

Notary Public

Type or Print Name: _____

Commission No. _____

My Commission Expires: _____

Attachment A-1
Addendum to Legal Description

EXHIBIT A

LEGAL DESCRIPTION (POND PARCEL TO LONGLEAF FOUR, LLC):

A PORTION OF THE SOUTH ½ OF GOVERNMENT LOT 3, SECTION 6, TOWNSHIP 18 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE CANOPY TERRACE SUBDIVISION AS RECORDED IN MAP BOOK 63, PAGES 139 THROUGH 143 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF AFORESAID GOVERNMENT LOT 3; THENCE RUN S 00°14'47" E (S 00°14'44" E, PLAT), ALONG THE EAST LINE OF SAID CANOPY TERRACE SUBDIVISION AND THE WEST LINE OF SAID GOVERNMENT LOT 3, A DISTANCE OF 1300.54 FEET (1300.63', PLAT) TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF CASSADAGA ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 3779, PAGE 3818 OF THE AFORESAID PUBLIC RECORDS; THENCE CONTINUE, S 00°14'47" E, ALONG THE WEST LINE OF SAID GOVERNMENT LOT 3, A DISTANCE OF 100.00 FEET TO ITS INTERSECTION SOUTH RIGHT-OF-WAY LINE OF SAID CASSADAGA ROAD; THENCE, DEPARTING THE WEST LINE OF SAID GOVERNMENT LOT 3, RUN N 89°31'01" E, ALONG THE EASTERLY EXTENSION OF THE SOUTH RIGHT-OF-WAY LINE OF CASSADAGA ROAD AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 3779, PAGE 3818, A DISTANCE OF 707.66 FEET TO ITS INTERSECTION WITH THE WESTERLY BOUNDARY LINE OF THOSE LANDS DEEDED TO THE COUNTY OF VOLUSIA IN OFFICIAL RECORDS BOOK 5243, PAGE 4423 OF THE AFORESAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE CONTINUE N 89°31'01" E, A DISTANCE OF 414.52 FEET TO A POINT ON THE EASTERLY BOUNDARY LINE OF THOSE AFORESAID LANDS DEEDED TO COUNTY OF VOLUSIA IN OFFICIAL RECORDS BOOK 5243, PAGE 4423; THENCE, DEPARTING THE SAID EASTERLY EXTENSION, RUN ALONG THE BOUNDARY OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5243, PAGE 4423 THE FOLLOWING THREE (3) COURSES, S 24°14'52" W (S 24°02'55" W, DEED), A DISTANCE OF 202.81 FEET; THENCE N 65°45'10" W (N 65°56'05" W, DEED), A DISTANCE OF 330.00 FEET; THENCE N 33°27'08" W, (N 33°38'05" W, DEED), A DISTANCE OF 55.02 FEET TO ITS INTERSECTION WITH THE AFORESAID EASTERLY EXTENSION OF THE SOUTH RIGHT-OF-WAY LINE OF CASSADAGA ROAD AND THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED PARCEL CONTAINS 43,031 SQUARE FEET MORE OR LESS.

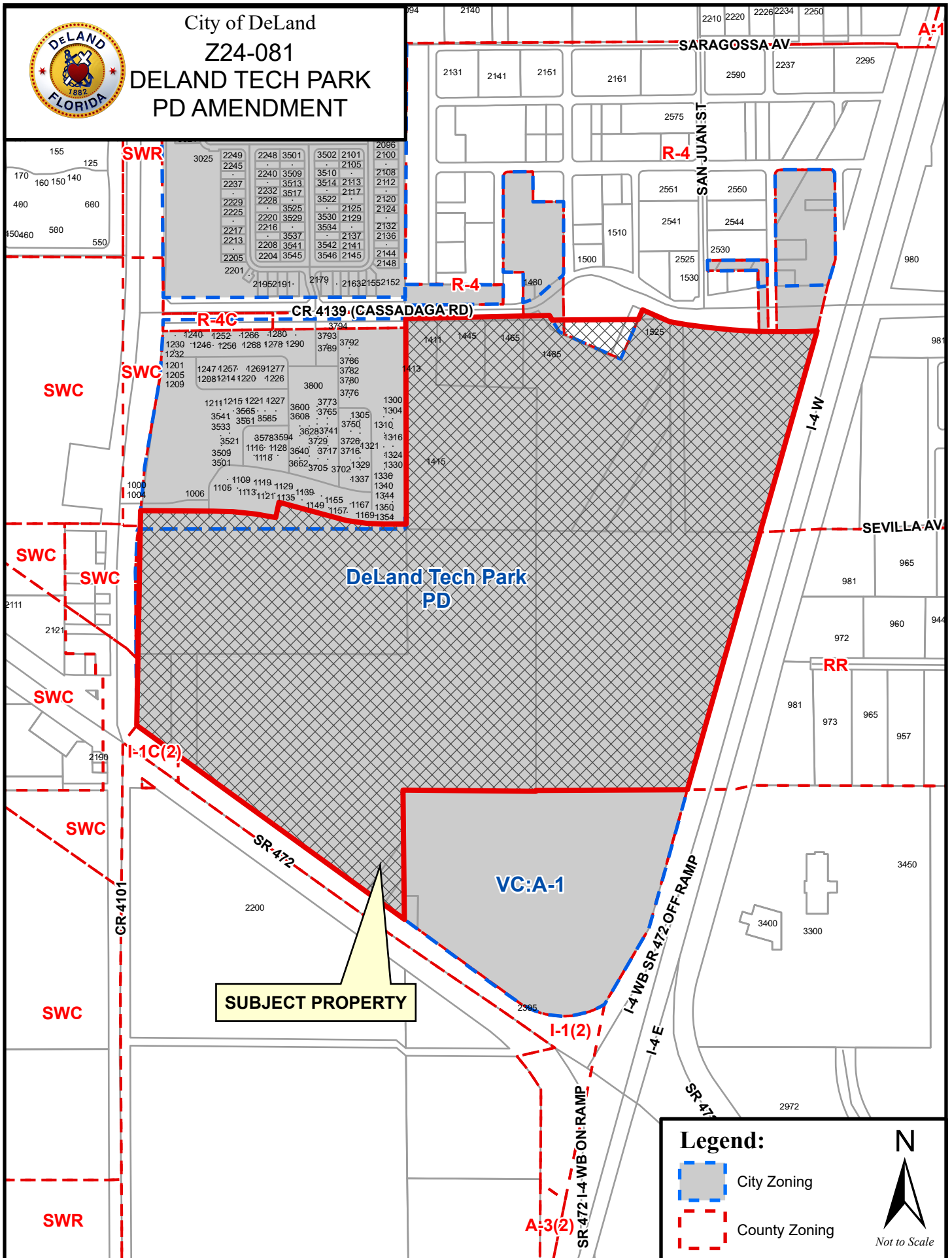
SKETCH OF DESCRIPTION NOTES:

1. SKETCH OF DESCRIPTION ONLY.
2. BEARINGS SHOWN HEREON ARE BASED UPON THE WEST LINE OF GOVERNMENT LOT 3, SECTION 6, TOWNSHIP 18 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA AS BEING S 00°14'47" E (ASSUMED).
3. DISTANCES SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.
4. THE BOUNDARY INFORMATION SHOWN HEREON WAS ESTABLISHED USING THE INFORMATION FROM THE FOLLOWING.
 - A. O.R.B. 5243, PG. 4423 (REFERENCE TO O.R.B. 130, PG. 435) (VOLUSIA COUNTY PARCEL)
 - B. O.R.B. 3192, PG. 1149. (OWNERSHIP DEED), O.R.B. 7959, PG. 3833. (OWNERSHIP DEED), O.R.B. 8493, PG. 1088. (OWNERSHIP DEED), AND O.R.B. 3779, PG. 3818 (R/W DEED)
 - C. FLORIDA DEPARTMENT OF TRANSPORTATION R/W MAP SECTION 79110 (F.P. NO. 408463 1).
 - D. FLORIDA DEPARTMENT OF TRANSPORTATION R/W MAP SECTION 7716-4018.
 - E. VOLUSIA COUNTY R/W MAP FOR THE PROPOSED "I-4 FRONTAGE ROAD" (COUNTY PROJECT #4738).

Exhibit B
Amended PD Plan

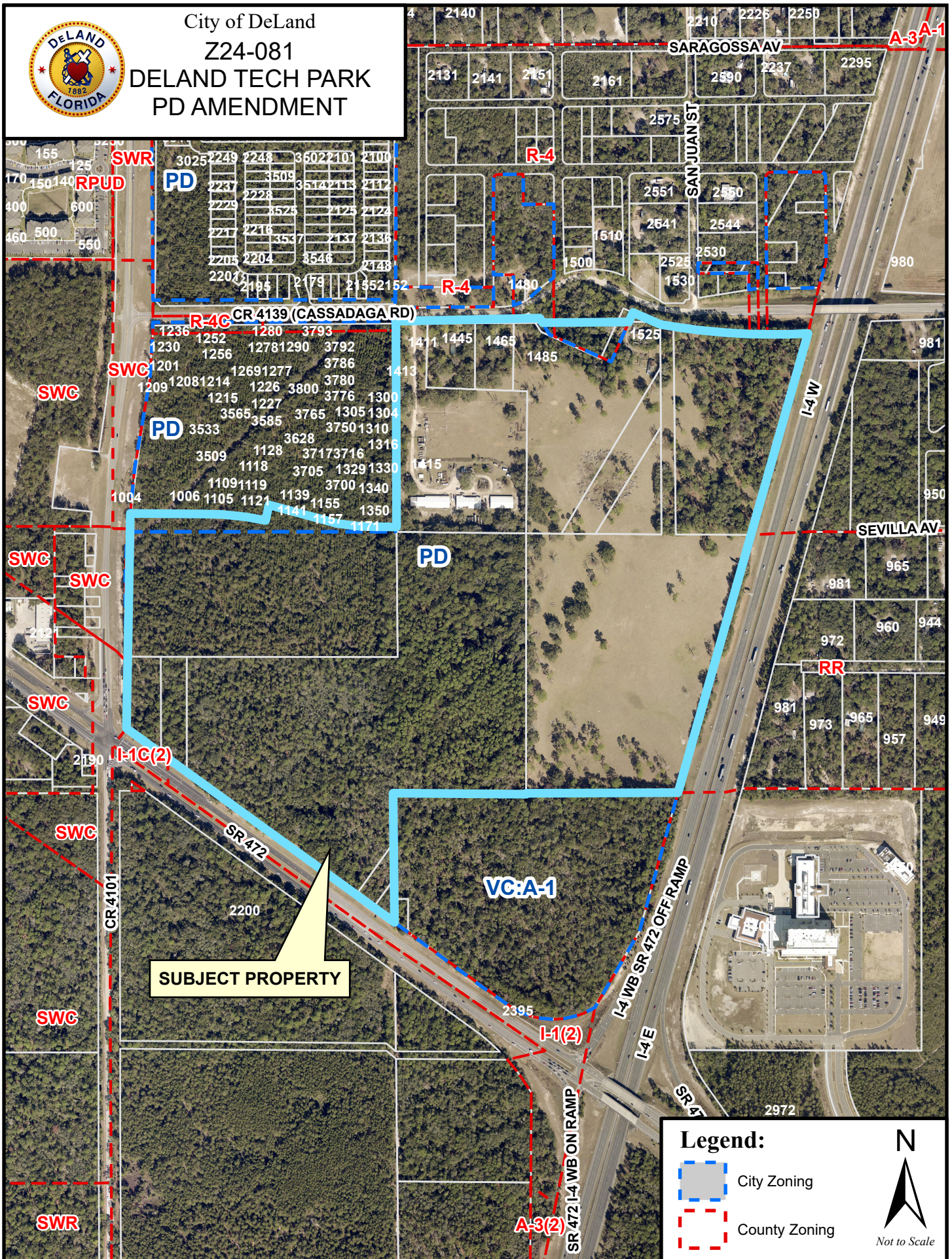


City of DeLand
Z24-081
DELAND TECH PARK
PD AMENDMENT





City of DeLand
Z24-081
DELAND TECH PARK
PD AMENDMENT





Volusia County Property Appraiser

123 W. Indiana Ave., Rm. 102

DeLand, FL. 32720

Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 2568691

Parcel ID: 810600000110

LONGLEAF FOUR LLC

1465 CASSADAGA RD, DELAND, FL

Parcel Summary

Alternate Key:	2568691
Parcel ID:	810600000110
Township-Range-Section:	18 - 31 - 06
Subdivision-Block-Lot:	00 - 00 - 0110
Owner(s):	LONGLEAF FOUR LLC - FS - Fee Simple - 100%
Mailing Address On File:	320 N MERIDIAN ST STE 700 INDIANAPOLIS IN 46204 1744
Physical Address:	1465 CASSADAGA RD, DELAND 32724
Property Use:	0100 - SINGLE FAMILY
Tax District:	012-DELAND
2023 Final Millage Rate:	18.7526
Neighborhood:	5045
Subdivision Name:	
Homestead Property:	No



Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 2568682

Parcel ID: 810600000100

LONGLEAF FOUR LLC

1445 CASSADAGA RD, DELAND, FL

Parcel Summary

Alternate Key:	2568682
Parcel ID:	810600000100
Township-Range-Section:	18 - 31 - 06
Subdivision-Block-Lot:	00 - 00 - 0100
Owner(s):	LONGLEAF FOUR LLC - FS - Fee Simple - 100%
Mailing Address On File:	320 NORTH MERIDIAN ST STE 700 INDIANAPOLIS IN 46204
Physical Address:	1445 CASSADAGA RD, DELAND 32724
Property Use:	0100 - SINGLE FAMILY
Tax District:	012-DELAND
2023 Final Millage Rate:	18.7526
Neighborhood:	5045
Subdivision Name:	
Homestead Property:	No



Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

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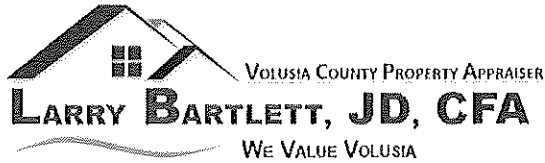
Parcel ID: 810600000070

LONGLEAF FOUR LLC

1485 CASSADAGA RD, DELAND, FL

Parcel Summary

Alternate Key:	5040704
Parcel ID:	810600000070
Township-Range-Section:	18 - 31 - 06
Subdivision-Block-Lot:	00 - 00 - 0070
Owner(s):	LONGLEAF FOUR LLC - FS - Fee Simple - 100%
Mailing Address On File:	320 N MERIDIAN ST STE 700 INDIANAPOLIS IN 46204 1744
Physical Address:	1485 CASSADAGA RD, DELAND 32724
Property Use:	0100 - SINGLE FAMILY
Tax District:	012-DELAND
2023 Final Millage Rate:	18.7526
Neighborhood:	5045
Subdivision Name:	
Homestead Property:	No



Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 2570512

Parcel ID: 810604000170

LONGLEAF FOUR LLC

SR 472, DELAND, FL

Parcel Summary

Alternate Key:	2570512
Parcel ID:	810604000170
Township-Range-Section:	18 - 31 - 06
Subdivision-Block-Lot:	04 - 00 - 0170
Owner(s):	LONGLEAF FOUR LLC - FS - Fee Simple - 100%
Mailing Address On File:	320 N MERIDIAN ST STE 700 INDIANAPOLIS IN 46204 1744
Physical Address:	SR 472, DELAND 32724
Property Use:	4000 - VACANT INDUS
Tax District:	012-DELAND
2023 Final Millage Rate:	18.7526
Neighborhood:	7534
Subdivision Name:	YOURLANDO FARM & GROVES
Homestead Property:	No



Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 2568721

Parcel ID: 810600000122

LONGLEAF FOUR LLC

SR 472, DELAND, FL

Parcel Summary

Alternate Key:	2568721
Parcel ID:	810600000122
Township-Range-Section:	18 - 31 - 06
Subdivision-Block-Lot:	00 - 00 - 0122
Owner(s):	LONGLEAF FOUR LLC - FS - Fee Simple - 100%
Mailing Address On File:	320 N MERIDIAN ST STE 700 INDIANAPOLIS IN 46204 1744
Physical Address:	SR 472, DELAND 32724
Property Use:	4000 - VACANT INDUS
Tax District:	012-DELAND
2023 Final Millage Rate:	18.7526
Neighborhood:	7534
Subdivision Name:	
Homestead Property:	No



Volusia County Property Appraiser

123 W. Indiana Ave., Rm. 102

DeLand, FL. 32720

Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 2568674

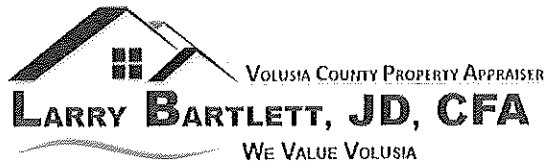
Parcel ID: 810600000090

LONGLEAF FOUR LLC

1411 CASSADAGA RD, DELAND, FL

Parcel Summary

Alternate Key:	2568674
Parcel ID:	810600000090
Township-Range-Section:	18 - 31 - 06
Subdivision-Block-Lot:	00 - 00 - 0090
Owner(s):	LONGLEAF FOUR LLC - FS - Fee Simple - 100%
Mailing Address On File:	320 N MERIDIAN ST STE 700 INDIANAPOLIS IN 46204 1744
Physical Address:	1411 CASSADAGA RD, DELAND 32724
Property Use:	0000 - VACANT RES
Tax District:	012-DELAND
2023 Final Millage Rate:	18.7526
Neighborhood:	5045
Subdivision Name:	
Homestead Property:	No



Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 6507261
LONGLEAF FOUR LLC

Parcel ID: 810600000071
, DELAND, FL

Parcel Summary

Alternate Key:	6507261
Parcel ID:	810600000071
Township-Range-Section:	18 - 31 - 06
Subdivision-Block-Lot:	00 - 00 - 0071
Owner(s):	LONGLEAF FOUR LLC - FS - Fee Simple - 100%
Mailing Address On File:	320 N MERIDIAN ST STE 700 INDIANAPOLIS IN 46204 1744
Physical Address:	, DELAND 32724
Property Use:	8000 - VACANT GOVERNMENTAL
Tax District:	012-DELAND
2023 Final Millage Rate:	18.7526
Neighborhood:	5045
Subdivision Name:	
Homestead Property:	No



Volusia County Property Appraiser

123 W. Indiana Ave., Rm. 102

DeLand, FL. 32720

Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 8025456

Parcel ID: 810600000072

LONGLEAF FOUR LLC

CASSADAGA RD, DELAND, FL

Parcel Summary

Alternate Key:	8025456
Parcel ID:	810600000072
Township-Range-Section:	18 - 31 - 06
Subdivision-Block-Lot:	00 - 00 - 0072
Owner(s):	LONGLEAF FOUR LLC - FS - Fee Simple - 100%
Mailing Address On File:	320 N MERIDIAN ST STE 700 INDIANAPOLIS IN 46204 1744
Physical Address:	CASSADAGA RD, DELAND 32724
Property Use:	8000 - VACANT GOVERNMENTAL
Tax District:	012-DELAND
2023 Final Millage Rate:	18.7526
Neighborhood:	5045
Subdivision Name:	
Homestead Property:	No



Volusia County Property Appraiser

123 W. Indiana Ave., Rm. 102

DeLand, FL. 32720

Phone: (386) 736-5901 Web: vcpa.vcgov.org

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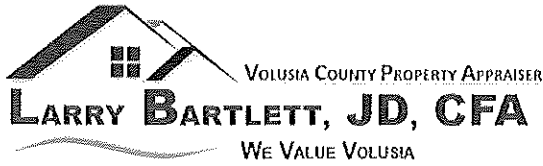
KIRK W L JR

Parcel ID: 810600000060

CASSADAGA RD, DELAND, FL

Parcel Summary

Alternate Key:	2568658
Parcel ID:	810600000060
Township-Range-Section:	18 - 31 - 06
Subdivision-Block-Lot:	00 - 00 - 0060
Owner(s):	KIRK W L JR - TE - Tenancy in the Entirety - 100% KIRK NANCY C - TE - Tenancy in the Entirety - 100%
Mailing Address On File:	PO BOX 1873 ORLANDO FL 32802 1873
Physical Address:	CASSADAGA RD, DELAND 32724
Property Use:	6300 - GRAZING CLASS IV
Tax District:	012-DELAND
2023 Final Millage Rate:	18.7526
Neighborhood:	7534
Subdivision Name:	
Homestead Property:	No



Volusia County Property Appraiser

123 W. Indiana Ave., Rm. 102

DeLand, FL. 32720

Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 4835741

KIRK W L JR

Parcel ID: 810600000091

CASSADAGA RD, DELAND, FL

Parcel Summary

Alternate Key:	4835741
Parcel ID:	810600000091
Township-Range-Section:	18 - 31 - 06
Subdivision-Block-Lot:	00 - 00 - 0091
Owner(s):	KIRK W L JR - TE - Tenancy in the Entirety - 100% KIRK NANCY C - TE - Tenancy in the Entirety - 100%
Mailing Address On File:	PO BOX 1873 ORLANDO FL 32802 1873
Physical Address:	CASSADAGA RD, DELAND 32724
Property Use:	6100 - GRAZING CLASS II
Tax District:	012-DELAND
2023 Final Millage Rate:	18.7526
Neighborhood:	7534
Subdivision Name:	
Homestead Property:	No



Volusia County Property Appraiser

123 W. Indiana Ave., Rm. 102

DeLand, FL. 32720

Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 2568712

KIRK SCOTT

Parcel ID: 810600000121

SR 472, DELAND, FL

Parcel Summary

Alternate Key:	2568712
Parcel ID:	810600000121
Township-Range-Section:	18 - 31 - 06
Subdivision-Block-Lot:	00 - 00 - 0121
Owner(s):	KIRK SCOTT - TIC - Tenancy in Common - 50% STONEKIRK VENTURES LLC - TIC - Tenancy in Common - 50%
Mailing Address On File:	PO BOX 1873 ORLANDO FL 32802 1873
Physical Address:	SR 472, DELAND 32724
Property Use:	5500 - TIMBERLAND IDX 80-89
Tax District:	012-DELAND
2023 Final Millage Rate:	18.7526
Neighborhood:	7534
Subdivision Name:	
Homestead Property:	No



Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 6080054

STONEKIRK VENTURES LLC

Parcel ID: 810600000124

CASSADAGA RD, DELAND, FL

Parcel Summary

Alternate Key:	6080054
Parcel ID:	810600000124
Township-Range-Section:	18 - 31 - 06
Subdivision-Block-Lot:	00 - 00 - 0124
Owner(s):	STONEKIRK VENTURES LLC - TIC - Tenancy in Common - 50% J SCOTT KIRK - TIC - Tenancy in Common - 50%
Mailing Address On File:	450 NORTHWIND RD MAITLAND FL 32751
Physical Address:	CASSADAGA RD, DELAND 32724
Property Use:	5500 - TIMBERLAND IDX 80-89
Tax District:	012-DELAND
2023 Final Millage Rate:	18.7526
Neighborhood:	5045
Subdivision Name:	
Homestead Property:	No

CITY OF DELAND
Request for Commission Action
July 17, 2024

SUBJECT: Applicant Name: Mark Watts, Esq. – Cobb Cole
Project Name: SE24-031 – Special Exception
Project Location: ±1.467 acres located at S. Amelia Ave.
Description: Special Exception to allow a vehicle rental company
Project Manager: Belinda Williams-Collins

DEPARTMENT: Planning

PREPARED BY: Belinda Collins, Senior Planner

ATTACHMENTS: Staff Report SE24-031, SE24-031 Zoning, SE24-031 Aerial, SE24-031 REVISED
CONCEPT PLAN (2)

APPROVED BY: Vivian Ford, Admin. Coordinator, July 12, 2024

SUMMARY/HIGHLIGHT:

The applicant is seeking a Special Exception to permit the operation of a vehicle rental facility on property zoned C-2 (General commercial) in an area characterized by commercial/office uses and a commercial shopping center and multi-family apartments.

**PLANNING DEPARTMENT STAFF REPORT
TO
THE CITY OF DELAND PLANNING BOARD**

July 17, 2024

- A. APPLICATION #:** SE24-031, Enterprise Car Rental
- B. APPLICANT:** Mark Watts, Cobb Cole
Northeast intersection of S. Amelia Avenue and W. Howry Avenue (Parcel 701605000072)
- REQUEST:** Special Exception to permit vehicle rentals
- APPLICABLE ORDINANCE:** Article 2 - Section 33-18 Special exceptions, Article 12 - Sec. 33-134 Procedures for obtaining a special exception

C. SITE FACTORS

ZONING:		C-2 (General Commercial)
LAND USE:		MC (Mixed Commercial)
SURROUNDING USE:		
NORTH	MC (Mixed Commercial)	SURROUNDING ZONING: C-2 (General commercial)
SOUTH	HDR (High Density Residential)	R-16 (Multi-family)
EAST	MC (Mixed Commercial)	C-2 (General commercial)
WEST	DC (Downtown Commercial)	C-2 (General commercial)

D. ANALYSIS:

The applicant is seeking approval of a Special Exception to allow the operation of a vehicle rental facility on property zoned C-2 (General commercial) in an area characterized by commercial/office uses with a commercial shopping center and multi-family apartments. Other parcels in the area across Amelia Avenue include single-family uses. The site has been vacant for several years and was previously the location of a bank drive through facility.

In the C-2 zoning district, this use is considered a special exception, subject to the following regulations (Sec. 33-18):

29. Vehicles sales and rentals must meet the following requirements:

- (a) All vehicle use areas must be paved and landscaped per article VIII and, where applicable, per article IV.
- (b) Landscape buffers and interior landscaping must be provided consistent with the Gateway Overlay.
- (c) Parking must be provided for employees and customers in addition to display areas.
- (d) Site must be at least one-half acre in size.

The applicant is proposing to develop a 1,596 square foot rental car facility on this 1.47-acre site., A site plan that complies with the special exception criteria and all site plan

regulations will be required. The facility will provide automobile rentals with a small vehicle wash area that will be constructed with materials similar and complementary to the primary structure. A dimensioned detail for this structure will be included with the site plan.

The applicant has provided 15-foot buffers on the perimeter, which are consistent with the Core Gateway Overlay criteria. The applicant is proposing parking for the customers and employees as well as a paved vehicle storage area.

The applicant has worked closely with City staff to preserve the three (3) existing, large trees on the site. Following the initial Staff review, the applicant revised the proposed site layout to accommodate the existing trees, provide adequate buffers, and meet the parking requirements.

The applicant will be required to obtain approval of a Class II site plan that will be subject to review by the Technical Review Committee.

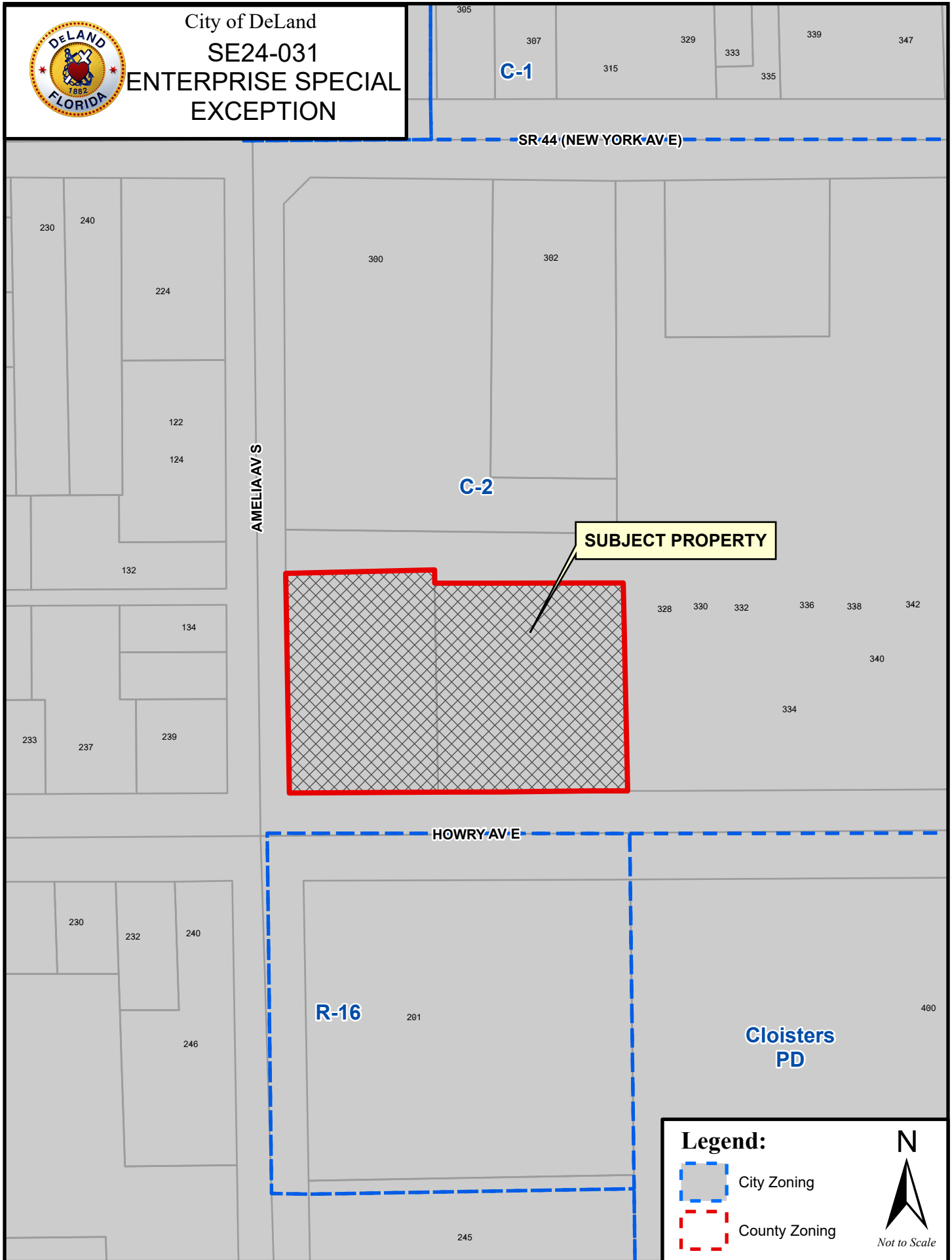
E. STAFF RECOMMENDATION:

This site is in a location that is primarily commercial in nature. The requirements that would permit this use as a Special Exception have been addressed in the concept plan attached.

Staff recommends approval of the Special Exception contingent upon addressing the remaining staff comments.

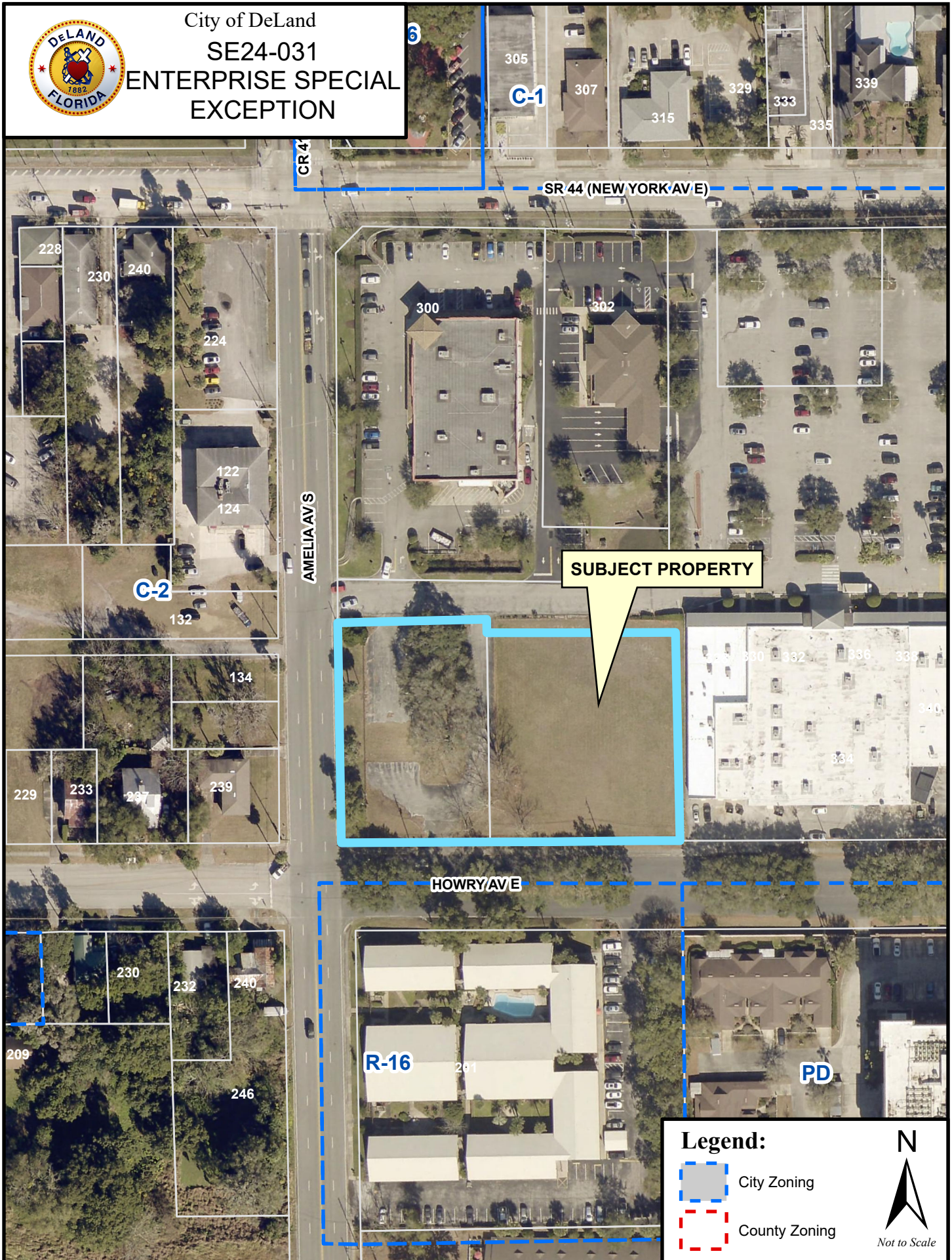


City of DeLand
SE24-031
ENTERPRISE SPECIAL
EXCEPTION





City of DeLand
SE24-031
ENTERPRISE SPECIAL
EXCEPTION



SITE DATA

TOTAL SITE AREA: 63,914 SF / ±1.467 AC
JURISDICTION: CITY OF DELAND
ZONING: C-2 (GENERAL COMMERCIAL)
LAND USE:
EXISTING: VACANT-PREVIOUSLY DEVELOPED
PROPOSED: AUTOMOBILE RENTAL AND ANCILLARY ACTIVITIES
SUCH AS VEHICLE PREPARATION
BUILDING AREA: 1,596 SF
SITE COVERAGE:
PERVIOUS: 35,092 SF (54.9%)
IMPERVIOUS: 28,822 SF (45.1%)
PARKING REQUIRED:
1 SPACE PER 250 SF
= 1,596 SF / 250 SF
= 6 SPACES
PARKING PROVIDED: 10 SPACES (CUSTOMER & EMPLOYEE)
BUILDING SETBACKS:
FRONT (WEST, S. AMELIA AVENUE) 20 FT 192.7 FT
SIDE (EAST) 10 FT 61.3 FT
SIDE (NORTH) 10 FT 71.3 FT
REAR (SOUTH, E. HOWRY AVENUE) 25 FT 97.8 FT
LANDSCAPE BUFFERS:
FRONT (WEST, S. AMELIA AVENUE) 30 FT 79.0 FT
SIDE (EAST) 0 FT 10.2 FT MIN. (VARIES)
SIDE (NORTH) 0 FT 10.8 FT MIN. (VARIES)
REAR (SOUTH, E. HOWRY AVENUE) 30 FT 30.0 FT MIN. (VARIES)

LEGEND

- PROPERTY LINE
BUILDING SETBACK LINE (B.S.L.)
LANDSCAPE BUFFER (L.S.B.)
- VISITOR / CUSTOMER / ADA SPACES (5)
DAILY RENTAL READY SPACES (14)
DAILY RENTAL RETURN (6)
DAILY RENTAL STORAGE SPACES (20)
EMPLOYEE SPACES (5)

PARKING MATRIX

10 = CUSTOMER & EMPLOYEE PARKING
34 = RENTAL CAR PARKING
44 = TOTAL PARKING

THE SPECIAL EXCEPTION PLAN IS CONCEPTUAL IN NATURE AND MAY BE MODIFIED AS NEEDED DURING SITE PLAN.

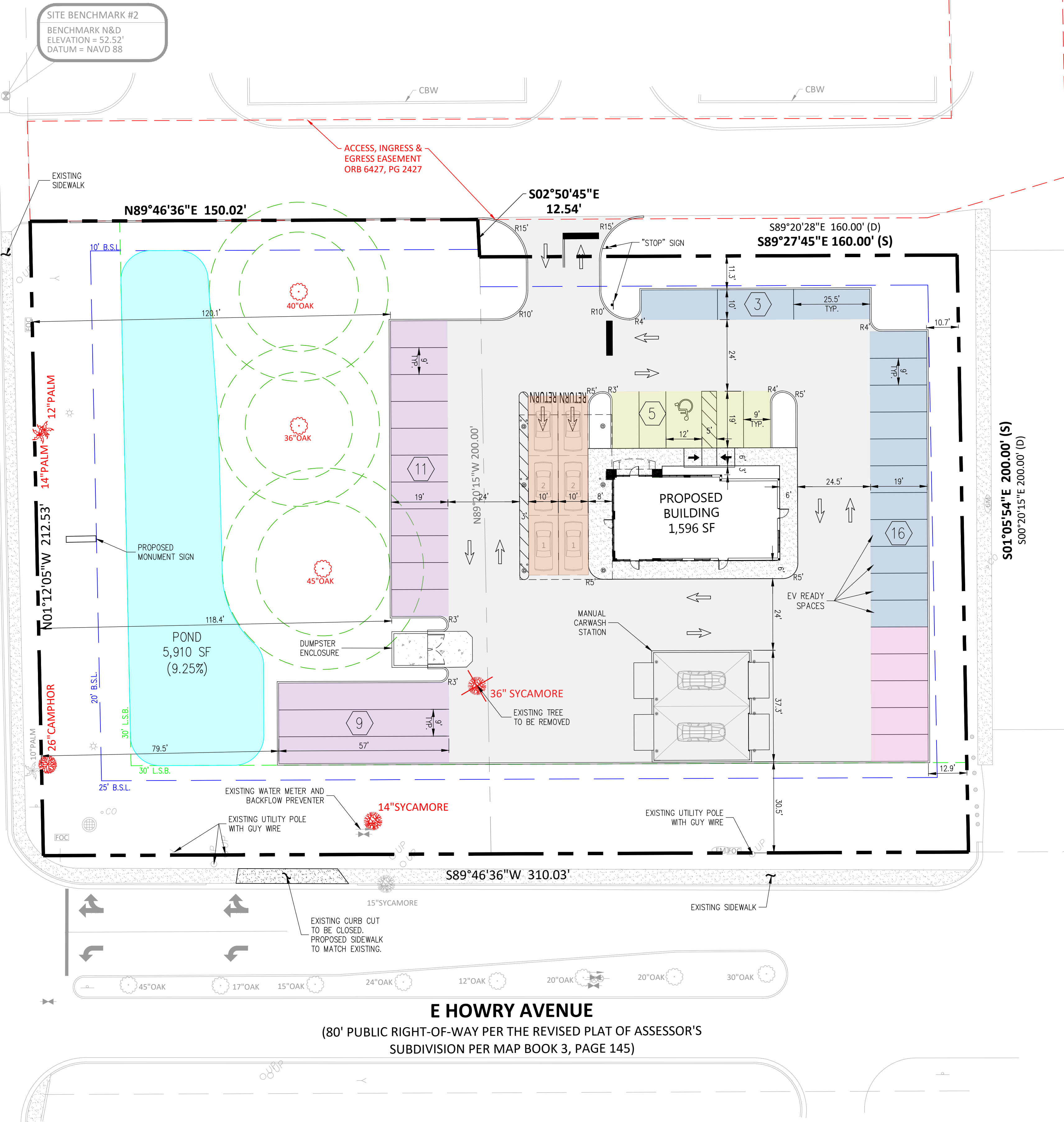
SITE BENCHMARK #1
BENCHMARK N&D
ELEVATION = 54.50'
DATUM = NAVD 88

SITE BENCHMARK #2
BENCHMARK N&D
ELEVATION = 52.52'
DATUM = NAVD 88

S AMELIA AVENUE

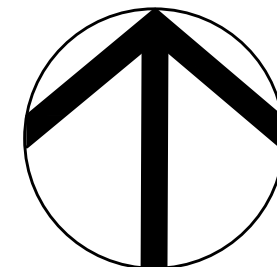
AMELIA AVE PER PLAT
(66' PUBLIC RIGHT-OF-WAY PER THE REVISED PLAT OF ASSESSOR'S
SUBDIVISION PER MAP BOOK 3, PAGE 145)

364' +/-
TO E NEW YORK AVE



E HOWRY AVENUE

(80' PUBLIC RIGHT-OF-WAY PER THE REVISED PLAT OF ASSESSOR'S
SUBDIVISION PER MAP BOOK 3, PAGE 145)



SPECIAL EXCEPTION SITE PLAN



CIVIL ENGINEERING CONSULTANTS
CA 29354
1201 E. ROBINSON STREET
ORLANDO, FL 32801
PH: (407) 271-8910

DATE	REVISION

ENTERPRISE CAR RENTAL
NEC of S. AMELIA AVENUE
& E. HOWRY AVENUE
DELAND, FLORIDA

DATE: 03/29/24
DRAWN: LH
CHECKED: RZ

SP5

PROJECT NO.: 2023.180

**PLANNING DEPARTMENT STAFF REPORT
TO
THE CITY OF DELAND PLANNING BOARD**

July 17, 2024

A. APPLICATION NO.: Z24-089

APPLICANT: Michael Woods, Cobb Cole

REQUEST: To amend a portion of the expired I-4 Automall Planned Development (PD) to Orange Camp DeLand Planned Development (

APPLICABLE ORDINANCES:

Article XII

ADMINISTRATION AND ENFORCEMENT

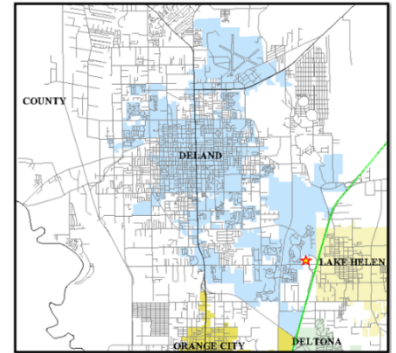
Sec. 33-32 – Planned Development District

Sec. 33-135 – Procedure for text amendments and rezoning

Location: 1600 Orange Camp Road (parcel id. 702501000051)

Parcel Size: 9.02 ± acres

Existing Use: Vacant, undeveloped

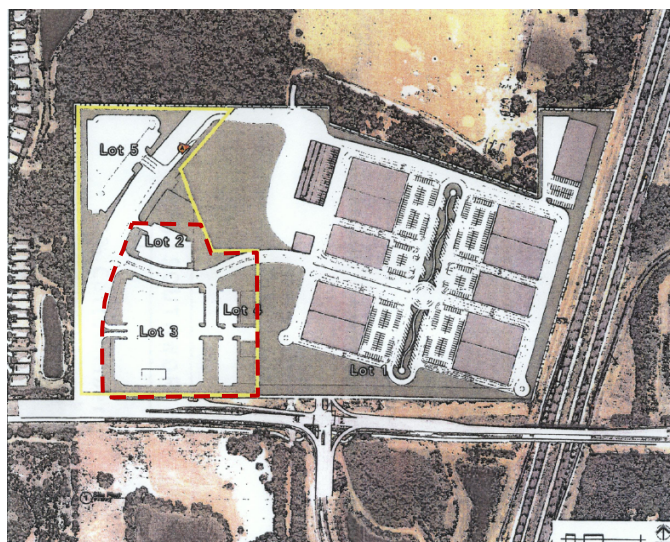


B. ANALYSIS:

The I-4 Automall PD was approved by the City Commission on November 5, 2018 (Ord 2018-20). The current owner, I-4 Automall, LLC owns an 18.75-acre parcel located at 1600 Orange Camp Road that was rezoned from Volusia County A-2 (Rural Agriculture) and B-6 (Highway Interchange Commercial) to I-4 Automall PD.

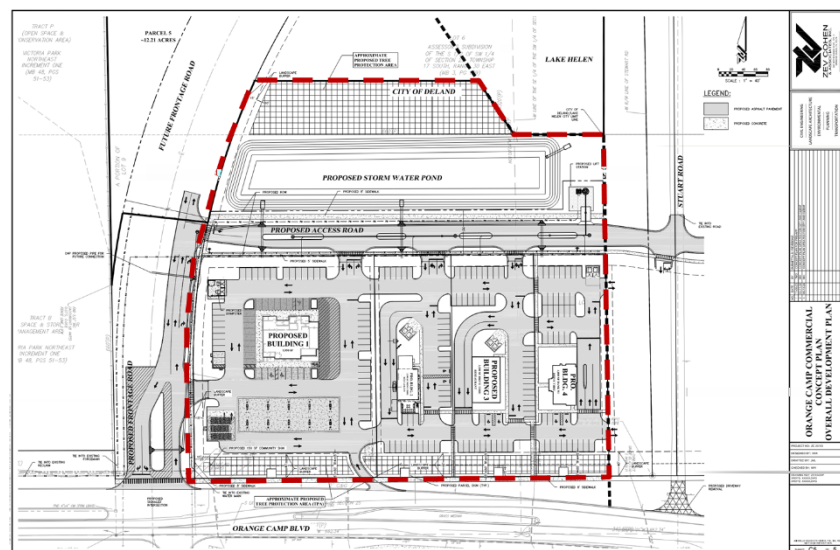
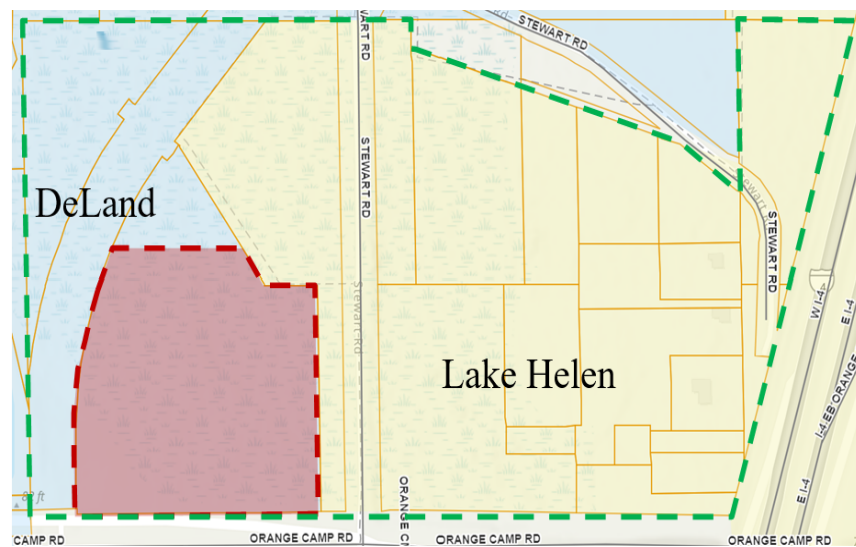
The intended development was comprised of land located in two separate municipalities, DeLand and Lake Helen. An interlocal agreement was created to facilitate the planned development. Within the original development agreement, the Lake Helen parcel was to be developed for multiple automotive dealerships and the DeLand Parcel was to be developed with traditional highway commercial uses - collectively known as the I-4 Automall. Each parcel was to be developed to the respective city's regulations and administered by the respective city as well.

The Master Development Plan (shown below) in the original Planned Development Agreement (PD) shows how the property was to be developed:



Since that time, for the City of Lake Helen, development of the Automall has become problematic due to changes in the economy and other unforeseen circumstances. Development of the DeLand portion of the project remains relatively unchanged while the Lake Helen portion is proceeding through a Comprehensive Plan amendment to allow for up to 348 residential units along with general highway commercial uses. The two projects will remain interlinked through shared vehicular access and utility infrastructure. DeLand and Lake Helen will continue to utilize an interlocal agreement to facilitate development of the sites, however, the details of the updated agreement are still being negotiated.

The applicant is requesting to rezone a portion of the original I-4 Automall PD to a new PD, the Orange Camp Planned Development; the northwest portion of the existing PD is not being rezoned at this time and will retain the current PD zoning designation, but will not be able to develop until it is rezoned, due to the expired PD Agreement. Prior to development of the property that is not part of the new Orange Camp Planned Development, a rezoning application will need to be submitted, reviewed, and approved as a stand-alone project.



As previously noted, the uses for the DeLand portion for the proposed project will remain essentially the same and include uses that fall within the guidelines of the Highway Commercial future land use designation. A comparison of the changes to the permitted uses subject to this amendment is listed below:

DeLand PERMITTED USES	
NEW - Orange Camp DeLand PD	OLD - I-4 Automall PD
• General/Professional Offices. • Financial Institutions. • Medical office. • Drugstores and pharmacies. • Laboratories, hospitals and clinics. • Medical clinics. • Beauty salons, barbershops and day spas. • Day care facilities, adult or child. • Dry cleaning and laundry. • Restaurants including fast food and/or drive through facilities. • Restaurants and establishments serving alcohol requiring a DBPR 2COP, 3PS or 4COP license with special class. • Bakery, pastry, gourmet, coffee and specialty beverage shops (retail). • Convenience stores with gas pumps. • Convenience stores without gas pumps. • Furniture, appliances retail. • Grocery. • Retail sales. • Virtual kitchen. • Hotels or Motels and associated accessory uses including restaurant and conference facilities.	▪ Car washes ▪ Convenience store (not exceeding 6,000 square feet) with up to 32 fueling positions (fueling positions shall refer to an individual facility or piece of equipment that allows for the fueling of one (1) vehicle at any given time. Electric vehicle charging stations shall not be interpreted to be a fueling position.) ▪ Financial institutions ▪ General/Professional offices ▪ Medical offices ▪ Hotels/motels and customary accessory uses, including, but not limited to restaurants, bars and spas that are accessory to the principle hotel use (subject to a maximum cap of 120 hotel rooms on Lots 2-5) ▪ Restaurants, including accessory bars ▪ Retail sales and services ▪ Retail specialty shops, including automotive accessory sales with onsite installation in enclosed service bays.

The original I-4 Automall PD specifically prohibited truck stops or any fueling facilities designed to serve tractor trailers. This prohibition is not currently included in the proposed PD and it is recommended that this restriction be included. Some of the development standards changed including:

	Orange Camp PD	Automall PD
Minimum Lot Area	9,000 square feet	1 acre
Minimum Lot Width	75 feet	150 feet
Front Setback	20 feet	25 feet
Rear Setback	10 feet	25 feet

The updated development agreement establishes new development parameters only for the DeLand portion of the project. The development plan which accompanies the proposed Planned Development Agreement shall govern the development of the property and constitute a supplement to the official zoning map of the City of DeLand.

The applicant is requesting additional sign area from what would be permitted in the City's sign regulations. Staff has discussed the unique site characteristics with the applicant and understands that a request to reallocate a portion of the wall sign area is reasonable. Based on the applicant's request, as many as seven (7) ground signs would be permitted, based on the proposed standards. The 150 square foot monument sign at the south west corner of the site

Z24-089 (BC)

3 of 5

could impact the sight distance triangle. Staff is not supportive of the number and size of the ground signs and requests that the concept plan be revised to show the proposed size and location of all ground signs prior to the first City Commission public hearing. The following table illustrates the requested deviations:

	Sign Regulations	PD Standards
Wayfinding Signage	3 square feet	6 square feet
Monument Signage	1 per lot	1 per building
Off-premise Signage (shopping center signage)	128 square feet per face (based on size of site)	150 square feet per face

The PD Agreement also states that the architecture will strive to be complimentary to the Victoria Park architecture in order to create a cohesive feel to DeLand's Emerging Gateway.

The City of Lake Helen is currently in consideration of amending the land uses for the land located within its jurisdiction to accommodate residential uses (townhomes and apartments) and general highway uses instead of the automotive uses as previously approved. It can be anticipated that once the details have been determined, the Lake Helen portion of the I-4 Automall PD will be amended to include the updated development parameters.

Section 33-135 provides the following criteria, which the Planning Board and 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 Planned Development (PD) zoning designation is consistent with and permitted within the Highway Commercial land use designation for the City of DeLand. Therefore, a land use amendment would not be necessary.

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

Amendment of the Planned Development Agreement will only change the permitted uses of the property and not impact the environment or natural resources. The property is currently mostly vegetated with possible wetlands located on the northerly portion of the property. Potential wetland and environmental impacts will be thoroughly analyzed at the platting and site plan review stages for the project.

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

The property is currently vacant and contributes only marginally to the tax base. The rezoning action will permit the eventual development of the commercial use that will have an anticipated positive impact upon the economy once the development is in operation and generating revenue.

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

The rezoning action will not impact governmental services. The property is located within the urban area and such services are already provided. No new services are anticipated to be required because of the rezoning action itself. Development of the property will be served by municipal water and sewer which has been extended to the site. Reclaim water will need to be extended to the site in the future.

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

The larger change in circumstances is due to unanticipated conditions for the City of Lake Helen portion of the project. Conditions for the City of DeLand portion of the property are

essentially unchanged. This amendment permits the DeLand portion of the development to move forward in the development process. The intent of the Development Plan Map and associated updated interlocal agreement is to provide a framework for the long-term development of the property in coordination with each adjacent municipality.

6. Was there a mistake in the original classification?

There was no mistake in the classification.

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

The property is located at the boundary of DeLand's urban core and the property is designated or commercial land uses. The proposed rezoning designation is consistent with the area and not anticipated to adversely impact the area in that regard.

Subject to the pending changes to the Lake Helen portion of the Planned Development Agreement, there will be an effect on the use of the property in that the automotive uses will be eliminated to accommodate a potential change of use for residential purposes. This will not impact the uses established for the DeLand portion of the project and coordination of the development will be on-going as those decisions are made to ensure the final portions of the project are compatible and meet the requirements of the interlocal agreement.

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

The rezoning request will not adversely impact health, safety or welfare.

C. CONCLUSION:

The I-4 Automall PD was approved with the understanding that the property would be developed to accommodate commercial uses supported by the Highway Commercial Land use designation on the DeLand portion of the site and with automotive sales and service uses on the Lake Helen portion. This amendment memorializes changes to a portion of the Planned Development Agreement that further clarify the uses and define the development requirements for the DeLand site. Because the uses that were established remain essentially unchanged, this amendment is acceptable as presented. The next step in the process is the approval of a site plan that complies with the Development Plan Map established for the DeLand property.

The overall Planned Development Agreement remains the subject of the interlocal agreement that has been established and which will be amended once the City of Lake Helen has updated its Comprehensive Plan and preliminarily agreed upon a development plan.

D. STAFF RECOMMENDATION:

Staff recommends that the Planning Board forward to the City Commission a recommendation of approval for the rezoning request. *(The City Commission will address the proposed rezoning for first reading after the interlocal agreement has been updated.)*



City of DeLand
Z24-089
ORANGE CAMP
DELAND PD

Victoria Park
PD

I-4 Automall
PD

SUBJECT PROPERTY

STEWART RD

CR-4116 (ORANGE CAMP RD)

B-6

B-6

BPUD

Victoria Park
PD

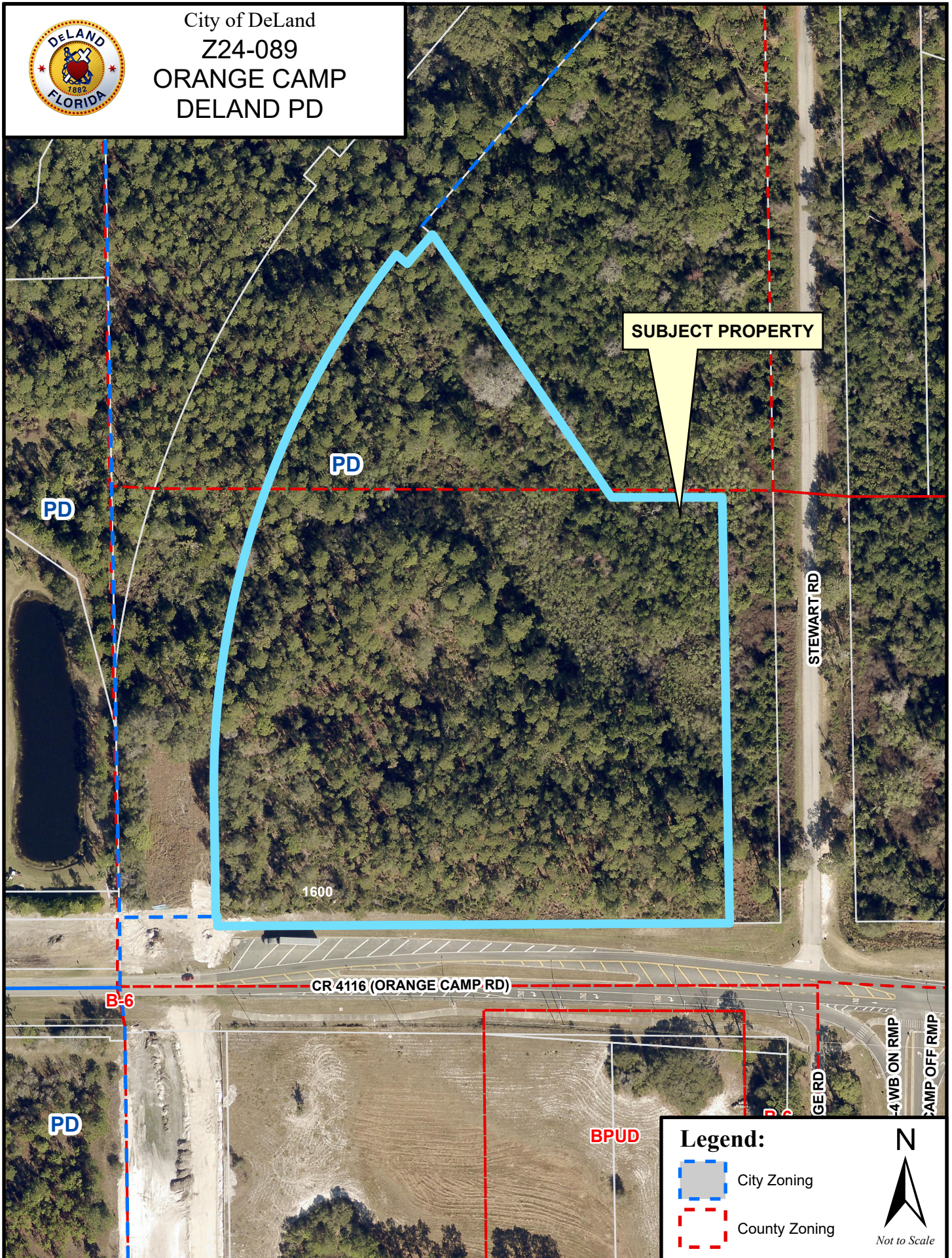
Legend:

-  City Zoning
-  County Zoning





City of DeLand
Z24-089
ORANGE CAMP
DELAND PD



1 PLANNED DEVELOPMENT AGREEMENT

2 IN THE CITY COMMISSION OF THE

3 CITY OF DELAND, FLORIDA

4 IN RE: Case # Z-24-_____, Application of

5 DELAND CAPITAL GROUP, LLC

6 ORDINANCE # 20____ - ____

7
8 ORDER AND RESOLUTION

9 GRANTING A REQUEST FOR CHANGE OF ZONING FROM I4 AUTOMALL PD TO

10 ORANGE CAMP DELAND PD

11
12 The application of DELAND CAPITAL GROUP, LLC, hereinafter, "Applicant", for
13 rezoning was heard by and before the City Commission, DeLand Florida, on
14 _____, 2024, based upon the verified Application and other supporting
15 documents, maps, charts, overlays, other evidence and instruments; the advice, report,
16 and recommendations of the Community Development Department and other
17 Departments and agencies of the City of DeLand, Florida; and the testimony adduced
18 and evidence received at the Public Hearing on this Application by the Planning Board on
19 July 17, 2024, and otherwise being fully advised, the City Commission does hereby find
20 and determine as follows:
21

GENERAL FINDINGS

A. That the application of DELAND CAPITAL GROUP, LLC was duly and properly filed herein on _____, 2024 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 an 9.02 +/- acre parcel of land which is the subject of this application and which land is situated in DeLand, Florida.

D. That the Applicant has complied with the Planned Development 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 legal owner of the properties, I4 Automall, 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 parcels described in Exhibit "A" from I4 AUTOMALL PD (Planned Development) to ORANGE CAMP DELAND PD (Planned Development).

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 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 _____, 2024, AS FOLLOWS:

A. That the Application of DELAND CAPITAL GROUP, LLC, a Florida limited liability company, for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcels described in Exhibit "A" attached hereto is hereby amended to ORANGE CAMP DELAND PD as described in Article VII of the City of DeLand, Land Development Regulations Ordinance No. 2013-11, as amended.

1 C. That the Official Zoning Map of the City of DeLand, is hereby amended to
2 show the rezoning of said parcels to ORANGE CAMP DELAND PD.
3

4 D. That the City of DeLand, Land Development Regulations Ordinance No.
5 2013-11, as amended is consistent with the provisions of the "Development Agreement"
6 as hereinafter set forth in this Ordinance and with respect to any conflict between Land
7 Development Regulations Ordinance No. 2013-11, as amended, and the "Development
8 Agreement", the provisions of the "Development Agreement" shall govern. Ordinance No.
9 2013-11, as amended, shall govern with respect to any matter not covered by the
10 "Development Agreement". The City of DeLand will ensure overall compliance with this
11 Ordinance.
12

13 E. Unless otherwise provided for herein the City of DeLand, Land
14 Development Regulations Ordinance No. 2013-11, as amended, shall apply to the PD in
15 the same manner as the C-2 (General Commercial) zoning classification except as listed
16 in the PD Agreement and the Emerging Gateway District Overlay.
17

18 F. Except as otherwise stated herein, nothing in the Development Agreement
19 is intended to abridge the requirements of Ordinance No. 2013-11, as amended, and any
20 other City Ordinances.
21
22
23

1 DEVELOPMENT AGREEMENT AMENDMENT

2 A. Development Concept. The properties shall be developed as ORANGE
3 CAMP DELAND PD, substantially in accordance with the Planned Development Plan.
4 The Planned Development Plan shall govern the development of the property as a PD
5 and shall regulate the future land use of these parcels.

6
7 B. Planned Development Plan. The Planned Development Plan shall consist
8 of the Development Plan Map prepared by Zev Cohen & Associates, Inc., and dated June
9 12, 2024 is hereby approved and incorporated in this Ordinance by reference as Exhibit
10 "B". The Planned Development Plan shall be filed and retained for public inspection in the
11 Planning Department and it shall constitute a supplement to the Official Zoning Map of
12 the City of DeLand.

13
14 C. Amendments. All amendments of the Planned Development Plan, other
15 than those deemed by the Planning Department to be minor amendments as set out in
16 Land Development Regulations Ordinance No. 2013-11, as amended, shall require the
17 review and recommendation of the Planning Board and action by the City Commission in
18 the same manner as a rezoning of the parcel.

19
20 D. Subdivision Approval. After the Planned Development Plan is recorded, and
21 prior to any construction, including clearing and landfill, a final plat of the area to be
22 subdivided, whether one phase or multiple phases, shall be submitted for review and
23 approval in the manner required by Article 13 of the City of DeLand Land Development
24 Regulations, Ordinance No. 2013-11, as amended.

1 E. Site Plan Approval. After the Planned Development Plan is recorded, and
2 prior to any construction, including clearing and fill, a preliminary and/or a final site plan,
3 as applicable, shall be submitted for review and approval in the manner required by Article
4 13 of the City of DeLand Land Development Regulations, Ordinance No. 2013-11, as
5 amended. Level of detail within the boundaries of the PD such as exact building footprints,
6 sizes, orientations, parking lot configurations, landscaping, open space, tree protection,
7 stormwater and impervious areas and other details shall be determined by the site plan
8 process, but shall be generally consistent with the Planned Development Plan, however,
9 the C-Store with gas pumps, shall be located at the corner of Frontage (Name TBD) Road
10 and Orange Camp Road.

11
12 F. Unified Ownership. The applicant or his successors shall maintain unified
13 ownership of the individual phases of the subject parcels until after issuance of the Final
14 Subdivision Plat Development Order for a particular phase.

15
16 G. Phases of Development. The project may be developed in one or more than
17 one phase, and the phases may occur in any order. Grading may occur per phase. No
18 burning shall be permitted on site. No vertical construction materials or combustibles may
19 be stored onsite until the utilities and roads have been inspected and approved by
20 utilities/engineering and fire prevention.

21
22 H. Land Uses Within the PD. The development of the parcels shall be
23 consistent with the uses prescribed for the proposed ORANGE CAMP DELAND PD. The
24 approximate location size of said land use areas are shown on the Development Plan
25 Map, attached hereto as Exhibit "B". The following land uses shall be allowed as permitted

principal uses and structures along with their customary accessory uses and structures:

Permitted Uses:

General/Professional Offices.

Financial Institutions.

Medical office.

Drugstores and pharmacies.

Laboratories, hospitals and clinics.

Medical clinics.

Beauty salons, barbershops and day spas.

Day care facilities, adult or child.

Dry cleaning and laundry.

Restaurants including fast food and/or drive through facilities.

Restaurants and establishments serving alcohol requiring a DBPR
2COP, 3PS or 4COP license with special class.

Bakery, pastry, gourmet, coffee and specialty beverage shops
(retail).

Convenience stores with gas pumps.

Convenience stores without gas pumps.

Furniture, appliances retail.

Grocery.

Retail sales.

Virtual kitchen.

Hotels or Motels and associated accessory uses including restaurant
and conference facilities.

I. Development Standards. All development for the property shall rely upon the standards set forth below.

2. Commercial Area:

- a) Maximum F.A.R.: 1.0
- b) Minimum Lot Area of 9000 sq.ft.
- c) Minimum Lot Width of 75 ft.
- d) Maximum Building Height of 45 ft.
- e) Minimum Building Separation: 0 ft. Adjoining; 10 ft. all others.
- f) Minimum Setbacks:
 - i. Internal Side 5 ft. (0 ft. for adjoining/inline (commercial units))
 - ii. Front (Orange Camp side) 20 ft.
 - iii. Rear 10 ft.
 - iv. Street Side (E-W Road: Frontage Road) 10 ft.
- g) Maximum Impervious Surface Area: 70% (Cumulative across PD)

3. Accessory Structures. Unless otherwise stated herein, all accessory structures shall meet the development standards of Section 33-28 of the Land Development Regulations Ordinance No. 2013-11, as amended.

4. Parking Standards.

- 1. The parking standards shall adhere to the Land Development Regulations Ordinance No. 2013-11. Notwithstanding the prior sentence, commercial uses are permitted to have shared parking with applicable cross access easements. There is therefore no obligation for landscape or property buffer between commercial parcels with shared parking and cross access easements. Default standards requiring ten feet of vehicle

1 separation from any property line shall not apply to internal lot lines with
2 shared parking and cross access easements.

- 3 5. Buffer Standards. The following buffer requirements shall apply to the
4 Property:

5 Frontage Road

6 A 15 ft. landscape buffer will run along west side of the commercial
7 portion of the Property and will meet Buffer Standard "A" of Section
8 33-92.02(b)(2) of the City of DeLand Land Development
9 Regulations.

10 Orange Camp Road

11 The landscape buffer along Orange Camp Road shall comply with
12 the Emerging Gateway District Overlay standards.

13 Northern Boundary

14 No landscape buffer is required along the northern side of the
15 commercial portion of the Property. This is to accommodate and
16 integrate the adjoining commercial development to be constructed
17 within the city limits of DeLand and Lake Helen.

18 Eastern Boundary

19 No landscape buffer is required along the eastern side of the
20 commercial portion of the Property. This is to accommodate and
21 integrate the adjoining commercial development to be constructed
22 within the city limits of Lake Helen.

23 Internal Boundaries

24 This Development Agreement contemplates, but does not require,
25 the splitting of the property into four fee simple parcels. Whatever

1 the ultimate configuration, it is expressly stated herein that there is
2 no required buffer between the individual commercial parcels.

3 6. Signage:

4 a) General Terms: In the Emerging Gateway District, ground-
5 mounted signs are permitted but pole-mounted signs are specifically
6 prohibited. The maximum height of any monument sign shall be eight feet,
7 including the base, sign area, supportive structure and/or architectural
8 embellishments. Building signs are permitted and shall comply with Article
9 VII of the Land Development Code.

10 b) Monument Sign Allocations: Each primary structure
11 constructed within the project shall be entitled to one, double-faced sign
12 with a maximum of 48 square feet of sign area per side, to be located within
13 the landscape buffer along Orange Camp Road. Proposed Building #1,
14 located at the SW corner of the project shall also be entitled to an additional,
15 double-faced sign with a maximum of 48 square feet of sign area per side,
16 to be located within the landscape buffer along Proposed Frontage Road.

17 c) Wayfinding Signs Along Proposed Access Road: Signage
18 along the Proposed Access Road shall be limited to way-finding signage.
19 These double-faced signs shall have a sign area of no more six square feet
20 per side.

21 d) Offsite Signage Permitted: An additional double-faced sign
22 with a maximum of 150 square feet of sign area per side, shall be permitted
23 at the SW corner of the project, along the Proposed Frontage Road. This
24 signage may be utilized for businesses located to the north and east of the
25 development and accessed via the Proposed Frontage Road.

1 e) Municipal Signage Permitted: Per interlocal agreement, a
2 landscaped monument sign may be placed at or near the city limit line
3 between Lake Helen and DeLand welcoming traffic and pedestrians to the
4 area. Said sign shall have no impact or effect to the allowable signage for
5 this project.

6 7. Open Space. Open Space and/or Common Area shall meet the
7 requirements of the Land Development Regulations except as otherwise expressed in
8 this Development Agreement.

9 8. Tree Protection Area. 15% of the square footage of the total development
10 shall be designated for the protection of trees.

11 9. Compliance. In the event that future development cannot comply with the
12 standards set forth herein, then said entitlements shall be processed through an
13 amendment to this Development Agreement.

14 10. Architecture. Building architecture shall comply with the DeLand
15 Community Design Standards and shall endeavor to achieve general compatibility with
16 Victoria Park commercial architectural standards, while allowing commercial buildings to
17 implement branded design standards consistent with particular businesses' well known
18 architectural standards and color patterns, so long as those branded concepts do not
19 violate the DeLand Community Design Standards.

20
21 J. Environmental Considerations. The development shall comply with the
22 requirements for preservation of environmental resources as set forth in the Land
23 Development Regulations Ordinance No. 2013-11, as amended. The development has
24 been laid out in a manner to best accommodate the existing topography and drainage
25 conditions identified on the property. However, the actual location and layout of the

1 developed areas within the development shall be determined during subdivision and site
2 plan review. In addition, all landscaping, including buffers, shall predominantly utilize
3 Florida-Friendly Landscaping, as defined by the University of Florida/Institute of Food and
4 Agricultural Sciences ("UF/IFAS") Center for Landscape Conservation and Ecology,
5 native, or low-water plant material. The development shall include landscape designs
6 such that plants will serve environmentally friendly functions including, but not limited to,
7 cooling, privacy screening, shade, aesthetics, runoff pollution prevention, and directing
8 traffic flow within the community.

9
10 K. Sewage Disposal, Potable Water and Reclaimed Water. Provision for
11 sewage disposal, potable and reclaimed water needs of the PD will be provided in
12 accordance with the Comprehensive Plan, Ordinance No. 1990-04, as amended, the
13 Land Development Regulations Ordinance No. 2013-11, as amended, and State of
14 Florida Administrative Code 64E-6.

15
16 L. Stormwater Drainage. Provision for stormwater retention shall be in
17 accordance with the Land Development Regulations Ordinance No. 2013-11, as
18 amended. All stormwater retention systems will be designed to meet all required
19 governmental regulations. Stormwater generated by, during and after construction or
20 improvement must be contained on-site or within a communal stormwater collection and
21 management system permitted by the state.

22
23 M. Access and Transportation System Improvements. All access and
24 transportation system improvements shall be provided in accordance with the Land
25 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. Primary access to the site will be via (Frontage Road / Name TBD) via connection to Orange Camp Road. The Development Plan Map indicates the anticipated connection locations; however, the final locations may vary due to final engineering design and permitting considerations. No movement of the streets are allowed until approved by the fire prevention division of the City to ensure access. The development must always meet height/weight/slope and turning radius of apparatus. Additional access shall be permitted via a right-in-only connection from Orange Camp Road as permitted by the County and FDOT.

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.

N. Internal Roadways. Road rights-of-way will be located as shown on the Development Plan Map. In the event (temporary or permanent) secondary roadway access to the project is required, the secondary roadway shall be stabilized for emergency access and shall be maintained by the developer or turned over to a maintenance association. Sidewalks or multi-modal paths shall be located along at least one side of all rights of way and shall provide connectivity with adjacent development.

O. Maintenance Association. The applicant shall provide for a centrally managed maintenance entity to serve the parcels and common areas/shared use facilities in the development, if any, including, but not limited to shared stormwater facilities, non-publicly maintained roadways, sidewalks, or common areas, and perform the ongoing

1 duties set forth herein.

2 With respect to the enforcement of said agreements, covenants, easements or
3 restrictions entered into between the Applicant and the owners or occupiers of property
4 within the Orange Camp DeLand PD, the City of DeLand shall only enforce the provisions
5 of the "Development Agreement" and City of DeLand Land Development Regulations
6 Ordinance No. 2013-11, as amended, whichever is applicable, and not the private
7 agreements entered into between the aforementioned parties.

8
9 P. Reverter Provision: The terms of this Development Agreement shall be
10 vested upon issuance of a final development order for the first phase of the development,
11 which shall occur within five (5) years from the effective date of this ordinance. If not
12 vested, the City Commission may rezone the property as may be necessary or
13 appropriate to protect adjoining properties or the public health, safety and welfare, unless
14 the City Commission, for good cause shown, shall extend the time period indicated in this
15 paragraph.

16
17 Q. Binding Effect of Plans; Recording; and Effective Date. The Planned
18 Development Plan, including any and all amendments shall bind and inure to the benefit
19 of the Applicant and his successor in title or interest. The Orange Camp DeLand PD
20 zoning, provisions of the "Development Agreement," and all approved plans shall run with
21 the land and shall be administered in a manner consistent with Article 12 of the City of
22 DeLand Land Development Regulations Ordinance No. 2013-11, as amended.

23
24 This Ordinance and all subsequent amendments shall be filed with the Clerk of the
25 Court and recorded within forty-five (45) days following execution of the document by the

1 City Commission, in the Official Records of Volusia County, Florida. One copy of the
2 document, bearing the book and page number of the Official Record in which the
3 document was recorded, shall be submitted to the Planning Department for placement in
4 the public file. The date of recording of this document shall constitute the effective date
5 of the Orange Camp DeLand PD or its subsequent amendments. The applicant shall pay
6 all filing costs for recording documents.

DONE and ORDERED by the City Commission, City of DeLand, Florida, this ____ day of _____, 2024

ATTEST: City Commission of DeLand Florida

_____ Michael P. Pleus City Manager	_____ Christopher M. Cloudman 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 _____, 2024, by Michael P. Pleus and Christopher M. Cloudman, as City Manager and Mayor of the 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: _____

1 WITNESSES:

APPLICANT:

2 **DELAND CAPITAL GROUP, LLC**

3 a Florida limited liability company

4
5
6
7 By: _____

8 Sadique Jaffer, Manager

9
10
11 _____
12 Printed Name

13
14 _____
15
16
17 _____
18 Printed Name

19
20
21 STATE OF _____

22 COUNTY OF _____

23
24 The foregoing instrument was acknowledged before me by means of ☐ physical presence
25 or ☐ online notarization this ____ day of _____, 2024, by Sadique Jaffer as
26 Manager of DELAND CAPITAL GROUP, LLC, who is personally known to me or who has
27 produced _____ as identification.

28
29 NOTARY PUBLIC, STATE OF FLORIDA

30 Type or Print Name:

31 _____
32 Commission No.: _____

33 My Commission Expires: _____
34
35
36
37

1 WITNESSES:

OWNER:
I4 AUTOMALL, LLC

2
3
4
5
6 _____
7
8
9 _____
10 Printed Name

By: _____

Name: _____
Title: _____

11
12 _____
13
14 _____
15 Printed Name

16
17
18
19 STATE OF FLORIDA
20 COUNTY OF _____
21

22 The foregoing instrument was acknowledged before me by means of ☐ physical presence
23 or ☐ online notarization this ____ day of _____, 2024, by James Brendan
24 Hurley, who is _____ personally known to me or _____ who has produced _____
25 as identification.
26

27 NOTARY PUBLIC, STATE OF FLORIDA
28 Type or Print Name:

29 _____
30 Commission No.: _____

31 My Commission Expires: _____
32

EXHIBIT "A"
LEGAL DESCRIPTION

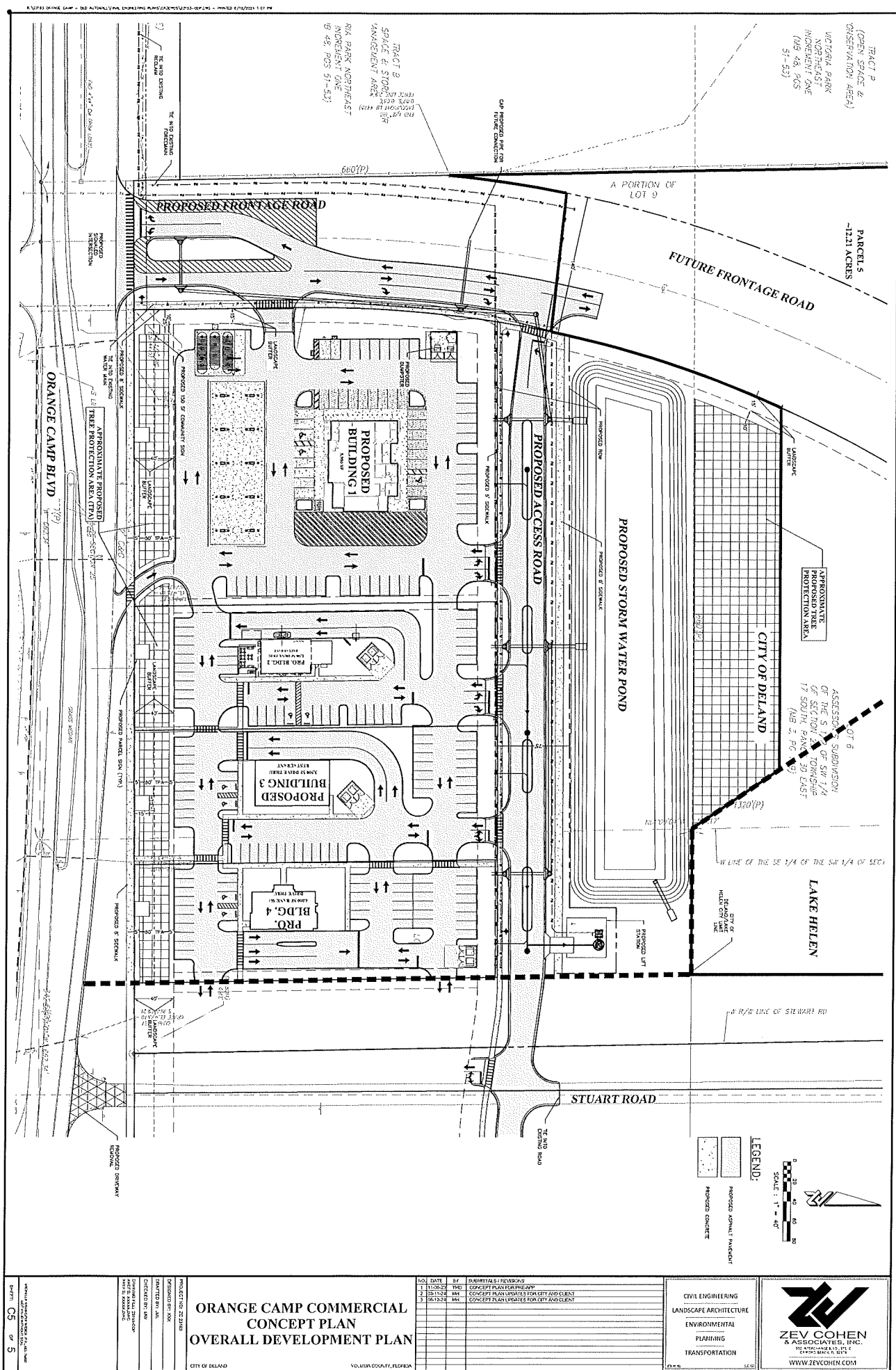
A PORTION OF LOTS 9 AND 10 OF THE ASSESSOR'S SUBDIVISION OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 17 SOUTH, RANGE 30 EAST AS RECORDED IN MAP BOOK 20, PAGE 52 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 17 SOUTH, RANGE 30 EAST; THENCE N89°51'01"E, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 25, A DISTANCE OF 792.18 FEET TO THE INTERSECTION OF SAID SOUTHWEST 1/4 SECTION LINE WITH THE SOUTHERLY PROJECTION OF THE EASTERLY RIGHT OF WAY LINE INTERSTATE 4 FRONTAGE ROAD (140 FOOT PUBLIC RIGHT OF WAY) PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP PROJECT NO. P-4738-1; THENCE DEPARTING SAID SOUTH LINE RUN N00°48'18"W, ALONG THE EASTERLY PROJECTION OF SAID RIGHT OF WAY LINE INTERSTATE 4 FRONTAGE ROAD, A DISTANCE OF 93.40 FEET TO THE INTERSECTION OF SAID EAST RIGHT OF WAY LINE OF INTERSTATE 4 FRONTAGE ROAD AND THE NORTH RIGHT OF WAY OF ORANGE CAMP ROAD (VARIABLE PUBLIC RIGHT OF WAY) PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP PROJECT NO. 408463 1, ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE N00°48'18"W, ALONG SAID EAST RIGHT OF WAY, A DISTANCE OF 172.81 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1136.00 FEET, A CENTRAL ANGLE OF 22°58'59", A CHORD BEARING OF N10°41'11"E AND A CHORD DISTANCE OF 452.63 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT OF WAY LINE, A DISTANCE OF 455.68 FEET TO THE END OF SAID CURVE; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE, RUN N89°05'23"E, A DISTANCE OF 403.57 FEET; THENCE S33°38'02"E, A DISTANCE OF 105.70 FEET, THENCE N89°05'23"E, A DISTANCE OF 125.65 FEET; THENCE S00°54'37"E, A DISTANCE OF 534.13 FEET TO A POINT ON THE BEFORE MENTIONED NORTH RIGHT OF WAY LINE OF ORANGE CAMP ROAD; THENCE S89°40'07"W, ALONG SAID NORTH RIGHT OF WAY, A DISTANCE OF 677.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 392,728 SQUARE FEET OR 9.02 ACRES MORE OR LESS.

1
2
3
4
5
6

EXHIBIT "B"
DEVELOPMENT PLAN MAP



ORDINANCE NO. 2018 - 20

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM VOLUSIA COUNTY'S A-2, RURAL AGRICULTURE AND B-6, HIGHWAY INTERCHANGE COMMERCIAL TO THE CITY OF DELAND'S I-4 AUTOMALL PD, PLANNED DEVELOPMENT ZONING DESIGNATION, ON PROPERTY LOCATED AT 1600 ORANGE CAMP ROAD; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 18.75 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., (hereinafter referred to as "Applicant") is the authorized agent of the owner I-4 Automall, LLC, of approximately 18.75 acres of land located at 1600 Orange Camp Road, which is more particularly described in the legal description attached hereto as Exhibit "A", and which by this reference is made a part hereof; and

WHEREAS, the Applicant has applied for a change of zoning from the present zoning classification of Volusia County's A-2, Rural Agriculture and B-6, Highway Interchange Commercial, to I-4 Automall PD, Planned Development District; and

WHEREAS, said rezoning as a PD District 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's zoning designation and 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 Highway Commercial future land use designations.

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 Volusia County's A-2, Rural Agriculture and B-6, Highway Interchange Commercial, to City of DeLand's I-4 Automall PD, Planned Development District, on the property located at 1600 Orange Camp Road.

Section 2. Pursuant to the determination made at a public hearing, the City Commission hereby amends the Comprehensive Zoning Map of the City to include the land described in Exhibit "A" as I-4 Automall 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 the 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 I-4 Automall 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 City Commission may rezone any portion of the Project which has not obtained a site plan approval within five years from the date of adoption of this Ordinance.

Section 9. Prior to the issuance of a building permit, Applicant shall submit an easement document, acceptable to the City of DeLand, permitting additions to shared access, parking, utilities, and stormwater.

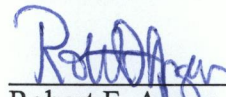
Section 10. The City Engineer and Planning Director are hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

Section 11. No rights to obtain final development orders nor any rights to develop the property have been granted or implied by this Ordinance. Final development orders for the property including, but not limited to, site plan approval shall be subject to a determination of concurrency.

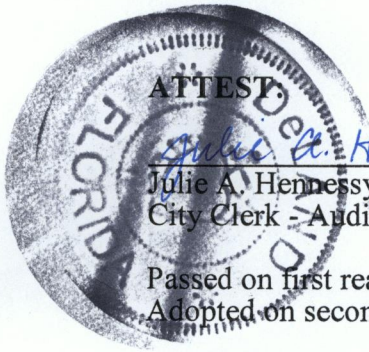
Section 12. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 13. This Ordinance shall become effective immediately upon its adoption.

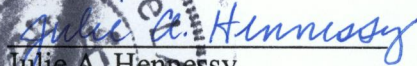
PASSED AND DULY ADOPTED this 5th day of November, 2018.



Robert F. Apgar
Mayor - Commissioner



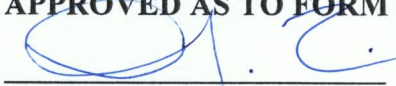
ATTEST:



Julie A. Hennessy
City Clerk - Auditor

Passed on first reading: October 1, 2018
Adopted on second reading: November 5, 2018

APPROVED AS TO FORM AND LEGALITY:



Darren J. Elkind
City Attorney

October 26, 2018

Prepared for: City of Deland

Description: Legal Description For Ordinance - DeLand – “Exhibit A”

Legal Description:

A PORTION LOTS 5, 6, 9, 10, OF THE ASSESSOR'S SUBDIVISION OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 17 SOUTH, RANGE 30 EAST AS RECORDED IN MAP BOOK 3, PAGE 149 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; SAID LANDS LYING NORTH OF ORANGE CAMP ROAD AND WEST OF INTERSTATE 4 (SR400) BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 25; THENCE N89°51'01"E ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 25, A DISTANCE OF 662.44 FEET TO A POINT ON THE SOUTHERLY PROJECTION OF THE WEST RIGHT OF WAY LINE OF THE INTERSTATE 4 FRONTAGE ROAD (PER FDOT MAP PROJECT NO. P-4738-1); THENCE N01°01'36"W ALONG SAID SOUTHERLY PROJECTION AND WEST RIGHT OF WAY LINE, A DISTANCE OF 105.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N01°01'36"W ALONG SAID WEST RIGHT OF WAY LINE, AND THE EAST LINE OF VICTORIA PARK NORTHEAST INCREMENT ONE AS RECORDED IN MAP BOOK 48 PAGE 51 AND THE EAST LINE OF VICTORIA PARK INCREMENT TWO NORTHWEST AS RECORDED IN MAP BOOK 50, PAGE 111, A DISTANCE OF 1217.43 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 25; THENCE S89°56'16"E ALONG SAID NORTH LINE, A DISTANCE OF 495.82 FEET TO A POINT ON THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF THE INTERSTATE 4 FRONTAGE ROAD; THENCE CONTINUE S89°56'16"E ALONG SAID NORTH LINE, A DISTANCE OF 184.19 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID INTERSTATE 4 FRONTAGE ROAD; THENCE RUN S40°35'19"W ALONG SAID EAST RIGHT OF WAY, A DISTANCE OF 395.17 FEET; THENCE RUN S49°24'41"E ALONG SAID EAST RIGHT OF WAY, A DISTANCE OF 20.00 FEET TO A POINT SAID EAST RIGHT OF WAY; THENCE DEPARTING THE AFORESAID EAST RIGHT OF WAY LINE, RUN S34°15'57"E, A DISTANCE OF 419.71 FEET TO A POINT LOCATED ON THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 25, SAID POINT ALSO BEING ON THE SOUTH LINE OF LOT 5 OF SAID ASSESSOR'S SUBDIVISION; THENCE RUN N89°57'23"E ALONG SAID SOUTH LINE, A DISTANCE OF 146.44; THENCE DEPARTING SAID SOUTH LINE RUN ALONG A LINE THAT IS 70.00 FEET WEST OF AND PARALLEL TO THE WEST RIGHT OF WAY LINE OF STEWART ROAD, S01°00'04"E A DISTANCE OF 564.26 FEET TO A POINT ON THE NORTH LIMITED ACCESS RIGHT OF WAY LINE OF ORANGE CAMP ROAD (VARIABLE RIGHT WAY WIDTH PER FDOT MAP F.P. NO. 408463); THENCE RUN S89°40'07"W, ALONG SAID LIMITED ACCESS RIGHT OF WAY LINE, A DISTANCE OF 317.85 FEET TO THE END OF SAID LIMITED ACCESS; THENCE CONTINUE S89°40'07"W ALONG THE NORTH RIGHT OF WAY OF ORANGE CAMP ROAD, A DISTANCE OF 360.74 FEET TO A POINT ON THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF INTERSTATE 4 FRONTAGE ROAD; THENCE N00°48'18"W ALONG SAID EAST RIGHT OF LINE, A DISTANCE OF 12.81 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SAID INTERSTATE 4 FRONTAGE ROAD; THENCE RUN S89°24'03"W, A DISTANCE OF 130.13 TO THE POINT OF BEGINNING.

CONTAINING 816,894 SQUARE FEET OR 18.75 ACRES, MORE OR LESS.

EXHIBIT "B"

Please return recorded document to:

City of DeLand
120 S Florida Avenue
DeLand, FL 32720

DEVELOPMENT AGREEMENT

Case #Z-18-84

A. Development Concept. The property identified on Exhibit "A" (the "LH Property") is located in the City of Lake Helen and shall be developed as a location for multiple automotive dealerships, customary accessory and support uses. The property identified on Exhibit "B" (the "DeLand Property") is located in the City of DeLand and shall be developed with traditional highway commercial uses as shown on the Preliminary Plan. Collectively, the project shall be known as the "I-4 Automall." It is the intent of the Master Development Plan to provide a framework for the overall development of the property within both Lake Helen and DeLand in a coordinated manner that provides for shared infrastructure between parcels, including stormwater management facilities, utility corridors and vehicular cross access routes serving the I-4 Automall. To the extent not specifically addressed herein, the standards and provisions of the City of Lake Helen Land Development Code ("LDC") or the City of DeLand Land Development Regulations ("LDRs") shall govern the development of the Lake Helen Property and the DeLand Property, respectively, and shall be administered exclusively by the city within which the subject property is located. Administration of the applicable LDC, LDRs or the provisions of this Development Agreement shall be the responsibility of the jurisdiction in which the property being developed is located.

1. Master Development Plan. The Master Development Plan shall consist of the Preliminary Plan prepared by HHCP attached hereto as Exhibit "C" and this Development Agreement (hereinafter "Agreement"). The Preliminary Plan is hereby approved and incorporated in this Agreement by reference as Exhibit "C". The Master Development Plan shall be filed and retained for

public inspection in the Office of the City Clerk for the City of Lake Helen and the City of DeLand and shall constitute a supplement to the Official Zoning Maps for each city

2. Amendments. All amendments of the Master Development Plan, other than those classified within this Agreement or deemed by the respective city to be minor amendments, in accordance with the provisions of the applicable LDC or LDRs, shall require the review and approval in accordance with the provisions of the respective city's LDC or LDRs in the same manner as a rezoning of the parcel. Since it is the intent that the Lake Helen Property and the DeLand Property be developed in a coordinated manner, each City agrees to provide a minimum of thirty (30) days written notice to the other city of any proposed amendment(s) to the Master Development Plan prior to any hearing at which such amendment(s) will be considered. Nothing herein shall be interpreted as providing either City with jurisdiction outside of the limits of their respective municipal boundaries; however the City of Lake Helen and the City of DeLand shall be included in DRC reviews for portions of the project in each respective jurisdiction.

3. Subdivision Approval. After the Master Development Plan is recorded, applications for a Preliminary Plat and Final Plat of any area to be subdivided shall be submitted for review and approval in the manner required by the applicable provisions of the City of Lake Helen or City of DeLand LDRs, as amended. The Preliminary Plan shall satisfy the requirements for preliminary subdivision plan or concept plan under the respective LDC or LDRs for each city. Nothing herein shall be interpreted to require submittal of a Preliminary Plat and Final Plat prior to the commencement of non-vertical construction, including clearing, landfill and construction activity related to construction of Frontage Road, and any internal connector roads connecting to Frontage Road or Stewart Road, or the commencement of clearing, landfill and other activity related to general site work for preliminary site infrastructure included in an approved final site plan and provided that all such activities have received applicable use permits, St. Johns River Water Management District ("SJRWMD") permits and any other

local, state or federal agency regulations that apply.

4. Final Site Plan Approval. After the Preliminary Plat is approved, and prior to issuance of any permits for construction on a particular development lot, a site plan for the particular development lot shall be prepared and submitted for review and approval in the manner required by the applicable LDC or LDRs, as amended. It is not necessary that a site plan(s) be submitted for every development lot within the Master Development Plan prior to issuance of permits for construction of vertical improvements (building) on a particular lot, as long as a site plan has been submitted for review and approval for the particular development lot upon which issuance of permits is sought. The Preliminary Plan, attached as Exhibit C, meets the minimum submittal requirements of a Concept Plan application in accordance with land development code. Therefore, the Master Development Plan shall be in-lieu of a Concept Plan application for the overall subdivision, and the owner/developer is authorized to proceed with submittal of a Preliminary Plat or Final Site Plan application once this Ordinance has been recorded. Nothing herein shall be interpreted to require submittal of a site plan(s) for particular development lots prior to the commencement of non-vertical construction, including clearing, landfill and construction activity related to construction of Frontage Road, and any internal connector roads connecting to Frontage Road or Stewart Road, or the commencement of clearing, landfill and other activity related to general site work, provided that all such activities have been reviewed and approved by the City and subject to applicable use permits, SJRWMD permits and any other local, state or federal agency regulations that apply.

5. Intergovernmental Coordination. As noted above, the property that is subject to this Agreement is located in both the City of Lake Helen and the City of DeLand. The intent of this Master Development Plan is to provide a framework for the long-term development of the property in coordination with each adjacent municipality. Based on the location of the property with respect to each city the development standards provided herein have been coordinated between the cities in an

effort to ensure the project provides an attractive gateway to both Lake Helen and DeLand.

B. Unified Ownership. The Applicant or his successors has and shall maintain unified ownership of the subject parcel until after recording of the Final Plat as provided under Section A(3), above, or shall, as a condition of conveyance, retain the right to unilaterally submit an application for Final Plat until such time as the Final Plat is recorded.

C. Phases of Development. The development of this planned unit development ("PUD"), as shown on the Preliminary Plan, shall occur in one or more phase(s). Following approval and recording of a Final Plat, the individual lots shall be developed in a coordinated manner that will implement the provisions of this Master Development Plan.

D. Land Uses within the PUD. The development of the Property shall be consistent with the uses prescribed for each area within the proposed PUD, and administered solely by the city within which the respective lot(s) lies. The locations and sizes of said land use areas are shown on the Preliminary Plan, Exhibit C, consistent with the Master Development Plan. Permitted uses are outlined by Lot, below as follows:

1. Lot 1: Development on Lot 1 is located entirely within the City of Lake Helen and shall include approximately 400,000 square feet of total conditioned space, including automotive sales and service space and a centralized warehouse distribution center for automotive inventory and parts. The development on Lot 1 is referred to in this Development Agreement as the "Automall or I-4 Automall". The developed space is intended to be allocated between up to 11 standardized dealership modules ("Dealership Modules"), as shown on the Preliminary Plan. Each Dealership Module is designed to occupy a footprint of 36,800 square feet. Dealership Modules may be configured as single or double units, provided the total number of modules does not exceed 11. More than one automotive dealership may occupy a Dealership Module, or an automotive dealership may occupy one or more Dealership Modules based on their respective requirements for inventory storage. Each module will

provide approximately:

14,000 square feet of interior automotive sales area

17,000 square feet of interior automotive service area (including parts storage)

2,500 square feet of exterior automotive sales display area located in front of each Dealership Module.

36,800 square feet of structured vehicle inventory storage per floor (unconditioned space)*

* The floors designed for structured vehicle inventory are designed to accommodate a potential future transition of the Dealership Modules for other uses. Design for the vehicle inventory storage areas shall allow each Dealership Module to transition to office or other uses in the future, subject to applicable limitations such as floor area ratio ("FAR") or density standards applicable at the time of any future transition. Any redevelopment of the Dealership Modules will be subject to review and approval as an amendment to this Agreement or a new planned unit development.

Additionally, a centralized warehouse distribution center of up to 40,000 square feet and a physical plant of up to 6,000 square feet shall also be permitted on Lot 1 in the locations specified on the Preliminary Plan. The distribution center is an accessory use to the dealership modules and shall serve as a central receiving location for all vehicle and parts inventory deliveries for the Automall use on Lot 1 in an enclosed unloading facility as further described herein. Additional vehicle inventory storage may also be included as part of the distribution center. Uses permitted on Lot 1 shall be limited to:

- Automobile sales or accessory rental operations and service thereof, when said service is performed as an accessory use to the principal use of sales or rental. Automotive sales operations shall be limited to advertised regular business hours of 7 am – 10 pm. Automotive service operations shall be limited to the hours of 7 am – 10 pm for the general public. Automotive service for fleet vehicles may be performed at other times, provided they occur in an enclosed service area to minimize noise. Overnight delivery of parts and automotive inventory from the distribution center to individual dealership modules shall be conducted in a manner to minimize noise and comply with the City of Lake Helen noise ordinance.

- Accessory retail sales and services
- Communication equipment mounted on buildings (no towers are permitted)
- Educational or vocational training
- Automotive sales or service establishments
- Outdoor advertising signs, including electronic billboards

2. Lots 2-4 – Highway Commercial – Development on Lots 2-4 is located entirely in DeLand and shall be limited to a maximum of 48,500 total square feet of restaurant and retail uses, plus up to 120 hotel rooms if they are not developed on Lot 5. Permitted uses shall include:

- Car washes
- Convenience store (not exceeding 6,000 square feet) with up to 32 fueling positions (fueling positions shall refer to an individual facility or piece of equipment that allows for the fueling of one (1) vehicle at any given time. Electric vehicle charging stations shall not be interpreted to be a fueling position.)
- Financial institutions
- General/Professional offices
- Medical offices
- Hotels/motels and customary accessory uses, including, but not limited to restaurants, bars and spas that are accessory to the principle hotel use (subject to a maximum cap of 120 hotel rooms on Lots 2-5)
- Restaurants, including accessory bars
- Retail sales and services
- Retail specialty shops, including automotive accessory sales with onsite installation in enclosed service bays.

Prohibited Uses – Truck stops or any fueling facilities that are specifically designed to serve tractor trailers.

3. Lot 5 – Hotel/Office – Development on Lot 5 is located in DeLand and shall be

limited to 60,000 square feet of office space or office over retail, provided retail uses are limited to the first floor. In the alternative, up to 120 hotel rooms are permitted if not otherwise constructed on Lots

2-4. Permitted uses shall include:

- General/Professional offices.
- Hotels/motels and customary accessory uses, including, but not limited to restaurants, bars and spas that are accessory to the principle hotel use, though not necessarily owned and/or operated by the hotel/motel.
- Essential utility services.
- Retail sales and services.

In the event, hotel/motel use is not developed in Lot 5, up to 120 hotel rooms may be transferred to Lots 2-4. In the event fewer than 120 hotel rooms are developed on Lot 5, any remaining allocation of hotel rooms may be transferred to Lots 2-4, provided the total number of trips generated by development of Lots 2-5 does not exceed the total number of trips attributed to those Lots in the traffic impact analysis dated February 26, 2018 and prepared by Lassiter Transportation Group.

Prohibited Uses – Truck stops or any fueling facilities that are specifically designed to serve tractor trailers.

4. Allocation of Uses for Lots 2 - 4 – The specific uses described for Lots 2 - 4 may be re-allocated between these Lots without amendment to this PUD, provided the total number of trips generated does not exceed the total number of trips attributed to those Lots in the traffic impact analysis dated February 26, 2018 and prepared by Lassiter Transportation Group. Notwithstanding the ability to re-allocate uses between Lots 2-4 referenced above, the overall development of those lots shall not exceed a maximum of one (1) convenience store of up to 6,000 square feet with up to 32 fueling positions, allowing a maximum of 32 vehicles to fuel at any given time, 120 hotel rooms and five (5) restaurants, excluding those which are an accessory use to a hotel. In addition, of the five (5)

permitted restaurants, no more than three (3) shall be fast-food style restaurants with drive-through facilities. A fast food restaurant with drive-through facilities that is co-located with a convenience store shall count as one of the permitted fast-food style restaurants.

5. Tract 1:

Is primarily located in Lake Helen and provides for open space, conservation, tree preservation and stormwater management but shall count to satisfy open space and tree preservation requirements for development that occurs in both the City of DeLand and the City of Lake Helen regardless of which jurisdiction in which the tracts are located.

6. Tracts 2 and 3:

Are located in both Lake Helen and DeLand and provide open space, conservation and tree preservation but shall count to satisfy open space and tree preservation requirements for development that occurs in both the City of DeLand and the City of Lake Helen regardless of which jurisdiction in which the tracts are located.

7. Open Space:

A minimum of twenty-five (25%) percent of the total land area within the I-4 Automall project will be comprised of open space, which may include public gathering spaces and plazas, landscape buffers and internal landscaped areas, conservation and tree preservation areas, stormwater ponds and any recreational amenities.

E. Development Standards.

1. Overall Landscape Standards: Unless otherwise noted below, all landscape buffers described below shall meet the minimum standards specified in Land Development Code for the city in which development is occurring. The required number of canopy and understory trees required may be clustered within the required perimeter buffers and within Tract 1 to preserve view corridors for certain portions of the project while maximizing the screening impact of such trees in clustered groups.

In addition, the landscape buffers shall meet the standards provided in the location specific descriptions below. The average width of any landscape buffer shall be determined by dividing the total land area included in the landscape buffer by the total linear footage of the buffer, subject to the minimum widths set forth herein.

a. I-4 Buffer and Orange Camp Road Buffer:

The architectural design for the Automall project is unique in its character and design and will create a true visual gateway for Volusia County and the cities of Lake Helen and DeLand. It is the intent to create a unique native buffer along both the I-4 frontage and the Orange Camp Road frontage extending to Frontage Road that will complement the overall project design while adapting to the native surrounding context. The proposed buffer will consist of the use of mass native saw palmetto, colorful grass species and colorful prostrate native groundcovers placed on rolling perimeter berms. An average buffer width of 40' shall be maintained with a minimum width of 20' permitted within 150 feet of the I-4 right of way to allow for service road circulation. In the event permission is obtained from the County and FDOT, additional landscaping shall be installed in the right of way for Orange Camp Road and on the adjacent I-4 overpass bridge abutment to provide for a minimum of 40' buffer width with a berm along the entire Orange Camp Road and I-4 frontage. The proposed buffer design supports the truest measure of sustainable waterwise "green design" principles consistent with the Florida Friendly Landscape Program. These planted berm areas will provide large massive color changes during different periods of the year and create a visual signature for the Lake Helen / DeLand Gateway.

All required perimeter buffers along I-4 and Orange Camp Road shall meet or exceed the Lake Helen Land Development Code or City of DeLand Class C buffer standards provided in the LDC or LDRs, as applicable. All proposed trees will be upgraded to exceed current code requirements to a minimum 16-18' Ht (200 gallon) size, with a 5" caliper minimum. Trees will consist of a mixture of native Live Oaks, Shumard Oaks, Florida Slash Pine, Cypress and other native canopy trees to reestablish a native buffer appearance.

No flags, banners or other marketing displays shall be permitted in the landscape buffer area adjacent to Orange Camp Road.

b. Frontage Road Buffers:

Internal Roadway buffers fronting on the Frontage Road will be a minimum of 15' in width planted with Class C buffer density. All proposed trees will be upgraded to exceed current code requirements to a minimum 16-18' Ht (200 gallon) size, with a 5" caliper minimum. Trees will consist of a mixture of native Live Oaks, Shumard Oaks, Florida Slash Pine, Cypress and other native canopy trees to reestablish a native buffer appearance.

c. Western Perimeter Buffer and Screening:

A minimum 40' landscape buffer will be provided adjacent to the residential areas located to the west of the Property. Subject to permitting approval by FDOT and any applicable permitting jurisdiction, an 8' high screening wall will be constructed along the western boundary of the Property adjacent to the Victoria Gardens development. The screening wall will be planted on the western side with vegetation designed to create a "green" wall to provide additional screening. The screening wall will extend north, along the

western boundary of the Property to the northern boundary of Lot 5.

d. Northern Perimeter Buffering:

A landscape buffer with an average width of 25 feet and a minimum width of 15 feet will be provided along the northern boundaries of Lot 5 and Lot 1. The landscape buffer for Lot 5 shall be included in the lot area. The landscape buffer for Lot 1 is set aside in a separate tract designated on the Preliminary Plan as Tract 3.

e. Internal Perimeter Buffers:

The projects western and northern buffers will be planted with native Live Oak, Florida Slash Pine, Cypress and other native canopy and sub-canopy trees to create a densely planted buffer. Canopy trees will be planted on average of 1 tree per thirty feet with pines being planted in clusters to provide the maximum buffering effect. Canopy trees will be planted in a variety of sizes to provide a naturalistic growing pattern. All trees within these buffers will meet or exceed the minimum as required by current landscape code requirements. Due to the nature of the site and the desire to preserve natural habitat landscape buffer widths will vary from between 7' minimum width, up a 20' width where native vegetation can be preserved. Where possible, existing native plants and trees will be preserved to retain both tree canopy and ground plane landscape materials.

f. On-Site Preservation:

Although no formal preserve areas are currently proposed for dedication to either City, the developer's intent is to maintain the native site character and habitat intact for those areas outside of the proposed development pads. These

areas will be left in their natural state to help provide visual buffering to surrounding properties, maintain natural habitat for the native animal and bird populations, and provide areas for natural aquifer recharge. These areas will be identified prior to site construction activities and cordoned off to protect and prevent encroachment. Depending on the complexity of the infrastructure requirements for the site, limited trenching in these areas may be necessary but will be evaluated, scrutinized for alternative methods of construction and limited to the greatest extent possible.

Based on current site analysis, the site currently has jurisdictional wetlands. As part of any site development the minimization of impacts will be greatly considered and only impacted if necessary. In the event that wetland impacts are proposed, the development will comply with the current Lake Helen or DeLand, as applicable, and St. Johns River Water Management District (SJRWMD) criteria for wetland permitting and mitigation. If mitigation is required, the developer will work with the agencies to provide on-site mitigation, if possible, enhancement to the existing and preserved wetland areas and offsite mitigation.

g. Irrigation:

The development will strive to utilize the most sustainable waterwise principles of green design through the use of low flow drip irrigation, rain gauges, water sensor cut-off, and the integration of supplemented water systems including reclaimed water, roof collected cistern systems, purified stormwater and connection to a grey water system, all to efficiently reduce overall water consumption and dependency on public potable water system infrastructure.

The overall planting palette will primarily utilize native plant material indigenous to this area and specifically selected based on the native soil composition. To help ensure that the native areas can serve as aquifer recharge, these areas may be used for disposition of overflow collected cistern rainwater.

2. Development Standards for Lot 1:

- a. Minimum dealership lot area: 1 acre
- b. Minimum lot width: 150 feet
- c. Minimum yard size (building):
 - i. Front yard: 20 feet
 - ii. Rear yard: 25 feet
 - iii. Side yard: 10 feet; 0 feet for adjoining dealership modules
- d. Maximum impervious surface: 100 % for individual lots; 80 % for Automall use in the aggregate on Lot 1. Overall, the maximum impervious surface for all Lots shall not exceed 75%.
- e. Maximum FAR: 0.8 for Lot 1; .55 maximum for entire PUD as a whole
- f. Maximum building height:
 - 80 feet (dealership modules)
 - 60 feet (distribution building)
 - 30 feet (physical plant)
- g. Property perimeter building setbacks: 50 feet
- h. Minimum building separation distance 0 feet for adjoining buildings; 10 feet for all other buildings
- i. Off-street parking and loading requirements: Due to the unique nature of the I-4 Automall development, the minimum parking standards below deviate from the requirements of the Lake Helen Land Development Code in an effort to avoid excessive parking. The following required parking spaces will be provided for each Dealership Module:
 - i. 1 space shall be provided for every 400 square feet of net

conditioned automotive sales area.

- ii. 1 space shall be provided for every 200 square feet of net administrative office area.
- iii. 2 spaces per service bay shall be provided for each automotive service bay.
- iv. Required parking for the Distribution Center shall be provided as follows:

1 space shall be provided for every 200 square feet of net administrative office area.

Tractor trailers delivering parts or vehicle inventory to the Distribution Center shall be restricted to access via the northern most driveway into Lot 1 and queuing shall be provided in the drive aisle approaching the Distribution Center as approved during Final Site Plan approval.

The parking requirements may be modified in accordance with a parking study approved by the City Commission as part of the Final Site Plan review and approval.

- j. Signage requirements: Sign type and locations for internal signs on Lot 1 shall comply with a Master Sign plan submitted for review and approval as part of final site plan review for any lot. Sign size and type for signs located on Orange Camp Road shall be as follows:

- i. Signs along Orange Camp Road:

Lot 1 shall be entitled to one monument sign for the "I-4 Automall" that is not more than 10 feet in height and provides a maximum of 300 square feet of sign area. In addition, building signage is permitted on the side of the building facing Orange Camp Road with no more than 100 square feet of signage permitted for each new automotive brand located in the Dealership Module(s) facing Orange Camp Road, subject to a maximum of 1,000 square feet of

signage for all new automotive brand signage on all Dealership Modules facing Orange Camp Road. This standard shall apply to each individual Dealership Module included in an attached structure with another Dealership Module so that the occupant(s) of each single Dealership Module in the structure is entitled to 250 square feet of signage, per dealership module.

The remaining signage for Lot 1 shall be reviewed and approved as part of a Master Sign Plan as required by Section 4.10.21 of the City of Lake Helen Land Development Code as part of the Final Site Plan review and approval. Notwithstanding anything in this subsection j, additional community arrival or identity signage for the City of Lake Helen and the City of DeLand may be included along Orange Camp Road as part of the Master Sign Plan.

ii. Signs along I-4

A ground sign not to exceed 1,000 square feet in area and 12 feet in height shall be permitted in the landscape buffer adjacent to I-4. Building signs for dealerships not located adjacent to I-4 may be placed on buildings located adjacent to I-4 without being considered impermissible “off-premises” signs to insure passersby on I-4 are aware of all brands located in the development, not just the brands in the building closest to I-4. Each automotive brand badge sign shall be limited to a maximum sign area of 100 square feet, with the total aggregate badge sign area on a single Dealership Module limited to 250 square feet. The sign area for Dealership Modules

not located adjacent to I-4 may be added to the Dealership Modules that front on I-4. All signage is subject to approval as part of the Master Sign Plan.

iii. Signs interior to AutoMall

Notwithstanding anything in this subsection j, the Master Signage Plan shall not place unreasonable restrictions on the number of, location of, or size of badges, emblems, logos, or dealership name signage/lettering located on the exterior of the Dealership Modules on the sides facing the “interior” of the Automall or on the sides of buildings facing I-4. Such signage is commonly referred to as “Manufacturer’s Required Identity Components” and the Master Signage Plan may provide for signage totaling five (5) percent of the total facade area for each Dealership Module as part of the interior signage.

k. Architectural Design Standards: The Automall development on Lot 1 shall conform with the architectural standards set forth in the I-4 Automall Visual Reference Guide attached as Exhibit “D”, and with the standards set forth herein:

- i. Purpose and intent. The purpose of these standards is to ensure quality commercial development and enhance an attractive physical environment at the Orange Camp Road / I-4 gateway into DeLand and Lake Helen. Their intent is to:
 - (a) Create and maintain a strong community image, identity and sense of place through the use of quality design and building materials;
 - (b) Promote variety and diversity in architectural design, while respecting the historic past and architectural character of the cities of Lake Helen and DeLand;

- (c) Minimize incompatible surroundings and visual blight, which prevent orderly community development and reduce community property values;
- (d) Encourage and promote development which features amenities and excellence in the form of variations of siting, types of structures and adaptation to and conservation of, native vegetation and other environmental design features;
- (e) Foster civic pride and community spirit by maximizing the positive impact of development; and
- (g) Promote a high degree of compatibility between structures and land uses.

ii. General design criteria. Preliminary designs for the Lot 1 development shall be reviewed by the Lake Helen DRC prior to the submittal of a formal site plan application. The following shall apply to the primary and accessory structures located on Lot 1:

(a) *Relationship of the structures to the site.*

- 1. Existing natural topography and site features shall be respected, or when modified shall improve the overall appearance of the site. Extreme changes in grade shall be avoided.
- 2. Building mechanical equipment, service, delivery, and work areas, shall be visually screened from public view. Vertical lift and overhead garage type doors should not be located on principal facades abutting Orange Camp Road.
- 3. While architectural design continuity for multiple structures is encouraged, monotonous repetition of identical exterior details shall be avoided or screened from view on Orange Camp Road or I-4, which may be accomplished with berms and landscaping.

(b) *General architectural building design.*

- 1. The design shall provide for a consistent architectural treatment for all of the modules.
- 2. Building design, scale and details shall be such that architectural interest is created from both Orange Camp Road and I-4. Building design shall be undertaken in a manner which avoids box and rectangular structures comprised entirely of blank walls that are in view. In order to maintain the unique character of Lake Helen and DeLand, the following techniques shall be utilized in a commercially reasonable manner:

- a. Buildings shall provide articulation, both horizontally and vertically, to avoid the creation of a large box structure.
 - b. For structures with less than 200 linear feet of building ground floor frontage, visible from Orange Camp Road or I-4, no uninterrupted horizontal length or uninterrupted curve of the entire building facade shall exceed 75 linear feet and no uninterrupted vertical length shall exceed 30 feet.
 - c. For structures with greater than 200 linear feet of building ground floor frontage, visible from Orange Camp Road or I-4, no interrupted horizontal length or uninterrupted curve of the entire building facade shall exceed 100 linear feet and no uninterrupted vertical length shall exceed 30 feet.
3. Building facades shall, on all sides that are, or will be, visible from Orange Camp Road & I-4, include a repeating pattern that shall consist of a minimum of two of the elements listed below. At least one of the elements shall repeat horizontally and vertically:
- a. Color change.
 - b. Texture change.
 - c. Material change.
 - d. Pattern change.
 - e. Architectural banding.

(c) *Materials.* Use of similar materials is an important way in which a building can blend with the architectural context of the area.

1. Materials shall be selected for durable quality and suitability to the type of buildings and the design in which they are used. Exposed standard concrete block is not allowed.
2. Inappropriate use of materials in terms of weatherability, application or appearance, should be avoided.
3. Materials shall be consistent with the architectural style and character of the structure.

(d) *Color.* Use of colors is an important way in which a building can blend with the architectural context of the city and surrounding area.

1. Building colors, visible from Orange Camp Road or I-4, shall be limited to those colors having a light reflectance value (LRV) of 50 or greater per the manufacturer's standard which may be applied to no more than 80 percent of the building and an LRV of 20 or greater which may be applied to no more than for 40 percent of the building. The requirement shall not apply to natural materials such as brick, stone or concrete, unless such material has been artificially colored in a manner contrary to the intent of these regulations.

2. All colors, excluding fluorescents, may be permitted as accent colors.

l. Distribution Center. The Automall located on Lot 1 includes a central receiving and distribution center (the "Distribution Center") for automotive inventory and parts associated with the service departments in the individual dealerships. The Distribution Center will be located as shown on attached Exhibit C. The Distribution Center shall be limited to 60 feet in height and shall be designed so that all unloading activities occur within the enclosed structure. All bay doors shall remain closed during inventory loading and unloading.

m. Physical Plant. The Automall located on Lot 1 includes a centralized Physical Plant supporting the operations of the 11 modules and distribution center. The Physical Plant shall be located as shown on attached Exhibit C. The Physical Plant shall be limited to 30 feet in height and no greater than 6,000 square feet in size.

3. Development Standards for Lots 2-5:

- | | |
|------------------------------|----------|
| a. <u>Minimum lot area:</u> | 1 acres |
| b. <u>Minimum lot width:</u> | 150 feet |

- c. Minimum yard size (building):
 - i. Front yard: 25 feet
 - ii. Rear yard: 25 feet
 - iii. Side yard: 10 feet
- d. Maximum impervious surface: 70%
- e. Maximum FAR: 0.35 for individual lots
- f. Maximum building height: 45 feet
- g. Property perimeter building setbacks: 30 feet, plus 1 foot for every foot of building height over 30 feet.
- h. Minimum building separation distance: 0 feet for attached buildings; 10 feet for all other buildings.
- i. Off-street parking and loading requirements: Off street parking and loading requirements for specific uses on Lots 2-5 shall be in accordance with DeLand Land Development Code.
- j. Signage requirements: Signs shall comply with DeLand Land Development Code unless otherwise specified herein. . The use of Lot 1 shall be allowed one off-premise monument wall sign located at the intersection of Frontage Road with the main Lot 1 access drive not to exceed 300 square feet in size and 10 feet in height. The sign shall be consistent with the architectural and landscaping style of Victoria Park and Lots 2 – 5.
- k. Lots 2-5 Architectural Design Standards: Development on Lots 2-5 is intended to visually blend in with the architectural style of the Victoria Park development and shall comply with the provisions of Section 33-94, et seq. of the City of DeLand Land Development Code.

4. Site Illumination for all Lots: To minimize obtrusive aspects of excessive and/or nuisance outdoor light usage, while preserving safety, security and the nighttime use and enjoyment of the property, the following apply:
- a. A signed and sealed illumination plan shall be submitted with the Final Site Plan application.
 - b. In no case shall illumination from the property increase the level of illumination at the property lines by more than one-half (0.5) foot candles. In addition, the maximum level of illumination along the western boundary of the property adjacent to Victoria Gardens shall not exceed one-tenth (0.1) foot candles.
 - c. All light fixture including wall and surface mounted luminaries shall be installed and maintained in such a manner that is fully-shielded down. All site lighting will utilize project light fixtures that provide both vertical cut off that meet dark sky criteria and full cut off lenses to prevent light spillage outside of the project boundaries.
 - d. All outdoor site lighting on Lot 1 shall be reduced by 50% after 11:00 pm until sunrise on the following day.
 - e. Light fixtures shall be decorative in appearance and compliment the architectural style of the building. Light poles shall not exceed thirty (30) feet in height on Lots 2-5. Light poles located in the internal courtyard area of Lot 1, between the opposing front faces of the Dealership Modules, shall not exceed forty (40) feet in height.

5. Noise Abatement. No amplified speaker systems shall be permitted on Lot 1 except as required for emergency purposes. Dealerships shall utilize a private cellular or radio network for internal communication. In addition, as part of Final Site Plan review and approval for Lot 1, the

Developer shall provide documentation of the existing ambient noise levels at the lot boundaries. The levels of existing ambient noise measured on all project boundaries at that time shall provide a basis for determining appropriate decibel levels to measure ongoing compliance with Section 7.10.00, et seq. of Lake Helen's Land Development Code. The operation of businesses on Lots 2 – 5 shall be subject to DeLand's noise ordinance. In order to limit noise adjacent to residential areas, deliveries to Lot 5 shall be limited to between the hours of 7am and 7pm.

F. Environmental Considerations. The minimum environmental requirements of the Lake Helen and DeLand Land Development Codes, as applicable, shall be met. In addition, the Automall developed on Lot 1 will incorporate the following "green" technologies, subject to final design, technical feasibility and cost feasibility:

1. Stormwater supplemented plumbing systems that will use stormwater captured in cisterns included within each Dealership Module for car washes, grey water plumbing systems and landscape irrigation.

2. Photovoltaic solar panels will be mounted on the top level of each Dealership Module and connected to a coordinated electrical storage and distribution system that will provide supplemental electrical power for the Automall.

3. Geothermal heating and cooling systems will be provided through looped chiller lines installed under portions of the property. Water circulating through the chiller lines will be used to heat or cool the Dealership Modules and reduce their individual energy footprint.

G. Sewage Disposal, Potable and Reclaimed Water Facilities. Provisions for sewage disposal, potable and reclaimed water needs of the PUD will be provided in accordance with the comprehensive plan, the land development code and Fla. Admin. Code Ann. r. 64E-6. Potable and reclaimed water shall be provided by City of DeLand. Sanitary sewer treatment/waste disposal shall be provided by the City of DeLand. The Applicant shall be responsible for coordinating with the City of

DeLand for the overall design and construction of all necessary potable and reclaimed water or sanitary sewer connections required to serve the project. Solid waste services will be provided by the City of Lake Helen's solid waste franchise holder for Lot 1 and the City of DeLand's solid waste franchise holder for Lots 2 – 5.

H. Storm water Drainage. Provision for storm water retention shall be in accordance with the respective land development code, subject to the specific system design described in this Section. Each Dealership Module is designed to include a stormwater cistern that will provide approximately 200,000 gallons of storage volume. The stormwater cistern system will be connected to a distribution system in each Dealership Module that will allow water held in the stormwater cistern to be used for car washes, grey water plumbing systems or landscape irrigation. Each stormwater cistern will also be designed to connect to exfiltration stormwater vaults located on one or more of the Dealership Module lots within Lot 1. The exfiltration vaults will also connect to the master stormwater pond located on Tract 1 which is primarily located in the City of Lake Helen. The Applicant, Lake Helen and DeLand will coordinate the review and approval of the master stormwater pond on Tract 1.

I. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the applicable LDC or LDR, as amended. The parcels shall be developed in substantial accordance with the following access and transportation system improvements:

1. Access. Access to the project site shall be provided by the public roads, driveway or private road connections shown on the Preliminary Plan. The Frontage Road shown on the Preliminary Plan shall be fully constructed as part of the initial phase of development under the terms of this Agreement. Internal site access, secondary emergency access, pedestrian, bicycle and traffic circulation improvements and access points shall be finally determined during final site plan review and /or subdivision application review, in accordance with the requirements of the land development code

as may be modified by the Development Review Committee for either city as may be necessary to provide required pedestrian, bicycle, and traffic safety improvements on and adjacent to the site. The Applicant shall provide one or more traffic impact analyses ("TIA's") that comply with the uniform TIA standards adopted by the River 2 Sea Transportation Planning Organization. In addition to the access points shown on the Preliminary Plan, right-in-only access from Orange Camp Road to the project site between Interstate 4 and Frontage Road shall be permitted subject to compliance with applicable law, codes and regulations and approval of all agencies and governmental entities having jurisdiction.

2. Transportation System Improvements. Transportation system improvements shall be provided as required by the applicable LDC or LDR based on the results of any TIA performed and as specifically determined in one or more negotiated proportionate share agreement(s) approved prior to approval of the Preliminary Plat or individual lot site plans. No construction shall be authorized until a binding agreement is entered into between the Applicant, Lake Helen, DeLand and any other applicable agency regarding mitigation of traffic impacts associated with the proposed development activity.

3. Operational Restrictions. The Applicant shall establish operational restrictions as part of the Property Owner's Association Covenants for the development on Lot 1 that designates areas and applicable rules for car carriers waiting in queue to offload vehicle inventory. In addition, the Applicant shall similarly establish rules that prohibit any dealership located on Lot 1 from allowing vehicle test drives on any road or street in the cities of DeLand or Lake Helen that are not classified as thoroughfare, arterial or collector roadways or the interstate in the vicinity of the project.

4. Frontage Road. Frontage Road does not currently exist but the right of way for the planned roadway is owned by the Florida Department of Transportation. The Applicant, DeLand and Lake Helen will coordinate with FDOT to facilitate transfer of the Frontage Road right of way to the City of DeLand. The City of DeLand shall permit, subject to compliance with the applicable road

improvement standards in Section 33-90 of the LDRs, construction of Frontage Road to provide access to Lots 1-5. The Applicant, DeLand and Lake Helen shall also coordinate regarding potential changes to the alignment of the northern section of the Frontage Road right of way, located generally east of Lot 5 as shown on the Preliminary Plan, that may shift the roadway to the east to minimize impacts to wetland and conservations lands when the future extension of Frontage Road north into the “Workplace” section of the Victoria Park DRI is constructed. In the event the right of way is shifted to the east, the Applicant and City of DeLand shall enter into a land swap agreement to add portions of the existing right of way to Lot 5 in exchange for the dedication of additional right of way east of the current alignment for Frontage Road.

J. Internal Roadways. Internal roadway(s) shall be constructed in accordance with the applicable requirements and standards of the applicable Land Development Code. Cross access rights will be established as part of the subdivision approval process to ensure each Lot shown on the Preliminary Plan has legal access to an improved public road.

K. Fire Protection. The applicant is responsible for providing adequate onsite water supply and other fire protection improvements to serve the PUD project. The design, capacity, and location of the required water supply and other fire protection improvements shall be as required by the Volusia County or City of DeLand Fire Marshall’s office. Specific fire protection standards shall be required for dealership modules that share a party wall as determined by the Volusia County Fire Marshall.

L. Building or Property Owners Association. Common areas within the Automall development may be operated and maintained by a Property Owner’s Association. The charter and by-laws of any Property Owners Association, and any other agreements, covenants, easements or restrictions shall be furnished to the Cities of Lake Helen and DeLand at the time of creation. The Property Owners Association shall be responsible for maintaining all common areas in a manner and to standards that are comparable to maintenance standards maintained by the adjacent Victoria Park

development. The Applicant shall be responsible for recording said information in the Public Records of Volusia County, Florida. In addition, the Applicant shall bear and pay all costs for recording all of the aforementioned documents.

With respect to the enforcement of said agreements, covenants, easements or restrictions entered into between the Applicant and the owners or occupiers of property within the PUD, the Cities of Lake Helen and DeLand shall only enforce the provisions of the "Development Agreement" and their Land Development Codes, as amended, whichever is applicable, and not the private agreements entered into between the aforementioned parties.

M. Other Requirements. [reserved]

N. Expiration of Development Agreement. The Applicant shall file a final site plan or overall development plan within five (5) years from the effective date of this Order and Ordinance. Failure to timely file said final site plan or overall development plan shall immediately render the development agreement null and void, unless a minor amendment to extend the time period indicated in this paragraph is approved.

O. Binding Effect of Plans, Recording, and Effective Date. The Master Development Plan, including any and all supplementary orders and Ordinances, and the Preliminary Plan shall bind and inure to the benefit of the Applicant and his successor in title or interest. The PUD zoning, Order and Ordinance and all approved plans shall run with the land.

This Order and Ordinance and all subsequent Orders and Ordinances shall be filed with the Clerk of the Court and recorded within forty-five (45) days following execution of the document by the Lake Helen and DeLand 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 each City for their records. The applicant shall pay all filing costs for recording documents.

P. Conceptual Approval: The parties hereto acknowledge that reductions in density and/or intensity may and do occur; and that minor changes to roadway design, location and size of structures, actual location of parking spaces, specific locations for land uses, and locations and design of stormwater storage, landscape buffers and upland buffers may result to comply with the land development regulations. A request for such an amendment shall be reviewed by the applicable zoning enforcement official and may be processed as a minor amendment in accordance with the applicable zoning code. The Applicant agrees to revise and record the revised preliminary plan which reflects any such changes with the Clerk of the Court immediately following the expiration of the 30 day period for appealing Development Review Committee ("DRC") decisions to the City Commission. A copy of the revised preliminary plan, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the applicable City Administrator or City Manager.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE TO FOLLOW]

THIS SIGNATURE PAGE INCLUDED FOR REFERENCE ONLY

CITY OF LAKE HELEN WILL EXECUTE
IDENTICAL DEVELOPMENT AGREEMENT

DONE and ORDERED by the Lake Helen City Commission this ____ day of
_____, 2018.

ATTEST:

CITY OF LAKE HELEN

Becky Witte
Acting City Administrator

Daisy Raisler
Mayor

APPROVED AS TO FORM AND LEGALITY

Scott E. Simpson, City Attorney

ATTEST:

CITY OF DELAND

Michael Pleus
Michael Pleus
City Manager

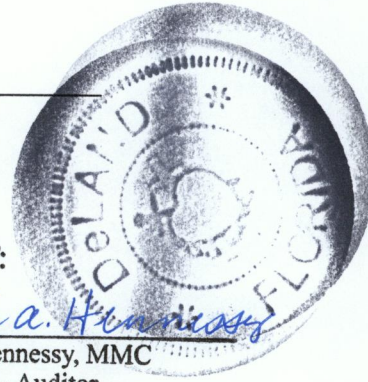
Robert Apgar
Robert Apgar
Mayor

APPROVED AS TO FORM AND LEGALITY

Darren Elkind
Darren Elkind, City Attorney

ATTEST:

Julie A. Hennessy
Julie A. Hennessy, MMC
City Clerk - Auditor



WITNESSES:

Kendra R. Curry
Print: Kendra R. Curry
Chris Graham
Print: Chris Graham

OWNER:

I4 Automall, LLC, a Florida limited liability company

Brendan Hurley
Brendan Hurley, Manager

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 9th day of NOVEMBER, 2018 by Brendan Hurley, as Manager of I4 Automall, LLC, who is personally known to me or who has produced as identification(s).



Julia M Hewitt
NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name: Julia Hewitt
Commission No.: FF946646
My Commission Expires: 12/29/2019

EXHIBIT "A"

Legal Description – City of Lake Helen Property

EXHIBIT "B"

Legal Description – City of DeLand Property

EXHIBIT "C"

Preliminary Plan

EXHIBIT "D"

Automall Architectural Design Standards

EXHIBIT "A"

Legal Description – City of Lake Helen Property



Dewberry Engineers Inc.
131 West Kaley Street
Orlando, FL 32806

407.843.5120
407.649.8664 fax
www.dewberry.com

July 30, 2018

Prepared for: City of Lake Helen

Description: Annexation Parcel Legal Description

Legal Description:

All of lots 2, 3, 4, 12, 13, 14, 15, 16, 17 and a portion of lots 5, 6, 10, 11, 18, 19, 20 & 21, Assessor's Subdivision of the South 1/2 of the Southwest 1/4 of Section 25, Township 17 South, Range 30 East, according to the plat thereof as recorded in Plat Book 20, page 52 of the Public Records of Volusia County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 25; thence N89°51'01"E along the South line of the Southwest 1/4 of the Southwest 1/4 of said Section 25, a distance of 662.44 feet to a point on the southerly projection of the West Right of Way line of Interstate 4 frontage road (per FDOT map project no. P-4738-1); thence N01°01'36"W along said southerly projection a distance of 65.18 feet; thence departing said West line run N89°24'03"E, a distance of 130.13 feet to a point on the East Right of Way line of said Interstate 4 frontage road; thence run along said East Right of Way line the following six (6) courses and distances: thence N00°48'18"W, a distance of 160.00 feet to the point of curvature of a curve concave southeasterly, having a radius of 1136.00 feet, a central angle of 38°52'16", a chord bearing of N18°37'50"E and a chord distance of 756.00 feet; thence northeasterly along the arc of said curve a distance of 770.70 feet to the end of said curve; thence S49°24'41"E, a distance of 18.90 feet; thence N40°35'19"E, a distance of 50.00 feet to the Point of Beginning; thence N49°24'41"W along said Right of Way, a distance of 20.00 feet; thence N40°35'19"E, a distance of 395.17 feet to a point on the North line of the South 1/2 Southwest 1/4 of said Section 25; thence departing the aforesaid East right of way line run S89°56'16"E along said North line, a distance of 405.85 feet to a point on the West line of the East 300 feet of Lot 5 of the aforementioned Assessor's Subdivision of the South 1/2 of the Southwest 1/4 of Section 25, Township 17 South, Range 30 East; thence S00°56'13"E along said West line, a distance of 69.90 feet to a point on the South line of an un-improved platted road (per map book 20, page 52); thence S71°53'57"E along said South line, a distance of 954.80 feet to a point on the East line of the South 1/2 of the Southwest 1/4 of said Section 25; thence S00°58'11"E along said East line, a distance of 737.53 feet to a point on the westerly limited access Right of Way line of Interstate 4 (variable limited access right of way width per FDOT map F.A.P. No. 0042 206 1); thence departing said East line S15°45'34"W along said westerly limited access Right of Way line, a distance of 136.79 feet to a point on the North limited access Right of Way line of Orange Camp Road (variable right way width per FDOT map F.P. No. 408463); thence run along said North right of way the following two (2) courses and distances: thence N89°08'06"W", a distance of 891.90 feet; thence S89°39'54"W, a distance of 77.37 feet to the end of said limited access Right of Way line at the East Right of Way of Stewart road; thence S89°39'54"W, a distance of 100.01 feet to a point on the West Right of Way of Stewart road and continuation of said limited access Right of Way line; thence run S89°40'07"W, along said limited access Right of Way line, a distance of 70.00 feet; thence run along a line 70 feet West of and parallel with said West Right of Way line of Stewart road, N01°00'04"W, a distance of 564.26 feet to a point on the South line of Lot 5 of said Assessor's Subdivision; thence run S89°57'23"W along said South line a distance of 146.44 feet to a point on the East line of the Southwest 1/4 of the Southwest 1/4 of said Section 25; thence run N34°15'57"W, a distance of 419.71 feet to the Point of Beginning.

Containing: 1,421,624 Square Feet or 32.64 Acres more or less.

October 26, 2018

Prepared for: City of Deland

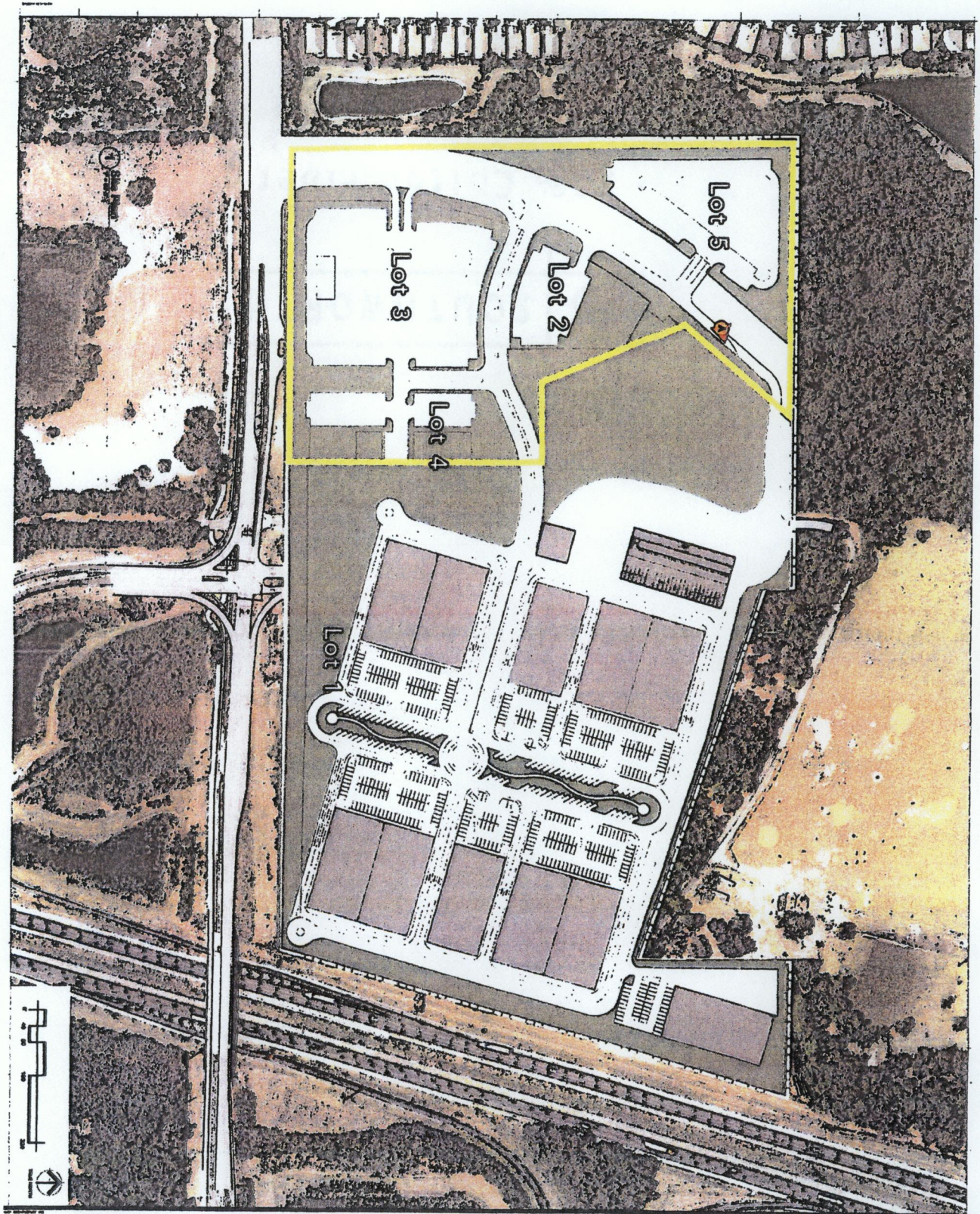
Description: Legal Description For PD - DeLand – Exhibit B

Legal Description:

A PORTION LOTS 5, 6, 9, 10, OF THE ASSESSOR'S SUBDIVISION OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 17 SOUTH, RANGE 30 EAST AS RECORDED IN MAP BOOK 3, PAGE 149 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; SAID LANDS LYING NORTH OF ORANGE CAMP ROAD AND WEST OF INTERSTATE 4 (SR400) BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 25; THENCE N89°51'01"E ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 25, A DISTANCE OF 662.44 FEET TO A POINT ON THE SOUTHERLY PROJECTION OF THE WEST RIGHT OF WAY LINE OF THE INTERSTATE 4 FRONTAGE ROAD (PER FDOT MAP PROJECT NO. P-4738-1); THENCE N01°01'36"W ALONG SAID SOUTHERLY PROJECTION AND WEST RIGHT OF WAY LINE, A DISTANCE OF 105.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N01°01'36"W ALONG SAID WEST RIGHT OF WAY LINE, AND THE EAST LINE OF VICTORIA PARK NORTHEAST INCREMENT ONE AS RECORDED IN MAP BOOK 48 PAGE 51 AND THE EAST LINE OF VICTORIA PARK INCREMENT TWO NORTHWEST AS RECORDED IN MAP BOOK 50, PAGE 111, A DISTANCE OF 1217.43 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 25; THENCE S89°56'16"E ALONG SAID NORTH LINE, A DISTANCE OF 495.82 FEET TO A POINT ON THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF THE INTERSTATE 4 FRONTAGE ROAD; THENCE CONTINUE S89°56'16"E ALONG SAID NORTH LINE, A DISTANCE OF 184.19 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID INTERSTATE 4 FRONTAGE ROAD; THENCE RUN S40°35'19"W ALONG SAID EAST RIGHT OF WAY, A DISTANCE OF 395.17 FEET; THENCE RUN S49°24'41"E ALONG SAID EAST RIGHT OF WAY, A DISTANCE OF 20.00 FEET TO A POINT SAID EAST RIGHT OF WAY; THENCE DEPARTING THE AFORESAID EAST RIGHT OF WAY LINE, RUN S34°15'57"E, A DISTANCE OF 419.71 FEET TO A POINT LOCATED ON THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 25, SAID POINT ALSO BEING ON THE SOUTH LINE OF LOT 5 OF SAID ASSESSOR'S SUBDIVISION; THENCE RUN N89°57'23"E ALONG SAID SOUTH LINE, A DISTANCE OF 146.44; THENCE DEPARTING SAID SOUTH LINE RUN ALONG A LINE THAT IS 70.00 FEET WEST OF AND PARALLEL TO THE WEST RIGHT OF WAY LINE OF STEWART ROAD, S01°00'04"E A DISTANCE OF 564.26 FEET TO A POINT ON THE NORTH LIMITED ACCESS RIGHT OF WAY LINE OF ORANGE CAMP ROAD (VARIABLE RIGHT WAY WIDTH PER FDOT MAP F.P. NO. 408463); THENCE RUN S89°40'07"W, ALONG SAID LIMITED ACCESS RIGHT OF WAY LINE, A DISTANCE OF 317.85 FEET TO THE END OF SAID LIMITED ACCESS; THENCE CONTINUE S89°40'07"W ALONG THE NORTH RIGHT OF WAY OF ORANGE CAMP ROAD, A DISTANCE OF 360.74 FEET TO A POINT ON THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF INTERSTATE 4 FRONTAGE ROAD; THENCE N00°48'18"W ALONG SAID EAST RIGHT OF LINE, A DISTANCE OF 12.81 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SAID INTERSTATE 4 FRONTAGE ROAD; THENCE RUN S89°24'03"W, A DISTANCE OF 130.13 TO THE POINT OF BEGINNING.

CONTAINING 816,894 SQUARE FEET OR 18.75 ACRES, MORE OR LESS.



A1.01

SITE PLAN

1. General Notes
 2. Site Plan
 3. Grading Plan
 4. Utility Plan
 5. Foundation Plan
 6. Structural Plan
 7. Mechanical Plan
 8. Electrical Plan
 9. Plumbing Plan
 10. Fire Protection Plan
 11. Landscape Plan
 12. Construction Details
 13. Specifications
 14. Contract Documents

**NEW FACILITY
I4 AUTO MALL**
 ORANGE CAMP ROAD, DELAND FLORIDA
 A HELMAN WURLEY CHARNEY PEACOCK / ARCHITECTS, INC. PROJECT

HHCP

EXHIBIT "D"

Automall Architectural Design Standards

14

I-4 AUTOMALL
Visual Reference Guide



HHCP

Index

- 3 Introduction**
- 4 Overview**
- 5 Facade**
- 6 Curtain Wall**
- 7 Jewel Box**
- 8 Solar**
- 9 Ramp/Retaining Wall**
- 10 Service Doors**

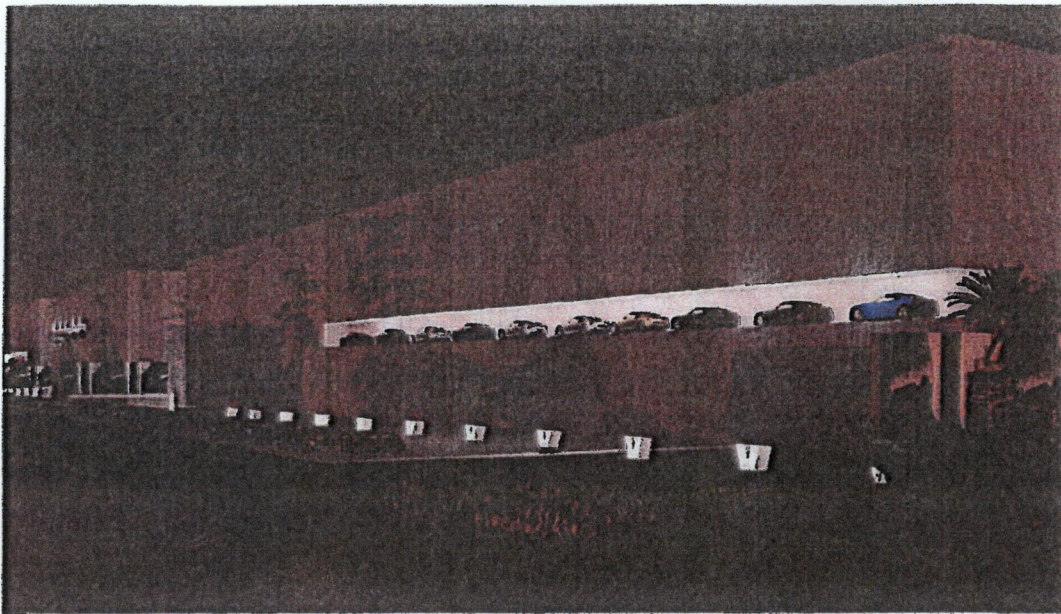
**The I-4 Automall is set to
define a new prototype
dealership concept, tailored
to create a new experience for
buying and selling vehicles.**

The vision for the I-4 Automall is to create a new dealership concept to be used as a prototype for the automobile dealership industry all over the United States. It converts the existing model of car dealerships occupying acres of land covered by inventory of cars for sale backed up by low rise workshops and showrooms, into a campus of dealerships housing vastly improved efficient and customer friendly facilities. Instead of a single dealership occupying 7 to 10 acres, each dealership will now occupy 1.3 acres. The idea of placing several dealerships in one location has now been reimagined so that multiple dealerships can be located on a footprint that is a fraction of the land area typically required. This approach of Modular Design reinforces the Commercial District while achieving pattern book philosophy which will complement the same approach used in adjacent developments and Urban Design Guidelines as a whole.

Now with the auto industry continuing to incorporate the latest developments in technology, this progress is reflected in the high tech materials with sleek contours and bold graphic treatments utilized in the I-4 Automall design.

In recent years the luxury car manufacturers have used the architecture of their buildings as an expression of their style and sophistication. These models can be seen throughout central Florida and it is unlikely to change as the buildings are have now become part of the branding of the various manufacturers. I-4 Automall is conceived as an extension to this branding principle by creating a new experience for buying and selling vehicles that is more akin to going to a shopping mall than a car dealership.

The aim of the project is to create an campus environment which will provide the ultimate in buyer experience and reflects this image in the sleek style of a clean, modern and upscale environment. The aim of the architecture is to achieve maximum impact in the view from I-4 at the entrance on Orange Camp Road, and when visitors are inside the development. The views from other angles are designed to be muted and softened by buffers of trees and shrubbery, creating ample separation from the surrounding community.



14

Construction

Construction of the I-4 Automall will employ a vocabulary of contemporary design features and elements intended to provide a unique and visually appealing experience for both visitors and community neighbors alike. The design approach will be respectful to the environment, employing green design principles intended to minimize the impacts on the surrounding area while engaging pedestrians in a safe and inclusive way.

The primary structural system will be concrete, flat slab with inventory levels accessed by ramps. Special vehicle merchandising modules, the jewel boxes, will be designed as accents along the building perimeters to create visual interest and to highlight specific inventory. Interior facing facades will be single or multi-story clear, insulated glazing. The main concrete structure will be clad in perforated material, with the exposed concrete surfaces finished with a textured pattern and or embossed graphics.

Plan

Each dealership module will employ a 33,020 SF footprint consisting of a service level, showroom level and administrative functions and inventory levels accessed via exterior ramps.

Height

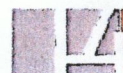
The building height respects the requirements defined by the PUD.

Roof

The roof level will be dedicated primarily for inventory storage, but will also serve the secondary function of accommodating a solar panel system. The solar system will, to the greatest extent possible, contribute to the reduction of energy consumption while also providing shading for vehicle inventory.

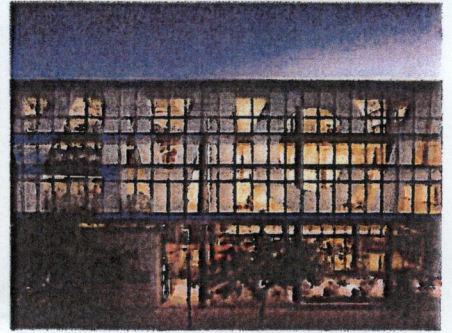
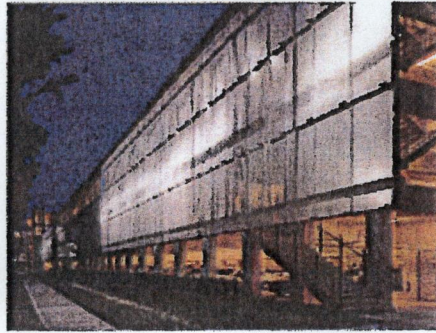
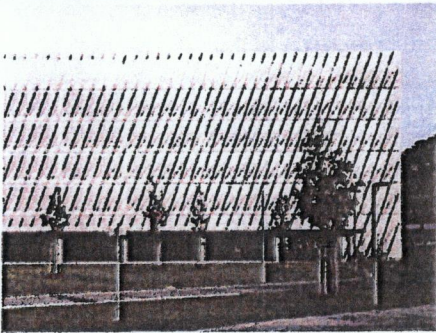
Trademark Elements

- Reduced paved surface areas
- Security, lighting and enhanced customer service experiences
- Unique vehicle merchandising concepts
- Other green building techniques will be studied for potential inclusion in the project. These could include geo-thermal heating and cooling systems, along with rain water collection, harvesting and re-use.



I-4 AUTOMALL Visual Reference Guide

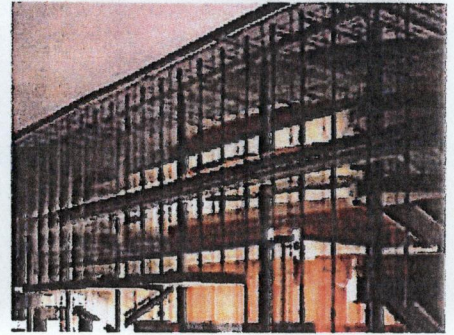
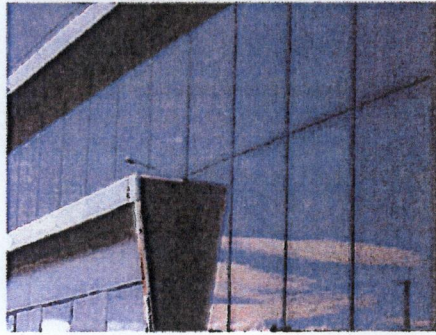
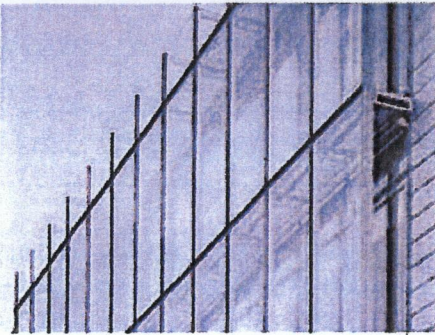
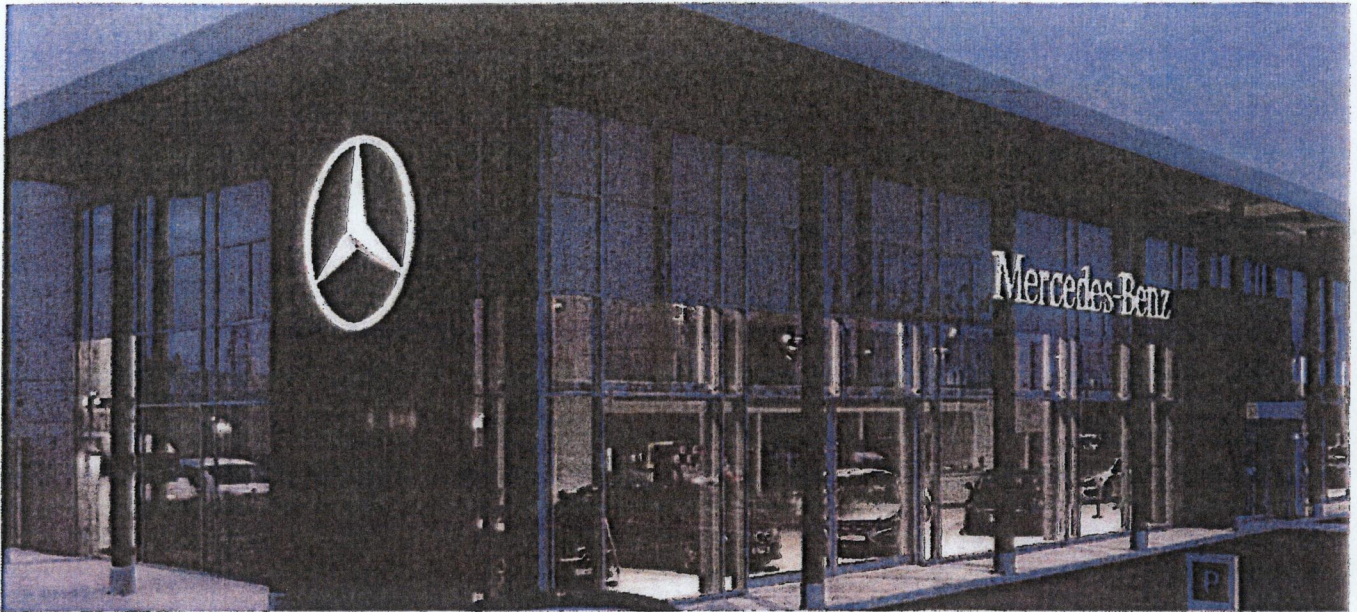
HHCP



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The main concrete structure will be clad in perforated material, with the exposed concrete surfaces finished with a textured pattern and or embossed graphics.

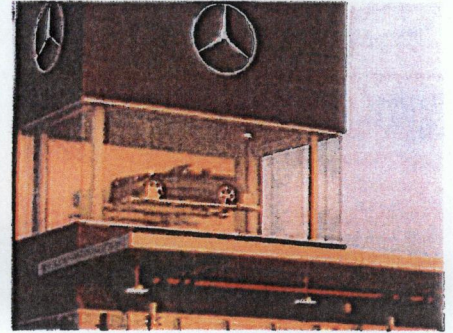
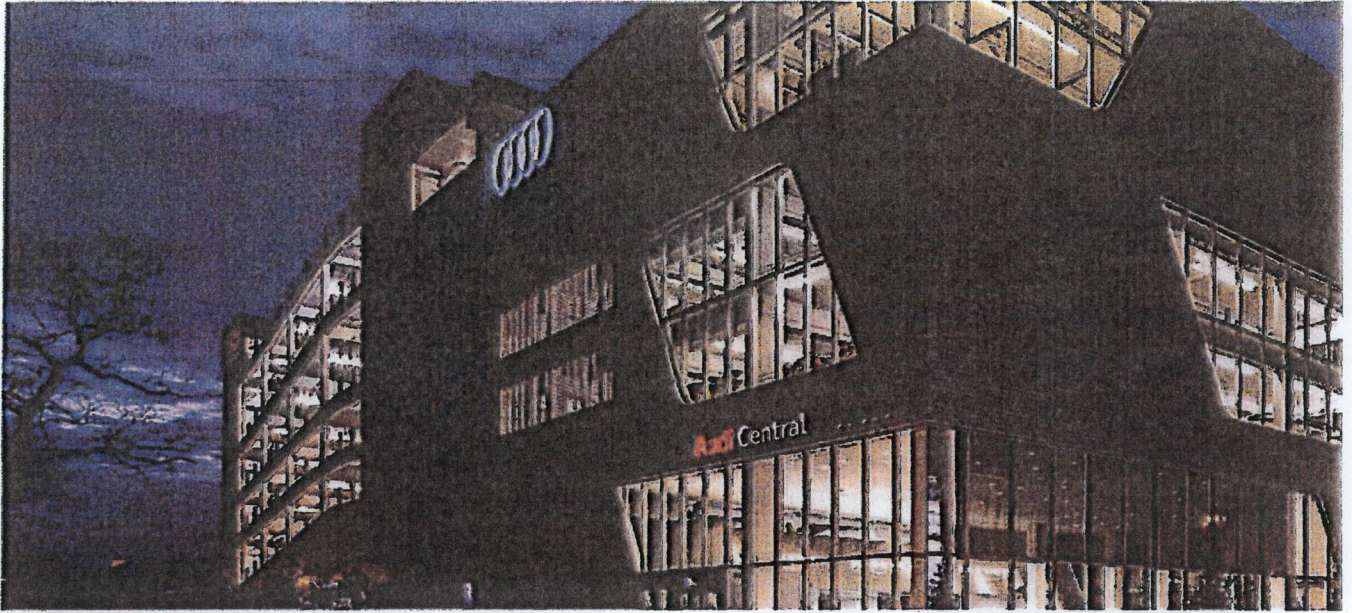
reference images



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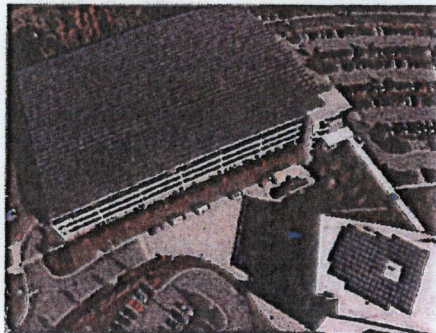
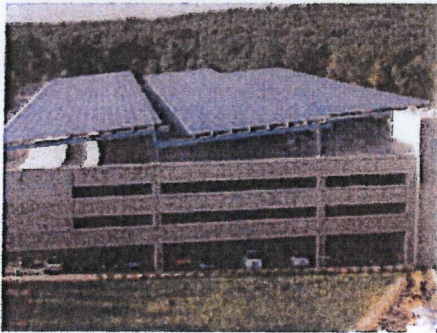
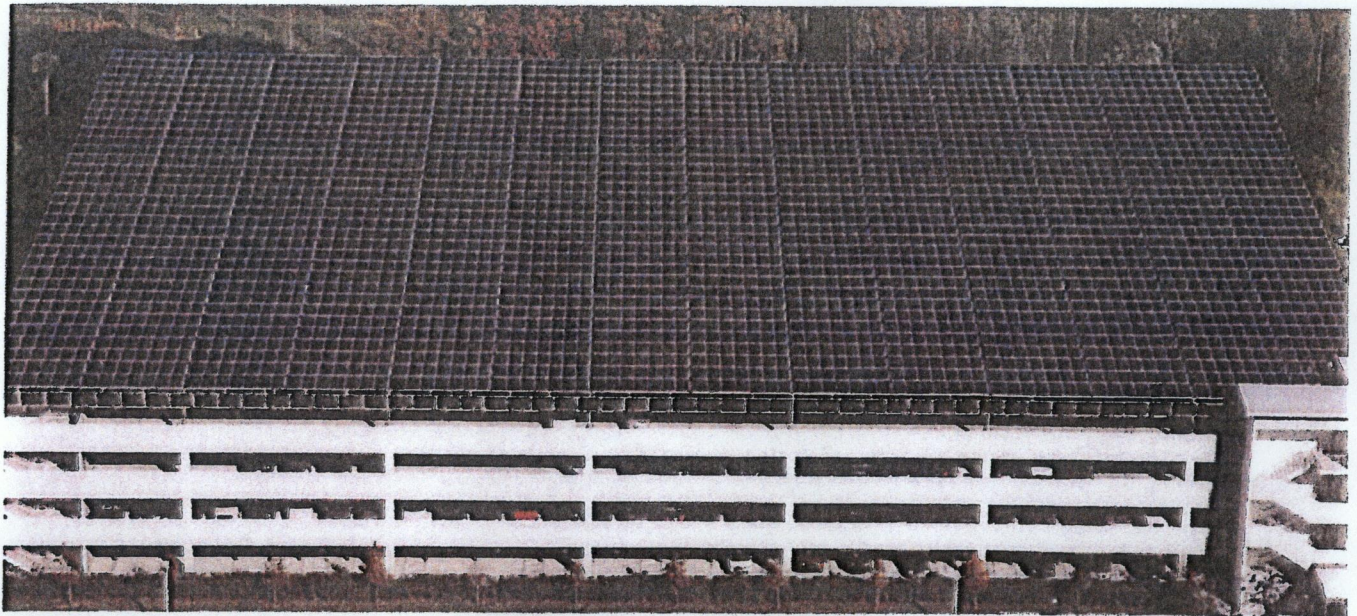
Since the curtain wall is non-structural, it can be made of lightweight materials, thereby reducing construction costs. Glass is used as the curtain wall, allowing natural light to penetrate deeper within the building. The curtain wall facade does not carry any structural load from the building other than its own dead load weight.

reference images



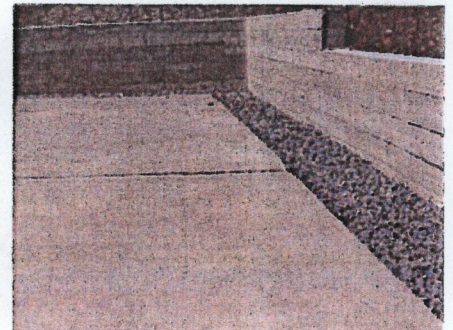
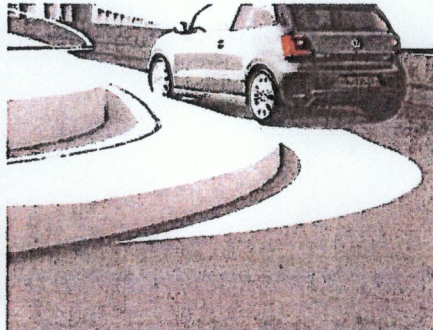
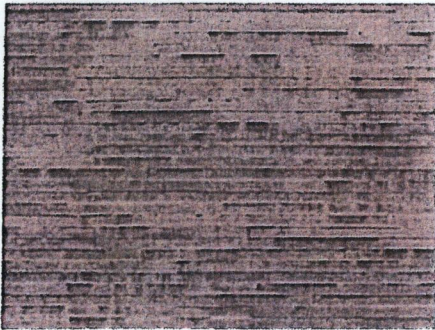
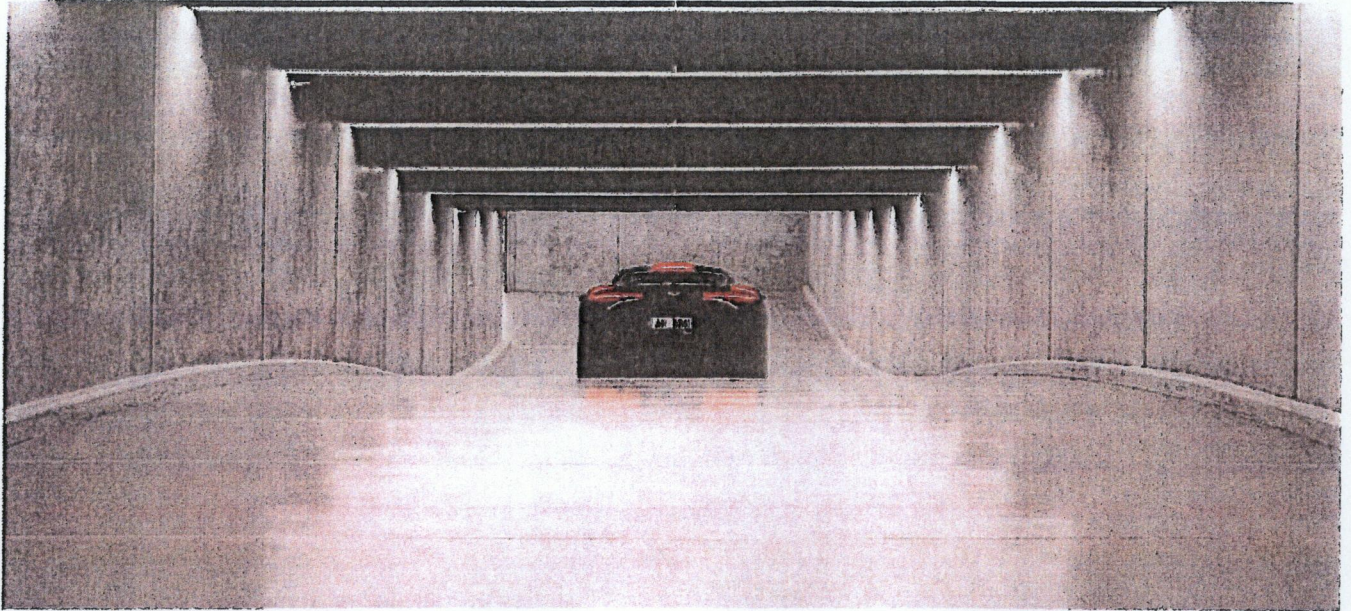
14

Special vehicle merchandising modules, the jewel boxes, will be designed as accents along the building perimeters to create visual interest and to highlight specific inventory.



14

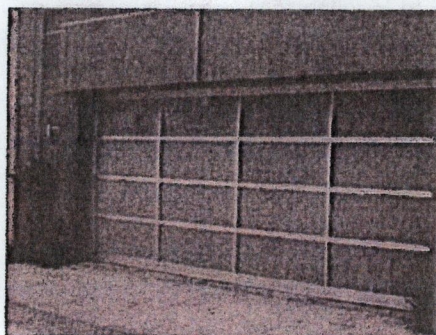
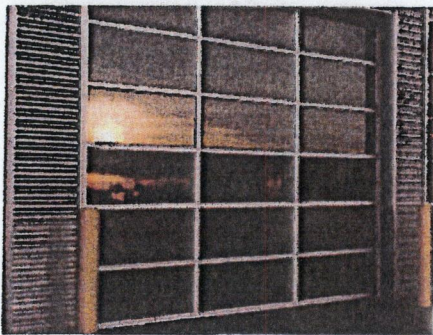
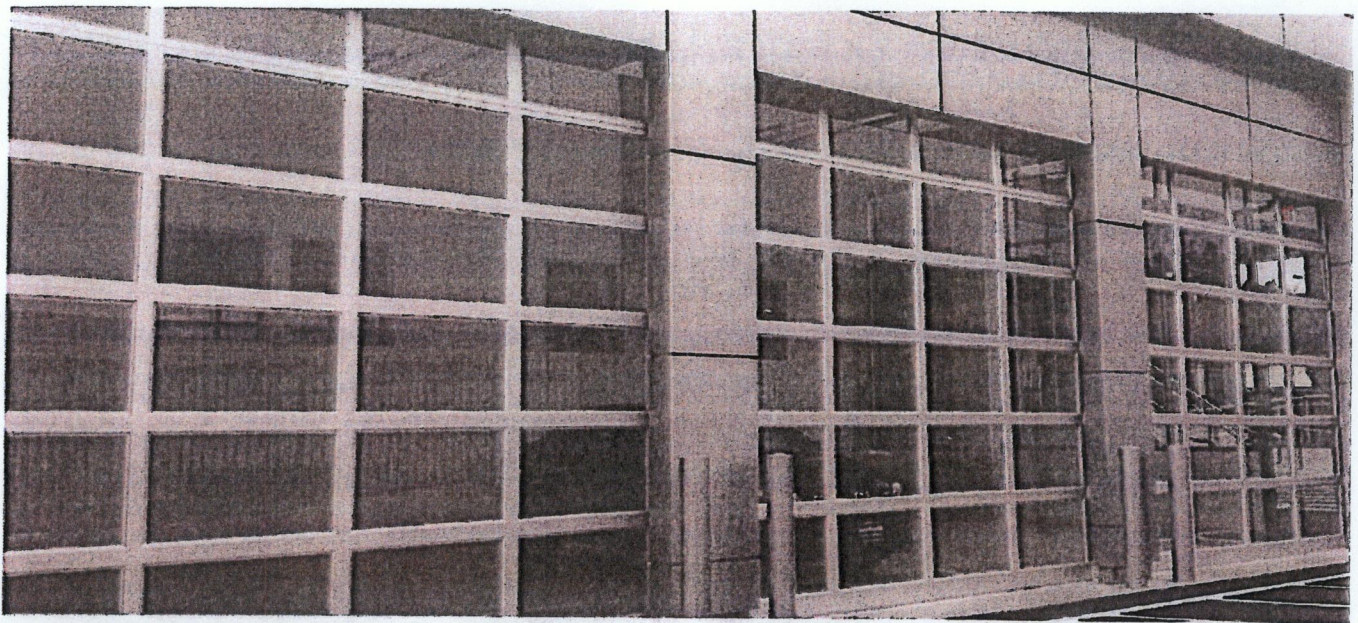
The roof level will be dedicated primarily for inventory storage, but will also serve the secondary function of accommodating a solar panel system. The solar system will, to the greatest extent possible, contribute to the reduction of energy consumption while also providing shading for vehicle inventory.



14

The primary structural system will be concrete, flat slab with inventory levels accessed by ramps.

reference images



14

Strategic multiple levels of security allow for an efficient operating facility while also providing patron pedestrian safety.

reference images



Gregory Dungan, AIA
Managing Partner

HHCP DESIGN INTERNATIONAL

120 N Orange Ave.
Orlando, FL 32801 USA
gdungan@HHCP.com
p: 407.644.2656
e: 407.461.1011
Skype: worldarchitect

HHCP.com

THE NEWS-JOURNAL

Published Daily and Sunday
Daytona Beach, Volusia County, Florida

State of Florida,
County of Volusia

Before the undersigned authority personally appeared

Irene Zucker

who, on oath says that she is

LEGAL COORDINATOR

of The News-Journal, a daily and Sunday newspaper,
published at Daytona Beach in Volusia County, Florida; the
attached copy of advertisement, being a
.....

NOTICE OF PUBLIC HEARING

L 2307833

in the Court,
was published in said newspaper in the issues.....

OCTOBER 26, 2018

Affiant further says that The News-Journal is a newspaper
published at Daytona Beach, in said Volusia County, Florida,
and that the said newspaper has heretofore been continuously
published in said Volusia County, Florida, each day and
Sunday and has been entered as second-class mail matter at
the post office in Daytona Beach, in said Volusia County,
Florida, for a period of one year next preceding the first
publication of the attached copy of advertisement; and affiant
further says that he has neither paid nor promised any person,
firm or corporation any discount, rebate, commission or
refund for the purpose of securing this advertisement for
publication in the said newspaper

Irene Zucker

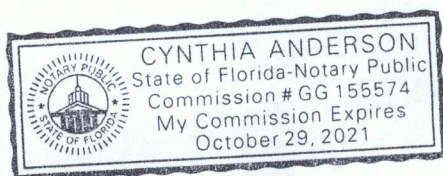
Sworn to and subscribed before me

This **26TH** of **OCTOBER**

A.D. 2018

Cynthia Anderson

49D



DF-0002307833-01

**NOTICE OF PUBLIC
HEARING
CITY COMMISSION
CITY OF DELAND,
FLORIDA**

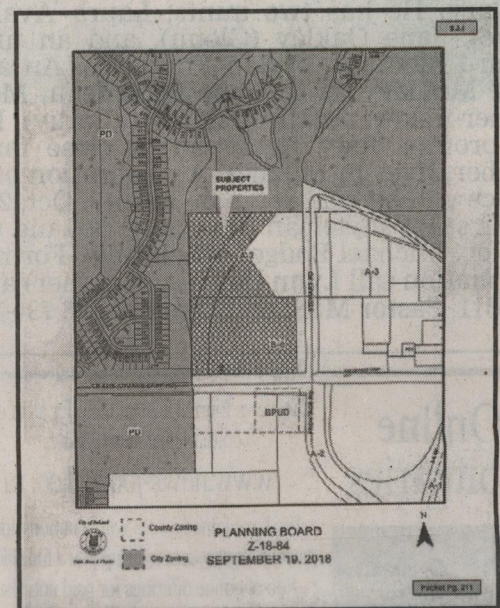
NOTICE IS HEREBY GIVEN that there will be
a Public Hearing on the following Ordinance on
Monday, November 5, 2018 at a regular meeting of
the DeLand City Commission. The meeting will take
place at 7:00 P.M. in the City Commission Chambers,
120 South Florida Avenue, City Hall. All interested
parties are invited to attend and be heard on the matter.

Any person who wishes to appeal any decision made
by the City Commission with respect to any matter
considered at this meeting will need a record of the
proceeding and, thus, may need to ensure that a verbatim
record of the proceeding is made, including the testimony
and evidence upon which an appeal may be based..

The original of the ordinance is on file in the office of the
City Clerk and may be inspected Monday through Friday
from 8:00 A.M. to 5:00 P.M.

ORDINANCE NO. 2018 - 20

**AN ORDINANCE OF THE CITY COMMISSION
OF DELAND, FLORIDA, CHANGING THE
ZONING FROM VOLUSIA COUNTY'S A-2,
RURAL AGRICULTURE AND B-6, HIGHWAY
INTERCHANGE COMMERCIAL TO THE
CITY OF DELAND'S I-4 AUTOMALL PD,
PLANNED DEVELOPMENT ZONING
DESIGNATION, ON PROPERTY LOCATED
AT 1600 ORANGE CAMP ROAD; APPROVING
A PLANNED DEVELOPMENT PLAN
CONSISTING OF APPROXIMATELY
18.75 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.**



**NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF DELAND, FLORIDA**

NOTICE IS HEREBY GIVEN that there will be a Public Hearing on the following Ordinance on Monday, November 5, 2018 at a regular meeting of the DeLand City Commission. The meeting will take place at 7:00 P.M. in the City Commission Chambers, 120 South Florida Avenue, City Hall. All interested parties are invited to attend and be heard on the matter.

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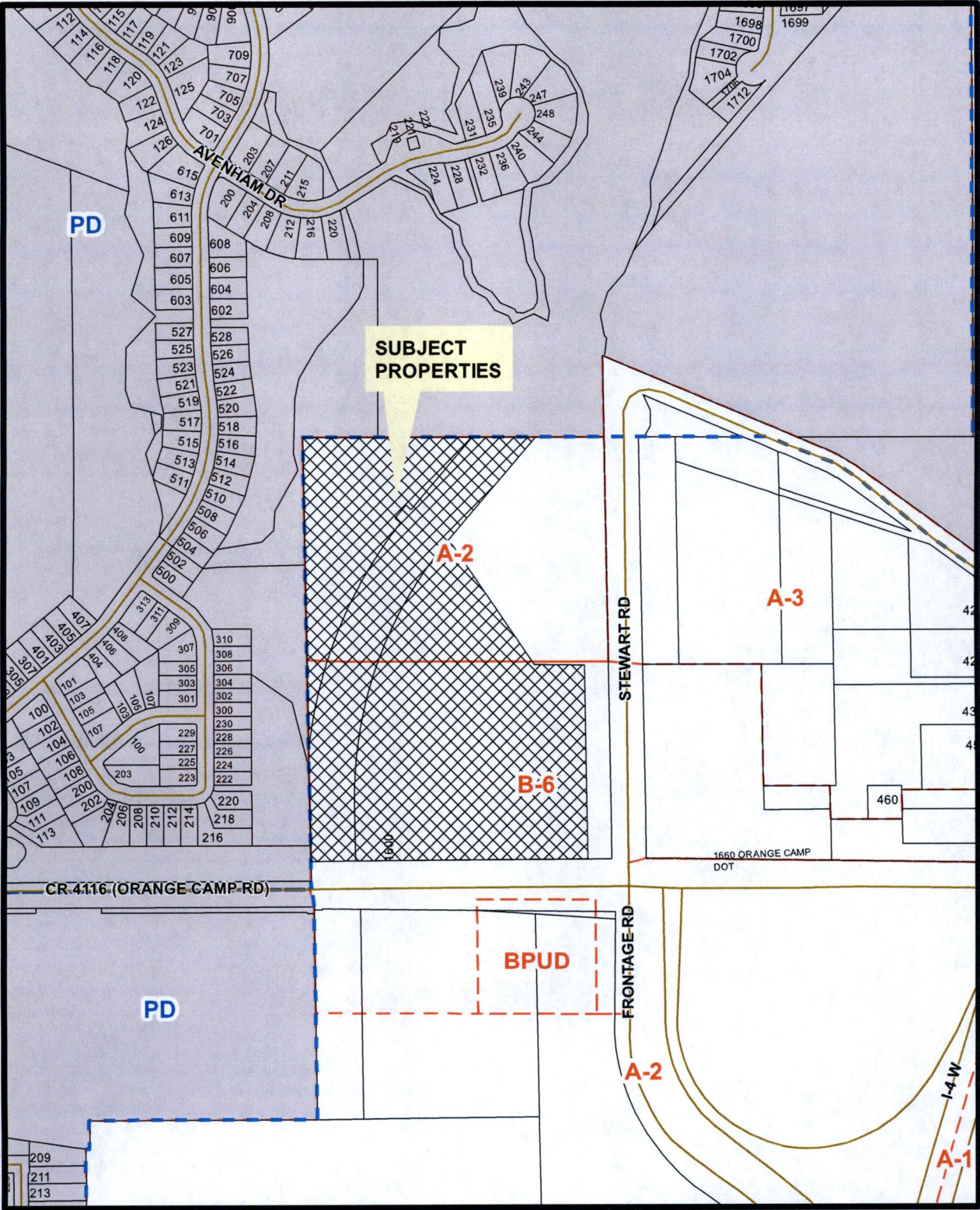
ORDINANCE NO. 2018 - 20

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM VOLUSIA COUNTY'S A-2, RURAL AGRICULTURE AND B-6, HIGHWAY INTERCHANGE COMMERCIAL TO THE CITY OF DELAND'S I-4 AUTOMALL PD, PLANNED DEVELOPMENT ZONING DESIGNATION, ON PROPERTY LOCATED AT 1600 ORANGE CAMP ROAD; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 18.75 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.

Please publish the above legal advertisement (with map) one time in the local section on the following date: Friday, October 26, 2018 and send proof of publication to:

City Clerk
City of DeLand
120 South Florida Avenue
DeLand, FL 32720

*******NOTE *******Pursuant to law, the advertisement shall be no less than 2 columns wide by 10 inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.



City of DeLand



Faith, Hope & Charity

County Zoning

City Zoning

PLANNING BOARD
Z-18-84
SEPTEMBER 19. 2018





Planning Department

Memorandum

TO: Planning Board

DATE: July 11, 2024

FROM: Planning Division

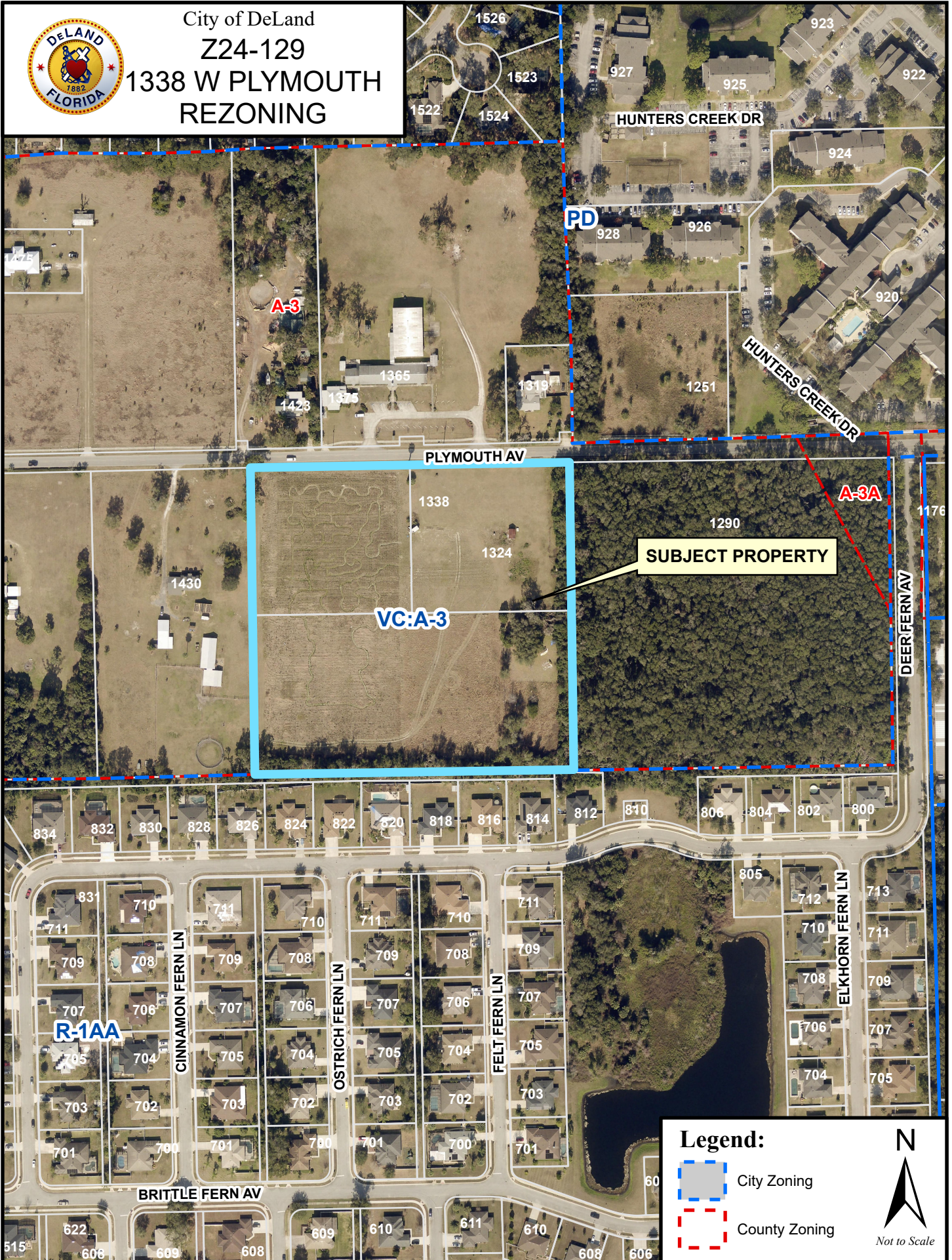
SUBJECT: Trinity United Methodist Church Rezoning (Z24-129)

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On July 10, 2024 the applicant requested a continuance of the application referenced above, to the Wednesday, August 14, 2024 Planning Board meeting. At the August 14th Planning Board meeting the applicant will be bringing for a request for a special exception for the proposed use.



City of DeLand
Z24-129
1338 W PLYMOUTH
REZONING





City of DeLand
Z24-129
1338 W PLYMOUTH
REZONING



LEGAL DESCRIPTION

DESCRIPTION: (PER O.R. BOOK 8222, PG 386)

PARCEL 1

THE S. 1/2 OF THE NE 1/4 OF THE NW 1/4 OF THE NE 1/4, IN SECTION 7, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA.

CONTAINING 221,480 SQUARE FEET OR 5.085 ACRES, MORE OR LESS

PARCEL 2

THE NW 1/4 OF THE NE 1/4 OF THE NW 1/4 OF THE NE 1/4, OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA.

CONTAINING 96,587 SQUARE FEET OR 2.217 ACRES, MORE OR LESS

PARCEL 3

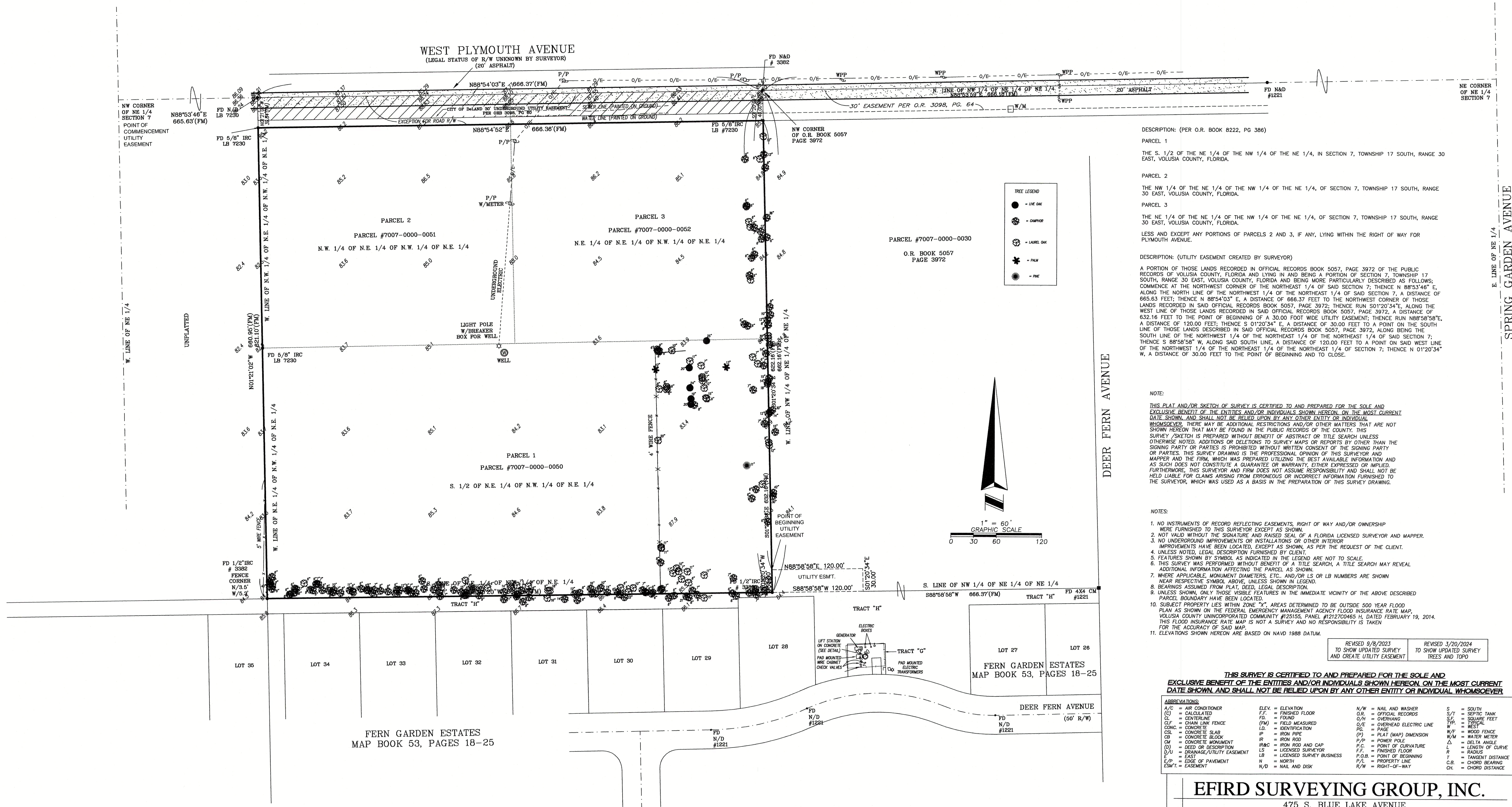
THE NE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF THE NE 1/4, OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA.

LESS AND EXCEPT ANY PORTIONS OF PARCELS 2 AND 3, IF ANY, LYING WITHIN THE RIGHT OF WAY FOR PLYMOUTH AVENUE.

CONTAINING 96,136 SQUARE FEET OR 2.207 ACRES, MORE OR LESS

TOGETHER CONTAINING 414,203 SQUARE FEET OR 9.509 ACRES, MORE OR LESS

SECTION 7, TOWNSHIP 17 SOUTH, RANGE 30 EAST
DeLAND
VOLUSIA COUNTY, FLORIDA



EFIRD SURVEYING GROUP, INC.

475 S. BLUE LAKE AVENUE
DELAND, FLORIDA 32724
PHONE: (386) 740-4144 FAX: (386) 740-4155
WEBSITE: www.efirdsurveying.com
e-mail: larry@efirdsurveying.com
Certificate Of Authorization Licensed Business Number 7230

Boundary, Topographic & Tree Survey

Survey Date: 1/14/2022
Drawing Number: 22-0009-B
Scale: 1"=60'
Drawn By: JM/BE/JM
For: BOB KELLOGG & BECKY KELLOGG
TRINITY UNITED METHODIST CHURCH, DELAND, FLORIDA, INC. a/k/a
TRINITY UNITED METHODIST CHURCH OF DELAND, INC.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
LANDIS GRAHAM FRENCH, P.A.
ATTORNEYS' TITLE FUND SERVICES, LLC
4000 N. PLYMOUTH AVE., DELAND

I HEREBY CERTIFY THIS SURVEY DRAWING TO BE CORRECT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND COMPLETES IN FORM WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 32-17, F.A.C. PURSUANT TO SECTION 476.07, FLORIDA STATUTES.

LARRY R. EFIRD, JR.
Professional Surveyor & Mapper No. 5823

The following draft regulations are proposed to be added to Article 1 and 2 of the Land Development Regulations:

33-12. Definitions

Tiny home – means a small-format residential structure built as part of a multi-family development with a minimum of 200 square feet to a maximum of 600 square feet under heat and air. Said structure is transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The structure contains plumbing, heating, air conditioning, and an electrical system, meets all applicable Florida Building Code standards and meets all ADA and Fair Housing Act standards.

Tiny home community – means a multi-family development of three (3) or more tiny homes on a single lot or parcel.

Manufactured modular home means a structure or building module as defined by statute and under the jurisdiction and control of the Florida Department of Community Affairs, installed and used as a residence, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The structure contains plumbing, heating, air conditioning, and an electrical system. The term does not include a mobile home. The term may include a Tiny home (see **Tiny home**).

33-17 Zoning districts

33-17 Allowed uses in residential zoning districts

	R-R	R-R1	R-1AA	R-1A	R-1B	R-1	R-1C	R-2	R-8	R-12	R-16	R-M	E-1
<u>Tiny home community</u>								<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		

33-17.23 Allowed uses in commercial zoning districts

	P-1	BR	C-1	C-2	C-2A	C-2AC	C-3	C-4	M-1
<u>Tiny home community</u>			<u>C</u>	<u>C</u>					

33-19. – Special requirements applicable to conditional uses. (the following subsection will be added)

33-19.15. Tiny Home Community Performance Standards and Conditions

- a) **Intent.** A Tiny home community is intended to provide affordable housing options and opportunities for infill development within the City's Core Gateway Overlay, with site designs that limit the impact on adjacent properties and promote development patterns that are compatible with the surrounding areas.
- b) **General regulations and restrictions**

Tiny Home Communities are allowed in the, R-2, R-8, R-12, and R-16; and C-1, and C-2 zone districts with a mixed-commercial future land use designation, provided the following standards and conditions are met:

1. Locational Standards

- i. Located only within the Core Gateway Overlay. A Tiny Home Community shall not be located on lots or parcels abutting or with direct access on New York Avenue or Woodland Boulevard.

2. Maximum Density

- i. A maximum density of 20 units per acre

3. Dimensional Standards

- i. Maximum lot or project size 2 acres

4. Setbacks

- i. Perimeter – 10 feet
- ii. Street – 20 feet
- iii. Corner Lots – 2 street setbacks
- iv. Vehicle use separation of 5 feet. The vehicle use separation area may encroach up to 5ft in the perimeter setback

5. Minimum separation between structures

- i. 10 feet

6. Impervious surface

- i. Maximum 60% impervious surface

7. Height

- i. Maximum height 30 feet

8. Parking

- i. All parking shall be clustered or grouped to maximize open space and common areas.
- ii. 1 space per unit
- iii. 0.25 guest spaces per unit

9. Bicycle Parking

- i. 0.5 bicycle parking space per unit
- ii. Bicycle parking shall be secure, covered, and centrally located.

10. Landscape buffers

Landscaping shall be provided to minimize impact to surrounding properties and to create a cohesive site.

- i. A minimum Class B landscape buffer is required along the street frontage.
- ii. A minimum of a 10-foot landscape buffer shall be provided along the perimeter, and shall contain a minimum of 1 tree and 10 shrubs every 100 linear feet.
- iii. Landscape buffers may be reduced upon formal request to the Technical Review Committee (TRC), and may be granted on a case-by-case basis, provided the minimum 15% tree protection area is provided.

11. Tree Protection Area 15%

- i. The minimum 15% tree protection area may reduced to 10% upon formal request, on a case-by-case basis, provided additional site amenities are provided and all other performance standards such as parking, landscaping, buffers, and maximum impervious areas are met.

12. Design Standards

- i. Structures shall include 360 degree / 4-sided architecture.
- ii. Front porches, decks, patios, or covered rear stoops shall be included on all of the units.
- iii. Pitched roofs are encouraged.
- iv. For sites with six (6) or more units, a variety of architectural styles is required:

<u>6-15 units</u>	<u>3 styles</u>
<u>16-30 units</u>	<u>5 styles</u>
<u>31-40 units</u>	<u>6 styles</u>

13. Common Area

- i. All units should face the common area or common walkways.
- ii. The common area shall be usable and may include gathering spaces, common green space, community gardens, recreational areas, play areas, and plazas.
- iii. An internal paved sidewalk system shall be included to connect all tiny homes to the common open space area and group/clustered parking areas as well as any on-site amenities such as covered bike parking area(s), recreation areas, community gardens, dog park, etc.

14. Storage

- i. At least 1 storage structure (maximum 100 sq. ft) shall be constructed in each tiny home community. No more than 3 storage structures shall be allowed.

15. Maintenance

Each tiny home community shall be responsible in maintaining all common areas, common landscaping, stormwater facilities, buffers, parking area, lighting, shared utility buildings and sidewalks, emergency vehicle access, and internal drives.