



CITY OF DELAND
REGULAR MEETING OF THE CITY COMMISSION
APRIL 21, 2025 AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

AGENDA

CALL TO ORDER

INVOCATION-Pastor Reggie Williams, Emmanuel Christian Church

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATIONS

1. Introduction of New Firefighter's: Madison Alberts, Brandon Bermudez, Evyn Insalaco, Karlie Marini, and Michael Palmer.
2. Presentation re Fire Accreditation Plaque.
3. Certificate of Thanks and Appreciation to Jennifer Wilder.
4. Presentation re Employee Years of Service Award.
5. Proclamation, Sexual Assault Awareness Month.
6. Proclamaion, Water Safety Month.

CONSENT AGENDA

1. Consideration re Utility Service Agreement and Fair Share Agreement for Edgewood Subdivision, Located at the Southwest Corner of the Intersection of West Beresford Avenue and Fatio Road.

Staff recommends that the City Commission approve the Utility Service Agreement and Fair Share Agreement for the Edgewood subdivision.
2. Consideration re JL2 Architecture Design Services, Jackson Lane Memorial Park Restroom and Pavilion Addition.

Staff recommends that the City Commission approve JL2 professional design services for Jackson Lane Memorial Park restroom and pavilion addition, in the amount of \$29,913.00.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

OLD BUSINESS

1. Continuation of Second Reading of Ordinance Abandoning 0.198 Acre of Right-of-Way of Church Street, North of Lots 1-7 of the Delmay Subdivision Plat (Continue to May 5, 2025 Meeting).

Requested to continue to the May 5, 2025, City Commission meeting.

NEW BUSINESS

1. First Reading of Ordinance Changing the Zoning for 18.3 Acres of Property, Located at 450 North McDonald Avenue, from Multiple-Family Dwelling District (R-12) to McDonald Property Planned Development (PD).

This is a request for a PD rezone for the Blue Palms Senior Living campus from R-12 multi-family, to the McDonald Property PD.

2. Resolution Approving Community Development Block Grant (CDBG) Budget for Fiscal Year 2025-2026.

A Resolution adopting the Community Development Block Grant (“CDBG”) Budget for Fiscal Year 2025-2026 is proposed to the City Commission. The CDBG Budget for Fiscal Year 2025-2026 will result in the expenditure of CDBG funds for the benefit of targeted areas of the City of DeLand upon approval of one grant application submitted to Volusia County.

3. Consideration re Approving Extension Request for Class II Site Plan Application, Located at the Northwest Corner of South Woodland Boulevard and Cliff Street.

Applicant Clayton Coffee LLC submitted a Class II Site Plan application (SP24-068) on May 20, 2024, to construct a drive-thru coffee shop at the northwest corner of S Woodland Blvd and Cliff St. Due to site constraints, the applicant has been unable to obtain approval for this application. Subject to Sec. 33-132.01. (d), the applicant is now requesting a 180-day extension of this application.

4. Resolution Denying Parking Reduction and Allowance for Off-Site Residential Parking for 84 Affordable Housing Units at 225 West New York Avenue.

The applicant is requesting to reduce the required parking by 68 spaces and to allow the use of off-site parking for residential uses (Volusia County parking lot to the north), where 188 parking spaces are allowed. The Land Development Code does not allow for off-site parking for residential uses, nor do the Regulations provide for a parking reduction for affordable housing.

CITY COMMISSION REPORTS

CITY MANAGER REPORT

CITY ATTORNEY REPORT

CITY CLERK REPORT

1. Announcement of Board Vacancies.

CITY COMMISSION

ADJOURNMENT

The DeLand City Commission holds its regular meetings on the first and third Mondays of each month at 7:00 p.m. in the DeLand City Commission Chambers, 120 South Florida Avenue, DeLand. Notice of special meetings, workshops, changes in dates, times or locations are provided by separate Public Notices, which are posted at City Hall and on the City's web site.

The City of DeLand may take action on any matter during this meeting, including items that are not set forth within this agenda.

Public participation is encouraged on any matter on the agenda. If you desire to be recognized by the Mayor, please fill out a Speaker's Card and present it to the City Clerk.

Minutes of the DeLand City Commission meetings are not transcribed verbatim. If any person decides to appeal a decision made by the City Commission with respect to any matter considered at a public meeting or hearing, he/she will need a record of the proceedings including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made by a court reporter, at the person's own expense.

In accordance with the American Disabilities Act, persons needing a special accommodation in order to participate in the proceedings should notify the City Clerk's Office at least 48 hours in advance of the meeting: 626-7132.

Assisted Listening System receivers are available for the hearing impaired, and can be obtained from the City Clerk.

If you wish to obtain information regarding the City Commission's Agenda, please call the City Clerk's Office: 626-7132.

We respectfully request that all pagers and cell phones be turned OFF during City Commission meetings.

Electronic Information! City Commission agendas and short form minutes are now available on the City's web page: www.deland.org.



The CITY OF DELAND
Volusia County, Florida

Certificate of Thanks & Appreciation

Presented to
Jennifer Wilder

Whereas, Jennifer was hired as the Director of the old Sanborn Center building in 2010 and was instrumental in assisting with the design of the current Wayne G. Sanborn Activity Center facility; and

Whereas, Lunch Bunch, Coffee and Calendars, crafting classes, Monday Senior Dance, and Wii Bowling are just a small sample of the 40 activities that she has created and implemented during her tenure; and

Whereas, Jennifer also handled Special Events at Earl Brown Park, revitalizing the Firecracker Festival and creating Shamrocks and Shenanigans, Movies in the Park, DeLand's first Food Truck Bazar, Concert Series Tasting Tunes, Bunny Picnic, Fall Hay Day, Breakfast with Santa, A Walk Through Christmas and the most recent incredibly successful Halloween Haunted Trail; and

Whereas, in addition to events and activities, the Sanborn Center is a popular rental facility for weddings, conferences and meetings, and Jennifer has assured that the guest experience was welcoming for all that walked through the doors; and

Whereas, for the last 15 years, Jennifer has committed her heart and soul to ensure that the Wayne G. Sanborn Activity Center was a tremendous success.

Now, therefore, I, Chris Cloudman, Mayor of the City of DeLand, and on behalf of the DeLand City Commission, do hereby tender this Certificate of Thanks & Appreciation to Jennifer Wilder on the occasion of her retirement after 15 years of service and call upon the citizens of this community to join me in recognizing her for a job well done.

Done and proclaimed this 21st day of April 2025.

Christopher M. Cloudman, Mayor

Attest:

Julie A. Hennessy, City Clerk - Auditor

CITY OF DELAND
Request for Commission Action
April 21, 2025

SUBJECT: Presentation re Employee Years of Service Award.

DEPARTMENT: Human Resources

PREPARED BY: Mark Hayward, HR Director

ATTACHMENTS:

APPROVED BY: Michael Pleus, City Manager, April 16, 2025

SUMMARY/HIGHLIGHT:

The City of DeLand is fortunate to have so many dedicated employees who have served the DeLand community for many years. To honor these outstanding employees, the City Commission presents them with a plaque.

15 Years of Service

Rick Hall, Parks and Recreation

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

N/A

SUSTAINABILITY:

N/A

FISCAL IMPACT:

None

RECOMMENDATION:

It is recommended the City Commission present the service award.

BACKGROUND/DISCUSSION:

N/A



The CITY OF DELAND

Volusia County, Florida

Proclamation

Whereas, Sexual Assault Awareness Month calls attention to the fact that sexual assault and sexual harassment have an impact on our community, and that national statistics show that one in five women and one in thirty-three men have been the victims of completed or attempted rape at some point in their lives; and

Whereas, during 2024, Family Life Center, as the certified Rape Crisis Center in Volusia County, provided 88 sexual assault related community education events, 474 hours of peer crisis counseling, answered 236 crisis helpline calls and provided 70 accompaniments to forensic exams; all providing support for survivors of sexual assault and their families living in Volusia County; and

Whereas, the “Start by Believing” public awareness campaign (a program of End Violence Against Women International) is designed to improve the responses of friends, family members, and community professionals, so they can help sexual assault victims access supportive resources and engage the criminal justice system; and

Whereas, the City of DeLand joins advocates and communities across the country, because we are strongest when we work together to address the root causes and social norms that allow sexual violence to exist; and

Whereas, the Victims Service Coalition of the Seventh Judicial Circuit Court, along with Family Life Center, is dedicated to strengthening victim support in the aftermath of a crime, building resilience in our communities and victim responders, and working for a better future for all victims and survivors.

*Now, therefore, I, Christopher M. Cloudman, Mayor of the City of DeLand, do hereby proclaim April 2025 as: **Sexual Assault Awareness Month** in the City of DeLand and urge all citizens of DeLand to support the “Start by Believing” public awareness campaign.*

Done and proclaimed this 21st day of April 2025.

Christopher M. Cloudman, Mayor

Attest:

Julie Hennessy, City Clerk-Auditor



The CITY OF DELAND

Volusia County, Florida

Proclamation

Whereas, residents and visitors alike enjoy our state's world-famous beaches, natural waterways, rivers, lakes, and manmade recreational water facilities, and swimming and aquatic-related activities play an important role in good physical and mental health while enhancing our quality of life; and

Whereas, drowning is the leading cause of unintentional death amongst children ages 1 through 4 in Florida, and most infant drownings occur in just a few inches of water

Whereas, it is important for everyone, including children, parents and caregivers, to be aware of water safety rules and programs to prevent drowning and recreational water-related injuries, and basic water safety includes installation of barriers and utilization of safety equipment such as emergency floatation devices; and

Whereas, Senate Bill 544 (2024) also known as the Swimming Lesson Voucher Program was approved by Governor DeSantis on April 15, 2024, to increase water safety and prevent drowning in Florida by providing free swimming lessons to eligible Florida Families; and

Now, therefore, I, Christopher M. Cloudman, Mayor of the City of DeLand, do hereby proclaim May 2025 as:

Water Safety Month

in the City of DeLand and urge all citizens of DeLand to help increase public awareness of measures which prevent water-related deaths and injuries, such as swimming lessons, CPR, and adult supervision.

Done and proclaimed this 21st day of April 2025.

Christopher M. Cloudman, Mayor

Attest:

Julie Hennessy, City Clerk - Auditor

CITY OF DELAND
Request for Commission Action
April 21, 2025

SUBJECT: Consideration re Utility Service Agreement and Fair Share Agreement for Edgewood Subdivision, Located at the Southwest Corner of the Intersection of West Beresford Avenue and Fatio Road.

DEPARTMENT: Utilities

PREPARED BY: Jim Ailes, Deputy Public Serv. Director/Utilities Director

ATTACHMENTS: USA 2025, FSA 2025

APPROVED BY: Michael Pleus, City Manager, April 16, 2025

SUMMARY/HIGHLIGHT:

The Edgewood subdivision project is located at the south west corner of the intersection of west Beresford Avenue and Fatio Road in the county. The proposed subdivision will equate to sixty-six (66) residential units. The attached Utility Service Agreement contains the usual terms and conditions required by the City for utility service. No reimbursement for oversizing of offsite utilities is provided. As is consistent with City policy, the developer has executed this agreement for the use and planned improvements to allow increased density in proportion to the capacity of such utilities used by the developer.

The project is also in the West Side Interceptor Force Main service area. Thus, as is consistent with City policy, the developer has executed a West Side Interceptor Force Main Concurrency and Fair Share Agreement which is intended to compensate the City for use of the West Side Interceptor Force Main in proportion to the capacity of that pipeline used by the developer.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government.

SUSTAINABILITY:

Infrastructure.

FISCAL IMPACT:

At buildout, the City will receive water and impact fees and ongoing utility revenue from the sixty-six (66) equivalent residential units constructed. In addition, the city will receive payment for the West Side Interceptor Fair Share contribution in the amount of \$59,334 (\$899 per unit x 66 units).

RECOMMENDATION:

Staff recommends that the City Commission approve the attached Utility Service and Fair Share Agreements for the Edgewood subdivision.

BACKGROUND/DISCUSSION:

N/A

**UTILITY SERVICE AGREEMENT
FOR
EDGEWOOD SUBDIVISION**

THIS AGREEMENT is entered into this ____ day of _____, 2025, between the City of DeLand (City) and TLC Edgewater, LLC (Developer) regarding utility service for the, Edgewood Subdivision project. In consideration of the mutual covenants and conditions in this Agreement, and subject to any necessary approval by any other governmental agency having jurisdiction, the parties agree as follows:

Section 1. City to furnish service. Upon the terms and conditions in this Agreement, and in accordance with the City's rules and regulations, the City shall provide and shall have the exclusive right to furnish potable water, domestic sewer and reuse irrigation services to the real property located on the South West corner of the intersection of West Beresford Ave and Fatio Rd, or 1626 W. Beresford Avenue DeLand, FL and described as:

TAX PARCEL NUMBERS

701900000570

19-17-30 A PORTION OF THE NW 1/4 OF THE NW 1/4 & THE ALL OF N 1/2 OF NW 1/4 OF SW 1/4 OF NW 1/4 AS DESCRIBED IN OR 5480 PG 1257 & OR 7382 PG 4077 & MEAS 593.28 FT ALONG BERESFORD AVE & 330.52 FT ALONG RIDGEWOOD AVE & 755.02 FT ALONG FATIO RD PER OR 8388 PGS 2537-2539

701900000540

19 17 30 S 600 FT OF W 363 FT OF E 1150 FT OF NW 1/4 OF NW 1/4 PER OR 4670 PGS 2389-2392 INC PER OR 5823 PGS 2813-2814 PER OR 8389 PG 1315

Section 2. Service conditioned on construction and acceptance of systems. No water, wastewater or reuse service shall be provided to any part of the property, and no connections to such systems shall be allowed, until the Developer has installed system facilities and improvements in accordance with approved plans and specifications and the City has accepted the conveyance of the systems in writing. The Developer shall apply in writing to the City Engineer for acceptance of the systems. Upon acceptance of the systems, all construction guarantees in favor of the City shall be released.

Section 3. Installation of improvements. The Developer shall install, at its own initial cost and expense (including engineering costs), all lines, pipes, manholes, lift stations, generators, RTU, machinery and other facilities which may be required on and off Developer's property to provide the buildings and occupants with water, wastewater or reuse service and to connect the property to existing City facilities and systems. Upon completion, all off-site and onsite utility improvements shall be conveyed and dedicated to the City. The improvements to be constructed by the Developer off the Developer's property (off-site improvements) shall include:

- Potable connection to existing Water Main with two stainless steel 10" X 10" X 8" tapping sleeves, two 8" Gate Valves and approximately 90 LF +/- of 8" HDPE or PVC piping.
- Sewer connection to existing Manhole with a 4" Core which will be booted and lined and approximately 475 LF +/- of 4" HDPE or PVC piping.

- All connections to City facilities shall be made at Developer's expense. All water meters 2" and smaller will be installed by the City at the Developer's expense. All onsite water and sewer improvements shall be conveyed and dedicated to the City.
- The reclaimed water mains, services and irrigation wells shall be installed by the developer and will remain privately owned, operated and maintained in perpetuity by the Developer or its assigns. The City will own and be responsible for the reclaim system only up to the point of and including the reclaimed water master meter once the system has expanded to this location and a connection can be provided. A connection will be required at that point by the HOA.
- Any other installations required in accordance with the plans and specifications for the subject development or which are otherwise required in accordance with sound utility engineering practices.

Section 4. Approval of design and plans. The design and construction of all facilities to be transferred to and owned and operated by the City shall be subject to prior approval by the City Engineer. The Developer's engineer shall incorporate all applicable standards and specifications of the City into the Developer's engineering design, plans and specifications. The City shall provide assistance to the Developer's engineers as to design and construction requirements and must approve all construction plans and specifications in writing prior to any construction being commenced. The Developer shall obtain all necessary state, county and local permits required for construction, acceptance and operation of the improvements.

Section 5. Access to construction; approval of work and materials. The City may inspect the construction to ensure compliance with the approved plans and specifications and shall retain the power of final approval of work and materials.

Section 6. Testing during and after construction. The Developer's engineer shall properly supervise construction and shall certify to the City Engineer that the systems are installed in accordance with the approved design plans and specifications. The Developer shall conduct at its own expense whatever tests are deemed by the City Engineer to be necessary and reasonable to ensure that the systems are being constructed in accordance with the approved engineering plans and specifications.

Section 7. Conveyance of easements and improvements. The Developer shall at its expense grant to the City adequate transferable easements for water, sewer and reuse lines, for access to lift stations and water stations and related appurtenances as may be deemed necessary by the City.

Section 8. Evidence of conveyance of facilities. By this Agreement Developer hereby transfers to the City the title to the water, wastewater and reuse systems, facilities and improvements to be installed pursuant to this Agreement, effective without further action upon the completion and acceptance by the City of the installation of those systems. As further evidence of this transfer of title, the Developer shall provide to the City a copy of the recorded plat, if any; a bill of sale for the facilities; written easements; deeds to the land on which lift stations, water stations or similar facilities are located; and other evidences of conveyance required by the City.

Section 9. Additional documents to be provided before acceptance of facilities. In addition to the documents of title listed in the previous paragraph, the Developer shall provide to the City the following documents prior to acceptance of the facilities: As-built drawings of utility improvements, (one hard copy signed and sealed, one PDF and one AUTOCAD delivered on a USB drive) furnished one week prior to final inspection; an accounting of the actual costs (schedule of values) for on-site and off-site construction; letters of acceptance from the appropriate regulatory agency for the systems; certification by the design engineer that the system was

constructed as designed; and right-of-way use permits and other permits and licenses obtained from applicable government agencies.

Section 10. Uninterrupted supply not guaranteed. The City does not guarantee an uninterrupted supply of water or reuse at any particular pressure, nor does it assume any duty or obligation to furnish water for extinguishing fires. The City reserves the right to shut off the water in its mains temporarily for necessary purposes. The City shall not be responsible for any damage caused by low pressure, interruption of service or variations in water quality or content.

Section 11. Connections subject to rates and fees. All connections to the water, wastewater and reuse systems shall be subject to the continuing operating rules and regulations of the City including, without limitation, the periodic payment of water, wastewater and reuse charges and fees as provided in the City's rate schedule, and payment of all deposits, meter charges and other fees, rates and charges, including development fees. The rates charged by the City for water, sewer, or reuse service shall be in accordance with its rate schedule, which shall be subject to change from time to time.

Section 12. Reimbursement for oversizing of off-site improvements. This Section Not Used

Section 13. Surcharge for non-domestic waste. The terms wastewater or sanitary sewage used in this agreement are meant to include only human waste, including liquids and solid matter carried from plumbing fixtures normally carried off by drains and sewers, and, except where specifically excluded, bath and toilet wastes, laundry wastes, kitchen wastes and other similar wastes. This service agreement, and any charges contained in this agreement, is based on normal domestic sewage, defined herein as containing not more than two hundred (200) parts per million biochemical oxygen demand or two hundred (200) parts per million suspended solids. Whenever water which contains more than these amounts is to be admitted to the sewers the City and all other pollution control agencies must specifically agree to the connection and an additional charge shall be imposed in accordance with City regulations.

Section 14. Developer to obtain permits. The Developer shall obtain all governmental approvals, licenses and permits necessary for the design, routing, construction, connection and use of the water, wastewater and reuse systems to be installed under this agreement. The City shall render assistance to the Developer in obtaining these approvals, licenses and permits.

Section 15. Service of other properties. The City reserves the right to service other properties through the facilities conveyed by the Developer, and nothing in this Agreement shall be deemed to prohibit or prevent the City from extending its water, wastewater or reuse facilities to any other area.

Section 16. Default by Developer. The Developer's failure to carry out any provision in this agreement shall relieve the City from its obligation to provide water, wastewater or reuse service to the property.

Section 17. Covenant to support annexation. As a condition of supplying potable water, sanitary sewer or reuse service to the proposed, Edgewood Subdivision, Developer agrees to sign a covenant to support annexation to the City of DeLand. This covenant shall be recorded and shall be binding upon all successors and assigns.

Section 18. Entire Agreement; amendment. It is expressly agreed and understood that this is the entire Agreement between the Developer and the City, and that there are no other written or verbal agreements applicable to the subject of this Agreement between the Developer and the City.

This Agreement may be amended and modified from time to time by written agreement of the parties.

Section 19. Miscellaneous.

A. Successors. This Agreement shall be binding on the parties hereto, their heirs, administrators, executors, successors in interest and assigns.

B. Binding Nature and Covenants Running with the Land. The provisions of this Agreement shall be binding upon the parties hereto, and upon all successors in interest in the subject real property. And further, the provisions of this Agreement shall constitute covenants running with the land applicable to all of the subject real property comprising the Project.

C. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original but all of which together shall constitute one and the same instrument. The delivery by email copy of an executed copy of this Agreement shall be deemed valid as if an original signature was delivered.

D. Governing Law; Venue. This Agreement shall be construed and interpreted according to the laws of the State of Florida, and all duly adopted ordinances, regulations, and policies of the City now in effect and those hereinafter adopted. The location for settlement of any and all claims, controversies, or disputes, arising out of or relating to any part of this Agreement, or any breach hereof, shall be Volusia County, Florida.

E. Severability. If any word, phrase, sentence, paragraph or other portion of this Agreement is finally determined by a court of competent jurisdiction to be void or unenforceable then such word, phrase, sentence, paragraph or other portion shall be severed from this Agreement and the balance shall remain in full force and effect to the greatest extent permitted by law.

F. Effective Date. The effective date of this agreement shall be the date that it is last executed by a party as set forth below.

TLC Edgewater, LLC

Name: Andrew Orosz
Title: Vice President

ATTEST:
Name: Josel Lomas

Witness

Joseph Sambucetti / Michael C. Bruno
Witness

CITY OF DELAND

Christopher M. Cloudman
Mayor

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Witness

Witness

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2025 by Christopher M. Cloudman, Mayor-Commissioner of the City of DeLand, Florida who is ☐ personally known to me or ☐ who has produced, _____ as identification

Notary Public - State of Florida

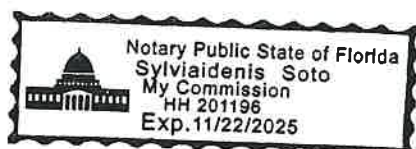
Name: _____
My Commission expires: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 27th day of March, 2025 by Andrew Orosz, the VP of TLC Edgewater, LLC who is ☒ personally known to me or ☐ who has produced, _____ as identification.

Notary Public - State of Florida

Name: Sylviaidenis Soto
My Commission expires: 11/22/2025



DEVELOPMENT TEAM:

DEVELOPER

TLC EDGEWATER, LLC
605 COMMONWEALTH AVENUE
ORLANDO, FLORIDA 32803
PHONE: (407) 625 4747

SURVEYOR

JONES WOOD & GENTRY, INC.
9645 EAST COLONIAL DRIVE
SUITE 114
ORLANDO, FLORIDA 32817
PHONE: (407) 898 -7780

ENGINEER

KELLY, COLLINS & GENTRY, INC.
1700 NORTH ORANGE AVENUE,
SUITE 400
ORLANDO, FLORIDA 32804
PHONE: (407) 898-7858
FAX: (407) 898-1488

GEOTECHNICAL ENGINEER

GEOTECHNICAL & ENVIRONMENTAL CONSULTANTS, INC.
919 LAKE BALDWIN LANE,
ORLANDO, FL 32814
PHONE: (407) 898-1818

UTILITIES:

WATER & SEWER

CITY OF DELAND
1101 SOUTH AMELIA AVENUE,
DELAND, FLORIDA 32724
PHONE: (386) 626-7250

RECLAIM WATER

CITY OF DELAND
1101 SOUTH AMELIA AVENUE,
DELAND, FLORIDA 32724
PHONE: (386) 626-7250

**WESTSIDE INTERCEPTOR FORCE MAIN
CONCURRENCY AND FAIR SHARE AGREEMENT
FOR
EDGEWOOD SUBDIVISION**

This Westside Interceptor Force Main Concurrency and Fair Share Agreement (the "Agreement") is made and entered into this ____ day of _____, 2025, by and between the City of DeLand, Florida, a Chartered Florida Municipality located in Volusia County, Florida, ("City") and TLC Edgewater LLC with its principal office located at 605 Commonwealth Avenue, Orlando Fl, 32803 ("Developer").

Tax Parcel ID. Numbers:

701900000570

19-17-30 A PORTION OF THE NW 1/4 OF THE NW 1/4 & THE ALL OF N 1/2 OF NW 1/4 OF SW 1/4 OF NW 1/4 AS DESCRIBED IN OR 5480 PG 1257 & OR 7382 PG 4077 & MEAS 593.28 FT ALONG BERESFORD AVE & 330.52 FT ALONG RIDGEWOOD AVE & 755.02 FT ALONG FATIO RD PER OR 8388 PGS 2537-2539

701900000540

19 17 30 S 600 FT OF W 363 FT OF E 1150 FT OF NW 1/4 OF NW 1/4 PER OR 4670 PGS 2389-2392 INC PER OR 5823 PGS 2813-2814 PER OR 8389 PG 1315

RECITALS

WHEREAS, attached to this Concurrency and Fair Share Agreement ("Agreement"), are exhibits describing in greater detail the parties hereto, real property, Westside Force Main and Master Pump Station Impact Fee Surcharge Study and the sanitary sewer utility improvements which are referenced throughout this Agreement. The parties agree that all attached exhibits have been reviewed by the parties and their respective professional consultants, and all information set forth or otherwise referenced therein is deemed incorporated herein by reference; and

WHEREAS, unless otherwise stated, the Developer is the owner of the real property described in the attached Exhibit "A." Developer desires to permit, develop and, if appropriate, plat the real property for an approximately 28.56-acre single-family subdivision (EDGEWOOD SUBDIVISION); and, in addition to other requirements, is seeking to comply with the City's concurrency requirements for wastewater utilities; and

WHEREAS, the City would not have sufficient wastewater transmission lines in the vicinity of the Project without the installation of the Westside Interceptor Force Main such that the Project could not be built without the Westside Interceptor Force Main; and

WHEREAS, the Westside Interceptor Force Main, as more particularly described in the attached Exhibits, is required in order for the Project to meet minimum concurrency requirements for wastewater to support the proposed Project; and

WHEREAS, it would not be feasible for the Developer to install the entire Westside Interceptor Force Main at its sole expense; and

WHEREAS, the Westside Interceptor Force Main will provide sanitary sewer transmission capacity to other developments in the vicinity of the Project such that it is more practical and fair that the City install the Westside Interceptor Force Main and collect from the Developer only its fair share cost of the said Westside Interceptor Force Main; and

WHEREAS, the City is desirous of including the Concurrency Improvements described below in the City's Comprehensive Plan Capital Improvement Element in the next annual amendment; and

WHEREAS, the City and the Developer desire to enter into this Agreement in order to utilize the provisions of Section 163.3180(11) Florida Statutes (2005) to implement the "fair share" process.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the City and Developer, hereby agree as follows:

1. **Incorporation of Recitals.** The presumptions and facts stated above in the recitals are incorporated by reference herein and deemed by the parties to be true, correct and constitute a material part of this Agreement.
2. **Construction.** The City agrees to construct, or to have constructed, the Westside Interceptor Force Main in accordance with the plans and specifications for the said project, which plans may be amended from time to time in the normal course of construction. Construction of the Westside Interceptor Force Main will commence and be complete to meet concurrency requirements, unless delay is caused for reasons outside of City's control, in which case construction will commence or recommence as soon as is reasonably practical. For purposes of this Agreement, "reasons outside of City's control" shall mean: delays or stoppage caused by acts of God, war, inability to obtain labor or materials or reasonable substitutes therefore, inability to receive governmental permits and approvals newly enacted governmental regulations or controls, the application of existing regulations or controls in a manner which City could not have foreseen or other similar matters or causes.
3. **Payment of Fair Share Assessment Amount.** In connection with the City's construction of the Westside Interceptor Force Main and as a requirement for receiving preliminary plat approval for the Project(s), Developer shall pay to the City a fair share assessment, ("Fair Share Payment"). The Fair Share Payment shall be an amount determined by multiplying the number of lots/units in the subdivision or equivalent residential units for a non-residential project times \$899.00 which is the per residential dwelling unit determined by the Westside Force Main and Master Pump Impact Fee Surcharge Study attached hereto as Exhibit "B". For this project, the number of equivalent residential units is mutually agreed

to be 66. The Developer shall be required to make payment for the total amount of its Fair Share Payment at the time of approval of the preliminary plat or site plan for the Project, and must be received by the City prior to issuance of any development permits by the City. The requirement to make the Fair Share Payment shall be deemed to be a condition of approval of the preliminary plat or site plan for the project, regardless of whether any resolution or other action of the City evidencing approval of the preliminary plat or site plan specifically references such condition. In the event that the actual number of lots approved by way of approval of the final plat exceeds those approved in preliminary plat, then Developer shall pay, as a condition of approval of the final plat, the additional fee for those lots, or be entitled to a refund, as the case may be.

4. **Vested Rights in Wastewater Concurrency.** The City agrees that by paying the City the Fair Share Payment, and by receiving a Development Order for the Project, Developer will be deemed to have satisfied the City's wastewater concurrency requirements for the Project and that the Project shall be fully vested with wastewater concurrency for purposes of development and related Project construction, subject only to the requirement to pay sewer impact fees which become due and payable in accordance with the City's wastewater impact fee ordinance, as the same may be amended from time to time.
5. **No Entitlement to Impact Fee Credits.** Nothing herein is intended to entitle the Developer to any credit toward, or to otherwise reduce its obligation to pay sewer impact fees pursuant to the City's sewer impact fee ordinance, as the same may be amended from time to time.
6. **Miscellaneous.**
 - A. **Attorney's Fees.** In the event of litigation to enforce the terms of this Agreement, the prevailing party shall be entitled to collect from the other party reasonable attorney's fees and costs of suit.
 - B. **Venue and Choice of Law.** In the event of litigation regarding the terms of this Agreement or documents executed as a result of this Agreement, venue of the action shall be in Volusia County and Florida law shall apply. Trial shall be non-jury for any issues subject to trial.
 - C. **Waiver.** The waiver by a party of any terms or conditions of this Agreement or any breach hereof shall not constitute a waiver of any other term or condition or any subsequent breach of this Agreement.
 - D. **Successors.** This Agreement shall be binding on the parties hereto, their heirs, administrators, executors, successors in interest and assigns.
 - E. **Construction of Contract.** The parties hereto agree that they have all participated in the drafting of this Agreement. Therefore, the presumption that any ambiguity or vagueness in the construction of this Agreement shall be construed against the drafter shall not apply. The terms and provisions of the Agreement shall be applied equally to each

party and the interpretation of the Agreement shall be guided by the express intent of the parties as determined by the overall effect of the provisions herein.

G. Amendments. Amendment to this Agreement shall not be effective unless in writing and signed by all record title property owners of the land for which the amendment is to be applied (but excluding the record title property owners for land that is unaffected by the amendment), and the City. Before amending this Agreement, the City shall conduct at least one public hearing. At the City's option, one of these public hearings may be held by the City Planning Board.

i. Notice of intent to consider an amendment to this Agreement shall be published by the City at the Developer's expense in a newspaper of general circulation and readership in Volusia County, Florida.

ii. If applicable, notice of intent to consider an amendment shall comply with the requirements of Section 166.041(3)(c), Florida Statutes (2005), as amended from time to time.

iii. Notices of intent to consider an amendment shall specify the location of the Property subject to the proposed amendment, the nature of the proposed amendment and such other information as the City Staff shall reasonably deem pertinent and appropriate.

iv. All notices shall specify a place where a copy of the proposed amendment can be obtained.

H. Conflicts. Developer agrees to be bound by all City codes and ordinances that are not in conflict with the provisions of this Agreement.

I. Recording. This Agreement shall be recorded by the City in the Public Records of Volusia County, Florida.

J. Binding Nature and Covenants Running With the Land. The provisions of this Agreement shall be binding upon the parties hereto, and upon all successors in interest in the subject real property. And further, the provisions of this Agreement shall constitute covenants running with the land applicable to all of the subject real property comprising the Project.

K. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original but all of which together shall constitute one and the same instrument. The delivery by facsimile of an executed copy of this Agreement shall be deemed valid as if an original signature was delivered.

IN WITNESS WHEREOF, the parties affix their signatures and seals on the dates set forth below:

WITNESSES:

CITY OF DELAND, a Florida
Municipal Corporation

Printed Name: _____

Printed Name: _____
Christopher M. Cloudman, Mayor

Printed Name: _____

Printed Name: _____

Attest: _____
Julie A. Hennessey, City Clerk

Printed Name: _____

Date: _____

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2025, by Christopher M. Cloudman and Julie A. Hennessey, as Mayor and City Clerk, respectively, of the City of DeLand, a Florida municipality, on behalf of the City. They are personally known to me or have produced as _____ identification.

Notary Public, State of Florida at Large Commission Number

WITNESSES:

Printed Name: Jason Lanna

Printed Name: Joseph J. J. J. J.

Printed Name: Michael C. Brown

Printed Name: TAN TRAN

TLC Edgewater LLC

By: Andrew Crockett / VP

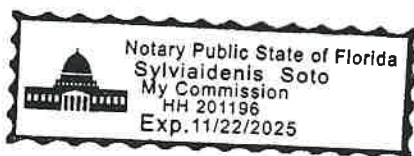
Attest: Scott Hoopes
Name/Title: Scott Hoopes V.P. of Finance

Date: 3/27/25

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 27th day of March, 2025, by Andrew Crockett and Scott Hoopes, in their respective official capacities as Vice president and Vice president, respectively, on behalf of TLC Edgewater, a Florida LLC. They are ☒ personally known to me, or ☐ have produced _____ as identification.

NOTARY PUBLIC:
Sylvia Soto
Notary Public, State of Florida at Large
Seal, Term Expiration and Commission Number



CITY OF DELAND
Request for Commission Action
April 21, 2025

SUBJECT: Consideration re JL2 Architecture Design Services, Jackson Lane Memorial Park Restroom and Pavilion Addition.

DEPARTMENT: Engineering

PREPARED BY: Ray Bahrami, City Engineer

ATTACHMENTS: JL2 Design Services

APPROVED BY: Michael Pleus, City Manager, April 16, 2025

SUMMARY/HIGHLIGHT:

The Jackson Lane Park was the recipient of a new playground by way of Echo funds of which was opened to the public in July of 2023. The new playground has since become a very popular and well-attended facility. As the community has enjoyed the new playground, and due to the increased attendance, the consistent request has been for restrooms and a pavilion to hold small events such as birthday parties. With the recent surplus of CBDG funds, it was decided that the Restroom and Pavilion would be the good use of the available funds and would benefit those using the Playground.

The subject task assignment will provide Architectural, Mechanical, Electrical, Plumbing, Fire Protection, Structural, and Surveying services for design, bidding, and construction administration phases of this project. It includes addition of a restroom and a 24'x24' pavilion. The Civil Engineering services will be performed by the City Engineering Department in order to save cost of hiring a consultant to provide construction plans and obtain Site Improvements permit from the city.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Sustainability.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

CDBG fund is going to provide \$102,642.50 for design and construction of this project. The balance of construction funding once bid can be funded from the capital reserve.

RECOMMENDATION:

Staff recommends that the City Commission approve JL2 professional design services for Jackson Lane Memorial Park restroom and pavilion addition, in the amount of \$29,913.00.

BACKGROUND/DISCUSSION:

N/A

Proposal for Professional Design Services

February 22, 2025

Mr. Ray Bahrami, PE
Deputy Public Services Director
City of DeLand
1102 S Garfield Ave
DeLand, FL 32724

Re: Proposal for Professional Design Services
City of DeLand—Jackson Lane Park Pavillion

Commission No. 2025-P004

Dear Mr. Bahrami:

jl2 Architecture appreciates the opportunity to submit our proposal for Professional Architectural & Engineering Services on the above referenced project for your consideration. The scope of work and compensation for the project is described as:

I. Description of Project Scope Items included:

A. The City of DeLand is constructing a wood frame pavilion with restrooms at Jackson Lane Park in DeLand, FL. Below is a detailed breakdown of the proposed design scope of work:

1. Surveying.
2. Architectural / Structural / MEPF & Security construction documents.
3. Permit coordination.
4. Cost Estimates.
5. Construction Administration

II. Design Disciplines included:

A. Design services for the project include the following disciplines:

1. Architectural / jl2 Architecture
2. MEPF, Security / TLC Engineering
3. Structural Engineering / BBM Structural
4. KMI / Estimating

III. We understand that the final schedule is yet to be determined and will be finalized by the City. We have listed below a draft schedule for the jl2 team's scope of work. Description of Design Phases and Draft Milestone Schedule included (billing will occur monthly & be based on the percentage of work performed at that time):

A. Phases and Deliverables for this proposal include:

1. Conceptual Design—**2 weeks**
**includes document page turn with owner*
2. 100% Construction Documents—**3 weeks**
**includes 1 week owner review period*
3. Permitting—**Estimated at 4 weeks (pending AHJ/Owner timing)**
4. Construction Administration—**8 weeks (estimated)**

IV. Design Services Exclusions & Clarifications:

A. Items not listed in the Scope of Work and Design Services above & listed below are not included in this proposal:

1. Administration of the bidding process is not included.
2. City of DeLand to provide all existing facility documents available.
3. Totals include all printing and other expenses required to complete scope of work listed above.
4. All documents other than one's required for jurisdictional permitting will be submitted to the City electronically.
5. Civil, Environmental and Landscape is by owner.

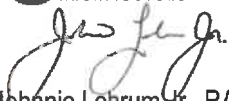
V. Compensation for Architectural / Engineering Services:

For the scope listed above, we propose a fixed lump sum fee of \$29,913.00 (Twenty-Nine Thousand Nine Hundred Thirteen Dollars). *See Exhibit A for hourly breakdowns.

We hope this proposal meets with your approval and we are available to discuss with you or your staff any aspect of the information contained herein. jl2 Architecture is prepared to initiate start-up immediately at the direction of the City of DeLand and we are committed to servicing you with our fullest capabilities. We look forward to hearing from you soon.

Sincerely,




Johnnie Lohrum Jr., RA
President

Attest:

Printed Name: _____

Title: _____

JL2 Architecture

By: _____

Printed Name: JOHNNIE LOHEAN JR

Title: PRESIDENT

ATTEST:

Julie A. Hennessy, MMC

City Clerk- Auditor

CITY OF DELAND

By: _____

Christopher M. Cloudman,
Commissioner-Mayor

Date: _____

City of DeLand-JL Park Pavillion--Fee/Hourly Breakdown						
ARCHITECTURAL						
February 22, 2025						
	170	170	130	170	160	95
	Project Architect	Int. Designer	Cad Designer	Spec. Writer	Const. Admin.	Admin.
Schematic Phase- 30%						
Prepare schematic drawings	2		8			
Internal Team Review-weekly meetings						
Code analysis						
Consultant document coordination						
Site master plan development						
Meetings with staff						
Subtotal hours	2	0	8	0	0	0
Subtotal fees	340	0	1040	0	0	0
Construction Document Phase/Permitting-100%						
Incorporate owner SD comments	2					
Internal Team Review-weekly meetings	2					
Consultant coordination	4					
Prepare Construction Document package	8		16			
Final specification preparation	4					
Meetings with staff	4					
Permitting	4					
Permit submittal-print, sign/seal, post	2					
Respond to contractor RFIs	2					
Subtotal hours	32	0	16	0	0	0
Subtotal fees	5440	0	2080	0	0	0
Construction Administration						
Respond RFIs	2					
Review Submittals/Shops	2				4	
Site Visits	2				4	
Punch list	2				2	
Project Closeout					2	
Subtotal hours	8	0	0	0	12	0
Subtotal fees	1360	0	0	0	1920	0
TOTAL HOURS						
	42	0	24	0	12	0
TOTAL FEES						
	7140	0	3120	0	1920	0

ARCHITECTURAL TOTAL FEES													12,180
SURVEYING													
													1,200
ESTIMATING													
													5,000
MEPF													
MEPF(See attached breakdown)													6,750
Structural													
Structural(See attached breakdown)													4,783
TOTAL PROJECT FEES													29,913

City of DeLand-Jackson Lane Memorial Park Restroom-Fee/Hourly Breakdown							
MEP Engineering							
February 22, 2025							
	170	170	130	170	160	95	
	Project		Cad	Spec	Const.	Admin.	
	Eng	Engineer	Designer	Writer	Admin.		
Schematic Phase- 30%							
Prepare schematic drawings	1	1	1				
Team Review-weekly meetings	1	1	1				
Code analysis							
Print and Issue Redline Review sets	1	1	1				
Specifications TOC				1			
Develop cost estimate							
Meetings with staff							
Subtotal hours	3	3	3	1	0	0	Total
Subtotal fees	510	510	390	170	0	0	1580
Construction Document Phase- 100%							
Incorporate owner 90% CD comments	5	5	5				
Team meetings - weekly							
Prepare construction document package							
Final Specification preparation	2	2	2				
Print and Issue Redline Review sets							
Meetings with staff							
Subtotal hours	7	7	7	0	0	0	Total
Subtotal fees	1190	1190	910	0	0	0	3290
Construction Administration Phase							
Pre-construction Meeting							
Review RFI's/Submittals	3	2	1			2.3	
Substantial punchlist							
Final punchlist	2	2					
Prepare record documents							
Subtotal hours	5	4	1	0	0	2.316	Total
Subtotal fees	850	680	130	0	0	220.02	1880
TOTAL HOURS	15	14	11	1	0	2.316	
TOTAL FEES	2550	2380	1430	170	0	220.02	
MEP Engineering TOTAL FEES							6750

City of DeLand - Jackson Lane Memorial Park Restroom -- Fee/Hourly Breakdown							
STRUCTURAL - BBM Structural							
February 25, 2025							
	184	153	127		137	68	
	Project	Project	BIM		Const.	Admin.	
	Mgr.	Engineer	Tech.		Admin.		
Schematic Phase- 30%							
Prepare schematic drawings		2	3				
Team Review-weekly meetings							
Code analysis	1						
Specifications TOC						1	
Develop cost estimate							
Meetings with staff							
Subtotal hours	1	2	3	0	0	1	Total
Subtotal fees	184	306	381	0	0	68	939
Construction Document Phase- 100%							
Incorporate owner 90% CD comments							
Team meetings - weekly							
Consultant coordination	3						
Prepare construction document package		6	9				
Final Specification preparation					1	2	
Print and Issue Redline Review sets							
Meetings with staff							
Subtotal hours	3	6	9	0	1	2	Total
Subtotal fees	552	918	1143	0	137	136	2886
Construction Administration Phase							
Pre-construction Meeting							
Review RFI's/Submittals					6	2	
Review RCO's							
Substantial punchlist							
Final punchlist							
Prepare record documents							
Subtotal hours	0	0	0	0	6	2	Total
Subtotal fees	0	0	0	0	822	136	958
TOTAL HOURS	4	8	12	0	7	5	
TOTAL FEES	736	1224	1524	0	959	340	
TOTAL FEES							4783

CITY OF DELAND
Request for Commission Action
April 21, 2025

SUBJECT: Continuation of Second Reading of Ordinance Abandoning 0.198 Acre of Right-of-Way of Church Street, North of Lots 1-7 of the Delmay Subdivision Plat (Continue to May 5, 2025 Meeting).

DEPARTMENT: Planning

PREPARED BY: Carol Kuhn, Planning Director

ATTACHMENTS: Continuation Memo, Ordinance, Exhibit A, A25-003 Aerial, A25-003 Zoning, Map of incorporated City of DeLand, Delmay Subdivision Plat Map, Proposed Project Survey, No Objection letter from AT&T, No Objection letter from Charter Communications, No Objection letter from City of DeLand, No Objection letter from Duke Energy, No Objection letter from FL Gas Transmission Co, No Objection letter from FPU

APPROVED BY: Michael Pleus, City Manager, April 16, 2025

SUMMARY/HIGHLIGHT:

The applicant, Mark Watts of CobbCole, is seeking to vacate a portion of the Church Street right-of-way, lying north of lots 1-7 of the Delmay Subdivision. The vacation of the right-of-way will allow additional area for future development. The right-of-way being abandoned is 350' in length and 25' in width.

On March 17, 2025, the City Commission voted to continue the abandonment of Church Street until the April 7, 2025, City Commission meeting.

On April 7, 2025, the City Commission voted unanimously to approve the abandonment.

Staff reached out to the adjacent Wesleyan Church and one of the neighbors regarding their concerns about the vacation of right-of-way. Staff has not yet been able to meet with the neighbor. However, staff did speak with the church pastor. The pastor raised concerns regarding the existing food pantry operations that take place along the southern portion of the church property, adjacent to the proposed townhome development. His concerns included the potential impact on the new residential development, such as the vehicle queuing, noise, and foot traffic associated with the weekly food pantry operations. Based on staff research, the north 25-feet of Church Street was not dedicated, as the Wesleyan Church property was part of the original City of DeLand corporate boundary plat. The property to the south is part of the Delmay Subdivision, and at the time of subdivision, 25-feet of right-of-way was dedicated. Lots 1-7 and a portion of Lots 22-24 of the Delmay Subdivision were reconfigured into three parcels. The pastor was hopeful that the adjacent 25-feet of Church Street would be cleared for the benefit of the church and food pantry visitors. However, as mentioned, the northern portion of the Church Street right-of-way was never platted.

Staff has not received any other comments from the mailed notice, and the following utility providers provided letters of no-objection:

AT&T

Charter Communications

City of DeLand

Duke Energy

FL Gas Transmission Co.

Florida Public Utilities

Staff is requesting to continue the second reading from the April 21, 2025, City Commission meeting, to the May 5, 2025, City Commission meeting to allow for proper noticing.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Institute Smart Growth Principles.

SUSTAINABILITY:

NA

FISCAL IMPACT:

There is no direct fiscal impact to the City by the abandonment of the right-of-way.

RECOMMENDATION:

Requested to continue to the May 5, 2025, City Commission meeting.

BACKGROUND/DISCUSSION:

This is a request for vacation of a 25' wide, 350' long section of the Church Street right-of-way, located north of lots 1-7 of the Delmay Subdivision and south of the Wesleyan Church campus. This request is being made with the intention of developing the southern parcels (lots 1-7) in the future.

The Church Street right-of-way section being requested to be vacated is currently an unimproved right-of-way and is not encumbered by any public or private utilities.



Planning Department

Memorandum

TO: City Commission

DATE: April 21, 2025

FROM: Kendall Story, CNU-A

SUBJECT: Request to Continue Second Reading of Ordinance Abandoning 0.198 Acres of Right-of-Way of Church Street, North of Lots 1-7 of the Delmay Subdivision.

Staff requests to continue the above-referenced application from the April 21, 2025, City Commission meeting to the May 5, 2025, City Commission meeting.

ORDINANCE NO. 2025 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, ABANDONING A PORTION OF THE CHURCH STREET RIGHT-OF-WAY, CONSISTING OF +/- 0.198 ACRES, LOCATED NORTH OF LOTS 1 THROUGH 7 OF THE DELMAY SUBDIVISION AND SOUTH OF THE WESLEYAN CHURCH CAMPUS; AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the applicant, Mark Watts, Esq., of CobbCole has requested approval of the abandonment of a portion of the Church Street right-of-way, consisting of +/- 0.198 acres, located north of lots 1-7 of the Delmay Subdivision and south of the Wesleyan Church campus, and more particularly described in the attached Exhibit "A"; and

WHEREAS, the requested abandonment of the right-of-way is consistent with the transportation element of the City's Comprehensive Plan; and

WHEREAS, the requested abandonment of this portion of the right-of-way will not restrict access to any property, will not be harmful to the public interest, and provides a positive benefit to the City.

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

Section 1. The 0.198 acres of the Church Street right-of way, located north of lots 1-7 of the Delmay Subdivision and south of the Wesleyan Church campus and described in the attached Exhibit A, is hereby abandoned, and any right, title, or interest of the public in and to the right-of-way on any recorded map or plat, is hereby renounced and disclaimed.

Section 2. The effect of this Ordinance is to abandon +/- 0.198 acres of the Church Street right-of way right-of-way described above, and to renounce and disclaim any right, title, or interest of the public in and to the said right-of-way.

Section 3. The City Clerk-Auditor is hereby directed to have recorded in the public records of Volusia County, Florida, a certified copy of this Ordinance.

Section 4. 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 5. All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this ____ day of _____, 2025.

Christopher M. Cloudman
Mayor-Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

Sketch of Description

Legal Description:

THAT PORTION OF CHURCH STREET LYING NORTH OF AND ADJACENT TO LOTS 1 THROUGH 7, DELMAY SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 8, PAGE 74, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

CONTAINING 8,620.16 SQ. FT. OR 0.198 ACRES ±.

SAID LAND SITUATED, LYING AND BEING IN VOLUSIA COUNTY, FL.

THE INTENT OF THIS DESCRIPTION IS TO VACATE A PORTION OF CHURCH STREET.

This is NOT a Survey.

This is ONLY a Description.

This Sketch and Description consist of two sheets and is not full and or complete without both sheets.

Sketch Date: 02-05-25

Drawn By: AWW

Approved By: PKI

Field: N/A

Sketch and Description Certified To:

COBB COLE ATTORNEYS AT LAW

*Ireland & Associates
Surveying, Inc.*

800 Currency Circle Suite 1020

Lake Mary, Florida 32746

www.irelandsurveying.com

Office-407.678.3366 Fax-407.320.8165

-Notes-

- >Sketch is Based upon the Legal Description Supplied by Client.
- >Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus.
- >Subject to any Easements and/or Restrictions of Record.
- >Bearing Basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB".
- >Building Ties are NOT to be used to reconstruct Property Lines.
- >Fence Ownership is NOT determined.
- >Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.
- >Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies.
- >Use of This Sketch for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be Construed to Give ANY Rights or Benefits to Anyone Other than those Certified.

-Legend-

C	- Calculated	PC	- Point of Curvature
CL	- Centerline	Pg	- Page
CB	- Concrete Block	PI	- Point of Intersection
CM	- Concrete Monument	P.O.B.	- Point of Beginning
Conc.	- Concrete	P.O.L.	- Point on Line
D	- Description	PP	- Power Pole
DE	- Drainage Easement	PRM	- Permanent Reference Monument
Esmt.	- Easement	PT	- Point of Tangency
F.E.M.A.	- Federal Emergency Management Agency	R	- Radius
FFE	- Finished Floor Elevation	Rad.	- Radial
Fnd.	- Found	R&C	- Rebar & Cap
IP	- Iron Pipe	Rec.	- Recovered
L	- Length (Arc)	Rfd.	- Roofed
M	- Measured	Set	- Set 1/2" Rebar & Cap "LB 7623"
N&D	- Nail & Disk	Typ.	- Typical
N.R.	- Non-Radial	UE	- Utility Easement
ORB	- Official Records Book	WM	- Water Meter
P	- Plat	Δ	- Delta (Central Angle)
P.B.	- Plat Book	-X-	- Chain Link Fence
-C-	- Wood Fence		

I hereby Certify that this Sketch and Description of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Date Shown, Based on Information furnished to Me as Noted and Conforms to the Standards of Practice for Land Surveying in the State of Florida in accordance with Chapter 5J-17.052 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.

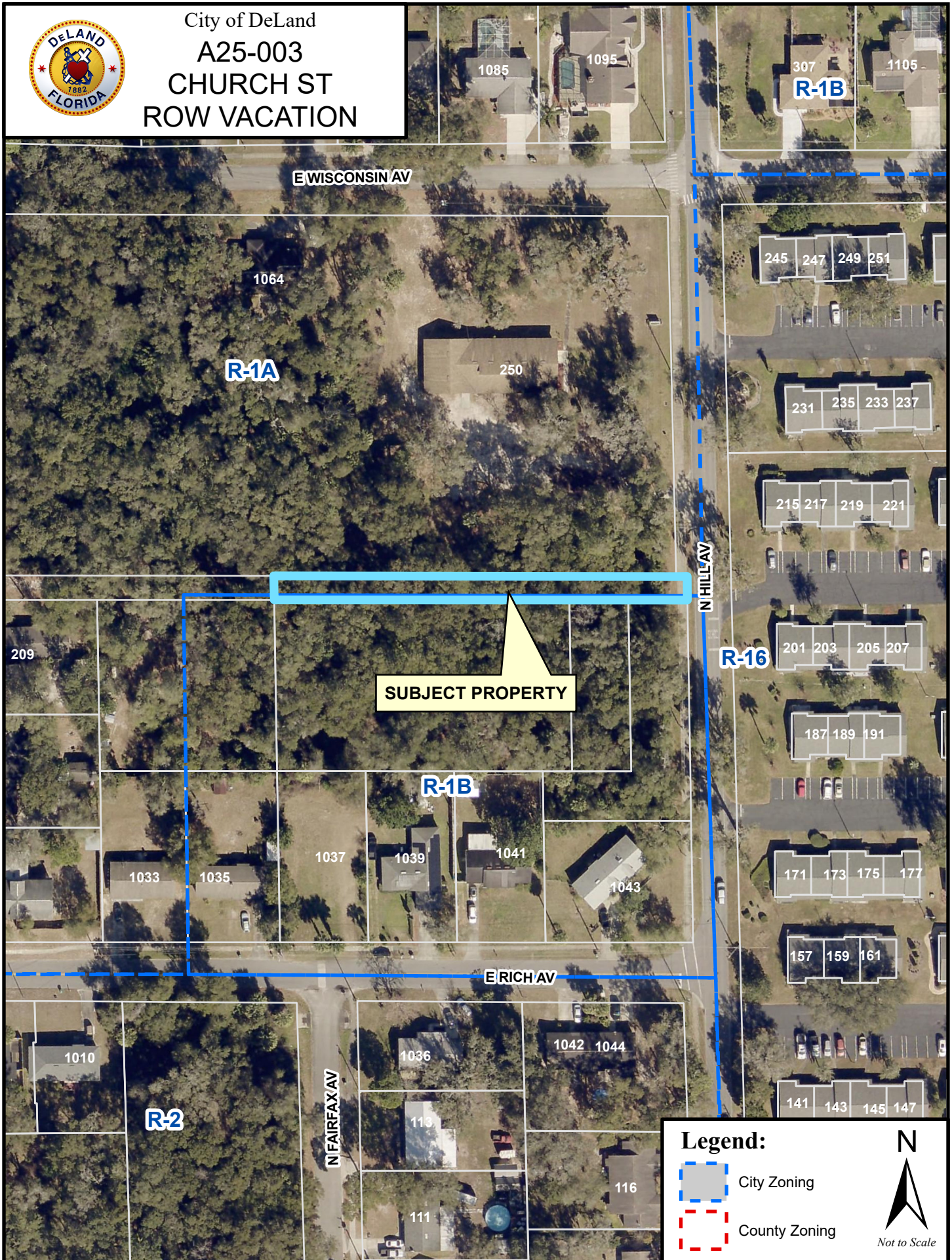
Patrick K. Ireland
Patrick K. Ireland, R.S.M. 6637, LB 7623
Date Signed: 02-05-25

This Sketch is intended ONLY for the use of Said Certified Parties.
This Sketch NOT VALID UNLESS Signed and Embossed with Surveyor's Seal.
File No. IS-125850

Page 35 of 234

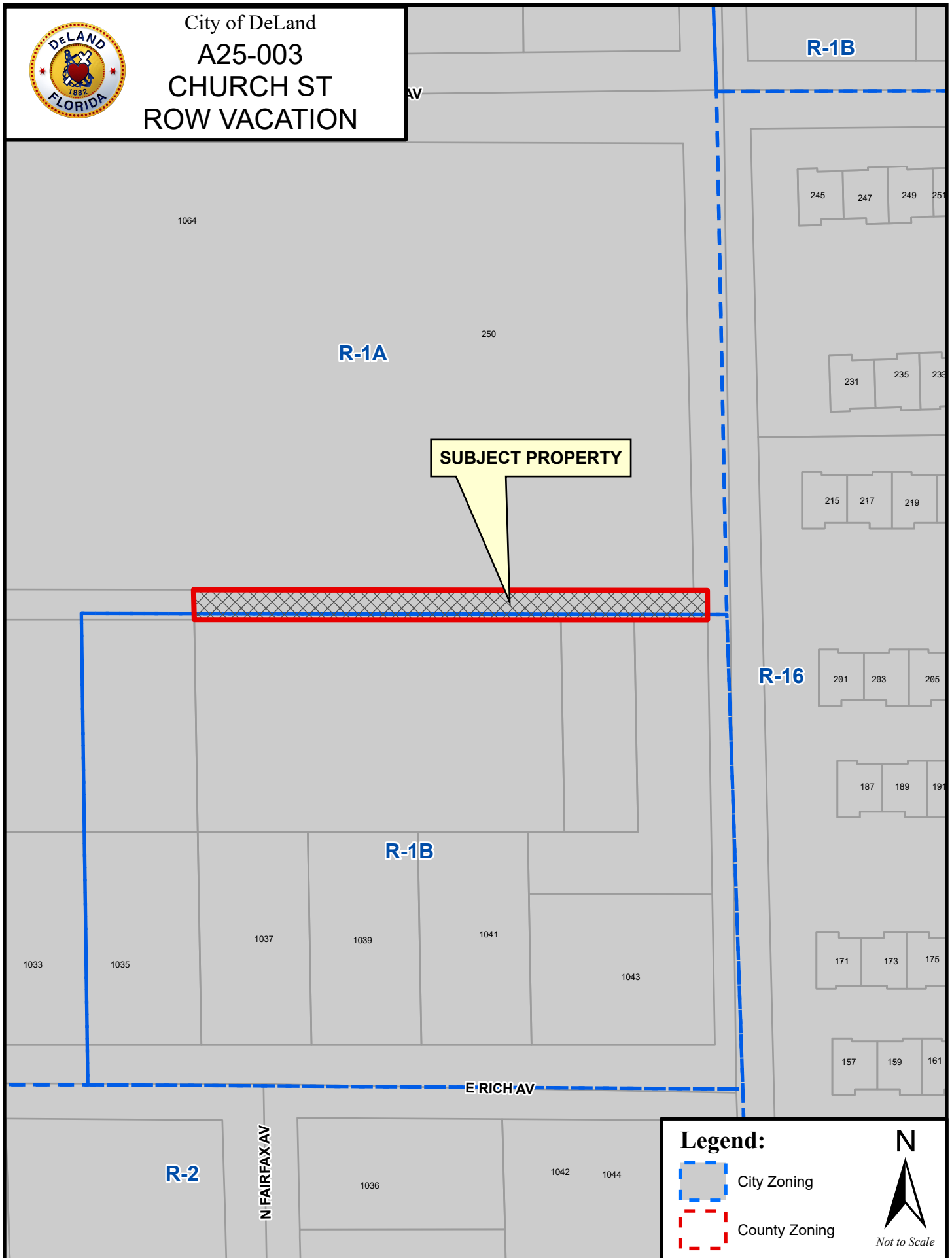


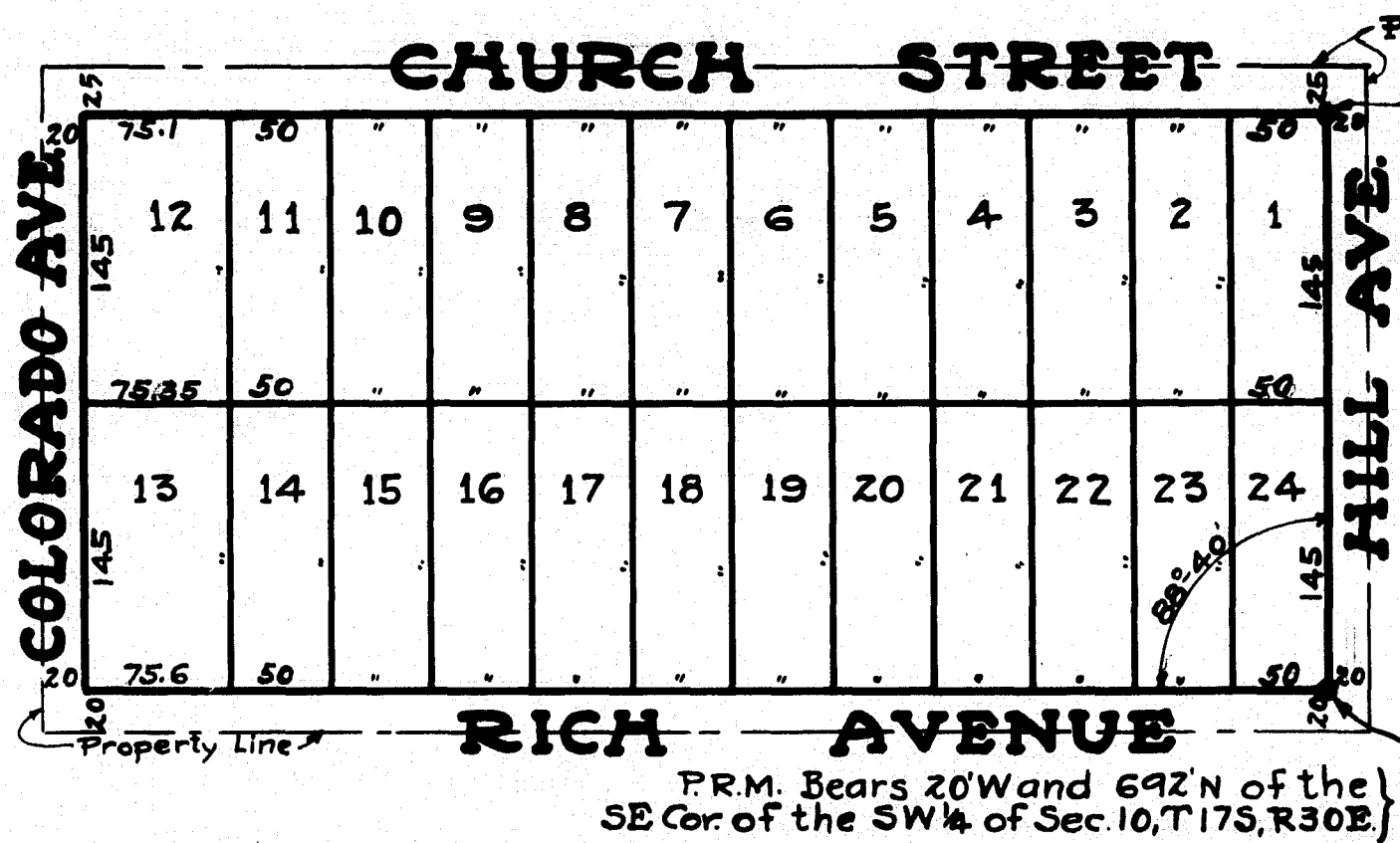
City of DeLand
A25-003
CHURCH ST
ROW VACATION





City of DeLand
A25-003
CHURCH ST
ROW VACATION





Property Line

P.R.M. Bears 20'W and 98'2" N of the SE Cor. of the SW 1/4 of Sec. 10, T17S, R30E.

We hereby certify that we are the owners of the S 1/2 of Block 127, in the city of De Land, Volusia County, Florida, and that we have caused it to be subdivided as shown hereon, and we do hereby dedicate to the public use, all streets and avenues included within the property lines of the above described property as shown on this map.

Signed and sealed in the presence of:

Rod W. Morrison Witness B. Jacobson Seal

J.P. Rumberger Witness Emma Jacobson Seal

DELMAY SUBDIVISION

BEING A SUBDIVISION OF THE S 1/2 OF BLOCK 127,
IN THE CITY OF DE LAND, VOLUSIA COUNTY, FLORIDA.
December 9TH, 1925. Scale 1" = 100 FT.

We hereby certify that this map is a correct representation of the land platted and that permanent reference monuments have been placed as required by law.

VOLUSIA COUNTY ABSTRACT CO., Engrs.
By J.C. Valentine
State Certificate No. 569

STATE OF FLORIDA
COUNTY OF VOLUSIA

I hereby certify that
B. Jacobson, and Emma Jacobson
his wife, to me personally known, appeared
before me this day, and acknowledged the
due execution by them of the foregoing
dedication, for the purposes therein expressed,
and the said Emma Jacobson being by me
examined separate and apart from her said
husband, acknowledged that she executed
the same for the purpose of relinquishing her
dower and rights of dower in and to said
streets and avenues, and that she did the
same freely and voluntarily and without
any compulsion, constraint, apprehension,
or fear of or from her said husband.

Witness my hand and seal this 30TH day of December 1925.
Rod W. Morrison Notary Public
My Commission Expires 27TH March 1928

Approved for Record
By [Signature]
De Land City Council

Certified in compliance with Survey Laws of 1925 and filed for record this
MAR 25 1926

[Signature]
Clerk Circuit Court

0



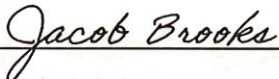
Mark Watts
231 N Woodland Blvd
DeLand, FL 32720
386-736-7700
Lvnne.Figenschier@CobbCole.com

RE: Right-of-Way — Request for No Objection 25' ROW of Unimproved Church Street located north of Lots 1-7, DeLand, FL
Parcel ID No.(s):7010-18-00-0010, 7010-18-00-0020 & 7010-18-00-0030

November 11, 2024

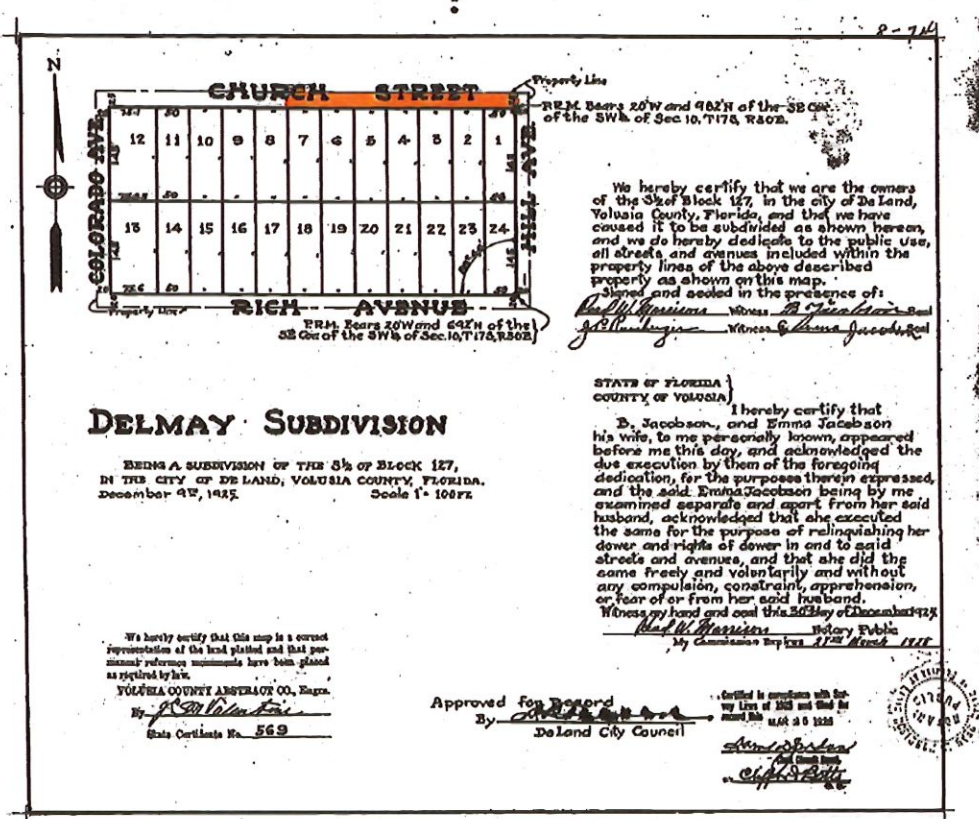
This is a "Letter of No Objection" to the requested vacation of easement of highlighted area in Exhibit A in the City of Deland in Volusia County. Please accept this letter as notification.

Sincerely,



Jacob Brooks
AT&T GEO Engineer
268 N Ridgewood Ave
Daytona Beach, FL 32114
c. (386) 843-0316

Exhibit A



November 4, 2024

COBB COLE
Attn: Mark A. Watts
231 North Woodland BLVD
DeLand, FL 32720

Re: Right-of-Way – Request for No Objection
25' ROW of Unimproved Church Street located north of Lots 1-7,
DeLand, FL
Parcel ID No.(s):7010-18-00-0010, 7010-18-00-0020 & 7010-18-00-
0030

To Whom It May Concern:

This letter is in response to a request to Charter Communications - Spectrum to vacate the above referenced "Easements" which is also described in the attached survey map.

Spectrum has "no objection" to the vacation of the alley way and the right of way in the above paragraph, of the above mentioned property as described in the attached "Exhibit A" and survey map.

If you have any questions regarding this, please contact me.

Sincerely,



Timothy Haynes
Charter Spectrum
Construction Supervisor
(386) 414-5078



City of DeLand

1102 South Garfield Avenue
DeLand, FL 32724
Telephone: (386) 626-7191
Fax: (386) 736-5366

November 5, 2024

To: Mark A. Watts
231 North Woodland Blvd.
DeLand, Florida 32720
(386) 736-7700
Fax (386) 785-1549
Mark.Watts@CobbCole.com

Re: Right-of-Way – Request for No Objection
25'ROW of Unimproved Church Street located north of Lots 1-7, DeLand, FL
Parcel ID No.(s): 7010-18-00-0010, 7010-18-00-0020 & 7017-18-00-0030.

Hi Mark,

We have reviewed the letter sent on October 30th, 2024 concerning the City of DeLand's concurrence to proceed with a Right-of-Way vacation of a portion of Church Street, between N. Hill Ave. and N. Colorado Ave., as shown in the highlighted area on the documents accompanying the letter, and are sending this letter with the attached survey, as the City of DeLand's response to the request described as:

The North 25' of Lots 1,2,3,4,5,6 & 7, Delmay Subdivision, according to the Plat thereof, as recorded in Map Book 8, Page 74, Public Records of Volusia County, Florida.

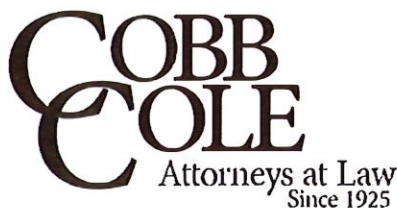
The City of DeLand has no objections to the proposed vacation of Right-of-Way.

Please feel free to contact me at the phone number above if you have any questions.

Sincerely,

Eric M. Sampson
Utilities Engineer / ADA Coordinator
City of DeLand

Scott W. Cichon
Robert A. Merrell III
John P. Ferguson
Mark A. Watts
Heather Bond Vargis
Michael J. Woods
Raymond L. Schumann
Kathleen L. Crotty
Michael O. Sznapstajler
Andrew C. Grant
Matthew S. Welch
Robert E. Doan
William A. Rice
Douglas J. Collins
Sara E. Glover
Holly W. Zitzka



Daytona Beach • DeLand
231 North Woodland Boulevard
DeLand, Florida 32720
(386) 736-7700 | CobbCole.Com

Jessica L. Gow
Sydney V. Cichon
Anthony E. Aguianno
Baylee D. Bunyard
Anne M. Kehrli
Alanna V. Smith

OF COUNSEL
Lany D. Marsh
Ira Halfond

William M. Cobb (1881-1939)
Thomas T. Cobb (1916-2004)
W. Warren Cole, Jr. (1926-2008)

October 30, 2024

VIA EMAIL
bakerj@deland.org

City of DeLand Utilities
Attn: James Baker
120 S. Florida Ave.
DeLand, FL 32720

Re: Right-of-Way – Request for No Objection
25' ROW of Unimproved Church Street located north of Lots 1-7,
DeLand, FL
Parcel ID No.(s):7010-18-00-0010, 7010-18-00-0020 & 7010-18-00-0030

Dear Mr. Baker:

It is this Firm's pleasure to represent Vidal Homes, LLC in connection with an application to the City of DeLand to vacate a 25' ROW of Unimproved Church Street located north of the above-referenced lots/parcels, and as shown on the attached location exhibit. The City of DeLand has requested that we coordinate with all applicable utility companies regarding review of the proposed vacation.

Please consider this letter our request for a utility release, if any, within the area depicted on the enclosed survey, plat and location map. This right-of-way is located within the property described as follows:

The North 25' of Lots 1, 2, 3, 4, 5, 6 & 7, Delmay Subdivision, according to the Plat thereof, as recorded in Map Book 8, Page 74, Public Records of Volusia County, Florida.

Please provide a letter of no objection at your earliest convenience. In the interest of time and ease of communication, please respond via email to my Paralegal at Lynne.Figenschner@CobbCole.com. If you have any questions concerning this request, please do not hesitate to contact me.



James Baker
October 30, 2024
Page 2

Sincerely,

Mark A. Watts (27)

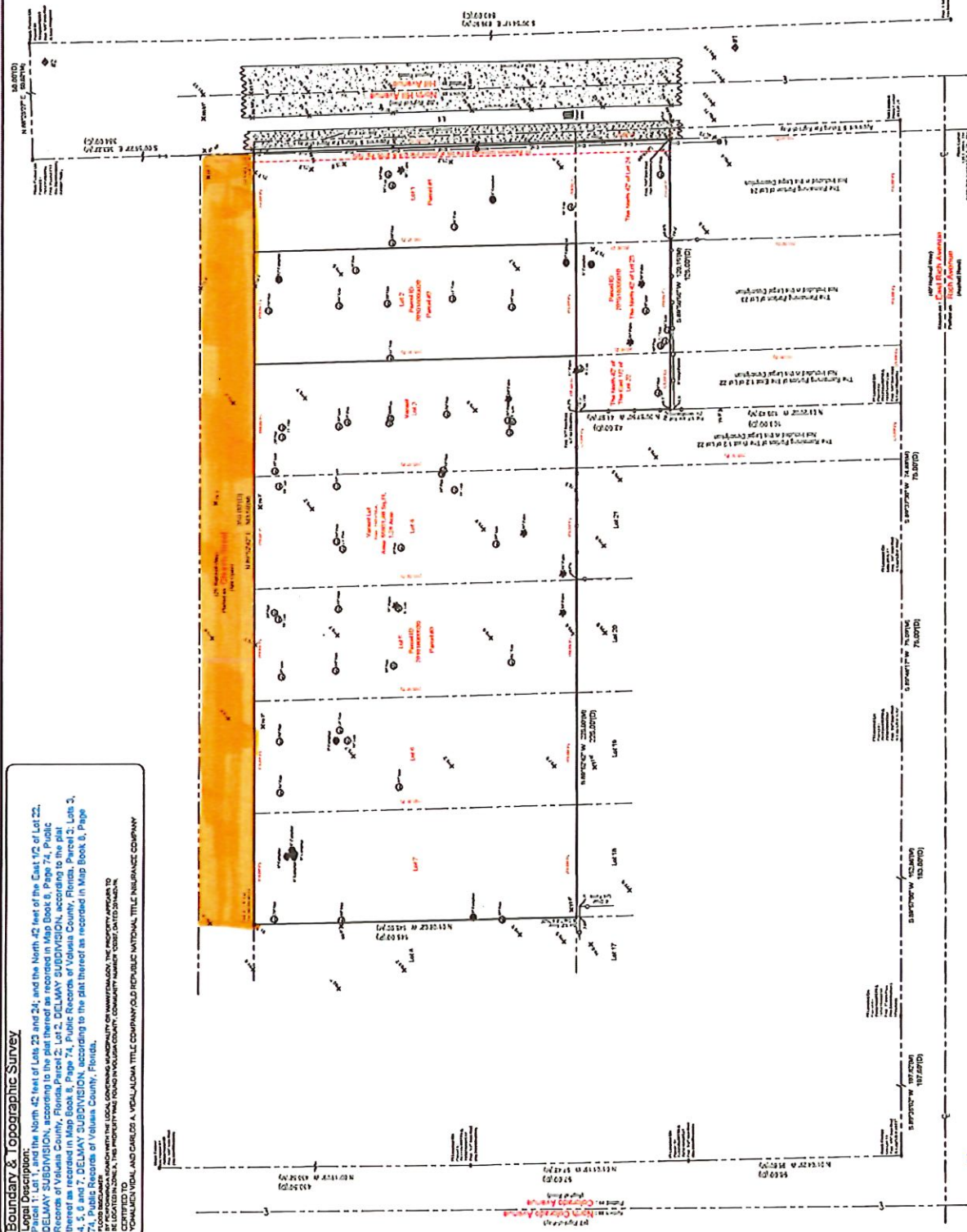
Mark A. Watts, Esq.
Mark.Watts@cobbcole.com

MAW:lf
Enclosures

Legal Description:
Parcel 1: Lot 1, and the North 42 feet of Lots 23 and 24, and the North 42 feet of the East 1/2 of Lot 22, DELRAY SUBDIVISION, according to the plat thereof as recorded in Map Book 8, Page 74, Public Records of Volusia County, Florida; Parcel 2: Lot 2, DELRAY SUBDIVISION, according to the plat thereof as recorded in Map Book 8, Page 74, Public Records of Volusia County, Florida; Parcel 3: Lots 3, 4, 5, 6 and 7, DELRAY SUBDIVISION, according to the plat thereof as recorded in Map Book 8, Page 74, Public Records of Volusia County, Florida.

FLOOD BEZELMER
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR VARIATION, THE PROPERTY APPEARS TO BE LOCATED IN ZONE A. THIS PROPERTY WAS FOUND IN VOLusia COUNTY, COMMUNITY NUMBER 0035, DATED 2014-02-19.

CERTIFICADO
YOMALMIEN VIDAL AND CARLOS A. VIDAL ALONSO TITLE COMPANY, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY



There was NO Right of Way information provided to the Surveying Company at the time of the execution of two Boundary Surveys. Therefore, this Survey is based upon field measurements and calculations determined on the date of 9-7-2024, and it shall remain valid notwithstanding the fact of the survey. Property boundaries are subject to change, and no warranty, Right of Way information is deemed or determined to affect Subject Property. Field change is without limitation, consultation or notification.

Only • Outcomes That
Vary • When Project Ends
Date: 1/1/2010 10:00 AM

107.001
17



Graphical Scale
Scale: 1"=20'

-Side Densitometer Information-

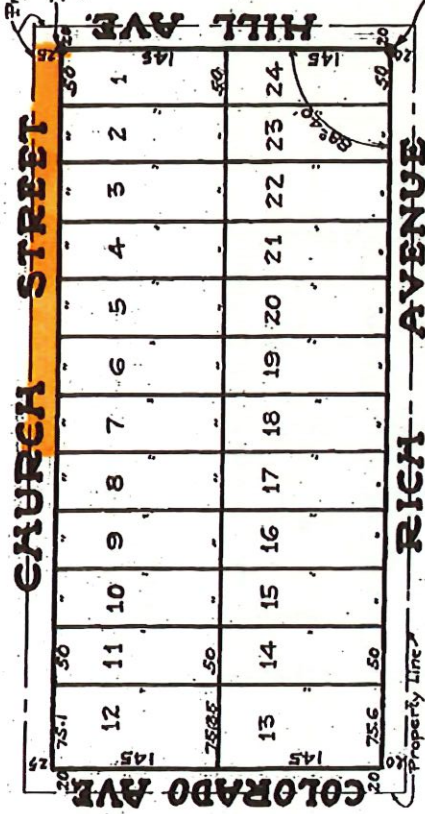
◆ #1	◆ #2
When & Cap "LS" is PEZT in Ground, Densities: 21.1%	When & Cap "LS" is PEZT in Ground, Densities: 20.7%

Non-Polymers Used
 Description 1 711
 Part 040273
 Description 4720F
 (Description 1 711)

三

[illegible]

8-76



Property Line

CHURCH STREET

P.R.M. Bears 20'W and 982'N of the SE Cor of the SW 1/4 of Sec. 10, T.17S, R.30E.

HILL AVE.

P.R.M. Bears 20'W and 692'N of the SE Cor of the SW 1/4 of Sec. 10, T.17S, R.30E.

RICH AVENUE

Property Line

We hereby certify that we are the owners of the S 1/2 of Block 127, in the city of Deland, Volusia County, Florida, and that we have caused it to be subdivided as shown hereon, and we do hereby dedicate to the public use, all streets and avenues included within the property lines of the above described property as shown on this map.

Signed and sealed in the presence of:
Paul W. Morrison Witness Ed Jacobson Seal
Ed Jacobson Witness Ed Jacobson Seal

STATE OF FLORIDA
 COUNTY OF VOLUSIA

I hereby certify that B. Jacobson, and Emma Jacobson his wife, to me personally known, appeared before me this day, and acknowledged the due execution by them of the foregoing dedication, for the purposes therein expressed, and the said Emma Jacobson being by me examined separate and apart from her said husband, acknowledged that she executed the same for the purpose of relinquishing her dower and rights of dower in and to said streets and avenues, and that she did the same freely and voluntarily and without any compulsion, constraint, apprehension, or fear of or from her said husband.

Witness my hand and seal this 30th day of December 1925.
Paul W. Morrison Notary Public
 My Commission Expires 27th March 1928

DELMAY SUBDIVISION

BEING A SUBDIVISION OF THE S 1/2 OF BLOCK 127, IN THE CITY OF DELAND, VOLUSIA COUNTY, FLORIDA.
 December 9th, 1925. Scale 1" = 100 FT.

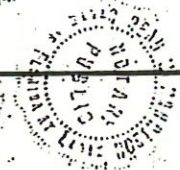
We hereby certify that this map is a correct representation of the land platted and that permanent reference monuments have been placed as required by law.

VOLUSIA COUNTY ABSTRACT CO., Engrs.
 By J. P. Volante
 State Certificate No. 569

Approved for Record
 By [Signature]
 Deland City Council

Certified in compliance with Survey Laws of 1925 and filed for record this MAR 25 1926

[Signature]
[Signature]



[illegible]

Parcel
Streets
Parcel T

A horizontal scale bar with two sets of markings. The top set is labeled 'mi' and has markings at 0, 0.05, 0.1, and 0.2. The bottom set is labeled 'km' and has markings at 0, 0.07, 0.15, and 0.3.

ArcGIS Web AppBuilder
 VCPA 2021

Jan. 13, 2025

Via email: Lynne.figenscher@cobbcole.com

Ms. Lynne Figenscher
Florida Registered Paralegal
Cobb Cole
231 North Woodland Boulevard
DeLand, FL 32720

**RE: Vacation of a Right Of Way
E. Church Street, Deland
Volusia County, Florida**

Dear Ms. Figenscher:

Please be advised that Duke Energy has **“no object”** to the vacation and abandonment of the twenty-five (25') foot Right Of Way of unimproved Church Street lying North of Lots 1-7, Delmay Subdivision, as recorded in Plat Book 8, Page 74, of the Public Records of Volusia County, Florida, being more particularly as highlighted on the accompanying Boundary & Topographic Survey prepared by Ireland & Associates Surveying, Inc., dated January 1, 2024, attached hereto and by this reference made a part hereof.

Once the resolution has recorded in the Public Records, please provide a copy to me so the easement you executed for the vacated area can be recorded.

If I can be of further assistance, please do not hesitate to contact me.

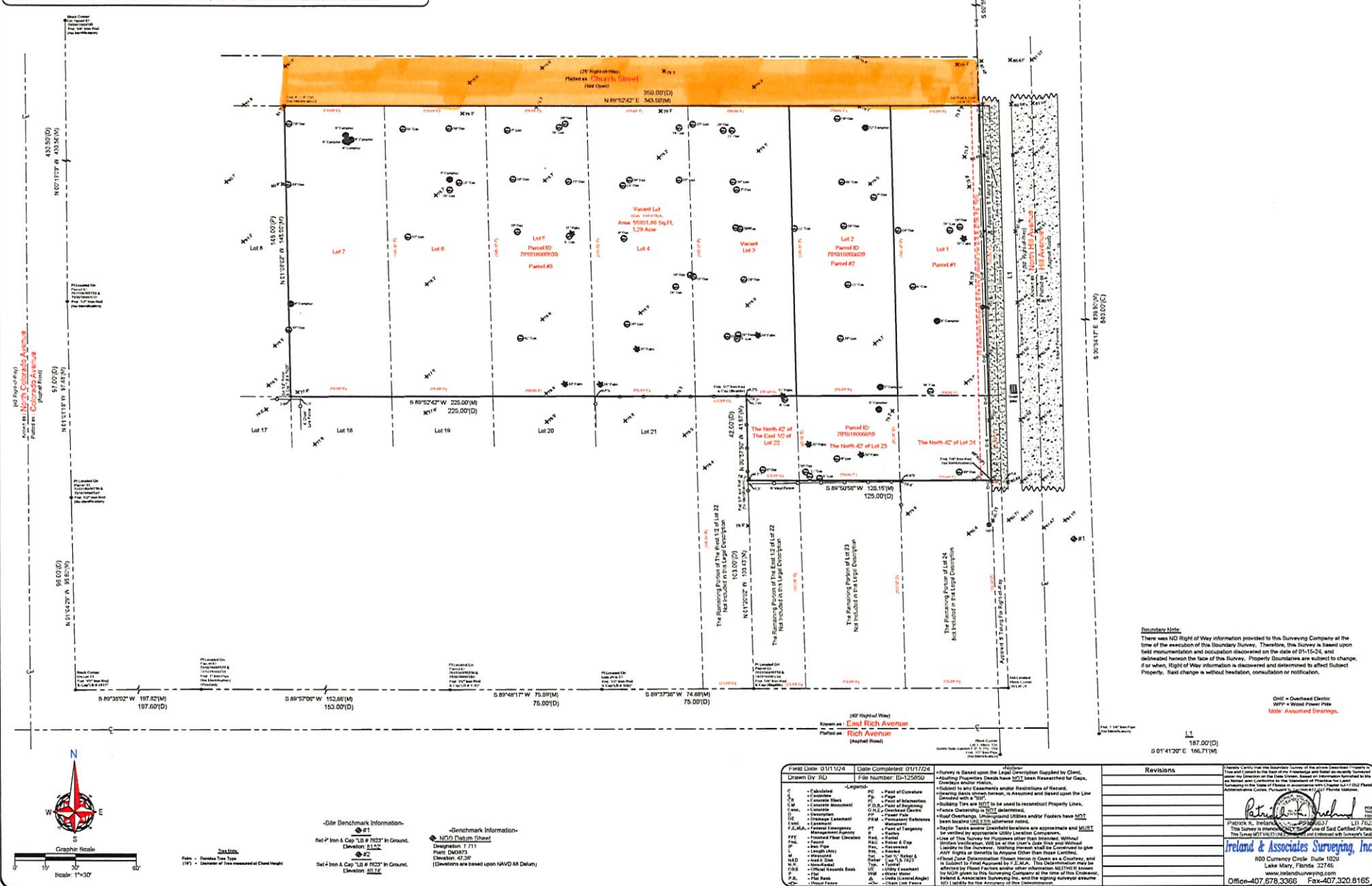
Sincerely,

Irma Cuadra

Irma Cuadra
Senior Research Specialist

Attachment

Legal Description:
Parcel 1: Lot 1, and the North 42 feet of Lots 23 and 24, and the North 42 feet of the East 1/2 of Lot 22, all in Public Records of Volusia County, Florida, according to the plat thereof as recorded in Map Book 8, Page 74, Public Records of Volusia County, Florida; Parcel 2: Lot 2, DELMAY SUBDIVISION, according to the plat thereof as recorded in Map Book 8, Page 74, Public Records of Volusia County, Florida; Parcel 3: Lots 3, 4, 5, 6 and 7, DELMAY SUBDIVISION, according to the plat thereof as recorded in Map Book 8, Page 74, Public Records of Volusia County, Florida.
FLOOD DECLARATION: Pursuant to the authority of the LOCAL GOVERNMENT OR MUNICIPALITY OR COUNTY, the PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN VOLUSIA COUNTY, COMMUNITY NUMBER 123037, DATED 2014-02-19.
CERTIFIED TO: JOHANNES WOLFE AND CARLOS A. VIDAL-GALLO, TITLE COMPANY, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.





Florida Gas Transmission Company

An Energy Transfer/Kinder Morgan Affiliate

2301 Lucien Way
Suite 200
Maitland, FL 32751
Right-of-Way Department

October 31, 2024

Mark A Watts
Cobb Cole Attorneys at Law
231 North Woodland Blvd
Deland, FL 32720

Re: Vacation Request – Parcel ID: 7010-18-00-0010, 7010-18-00-0020,
7010-18-00-0030

To Whom it May Concern:

Florida Gas Transmission Company, LLC (FGT) has **No Objection** to the vacation of the properties listed above. Our nearest pipeline is approximately 1.25 miles South.

Please call me at (407) 838-7059, if you have any further questions or concerns.

Thank you,
Amy Powell

Amy Powell
Right of Way Representative



December 4, 2024

Lynne Figenschers
Cobb Cole
231 N Woodland Blvd, DeLand, FL 32720
(386) 736-7700
lynne.figenschers@cobbcole.com

RE: Letter of No Objection for Vacation of utility easement on the unimproved Church Street located north of parcels 7010-18-00-0010, 7010-18-00-0020, & 7010-18-00-0030

Dear Ms. Lynne Figenschers:

FPU has reviewed the request and supporting documentation and has determined that the location of the project is within our service territory.

It has also been concluded that there are no FPU facilities in the proposed site area to be developed.

Florida Public Utilities has no objections to vacate all utility easements located at the above property address and on the survey you provided.

If you have any questions, are interested in Natural Gas service to the site, or need any additional information please don't hesitate to call me at (386) 785-4468 or email at eahn@chpk.com.

Sincerely,

Emily Ahn
Designer
Florida Public Utilities

CITY OF DELAND
Request for Commission Action
April 21, 2025

SUBJECT: First Reading of Ordinance Changing the Zoning for 18.3 Acres of Property, Located at 450 North McDonald Avenue, from Multiple-Family Dwelling District (R-12) to McDonald Property Planned Development (PD).

DEPARTMENT: Planning

PREPARED BY: Kendall Story, Senior Planner

ATTACHMENTS: Ordinance, Exhibit A Legal Description, Exhibit B McDonald PD Agreement, Exhibit A Survey, Exhibit B PD Concept Plan, Z24-231 Staff Report, Z24-231 Aerial Map, Z24-231 Zoomed Aerial, Z24-231 Zoning Map

APPROVED BY: Michael Pleus, City Manager, April 16, 2025

SUMMARY/HIGHLIGHT:

The owner of the Blue Palms senior living campus is requesting a rezone of the subject property. The intent is to continue the operation of the facility as a comprehensive senior living campus, continuing to serve its residents aged 55 and over. The owner will be utilizing HUD money to finance certain improvements to the facility. However, HUD will only provide funds that are for specific and discrete elements of the facility's activities. To do this, the applicant will need to subdivide the property into 4 separate parcels of land, separating some of the uses, to receive funding from HUD, while continuing to maintain a unified operation of the facility, as well as maintenance of the site's shared infrastructure.

The Applicant, Mr. Ben Friel, is proposing a rezoning of the Blue Palms senior living campus from R-12 Multi-family, to the McDonald Property PD. The purpose for rezoning the subject property is to memorialize the site as-is, addressing the non-conformities through PD standards and allow the property to be subdivided in the future.

This will allow for more financing opportunities for improvements to the campus. However, no new development is being proposed. Stipulated in the PD agreement is the requirement that any future development, improvements, or further subdivision of the subject property must comply with the current land development regulations, including but not limited to, stormwater, parking minimums, setbacks, etc.

On April 9, 2025, the Planning Board voted to recommend approval of the proposed McDonald PD rezone, and to forward it on to the City Commission. During the Planning Board hearing, the applicant agreed to the condition that the property remain under unified ownership.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Smart Growth Principles.

SUSTAINABILITY:

Strategic Plan Focus Area: Preparing for Future Sustainability - the rezone will memorialize the existing conditions of the senior living campus as well as allow for subdivision of the property into 4 lots, if it were to be subdivided.

FISCAL IMPACT:

Improvements made to the senior living facility will increase the value of the subject property.

RECOMMENDATION:

Staff recommends that the City Commission approve the rezone request, on first reading.

BACKGROUND/DISCUSSION:

The subject property is 18.39 acres in size and is currently being used as a comprehensive senior living campus. The site was originally developed in the early 1960's by the Lutheran Church's Good Samaritan Society. There is a new owner of the property, DeLand Fl Property LLC, and they wish to eventually subdivide the property into 4 lots, for financing purposes.

ORDINANCE NO. 2025 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM CITY OF DELAND'S R-12 MULTI-FAMILY TO MCDONALD PROPERTY PLANNED DEVELOPMENT (PD), ON PROPERTY LOCATED 450 NORTH MCDONALD AVENUE; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 18.39 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, Ben Friel (hereinafter referred to as "Applicant"), on behalf of the owner, DeLand FL Property, LLC owns approximately 18.39 +/- acres of land located at 450 North McDonald Avenue, which is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, the Applicant has applied for a change of zoning designation from City of DeLand's R-12 Multi-family to McDonald Property Planned Development (PD); and

WHEREAS, the Applicant wishes to amend the zoning to planned development to eventually subdivide the property into four(4) lots for financing purposes; and

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

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

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

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

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

Section 1. The City Commission has held a public hearing to approve the change of zoning from City of DeLand's R-12 Multi-family to McDonald Property Planned Development (PD) on the property located 450 North McDonald Avenue, consisting of approximately 18.39 +/- acres.

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

Section 3. The zoning of the Property as Planned Development District (PD), is made pursuant to Section 33-32 of the Code and the development of the Property shall take place in accordance with that Section and in substantial compliance with the Development Plan Agreement, Maps and other supporting documentation submitted by Applicant which shall be filed and retained for public inspection in the office of the City Planning Department and constitute a supplement to the official Zoning Map of the City.

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

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

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

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

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

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

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

PASSED AND DULY ADOPTED this _____ day of _____, 2025.

Christopher M. Cloudman
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

Exhibit A

LEGAL DESCRIPTION

BLOCK 108 AND BLOCK 124, CITY OF DELAND, FLORIDA AND ANY AND ALL ROADS, STREETS, WAYS, ALLEYS, PARKS OR PUBLIC THROUGHFARES LOCATED IN OR EXISTING BETWEEN ALL OF BLOCK 108 AND ALL OF BLOCK 124, CITY OF DELAND, FLORIDA, OR AS MAY BE SHOWN AS EXISTING IN OR BETWEEN BLOCKS 108 AND 124 OF ELIZABETH PARK, ACCORDING TO MAP IN MAP BOOK 10, PAGE 81, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND CONSISTING OF 18.388 ACRES±.

1 PLANNED DEVELOPMENT AGREEMENT

2 IN THE CITY COMMISSION OF THE

3 CITY OF DELAND, FLORIDA

4 IN RE: (Case #), Application of

5 DeLand FL Property LLC

6 ORDINANCE # _____

7 (*# to be Provided After Commission Approval*)

8 ORDER AND RESOLUTION

9 GRANTING A REQUEST FOR CHANGE OF ZONING FROM R-12 MULTIPLE FAMILY

10 DWELLING TO

11 DELAND MCDONALD PROPERTY PD (PLANNED DEVELOPMENT)

12
13 The application of DeLand FL Property LLC, hereinafter, "Applicant", for rezoning
14 was heard by and before the City Commission, DeLand Florida, on _____, 2025.
15 Based upon the verified Application and other supporting documents, maps, charts,
16 overlays, other evidence and instruments; the advice, report, and recommendations of the
17 Community Development, and other Departments and agencies of DeLand, Florida; and
18 the testimony adduced and evidence received at the Public Hearing on this Application by
19 the Planning Board on April 9, 2025, and otherwise being fully advised, the City
20 Commission does hereby find and determine as follows:
21

GENERAL FINDINGS

A. That the application of the DeLand FL Property LLC was duly and properly filed herein on November 8, 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 owner of a 18.39± acre parcel of land which is situated in DeLand, Florida. This parcel of land is described more particularly in the survey and legal description, a true copy of which is attached hereto as Exhibit "A".

D. That the Applicant has complied with the concept plan provision as required by Land Development Regulations Ordinance # 2013-11, as amended.

E. That the Applicant has complied with the "Due Public Notice" requirements of the City Commission, Land Development Regulations Ordinance # 2013-11, as amended.

F. That the owner of the property, the DeLand FL Property LLC, agrees with the provisions of the Development Agreement.

FINDINGS REGARDING REZONING

A. That the Applicant has applied for a change of zoning from the present zoning classification of the parcel described in Composite Exhibit "A" from R-12 Multiple Family Dwelling to the DeLand McDonald Property PD (Planned Development).

B. That the said rezoning to the DeLand McDonald Property PD is consistent with both the City of DeLand Comprehensive Plan Ordinance # 1990-04, as amended, and the intent and purpose of the City of DeLand Land Development Regulations Ordinance # 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 _____, 2025, AS FOLLOWS:

A. That the Application of the DeLand FL Property LLC for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Exhibit "A" attached hereto is hereby amended from R-12 Multiple Family Dwelling to the DeLand McDonald Property PD as described in Article VII of the City of DeLand, Land Development Regulations Ordinance # 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 parcel to the DeLand McDonald Property PD.

3
4 D. That the City of DeLand Land Development Regulations Ordinance # 2013-
5 11, as amended, is consistent with the provisions of the "Development Agreement" as
6 hereinafter set forth in this Ordinance and with respect to any conflict between Land
7 Development Regulations Ordinance # 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 Development
14 Regulations Ordinance # 2013-11, as amended, shall apply to the PD in the same manner
15 as the R-12 Multiple Family Dwelling zoning classification.

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

DEVELOPMENT AGREEMENT

A. Development Concept The property is a developed site and shall be maintained as a PD substantially in accordance with the as-built drawings. The Planned Development Plan shall govern any change of use, redevelopment, or subdivision of the property as a PD and shall regulate the future land use of this parcel.

The site was originally developed in the early 1960's. The property was operated and expanded by the Lutheran Church's Good Samaritan Society for many years until the Society sold all of its facilities in Florida and several other states in 2023. The new owner plans to continue the operation of the PD property as a comprehensive senior living campus serving residents aged 55 and over. The new owner is seeking to obtain HUD financing which will only support specific and discrete elements of the facility's activities. The purpose and intent of the DeLand McDonald Property PD is to allow the subdivision of the property into four (4) separate lots or parcels of land as depicted in Composite Exhibit "B" while continuing to maintain a seamless and unified operation of the facility and maintenance of the site's shared infrastructure.

1. Planned Development Plan The Planned Development Plan shall consist of the Development Plan Map prepared by Zev Cohen & Associates and dated January 8, 2025, and this development agreement. The Development Plan Map is hereby approved and incorporated in this Ordinance by reference as Exhibit "B". The Planned Development Plan shall be filed and retained for public inspection in the Planning Department, and it shall constitute a supplement to the Official Zoning Map of the City of DeLand. It is acknowledged by the owner that all future development within the PD property must comply with the then current land development regulations adopted by the City unless specifically modified by this development agreement. In the event of conflict

1 between the provisions of the land development code and this development agreement, the
2 provisions of this agreement shall prevail.

3 2. Amendments The PD property is a fully developed site, and any
4 future redevelopment or change of use, including removal of the 55 + age requirement for
5 residency on the property, or any change to the unified operation of all uses on the property
6 shall require an amendment to this development agreement. All amendments of the
7 Planned Development Plan, shall require the review and recommendation of the Planning
8 Board and action by the City Commission in the same manner as a rezoning of the parcel.

9 3. Subdivision Approval. After the Planned Development Plan is
10 recorded a *final plat* of the area to be subdivided shall be submitted for review and approval
11 in the manner required by Article 13 of the City of DeLand Land Development Regulations,
12 Ordinance No. 2013-11, as amended. The plat will identify and describe the shared
13 access, parking, utility and drainage easements necessary for the PD property to be
14 operated and maintained as a unified community campus. This PD governs existing
15 conditions as identified on Alta Survey dated January 23, 2023, and prepared by Blew &
16 Associates, P.A., with all existing conditions and also addresses performance standards if
17 subdivided into 4 lots, defined in section D.

18
19 B. Unified Ownership. The Applicant or his successors shall maintain unified
20 ownership of the subject property. It is the intent of the Agreement that one entity own and
21 operate all facilities on the site.

22
23 C. Land Uses Within the PD. The following land uses shall be allowed as
24 permitted principal uses and structures along with their customary accessory uses and
25 structures:

Lot-1

Uses: Independent Living (22 Duplexes/34 MF studio units = 56 units)

Dimensional Requirements:

1. Minimum Lot area 7.52 Acres
2. Building Setbacks from PD Perimeter
 - a. East Minnesota Ave: 50 ft.
 - b. North McDonald Ave: 24 ft.
 - c. North Kansas Ave: 30 ft.
3. Building Setback Interior Lot Line: 0 ft.
4. Covered Parking Setback: 0 ft.*
5. Minimum Floor Area Independent Living: 225 sq. ft.
6. Maximum impervious area 59.04%
7. Maximum building height: 35ft:
8. Landscape Buffer Requirement:
 - PD Perimeter: 15 ft.
 - Interior Lot Lines: None
9. Minimum building separation (duplex): 0 ft.
10. Off-street parking requirements:
 - a. There shall be no reduction of the existing 56 parking spaces.

11. Open Space and/or Common Area requirements meeting the Land Development Regulations Ordinance # 2013-11. The open space and common areas shall be shared among the property owners and will serve the entire PD.

Lot-2

Uses: Skilled Nursing/Rehabilitation Services (60 Beds)
Community Center/Multi-purpose Building

Dimensional Requirements:

1. Minimum Lot area 3.64 Acres
2. Building Setbacks from PD Perimeter

- 1 A. North McDonald Ave: 24 ft.
- 2 B. North Kansas Ave: 30 ft.
- 3 3. Building Setback Interior Lot Line: 12.36 ft.
- 4 4. Covered Parking Setback 0 ft.*
- 5 5. Minimum Floor Area Independent Living: 225 sq. ft.
- 6 6. Maximum impervious area 61.26%
- 7 7. Maximum building height: 65ft:
- 8 8. Landscape Buffer Requirement:
- 9 PD Perimeter: 15 ft.
- 10 Interior Lot Lines: None
- 11 9. Minimum building separation: 20 ft.
- 12 10. Off-street parking requirements:
- 13 a. There shall be no reduction of the existing 59 parking spaces.

14

15 11. Open Space and/or Common Area requirements meeting the Land

16 Development Regulations Ordinance # 2013-11. The open space and common areas shall

17 be shared among the property owners and will serve the entire PD.

18

19 Lot-3

20 Uses: Independent Living (5 Duplexes/44 MF studio units = 54 units)

21 Dimensional Requirements:

- 22 1. Minimum Lot area 3.70 Acres
- 23 2. Building Setbacks from PD Perimeter
- 24 A. East Wisconsin Ave: 39 ft.
- 25 B. North Kansas Ave: 30 ft.
- 26 3. Building Setback Interior Lot Line: 10 ft.
- 27 4. Covered Parking Setback 0 ft.*
- 28 5. Maximum impervious area 68.11%
- 29 6. Maximum building height: 35ft:
- 30 7. Landscape Buffer Requirement:
- 31 PD Perimeter: 15 ft.

- 1 Interior Lot Lines: None
- 2 8. Minimum building separation (duplex): 0 ft.
- 3 9. Off-street parking requirements:
- 4 a. There shall be no reduction of the existing 46 parking spaces.

5

6 12. Open Space and/or Common Area requirements meeting the Land

7 Development Regulations Ordinance # 2013-11. The open space and common areas shall

8 be shared among the property owners and will serve the entire PD

9

10 Lot-4

11 Uses: Assisted Living (90 Beds)

12 Dimensional Requirements:

- 13 1. Minimum Lot area 3.53 Acres
- 14 2. Building Setbacks from PD Perimeter
- 15 A. East Wisconsin Ave: 39 ft.
- 16 B. North Kansas Ave: 24 ft.
- 17 3. Building Setback Interior Lot Line: 10 ft.
- 18 4. Covered Parking Setback 0 ft.*
- 19 5. Maximum lot coverage 67.14%
- 20 6. Maximum building height: 65ft:
- 21 7. Landscape Buffer Requirement:
- 22 PD Perimeter: 15 ft.
- 23 Interior Lot Lines: None
- 24 8. Off-street parking requirements:

25 a. There shall be no reduction of the existing 57 parking spaces.

26 9. Open Space and/or Common Area requirements meeting the Land

27 Development Regulations Ordinance # 2013-11. The open space and common areas shall

28 be shared among the property owners and will serve the entire PD.

29

30 *The 0-foot setback requirement reflects the “as-is” condition. If the covered

31 parking is reconstructed for any reason, the new covers will comply the then current

1 setback requirements and all other standards for accessory structures as provided for in the
2 Land Development Regulations Ordinance # 2013-11.

3
4
5 F. Environmental Considerations. *Any redevelopment will be subject to the*
6 *minimum requirements of the* Land Development Regulations Ordinance # 2013-11, *as*
7 *amended.*

8
9 G. Sewage Disposal, Reclaimed Water, and Potable Water. Provision for
10 sewage disposal and potable water needs of the PD will be provided in accordance with the
11 Comprehensive Plan, Ordinance No.1990-04, as amended, the Land Development
12 Regulations Ordinance No. 2013-11, as amended, and State of Florida Administrative
13 Code 64E-6. Connection to the City's reclaimed water system will be required upon
14 redevelopment of any of the lots within the PD.

15
16 H. Stormwater Drainage. Redevelopment of any of the individual lots within the
17 PD will require an analysis of the stormwater management system for the entire PD
18 property in order to determine the extent to which runoff can be treated and retained upon
19 the individual lots or whether improvements are necessary to the master drainage system
20 to ensure that the 100-yr/24-hour storm event is retained on site.

21
22 I. Access and Transportation System Improvements. The parcel is a developed
23 site. Site access is provided per Exhibit "A". If the site is redeveloped, all access and
24 transportation system improvements shall be provided in accordance with the Land
25 Development Regulations, Ord. 2013-11, as amended.

1
2 Internal Roadways. No changes are proposed to the existing internal private
3 roadways.

4
5 J. This Section Intentionally Left Blank.

6 K. This Section Intentionally Left Blank.

7 L. Binding Effect of Plans; Recording; and Effective Date. The Planned
8 Development Plan, including any and all amendments, shall bind and inure to the benefit of
9 the Applicant and his successor in title or interest. The PD zoning, provisions of the
10 "Development Agreement," and all approved plans shall run with the land and shall be
11 administered in a manner consistent with Article 12 of the City of DeLand Land
12 Development Regulations Ordinance # 2013-11, as amended.

13 This Ordinance and all subsequent amendments shall be filed with the Clerk of the
14 Court and recorded within forty-five (45) days following execution of the document by the
15 City Commission, in the Official Records of Volusia County, Florida. One copy of the
16 document, bearing the book and page number of the Official Record in which the document
17 was recorded, shall be submitted to the Planning Department for placement in the public
18 file. The date of recording of this document shall constitute the effective date of the
19 DeLand McDonald Property PD or its subsequent amendments. The applicant shall pay all
20 filing costs for recording documents.

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

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 this _____ day of
_____ (mo/yr), by Michael P. 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: _____

WITNESSES:

DeLand FL Property LLC:

Name

Name & Title

Name

The foregoing instrument was acknowledged before me this _____ day of _____ (mo/yr), by (N A M E), who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

Commission No.:

My Commission Expires: _____

Revised April 14, 2025 u/p/zone/pd_doc

EXHIBIT "A"
LEGAL DESCRIPTION & ALTA SURVEY

**EXHIBIT “B”
DEVELOPMENT PLAN MAP**

450 NORTH MCDONALD AVENUE
DELAND, FLORIDA 32724
VOLUSIA COUNTY

1 STORY MASONRY BUILDING HEIGHT=14.3 1,415 SQ.FT. BUILDING TYPE D	1 STORY MASONRY BUILDING HEIGHT=14.3 2,037 SQ.FT. BUILDING TYPE D	1 STORY MASONRY BUILDING HEIGHT=14.3 1,887 SQ.FT. BUILDING TYPE C
1 STORY MASONRY BUILDING HEIGHT=14.3 1,504 SQ.FT. BUILDING TYPE D	1 STORY MASONRY BUILDING HEIGHT=14.3 2,037 SQ.FT. BUILDING TYPE D	1 STORY MASONRY BUILDING HEIGHT=14.3 1,415 SQ.FT. BUILDING TYPE A
1 STORY MASONRY BUILDING HEIGHT=14.3 1,504 SQ.FT. BUILDING TYPE D	1 STORY MASONRY BUILDING HEIGHT=14.3 1,415 SQ.FT. BUILDING TYPE D	1 STORY MASONRY BUILDING HEIGHT=14.3 1,182 SQ.FT. BUILDING TYPE E
1 STORY MASONRY BUILDING HEIGHT=14.3 1,824 SQ.FT. BUILDING TYPE D	1 STORY MASONRY BUILDING HEIGHT=14.3 1,415 SQ.FT. BUILDING TYPE D	1 STORY MASONRY BUILDING HEIGHT=14.3 1,824 SQ.FT. BUILDING TYPE D
1 STORY MASONRY BUILDING HEIGHT=14.3 1,824 SQ.FT. BUILDING TYPE D	1 STORY MASONRY BUILDING HEIGHT=14.3 2,037 SQ.FT. BUILDING TYPE D	1 STORY MASONRY BUILDING HEIGHT=14.3 2,037 SQ.FT. BUILDING TYPE D
1 STORY MASONRY BUILDING HEIGHT=14.3 2,037 SQ.FT. BUILDING TYPE B	1 STORY MASONRY BUILDING HEIGHT=14.3 2,037 SQ.FT. BUILDING TYPE B	1 STORY MASONRY BUILDING HEIGHT=14.3 1,415 SQ.FT. BUILDING TYPE D
1 STORY MASONRY BUILDING HEIGHT=14.3 1,415 SQ.FT. BUILDING TYPE D	1 STORY MASONRY BUILDING HEIGHT=14.3 1,007 SQ.FT. BUILDING TYPE A	1 STORY MASONRY BUILDING HEIGHT=14.3 1,415 SQ.FT. BUILDING TYPE D
1 STORY MASONRY BUILDING HEIGHT=14.3 2,037 SQ.FT. BUILDING TYPE B	1 STORY MASONRY BUILDING HEIGHT=14.3 2,037 SQ.FT. BUILDING TYPE C	COVERED PARKING AREA SLIDING TYPE A 1.05
1 STORY MASONRY BUILDING HEIGHT=14.3 1,544 SQ.FT. BUILDING TYPE A	COVERED PARKING AREA SLIDING TYPE H 0.05	1 STORY MASONRY BUILDING HEIGHT=14.3 2,037 SQ.FT. BUILDING TYPE A
METAL SHEED HEIGHT=14.3 344 SQ.FT. BUILDING TYPE C	WOOD SHEED HEIGHT=14.3 148 SQ.FT. BUILDING TYPE C	1 STORY MASONRY BUILDING HEIGHT=14.3 20,290 SQ.FT. BUILDING TYPE C
1 STORY MASONRY BUILDING HEIGHT=15.9 18,452 SQ.FT. BUILDING TYPE M	1 STORY MASONRY BUILDING HEIGHT=14.3 18,452 SQ.FT. BUILDING TYPE C	1 STORY MASONRY BUILDING HEIGHT=15.9 20,290 SQ.FT. BUILDING TYPE C
1 STORY MASONRY BUILDING HEIGHT=15.9 91 BUILDING TYPE F	1 STORY MASONRY BUILDING HEIGHT=15.9 91 BUILDING TYPE F	1 STORY MASONRY BUILDING HEIGHT=15.9 91 BUILDING TYPE C
1 STORY MASONRY BUILDING HEIGHT=15.9 2,037 SQ.FT. BUILDING TYPE B	1 STORY MASONRY BUILDING HEIGHT=15.9 2,132 SQ.FT. BUILDING TYPE F	1 STORY MASONRY BUILDING HEIGHT=15.9 2,132 SQ.FT. BUILDING TYPE E
2 STORY MASONRY BUILDING HEIGHT=32.9 46,332 SQ.FT. BUILDING TYPE C	1 STORY MASONRY BUILDING HEIGHT=16.9 18,452 SQ.FT. BUILDING TYPE C	1 STORY MASONRY BUILDING HEIGHT=16.9 18,452 SQ.FT. BUILDING TYPE E
1 STORY MASONRY BUILDING HEIGHT=15.9 146 SQ.FT.		

LAND AREA

FLOOD ZONE INFORMATION

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 12127C0470K, WHICH BEARS AN EFFECTIVE DATE OF 02/19/2014 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA

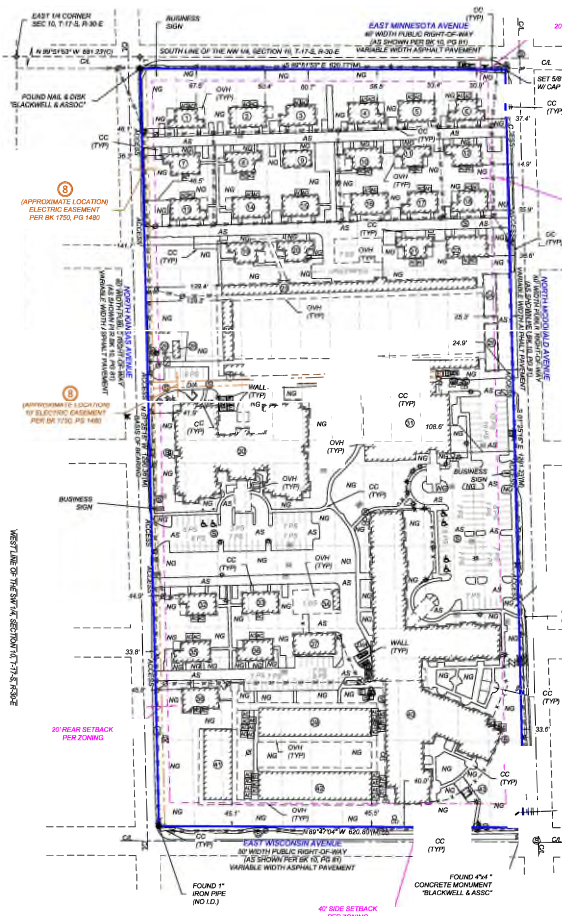
ZONE "X" - AREA OF MINIMAL FLOOD HAZARD, USUALLY DEPICTED ON FIRMS AS ABOVE THE 500-YEAR FLOOD LEVEL. ZONE X IS THE AREA DETERMINED TO BE OUTSIDE THE 500-YEAR

THE BASIS OF BEARING OF THIS SURVEY IS GRID NORTH BASED ON THE WESTERLY LINE OF THE SUBJECT PROPERTY. THE BEARING IS DENOTED AS N07°25'16" W PER GPS COORDINATE OBSERVATIONS, FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD83-2011.

LATITUDE = 28°02'04.4510"
LONGITUDE = -81°17'20.6567"
CONVERGENCE ANGLE = -00°02'25.0728"

UTILITY INFORMATION

TO THE EXACT LOCATION OF ANY UNDERGROUND UTILITIES SHOWN OR NOT SHOWN ON THE DRAWING. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ANY AND ALL UTILITIES PRIOR TO CONSTRUCTION. CALL FLORIDA ONE: CALL AT 800-432-4770 OR 811 FOR FIELD LOCATIONS (REQUEST FOR GROUND MARKINGS) OF UNDERGROUND UTILITIES LINES BEFORE DIGGING.

[illegible]

FOUND MONUMENT AS NOTED
SEMI MONUMENT AS NOTED
CUT MONUMENT AS NOTED
HANDICAP PARKING
X FIVE HYDRANT
E LIGHT
T TELEPHONE
P POWER GENERATOR
ST POWER POLE
E ELECTRIC METER
E ELECTRIC METER
AIR CONDITIONING UNIT
WATER METER
RAIN WATER DRAIN
WATER DRAIN
GAS METER
CLEANOUT
BRICKS ON PESTALTA
BRICKS ON
BACKFLOW CONTROL VALVE
BUILDING NUMBER CENTRE
DRAINAGE LOCATION
PS PARKING SPACES
GAS GRADING SPACES
MG MEASURED/CALCULATED DIM
R RECORD DRAWING
CUT MONUMENT AS NOTED
OVERHANG
NO SQUARE FEET
NATURAL GROUND
AS APPOINT
CUT MONUMENT AS NOTED
TYPICAL
DRA DUMPSTER AREA
BOUNDARY LINE
EASEMENT LINE
CUT MONUMENT AS NOTED
CENTLINE
FENCE LINE
OVERHEAD POWER LINE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
11M	N 01°25'10" W	20.01'	11R	N/A	20'

THE PROPERTY HEREON DESCRIBED IS THE SAME AS PARCEL A OF THE PERTINENT
PROPERTY AS DESCRIBED IN OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, TITLE
COMMITMENT NO. 23000795 RHY, WITH A COMMITMENT EFFECTIVE DATE OF DECEMBER 13,
2022 AT 8:00 A.M.

THE LAND IS DESCRIBED AS FOLLOWS:

PARCEL A:

BLOCK 108 AND BLOCK 124, CITY OF DELAND, FLORIDA AND ANY AND ALL ROADS, STREETS, HIGHWAYS, PARKS OR PUBLIC THOROUGHFARES LOCATED IN OR EXISTING BETWEEN A LINE OF BLOCK 108 AND ALL OF BLOCK 124, CITY OF DELAND, FLORIDA, OR AS MAY BE SHOWN AS EXISTING IN, OR BETWEEN BLOCKS 108 AND 124 OF ELIZABETH PARK, ACCORDING TO MAP MAP BOOK 10, PAGE 61, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

- (7)** – EASEMENT IN FAVOR OF PUBLIC POWER & LIGHT COMPANY RECORDED IN OFFICIAL RECORD BOOK #47, PAGE 384, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AS TO PARCELS B, C AND D.
- (8)** – EASEMENT IN FAVOR OF PUBLIC POWER COMPANY RECORDED IN OFFICIAL RECORD BOOK #70, PAGE 46B, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AS TO PARCELS A, B, C AND D. THIS EASEMENT DOES NOT AFFECT THE SUBJECT PROPERTY - APPEARS TO AFFECT PROPERTY TO THE EAST).
- (9)** – EASEMENT IN FAVOR OF PUBLIC POWER COMPANY RECORDED IN OFFICIAL RECORD BOOK #70, PAGE 46B, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AS TO PARCELS A, B, C AND D. THIS EASEMENT DOES NOT AFFECT THE SUBJECT PROPERTY - APPEARS TO AFFECT PROPERTY TO THE EAST).
- (10)** – EASEMENT IN FAVOR OF PUBLIC POWER & LIGHT COMPANY RECORDED IN OFFICIAL RECORD BOOK #47, PAGE 384, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AS TO PARCELS B, C AND D.
- (11)** – EASEMENT IN FAVOR OF SUBSIDIARY INDUSTRIES OF CENTRAL FLORIDA, INC., RECORDED IN OFFICIAL RECORD BOOK #70, PAGE 46B, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AS TO PARCELS A, B, C AND D.
- (12)** – EASEMENT IN FAVOR OF NATURAL RESOURCES CONSERVATION RECORDED IN OFFICIAL RECORD BOOK #7322, PAGE 40B, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AS TO PARCELS A, B, C AND D. THIS EASEMENT IS FOR INFORMATIONAL PURPOSES ONLY.
- (13)** – EASEMENT IN FAVOR OF NATURAL RESOURCES CONSERVATION RECORDED IN OFFICIAL RECORD BOOK #7322, PAGE 40B, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AS TO PARCELS A, B, C AND D. THIS EASEMENT IS FOR INFORMATIONAL PURPOSES ONLY.



TO: MIDLAND STATES BANK, AN ILLINOIS STATE CHARTERED BANK, ITS SUCCESSORS
AND/OR ASSIGNEES; DELAND H. PROPERTY LLC, A DELAWARE LIMITED LIABILITY
COMPANY; AND DEL PUBLIC NATIONAL TITLE INSURANCE 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 DATE.
REQUIREMENTS FOR ALTA/ANSI LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND
ADOPTED BY ALTA AND ANSIS, AND INCLUDES ITEMS 1, 2, 3, 4, 5A, 6A, 7A, 7B, 7C, 8, 9,
10, 11A, 13, 14, 16, 17, 18 & 19 OF TABLE THEREOF. THE FIELD WORK WAS COMPLETED
ON 01/19/2023.

DATE OF PLAT OR MAP: 01/19/2023



PETER G. JOHNSON
PROFESSIONAL SURVEYOR AND MAPPER LS5913
STATE OF FLORIDA
FLORIDA C.O.A. LB8173

Surveying
Engineering
Mapping

DATE	REVISION HISTORY	BY
02/07/23	CLIENT COMMENTS	SH
05/04/23	CLIENT COMMENTS	SH
05/19/23	CLIENT COMMENTS	SH
05/23/23	CLIENT COMMENTS	GJF

3825 N. SHILOH DRIVE - FAYETTEVILLE, AR 72703
 EMAIL: SURVEY@BLEWINC.COM
 OFFICE: 479-843-4506 FAX: 479-582-1883
 EMAIL: SURVEY@BLEWINC.COM WWW.BLEWINC.COM

SURVEYOR JOB NUMBER:
 23-0380

SURVEY DRAWN BY:
 SH - 01/23/2023

SURVEY REVIEWED BY:

SHEET:
 1 OF 2

ALTA/NSPS LAND TITLE SURVEY

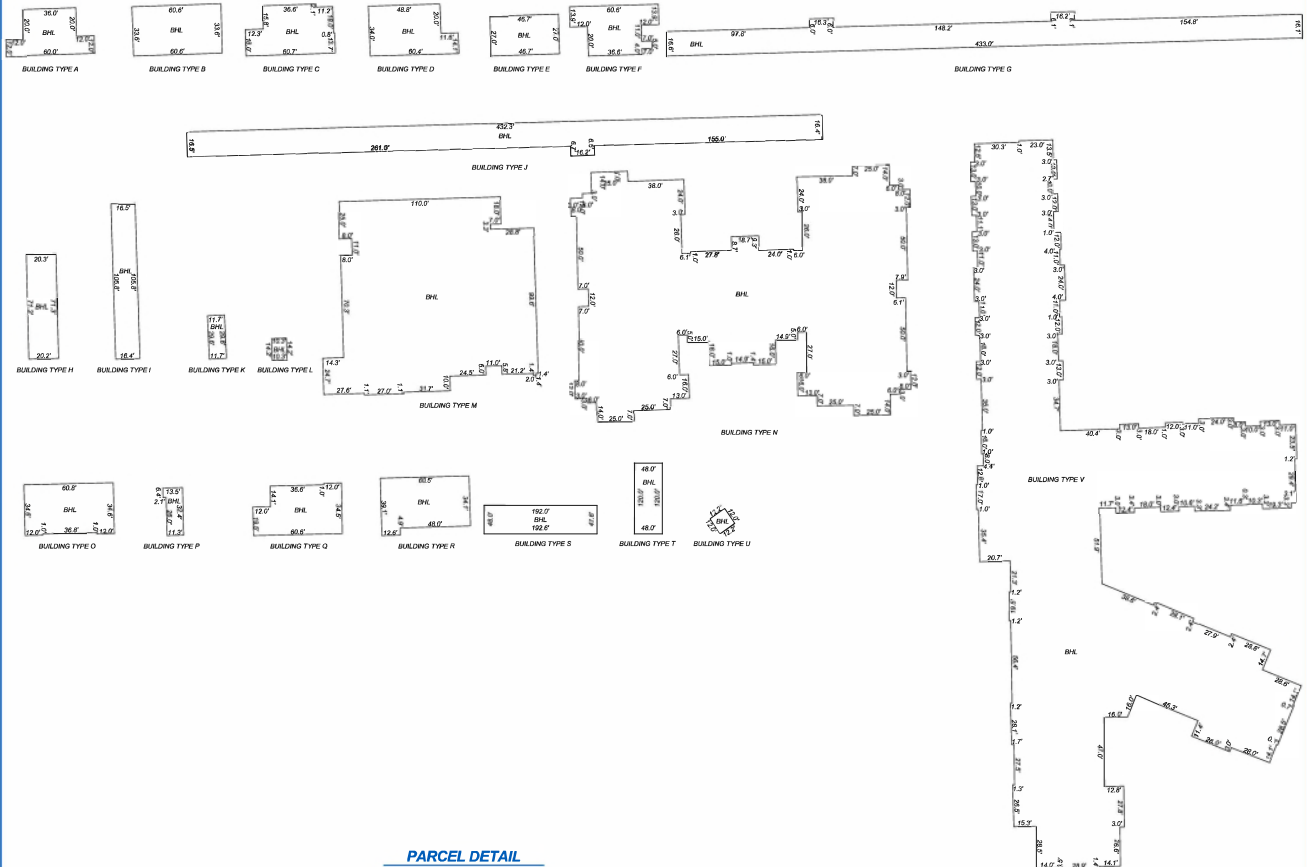
450 NORTH MCDONALD AVENUE

DELAND, FLORIDA 32724

VOLUSIA COUNTY

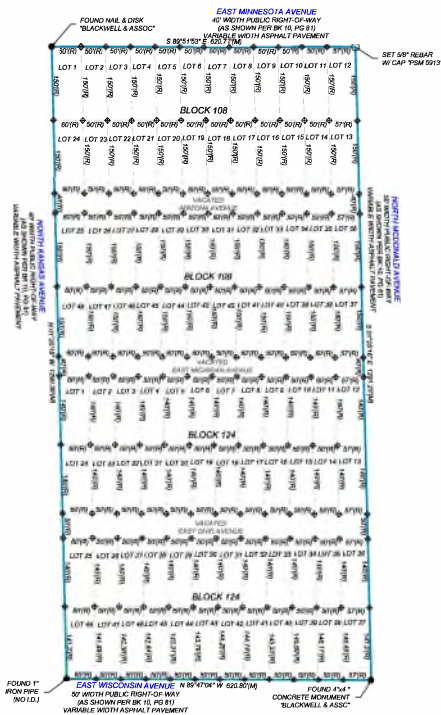
BUILDING DETAIL

NOT TO SCALE



PARCEL DETAIL

NOT TO SCALE



BLEW
& ASSOCIATES, P.A.

Surveying
Engineering
Mapping

3825 N. SHILOH DRIVE - FAYETTEVILLE, AR 72703
EMAIL: SURVEY@BLEWNC.COM
OFFICE: 479.443.4506 FAX: 479.362.1183
EMAIL: SURVEY@BLEWNC.COM WWW.BLEWNC.COM

DATE	REVISION HISTORY	BY

SURVEYOR JOB NUMBER:	23-035
SURVEYOR REVIEWED BY:	CLP
SURVEY DRAWN BY:	SH 1/12/2023
SHEET:	2 OF 2

EXHIBIT B

SITE INFORMATION:

SITE ADDRESS:	450 N. McDONALD AVE. DELAND, FL.
EXISTING OVERALL PROJECT AREA:	18.39 AC
TAX PARCEL I.D. #:	701025000010
DELAND FUTURE LAND USE:	MEDIUM DENSITY RESIDENTIAL
MAX DENSITY:	12 DU PER AC
DELAND ZONING:	PLANNED DEVELOPMENT (PD)
OVERALL DEVELOPMENT STANDARDS	
MAXIMUM LOT COVERAGE:	50%
MAXIMUM BUILDING HEIGHT	
SINGLE AND 2 FAMILY:	35 SF
MFR & OTHER USES:	65 FT
MINIMUM LANDSCAPE BUFFERS	
PD PERIMETER:	15 FT
INTERIOR LOT LINES:	NONE

LAND USE TABLE:

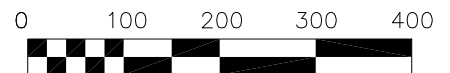
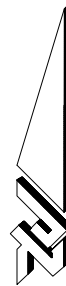
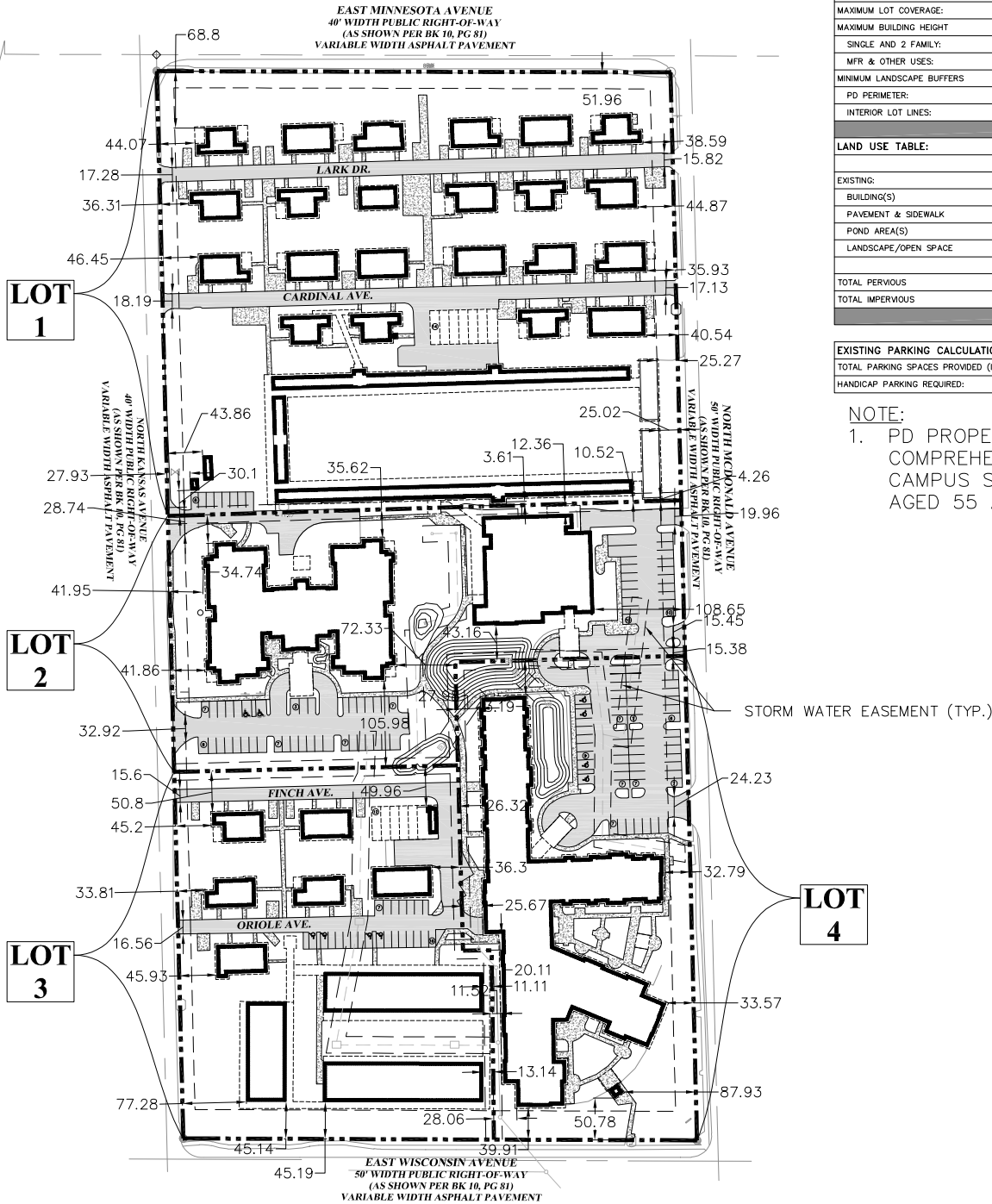
	ACREAGE	PERCENTAGE
EXISTING:		
BUILDING(S)	6.37 AC	34.64%
PAVEMENT & SIDEWALK	3.81 AC	20.83%
POND AREA(S)	.35 AC	1.90%
LANDSCAPE/OPEN SPACE	7.84 AC	42.63%
TOTAL PERVIOUS	8.19 AC	44.54%
TOTAL IMPERVIOUS	10.2 AC	55.46%

EXISTING PARKING CALCULATIONS:

TOTAL PARKING SPACES PROVIDED (INCLUDING HANDICAP):	226
HANDICAP PARKING REQUIRED:	10

NOTE:

1. PD PROPERTY IS AN EXISTING COMPREHENSIVE SENIOR LIVING CAMPUS SERVING RESIDENTS AGED 55 AND OVER.



SCALE : 1" = 200'

R:\23360 - DCG DELAND McDONALD PROPERTY\FINAL ENGINEERING PLANS\CADDWGS\PD\23360 - DELAND McDONALD PROPERTY PD PLANDWG - PRINTED 3/21/2025 1:01 PM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

ZC 23360

LATEST REVISION DATE: 11/08/2024

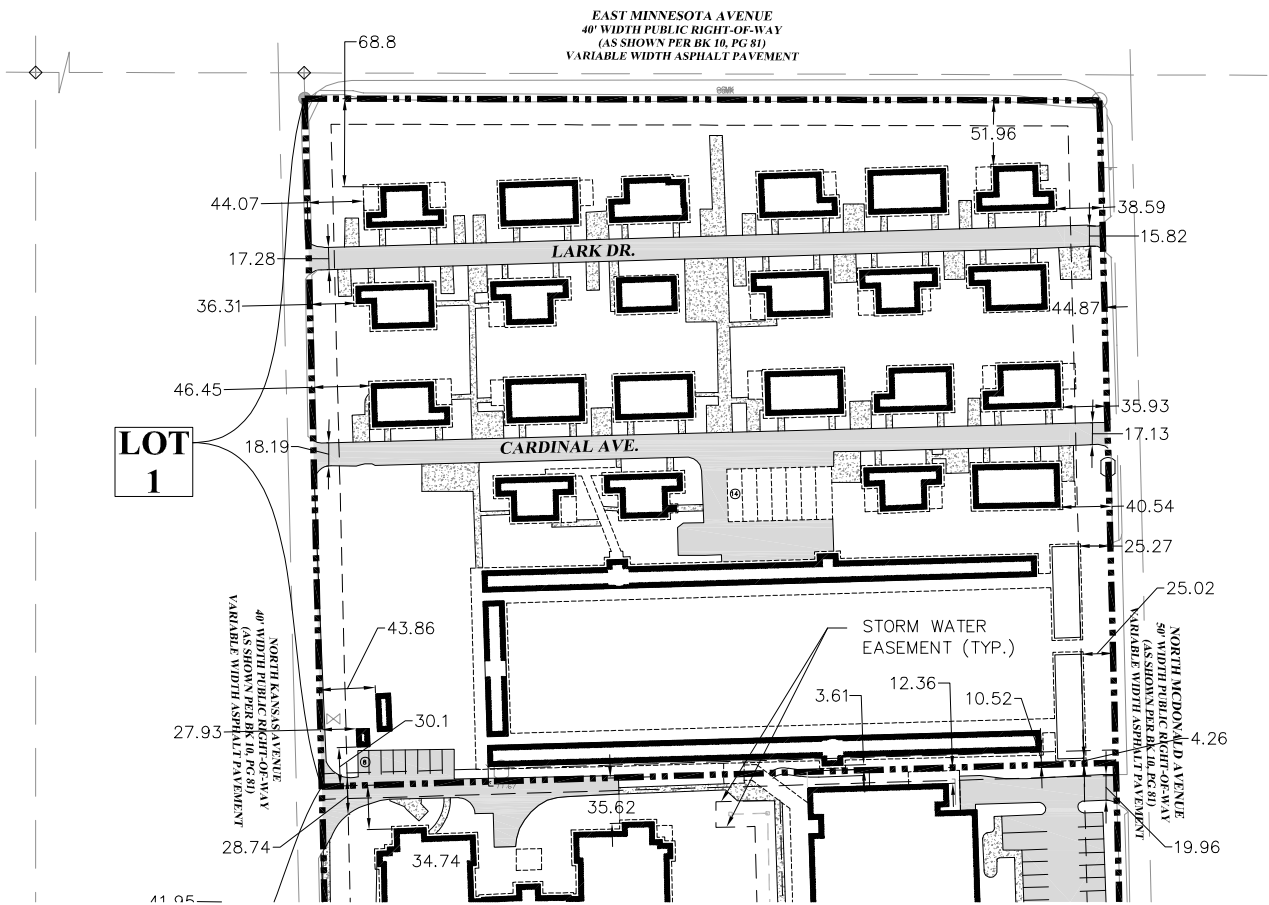
COMPOSITE EXHIBIT B EXISTING OVERALL DeLAND McDONALD PROPERTY DeLAND , FLORIDA

CITY OF DELAND

VOLUSIA COUNTY



WWW.ZEVCOHEN.COM

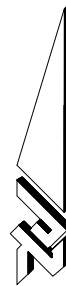


PROPOSED INDIVIDUAL SITE INFORMATION:

LOT 1:	450 N. McDONALD AVE. DELAND, FL.	
PROJECT AREA:	7.52 AC	
TAX PARCEL I.D. #:	701025000010	
DELAND FUTURE LAND USE:	MEDIUM DENSITY RESIDENTIAL	
MAX DENSITY:	12 DU PER AC	
DELAND ZONING:	PLANNED DEVELOPMENT (PD)	
DEVELOPMENT STANDARDS		
MINIMUM BUILDING SETBACKS FROM PD PERIMETER:		
E. MINNESOTA AVE.:	50 FT	
N. McDONALD AVE.:	24 FT	
N. KANSAS AVE.:	30 FT	
ADJOINING LOTS.:	10 FT	
BUILDING SETBACK FROM INTERIOR LOT LINE:	3.61 FT	
COVERED PARKING SETBACK FROM INTERIOR LOT LINE:	0 FT	
MINIMUM LANDSCAPE BUFFERS		
PD PERIMETER:	15 FT	
INTERIOR LOT LINES:	NONE	
MINIMUM BUILDING SERPERATION:	0 FT	
LAND USE TABLE:		
	ACREAGE	PERCENTAGE
EXISTING:		
BUILDING(S)	2.00 AC	26.6%
PAVEMENT & SIDEWALK	1.08 AC	14.36%
POND AREA(S)	0 AC	0%
LANDSCAPE/OPEN SPACE	4.44 AC	59.04%
TOTAL PERVIOUS	3.08 AC	40.96%
TOTAL IMPERVIOUS	4.44 AC	59.04%
PROPOSED PARKING CALCULATIONS:		
PARKING SPACES:		42
GARAGE SPACES:		14
HANDICAP SPACES		NA
TOTAL PARKING SPACES PROVIDED:		56

NOTE:

1. BUILDING SETBACKS TO BE MEASURED TO EACH BUILDING EXTERIOR WALLS.



SCALE : 1" = 150'

R:\23360 - DCG DELAND McDONALD PROPERTY\FINAL ENGINEERING PLANS\CADDINGS\PD\23360 - DELAND McDONALD PROPERTY PD PLANDWG - PRINTED 3/21/2025 1:02 PM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

ZC 23360

LATEST REVISION DATE: 11/08/2024

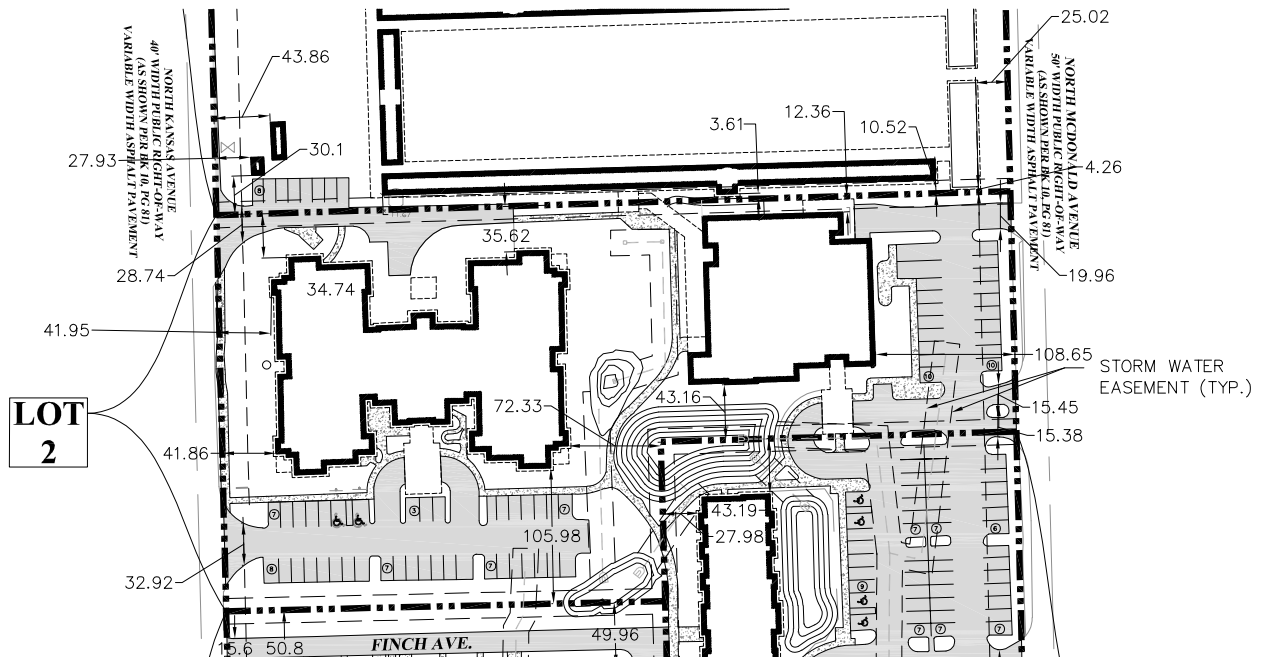
COMPOSITE EXHIBIT B PROPOSED LOT 1 DeLAND McDONALD PROPERTY DeLAND , FLORIDA

CITY OF DELAND

VOLUSIA COUNTY



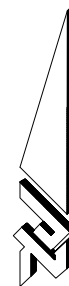
WWW.ZEVCOHEN.COM



PROPOSED INDIVIDUAL SITE INFORMATION:

LOT 2:	450 N. McDONALD AVE. DELAND, FL.		
PROJECT AREA:	3.64 AC		
TAX PARCEL I.D. #:	701025000010		
DELAND FUTURE LAND USE:	MEDIUM DENSITY RESIDENTIAL		
MAX DENSITY:	12 DU PER AC		
DELAND ZONING:	PLANNED DEVELOPMENT (PD)		
DEVELOPMENT STANDARDS			
MINIMUM BUILDING SETBACKS FROM PD PERIMETER:			
N. McDONALD AVE.:	24 FT		
N. KANSAS AVE.:	30 FT		
ADJOINING LOTS.:	10 FT		
BUILDING SETBACK FROM INTERIOR LOT LINE:	12.36 FT		
COVERED PARKING SETBACK FROM INTERIOR LOT LINE:	0 FT		
MINIMUM LANDSCAPE BUFFERS			
PD PERIMETER:	15 FT		
INTERIOR LOT LINES:	NONE		
MINIMUM BUILDING SERPERATION:	20 FT		
LAND USE TABLE:			
	ACREAGE		PERCENTAGE
EXISTING:			
BUILDING(S)	1.22 AC		33.52%
PAVEMENT & SIDEWALK	1.01 AC		27.74%
POND AREA(S)	.18 AC		4.95%
LANDSCAPE/OPEN SPACE	1.23 AC		33.79%
TOTAL PERVIOUS	1.41 AC		38.74%
TOTAL IMPERVIOUS	2.23 AC		61.26%
PROPOSED PARKING CALCULATIONS:			
PARKING SPACES:			57
GARAGE SPACES:			NA
HANDICAP SPACES			2
TOTAL PARKING SPACES PROVIDED:			59

NOTE:
1. BUILDING SETBACKS TO BE MEASURED TO EACH BUILDING EXTERIOR WALLS.



SCALE : 1" = 150'

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CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

ZC 23360

COMPOSITE EXHIBIT B PROPOSED LOT 2 DeLAND McDONALD PROPERTY DeLAND , FLORIDA

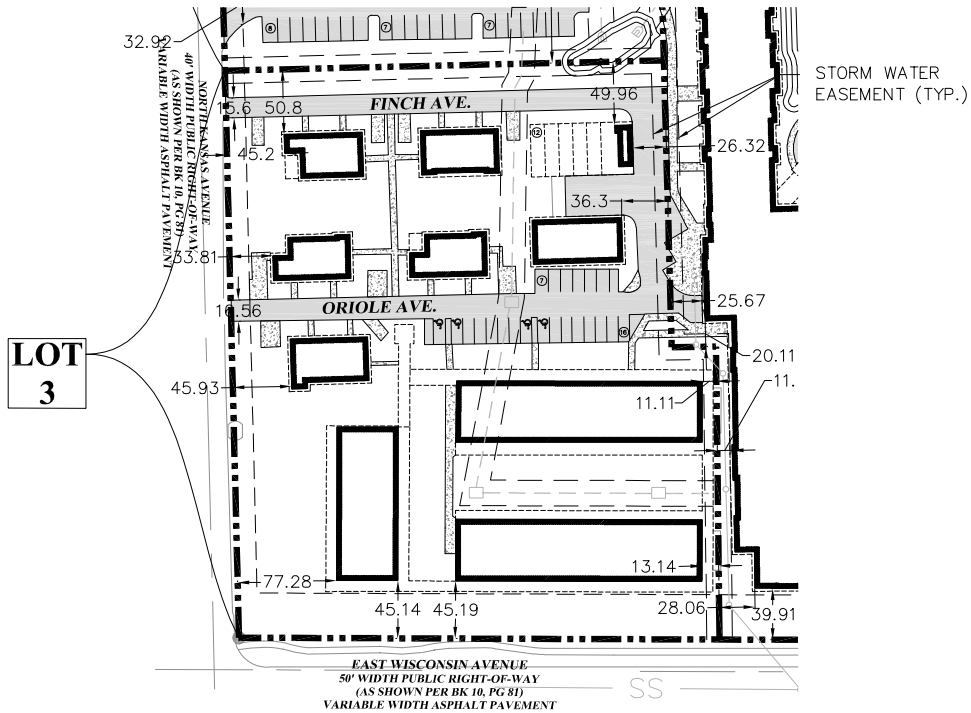
LATEST REVISION DATE: 11/08/2024

CITY OF DELAND

VOLUSIA COUNTY

ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BLVD., STE. C
ORMOND BEACH, FL 32274

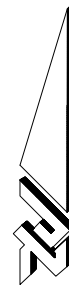
WWW.ZEVCOHEN.COM



PROPOSED INDIVIDUAL SITE INFORMATION:

LOT 3:	450 N. McDONALD AVE. DELAND, FL.	
PROJECT AREA:	3.7 AC	
TAX PARCEL I.D. #:	701025000010	
DELAND FUTURE LAND USE:	MEDIUM DENSITY RESIDENTIAL	
MAX DENSITY:	12 DU PER AC	
DELAND ZONING:	PLANNED DEVELOPMENT (PD)	
DEVELOPMENT STANDARDS		
MINIMUM BUILDING SETBACKS FROM PD PERIMETER:		
E. WISCONSIN AVE.:	39 FT	
N. KANSAS AVE.:	30 FT	
ADJOINING LOTS.:	10 FT	
BUILDING SETBACK FROM INTERIOR LOT LINE:	11.11 FT	
COVERED PARKING SETBACK FROM INTERIOR LOT LINE:	0 FT	
MINIMUM LANDSCAPE BUFFERS		
PD PERIMETER:	15 FT	
INTERIOR LOT LINES:	NONE	
MINIMUM BUILDING SERPERATION:	0 FT	
LAND USE TABLE:		
	ACREAGE	PERCENTAGE
EXISTING:		
BUILDING(S)	1.9 AC	51.35%
PAVEMENT & SIDEWALK	.62 AC	16.76%
POND AREA(S)	.01 AC	.27%
LANDSCAPE/OPEN SPACE	1.17 AC	48.92%
TOTAL PERVIOUS	1.18 AC	31.89%
TOTAL IMPERVIOUS	2.52 AC	68.11%
PROPOSED PARKING CALCULATIONS:		
PARKING SPACES:		30
GARAGE SPACES:		12
HANDICAP SPACES		4
TOTAL PARKING SPACES PROVIDED:		46

NOTE:
1. BUILDING SETBACKS TO BE MEASURED TO EACH BUILDING EXTERIOR WALLS.



SCALE : 1" = 150'

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CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

ZC 23360

COMPOSITE EXHIBIT B PROPOSED LOT 3 DeLAND McDONALD PROPERTY DeLAND , FLORIDA

LATEST REVISION DATE: 11/08/2024

CITY OF DELAND

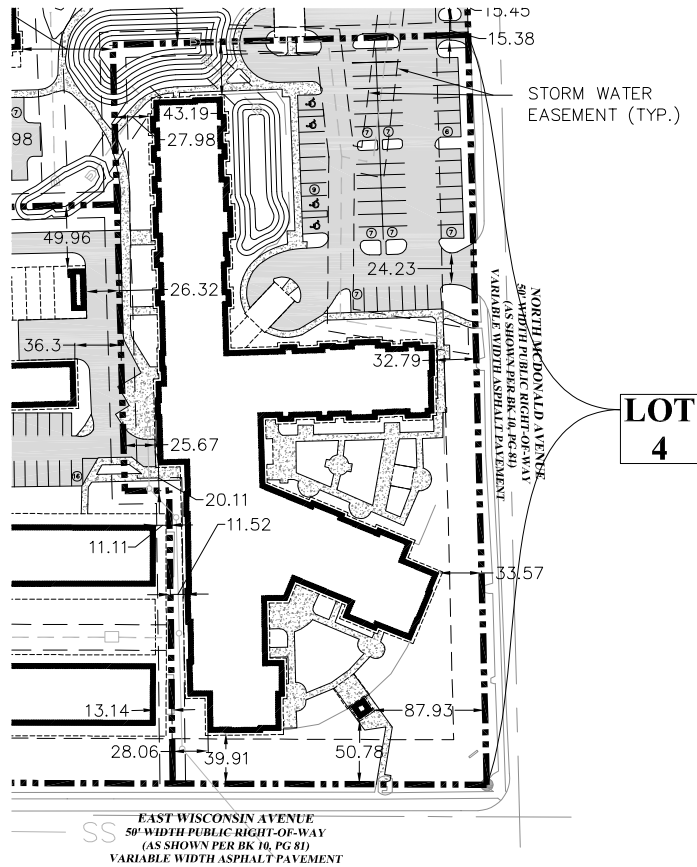
VOLUSIA COUNTY



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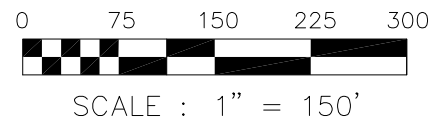
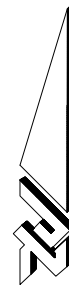
(EB 4516)

(LC 62)



PROPOSED INDIVIDUAL SITE INFORMATION:		
LOT 4:	450 N. McDONALD AVE. DELAND, FL.	
PROJECT AREA:	3.53 AC	
TAX PARCEL I.D. #:	701025000010	
DELAND FUTURE LAND USE:	MEDIUM DENSITY RESIDENTIAL	
MAX DENSITY:	12 DU PER AC	
DELAND ZONING:	PLANNED DEVELOPMENT (PD)	
DEVELOPMENT STANDARDS		
MINIMUM BUILDING SETBACKS FROM PD PERIMETER:		
E. WISCONSIN AVE.:	39 FT	
N. McDONALD AVE.:	24 FT	
ADJOINING LOTS.:	10 FT	
BUILDING SETBACK FROM INTERIOR LOT LINE:	11.52 FT	
COVERED PARKING SETBACK FROM INTERIOR LOT LINE:	0 FT	
MINIMUM LANDSCAPE BUFFERS		
PD PERIMETER:	15 FT	
INTERIOR LOT LINES:	NONE	
MINIMUM BUILDING SERPERATION:	0 FT	
LAND USE TABLE:		
	ACREAGE	PERCENTAGE
EXISTING:		
BUILDING(S)	1.25 AC	35.41%
PAVEMENT & SIDEWALK	1.12 AC	28.05%
POND AREA(S)	.16 AC	4.53%
LANDSCAPE/OPEN SPACE	1.00 AC	28.33%
TOTAL PERVIOUS	1.16 AC	32.86%
TOTAL IMPERVIOUS	2.37 AC	67.14%
PROPOSED PARKING CALCULATIONS:		
PARKING SPACES:		53
GARAGE SPACES:		NA
HANDICAP SPACES		4
TOTAL PARKING SPACES PROVIDED:		57

NOTE:
1. BUILDING SETBACKS TO BE MEASURED TO EACH BUILDING EXTERIOR WALLS.



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CIVIL ENGINEERING LANDSCAPE ARCHITECTURE ENVIRONMENTAL PLANNING TRANSPORTATION (EB 4516) (LC 62)	ZC 23360 COMPOSITE EXHIBIT B PROPOSED LOT 4 DeLAND McDONALD PROPERTY DeLAND , FLORIDA CITY OF DELAND	LATEST REVISION DATE: 11/08/2024 ZEVE COHEN & ASSOCIATES, INC. 300 INTERCHANGE BLVD., STE. C ORMOND BEACH, FL 32174 WWW.ZEVECOHEN.COM
	VOLUSIA COUNTY	
	Page 81 of 234	

**PLANNING DEPARTMENT STAFF REPORT
TO
PLANNING BOARD**

April 9, 2025

APPLICATION NO.: Z24-231

STAFF PLANNER: Kendall Story

APPLICANT: Ben Friel

REQUEST: Amend the existing zoning designation from R-12 Multi-family to City of DeLand's McDonald Property PD

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:	Northeast corner of E. Wisconsin Ave. and N. Kansas Ave.
Parcel Size:	±18.39 acres
Land Use:	Medium Density Residential (MDR)
Existing Zoning:	R-12 Multi-family
Existing Use:	Existing Senior Living Campus

	SURROUNDING USE:	SURROUNDING ZONING:
North:	Low Density Residential (LDR)	R-1AA
South:	Low Density Residential (LDR)	R-1A
East:	Low Density Residential (LDR)	R-1B
West:	Low Density Residential (LDR) & High Density Residential (HDR)	R-1B & R-16

B. BACKGROUND: The subject property is 18.39 acres in size and is currently being used as a comprehensive senior living campus. The site was originally developed in the early 1960's by the Lutheran Church's Good Samaritan Society. There is a new owner of the property, DeLand Fl Property LLC, and they wish to eventually subdivide the property into 4 lots, for financing purposes. Below, the table lists the proposed lot size and the permitted uses per lot, to include senior independent living, assisted living, skilled nursing care and rehabilitation services.

LOTS	SIZE	USE
1	7.52 acres	Independent living
2	3.64 acres	Skilled nursing, rehab facility, community center
3	3.70 acres	Independent living
4	3.53 acres	Assisted living

- C. **ANALYSIS:** The comprehensive senior living campus includes a variety of housing types, such as duplex housing, multi-family independent-living housing and assisted-living facilities. If the property were to be subdivided as intended, it would create many nonconformities such as setbacks from internal lot lines, parking minimums for each lot and building separations. The goal of rezoning the subject property to the McDonald Property PD is to memorialize the site as-is, capturing the non-conformities through PD standards and allow the property to be subdivided. Stipulated in the PD agreement is the requirement that any future development, improvements, or further subdivision of the subject property must comply with the current land development regulations, included but not limited to, stormwater, parking minimums, setbacks, etc.

If the PD is approved, in order to subdivide the property, the applicant will be required to submit an application for a preliminary subdivision plat as well as a final plat.

Below is a table listing the deviations from the code and R-12 zoning district standards being proposed by the applicant, keeping in mind that all of the structures and infrastructure are have already been constructed, and this PD describes the site as it is currently.

	R-12 REQUIRED:	PROPOSED PD:
FRONT YARD SETBACK (adjacent to right of way)	30'	24'
INTERNAL SETBACKS	10'	0'
BUILDING SEPARATION	25'	0'
PARKING (lot 1)	156	56
PARKING (lot 3)	108	46
MINIMUM FLOOR AREA (independent living)	425 sq. ft.	225 sq. ft.
PERIMETER SETBACKS	30'	24'

School Concurrency: A school concurrency letter was not required, as the property is for senior living only.

Traffic Analysis: A traffic impact analysis was not required as no changes are being made to the site at this time.

Stormwater: Stormwater ponds are shared throughout the site and shown on the PD plan. Redevelopment of any of the individual lots within the PD will require an analysis of the shared stormwater management system for the entire PD in order to determine the extent to which runoff

can be treated and retained upon the individual lots or whether improvements to the master drainage system are necessary to ensure that the 100-year/24-hr storm event is retained on site.

On February 20, 2025, the Technical Review Committee recommended that the proposed Planned Development Agreement be forwarded on to the Planning Board, subject to addressing remaining Staff comments.

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 subject property abuts single-family and multi-family development on four sides. On the Future Land Use map, the surrounding properties are designated as either Low Density Residential (LDR) or High Density Residential (HDR), with the subject property designated as Medium Density Residential (MDR). The senior living campus contains multi-family and single-family living, which is consistent with the MDR land use, R-12 zoning and the surrounding properties.

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

The proposed rezoning will not have an impact on the environment or natural resources, as the subject property is an existing, developed site and no new development is being proposed. Any redevelopment or new development of the site will require the review and approval of a new Planned Development.

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

The proposed rezoning will not have an impact on the economy of the affected, as the subject property is an existing, developed site and no new development is being proposed.

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

The proposed rezoning will not have an impact on governmental services, as the subject property is an existing, developed site and no new development is being proposed.

Governmental services are already being provided by the city and include potable water, sanitary sewer, code enforcement, police, and fire.

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 been no known changes in the circumstances or conditions affecting the area since the original assigned zoning. New ownership of the senior living campus has been established and the owner is rezoning, and eventually subdividing the land, with the purpose of securing HUD-funding for the property. Because the property was developed as a campus, subdivision is not possible without creating several non-conformities.

Therefore, the applicant is requesting rezoning to a PD to allow for deviations from the standards.

6. Was there a mistake in the original classification?

There was no mistake in the original classification. Standards that are not included in the PD agreement will default to the R-12 zoning district standards and the Land Development Regulations.

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

The proposed rezoning will not have any effect upon the use or value of the affected area, as the subject property is an existing, developed site and no new development is being proposed.

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

The proposed rezoning will not have an impact on public health, safety and welfare, as the subject property is an existing, developed site and no new development is being proposed.

D. CONCLUSION:

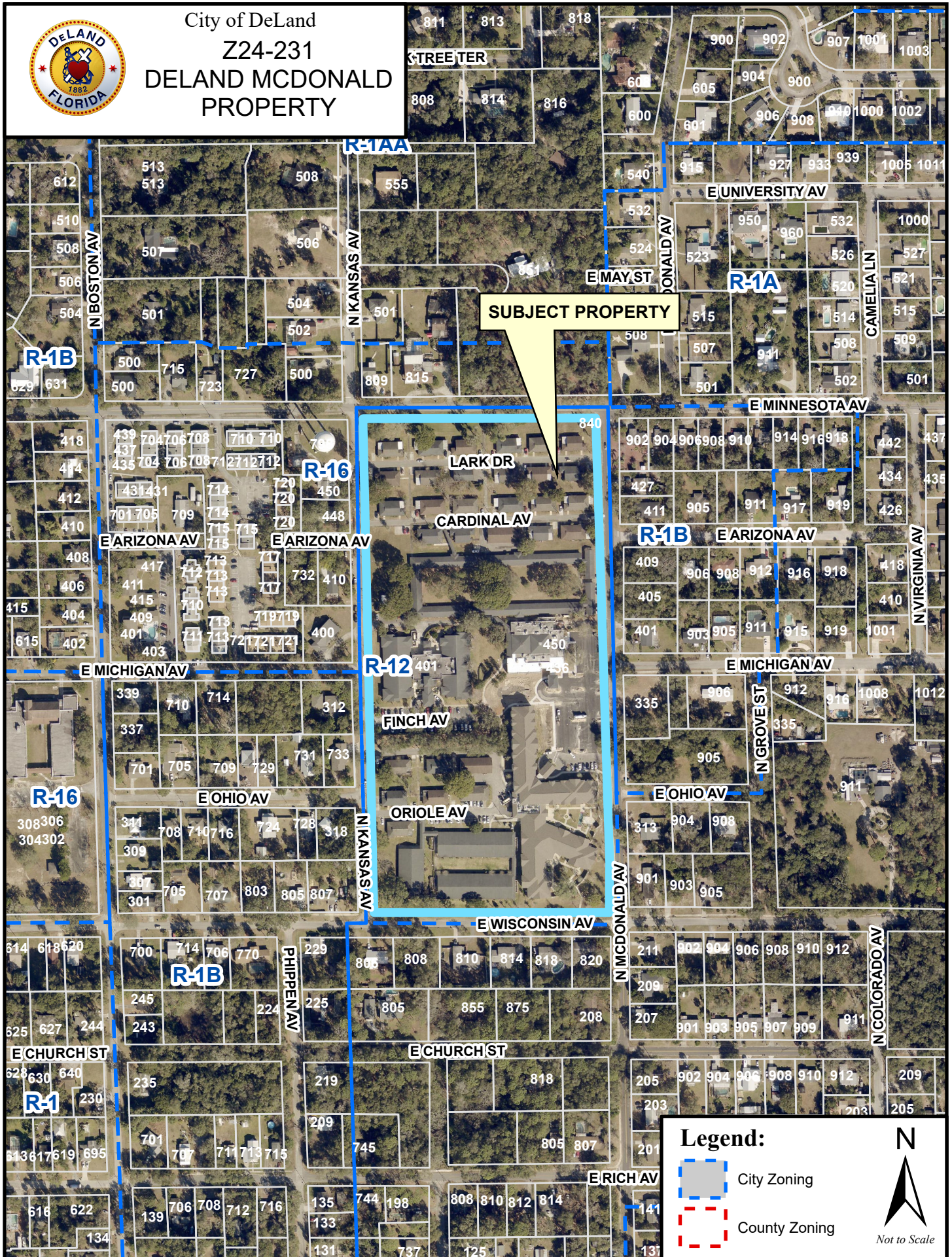
The Applicant is proposing a rezoning from R-12 Multi-family, to the McDonald Property PD. Submittal of a preliminary and final plat will be required to ensure the provisions of the Planned Development Agreement are satisfied, as determined by TRC Staff, Planning Board, and City Commission.

E. STAFF RECOMMENDATION:

Staff recommends that the Planning Board forward the request to the City Commission with a recommendation for approval to rezone the subject property from R-12 multi-family, to the McDonald Property Planned Development, with the condition that the PD agreement is revised to remove the language regarding minor amendments.



City of DeLand
Z24-231
DELAND MCDONALD
PROPERTY



Legend:

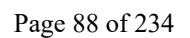
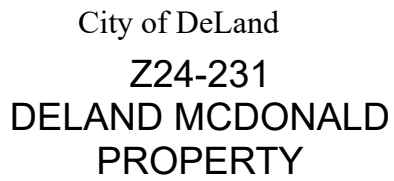
-  City Zoning
-  County Zoning





City of DeLand
Z24-231
DELAND MCDONALD
PROPERTY





CITY OF DELAND
Request for Commission Action
April 21, 2025

SUBJECT: Resolution Approving Community Development Block Grant (CDBG) Budget for Fiscal Year 2025-2026.

DEPARTMENT: Planning

PREPARED BY: Emily Kunkel, Senior Planner

ATTACHMENTS: Resolution , Exhibit A, Notice Regarding CDBG Allocation Method_DeLand

APPROVED BY: Michael Pleus, City Manager, April 16, 2025

SUMMARY/HIGHLIGHT:

A Resolution adopting the Community Development Block Grant (“CDBG”) Budget for Fiscal Year 2025-2026 is proposed to the City Commission. The CDBG Budget of \$176,209.44 for Fiscal Year 2025-2026 will result in the expenditure of CDBG funds for the benefit of targeted areas of the City of DeLand upon county approval of one grant application submitted to Volusia County.

In February 2025, Volusia County Community Services Department amended the way CDBG funds are allocated to the nine (9) partnering cities in the County. Beginning with the FY2025/2026 program, the County will no longer award partnering cities a fixed allocation based on Formula A. Instead, projects will be awarded through a competitive application process, which will allow the nine (9) partnering cities, non-profit organizations and county departments to propose more large-scale and impactful capital projects, maximizing the benefit for residents.

Due to the competitive nature of the new CDBG allocation, "shovel-ready" projects will be at an advantage of being approved by the county. The proposed scope of work for the proposed project is to do a complete removal of the Old Daytona Road surface course and sub-base and install a new sub-base with a 2-in thick asphalt roadway to a new width of 24-ft. (see attached staff memo for detailed description of work and associated plans). The cost of this project is \$176,209.44.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government.

SUSTAINABILITY:

This program provides annual grant opportunities for community revitalization and rehabilitation for low- and moderate-income persons.

FISCAL IMPACT:

The allocation and expenditure of CDBG funding authorized for the City of DeLand will benefit the citizens of the City while using a funding source other than ad valorem tax revenues.

RECOMMENDATION:

It is recommended that the City Commission approve the Resolution adopting the CDBG Budget for Fiscal Year 2025-2026.

BACKGROUND/DISCUSSION:

In February 2025, Volusia County Community Services Department amended the way CDBG funds are allocated to the nine (9) partnering cities in the County. Beginning with the FY2025/2026 program, the County will no longer award partnering cities a fixed allocation based on Formula A. Instead, projects will be awarded through a competitive application process, which will allow the nine (9) partnering cities, non-profit organizations and county departments to propose more large-scale and impactful capital projects, maximizing the benefit for residents.

Previously, the City of DeLand annually adopted a budget relating to the fixed allocation of CDBG funds received from Volusia County and submitted grant applications to Volusia County. In addition, Section 290.046(5), *Florida Statutes*, provides that the City "...may establish a citizen advisory task force composed of citizens in the jurisdiction in which the proposed project is to be implemented to provide input relative to all phases of the project process". Thus, the creation and use of such a body is purely discretionary and voluntary on the part of the City Commission and a review and recommendation is not a statutorily mandated legal requirement. The City Commission did adopt Resolution Number 2008-29, creating the Community Advisory Task Force ("CATF") for the purpose of, among other things, reviewing CDBG grant applications and making recommendations to the City Commission.

For various reasons, the CATF is no longer a viable board. Accordingly, it is necessary and appropriate for the City Commission to approve the CDBG Budget for submission to Volusia County without the CATF making recommendations and, further, it is in the best interests of the City and consistent with the statutory and constitutional home rule powers of the City and other controlling law for the City Commission to adopt the proposed Resolution.

RESOLUTION NO. 2025 -

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET FOR FISCAL YEAR 2025-2026; AND AUTHORIZES SUBMISSION OF THE BUDGET AND GRANT APPLICATIONS TO VOLUSIA COUNTY; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of DeLand annually adopts a budget relating to the allocation of Community Development Block Grant (“CDBG”) funds received from Volusia County and submits grant applications to Volusia County; and

WHEREAS, in accordance with Section 290.046(5), Florida Statutes, the City adopted Resolution No. 2008-29 creating the Community Advisory Task Force (“CATF”) for the purpose of, amongst other things, reviewing CDBG grant applications and making recommendations thereon to the City Commission; and

WHEREAS, creation of the CATF was purely voluntary on the part of the City Commission and its review is not a statutorily mandated legal requirement; and

WHEREAS, the CATF does not have sufficient membership to hold a meeting and it is therefore not possible for the CATF to convene a meeting and make a recommendation on the CDBG budget; and

WHEREAS, the City Commission hereby determines that voting upon the CDBG budget and grant applications to submit to Volusia County without the CATF making recommendations thereon is in the best interests of the City and the community at large; and

WHEREAS, the City Commission determines that the adoption of this Resolution is in the best interests of the health, safety and welfare of the citizens of the City of DeLand.

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

Section 1. The City Commission of the City of DeLand hereby adopts and incorporates into this Resolution, as the findings and intent of the City Commission, the recitals (whereas clauses) to this Resolution.

Section 2. The City Commission hereby approves the Community Development Block Grant budget for fiscal year 2025-2026 attached hereto as Exhibit “A” and authorizes the City’s professional staff to submit grant applications to Volusia County as reflected in the said budget.

Section 3. All resolutions or parts of resolutions and other actions of the City Commission in conflict with this Resolution are hereby repealed.

Section 4. If any section, sentence, phrase, word or portion of this Resolution is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or

impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Resolution not otherwise determined to be invalid, unlawful or unconstitutional.

Section 5. This Resolution shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED this 21st day of April, 2025.

Christopher M. Cloudman
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney



EXHIBIT "A"

City of DeLand
Planning Division
120 S. Florida Ave.
DeLand, FL 32720
Planning@DeLand.org

MEMORANDUM

DATE: April 21, 2025
TO: Volusia County's Community Assistance Division
FROM: Emily Kunkel, *Senior Planner/Historic Resource Coordinator*
RE: FY2025/2026 CDBG Project – Old Daytona Rd Rebuild

For the new CDBG competitive application process, the City of DeLand Public Works department plans to submit an application along Old Daytona Road for the following:

The proposed scope of work for this project:

- Complete removal of the roadway and sub-base
- Install new sub-base with 2" thick asphalt roadway to a new width of 24-ft.

Attachments:

Summary of Pay Items – Base Bid
Engineering Plans

Summary of Pay Items Base Bid

PAY ITEM NO.	PAY ITEM DESCRIPTION	UNIT	QUANTITY	PRICE	TOTAL PRICE
101-1*	MOBILIZATION (10%)	LS	1	\$12,768.80	\$12,768.80
102-1*	MAINTENANCE OF TRAFFIC (10%)	LS	1	\$12,768.80	\$12,768.80
102-99	PORTABLE CHANGEABLE MESSAGE SIGN (TEMPORARY)	ED	30	\$100.00	\$3,000.00
104-10-3	SEDIMENT BARRIER	LF	1,267	\$1.00	\$1,267.00
104-11	FLOATING TURBIDITY BARRIER	LF	148	\$10.00	\$1,480.00
110-1-1*	CLEARING & GRUBBING	LS	1	\$20,000.00	\$20,000.00
110-4-10	REMOVAL OF EXISTING CONCRETE	SY	32	\$10.00	\$320.00
120-1	REGULAR EXCAVATION	LS	1	\$20,000.00	\$20,000.00
160-4	TYPE B STABILIZATION (8")	SY	1,250	\$8.00	\$9,997.33
285-704	OPTIONAL BASE COURSE, GROUP 06 (8" CRUSHED CONCRETE)	SY	1,250	\$25.00	\$31,241.67
327-70-5	MILLING EXISTING ASPHALT PAVEMENT, 2" DEPTH	SY	461	\$7.00	\$3,227.00
334-1-12	SUPERPAVE ASPHALTIC CONC, TRAFFIC B, 2", PG 76-22	TN	189	\$170.00	\$32,130.00
522-2*	CONCRETE DRIVEWAY 6" THICK	SY	25	\$65.00	\$1,625.00
570-1-2	PERFORMANCE TURF, SOD	SY	850	\$4.00	\$3,400.00
CONTINGENCY (15%)					\$22,983.84
GRAND TOTAL					\$176,209.44

PAY ITEM NOTES:

101-1: Includes the cost for contractor quality control (CQC) testing for any of the following that are necessary to complete the construction of this project: asphalt, concrete earthwork. Includes the cost of capping and repair of any existing irrigation

102-1: Includes all items and labor necessary for the implementation of the temporary traffic control plan per applicable FDOR standard plans indexes (latest). Includes the cost for the contractor to clean the jobsite of construction debris before leaving the project site each day. Following construction, the contractor shall thoroughly clean and sweep the project to assure all debris have been removed.

110-1-1: Includes, but not limited to, the removal and disposal of all obstructions, vegetation, debris, trimming of trees and shrubs, root removal, existing asphalt pavement including 6" concrete header curb & 3.5" red brick beneath existing asphalt paving, base and drainage structures, side drains, as required, to construct the project. No trees are to be removed without approval from city engineer.

522-2: Includes cost of water valve adjustments and other utility adjustments and/or utility coordination due to sidewalk and driveway re-construction.

Summary of Pay Items Base Bid

PAY ITEM NO.	PAY ITEM DESCRIPTION	UNIT	QUANTITY	PRICE	TOTAL PRICE
101-1*	MOBILIZATION (10%)	LS	1	\$12,768.80	\$12,768.80
102-1*	MAINTENANCE OF TRAFFIC (10%)	LS	1	\$12,768.80	\$12,768.80
102-99	PORTABLE CHANGEABLE MESSAGE SIGN (TEMPORARY)	ED	30	\$100.00	\$3,000.00
104-10-3	SEDIMENT BARRIER	LF	1,267	\$1.00	\$1,267.00
104-11	FLOATING TURBIDITY BARRIER	LF	148	\$10.00	\$1,480.00
110-1-1*	CLEARING & GRUBBING	LS	1	\$20,000.00	\$20,000.00
110-4-10	REMOVAL OF EXISTING CONCRETE	SY	32	\$10.00	\$320.00
120-1	REGULAR EXCAVATION	LS	1	\$20,000.00	\$20,000.00
160-4	TYPE B STABILIZATION (8")	SY	1,250	\$8.00	\$9,997.33
285-704	OPTIONAL BASE COURSE, GROUP 06 (8" CRUSHED CONCRETE)	SY	1,250	\$25.00	\$31,241.67
327-70-5	MILLING EXISTING ASPHALT PAVEMENT, 2" DEPTH	SY	461	\$7.00	\$3,227.00
334-1-12	SUPERPAVE ASPHALTIC CONC, TRAFFIC B, 2", PG 76-22	TN	189	\$170.00	\$32,130.00
522-2*	CONCRETE DRIVEWAY 6" THICK	SY	25	\$65.00	\$1,625.00
570-1-2	PERFORMANCE TURF, SOD	SY	850	\$4.00	\$3,400.00
CONTINGENCY (15%)					\$22,983.84
GRAND TOTAL					\$176,209.44

PAY ITEM NOTES:

101-1: Includes the cost for contractor quality control (CQC) testing for any of the following that are necessary to complete the construction of this project: asphalt, concrete earthwork. Includes the cost of capping and repair of any existing irrigation

102-1: Includes all items and labor necessary for the implementation of the temporary traffic control plan per applicable FDOR standard plans indexes (latest). Includes the cost for the contractor to clean the jobsite of construction debris before leaving the project site each day. Following construction, the contractor shall thoroughly clean and sweep the project to assure all debris have been removed.

110-1-1: Includes, but not limited to, the removal and disposal of all obstructions, vegetation, debris, trimming of trees and shrubs, root removal, existing asphalt pavement including 6" concrete header curb & 3.5" red brick beneath existing asphalt paving, base and drainage structures, side drains, as required, to construct the project. No trees are to be removed without approval from city engineer.

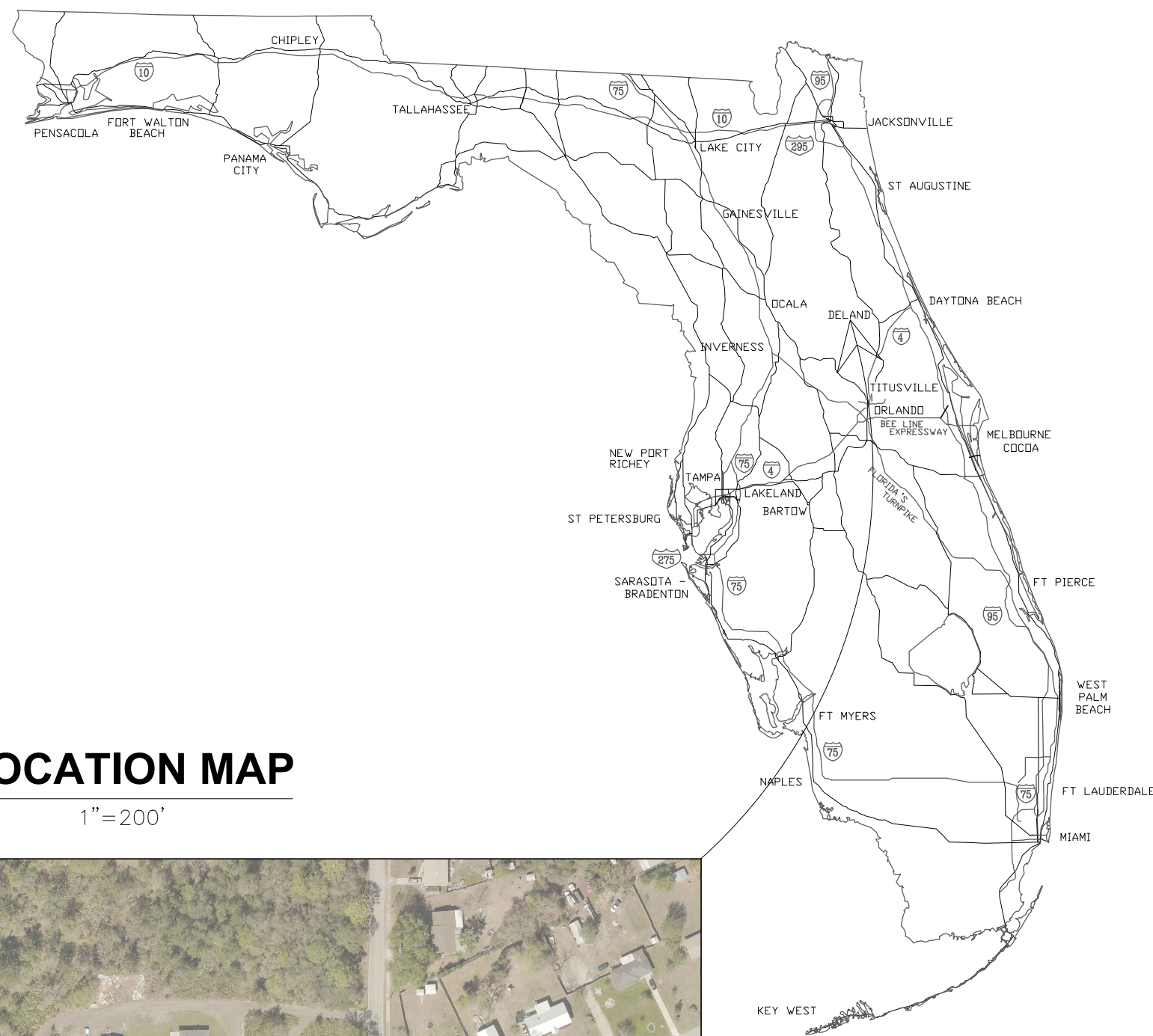
522-2: Includes cost of water valve adjustments and other utility adjustments and/or utility coordination due to sidewalk and driveway re-construction.

CONSTRUCTION PLANS

for

OLD DAYTONA ROAD IMPROVEMENTS

DeLAND, FLORIDA



LOCATION MAP

1"=200'



SITE



Index of Construction Plans

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1 of 8	Cover Sheet
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GOVERNING STANDARD PLANS:

FLORIDA DEPARTMENT OF TRANSPORTATION, FY 2024-2025 STANDARD PLANS FOR ROAD AND BRIDGE CONSTRUCTION AND APPLICABLE INTERIM REVISIONS (IRs). STANDARD PLANS FOR ROAD AND BRIDGE CONSTRUCTION AND ASSOCIATED IRs ARE AVAILABLE AT THE FOLLOWING WEBSITE:
<https://www.fdot.gov/design/standardplans/>

GOVERNING STANDARD SPECIFICATIONS:

FLORIDA DEPARTMENT OF TRANSPORTATION, JULY 2024 STANDARD SPECIFICAITONS FOR ROAD AND BRIDGE CONSTRUCTION AT THE FOLLOWING WEBSITE:
<https://www.fdot.gov/programmanagement/implemented/specbooks/>

PREPARED BY:

CITY of DeLAND, FLORIDA

ENGINEERING DEPARTMENT

1102 S. GARFIELD AVENUE, DeLAND, FLORIDA 32724

Tel: (386) 626-7196

Fax: (386) 736-5366

SEC. 26, T. 16, R. 30 E.

						City of DeLand, Florida ENGINEERING DEPARTMENT 1102 S. Garfield Avenue DeLand, Florida 32724 TEL: 386/626-7196 FAX: 386/736-5366		
						COVER SHEET OLD DAYTONA ROAD IMPROVEMENTS		
NO.	REVISIONS	BY	DATE	DATE:		1/14/2025	PROJECT NO.	24-03
APPROVED BY:		DRAWING NOT VALID UNLESS EMBOSSSED WITH ENGINEER'S SEAL AND ORIGINAL SIGNATURE		SCALE:		N/A	DRAWING NO.	
RAYMOND BAHRAMI, P.E., CITY ENGINEER FL. LIC. PROF. ENGINEER No. 65552				DRAWN BY:		S.C.	Sheet 1 of 8	

NOTE: CONTRACTOR TO REVIEW AND COMPLY WITH ALL GENERAL NOTES THAT APPLY TO THIS PROJECT. CONTRACTOR SHALL VERIFY ANY NOTES IN QUESTION WITH THE CITY ENGINEER PRIOR TO CONSTRUCTION.

GENERAL, REGULATORY, AND PERMITTING NOTES:

- THESE GENERAL NOTES APPLY TO ALL WORK IN THIS SET OF DRAWINGS, INCLUDING APPENDICES AND REVISIONS.
- THE CONTRACTOR SHALL INSURE THAT ALL REQUIRED PERMITS ARE IN HAND AT THE JOB SITE BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL SATISFY AND ADHERE TO ALL APPLICABLE REQUIREMENTS AND SPECIAL CONDITIONS STATED WITHIN SAID PERMITS REGARDING THE WORK AND MAINTENANCE OF IMPROVEMENTS PRIOR TO ACCEPTANCE BY THE OWNER.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR MEETING ALL INSPECTION REQUIREMENTS AND SCHEDULES AND FOR SIGNING FOR SAID INSPECTIONS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PRESERVATION OF ALL PUBLIC AND PRIVATE PROPERTY, AND SHALL USE EVERY MEANS OF PROTECTION NECESSARY TO PREVENT DAMAGE THERETO. IF ANY DIRECT OR INDIRECT DAMAGE IS DONE TO PUBLIC OR PRIVATE PROPERTY BY OR ON ACCOUNT OF ANY ACT, OMISSION, NEGLECT, OR MISCONDUCT IN THE EXECUTION OF THE WORK ON THE PART OF THE CONTRACTOR, OR HIS SUBCONTRACTORS, SUCH PROPERTY SHALL BE RESTORED BY THE CONTRACTOR AT HIS EXPENSE, TO A CONDITION SIMILAR OR EQUAL TO OR BETTER THAN PRIOR TO CONSTRUCTION.
- AS-BUILT DRAWINGS SHALL BE KEPT BY THE CONTRACTOR AND SUBMITTED TO THE CITY ENGINEERING OFFICE UPON COMPLETION OF THE WORK. THE AS-BUILT DRAWINGS SHALL CLEARLY INDICATE HORIZONTAL AND VERTICAL MEASUREMENTS OF THE WORK AND SHALL BE CERTIFIED BY A REGISTERED SURVEYOR AS BEING CORRECT. AS-BUILT DRAWINGS FROM THE CONTRACTOR LABELED, "BUILT TO PLANS", WILL NOT BE ACCEPTED. THE ENGINEER WILL PROVIDE NO CERTIFICATION OF COMPLETION WITHOUT HAVING FIRST BEEN ALLOTTED SUFFICIENT TIME TO REVIEW THE AS-BUILT DRAWINGS AND MAKE A DETERMINATION OF SUFFICIENCY. BOTH ORIGINAL DESIGN AND REVISED OR MODIFIED DATA, AS APPLICABLE MUST BE CLEARLY SHOWN. THE AS-BUILT DRAWINGS MUST BE CLEARLY LABELED AS "AS-BUILT" OR "RECORD" DRAWING(S). THE FOLLOWING INFORMATION, AT A MINIMUM, SHALL BE CERTIFIED ON THE AS-BUILT DRAWING(S):

PAVING AND DRAINAGE SYSTEM

- DIMENSIONS AND ELEVATIONS ON ALL DISCHARGE STRUCTURES; INCLUDING ALL WEIRS, SLOTS, GATES, ORFICES, MITERED END SECTIONS, PIPES AND SKIMMERS.
 - LOCATIONS, DIMENSIONS, AND ELEVATIONS OF ALL FILTER, EXFILTRATION, OR UNDERDRAIN SYSTEMS; INCLUDING CLEANOUTS, PIPES, CONNECTIONS TO CONTROL STRUCTURES, AND POINTS OF DISCHARGE INTO RECEIVING WATERS.
 - DIMENSIONS, ELEVATIONS, CONTOUR VERIFICATION OR CROSS-SECTIONS OF ALL STORM WATER TREATMENT POND STORAGE AREAS; SUFFICIENT TO ALLOW THE ENGINEER TO ASSESS STORAGE VOLUME RELATIONSHIPS BETWEEN THE POND BOTTOM, WATER CONTROL ELEVATIONS, AND THE TOP OF BANK.
 - ALL EXISTING WATER SURFACE ELEVATIONS AND THE DATE DETERMINED.
 - LOCATION, INVERT ELEVATIONS, AND SIZE OF PIPES, LOCATION OF MANHOLES AND INLETS INCLUDING RIM/GRATE AND BOTTOM ELEVATIONS.
 - SUFFICIENT FINISH GRADE SPOT ELEVATIONS TO ENABLE THE ENGINEER TO ASSESS SURFACE SLOPES AND TO VERIFY DRAINAGE PATTERNS.
 - ELEVATION AND LOCATION OF BENCHMARK(S) USED FOR THE SURVEY.
 - COMPLETE "LEGEND" CLEARLY INDICATING EXISTING/PROPOSED SYMBOLS
 - MINIMUM TECHNICAL STANDARDS
- THE CONTRACTOR SHALL EXAMINE THE SITE FOR ALL CONDITIONS WHICH MAY AFFECT HIS WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DISCOVERING, LOCATING, AND IDENTIFYING EXISTING UTILITIES, DRAINAGE STRUCTURES OR PHYSICAL STRUCTURES WITHIN THE LIMITS OF WORK. THE CITY ASSUMES NO RESPONSIBILITY FOR SUBSURFACE CONDITIONS OR FOR THE CONTRACTOR'S FAILURE TO LOCATE, IDENTIFY, AND PROTECT EXISTING FACILITIES ABOVE AND BELOW GROUND
- THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR CONFLICTS FOUND BETWEEN THE DRAWINGS AND FIELD CONDITIONS PRIOR TO CONSTRUCTION IN THE AREA IMPACTED BY THE APPARENT DISCREPANCY OR CONFLICT.
- ALL WORK AND MATERIALS FURNISHED SHALL BE IN REASONABLE CONFORMITY WITH THE LINES, GRADES, PROFILES, CROSS-SECTIONS, DIMENSIONS, MATERIAL REQUIREMENTS, AND TESTING REQUIREMENTS SPECIFIED BY THE CONTRACT, DRAWINGS, SPECIFICATIONS OR STANDARDS OF THE REVIEWING, INSPECTING, OR GOVERNING REGULATORY ENTITY.
- CONTRACTOR SHALL COMPLY WITH FLORIDA TRENCH SAFETY ACT (90-96, LAWS OF FLORIDA); AS REQUIRED, ANY ADDITIONAL COSTS FOR COMPLYING WITH THE "FLORIDA TRENCH SAFETY ACT" SHALL BE INCLUDED IN HIS PROPOSED PRICE FOR DOING THE WORK AND NO FURTHER CHARGES SHALL BE MADE AGAINST THE OWNER.
- FLORIDA LAW (563.851) REQUIRES THAT PERSONS MAKING EXCAVATIONS IN PUBLIC OR PRIVATE STREETS, ALLEYS, RIGHTS-OF-WAY, OR UTILITY EASEMENTS WITH HAND TOOLS OR POWER EQUIPMENT MUST FIRST OBTAIN INFORMATION ON THE LOCATION OF UNDERGROUND GAS PIPELINES. THIS INCLUDES ANY OPERATION WHICH MOVES OR REMOVES ANY STRUCTURE, EARTH, ROCK, OR OTHER MASS MATERIAL BY SUCH METHODS AS DIGGING, BACKFILLING, DEMOLITION, GRADING, DITCHING, DRILLING, BORING AND CABLE PLOWING. THE EXCAVATOR MUST NOTIFY ALL UTILITIES A MINIMUM OF 48 HOURS AND A MAXIMUM OF 5 DAYS PRIOR TO EXCAVATING (EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS).
- THE CONTRACTOR SHALL COMPLY WITH ALL FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS CONTROLLING POLLUTION OF THE ENVIRONMENT. MEASURES SHALL BE TAKEN BY THE CONTRACTOR TO CONTROL EROSION AND SEDIMENT RUNOFF FROM THE SITE THROUGHOUT THE CONTRACT PERIOD. SUCH METHODS SHALL BE IN ACCORDANCE WITH THE CURRENT CITY OF DELAND STANDARDS.
- WORK REQUIRED, BUT NOT SPECIFIED BY THE PLANS OR CONTRACT DOCUMENTS, SHALL BE IN ACCORDANCE WITH THE STANDARDS SPECIFIED BY CITY OF DELAND, FLORIDA; "LAND DEVELOPMENT REGULATIONS" (LATEST EDITION).
- ALL RECOMMENDATIONS AND REQUIREMENTS MADE TO THE CONTRACTOR BY INSPECTION PERSONNEL, OTHER THAN THE CITY OF DELAND SHALL BE REPORTED TO THE CITY ENGINEER PRIOR TO IMPLEMENTATION. COMPENSATION WILL NOT BE ALLOWED FOR WORK WHICH IS NOT AUTHORIZED BY THE CITY ENGINEER
- ALL WORK SHALL BE OPEN TO AND SUBJECT TO INSPECTION BY AUTHORIZED PERSONNEL (HAVING JURISDICTION WHEREIN THE PROJECT HAS BEEN APPROVED) SUCH AS; COUNTY, INVOLVED UTILITY, REGULATORY AGENCY, CITY ENGINEER AND/OR HIS REPRESENTATIVES.

GEOTECHNICAL AND TESTING NOTES:

- THE CONTRACTOR SHALL ENSURE THAT PROPER SOIL DENSITIES ARE ACHIEVED FOR THE PLACEMENT OF ALL STRUCTURES, OR COMPACTED EARTH. SOIL TESTING SHALL BE PROVIDED BY THE CONTRACTOR. THE CONTRACTOR SHALL COORDINATE WITH THE CONSULTANT FOR SCHEDULING ALL TESTING PRIOR TO CONSTRUCTION WORK. THE CONTRACTOR SHALL PROVIDE SUFFICIENT NOTICE FOR TESTING WORK IN ADVANCE OF CONSTRUCTION.
- A GEOTECHNICAL ENGINEER WILL BE PROVIDED BY THE CONTRACTOR TO: MAKE DETERMINATIONS ON THE SUITABILITY OF MATERIAL ACQUIRED FROM EXCAVATIONS OR BORROW OPERATIONS; AND TO DETERMINE FILL SUITABILITY AND CONTROL FOR EMBANKMENT OPERATIONS OR, THE STOCKPILING OF SURPLUS SOIL. THE CONTRACTOR WILL COOPERATE WITH THE GEOTECHNICAL ENGINEER AS REQUIRED TO DO THE WORK.

EARTHWORK NOTES:

- PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL IDENTIFY AND CLEARLY MARK ALL TREES WHICH HAVE BEEN SCHEDULED TO BE SAVED. IN THOSE AREAS WHERE PORTIONS OF TREES (WHETHER MARKED OR NOT), INCLUDING LIMBS AND ROOTS, MAY BECOME DAMAGED DUE TO THEIR PROXIMITY TO THE PROPOSED LAYOUT DESIGN, THE CONTRACTOR SHALL PROTECT SUCH VEGETATION AND IMMEDIATELY REQUEST AN OPINION OF THE CITY ENGINEER & CITY FORESTER REGARDING POSSIBLE MEANS OF SAVING SAID VEGETATION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF SLOPES, EXCAVATIONS AND EMBANKMENTS. THE CONTRACTOR SHALL RESTORE ANY DAMAGED AREAS CAUSED BY EROSION, CONTRACTOR ACTIVITIES, OR LACK OF MAINTENANCE; UNTIL THE PROJECT IS ACCEPTED BY THE CITY OF DELAND.
- THE CONTRACTOR SHALL EXAMINE THE SITE, REVIEW THE PLANS AND SOILS REPORT, AND INDEPENDENTLY DETERMINE THE VOLUME OF EXCAVATION, ANY REMOVAL OF STRATUM ? (ORGANIC PEAT/MUCK) MATERIAL, AND AMOUNT OF FILL AND/OR BACKFILL REQUIRED TO PERFORM THE WORK.
- ALL FILL PLACED WITHIN PROPOSED ROAD RIGHT-OF-WAYS SHALL BE COMPACTED TO A MINIMUM DENSITY OF 98% OF MAXIMUM DENSITY VALUE AS DETERMINED BY AASHTO T-180 (MODIFIED). ALL STRUCTURAL FILL PLACED BEYOND PROPOSED ROAD RIGHT-OF-WAYS SHALL BE PLACED IN LEVEL LIFTS NOT TO EXCEED 12 INCHES IN UNCOMPACTED THICKNESS. EACH LIFT SHALL BE COMPACTED TO A MIN. DENSITY OF 95 PERCENT MODIFIED PROCTOR MAXIMUM DRY DENSITY VALUE AS DETERMINED BY (A.S.T.M. D-1557). THE FILLING AND COMPACTION OPERATIONS SHOULD CONTINUE IN LEVEL LIFTS UNTIL THE DESIRED ELEVATION(S) IS ACHIEVED.
- IN ALL AREAS WHICH REQUIRE FILL MATERIAL, THE CONTRACTOR SHALL STRIP OR OTHERWISE REMOVE ALL VEGETATION AND OTHER DELETEREOUS MATERIAL PRIOR TO COMMENCEMENT.
- UNLESS OTHERWISE DIRECTED BY THE GEOTECHNICAL ENGINEER AND PRIOR TO THE PLACEMENT OF FILL, THE AREA TO BE FILLED WILL BE PROOF ROLLED UNDER THE SUPERVISION OF THE GEOTECHNICAL ENGINEER. ANY AREA SHOWING SIGNS OF PUMPING, WEAVING OR OTHER FORMS OF INSTABILITY SHALL BE SELECTIVELY REMOVED AND REPLACED WITH COMPACTED SELECT FILL. IMMEDIATELY PRIOR TO THE PLACING OF FILL MATERIALS, THE ENTIRE AREA UPON WHICH FILL IS TO BE PLACED WILL BE SCARIFIED IN A DIRECTION APPROXIMATELY PARALLEL TO THE AXIS OF FILL.
- EMBANKMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS. THE CONTRACTOR SHALL HAVE THE GEOTECHNICAL ENGINEER CERTIFY THAT THE PORTION OF EMBANKMENT DESIGNED TO DAM, INHIBIT, OR IN OTHER WORDS HOLD BACK A VOLUME OF WATER DURING A STORM EVENT, IS CONSTRUCTED AS BEING HIGHLY IMPERVIOUS AND THAT A STABILITY ANALYSIS REFLECTS A MINIMUM SAFTEY FACTOR OF TWO (2) WHEN THE WATER ELEVATION IS AT DESIGN HIGH WATER.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ESTABLISHING ALL LINES AND GRADES TOGETHER WITH ALL REFERENCE POINTS AS REQUIRED FOR ALL WORK UNDER THIS CONTRACT. ALL REQUIRED LAYOUT SHALL BE DONE USING COMPETENT PEOPLE AND EXPERIENCED PERSONNEL UNDER THE SUPERVISION OF A LAND SURVEYOR REGISTERED IN THE STATE OF FLORIDA. THE CONTRACTOR SHALL PROVIDE ALL LABOR, INSTRUMENTS, STAKES, TEMPLATES, AND OTHER MATERIALS NECESSARY FOR MAKING AND MAINTAINING ALL LINES AND GRADES.
- THE CONTRACTOR IS REQUIRED TO REVIEW THE PROJECT PLANS AND CONSULT WITH THE GEOTECHNICAL ENGINEER IN QUALIFYING SOIL SUITABILITY, MANAGING THE EXCAVATION, STAGING, MIXING, PLACEMENT, AND COMPACTION OF SOILS MATERIALS.
- PRIOR TO CLEARING AND GRUBBING, THE LIMITS OF WETLANDS, BUFFERS AND/OR MITIGATION AREAS SHALL BE CLEARLY MARKED TO PROTECT THESE AREAS FROM ENCROACHMENT FROM CONSTRUCTION ACTIVITIES. ABSOLUTELY NO WORK WILL BE ALLOWED WITHIN ANY CONSERVATION AREA, BUFFER AREA, MITIGATION AREA, OR DESIGNATED WETLAND UNLESS SO SPECIFICALLY DESCRIBED IN THE PLANS AND GRANTED BY REASON OF PERMIT FROM THE GOVERNMENTAL ENTITY HAVING JURISDICTION OVER THE SAID AREA.
- THE CONTRACTOR SHALL INSURE THAT PROPER DENSITIES ARE ACHIEVED FOR THE SUPPORT OF ANY STRUCTURE, PHYSICAL OR EARTHEN, AS DESCRIBED BY THESE PLANS; SUCH AS PRECAST STRUCTURES, EARTHEN BERMS, ROADWAYS, ENDWALLS, FOOTINGS, BASE SUPPORTS, ETC. IT SHALL ALSO BE THE CONTRACTOR'S RESPONSIBILITY TO INSURE THAT SUFFICIENT SOILS TESTING HAS BEEN PERFORMED PRIOR TO CONSTRUCTION.
- ALL SOIL STRIPPINGS, DELETERIOUS AND UNSUITABLE MATERIAL SHALL BE REMOVED FROM THE SITE UNLESS SPECIFIED ELSEWHERE IN THE PLANS OR DIRECTED BY THE CITY ENGINEER TO BE SELECTIVELY DISPOSED. IN NO CASE WILL BURIAL OF DISPOSABLE MATERIAL BE ALLOWED WITHIN, RIGHT-OF-WAYS, EASEMENTS, DRIVEWAYS, PARKING, AREAS, BUILDING PADS, OR POND BERMS. CLEARING AND GRUBBING SHALL BE PERFORMED IN ACCORDANCE WITH THE STANDARDS OF THE GOVERNMENTAL ENTITY HAVING JURISDICTION OVER THE PROJECT SITE.
- SEEDING, MULCHING AND SODDING SHALL BE IN ACCORDANCE WITH F.D.O.T. STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION. ALL CONSTRUCTED SIDE SLOPES SHALL BE GRASSED BY THE CONTRACTOR ACCORDING TO THE CONTRACT. ALL DISTURBED AREAS OUTSIDE THE EXCAVATION OR FILL LIMITS WILL BE RESTORED TO A CONDITION EQUAL TO OR BETTER THAN THEIR CONDITION PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE STABILITY OF ALL HIS EXCAVATIONS AND EMBANKMENTS AND SHALL REPLACE ANY PORTION, WHICH IN THE OPINION OF THE ENGINEER, HAS BECOME DISPLACED DUE TO EROSION OR DUE TO CARELESSNESS OR NEGLIGENCE ON THE PART OF THE CONTRACTOR.
- THE CONTRACTOR SHALL EXAMINE THE SITE, REVIEW THE PLANS, AND INDEPENDENTLY DETERMINE THE VOLUME OF EXCAVATION OR EMBANKMENT REQUIRED TO PERFORM THE WORK.
- THE CONTRACTOR SHALL COMPLY WITH ALL LEGAL LOAD RESTRICTIONS WHEN HAULING MATERIALS OR EQUIPMENT BEYOND THE LIMITS OF THE WORK. A SPECIAL PERMIT WILL NOT RELIEVE THE CONTRACTOR FROM ANY LIABILITY FOR DAMAGE OR INJURY WHICH MAY RESULT FROM MOVING EQUIPMENT OR MATERIAL.

MAINTENANCE OF TRAFFIC AND SIGNAGE & STRIPING NOTES:

- MAINTENANCE OF TRAFFIC: ACCESS FOR LOCAL TRAFFIC SHALL BE MAINTAINED IN THOSE AREAS OF PUBLIC RIGHT-OF-WAY ENCUMBERED BY THE WORK. IF DURING CONSTRUCTION, ACCESS FOR LOCAL TRAFFIC MUST BE TEMPORARILY CHANGED, THE CONTRACTOR SHALL OBTAIN THE PROPER AUTHORIZATION FROM THE ENGINEER OF THE GOVERNING POLITICAL ENTITY TO ALTER ACCESS AND SHALL NOTIFY THE CITY ENGINEER A MINIMUM OF THREE (3) WORKING DAYS IN ADVANCE.
- PRIOR TO COMMENCING WORK, THE CONTRACTOR SHALL FURNISH, ERECT AND MAINTAIN ALL BARRICADES, WARNING SIGNS, AND MARKINGS FOR HAZARDS AND THE CONTROL OF TRAFFIC, IN REASONABLE CONFORMITY WITH THE U.S. DEPARTMENT OF TRANSPORTATION, MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS, OR AS DIRECTED BY THE CITY ENGINEER, SUCH AS TO EFFECTIVELY PREVENT ACCIDENTS IN ALL PLACES WHERE THE WORK CAUSES OBSTRUCTION TO THE NORMAL TRAFFIC OR CONSTITUTES IN ANY WAY A HAZARD TO THE PUBLIC. WHEN A MAINTENANCE OF TRAFFIC PLAN IS REQUIRED, THE CONTRACTOR SHALL PREPARE AND SUBMIT THE PLAN FOR APPROVAL PRIOR TO MOBILIZATION.
- ALL SIGNAGE, PAVEMENT MARKINGS AND TRAFFIC CONTROL DEVICES SHALL BE IN ACCORDANCE WITH FDOT, "ROADWAY AND TRAFFIC DESIGN STANDARDS", AND FHWA, "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS".
- IN ACCORDANCE WITH "ACCESSIBILITY REQUIREMENTS MANUAL", FLORIDA BOARD OF BUILDING CODES AND STANDARDS, DEPARTMENT OF COMMUNITY AFFAIRS, ALL HANDICAP PARKING SPACES SHALL BE DESIGNATED BY APPROPRIATE PAVEMENT MARKINGS AND SIGN.
- BLUE REFLECTIVE PAVEMENT MARKERS (RPM'S) SHALL BE PLACED, OPPOSITE FIRE HYDRANTS IN THE CENTER OF THE NEAREST TRAVELED LANE, TO MARK THEIR LOCATION.
- REGULATORY SIGNS SHALL BE IN PLACE PRIOR TO FINAL INSPECTION OF PAVING AND/OR BEFORE OPENING ACCESS TO THE PUBLIC INTO AREAS OF COMPLETED WORK.

UTILITIES NOTES:

- THE LOCATIONS OF ALL EXISTING UTILITIES, STORM DRAINAGE FACILITIES, AND STRUCTURAL FEATURES SHOWN ON THE PLANS HAVE BEEN DETERMINED FROM THE BEST AVAILABLE INFORMATION AND ARE PROVIDED FOR THE CONVENIENCE OF THE CONTRACTOR. THE CITY OF DELAND ASSUMES NO RESPONSIBILITY FOR ANY INACCURACY OR ANY INCOMPLETENESS OF THE INFORMATION PROVIDED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND VERIFYING ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO MAKE ARRANGEMENTS FOR ALL FIELD LOCATES. ANY SITE CONDITIONINGS DIFFERING FROM THOSE WHICH ARE REPRESENTED HEREIN, WHETHER ABOVE OR BELOW THE GROUND SURFACE SHALL BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE CITY ENGINEER (IN WRITING); NO CLAIM FOR EXPENSES INCURRED BY THE CONTRACTOR WILL BE ALLOWED DUE TO DIFFERING SITE CONDITIONS IF THE CONTRACTOR FAILS TO PROVIDE THE REQUIRED WRITTEN NOTIFICATION OF SUCH CONDITIONS FOR REVIEW BY THE CITY ENGINEER.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING ARRANGEMENTS WITH THE APPROPRIATE UTILITY OWNER(S) IN A TIMELY FASHION TO MINIMIZE IMPACTS TO CONSTRUCTION SCHEDULING AND SERVICE RESPONSE TIME. HE SHALL NOTIFY THE VARIOUS UTILITY COMPANIES TO MAKE THE NECESSARY ARRANGEMENTS FOR ANY RELOCATION, DISRUPTION OF SERVICE, OR CLARIFICATION OF ACTIVITY REGARDING SAID UTILITY. THE CONTRACTOR SHALL EXERCISE CAUTION WHEN CROSSING A UTILITY, WHETHER SHOWN ON THESE PLANS OR FIELD LOCATED. UTILITIES WHICH INTERFERE WITH THE PROPOSED CONSTRUCTION SHALL BE RELOCATED BY THE RESPECTIVE UTILITY COMPANY AND THE CONTRACTOR SHALL COOPERATE WITH THE UTILITY COMPANY DURING RELOCATION OPERATIONS. ANY DELAY OR INCONVENIENCE BY THE VARIOUS UTILITIES SHALL BE INCIDENTAL TO THE CONTRACT AND NO EXTRA COMPENSATION WILL BE ALLOWED.
- THE CONTRACTOR SHALL LOCATE AND VERIFY THE DEPTHS AND LOCATIONS OF ALL EXISTING UTILITIES WITHIN THE LIMITS OF WORK, PRIOR TO ORDERING ANY STRUCTURES.
- WATER SERVICE FOR THIS PROJECT IS BEING PROVIDED BY CITY OF DELAND PUBLIC UTILITIES DEPARTMENT. THE STANDARDS AND SPECIFICATIONS FOR MATERIALS AND INSTALLATION SHALL BE IN ACCORDANCE WITH THOSE STANDARDS AND DETAILS ESTABLISHED BY THE CITY OF DELAND, VOLUSIA COUNTY, FLORIDA.
- FIRE PROTECTION SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY OF DELAND STANDARDS AND SPECIFICATIONS
- WHERE POTABLE WATER AND SANITARY SEWER MAINS CROSS WITH LESS THAN EIGHTEEN (18) INCHES VERTICAL CLEARANCE, THE SEWER MAIN SHALL BE TWENTY (20) FEET OF EITHER DUCTILE IRON PIPE, CONCRETE ENCASED P.V.C. PIPE OR PLACED IN A WATERTIGHT ENCASEMENT PIPE; CENTERED ON THE POINT OF CROSSING. A MINIMUM HORIZONTAL SEPARATION OF TEN (10) FEET (EDGE TO EDGE) BETWEEN THE POTABLE WATER MAINS AND THE SEWAGE MAINS SHALL BE MAINTAINED WHEN PRACTICAL. WHEN THE APPROPRIATE HORIZONTAL SEPARATION CANNOT BE MAINTAINED THE SEWAGE MAIN SHALL BE EITHER DUCTILE IRON PIPE, CONCRETE ENCASED VITRIFIED CLAY PIPE, CONCRETE ENCASED P.V.C. PIPE OR PLACED IN A WATERTIGHT ENCASEMENT PIPE.
- IN THE EVENT THAT THE POTABLE WATER SYSTEM IS CONTAMINATED (I.E. WATER DOES NOT MEET FEDERAL AND STATE REQUIREMENTS) PRIOR TO ACCEPTANCE OF THE SYSTEM, THE CONTRACTOR SHALL BE RESPONSIBLE, UNDER THE DIRECTION OF THE CITY OR STATE AND/OR LOCAL REGULATORY AGENCY, FOR CORRECTING ANY SUCH CONTAMINATION PROBLEM (AT NO EXTRA CHARGE TO THE CITY); INCLUDING DISINFECT ION, TESTING AND OTHER CORRECTIVE ACTIONS. ALL BACTERIOLOGICAL REPORTS SHALL BE SUBMITTED TO THE ENGINEER WITHIN SEVEN (7) WORKING DAYS FROM THE DATE THE SAMPLES WERE TAKEN. FAILURE BY THE CONTRACTOR TO SO SUPPLY SAID REPORTS TO THE ENGINEER WILL RESULT IN RETESTING AT THE CONTRACTOR'S EXPENSE.
- ALL UTILITIES SHALL HAVE A MINIMUM OF THIRTY-SIX (36) INCHES OF COVER.
- WATER LINES AND SERVICES ARE SHOWN SCHEMATICALLY. IT WILL BE THE CONTRACTOR'S RESPONSIBILITY TO CONSTRUCT THE SYSTEM WITH THE NECESSARY FITTINGS, JOINTS, AND BENDS TO ALIGN THE SYSTEM IN COMPLIANCE WITH F.D.E.P. PERMIT REQUIREMENTS AND CITY OF DELAND STANDARDS.
- THE CONTRACTOR SHALL COORDINATE ALL WATER AND SEWER TEST SCHEDULING TO ALLOW FOR THE ENGINEER'S ATTENDANCE. THE CONTRACTOR SHALL ALSO PROVIDE FIVE (5) WORKING DAYS ADVANCE NOTICE TO THE ENGINEER SO THAT HE CAN MAKE THOSE ARRANGEMENTS AS MAY BE NECESSARY FOR HIS OBSERVANCE OF THE SYSTEM TEST.
- ALL SERVICES SHALL INCLUDE A 10 GAUGE (MIN.) COPPERHEAD TRACER WIRE OR EQUIVALENT WITH A COPPER SPLIT-BOLT CONNECTOR USING SCOTCH® SUPER 33™ VINYL ELECTRICAL TAPE.

MISCELLANEOUS NOTES

- THE CONTRACTOR SHALL NOT EXCAVATE, REMOVE, OR OTHERWISE DISTURB ANY MATERIAL, STRUCTURE, PART OF A STRUCTURE, OR APPURTENANCE WHICH IS LOCATED OUTSIDE THE LINES, GRADES, OR CONSTRUCTION LIMITS ESTABLISHED FOR THIS PROJECT, EXCEPT WHERE SUCH EXCAVATION, REMOVAL, OR DISTURBANCE IS PROVIDED FOR IN THE CONTRACT, PLANS, OR SPECIFICATIONS.
- THE CONTRACTOR SHALL REMOVE ALL WASTE MATERIAL FROM THE SITE AND DISPOSE OF IN AN APPROVED MANNER. BURNING ON SITE WILL NOT BE ALLOWED.
- THE CONTRACTOR SHALL CLEARLY MARK LIMITS OF WORK PRIOR TO CLEARING SO AS TO PROTECT ADJACENT AREAS FROM CONSTRUCTION ACTIVITIES.
- THE CONTRACTOR SHALL PROVIDE ALL SHEETING, SHORING, AND BRACING REQUIRED TO PROTECT ADJACENT STRUCTURES AND UTILITIES, OR TO MINIMIZE TRENCH WIDTH, AS REQUIRED. SHEETING AND SHORING TO BE DESIGNED BY A STATE OF FLORIDA REGISTERED PROFESSIONAL ENGINEER, RETAINED BY THE CONTRACTOR.
- APPARENT ERRORS, DISCREPANCIES OR OMISSIONS ON THE DRAWINGS SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION BEFORE BIDDING. NO EXTRA PAYMENT WILL BE ALLOWED FOR ANY WORK REQUIRED DUE TO MISUNDERSTANDING OF JOB OR SITE CONDITIONS AFFECTING THE WORK DESCRIBED IN THE SPECIFICATIONS OR SHOWN ON THE DRAWINGS. THE CONTRACTOR SHALL NOT TAKE ADVANTAGE OF ANY APPARENT ERROR OR OMISSION IN THE DRAWINGS OR SPECIFICATIONS, AND THE ENGINEER SHALL BE PERMITTED TO MAKE CORRECTIONS AND INTERPRETATIONS AS MAY BE DEEMED NECESSARY FOR FULFILLMENT OF THE INTENT OF THE CONTRACT DOCUMENTS. THE TENDERING OF A PROPOSAL WILL ACKNOWLEDGE ACCEPTANCE OF THESE CONDITIONS BY THE BIDDER.
- NO EXISTING MATERIAL SHALL BE USED FOR NEW CONSTRUCTION UNLESS APPROVED DURING THE SHOP DRAWING APPROVAL PROCESS.

PAVING AND DRAINAGE NOTES:

- ALL SLOT DRAINS SHALL HAVE TRAFFIC BEARING FRAMES AND COVERS, OR GRATES MEETING HS-20 LOADING REQUIREMENTS, UNLESS OTHERWISE SPECIFIED WITHIN THE PLANS.
- ALL PIPE JOINT CONNECTIONS SHALL BE WRAPPED WITH A FILTER FABRIC MATERIAL IN ACCORDANCE WITH F.D.O.T. ROADWAY AND TRAFFIC DESIGN STANDARDS.
- A STORMWATER POLLUTION PREVENTION PLAN IS REQUIRED FOR PROJECTS THAT EXCEED (5) ACRES. THE CONTRACTOR WILL BE RESPONSIBLE FOR PREPARING A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) IN ACCORDANCE WITH EPA'S NPDES REGULATIONS. THE CONTRACTOR WILL BE RESPONSIBLE FOR SUBMITTING A NOTICE OF INTENT (NOI) TO FDEP FORTY-EIGHT (48) HOURS PRIOR TO COMMENCING CONSTRUCTION.
- ALL CONCRETE CURBS, SIDEWALKS, INLET TOPS, ETC. SHALL HAVE A MINIMUM 28-DAY CURING USING 3,000 PSI COMPRESSIVE STRENGTH UNLESS OTHERWISE SPECIFIED.
- CONTRACTOR SHALL NOT COMPACT, STABILIZE, OR CONSTRUCT BASE COURSE WITHIN LANDSCAPE ISLANDS OR MEDIANS. WHERE SUCH TREATMENT DOES OCCUR, IT SHALL BE REMOVED AND REPLACED WITH SUITABLE PLANTING SOILS ACCEPTABLE TO THE CITY FORESTER, AND AT NO EXTRA CHARGE TO THE CONTRACT.
- ENGINEER RESERVES THE RIGHT TO WITHHOLD AUTHORIZATION OF PAYMENT FOR ANY ROADWORK, INCLUDING PARKING AREAS, WHICH HAS NOT BEEN TESTED BY A LICENSED PROFESSIONAL GEOTECHNICAL ENGINEER REGISTERED IN THE STATE OF FLORIDA, AND REPORTED TO CONFORM TO PROJECT SPECIFICATIONS, AND/OR OTHER TECHNICA/CONTRACTUAL CORRECT REASONS AS DETERMINED BY THE OFFICE OF THE CITY OF DELAND'S CITY ENGINEER.

EROSION CONTROL AND POLLUTION ABATEMENT NOTES:

- THE CONTRACTOR SHALL EMPLOY SUCH EROSION CONTROL METHODS IN THE PROSECUTION OF HIS WORK, AS SPECIFIED BY CONDITIONS OF PERMIT AND/OR THE STANDARDS ESTABLISHED BY THE GOVERNMENTAL ENTITY HAVING APPROVED THE PLANS. THE CONTRACTOR SHALL OBTAIN A FEDERAL E.P.A., "N.P.D.E.S. PERMIT" (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM) BEFORE COMMENCING HIS WORK.
- INSTALLATION OF SILT FENCES AND TURBIDITY BARRIERS SHALL BE IN ACCORDANCE WITH F.D.O.T., ROADWAY AND TRAFFIC DESIGN STANDARDS, AND STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION (LATEST EDITION).
- SILT SCREENS AND TURBIDITY BARRIERS MUST BE INSTALLED AT ALL LOCATIONS WHERE THE POSSIBILITY OF TRANSFERRING SUSPENDED SOLIDS INTO THE RECEIVING WATERBODY EXISTS DUE TO THE PROPOSED WORK. SILT SCREENS AND TURBIDITY BARRIERS MUST REMAIN IN PLACE AT ALL LOCATIONS UNTIL CONSTRUCTION IS COMPLETED AND SOILS ARE STABILIZED AND VEGETATION HAS BEEN ESTABLISHED. THEREAFTER THE CONTRACTOR WILL BE RESPONSIBLE FOR THE REMOVAL OF THE BARRIERS AFTER THE APPROVAL OF THE CITY ENGINEER.
- IF NOT SPECIFIED ELSEWHERE; SEEDING, MULCHING, AND SODDING SHALL BE IN ACCORDANCE WITH THE F.D.O.T. STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, (LATEST EDITION).
- ALL PERMANENT FILL SIDE SLOPES, BERMS AND SWALES SHALL BE SODDED, AT A MINIMUM, FROM THE TOE OF SLOPE TO THE TOP OF BANK; UNLESS OTHER SURFACE TREATMENT IS PRESCRIBED IN THE PLANS OR CONTRACT DOCUMENTS. ALL OTHER GRADED AREAS NOT SCHEDULED FOR SODDING OR PAVING SHALL BE SEEDED AND MULCHED, UNLESS SCHEDULED FOR SPECIFIC LANDSCAPING. ALL DISTURBED AREAS OUTSIDE THE LIMITS OF GRADING SHALL BE RESTORED TO A CONDITION EQUAL TO OR BETTER THAN THEIR ORIGINAL CONDITION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL NEWLY PLANTED GRASSES AND VEGETATION UNTIL THE WORK HAS BEEN ACCEPTED BY THE CITY FORESTER.
- THE CONTRACTOR SHALL PROVIDE A MINIMUM OF 5 FEET OF SOD AROUND ALL DITCH BOTTOM INLETS, MANHOLES AND ENDWALLS, IN AREAS NOT SCHEDULED FOR PAVEMENT OR CONCRETE.
- STORMWATER POLLUTION PREVENTION PLAN: SEE GENERAL NOTE SW-5.
- ALL FILL EMBANKMENT AND GRADED AREAS SHALL BE PROTECTED AGAINST EROSION BY METHODS STATED IN "SECTION 104", F.D.O.T. STANDARD SPECIFICATIONS FOR BRIDGE AND ROAD CONSTRUCTION. SIDE SLOPES MAY BE SEEDED AND MULCHED, PROVIDED THAT THE MULCH MATERIAL IS DISC HARROWED AND THE SIDE SLOPES ARE NEITHER GREATER THAN 4 HORIZONTAL TO 1 VERTICAL, NOR PART OF A DRAINAGE CONVEYANCE.

GEOMETRY AND SURVEY NOTES:

- ALL PAVEMENT DIMENSIONS SHOWN ARE TO THE EDGE OF PAVEMENT, UNLESS OTHERWISE NOTED.
- ALL INLET AND MANHOLE OFFSET DISTANCES SHOWN ARE MEASURED TO THE CENTERLINE OF THE STRUCTURE.
- PUBLIC LAND CORNERS WITHIN THE LIMITS OF CONSTRUCTION SHALL BE PROTECTED. IF A CORNER MONUMENT IS IN DANGER OF BEING DESTROYED OR DISTURBED, THE CONTRACTOR SHALL NOTIFY THE CITY ENGINEER WITHOUT DELAY.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SURVEY MONUMENTATION. DISTURBED MONUMENTATION SHALL BE RESTORED BY A FLORIDA LICENSED SURVEYOR SELECTED BY THE CITY AT THE CONTRACTOR'S EXPENSE.
- BENCHMARKS AND/OR TBM'S FOR CONSTRUCTION LAYOUT WILL BE PROVIDED BY A PROFESSIONAL LAND SURVEYOR, IN ACCORDANCE WITH THE TERMS AND CONDITIONS ESTABLISHED B Y THE CONTRACT DOCUMENTS.

SEC. 26, T. 16, R. 30 E.

				 City of DeLand, Florida ENGINEERING DEPARTMENT 1102 S. Garfield Avenue DeLand, Florida 32724 TEL: 386/626-7196 FAX: 386/736-5366	
					GENERAL NOTES
					OLD DAYTONA ROAD IMPROVEMENTS
NO.	REVISIONS		BY	DATE	
APPROVED BY:		DRAWING NOT VALID UNLESS EMBOSSED WITH ENGINEER'S SEAL AND ORIGINAL SIGNATURE		DATE: 1/14/2025	PROJECT NO. 24-03
_____ RAYMOND BAHRAMI, P.E., CITY ENGINEER FL. LIC. PROF. ENGINEER No. 65552				SCALE: N/A	DRAWING NO.
				DRAWN BY: S.C.	Sheet 2 of 8

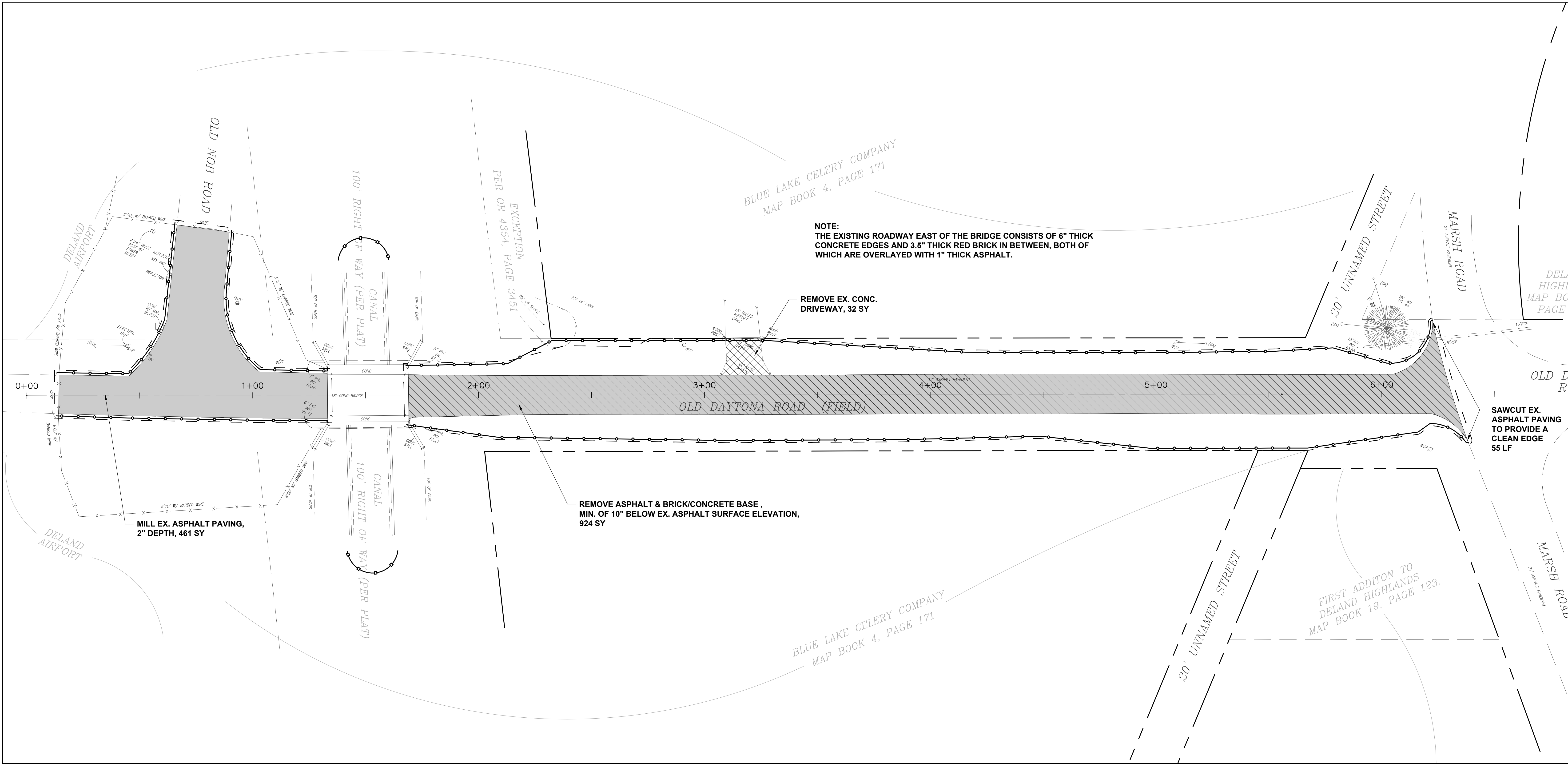
SUMMARY OF PAY ITEMS - BASE BID				
PAY ITEM NO.	PAY ITEM DESCRIPTION	UNIT	QUANTITY	
			P	F
101-1	MOBILIZATION	LS	1	
102-1	MAINTENANCE OF TRAFFIC	LS	1	
102-99	PORTABLE CHANGEABLE MESSAGE SIGN (TEMPORARY)	ED	30	
104-10-3	SEDIMENT BARRIER	LF	1,267	
104-11	FLOATING TURBIDITY BARRIER	LF	148	
110-1-1	CLEARING & GRUBBING	LS	1	
110-4-10	REMOVAL OF EXISTING CONCRETE	SY	32	
120-1	REGULAR EXCAVATION	LS	1	
160-4	TYPE B STABILIZATION (8")	SY	1,250	
285-704	OPTIONAL BASE COURSE, GROUP 06 (8" CRUSHED CONCRETE)	SY	1,250	
327-70-5	MILLING EXISTING ASPHALT PAVEMENT, 2" DEPTH	SY	461	
334-1-12	SUPERPAVE ASPHALTIC CONC, TRAFFIC B, 2", PG 76-22	TN	189	
522-2	CONCRETE DRIVEWAY 6" THICK	SY	25	
570-1-2	PERFORMANCE TURF, SOD	SY	850	

PAY ITEM NOTES

101-1	INCLUDES THE COST FOR CONTRACTOR QUALITY CONTROL (CQC) TESTING FOR ANY OF THE FOLLOWING THAT ARE NECESSARY TO COMPLETE THE CONSTRUCTION OF THIS PROJECT: ASPHALT, CONCRETE, EARTHWORK. INCLUDES THE COST OF CAPPING AND REPAIR OF ANY EXISTING IRRIGATION SYSTEM LOCATED WITHIN THE PROJECT AREA. INCLUDES THE COST OF TEMPORARY DRAINAGE DURING CONSTRUCTION TO ELIMINATE ANY FLOODING OF PRIVATE PROPERTY AND TO MAINTAIN EXISTING FLOWS WITHIN THE R/W & PROPERTY. INCLUDES THE COST OF RECORDING A PRE-CONSTRUCTION VIDEO OF THE ENTIRE PROJECT AREA
102-1	INCLUDES ALL ITEMS AND LABOR NECESSARY FOR THE IMPLEMENTATION OF THE TEMPORARY TRAFFIC CONTROL PLAN PER APPLICABLE FDOT STANDARD PLANS INDICES (LATEST). INCLUDES THE COST FOR THE CONTRACTOR TO CLEAN THE JOBSITE OF CONSTRUCTION DEBRIS BEFORE LEAVING THE PROJECT SITE EACH DAY. FOLLOWING CONSTRUCTION, THE CONTRACTOR SHALL THOROUGHLY CLEAN AND SWEEP THE PROJECT TO ASSURE ALL DEBRIS HAVE BEEN REMOVED.
110-1-1	INCLUDES, BUT NOT LIMITED TO, THE REMOVAL AND DISPOSAL OF ALL OBSTRUCTIONS, VEGETATION, DEBRIS, TRIMMING OF TREES AND SHRUBS, ROOT REMOVAL, EXISTING ASPHALT PAVEMENT INCLUDING 6" CONCRETE HEADER CURB & 3.5" RED BRICK BENEATH EXISTING ASPHALT PAVING, BASE AND DRAINAGE STRUCTURES, SIDE DRAINS, AS REQUIRED, TO CONSTRUCT THE PROJECT. NO TREES ARE TO BE REMOVED WITHOUT APPROVAL FROM CITY ENGINEER.
522-1 AND 522-2	INCLUDES COST OF WATER VALVE ADJUSTMENTS AND OTHER UTILITY ADJUSTMENTS AND/OR UTILITY COORDINATION DUE TO SIDEWALK AND DRIVEWAY RE-CONSTRUCTION.

SEC. 26, T. 16, R. 30 E.

				 City of DeLand, Florida ENGINEERING DEPARTMENT 1102 S. Garfield Avenue DeLand, Florida 32724 TEL: 386/626-7196 FAX: 386/736-5366
				SUMMARY OF PAY ITEMS OLD DAYTONA ROAD IMPROVEMENTS
NO.	REVISIONS	BY	DATE	
APPROVED BY:		DRAWING NOT VALID UNLESS EMBOSSED WITH ENGINEER'S SEAL AND ORIGINAL SIGNATURE		DATE: 1/14/2025 SCALE: N/A DRAWN BY: S.C.
RAYMOND BAHRAMI, P.E., CITY ENGINEER FL. LIC. PROF. ENGINEER No. 65552				PROJECT NO. 24-03 DRAWING NO. Sheet 3 of 8

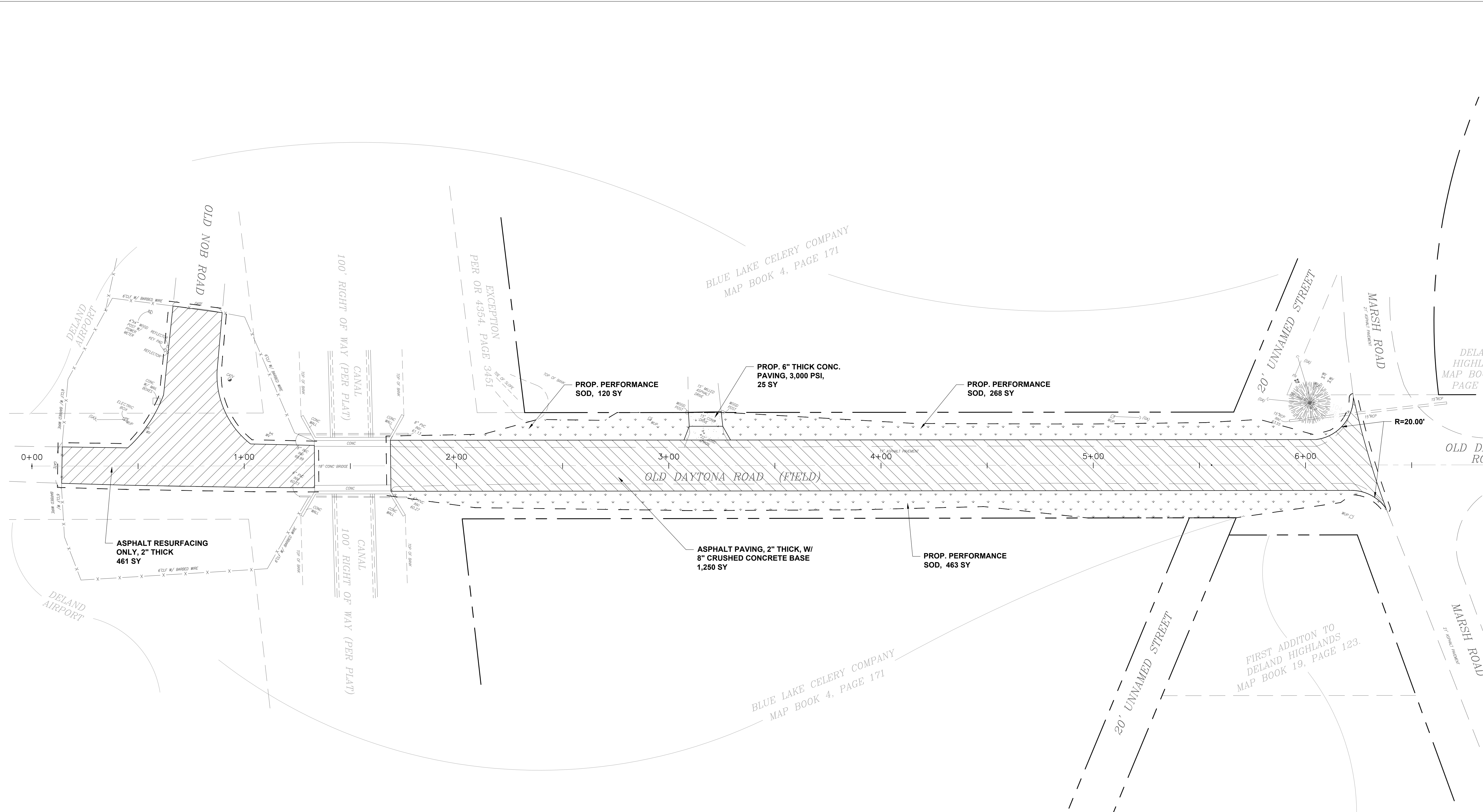


LEGEND

	SEDIMENT BARRIER	1,267 LF
	TURBIDITY BARRIER	148 LF
	MILL EX. ASPHALT, 2" DEPTH	461 SY
	REMOVE EX. ASPHALT PAVING & BASE	924 SY
	REMOVE EX. CONC. DRIVEWAY	32 SY
	LIMIT OF DISTURBANCE	

SEC. 26, T. 16, R. 30 E.

				City of DeLand, Florida ENGINEERING DEPARTMENT 1102 S. Garfield Avenue DeLand, Florida 32724 TEL: 386/626-7196 FAX: 386/736-5366	
				EXISTING CONDITIONS & DEMOLITION PLAN OLD DAYTONA ROAD IMPROVEMENTS	
NO. REVISIONS		BY	DATE	DATE:	1/14/2025
APPROVED BY:		DRAWING NOT VALID UNLESS EMBOSSED WITH ENGINEER'S SEAL AND ORIGINAL SIGNATURE		PROJECT NO.	24-03
RAYMOND BAHRAMI, P.E., CITY ENGINEER FL. LIC. PROF. ENGINEER No. 65552				SCALE:	1"=20'
				DRAWN BY:	S.C.
				DRAWING NO. Sheet 4 of 8	

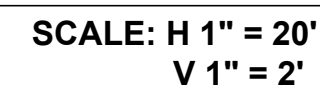


LEGEND

	PROP. 6" THICK CONC. PAVING, 3,000 PSI	25 SY
	PROP. PERFORMANCE SOD	850 SY
	ASPHALT PAVING, 2" THICK, W/ 8" CRUSHED CONCRETE BASE	1,250 SY
	ASPHALT RESURFACING ONLY, 2" THICK	461 SY

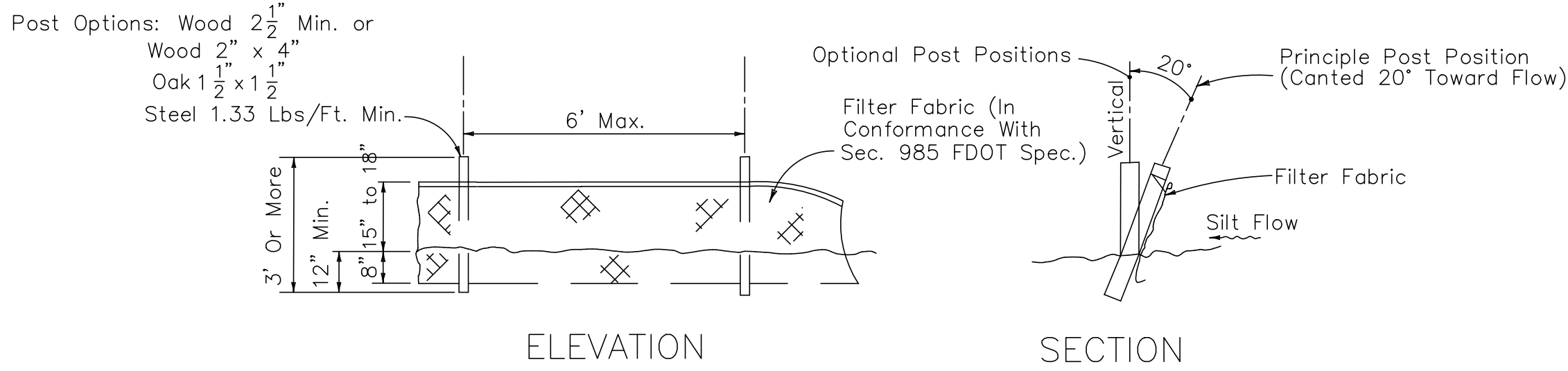
SEC. 26, T. 16, R. 30 E.

		City of DeLand, Florida ENGINEERING DEPARTMENT 1102 S. Garfield Avenue DeLand, Florida 32724 TEL: 386/626-7196 FAX: 386/736-5366 SITE PLAN OLD DAYTONA ROAD IMPROVEMENTS
		NO. REVISIONS BY DATE APPROVED BY: RAYMOND BAHRAMI, P.E., CITY ENGINEER FL. LIC. PROF. ENGINEER No. 65552 DRAWING NOT VALID UNLESS EMBOSSED WITH ENGINEER'S SEAL AND ORIGINAL SIGNATURE DATE: 1/14/2025 SCALE: 1"=20' DRAWN BY: S.C. PROJECT NO. 24-03 DRAWING NO. Sheet 5 of 8



NO.		REVISIONS		BY	DATE	OLD DAYTONA ROAD IMPROVEMENTS		
APPROVED BY:				DRAWING NOT VALID UNLESS EMBOSSED WITH ENGINEER'S SEAL AND ORIGINAL SIGNATURE		DATE:	1/14/2025	PROJECT NO. 24-03
RAYMOND BAHRAIMI, P.E., CITY ENGINEER FL. LIC. PROF. ENGINEER NO. 65552						SCALE:	1"=10'	DRAWING NO.
						DRAWN BY:	S.C.	Sheet 6 of 8

**NOTE:
MATCH EXISTING GRADE AT
LIMIT OF DISTURBANCE**

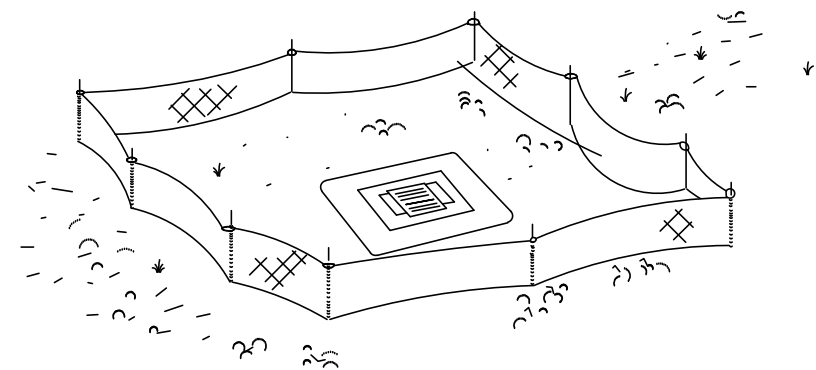


TYPE III SILT FENCE

N.T.S.



Note: Spacing for Type III Fence to be in accordance with Chart I, Sheet 1 of 3 and ditch installations at drainage structures Sheet 2 of 3.



Type III Silt Fence Protection Around Ditch Bottom Inlets.

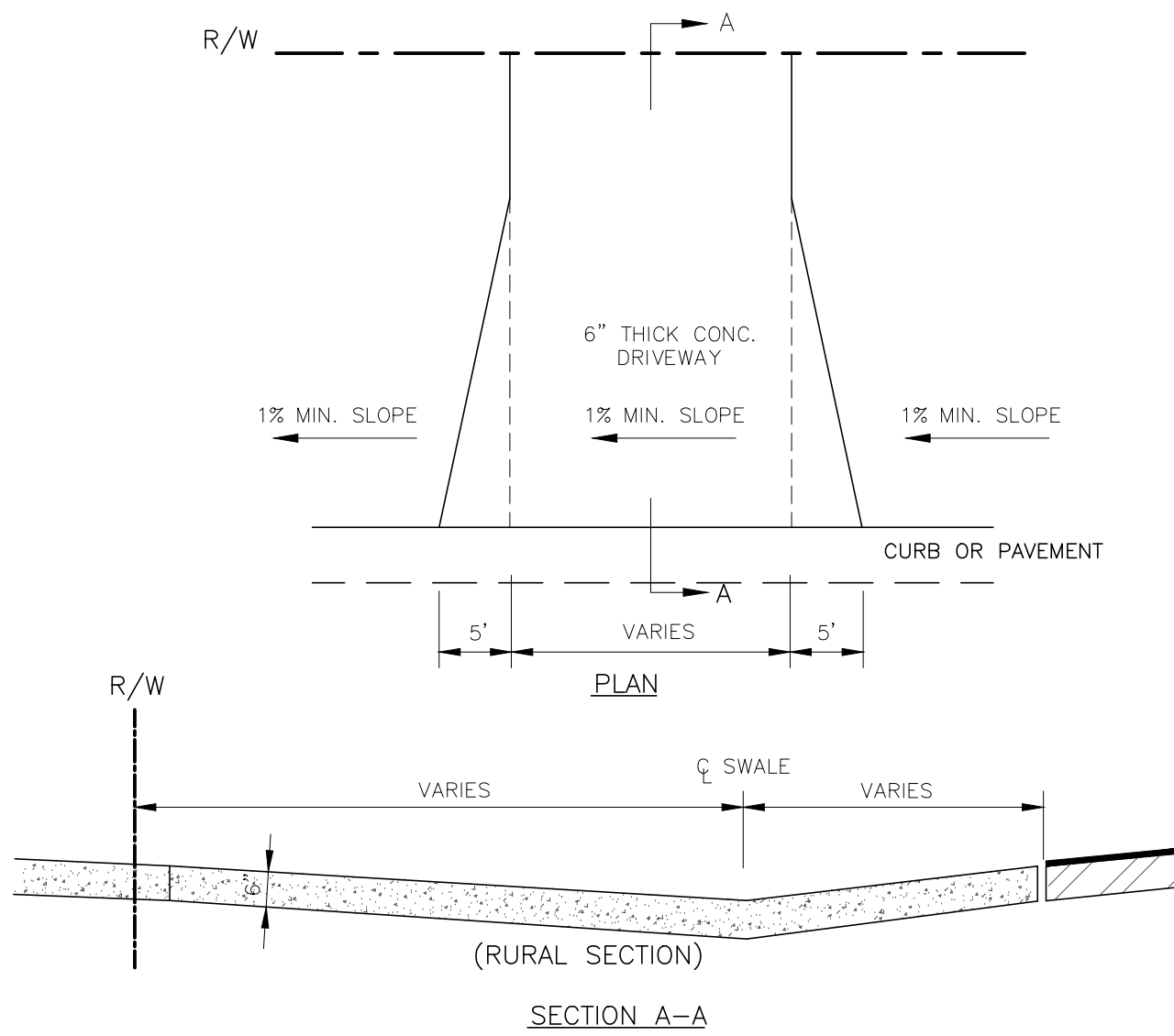
Do not deploy in a manner that silt fences will act as a dam across permanent flowing watercourses. Silt fences are to be used at upland locations and turbidity barriers used at permanent bodies of water.

TYPE III SILT FENCE

N.T.S.

SILT FENCE APPLICATIONS

N.T.S.

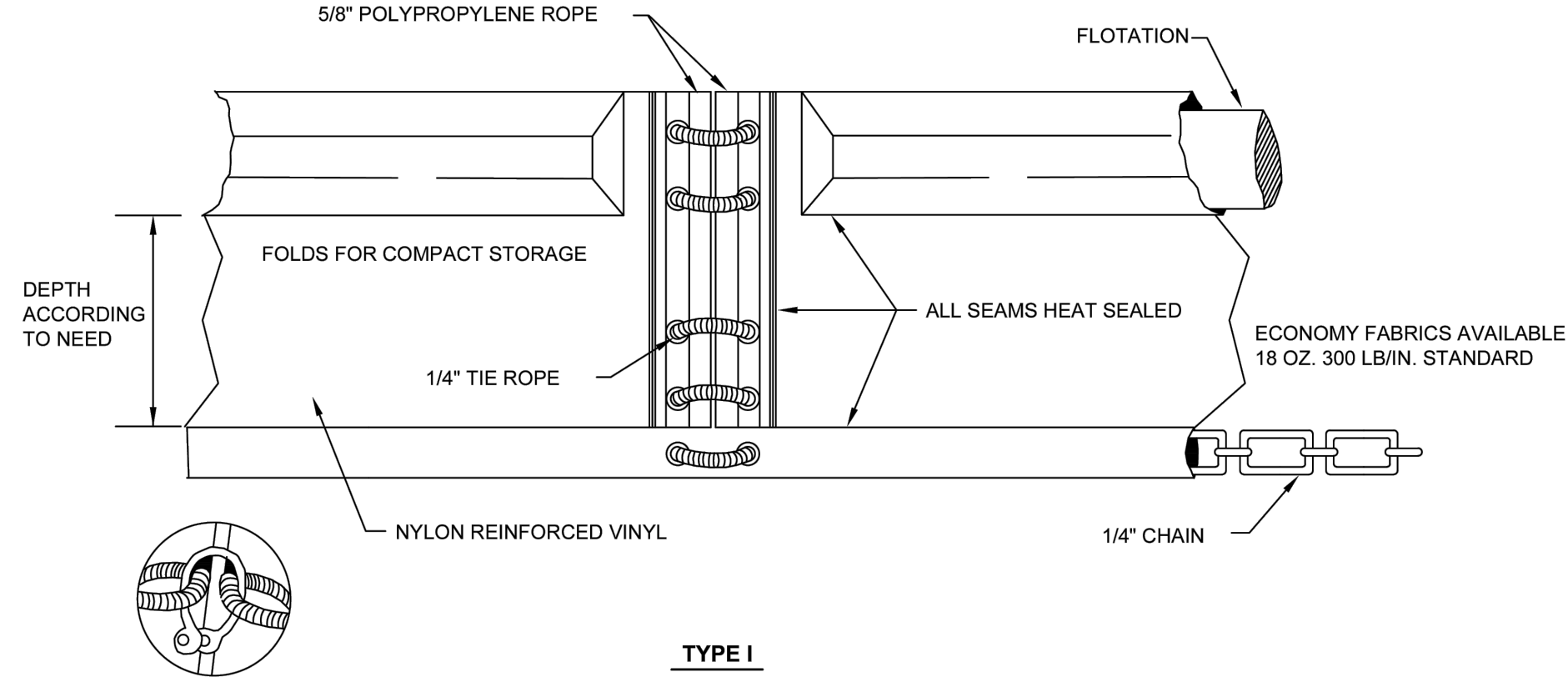


NOTES:

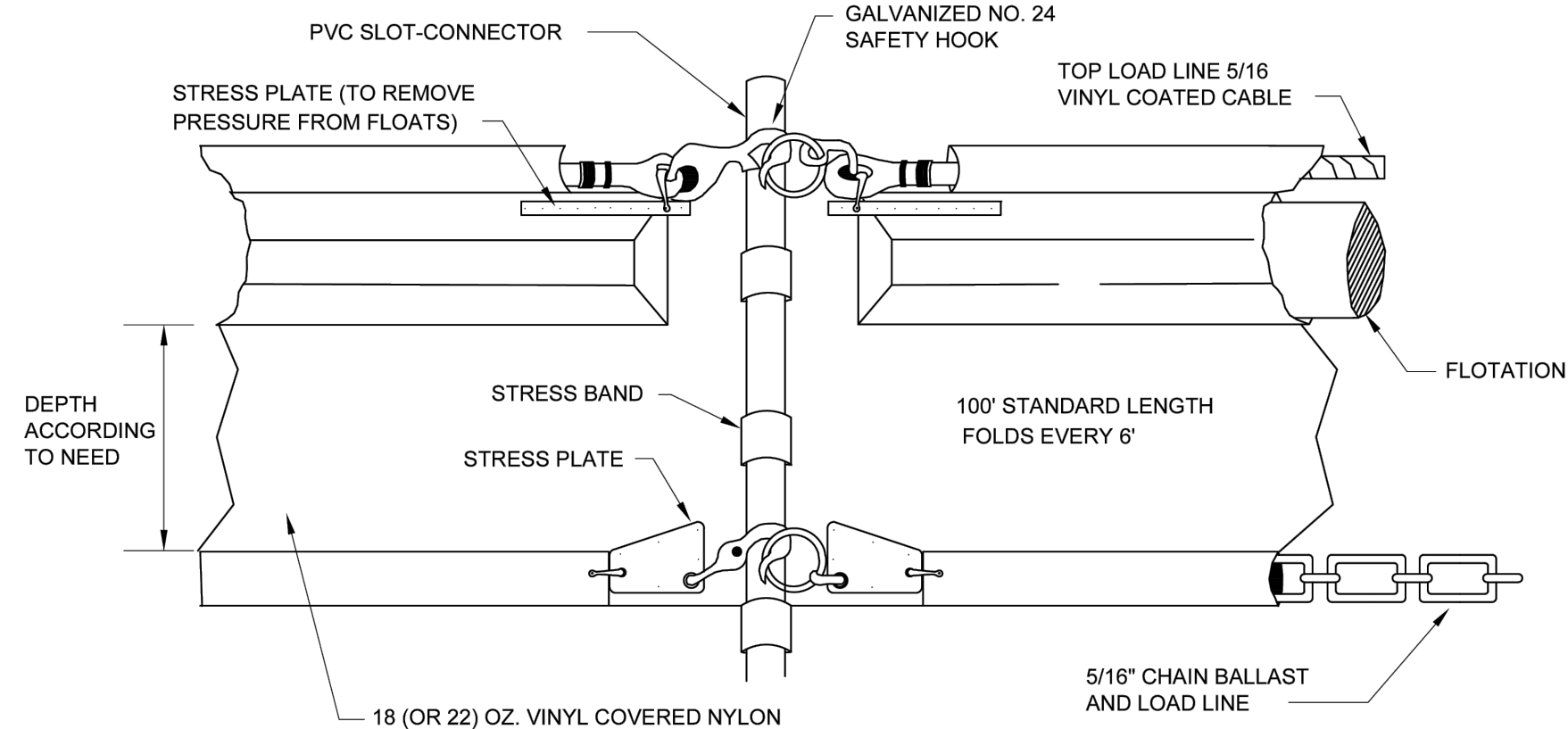
1. DRIVEWAY APRON BASE TO BE COMPACTED AND TESTED TO 98% DENSITY WITH MINIMUM LBR 40 BASED ON AASHTO T-160 MODIFIED PROCTOR TEST.
2. DRIVEWAY APRON CONCRETE - 3,000 PSI AT 28 DAY.
3. THE SLAB SURFACE SHALL BE BROOM FINISHED TO BE SLIP RESISTANT, AND SHALL MATCH AS CLOSELY AS POSSIBLE THE FINISH OF THE EXISTING ADJACENT SLABS AND ALL EDGES SHALL BE TOOLED TO ELIMINATE SHARP CORNERS.

CONCRETE DRIVEWAY APRON DETAIL

N.T.S.

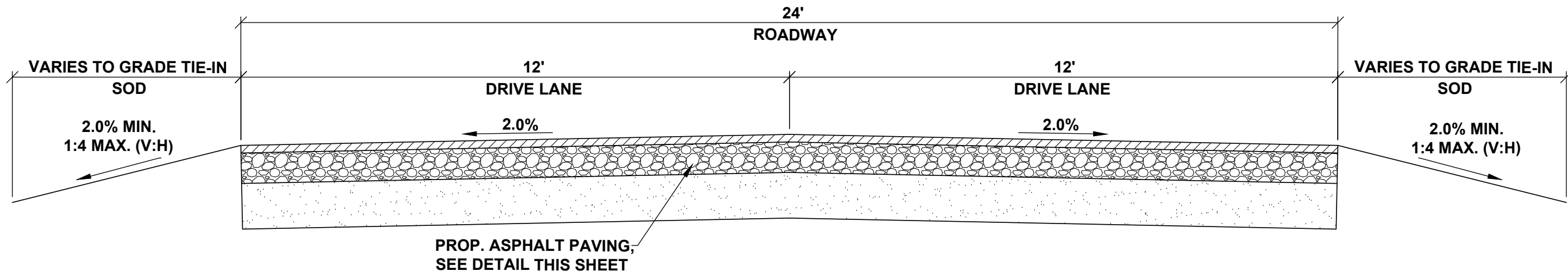


(BLOW-UP OF SHACKLE CONNECTION)



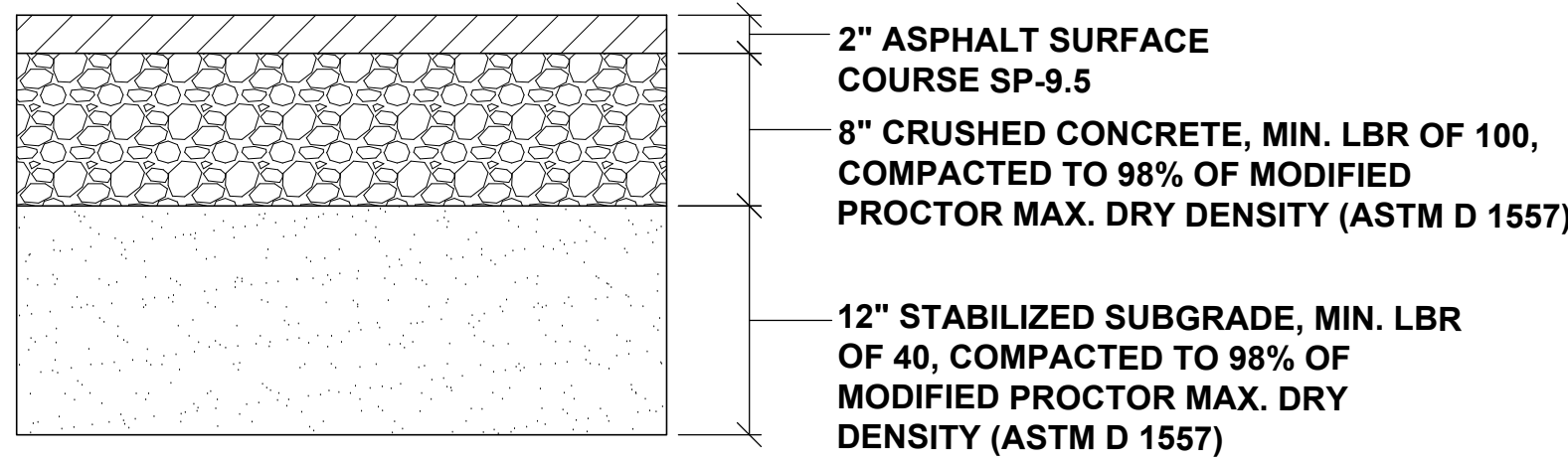
FLOATING TURBIDITY BARRIER DETAIL

N.T.S.



TYPICAL SECTION

N.T.S



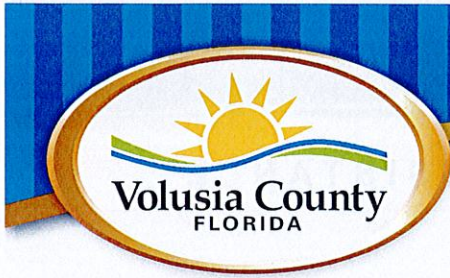
ASPHALT PAVING DETAIL

N.T.S.

SEC. 26, T. 16, R. 30 E.

				
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City of DeLand, Florida
ENGINEERING DEPARTMENT
1102 S. Garfield Avenue
DeLand, Florida 32724
TEL: 386/626-7196 FAX: 386/736-5366



February 27, 2025

Michael Pleus, City Manager
City of DeLand
120 South Florida Avenue
DeLand, FL 32720

**Re: Notification of Change to Community Development Block Grant
Allocation Method**

Dear Mr. Pleus,

Volusia County receives Community Development Block Grant (CDBG) funds directly from the U.S. Department of Housing and Urban Development (HUD) as a qualified urban county entitlement community through a formula grant. The formula HUD uses to determine funds for the County of Volusia is identified as Formula A, which considers three factors of an area: population, poverty, and overcrowding. Since 2015, the county's annual allocation has been divided and allocated using the same Formula A for all partnering cities and the unincorporated areas. These fixed allocations have been provided to our partnering cities to apply for projects or public service activities.

Beginning with fiscal year 2025/26, the county will no longer award partnering cities a fixed annual allocation based on Formula A. Instead, projects will be awarded through a competitive application process. This method will allow partnering cities, non-profit organizations, and county departments to propose more large-scale and impactful capital projects, maximizing the benefit for residents. City allocations have historically ranged from \$60,000 - \$180,000, but with a competitive process, cities could request upwards of \$1 million for a project. The competitive applications will be reviewed and scored by an evaluation committee to determine which projects will be recommended for final approval by the County Council. To ensure fair distribution of CDBG funds, limits and geographic requirements will be set. For example, a city may receive a capital project award no more than two times in any five-year period. The evaluation criteria and full details will be provided when the application is released.

The county will also be making efforts to utilize 15 percent of the overall CDBG annual allocation for public service activities. This is the maximum amount allowed under CDBG regulations and has historically been underused. Partnering cities are encouraged to identify public service activities that are CDBG-eligible. Non-profit organizations will also have an opportunity to propose public service activities directly to the county.



COMMUNITY SERVICES DEPARTMENT

COMMUNITY ASSISTANCE

The county anticipates releasing a competitive solicitation for CDBG-eligible capital projects and public service activities in early March. A workshop was held on January 24, 2025, to discuss the potential of a competitive process with city staff and discuss any areas of concern. A virtual workshop was also held on February 27, 2025, to discuss the new process with city staff. An additional meeting will be held in early April to answer questions as applications are being completed.

If you have any questions regarding CDBG requirements or this change in allocation method, please contact Eva Colee at ecolee@volusia.org or 386-736-5955 ext. 15593.

Thank you for all that you do to assist the residents of Volusia County.

Respectfully,

Carmen Hall
Community Assistance Director

cc: Brad Burbaugh, Community Services Director
Brittany Louis, Housing & Grants Administration Manager

COMMUNITY ASSISTANCE

CITY OF DELAND
Request for Commission Action
April 21, 2025

SUBJECT: Consideration re Approving Extension Request for Class II Site Plan Application, Located at the Northwest Corner of South Woodland Boulevard and Cliff Street.

DEPARTMENT: Planning

PREPARED BY: Sam Nelson, Planner 1

ATTACHMENTS: SP24-068 Extension Request MEMO, SP24-068 Aerial

APPROVED BY: Michael Pleus, City Manager, April 16, 2025

SUMMARY/HIGHLIGHT:

Applicant Clayton Coffee LLC submitted a Class II Site Plan application (SP24-068) on May 20, 2024, to construct a drive-thru coffee shop at the northwest corner of S Woodland Blvd and Cliff St. Due to staff concerns related to site constraints and traffic circulation, the applicant has been unable to obtain approval for this application. Subject to Sec. 33-132.01. (d), the applicant is now requesting a 180-day extension for the application.

Sec. 33-132.01. (d) reads, "*Expiration of incomplete plans. All unapproved plans will expire 90 days from the last city generated comment letter unless good cause for an extension is established by the applicant and approved by the city commission. The applicant and the property owner shall be notified of the expiration of the application by the planning department according to the address(s) presented in the application.*"

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Institute Smart Growth Principles.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

Approval of this extension request will have minimal fiscal impact to the City.

RECOMMENDATION:

It is staff's recommendation that the City Commission approve the 180-day extension request for Class II Site Plan application SP24-068.

BACKGROUND/DISCUSSION:

The subject property is 0.57 acres in size and is currently being used as a parking lot. A site plan for this site was approved in 1989 for a 1,800 SF office building which was not constructed. A new owner of the property, Clayton Coffee LLC, has submitted plans to redevelop the property into an 800 SF drive-thru coffee shop.



Planning Department Memorandum

TO: City Commission

DATE: April 21, 2025

FROM: Sam Nelson, Planner I

SUBJECT: Extension of Class II Site Plan Application SP24-068

Applicant Clayton Coffee LLC submitted a Class II Site Plan application (SP24-068) on May 20, 2024 to construct a double-sided drive-thru coffee shop on a previously developed parcel at the northwest corner of S Woodland Blvd and Cliff St (PID# 702806000120). Due to limitations associated with the small size of the property (0.57 acres), the project was continued from the June 20, 2024 meeting of the Technical Review Committee. The applicant has since been working with staff on outstanding TRC comments, and to avoid expiration of the existing site plan application subject to Sec. 33-132.01. (d), the applicant is requesting approval of an extension from City Commission.

Sec. 33-132.01. (d) *Expiration of incomplete plans. All unapproved plans will expire 90 days from the last city generated comment letter unless good cause for an extension is established by the applicant and approved by the city commission. The applicant and the property owner shall be notified of the expiration of the application by the planning department according to the address(s) presented in the application.*

In recognition of the efforts that the applicant is making in collaborating with staff to address outstanding comments, and due to existing site constraints, **staff recommends City Commission approve** a one-time 180-day extension request for Class II Site Plan application SP24-068. If no new comment letter has been generated by October 18, 2025, this application will be deemed expired.



City of DeLand
SP24-068
ELLIANOS COFFEE



Legend:

- City Zoning
- County Zoning



CITY OF DELAND
Request for Commission Action
April 21, 2025

SUBJECT: Resolution Denying Parking Reduction and Allowance for Off-Site Residential Parking for 84 Affordable Housing Units at 225 West New York Avenue.

DEPARTMENT: Planning

PREPARED BY: Carol Kuhn, Planning Director

ATTACHMENTS: Resolution , Staff Report - Parking Reduction Request, TAZ_SHIM_4-10-25, Narrative for Parking Reduction Request, Parking Demand Study (3-10-25) Revised - Submitted 3-25-25, NYA - PARKING DEMAND STUDY SUPPLEMENT - 031825, Revised Site Plan - Parking Reduction Request, Elevations - Revised Submission, PZ24-202 DRAFT - Unsigned Shared Parking License Agreement - 2024.09.12 w exhibits, October 21, 2024 Resolution - Number 2024-96 Bluesky Denial, Site Plan Sheet - Initial Submittal, Elevations - Initial Submittal, PW24-202 New York Avenue Apartments Parking Demand Study (8-22-24) S&S, 2024.12.11 Letter to City of DeLand, 3778538-Putnam FHAA Response

APPROVED BY: Michael Pleus, City Manager, April 16, 2025

SUMMARY/HIGHLIGHT:

The City of DeLand welcomes and encourages affordable housing development projects and the staff understands that affordable housing is a priority for the City and the State of Florida. The applicant, Blue Sky Communities, LLC, has submitted a site plan application (SP24-134) along with an associated request for a parking reduction and allowance for off-site residential parking for an 84-unit affordable housing development on a 1.63-acre site located at 225 W. New York Avenue. The proposed project will include a mix of affordable housing units (30-60% Area Median Income (AMI); 60-80% AMI, and 80-120% AMI). .

Since the site layout depends on the parking reduction, the applicant is requesting approval of the parking reduction, as well as approval to use off-site parking for the residents, before the site plan approval process progresses any further. The site plan is currently under review and must go before the Planning Board for a recommendation, then to the City Commission for approval. Included with the parking reduction request is a request to allow off-site parking for residential purposes.

At this time, the City does not have regulations in place specifically related to reducing parking requirements for affordable housing projects. The city planning staff must uphold the requirements specified in the City's Land Development Regulations. Section 33-91.03(f) specifies the minimum parking requirements for various uses. Staff has reviewed the applicant's revised parking study, which is intended to support the applicant's request for a reduction in parking for an 84-unit affordable housing development, and has provided the attached analysis.

The applicant is proposing to provide 94 vehicle parking spaces along with 52 bicycle spaces, which could reduce the required 188 vehicle parking by 26 spaces (2 bike parking spaces = 1 car parking space), thereby providing 120 total vehicle parking spaces. This leaves the development deficient by 68 parking spaces. Staff is not supportive of a 68-space reduction, nor does staff support the request to allow off-site parking to accommodate the parking needs of the residents. Staff concerns related to the parking reduction include: a lack of public transportation in the area, no grocery stores within walking distance, and the potential impact to surrounding businesses and employers from residents and guests parking off-site. Further, the applicant has

made no provisions for guest parking, nor has the applicant proposed parking for the required ground-floor commercial.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

As outlined in the City's Strategic Plan under Strategic Focus Area: Institute Smart Growth Principles #9 discusses a desire to decrease parking requirements when a development provides other features that could reduce traffic impacts. The applicant is providing 52 bicycle parking spaces to compensate for 26 of the deficient number of vehicular car spaces provided.

SUSTAINABILITY:

Approval of the parking reduction would create a project that is deficient in parking in the Downtown, where parking is already limited.

FISCAL IMPACT:

Approval of off-site parking for residential use and allowing a significant parking reduction for this project would allow for the construction of the 84-unit apartment complex and therefore potentially adding to the city's tax rolls. However, creation of a parking-deficient project would have negative impacts on the city by adding to the downtown parking constraints.

RECOMMENDATION:

Staff recommends denial of the parking waiver for the proposed 84 apartments located at 225 West New York Avenue

BACKGROUND/DISCUSSION:

For multifamily uses, the code requires 1.5 parking spaces per unit for 1-bedroom units and 2 spaces for 2 or more-bedroom units. An additional 0.5 parking spaces per unit are also required for visitor parking. Per the site plan, there will be (44) 1-bedroom units and (40) 2+ bedroom units. Based on the code calculations, a minimum of 188 parking spaces are required. The applicant is requesting an additional 68 space reduction, over and beyond the 30% bicycle parking reduction. The applicant is also requesting City Commission approval for off-site parking for residential uses, where such off-site parking is only permitted for nonresidential uses (33-91.06(a)3).

RESOLUTION NO. 2025 –

**A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA,
DENYING A REQUEST FOR A PARKING REDUCTION AND ALLOWANCE
FOR OFF-SITE PARKING FOR APARTMENT BUILDING LOCATED AT 225
WEST NEW YORK AVENUE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the applicant, Blue Sky Communities, LLC, has submitted a site plan application for an 84-unit apartment building on a 1.63 acre site located at 225 West New York Avenue; and

WHEREAS, the applicant is proposing a total of 94 vehicle parking spaces for a building with 84 apartments, 44 of which are one bedroom and 40 of which have two or more bedrooms; and

WHEREAS, the City's planning staff has advised the applicant since it very first proposed the project that the site does not have sufficient space for parking given the number of units being proposed in the building; and

WHEREAS, the project, as currently proposed, does not comply with the parking requirements of the City's land development regulations; and

WHEREAS, in order to address the insufficient parking, the applicant has requested the City to reduce the amount of parking and to allow the applicant to use parking spaces on an adjacent County owned parking lot, which spaces will only be available on nights and weekends, for the purpose of meeting the parking needs of the proposed building; and

WHEREAS, the City's land development regulations provide that a maximum of 30% of the number of required car parking spaces may be satisfied by providing bicycle parking spaces; and

WHEREAS, the City's land development regulations require a total of 188 parking spaces, 52 of which are proposed to be satisfied with bicycle parking spaces, leaving 136 required car parking spaces – the applicant proposes to provide only 94 car parking spaces, which is less than seventy percent (70%) of the required number of car parking spaces even after the allowance for bicycle parking spaces; and

WHEREAS, the applicant has requested that the City consider the availability of night and weekend parking on an adjacent County parking lot, but the City Commission finds that the reduction in spaces to less than seventy percent of the required spaces, considering that a substantial number of the spaces are also being replaced with bicycle parking spaces, is too significant to meaningfully provide parking to the residents of the proposed building; and

WHEREAS, the City has considered all of the information in the detailed staff report that accompanied this request and that information forms a part of the evidence upon which this Resolution is based; and

WHEREAS, the project could comply with the City's parking requirements by reducing the number of units in the building; and

WHEREAS, the City Commission finds that the significant reduction in parking is not compatible with a residential apartment project, that it will adversely affect the residents of the proposed apartment building, and that it will otherwise adversely affect the public interest.

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

Section 1. The foregoing preamble is incorporated herein by reference and forms a part of the basis for the adoption of this Resolution, together with all other information presented to the City Commission at its hearing on this request.

Section 2. The City Commission hereby denies the applicant's request for a reduction in the number of required parking spaces for the proposed apartment project located at 225 West New York Avenue.

Section 3. This Resolution shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 21st day of April, 2025.

Christopher M. Cloudman
Mayor-Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney



**PLANNING DIVISION STAFF REPORT
TO
CITY COMMISSION**

HEARING DATE: April 21, 2025

APPLICATION NO.: PW25-036

STAFF PLANNER: Carol Kuhn, AICP, Planning Director

APPLICANT: Blue Sky Communities, LLC

REPRESENTATIVE: Mark Watts, Cobb Cole

REQUEST: Parking Reduction and Allowance for Off-Site Residential Parking for 84 Affordable Housing Units at 225 West New York Avenue

APPLICABLE REGULATIONS:

Article VIII Development Design & Improvement Standards
Sec. 33-91 – Off-Street Parking & Loading

A. SITE FACTORS:

Location: 225 W. New York Avenue
Parcel Size: 1.63 acres
Land Use: Downtown Commercial
Existing Zoning: C-2A
Existing Use: Vacant

	SURROUNDING USE:	SURROUNDING ZONING:
North:	Downtown Commercial	C-2A (Downtown Commercial)
South:	Downtown Commercial	C-2A & H (Downtown Commercial & Historic)
East:	Downtown Commercial	C-2A & H (Downtown Commercial & Historic)
West:	Downtown Commercial	C-2A (Downtown Commercial)

B. BACKGROUND:

The City of DeLand welcomes and encourages affordable housing development projects. The City's planning staff understands that affordable housing is a priority for the City Commission, the citizens of DeLand and the State of Florida. The applicant, Blue Sky Communities, LLC, has submitted a site plan application (SP24-134) for an 84-unit affordable housing development along with an associated request for a parking reduction and allowance for off-site residential parking at 225 West New York Avenue.

At this time, the City does not have regulations in place specifically related to reducing parking requirements for affordable housing projects. The City planning staff must therefore apply the

parking requirements specified in the City's Land Development Regulations. Section 33-91.03(f) specifies the minimum parking requirements for various uses. Staff has reviewed the applicant's revised parking study, which is intended to support the applicant's request for a reduction in parking for an 84-unit affordable housing development.

The applicant, Blue Sky Communities, LLC, has submitted a site plan application (SP24-134) for an 84-unit affordable housing development on a 1.63-acre site located at 225 W. New York Avenue, with a mix of affordable housing units (30-60% Area Median Income (AMI); 60-80% AMI, and 80-120% AMI). The density for 84 dwelling units on this 1.63-acre site would be 51.53 dwelling units per acre. The maximum density within the city is 20 dwelling units per acre. However, in an effort to increase density in the Downtown, the City's Comprehensive Plan provides that "a residential density within the DeLand Downtown boundary shall be calculated based on gross acreage for the entire district and not on an individual property basis. The total number of dwelling units within the Downtown Commercial area shall not exceed a total of 2,777 units. Within the Downtown Commercial land use designation, retail commercial uses shall be encouraged on the ground floors that front on to streets. Offices and residential should be encouraged to locate above the active ground floor."

Since the site layout depends on the parking reduction, the applicant is requesting approval of the parking reduction, as well as approval to use off-site parking for the residents, before the site plan approval process progresses any further. The site plan is currently under review and must go before the Planning Board for a recommendation, then to the City Commission for approval. Included with the parking reduction request is a request to allow off-site parking for residential purposes.

C. ANALYSIS:

During initial discussions with the applicant prior to a pre-application meeting, staff cited numerous concerns regarding the applicant's request for a significant parking reduction. Staff advised the applicant that the size of the site could not accommodate the necessary site improvements associated with an 84-unit apartment complex. However, the applicant moved forward with the proposed project, submitting for, and receiving funding from, the State of Florida and Volusia County for an affordable housing development, with funding based on 84 units. The applicant submitted a concept plan, site plan, and application for a Certificate of Appropriateness, as well as a separate parking reduction request. City Commission denied the initial Parking Reduction Request on October 21, 2024.

During the October Commission deliberation regarding the initial parking reduction request, one of the Commission members mentioned a possible parking ratio of 1.39 to 1.42 as a possible, acceptable ratio to consider, as this was a ratio used by the DeLand Commons multi-family development on Woodland Boulevard (1.42 ratio at DeLand Commons). The proposed parking ratio with the additional parking proposed with this revised, ground-floor parking option is 1.12 spaces per unit. However, the applicant has suggested that 13 of the proposed units be used exclusively for persons transitioning from the Neighborhood Center. The applicant states that these residents would not need parking and has removed the 13 units from the overall parking count, resulting a proposed parking ratio of 1.32 (based on 71 units). The applicant contends that the 13 units proposed for residents transitioning from the Neighborhood Center will not need a vehicle and therefore believes the 94 parking spaces and the 52 bicycle spaces (2 bike parking spaces = 1 vehicle space) are adequate to serve the residents.

Required Parking

For residential uses, Section 33-91.03 of the Development Regulations require 1.5 spaces per 1 bedroom; 2 spaces per 2 & 3 bedroom PLUS 0.5 spaces per unit for guest parking.

Required parking:

44 – 1.5 bedroom – 66 spaces plus 22 guest spaces

28 – 2 bedroom – 56 spaces plus 14 guest spaces

12 – 3 bedroom – 24 spaces plus 6 guest spaces

Total: 188 spaces

The City Commission may approve off-site parking for **non-residential** uses (33-91.06(a)3), with criteria and standards for approval of non-residential off-street parking. However, off-site parking is not permitted for residential uses. The Regulations do not include a process, standards, or criteria for approving a parking reduction for an affordable housing project within the City.

Bicycle Parking Reduction

Section 33-91.03(1)(3) of the land development regulations allowed up to 30% of the number of overall required off-street parking spaces to be reduced with bicycle parking. Using the allowed 30% reduction for bicycle parking, a maximum of 56 bicycle spaces may be used in lieu of vehicle spaces (fractional units of less than 0.5 are rounded down, per the development code 33-91.01(d)). This code section has been revised to allow for a 5% reduction for additional parking spaces. However, the site plan application (SP24-134) was submitted prior to the Land Development Regulation amendment to reduce the parking reduction for bicycle parking.

The applicant is proposing to provide 94 vehicle parking spaces and 52 bicycle spaces, which could reduce the required vehicle parking by 26 spaces (2 bike parking spaces = 1 car parking space), thereby providing 120 total vehicle parking spaces, where 188 are required. This leaves the development deficient by 68 parking spaces. Staff is not supportive of a 68-space reduction, nor does staff support the request to allow off-site parking to accommodate the parking needs of the residents. Staff concerns related to the parking reduction include: a lack of public transportation in the area, no grocery stores within walking distance, and the potential impact to surrounding businesses and employers from residents and guests parking off-site. Further, the applicant has made no provisions for guest parking, nor has the applicant proposed parking for the required ground-floor commercial space.

Affordable Housing Comparison Sites

A parking study dated March 10, 2025 was submitted that cites two other affordable housing options in DeLand, Taylor Place and the Pines. Taylor Place is located along Woodland Boulevard, which is the VoTran Route 31 bus route along Woodland Boulevard. The Pines is located within 1900 feet of Woodland Boulevard (a little over a quarter of a mile from a bus route). The applicant contends that the Pines and Taylor Place are over-parked (i.e. have more parking spaces than necessary for the number of vehicles) based on the parking counts observed during their study, dated August 22, 2024.

Staff has reviewed the parking study, and finds that the two examples cited differ from the proposed New York Avenue Apartments, due to their proximity to a public transportation route. Both Taylor Place and the Pines have available public transportation options that are not available to the proposed New York Avenue Apartments. On February 22, 2025, VoTran introduced a new fixed-route bus service operating each hour from downtown to the SunRail Station. This limited

bus service may slightly improve transit options. VoTran also operates VoRide, an “on-demand” public transit alternative. However, the average wait-time is 45 minutes, which could impact residents’ ability to commute to work or school.

The required parking for **The Pines** (100 dwelling units):

1 bedroom units (24 @ 1.5 spaces per unit) = 36 spaces

2 bedroom units (32 @ 2 spaces per unit) = 64 spaces

3 bedroom units (24 @ 2 spaces per unit) = 48 spaces

4 bedroom units (20 @ 2 spaces per unit) = 40 spaces

Visitor (guest parking) spaces = 100 x 0.5 spaces per unit = 50

Total: 238 spaces required

Provided: 241 spaces provided

The required parking for **Taylor Place** (106 dwelling units):

1 bedroom units (4 @ 1.5 spaces per unit) = 6 spaces

2 bedroom units (12 @ 2 spaces per unit) = 24 spaces

3 bedroom units (71 @ 2 spaces per unit) = 142 spaces

4 bedroom units (19 @ 2 spaces per unit) = 38 spaces

Visitor (guest parking) spaces = 106 x 0.5 spaces per unit = 53

Total: 263 spaces required

Provided: 263 spaces provided

Planning staff visited each of these sites on numerous occasions and found that not all of the parking spaces were utilized by residents.

Taylor Place:

March 11, 2025	6:50 am	113 vehicles (Tuesday)
March 11, 2025	1:00 pm	77 vehicles
March 13, 2025	7:00 am	105 vehicles (Thursday)
March 13, 2025	2:50 pm	71 vehicles
March 23, 2025	11:56 am	103 vehicles (Sunday)

The Pines:

March 11, 2025	6:50 am	88 vehicles (Tuesday)
March 11, 2025	12:50 pm	52 vehicles
March 13, 2025	7:00 am	84 vehicles (Thursday)
March 13, 2025	2:50 pm	45 vehicles
March 23, 2025	12:05 pm	78 vehicles (Sunday)

Planning staff contacted the above-referenced apartment complexes on April 2, 2025 and inquired about the current vacancies. Taylor Place had five (5) vacancies and The Pines had zero (0) vacancies.

The applicant also references a recently-completed multi-family residential development project located within Downtown, DeLand Commons, which was granted a parking reduction, with a parking ratio of 1.42 spaces per unit. To support its request for a reduction in off-street parking, DeLand Commons submitted similar comparison studies of other Atlantic Housing projects. The project also took advantage of the LDR’s 30% bicycle parking reduction (which has since been reduced to 5%) The now partially occupied (the residential units are occupied but not the

commercial) mixed-use multi-family development has been experiencing resident parking deficiencies associated with the parking reduction. The City has received complaints about parking shortages and parking issues. Potential residents have contacted City staff before leasing, inquiring if additional parking will be provided in the future. In an attempt to address this parking deficiency, the DeLand Commons developer has met with City and County planning staff regarding potential sites for providing additional parking to meet the demand for the DeLand Commons project.

Additional Research – Transportation Analysis Zones (TAZ)

Planning staff collected additional data from the Transportation Analysis Zones (TAZ). The TAZ data is compiled by census block information and includes population numbers as well as information related to automobile ownership, broken down by single- and multi-family residential uses. A traffic analysis zone or transportation analysis zone (TAZ) is the unit of geography most commonly used in conventional transportation planning models. Most often the critical information is the number of automobiles per household, household income, and employment within these zones. This information helps to further understand the number of vehicle trips within the zone.

- **Taylor Place**
 - o TAZ 1661
 - o 119 multi-family population
 - o 6% zero vehicle households
 - o 40% one-vehicle households
 - o 54% two-vehicle households
- **The Pines**
 - o TAZ 1635
 - o 255 multi-family population
 - o 14% zero vehicle households
 - o 16% one-vehicle households
 - o 70% two-vehicle households
- **225 W New York Ave**
 - o TAZ 1715
 - o 109 multi-family population
 - o 8% zero vehicle households
 - o 39% one-vehicle households
 - o 53% two-vehicle households

This data shows that there are very few households without a vehicle and more than half of the households have two vehicles per household. As such, 1.5 vehicles per household would be a rough average for the number of vehicles per household. Applying this data to the project under consideration shows that, even if you excluded the 13 units designated for the Neighborhood Center, there would be at least 107 resident vehicles, not to mention guest vehicles.

Off-Site Parking for Residential Uses

The applicant is requesting that off-site parking for the multi-family residential be allowed. The applicant has requested that the Volusia County parking lot be used to address the residents' needs from 5 pm to 8 am weekdays and 24/7 on weekends. However, the Land Development Regulations do not allow for off-site parking for residential uses, only nonresidential uses. The Land Development Regulations provide criteria for allowing off-site parking for non-residential use, but

does not provide for residential off-site parking. Additionally, this arrangement simply invites conflict for residents who are unable to move their vehicles at 8:00 am on a weekday for any number of reasons (illness, car malfunction, shift work, etc.).

Previous Parking Reduction Request

On October 21, 2024, the City Commission denied a parking reduction request (previous resolution is attached) for 66 on-site parking spaces along with off-site parking in the adjacent Volusia County lot. Since the October meeting, the applicant has revised the site plan to provide 28 additional on-site parking spaces. In order to accommodate the additional 28 spaces, the applicant is proposing to increase the building height by one story to allow for a ground-floor parking garage along with replacing the retention pond with subsurface stormwater management. A revised Parking Study (dated March 10, 2025) was submitted on March 25, 2025, proposes a total of 94 off-street parking spaces. The revised site layout provides 94 parking spaces, rather than the 188 required spaces.

Other Blue Sky Communities – Parking Ratios

Staff researched two other similarly-sized Blue Sky Communities, one in Clermont (Woodwinds) and one in Sarasota (Arbor Village). These two communities had a similar number of units, but had a much larger parking ratio. Staff found another similarly sized Blue Sky community in Clermont (Clermont Ridge Senior Villas), age restricted community (62+) with a larger parking ratio than what is being proposed in DeLand.

Community	Units	Bedrooms	Parking Spaces	Ratio
Woodwinds	96	24 one bed 48 two bed 24 three bed	202	2.10
Clermont Ridge Senior Villas	70	70 one bed	100	1.43
Arbor Village	80	72 one bed 8 two bed	121	1.51

These communities all exceed the proposed 1.12 parking ratio proposed for the 225 W. New York Avenue Apartments.

Sanford Affordable Housing Development

Staff also contacted the City of Sanford regarding their recently approved Somerset Landings affordable housing project. The project was constructed in 2 phases and includes a total of 144 units, with two parking spaces per unit (288 parking spaces).

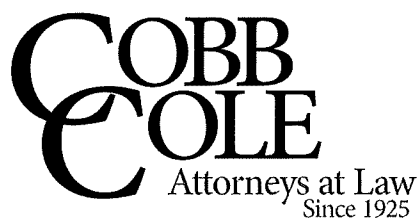
Proposed Height Increase

The proposed increase in building height would make this proposed building 6-stories (77 feet in height), which could impact the view corridor in the downtown. During the Historic Preservation Board (HPB) Review of the Certificate of Appropriateness (COA), the HPB cited concerns regarding potential impacts to the view corridor with the proposed (then 5 story building) possibly limited the iconic view of the Court House. Any proposed increase in height would need to be reviewed and approved by HPB.

D. STAFF RECOMMENDATION:

As previously stated, the Land Development Regulations do not have a specific mechanism to reduce parking for affordable housing developments. The applicant has submitted a Parking Study intended to support their parking reduction request from 188 spaces to 120 spaces (94 vehicle spaces and 26-vehicle space reduction for bicycles). This leaves the development deficient by 68 parking spaces. Staff is not supportive of a 68-space reduction, nor does staff support the request to allow off-site parking to accommodate the parking needs of the residents. The applicant's proposed parking ratio of 1.12 is not sufficient; the applicant has not addressed the need for ground-floor commercial and any associated parking; and the applicant has not addressed guest parking.

Scott W. Cichon
Robert A. Merrell III
John P. Ferguson
Mark A. Watts
Heather Bond Vargas
Michael J. Woods
Raymond L. Schumann
Kathleen L. Crotty
Michael O. Sznajstajler
Andrew C. Grant
Matthew S. Welch
Edward H. Thompson
Robert E. Doan
William A. Rice
Douglas J. Collins
Sara E. Glover
Holly W. Zitzka
Jessica L. Gow



Daytona Beach • DeLand
231 North Woodland Boulevard
DeLand, Florida 32720
(386) 736-7700 | CobbCole.Com

Sydney V. Cichon
Anthony E. Aguanno
Baylee D. Bunyard
Anne M. Kehrl
Alanna V. Smith

OF COUNSEL
Larry D. Marsh
Ira Halfond

William M. Cobb (1881-1939)
Thomas T. Cobb (1916-2004)
W. Warren Cole, Jr. (1926-2008)

March 11, 2025

Carol Kuhn
Planning Director
City of DeLand
120 S. Florida Ave.
DeLand, Florida 32720

Re: Project Narrative – Parking Waiver application (PW25-036)
New York Ave. Apartments

Dear Carol:

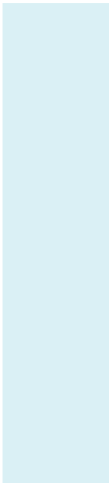
As you know, our firm represents Blue Sky Communities, LLC with their New York Ave. Apartments project. Blue Sky is seeking a parking waiver to reduce the on-site parking for the proposed 84-unit, affordable multi-family development to 94 spaces. Since the last time the required parking was considered by the City, the overall site plan and building were redesigned to increase the parking spaces provided on-site by approximately 28 spaces. The new spaces were created by shifting the design of the project's stormwater system to focus on exfiltration and vault stormwater storage that is located under the expanded parking lot. In addition, the building design was modified to increase the proposed height of the northern portion of the building to six stories in order to accommodate parking under that portion of the building. In addition, Blue Sky still proposes to obtain a non-exclusive parking license agreement with Volusia County to accommodate overnight and guest parking on the County of Volusia's property west of the project site. Blue Sky will also work with the County to provide pedestrian connectivity between the County parking lot to the north and Blue Sky's project.

Please let me know if you have any questions.

Sincerely,

Mark A. Watts, Esq.

Mark.Watts@cobbcole.com



PARKING DEMAND STUDY

For

NEW YORK AVENUE APARTMENTS

**225 West New York Avenue
DeLand, Florida 32720**

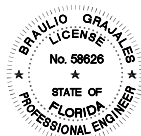
Prepared for:

**BLUE SKY COMMUNITIES, LLC
180 Fountain Parkway N, Suite 100
St. Petersburg, Florida 33716**

Prepared by:

**HIGH POINT ENGINEERING, INC
5005 W. Laurel Street, Suite 201
Tampa, Florida 33607**

Date: March 10, 2025



Digitally signed by Braulio Grajales
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dnQualifier=A01410D0000018F9D21E3A200
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Date: 2025.03.11 16:03:45 -04'00'

PARKING DEMAND STUDY

INTRODUCTION

This report summarizes the results of a parking demand study for the New York Avenue Apartments. The proposed affordable housing development for working families is planned to be constructed on the property located at 225 West New York Avenue in DeLand, Volusia County, Florida. Based on the analysis provided herein, on average, a future resident of this development will possess less than one vehicle per bedroom. This parking demand study has been prepared as technical support for a parking waiver request to approve a total of 94 on-site surface parking spaces, for the proposed 84-dwelling unit multi-family affordable housing project. The referenced property will have full access to and from West New York Avenue through cross access with the neighboring property to the west owned by Volusia County.

BACKGROUND

The project site is located on the north side of West New York Avenue (State Road 44), just west of North Florida Avenue in Section 09, Township 17 South, Range 30 East within the incorporated area of the City of DeLand. The property is comprised of two parcels identified by the Volusia County Property Appraiser's Office with parcel identification numbers 700962000087 and 700962000090. The total site area is approximately 1.61 acres and is bounded by West New York Avenue to the south, and commercial and office properties to the north, east and west. The property was previously developed with a hotel developed in 1924, known as the Putnam Hotel. The structure was recently demolished, and the site is currently vacant and undeveloped.

The proposed New York Avenue Apartments development will consist of one (1) 6-story mid-rise podium building, including 84 dwelling units containing 44 units of 1 bedroom, 28 units of 2 bedrooms, and 12 units of 3 bedrooms for a total of 136 bedrooms (i.e., average unit mix of 1.62 bedrooms per dwelling unit), 94 surface parking spaces (i.e., 0.69 spaces per bedroom), an underground stormwater collection system, sanitary sewer system, potable water service for domestic consumption and fire protection, and Florida native drought tolerant landscape. The project will feature ten long-term restricted special need dwelling units to accommodate families transitioning from homelessness ensuring inclusivity and promoting stability for vulnerable populations. The proposed development is planned in a single phase. The setbacks, drainage, parking, and landscaping are designed to support the proposed development of the property.

The City of DeLand Land Development Code (LDC) Section 33-91 requires the following parking ratios for the multi-family land use: Studio: 1 space/unit, 1 bedroom: 1.5 spaces/unit, 2, 3, or more bedrooms: 2 spaces/unit, visitor parking: 0.5 space/unit. The City of DeLand LDC requirement for the proposed apartment building is 188 parking spaces. The proposed site layout and parking plan prepared by Madden, Moorhead & Stokes, LLC shows a total of 94 on-site parking spaces plus 48 covered bicycle parking spaces. LDC Section 33-91.03.1.3.b allows off-street parking reduction by no more than one space for each bicycle parking space, but by no more than 30 percent of the total required spaces. Based on the Code allowance, a 30 percent off-street parking reduction over 188 parking spaces equals 56 parking spaces. Consequently, when considering both vehicular and bicycle parking, the total parking supply ratio provided by the proposed New York Avenue Apartments is 1.78 parking spaces per dwelling unit, representing a deficit from the Code requirements of 38 parking spaces.

Parking ratios per unit may not accurately reflect the actual parking demand generated by a residential development. This is attributed to the fact that the relation between the number of drivers and the various dwelling unit sizes in any apartment complex cannot be adequately captured by measuring parking ratios per unit. For example, a one-bedroom dwelling might be associated with a single resident driver or a couple of drivers. In contrast, a two-bedroom dwelling or three-bedroom dwelling considers the likelihood of a larger household with one adult driver or multiple drivers and with or without teenage drivers. Therefore, a parking study aligned with the number of bedrooms provides a more accurate representation of the parking demand within a multifamily apartment development.

According to ITE Parking Generation Manual 6th Edition, it is expected that the number of bedrooms and number of residents are likely correlated to the parking demand generated by a residential site. Parking studies of multifamily housing should attempt to obtain information on occupancy rate and on the mix of residential unit sizes (i.e., number of units by number of bedrooms at the site complex).

The City of DeLand LDC currently does not specify parking ratios per bedroom for multi-family land use. Thus, the focus of this parking study was to determine the peak period parking demand per bedroom for an affordable housing development for families in DeLand in support of a request for a reduction in parking. The City of DeLand LDC Section 33-91.01(d) provides guidelines for parking studies when the proposed use is not listed in Section 33-91.03(f) - Minimum Off-Street Parking Requirements. The City of DeLand LDC recommends using estimates of parking requirements based on studies from ULI, ITE, or the Traffic Institute, and based on data collected from uses or combinations of uses which are the same or comparable to the proposed use. Density, scale, bulk, area, type of activity, and location shall determine comparability.

There are two affordable housing projects with similar demographics near the project site. These projects were selected due to their geographic location and similarity to the proposed development to estimate future parking demand for the proposed New York Avenue Apartments development.

See Attached:

- *Site Location (Exhibit A)*
- *Proposed Parking Layout (Exhibit B)*

DATA COLLECTION AND EXISTING CONDITIONS

Parking observations were undertaken at two affordable housing apartment complexes in the City of DeLand: (1) The Pines and (2) Taylor Place. The Pines is located at 310 W. New Hampshire Avenue in DeLand while Taylor Place is located at 1575 S. Woodland Boulevard in DeLand. These two existing developments were used in this parking demand study due to similarities in the geographic area, land use, number of units, and number of bedrooms.

Data Collection at The Pines - DeLand

The Pines is an affordable housing community located on the south side of New Hampshire Avenue between Delaware Avenue and Clara Avenue, within the incorporated area of the City of DeLand. The Pines development is located approximately 1.6 miles south of the proposed New York Avenue Apartments development. The Pines is comprised of six (6) 3-story garden style buildings including 100 dwelling units distributed in 24 units of 1 bedroom, 32 units of 2 bedrooms, 24 units of 3 bedrooms, and 20 units of 4 bedrooms for a total of 240 bedrooms (i.e., average unit mix of 2.40 bedrooms per dwelling unit). At the time of this study, the apartment complex had an occupancy level of 100%. The Pines has a surface parking lot with a total of 241 spaces (i.e., 1.00 parking space per bedroom). Parking observations at this location took place on Monday November 13, 2023, from 4:00 am to 9:00 am and from 7:00 pm to 12:00 am. The observations consisted of identifying the number of parking spaces occupied at 5-minute intervals. The weather conditions during the observations were cloudy with temperatures between 60°F and 70°F.

The observations indicate the highest peak period parking demand ratio occurred between 8:00 pm and 9:00 pm. At 8:40 pm, 108 parking spaces of the 241 parking spaces were occupied and 133 parking spaces were available. The computed Peak Parking Demand Ratio vs Bedrooms was 0.45 spaces per bedroom. At 4:00 am, the apartment complex exhibited a parking demand ratio of 0.44 spaces per bedroom and at 7:00 pm a ratio of 0.38 spaces per bedroom. Furthermore, the observation taken at midnight revealed that The Pines had a parking demand ratio of 0.44 spaces per bedroom.

See Attached:

- *Peak Period Parking Demand Summary Tables for Observation Taken on Monday November 13, 2023 (Exhibit C)*
- *Peak Period Parking Demand Ratio vs Bedrooms Graphs for Observation Taken on Monday November 13, 2023 (Exhibit D)*

Data Collection at Taylor Place – DeLand

Taylor Place is an affordable housing community located on the east side of Woodland Boulevard (S.R. 15 / US Highway 17) between Chipola Avenue and Taylor Road, within the incorporated area of the City of DeLand. Taylor Place development is located approximately 2.2 miles south of the proposed New York Avenue Apartments development. Taylor Place is comprised of five (5) 3-story garden style buildings including 106 dwelling units distributed in 4 units of 1 bedroom, 12 units of 2 bedrooms, 71 units of 3 bedrooms, and 19 units of 4 bedrooms for a total of 317 bedrooms (i.e., average unit mix of 2.99 bedrooms per dwelling unit). At the time of this study, the apartment complex had an occupancy level of 100%. Taylor Place has a surface parking lot with a total of 263 spaces (i.e., 0.83 parking spaces per bedroom). Parking observations at this location took place on Tuesday November 14, 2023, from 4:00 am to 9:00 am and from 7:00 pm to 12:00 am. The observations consisted of identifying the number of parking spaces occupied at 5-minute intervals. The weather conditions were cloudy with temperatures between 60°F and 70°F.

The observations indicate the highest peak period parking demand ratio occurred between 4:00 am and 5:00 am. At 4:00 am, 147 parking spaces of the 263 parking spaces were occupied and 116 parking spaces available. The computed Peak Parking Demand Ratio vs Bedrooms was 0.46 spaces per bedroom. At 9:00 am, the apartment complex exhibited a parking demand ratio

of 0.15 spaces per bedroom and at 7:00 pm a ratio of 0.27 spaces per bedroom. Additionally, the observation taken at midnight revealed that Taylor Place had a parking demand ratio of 0.46 spaces per bedroom.

See Attached:

- *Peak Period Parking Demand Summary Tables for Observation Taken on Tuesday November 14, 2023 (Exhibit E)*
- *Peak Period Parking Demand Ratio vs Bedrooms Graphs for Observation Taken on Tuesday November 14, 2023 (Exhibit F)*

PARKING DEMAND ANALYSIS

According to Blue Sky Communities, LLC, the developer of the New York Avenue Apartments, the proposed development is an affordable housing community for families that will consist of 84 dwelling units distributed in one (1) 6-story mid-rise podium building with a total of 136 bedrooms.

Exhibits C and E summarize the Peak Parking Demand Ratio vs Bedrooms measured at the two apartment complexes in the City of DeLand. The Peak Parking Demand Ratio vs Bedrooms measured during the two days of observations was very similar to the proposed onsite parking spaces per bedroom. The Peak Parking Demand Ratio vs Bedrooms measured at the two apartment complexes range between 0.45 and 0.46 spaces per bedroom.

The two apartment complexes serve the same geographic area (i.e., urban setting) as the New York Avenue Apartments. The land use, number of units, mix of units, number of bedrooms, and demographic group (i.e., families) for the two existing apartment complexes are comparable with the same features as the New York Avenue Apartments. All sites are surrounded by the same collector/arterial road (i.e., State Road 15 / US Highway 17) and in proximity of bus transit and public transportation routes. Because of these similarities, the Peak Parking Demand Ratios observed at the two existing apartment complexes are considered adequate technical support to estimate the future peak parking demand of the New York Avenue Apartments.

Further, the proposed residential unit mix for the New York Avenue Apartments is 52% of 1 bedroom, 33% of 2 bedrooms, and 15% of 3 bedrooms. The Pines has a unit mix of 24% of 1 bedroom, 32% of 2 bedrooms, 24% of 3 bedrooms, and 20% of 4 bedrooms. Taylor Place has a residential unit mix of 4% of 1 bedroom, 11% of 2 bedrooms, 67% of 3 bedrooms, and 18% of 4 bedrooms. Accordingly, the New York Avenue Apartments will feature a unit mix of 2 bedrooms and 3 bedrooms aligning with the unit mix in The Pines.

In terms of average dwelling unit size, the New York Avenue Apartments are projected to have 1.62 bedrooms per unit (i.e., 136 bedrooms / 84 dwelling units). This average unit size is 2/3 of the average of 2.40 bedrooms per unit (i.e., 240 bedrooms / 100 dwelling units) for The Pines. Moreover, Taylor Place has an average dwelling unit size of 2.99 bedrooms per unit (i.e., 317 bedrooms / 106 dwelling units), making the average unit size at New York Avenue Apartments half that of Taylor Place.

Site Name	The Pines	Taylor Place
Project Size	100 Dwelling Units	106 Dwelling Units
Occupancy	100%	100%
Average Unit Mix	2.40 Bedrooms per Unit	2.99 Bedrooms per Unit
Parking Facility	77 Spaces	146 Spaces
Parking Supply	1.00 Spaces per Bedroom	0.83 Spaces per Bedroom
Observation Day	Monday (11/13/23)	Tuesday (11/14/23)
4:00 am - 5:00 am	0.44	0.46
5:00 am - 6:00 am	0.45	0.45
6:00 am - 7:00 am	0.37	0.41
7:00 am - 8:00 am	0.33	0.33
8:00 am - 9:00 am	0.26	0.22
7:00 pm - 8:00 pm	0.38	0.36
8:00 pm - 9:00 pm	0.45	0.38
9:00 pm - 10:00 pm	0.42	0.46
10:00 pm - 11:00 pm	0.44	0.46
11:00 pm - 12:00 pm	0.44	0.46
Peak	0.45	0.46
Mean	0.40	0.40
Median	0.43	0.43
Mode	0.44	0.46
Range	0.26 – 0.45	0.22 – 0.46

Notes: Ratios rounded to two decimals.

Source: High Point Engineering, November 2023

The table above shows a statistical analysis of the parking demand observations at the two existing apartment complexes in DeLand based on vehicles per bedroom.

Despite the different average dwelling unit sizes at the two study sites, the observed peak parking demand ratios are nearly identical. This suggests that the size of the average dwelling unit does not impact the parking demand per bedroom ratio. In other words, the observations from the two study sites indicate that there is no discernible correlation between the average dwelling unit size and the parking demand per bedroom in DeLand.

Thus, considering that the parking demand per bedroom ratio is not impacted by the average dwelling unit size in DeLand, as well as the relatively short distance between the two study sites and the New York Avenue Apartments site, the observed Peak Parking Demand Ratio vs Bedroom in both, The Pines and Taylor Place, can be effectively extrapolated to forecast the future peak parking demand for the New York Avenue Apartments.

However, since the unit mix in New York Avenue Apartments is closer to the unit mix in The Pines, the maximum observed Peak Parking Demand Ratio vs Bedrooms at The Pines is used to estimate the future peak parking demand for the New York Avenue Apartments. Applying The Pines Peak Parking Demand Ratio to the New York Avenue Apartments yields:

0.45 spaces per bedroom x 136 bedrooms = 61.2 spaces.

Rounding to the nearest integer, the estimated parking demand for the New York Avenue Apartments is 61 spaces.

The above computed peak parking demand using the extrapolated Peak Parking Demand ratio from The Pines is equal to the proposed parking supply. The probability that the expected peak parking demand for the New York Avenue Apartments can be accommodated by 94 parking spaces is acceptable.

Furthermore, Average Peak Period Parking Demand data from Institute of Transportation Engineers (ITE) Parking Generation, 6th Edition was also used to estimate the future parking demand for the New York Avenue Apartments as well as to compare the ITE published ratios with the results obtained from the observations taken at the two study sites.

The Institute of Transportation Engineers (ITE) Parking Generation, 6th Edition, offers a land use for affordable housing which is defined as all multifamily housing that is rented at below market rate to households that includes at least one employed member. Eligibility to live in affordable housing can be a function of limited household income and resident age (i.e., senior housing). For most of the study sites in the ITE Parking Generation, 6th Edition, 100 percent of the dwelling units are considered affordable. The ITE Parking Generation, 6th Edition does not provide information for Average Peak Period Parking Demand vs. Dwelling Unit Size (i.e., number of units by number of bedrooms per site) or separate parking rates for percentage of visitor parking.

The Average Peak Period Parking Demand Ratio to Bedrooms recommended by the ITE Parking Generation, 6th Edition, Affordable Housing – Income Limits subset, for estimating the off-street parking per bedroom required for workforce housing are as follows:

Weekday (Monday - Friday) in General Urban / Suburban Location:

Peak Period Parking Demand vs Bedrooms: 0.55 parked vehicles

Range of Rates: 0.29 – 0.85

Standard Deviation: 0.14

Number of Studies: 10

Average number of bedrooms: 101

Saturday in General Urban / Suburban Areas:

Peak Period Parking Demand vs Bedrooms: 0.27 parked vehicles

Range of Rates: 0.27 – 0.27

Standard Deviation: N/A

Number of Studies: 1

Average number of bedrooms: 44

Applying the Average Peak Period Parking Demand Ratio to Bedrooms recommended by the ITE Parking Generation, 6th Edition, Affordable Housing – Income Limits to the New York Avenue Apartments yields:

$0.55 \text{ spaces per bedroom} \times 136 \text{ bedrooms} = 74.8 \text{ spaces.}$

Rounding up, the estimated parking demand for the New York Avenue Apartments is 75 spaces.

The above ITE Parking Generation, 6th Edition Peak Period Parking Demand vs Bedrooms is less than the proposed parking supply rate of 0.69 spaces per bedroom. Notably, the sites included the ITE Parking Generation Manual, 6th Edition spanned locations in Alabama, California, Connecticut, District of Columbia, Maryland, Massachusetts, New Jersey, and Oregon, encompassing survey periods in the 1990s and the 2010s. It's important to highlight that the study in ITE Parking Generation Manual, 6th Edition did not include sites in Florida. Additionally, the ITE Parking Generation Manual, 6th Edition, for Land Use 223 - Affordable Housing – Income Limits, does not provide a 95% Confidence Interval due to the limited number of studies available for inclusion.

The following table taken from ITE Parking Generation Manual, 6th Edition, presents a Time-of-Day distribution of parking demand on a weekday in a general urban/suburban setting for income limits land use category:

Percent of Weekday Peak Parking Demand	
Hour Beginning	Income Limits
4:00 a.m.	-
5:00 a.m.	100%
6:00 a.m.	94%
7:00 a.m.	85%
8:00 a.m.	77%
9:00 a.m.	73%
10:00 a.m.	71%
11:00 a.m.	-
5:00 p.m.	-
6:00 p.m.	79%
7:00 p.m.	83%
8:00 p.m.	90%
9:00 p.m.	93%
10:00 p.m.	97%
11:00 p.m.	-

See Attached:

- *Institute of Transportation Engineers (ITE) Parking Generation, 6th Edition Data Summary for Land Use: 223 Affordable Housing – Income Limits (Exhibit I)*

In addition, the following unique circumstances apply to the New York Avenue Apartments site:

- Volusia County has agreed to grant residents of New York Avenue Apartments a revocable license and right to park motor vehicles owned or leased by such resident upon the adjacent County Property. Residents of New York Avenue Apartments may not park on the County Property from 8 a.m. to 5 p.m., Monday through Friday. Overnight and over the weekend parking outside the specified restricted hours will be allowed to all residents, thus compensating for the difference of parking spaces required per Code.

- The project will include 10 long-term restricted special need dwelling units to accommodate families transitioning from homelessness, and these families will almost certainly not own a car. Consequently, it is anticipated that the future residents may not fully occupy the proposed 94 parking spaces.
- The project is being developed with unassigned parking. The entire parking facility will be accessible to all future residents based on the order of their arrival.
- The project site is situated in downtown DeLand, offering all future residents the opportunity to work within walking or biking distance.
- Future residents will have the opportunity to use public transit as an alternative method of transportation. Votran Route 20 runs north-south along Woodland Boulevard, with convenient bus stops located approximately a 5-minute walk to the east of the project site.
- The project will be designed with clearly identified 4 exterior uncovered bicycle parking spaces, 8 exterior covered bicycle parking spaces placed adjacent to the building, and 40 covered and secured interior bicycle parking spaces, exceeding the requirements outlined by the City of DeLand LDC.
- The project site is situated in downtown DeLand, offering all future residents superior walkability typical of an urban area.
- A minimum of four on-street parking spaces along the north side of New York Avenue in front of the property will be available for short-term use.

CONCLUSION

The Peak Parking Demand ratio on a weekday for Affordable Housing – Limited Income in general urban / suburban setting suggested by the ITE Parking Generation, 6th Edition slightly exceeds the Peak Parking Demand ratios measured at the two apartment complexes in the City of DeLand. The two measured Peak Parking Demand ratios in DeLand are within the same order of magnitude indicating there is not a significant difference between the two apartment complexes.

The Peak Parking Demand ratios resulting from observations at the two affordable housing developments in the City of DeLand are considered better suited for projecting the future New York Avenue Apartments Peak Parking Demand compared to the ratio suggested by the ITE Parking Generation, 6th Edition, due to their proximity to the project site.

The planned 94 parking spaces equivalent to 0.69 spaces per bedroom for the proposed 84 dwelling units are anticipated to meet the future parking demand for the New York Avenue Apartments during all periods.

If you have any questions regarding the information contained herein, please do not hesitate to contact me.

Sincerely,
HIGH POINT ENGINEERING, INC.

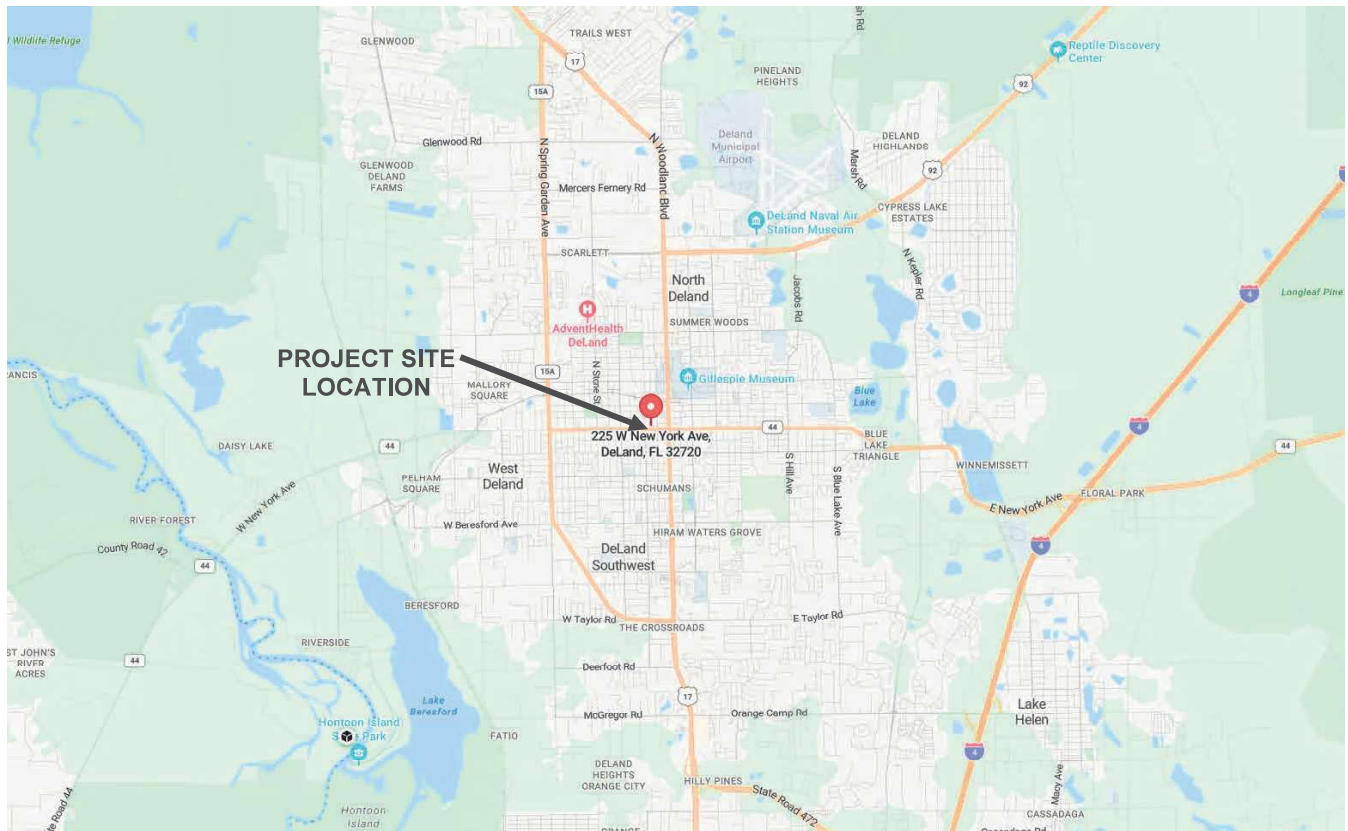
A handwritten signature in blue ink, appearing to read 'B. Grajales', is positioned above the printed name.

Braulio Grajales, P.E.
Principal Engineer

EXHIBITS

- Exhibit A Site Location**
- Exhibit B Proposed New York Avenue Apartments Site Layout & Parking Plan**
- Exhibit C Peak Period Parking Demand Summary Table for The Pines on Monday, November 13, 2023, Observations**
- Exhibit D Peak Period Parking Demand Ratio vs Bedrooms Graph for The Pines on Monday, November 13, 2023, Observations**
- Exhibit E Peak Period Parking Demand Summary Table for Taylor Place on Tuesday, November 14, 2023, Observations**
- Exhibit F Peak Period Parking Demand Ratio vs Bedrooms Graph for Taylor Place on Tuesday, November 14, 2023, Observations**
- Exhibit G Institute of Transportation Engineers (ITE) Parking Generation, 6th Edition Data Summary for Land Use: 223 Affordable Housing – Income Limits**

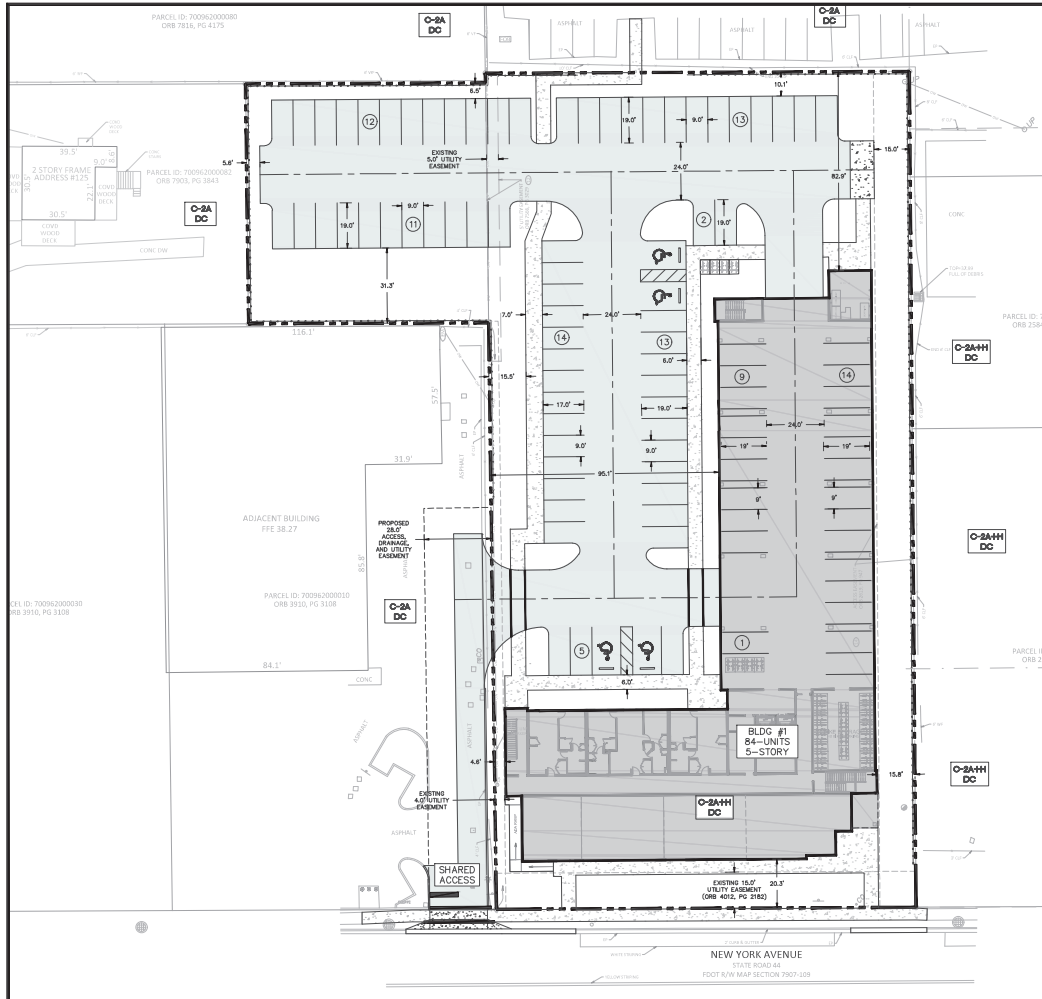
EXHIBIT A



Parking Demand Study
 New York Avenue Apartments
 225 West New York Avenue
 DeLand, Florida 32720

March 10, 2025

EXHIBIT B



LEGEND

TO — EXISTING ZONING
TO — EXISTING FUTURE LAND USE

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft

SITE DATA:

- TOTAL PROPERTY AREA: 1.63 ACRES
- PARCEL ID'S: 700962000090 & 700962000087
- JURISDICTION: CITY OF DELAND
- EXISTING FUTURE LAND USE: DOWNTOWN COMMERCIAL
- EXISTING ZONING: O-24HH
- BUFFER REQUIREMENTS: NONE
- PROPOSED USE: MULTI-FAMILY
- TOTAL DWELLING UNITS (DU): 84 UNITS
- UNIT MIX:
1 BEDROOM = 44 UNITS
2 BEDROOM = 28 UNITS
3 BEDROOM = 12 UNITS
- OPEN SPACE REQUIRED PROVIDED: NONE 0.47 AC (28.8%)
REQUIRED PROVIDED: NONE 1.16 AC (71.2%)
- MAX. IMPERVIOUS SURFACE RATIO: NONE 0.47 AC (28.8%)
REQUIRED PROVIDED: NONE 1.16 AC (71.2%)
- IMPERVIOUS AREA: 0.47 AC (28.8%)
TOTAL SIDEWALK, PAVEMENT, MISC. CONCRETE: 0.89 AC (42.3%)
TOTAL IMPERVIOUS AREA: 1.16 AC (71.2%)
TOTAL PAVED AREA: 0.47 AC (28.8%)
TOTAL AREA: 1.63 AC (100.00%)
- MAX. BUILDING HEIGHT: 80 FT
- BUILDING SETBACKS: NONE
- PARKING:
A) REQUIRED:
APARTMENTS — 1.5 SP/UNIT x 44 = 66 SPACES
3 BEDROOMS — 2 SP/UNIT x 12 = 24 SPACES
VISITOR PARKING — 0.5 SP/UNIT x 84 = 42 SPACES
SUBTOTAL = 132 SPACES
B) PROVIDED:
APARTMENTS — 1.5 SP/UNIT x 44 = 66 SPACES
GARAGE (V4V4) = 24 SPACES
ACCESSIBLE (V2V2) = 4 SPACES
SUBTOTAL = 94 SPACES
1/4" DEPTH TOTAL 17' PAVED W/OUT OVERHANG, OVERHANG IS NOT PART OF A LANDSCAPE AREA
- BIKE PARKING:
A) REQUIRED:
DELIVERY & DWELLING UNITS = 84/4 = 21 SPACES
TOTAL = 21 SPACES
B) PROVIDED:
EXTERIOR (V4V4) = 4 SPACES
INTERIOR STORAGE ROOMS (V4V4) = 4 SPACES
TOTAL = 8 SPACES
- PER FEMA FIRM PANEL NO. 12127C0470N, DATED FEBRUARY 15, 2014, THE ENTIRE SITE LIES WITHIN FLOOD ZONE "V" (AREAS TO BE DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
- ALL UTILITY LINES TO MEET CITY OF DELAND SPECIFICATIONS AND STORM SYSTEM TO MEET ALL APPLICABLE CITY OF DELAND AND ST. JOHNS RIVER WATER MANAGEMENT DISTRICT SPECIFICATIONS.
- IRRIGATION ON SITE TO BE PROVIDED BY CITY POTABLE WATER.
- THE SITE IS NOT LOCATED WITHIN A WELL FIELD PROTECTION ZONE.
- THE SITE IS NOT LOCATED WITHIN AN AQUIFER RECHARGE AREA.
- THE SITE TO BE DEVELOPED IN ONE PHASE

WATER SERVICE REQUIREMENTS							
LAND USE	UNIT	CHURN	8	ADD	ADD	ADD	ADD
			SPACES	SPACES	SPACES	SPACES	SPACES
MULTI-FAMILY RESIDENTIAL	DWELLING UNIT	300	84	25,300	20.42	65.84	81.48

SEWER SERVICE REQUIREMENTS							
LAND USE	UNIT	CHURN	8	ADD	ADD	ADD	ADD
			SPACES	SPACES	SPACES	SPACES	SPACES
MULTI-FAMILY RESIDENTIAL	DWELLING UNIT	300	84	25,300	17.00	35.00	70.00

NO. OF UNITS	LAND USE	8	DAILY			PER YEAR		
			8	1000	1000	TOTAL	DAILY	PER YEAR
227	MULTI-FAMILY RESIDENTIAL	84	7.42	623	15.53	45	30	15

SOILS LEGEND			
SOIL NAME	SOIL TYPE	PERCENTAGE	SPACES
(A) AUSTIN-CLAY LIND COMPLEX, 0 TO 8 PERCENT CLAY	A		
(T) TERRY LAY, 0 TO 2 PERCENT CLAY	T		

SOURCE: USGS SOIL SURVEY, NATIONAL RESOURCE CONSERVATION SERVICE — VOLUNTARY COUNTY, FLORIDA, 2002

MADDEN
CIVIL ENGINEERS
431 E. Horatio Avenue
Suite 250
Maitland, Florida 32751
(407) 629-6335

ENGINEER IN CHARGE:
DAVID A. STOKES, P.E., P.E.
ST. PETERSBURG, FL 33705
EXPIRATION DATE: 12/31/2025

DATE: 6/20/24
SCALE: 1"=20'
DESIGNED BY: TTT
DRAWN BY: TTT
APPROVED BY: TTT

FOR:
NEW YORK AVE APARTMENTS
CITY OF DELAND

PROJECT:
NEW YORK AVE APARTMENTS

DATE: 6/20/24
SCALE: 1"=20'
DESIGNED BY: TTT
DRAWN BY: TTT
APPROVED BY: TTT

C100

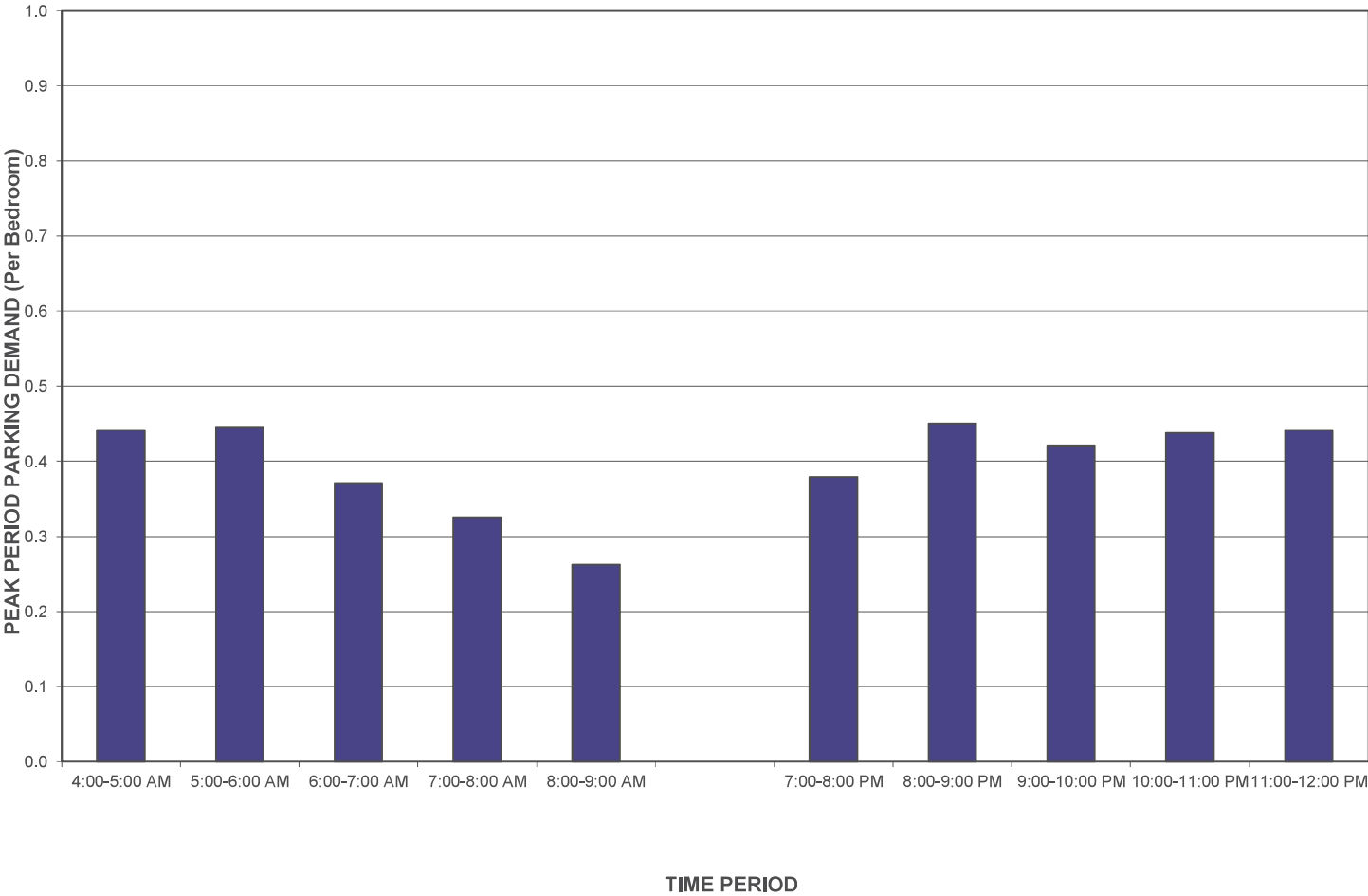
EXHIBIT C

PEAK PERIOD PARKING DEMAND SUMMARY THE PINES - 310 W. NEW HAMPSHIRE AVENUE, FLORIDA 32720 TOTAL DWELLING UNITS = 100, NUMBER OF BEDROOMS = 240 , AVERAGE SIZE OF DWELLING UNITS = 2.40 BEDROOMS TOTAL PARKING SPACES AVAILABLE = 241, PARKING SUPPLY = 1.00 PER BEDROOM					
Observations Taken on Monday, November 13, 2023					
Time Period	Peak Period Parking Spaces Used	Peak Period Unused Parking Spaces	Peak Period Parking Lot Occupancy (%)	Percent of Peak Parking Demand (%)	Peak Period Parking Demand (Per Bedroom)
4:00-5:00 AM	106	135	44	98	0.44
5:00-6:00 AM	107	134	44	99	0.45
6:00-7:00 AM	89	152	37	82	0.37
7:00-8:00 AM	78	163	32	72	0.33
8:00-9:00 AM	63	178	26	58	0.26
	-	-	-	-	-
7:00-8:00 PM	91	150	38	84	0.38
8:00-9:00 PM	108	133	45	100	0.45
9:00-10:00 PM	101	140	42	94	0.42
10:00-11:00 PM	105	136	44	97	0.44
11:00-12:00 PM	106	135	44	98	0.44

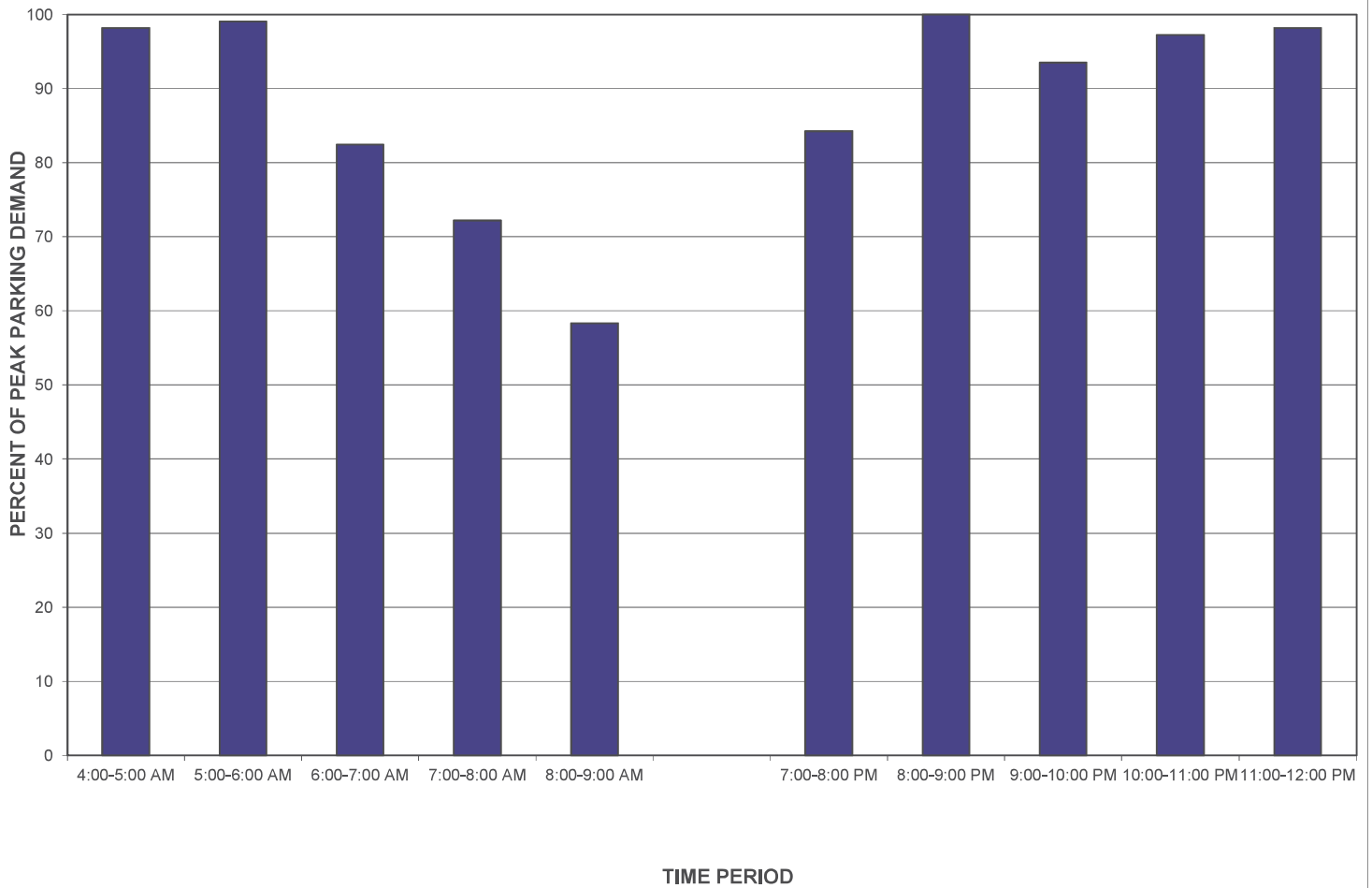
THE PINES APARTMENTS			
Address: 310 W. NEW HAMPSHIRE AVENUE, DELAND, FLORIDA 32720			
Date: 11-13-23		Total Parking Spaces Available = 241	
Time Period	Peak Period Parking Spaces Used	Time Period	Peak Period Parking Spaces Used
4:00:00 AM	105	7:00:00 PM	85
4:05:00 AM	105	7:05:00 PM	91
4:10:00 AM	105	7:10:00 PM	83
4:15:00 AM	105	7:15:00 PM	84
4:20:00 AM	104	7:20:00 PM	85
4:25:00 AM	105	7:25:00 PM	84
4:30:00 AM	105	7:30:00 PM	83
4:35:00 AM	105	7:35:00 PM	83
4:40:00 AM	105	7:40:00 PM	86
4:45:00 AM	105	7:45:00 PM	87
4:50:00 AM	106	7:50:00 PM	88
4:55:00 AM	106	7:55:00 PM	91
5:00:00 AM	107	8:00:00 PM	93
5:05:00 AM	102	8:05:00 PM	94
5:10:00 AM	100	8:10:00 PM	99
5:15:00 AM	97	8:15:00 PM	102
5:20:00 AM	96	8:20:00 PM	103
5:25:00 AM	97	8:25:00 PM	101
5:30:00 AM	98	8:30:00 PM	100
5:35:00 AM	97	8:35:00 PM	106
5:40:00 AM	96	8:40:00 PM	108
5:45:00 AM	95	8:45:00 PM	108
5:50:00 AM	91	8:50:00 PM	106
5:55:00 AM	89	8:55:00 PM	101
6:00:00 AM	87	9:00:00 PM	98
6:05:00 AM	89	9:05:00 PM	99
6:10:00 AM	86	9:10:00 PM	95
6:15:00 AM	85	9:15:00 PM	96
6:20:00 AM	86	9:20:00 PM	97
6:25:00 AM	86	9:25:00 PM	94
6:30:00 AM	85	9:30:00 PM	93
6:35:00 AM	85	9:35:00 PM	97
6:40:00 AM	83	9:40:00 PM	99
6:45:00 AM	82	9:45:00 PM	100
6:50:00 AM	81	9:50:00 PM	100
6:55:00 AM	80	9:55:00 PM	101
7:00:00 AM	78	10:00:00 PM	103
7:05:00 AM	78	10:05:00 PM	105
7:10:00 AM	74	10:10:00 PM	103
7:15:00 AM	74	10:15:00 PM	101
7:20:00 AM	69	10:20:00 PM	99
7:25:00 AM	69	10:25:00 PM	98
7:30:00 AM	67	10:30:00 PM	96
7:35:00 AM	67	10:35:00 PM	98
7:40:00 AM	66	10:40:00 PM	99
7:45:00 AM	67	10:45:00 PM	104
7:50:00 AM	66	10:50:00 PM	100
7:55:00 AM	63	10:55:00 PM	100
8:00:00 AM	60	11:00:00 PM	99
8:05:00 AM	62	11:05:00 PM	95
8:10:00 AM	60	11:10:00 PM	103
8:15:00 AM	61	11:15:00 PM	97
8:20:00 AM	63	11:20:00 PM	99
8:25:00 AM	58	11:25:00 PM	103
8:30:00 AM	57	11:30:00 PM	102
8:35:00 AM	53	11:35:00 PM	100
8:40:00 AM	54	11:40:00 PM	101
8:45:00 AM	54	11:45:00 PM	103
8:50:00 AM	56	11:50:00 PM	104
8:55:00 AM	55	11:55:00 PM	106
9:00:00 AM	53	12:00:00 AM	106

EXHIBIT D

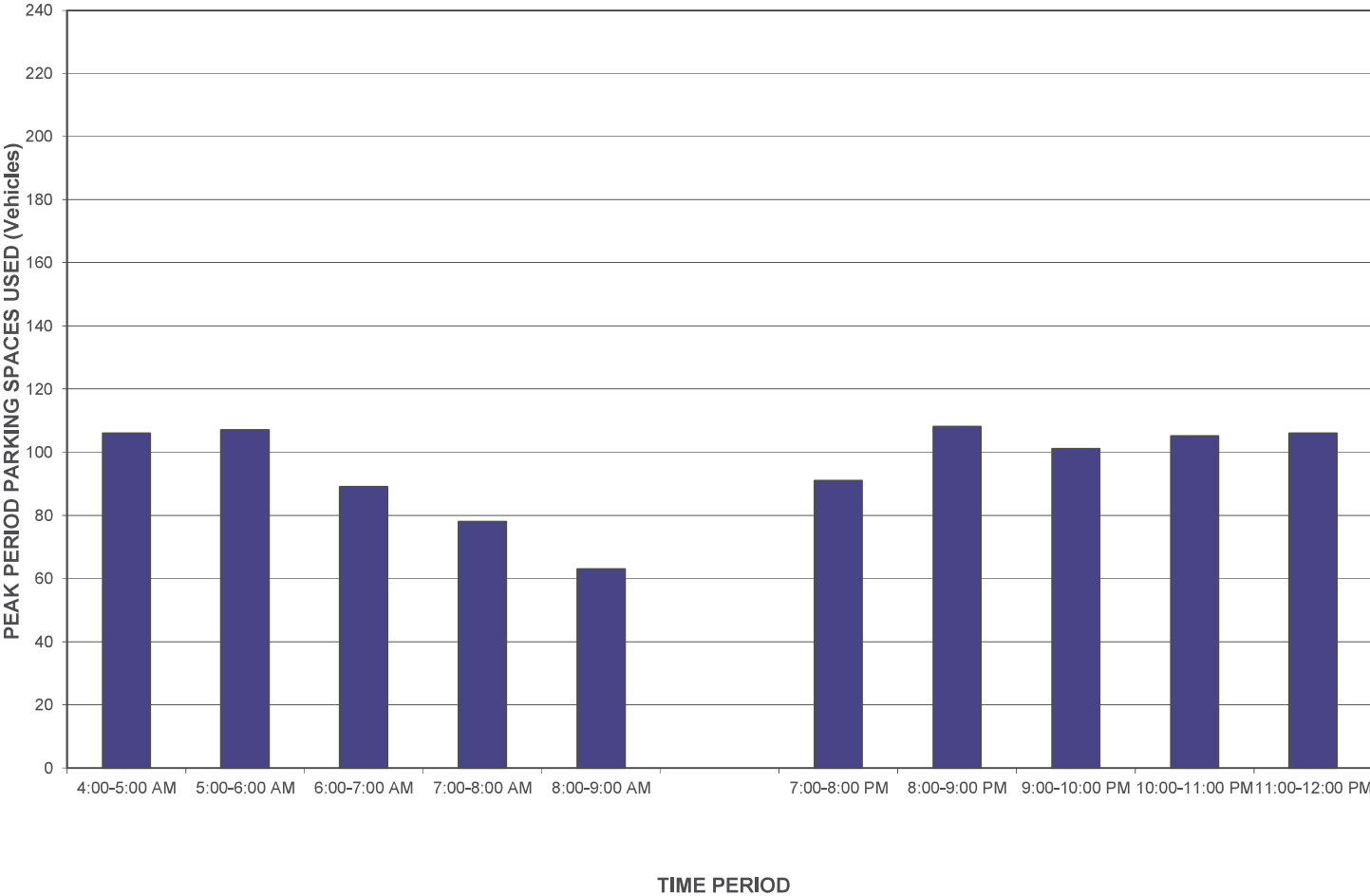
PEAK PERIOD PARKING DEMAND RATIO VS BEDROOMS
THE PINES - 310 W. NEW HAMPSHIRE AVENUE, DELAND, FLORIDA 32720
DATA TAKEN: MONDAY, NOVEMBER 13, 2023



PERCENT OF PEAK PARKING DEMAND
THE PINES - 310 W. NEW HAMPSHIRE AVENUE, DELAND, FLORIDA 32720
DATA TAKEN: MONDAY, NOVEMBER 13, 2023



PEAK PERIOD PARKING SPACES USED
THE PINES - 310 W. NEW HAMPSHIRE AVENUE, DELAND, FLORIDA 32720
DATA TAKEN: MONDAY, NOVEMBER 13, 2023



PEAK PERIOD PARKING LOT OCCUPANCY
THE PINES - 310 W. NEW HAMPSHIRE AVENUE, DELAND, FLORIDA 32720
DATA TAKEN: MONDAY, NOVEMBER 13, 2023

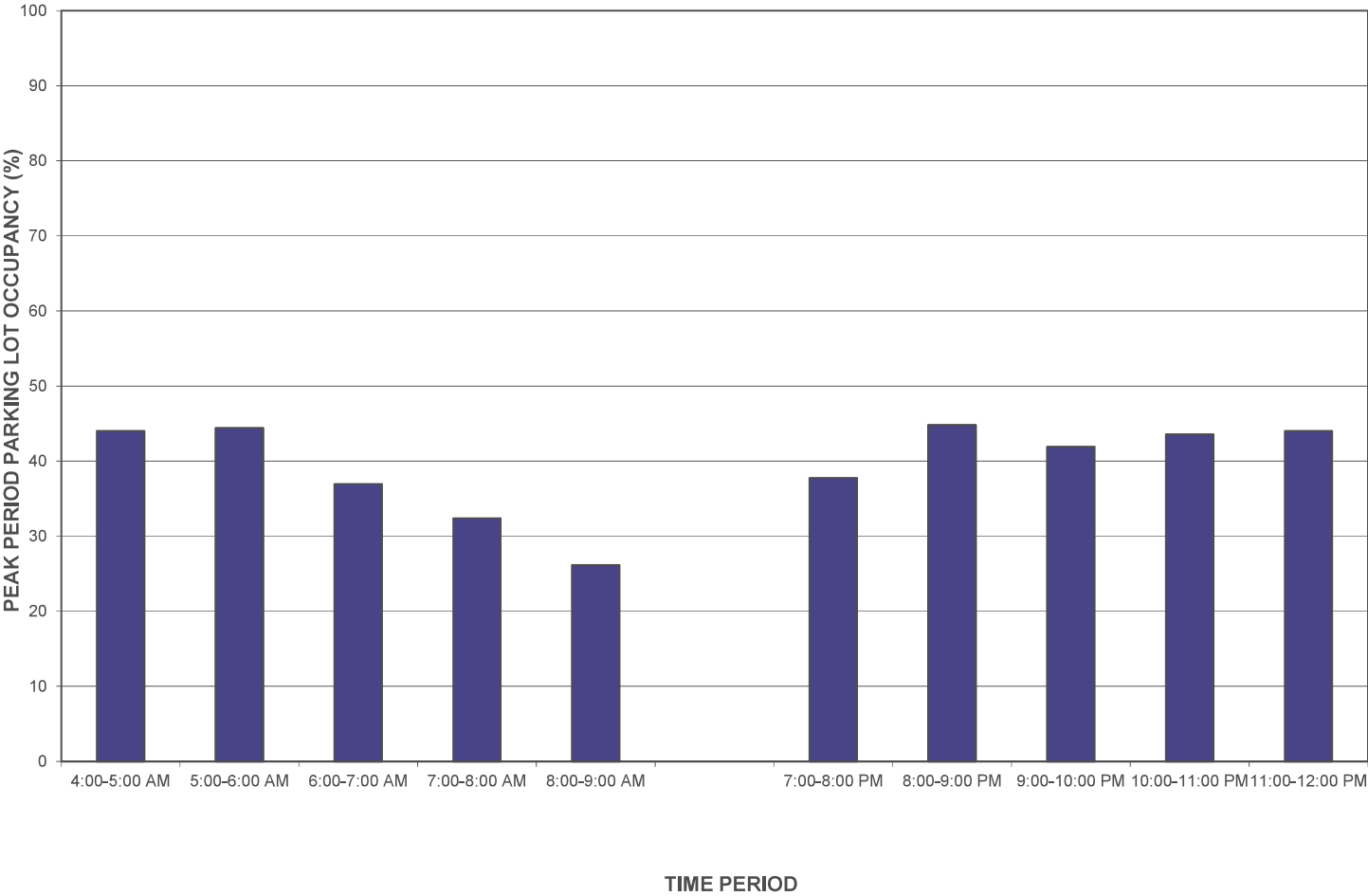


EXHIBIT E

PEAK PERIOD PARKING DEMAND SUMMARY

TAYLOR PLACE - 1575 S. WOODLAND BOULEVARD, DELAND, FLORIDA 32720

TOTAL DWELLING UNITS = 106, NUMBER OF BEDROOMS = 317, AVERAGE SIZE OF DWELLING UNITS = 2.99 BEDROOMS

TOTAL PARKING SPACES AVAILABLE = 263, PARKING SUPPLY = 0.83 PER BEDROOM

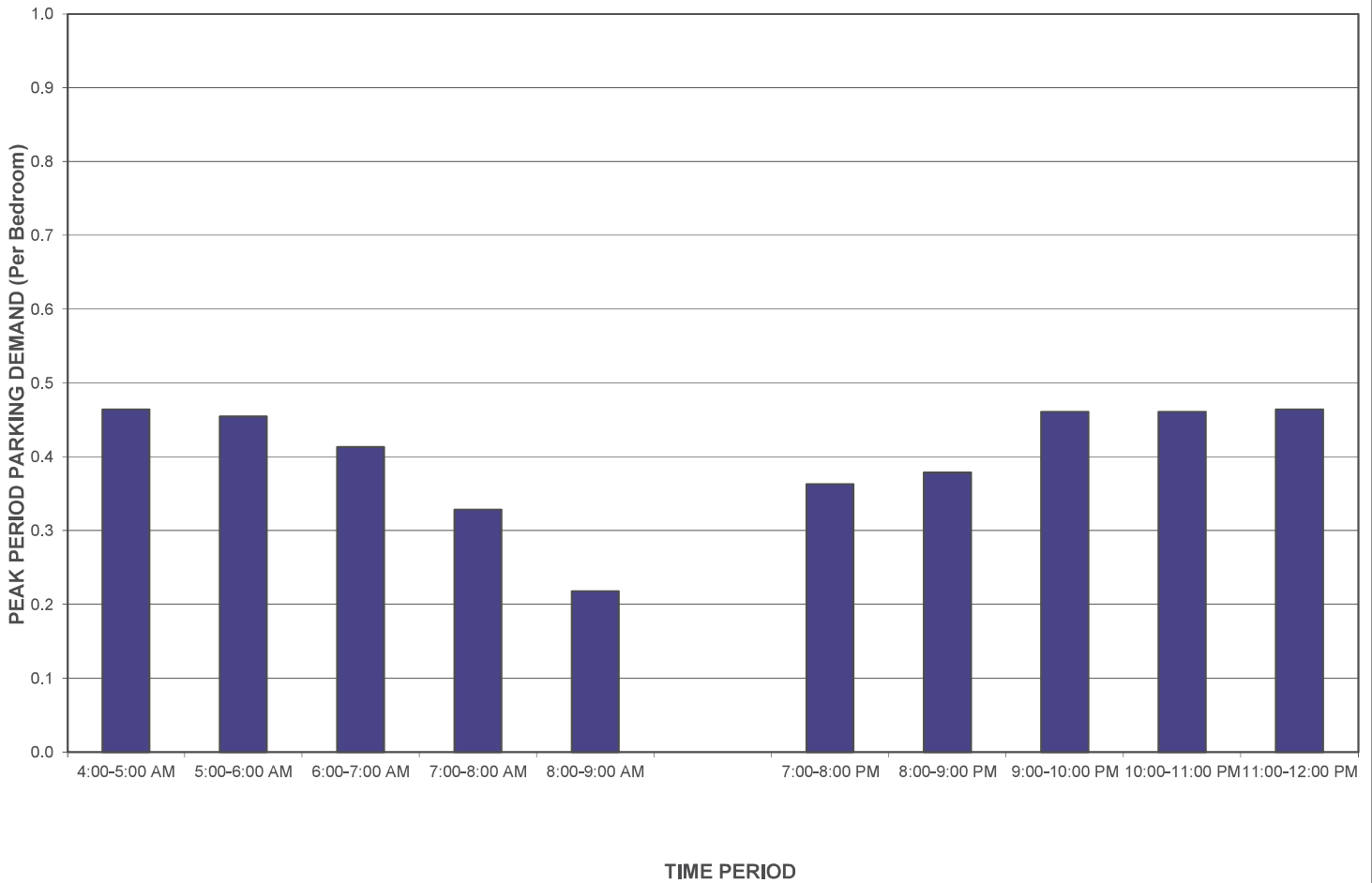
Observations Taken on Tuesday, November 14, 2023

Time Period	Peak Period Parking Spaces Used	Peak Period Unused Parking Spaces	Peak Period Parking Lot Occupancy (%)	Percent of Peak Parking Demand (%)	Peak Period Parking Demand (Per Bedroom)
4:00-5:00 AM	147	116	56	100	0.46
5:00-6:00 AM	144	119	55	98	0.45
6:00-7:00 AM	131	132	50	89	0.41
7:00-8:00 AM	104	159	40	71	0.33
8:00-9:00 AM	69	194	26	47	0.22
	-	-	-	-	-
7:00-8:00 PM	115	148	44	78	0.36
8:00-9:00 PM	120	143	46	82	0.38
9:00-10:00 PM	146	117	56	99	0.46
10:00-11:00 PM	146	117	56	99	0.46
11:00-12:00 PM	147	116	56	100	0.46

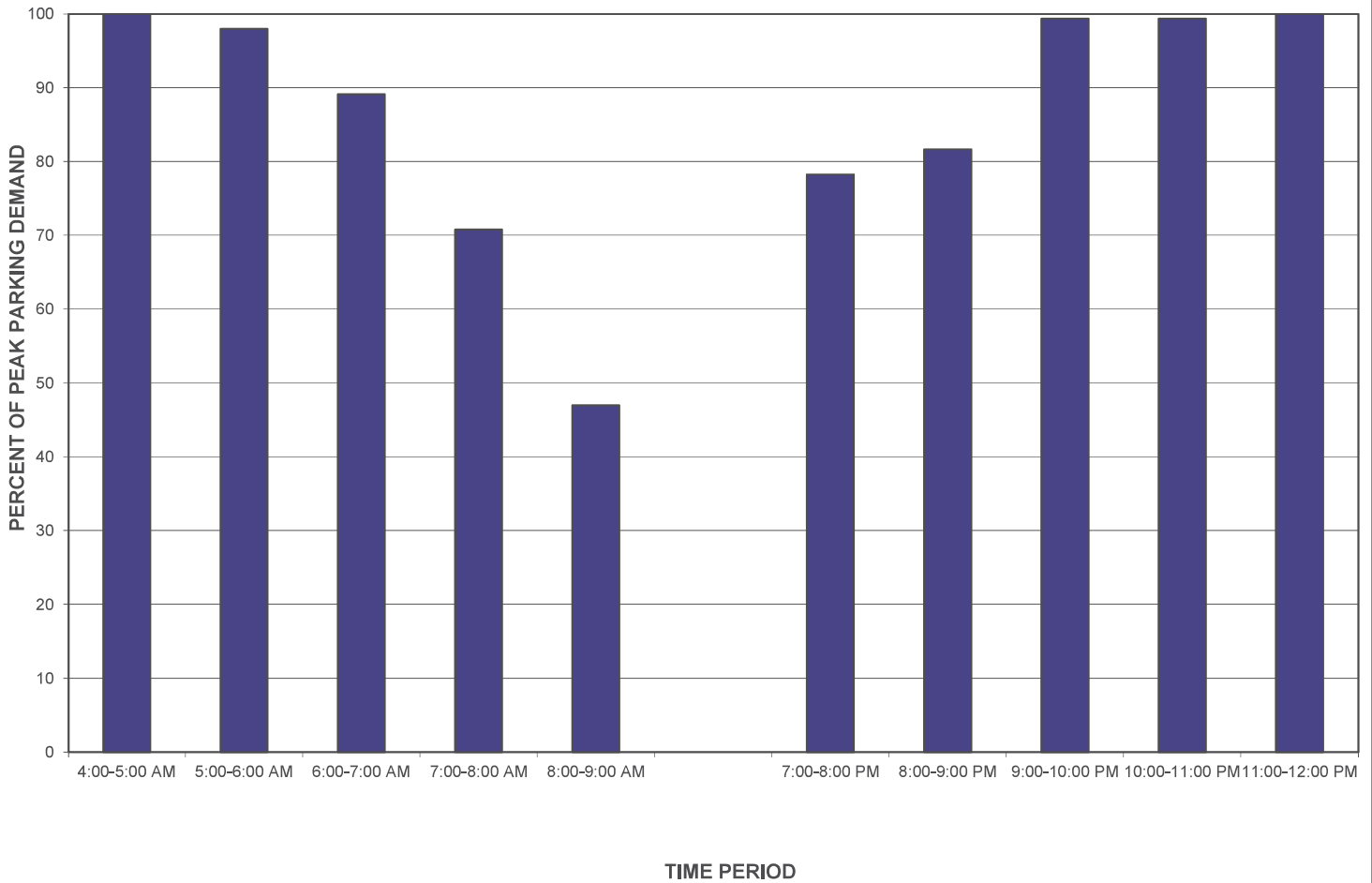
TAYLOR PLACE APARTMENTS			
Address: 1575 S. WOODLAND BOULEVARD, DELAND, FLORIDA 32720			
Date: 11-14-23		Total Parking Spaces Available = 263	
Time Period	Peak Period Parking Spaces Used	Time Period	Peak Period Parking Spaces Used
4:00:00 AM	147	7:00:00 PM	85
4:05:00 AM	147	7:05:00 PM	83
4:10:00 AM	147	7:10:00 PM	87
4:15:00 AM	147	7:15:00 PM	92
4:20:00 AM	147	7:20:00 PM	96
4:25:00 AM	147	7:25:00 PM	97
4:30:00 AM	145	7:30:00 PM	98
4:35:00 AM	145	7:35:00 PM	99
4:40:00 AM	144	7:40:00 PM	101
4:45:00 AM	144	7:45:00 PM	105
4:50:00 AM	144	7:50:00 PM	109
4:55:00 AM	145	7:55:00 PM	115
5:00:00 AM	144	8:00:00 PM	108
5:05:00 AM	143	8:05:00 PM	110
5:10:00 AM	143	8:10:00 PM	113
5:15:00 AM	143	8:15:00 PM	113
5:20:00 AM	142	8:20:00 PM	116
5:25:00 AM	141	8:25:00 PM	120
5:30:00 AM	140	8:30:00 PM	118
5:35:00 AM	138	8:35:00 PM	118
5:40:00 AM	137	8:40:00 PM	118
5:45:00 AM	136	8:45:00 PM	120
5:50:00 AM	134	8:50:00 PM	117
5:55:00 AM	133	8:55:00 PM	117
6:00:00 AM	131	9:00:00 PM	115
6:05:00 AM	128	9:05:00 PM	119
6:10:00 AM	128	9:10:00 PM	120
6:15:00 AM	126	9:15:00 PM	123
6:20:00 AM	125	9:20:00 PM	127
6:25:00 AM	124	9:25:00 PM	131
6:30:00 AM	125	9:30:00 PM	133
6:35:00 AM	119	9:35:00 PM	134
6:40:00 AM	115	9:40:00 PM	138
6:45:00 AM	117	9:45:00 PM	137
6:50:00 AM	111	9:50:00 PM	143
6:55:00 AM	106	9:55:00 PM	146
7:00:00 AM	104	10:00:00 PM	145
7:05:00 AM	101	10:05:00 PM	142
7:10:00 AM	98	10:10:00 PM	140
7:15:00 AM	94	10:15:00 PM	144
7:20:00 AM	91	10:20:00 PM	145
7:25:00 AM	89	10:25:00 PM	143
7:30:00 AM	87	10:30:00 PM	144
7:35:00 AM	84	10:35:00 PM	146
7:40:00 AM	78	10:40:00 PM	145
7:45:00 AM	73	10:45:00 PM	145
7:50:00 AM	71	10:50:00 PM	146
7:55:00 AM	70	10:55:00 PM	143
8:00:00 AM	69	11:00:00 PM	145
8:05:00 AM	67	11:05:00 PM	145
8:10:00 AM	65	11:10:00 PM	146
8:15:00 AM	66	11:15:00 PM	147
8:20:00 AM	66	11:20:00 PM	147
8:25:00 AM	66	11:25:00 PM	142
8:30:00 AM	66	11:30:00 PM	143
8:35:00 AM	60	11:35:00 PM	145
8:40:00 AM	57	11:40:00 PM	145
8:45:00 AM	57	11:45:00 PM	146
8:50:00 AM	51	11:50:00 PM	147
8:55:00 AM	49	11:55:00 PM	147
9:00:00 AM	49	12:00:00 AM	147

EXHIBIT F

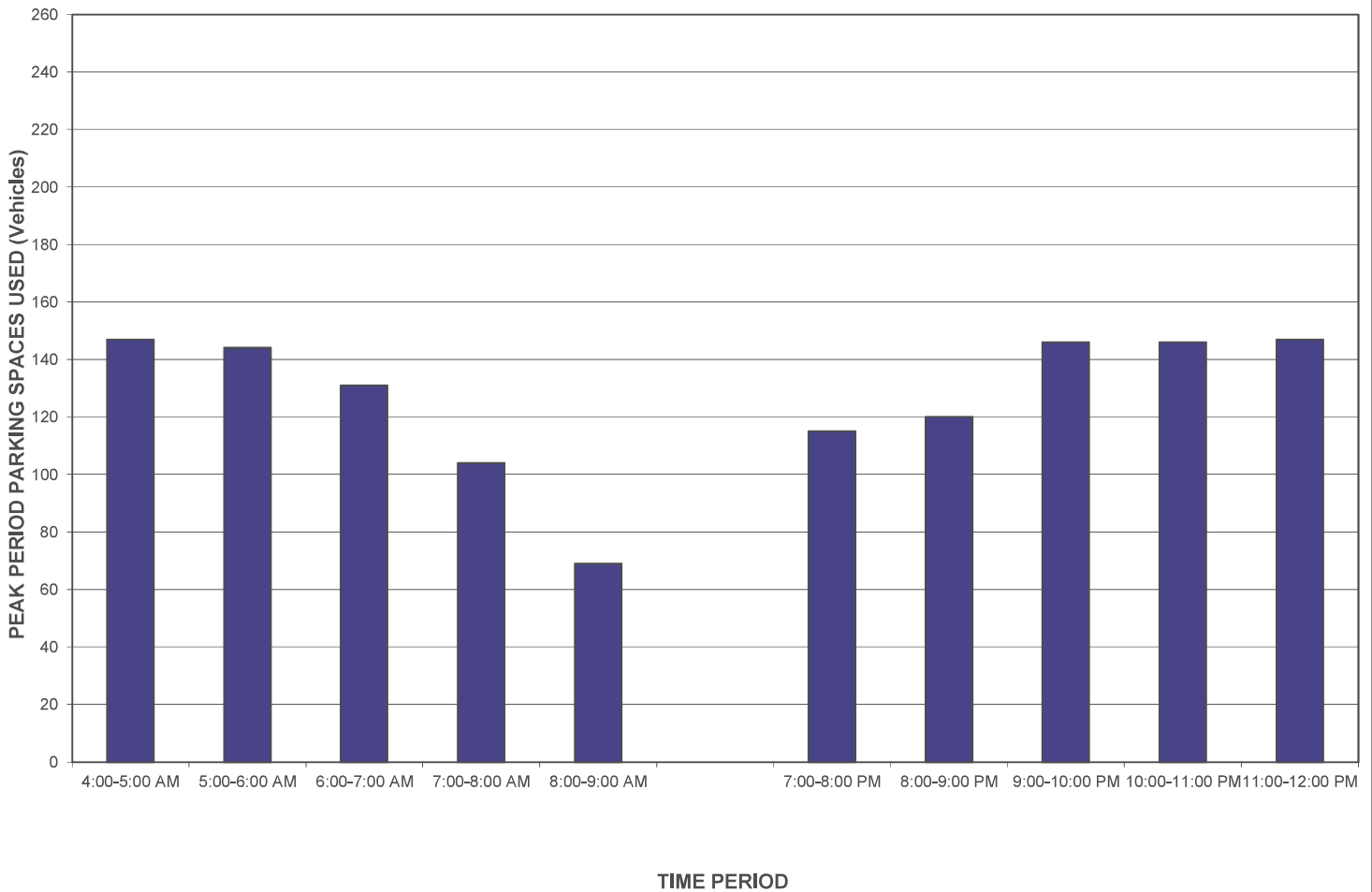
PEAK PERIOD PARKING DEMAND RATIO VS BEDROOMS
TAYLOR PLACE - 1575 S. WOODLAND BOULEVARD, DELAND, FLORIDA 32720
DATA TAKEN: TUESDAY, NOVEMBER 14, 2023



PERCENT OF PEAK PARKING DEMAND
TAYLOR PLACE - 1575 S. WOODLAND BOULEVARD, DELAND, FLORIDA 32720
DATA TAKEN: TUESDAY, NOVEMBER 14, 2023



PEAK PERIOD PARKING SPACES USED
TAYLOR PLACE - 1575 S. WOODLAND BOULEVARD, DELAND, FLORIDA 32720
DATA TAKEN: TUESDAY, NOVEMBER 14, 2023



PEAK PERIOD PARKING LOT OCCUPANCY
TAYLOR PLACE - 1575 S. WOODLAND BOULEVARD, DELAND, FLORIDA 32720
DATA TAKEN: TUESDAY, NOVEMBER 14, 2023

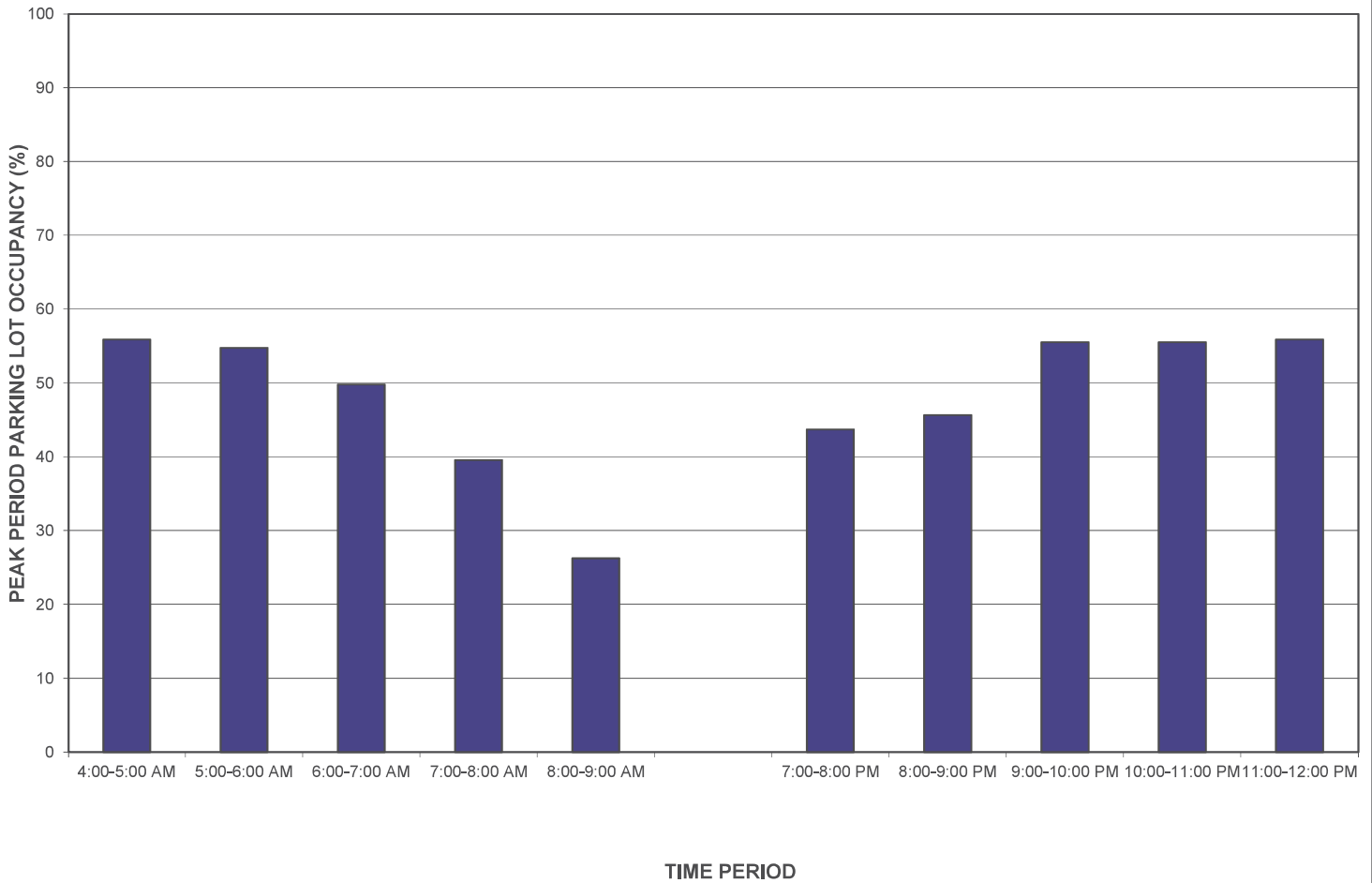


EXHIBIT G

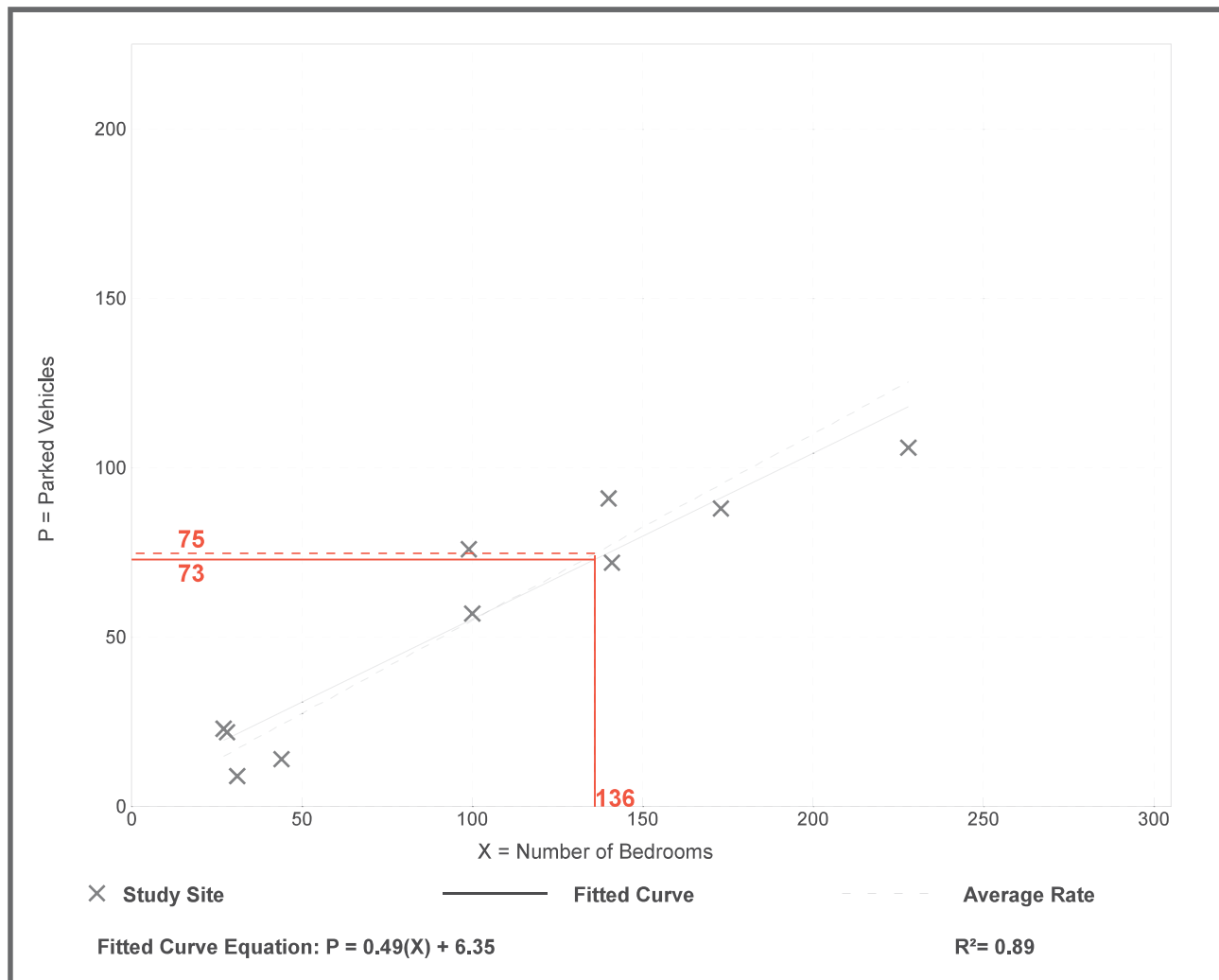
Affordable Housing - Income Limits (223)

Peak Period Parking Demand vs: Bedrooms
 On a: Weekday (Monday - Friday)
 Setting/Location: General Urban/Suburban
 Number of Studies: 10
 Avg. Num. of Bedrooms: 101

Peak Period Parking Demand per Bedroom

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
0.55	0.29 - 0.85	0.49 / 0.81	***	0.14 (25%)

Data Plot and Equation



PARKING DEMAND STUDY SUPPLEMENT

For

NEW YORK AVENUE APARTMENTS



**225 West New York Avenue
DeLand, Florida 32720**

**Prepared for:
City of DeLand
Planning Division**

**Prepared by:
BLUE SKY COMMUNITIES, LLC
180 Fountain Parkway N, Suite 100
St. Petersburg, Florida 33716**

ABOUT BLUE SKY COMMUNITIES

Blue Sky is a St. Petersburg-based Real Estate Developer of Affordable and Workforce Housing.

- Experts in Public Funding: 9% Housing Credits, 4% Housing Credits, Tax Exempt Bonds, CDBG, HOME, SHIP, SAIL, and many other incentives.
- A leader across Florida
- Focused on helping Local Governments and Non-Profits achieve their goals.

Formed in 2012, Blue Sky inspires positive change in communities across Florida through high-quality workforce housing development. As a developer and owner of multifamily affordable housing using the Federal Housing Tax Credits program, Blue Sky is a leading advocate for helping nonprofit groups and local governments reach their affordable housing goals by developing state-of-the-art, environmentally sound affordable housing units. Through partnerships, Blue Sky helps these groups by developing neighborhood assets that stakeholders can be proud of for decades. To date, Blue Sky has developed 3,024 units of affordable housing. Additionally, we have 574 units currently under construction and 639 units scheduled to close and start construction in 2025. These units include communities for Families, Elderly, Veterans, and Special Needs.

Blue Sky's principals have been developing and managing affordable housing for 50 years in Florida. Blue Sky understands the importance of development funding being spent locally for the benefit of local businesses and residents. We have the resources and capacity to produce. We align with multiple professional experts to ensure we put together the best team for the delivery of quality housing. Blue Sky has a staff of 19 employees.

Construction and Construction Management

Ever since our first closing in 2014, Blue Sky has managed multiple construction projects simultaneously while also pursuing new opportunities and closing out recently completed projects. We presently have 8 under construction and in the last 36 months, we have completed 14 projects. We presently have 6 in the pipeline that will be starting construction in 2025, including New York Avenue. Blue Sky has a department dedicated to permitting and construction activities.

This department consists of 5 full-time Blue Sky staff members, many of whom are our longest-tenured team members.

Partnering with Neighborhood Groups

Blue Sky has partnered with many neighborhood groups on our developments. At New York Avenue, we have an arrangement with the Neighborhood Center of West Volusia ("NHC") for them to provide referral and support for 13 units. The NHC staff and board are very excited about this development, and we believe this will multiply the overall community benefits of New York Avenue. See attached support letter (Exhibit A).

Service Providers and Supportive and Community Service Programming

Blue Sky has identified a very qualified local service provider who will be responsible for referring and providing wrap-around services to the 13 PSH households. NHC has been providing shelter, housing, and prevention services to the community for over 50 years. Additionally, the property management team works with other local organizations to bring in resources and training to residents, as required by any funding agreements and as is helpful to the community.

Financing

In addition to the government agencies that we work with, Blue Sky has several very strong relationships with private lending institutions including TD Bank, Chase, Truist, Raymond James Bank, Fifth Third Bank, and others. The financing structure on New York Avenue is as follows:

- FHFC Tax-Exempt Bonds
- FHFC RRLP
- FHFC ELI
- Volusia County
- FHFC 4% Tax Credits

State and Local Knowledge and Experience

The Blue Sky Communities' principals are active on the affordable housing advisory committee of our home areas. Shawn Wilson is a former Chairman of the Board of Directors of the Florida Coalition of Providers of Florida, our statewide advocacy organization. Scott Macdonald is a current board member and chairman of the Insurance Committee. This is our first development in the City of Deland, so we have a strong local team including Cobb Cole Law Firm to guide us through any local issues.

THE TEAM

We have the privilege of counting on a high-caliber group of professionals:

Architect

Powell Studio Architecture is based in Clermont. Blue Sky has completed 3 developments and has 2 under construction with Powell.

Civil Engineer

Madden, Moorhead & Stokes is the Civil Engineer for New York Avenue Apartments. The firm is based in Maitland and has worked in the area since 1987. Notably, this firm was the Civil Engineer on a large apartment project currently completed in Downtown DeLand.

Property Manager

Carteret Property Management Corporation is Blue Sky's in-house property manager. Founded in 1971, they are among the best managers in Florida. They have an impeccable reputation with the Compliance agencies. Carteret brings over 50 years of successful compliance/audits. With Carteret's expertise, we ensure our communities are long-term assets for Owners/Investors and the community. Carteret, with over 50 years of multifamily management experience, will be the management agent with legal and fiduciary responsibility to the owner and lenders. They will handle the traditional management functions such as rent collection, maintenance, repairs,

accounting, and regulatory compliance. Carteret is an Accredited Management Organization (AMO), a certified Woman's Business Enterprise (WBE), and an FHFC-approved management agent with a staff of over 160.

Legal Counsel

Cobb Cole Law Firm. Mark A. Watts, Partner

As Managing Partner of Cobb Cole Law Firm, Mark A. Watts continues to build his powerful legacy in the Volusia County community through innovative growth solutions and an intentionally collaborative management style. Mr. Watts is an active member of Cobb Cole's Administrative, Land Use, and Environmental Law Departments. His career is focused on representing landowners and developers in securing entitlements and regulatory approvals for the development of their land. In addition, Mr. Watts is experienced in structuring infrastructure financing using special assessment districts, community development districts, tax increment financing, and other creative financing strategies.

Mr. Watts graduated from Florida State University in 1995 with a degree in International Affairs. He received a Juris Doctor from Stetson University College of Law in 1998. Prior to joining the firm, Mr. Watts served as an Assistant County Attorney in Pinellas County. He is a member of the Florida Bar and the United States District Court for the Middle District of Florida. As a Volusia County native, Mr. Watts has proactively engaged in an extensive variety of leadership opportunities and local board commitments during his time with Cobb Cole. He has dedicated his time and expertise to organizations ranging from the DeLand Breakfast Rotary Club to the Volusia County Association for Responsible Development.

INTRODUCTION

This report is a supplement to the Parking Demand Study for the New York Avenue Apartments revised on 3/10/2025 by High Point Engineering, Inc. This parking demand study has been prepared as technical support for a parking waiver request to approve a total of 94 on-site surface parking spaces, for the proposed 84-dwelling unit multi-family affordable housing project. This supplement was requested by the City of DeLand with the objective of analyzing data from existing similar demographics fully operational affordable housing communities developed by Blue Sky Communities presently managed by our property management partner Carteret Management.

BACKGROUND

New York Ave Apartments' site is located on the north side of West New York Avenue (State Road 44), just west of North Florida Avenue in Section 09, Township 17 South, Range 30 East within the incorporated area of the City of DeLand. The property is comprised of two parcels identified by the Volusia County Property Appraiser's Office with parcel identification numbers 700962000087 and 700962000090. The total site area is approximately 1.61 acres and is bounded by West New York Avenue to the south, and commercial and office properties to the north, east, and west. The property was previously the site of the Putnam Hotel built in 1924. The structure was recently demolished, and the site is currently vacant and undeveloped.

The proposed New York Avenue Apartments development will consist of one (1) 6-story midrise building, including 84 dwelling units containing 44 units of 1 bedroom, 28 units of 2 bedrooms, and 12 units of 3 bedrooms for a total of 136 bedrooms (i.e., average unit mix of 1.62 bedrooms per dwelling unit), 94 on-site surface parking, and 56 bicycle parking spaces (48 interior and 8 exterior spaces); a stormwater collection and exfiltration system, sanitary sewer system, potable water service for domestic consumption and fire protection, plus Florida native drought-tolerant landscape.

The project will feature 13 permanently restricted special needs dwelling units to accommodate families transitioning from homelessness, ensuring inclusivity and promoting stability for vulnerable populations. The proposed development is planned in a single phase. The setbacks, drainage, parking, and landscaping are designed to support the proposed development of the property.

Volusia County has agreed to grant the residents of New York Avenue Apartments a revocable license and right to park motor vehicles owned or leased by such residents in the adjacent County Property's parking lot. Residents of New York Avenue Apartments may not park on the County Property from 8 a.m. to 5 p.m., Monday through Friday. Overnight and over the weekend parking outside the specified restricted hours will be allowed to all residents, thus providing additional spaces to the current surface parking provided on site.

OUR RESIDENTS

Who will live at New York Ave? Most of the units will be occupied by residents earning from 60% to 80% of AMI (Area Median Income). For 2024, Volusia County recorded an AMI of \$82,800, which means our residents' income will range from \$24,840 to \$66,240. It could be a waiter at a restaurant downtown to a teacher, government, or university employee. As was mentioned above, 13 units will be exclusively dedicated to persons transitioning out of homelessness. The non-profit partner, in this case, the Neighborhood Center, and onsite staff will provide the level of services required for all our residents regardless of their income.

DATA COLLECTION AND OBJECTIVE

Parking observations were undertaken at five (4) affordable housing apartment communities in Hillsborough County and St Lucie Counties developed by Blue Sky Communities and managed by Carteret Management: (1) Sweetwater Villas; (2) Uptown Sky; (3) Brandon Palms, and (4) Blue Sky Landing. These existing developments were chosen due to having similar demographics as New York Avenue Apartments. To reiterate, the purpose of this narrative is not, as it is the objective of

the parking study it supports, to analyze developments in close proximity to the subject but to examine similar demographic, affordable housing communities developed by Blue Sky. Our goal is to show real time examples of actual parking usage years after the developments were completed and are fully rented.

(1) Data Collection at Sweetwater Villas – 4131 Sweetwater Villas Ln, Tampa.

The existing Sweetwater Villas is located on the east side of Lois Avenue between Humphrey Street and Waters Avenue, within unincorporated Hillsborough County. Sweetwater Villas is comprised of four (4) 3-story buildings including 56 dwelling units distributed in 36 units of 2 bedrooms, and 20 units of 3 bedrooms for a **total of 132 bedrooms** (i.e., average unit mix of 2.35 bedrooms per dwelling unit). At the time of this study, the apartment complex had an occupancy level of 100%. Sweetwater Villas has a surface parking lot with a **total of 116 spaces** including 14 non-designated spaces for visitors (i.e., 0.77 parking spaces per bedroom). Parking observations at this location took place on Wednesday, December 8, 2021, from 4:00 am to 8:00 am and from 7:00 pm to 12:00 pm. The observations consisted of identifying the number of parking spaces occupied at 10-minute intervals. The weather condition was clear with temperatures between 65°F and 75°F. The observations show the highest peak period parking demand ratio occurred between 4:00 am and 5:00 am. At 4:00 am, 85 parking spaces of the 116 parking spaces were occupied and 31 parking spaces available. The Peak Parking Demand Ratio vs Bedrooms computed was 0.64 spaces per bedroom and at 7:00 pm, the apartment complex had a parking demand ratio of 0.45 spaces per bedroom. Additionally, the observation taken at midnight shows that Sweetwater Villas had a parking demand ratio of 0.62 spaces per bedroom.

Peak Parking Demand Ratio vs Bedrooms: 0.64. Applying this percentage of usage to the 136 bedrooms present at NYA, the development would be required to have 87 parking spaces.

*To update above data, a representative of Blue Sky Communities undertook a night visit to the property on March 12, 2025 at 11:05 PM. We found that 34 spaces were available at that time from the 116 parking spaces for a per bedroom ratio of **0.62** (See photo addendum on Exhibit B).*

(2) Data Collection at Uptown Sky – 13635 N 12th St, Temple Terrace.

The existing Uptown Sky is located on the north side of Fletcher Ave between N 12th St and N 15th St., within unincorporated Hillsborough County. Uptown Sky is comprised of one (1) 4-story building including 61 dwelling units distributed in 37 units of 2 bedrooms, 24 units of 3 bedrooms, for a **total of 183 bedrooms** (i.e., average unit mix of 3.00 bedrooms per dwelling unit). At the time of this study, the apartment complex had an occupancy level of 100%. Uptown Sky has a surface parking lot with a **total of 88 spaces** (i.e., 0.48 parking spaces per bedroom). Parking observations at this location took place on Wednesday, February 14, 2024. At 10:00 am there were 27 occupied spaces, a parking demand ratio of 0.15 spaces per bedroom. At 4:00 PM there were 35 occupied spaces, a parking demand ratio of 0.19 spaces per bedroom. At 10:00 pm, 37 occupied spaces, a parking demand ratio of 0.20 spaces per bedroom.

Peak Parking Demand Ratio vs Bedrooms: 0.20. Applying this percentage of usage to the 136 bedrooms present at NYA, the development would be required to have 27 parking spaces.

*To update above data, a representative of Blue Sky Communities undertook a night visit to the property on March 13, 2025 at 11:00 PM. We found that 19 spaces were available at that time from the 84 parking spaces for a per bedroom ratio of **0.38** (See photo addendum on Exhibit C).*

(4) Data Collection at Brandon Palms – 114 N Knights Ave, Brandon.

High Point Engineering conducted a study overnight 9/25 - 9/26/23 at Brandon Palms. This is a 120-unit Affordable Housing complex with many similar demographics as the subject. Brandon Palms has a surface parking lot with a **total of 220 spaces**. They counted the number of occupied parking spaces every ten minutes from 8:00 pm until 8:00 am. The maximum number of observed occupied spaces occurred at 4:00 am, with 142. There are 120 apartments and a **total of 224 bedrooms** at Blue Sky Brandon. The parking demand ratio is 0.64 per bedroom.

Peak Parking Demand Ratio vs Bedrooms: 0.64. Applying this percentage of usage to the 136 bedrooms present at NYA, the development would be required to have 87 parking spaces.

*To update above data, a representative of Blue Sky Communities undertook a night visit to the property on March 13, 2025 at 11:30 PM. We found that 94 spaces were available at that time from the 220 parking spaces for a per bedroom ratio of **0.56** (See photo addendum on Exhibit C).*

(4) Data Collection at Blue Sky Landing – 100 Blue Sky Cir Fort Pierce.

Blue Sky Landing is an affordable housing community located on the north side of Okeechobee Road (State Road 70) on the west side of McNeil Road, within the incorporated area of the City of Fort Pierce. Blue Sky Landing is comprised of four (4) 4-story low-rise buildings including 164 dwelling units distributed in 4 studios, 36 units of 1 bedroom, 96 units of 2 bedrooms, 28 units of 3 bedrooms, for a **total of 316 bedrooms** (i.e., average unit mix of 1.93 bedrooms per dwelling unit). At the time of this study, the apartment complex had an occupancy level of 100%. Blue Sky Landing has a surface parking lot with a **total of 246 spaces** (i.e., 0.78 parking space per bedroom). Parking observations at this location took place on Monday November 18, 2024, from 4:00 am to 8:00 am and from 8:00 pm to 12:00 am. The observations consisted of identifying the number of parking spaces occupied at 5-minute intervals. The observations indicate the highest peak period parking demand ratio occurred between 10:00 pm and 11:00 pm. At 10:25 pm, 163 parking spaces of the 246 parking spaces were occupied and 83 parking spaces were available.

Peak Parking Demand Ratio vs Bedrooms: 0.52. Applying this percentage of usage to the 136 bedrooms present at NYA, the development would be required to have 70 parking spaces.

CONCLUSION

After physical observations in multiple of our fully leased communities, peak parking demand ratios of parking spaces required per number of bedrooms fluctuated from 0.38 to 0.64. Even though this is a wide range of variance, using the highest peak demand (0.64) and multiplying it by the number of bedrooms that will be provided in New York Ave (136 x 0.64), the number of spaces required following this rationale will be **87 spaces**. Our current site plan incorporates **94 surface parking spaces, 56 bike spaces, and a license to park at the adjacent County parking**

lot from 5 PM to 8 PM Monday to Friday and all day Saturday and Sunday. We believe, based on our experience and the professionally certified parking study provided, that the current parking proposal is sufficient to accommodate the residents' and staff's parking needs in our development.

EXHIBITS



March 6, 2025
City of DeLand, Florida

From:
Savannah-Jane Griffin
Chief Executive Officer
(386) 734-8120 EXT 202
Neighborhood Center of West Volusia
savannah.griffin@nhcwg.org

Attn:
Carol Kuhn, AICP
Planning Director
City of DeLand
120 S. Florida Ave
DeLand, FL 32720

Subject: Permanent Supportive Housing Units at New York Ave Apartments.

Dear Carol,

We are delighted to confirm that thanks to a partnership with Blue Sky Communities, the developer for New York Ave Apartments, The Neighborhood Center of West Volusia will have 13 units set aside as Permanent Supportive Housing (PHS) units for the benefit of our clients.

These units are designated for extremely-low-income individuals and families transitioning out of homelessness. In our experience the residents of these units are unlikely to own or afford cars. The set aside will be recorded in a Land Use Restriction Agreement (LURA) that will ensure their permanence for as long as the development exists as an affordable housing community. Typically, the affordability period is at least 50 years.

Sincerely,

Savannah-Jane Griffin
Chief Executive Officer

EXHIBIT B

Sweetwater Villas

A Blue Sky team member drove this property on March 12, 2025 at 11:15 PM.
We found that 34 spaces were available at that time from the 116 parking spaces.

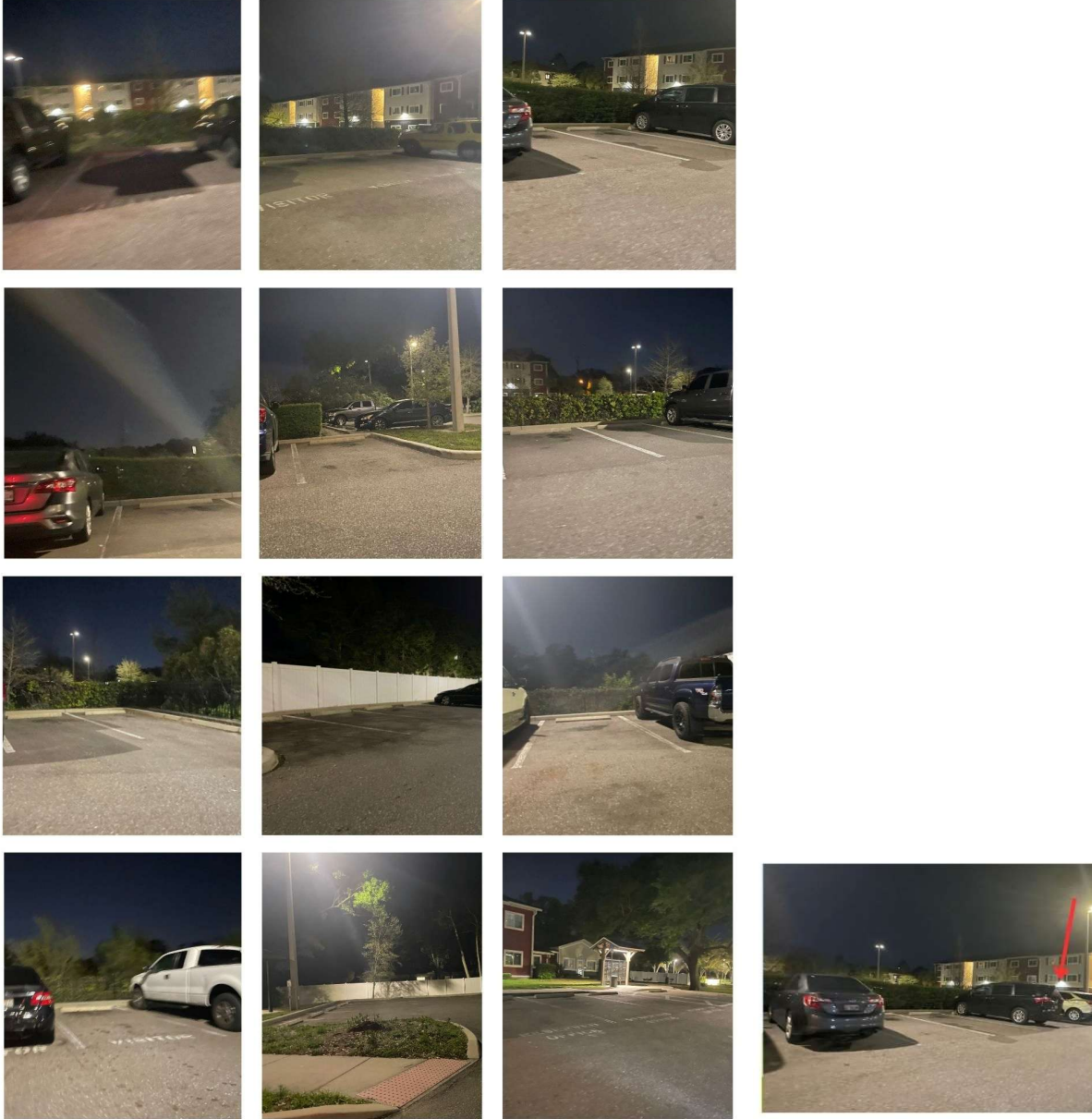


EXHIBIT C

Uptown Sky

A Blue Sky team member drove this property on March 13, 2025 at 11:05 PM.
We found that 19 spaces were available at that time from the 84 parking spaces.

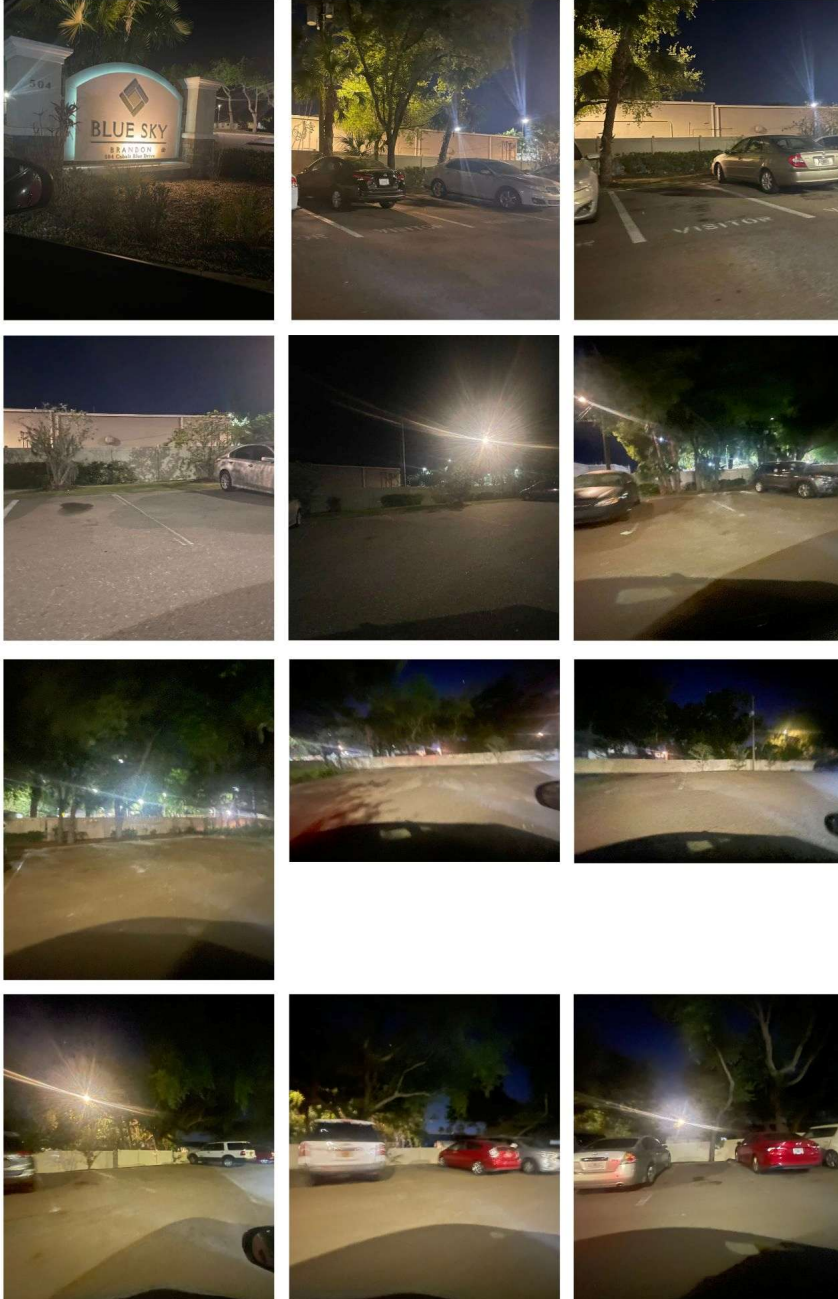


EXHIBIT D

Brandon Palms

A Blue Sky team member drove this property on March 13, 2025 at 11:30 PM.

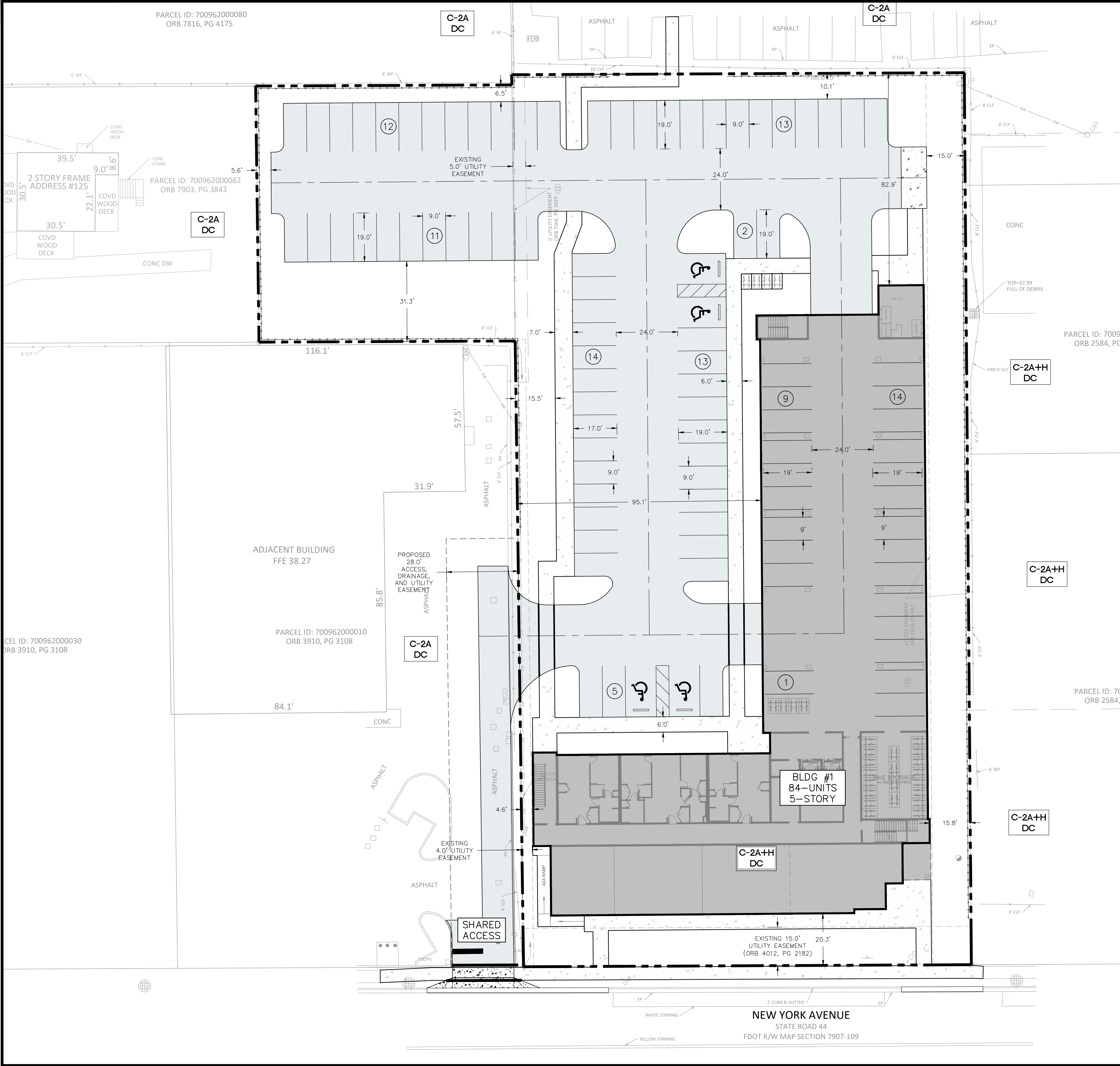
We found that 94 spaces were available at that time from the 220 parking spaces.





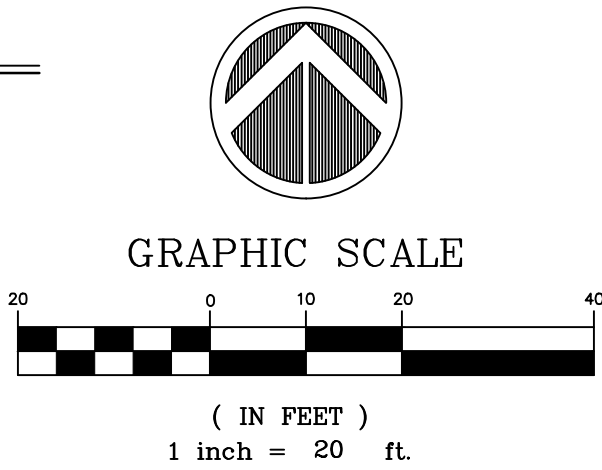






LEGEND

- TC ← EXISTING ZONING
TCD ← EXISTING FUTURE LAND USE



SITE DATA:

- TOTAL PROPERTY AREA: 1.63 ACRES
- PARCEL ID'S: 700962000090 & 700962000087
- JURISDICTION: CITY OF DELAND
- EXISTING FUTURE LAND USE: DOWNTOWN COMMERCIAL
- EXISTING ZONING: C-2A+H
- BUFFER REQUIREMENTS: NONE
- PROPOSED USE: MULTI-FAMILY
- TOTAL DWELLING UNITS (DU): 84 UNITS
- UNIT MIX:
1 BEDROOM = 44 UNITS
2 BEDROOM = 28 UNITS
3 BEDROOM = 12 UNITS
- OPEN SPACE REQUIRED PROVIDED: NONE
0.47 AC. (28.8%)
- MAX. IMPERVIOUS SURFACE RATIO REQUIRED PROVIDED: NONE
1.16 AC. (71.2%)
- IMPERVIOUS AREA:
TOTAL BUILDINGS: 0.47 AC (38.8%)
TOTAL SIDEWALK, PAVEMENT, MISC. CONCRETE: 0.69 AC (42.3%)
TOTAL IMPERVIOUS AREA: 1.16 AC (71.2%)
TOTAL PERVIOUS AREA: 0.47 AC (28.8%)
TOTAL AREA: 1.63 AC (100.00%)
- MAX. BUILDING HEIGHT: 80 FT
- BUILDING SETBACKS: NONE
- PARKING:
A) REQUIRED:
APARTMENTS:
1 BEDROOM - 1.5 SP/UNIT X 44 = 66 SPACES
2+ BEDROOMS - 2 SP/UNIT X 40 = 80 SPACES
VISITOR PARKING - 0.5 SP/UNIT X 84 = 42 SPACES
SUBTOTAL = 188 SPACES
B) PROVIDED:
APARTMENTS:
REGULAR (9'x19'/20') = 66 SPACES
GARAGE (9'x19') = 24 SPACES
ACCESSIBLE (12'x20') = 4 SPACES
SUBTOTAL = 94 SPACES
*19' DEPTH TOTAL, 17' PAVED W/2' OVERHANG, OVERHANG IS NOT PART OF A LANDSCAPE AREA
- BICYCLE PARKING:
A) REQUIRED:
1/EVERY 4 DWELLING UNITS = 84/4 = 21 SPACES
TOTAL = 21 SPACES
B) PROVIDED:
EXTERIOR (4'x6') = 4 SPACES
INTERIOR STORAGE ROOMS (4'x6') = 48 SPACES
TOTAL = 52 SPACES
- PER FEMA FIRM PANEL NO. 12127C00470H, DATED FEBURARY 19, 2014, THE ENTIRE SITE LIES WITHIN FLOOD ZONE 'X' (AREAS TO BE DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
- WATER AND SEWER ARE TO BE PROVIDED BY THE CITY OF DELAND.
- ALL UTILITY LINES TO MEET CITY OF DELAND SPECIFICATIONS AND STORM SYSTEM TO MEET ALL APPLICABLE CITY OF DELAND AND ST. JOHNS RIVER WATER MANAGEMENT DISTRICT SPECIFICATIONS.
- IRRIGATION ON SITE TO BE PROVIDED BY CITY POTABLE WATER.
- THE SITE IS NOT LOCATED WITHIN A WELL FIELD PROTECTION ZONE.
- THE SITE IS NOT LOCATED WITHIN AN AQUIFER RECHARGE AREA.
- SITE TO BE DEVELOPED IN ONE PHASE

WATER SERVICE DEMANDS							
LAND USE	UNIT	GPD/UNIT	# UNITS	ADD (GPD)	ADD (GPM)	MDD (GPM)	PFF (GPM)
MULTI-FAMILY RESIDENTIAL	DWELLING UNIT	350	84	29,400	20.42	40.84	81.68

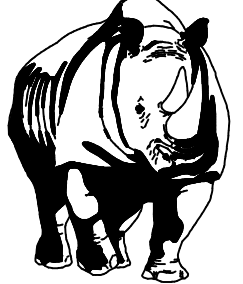
SEWER SERVICE DEMANDS							
LAND USE	UNIT	GPD/UNIT	# UNITS	ADD (GPD)	ADD (GPM)	MDD (GPM)	PFF (GPM)
MULTI-FAMILY RESIDENTIAL	DWELLING UNIT	300	84	25,200	17.50	35.00	70.00

TRAFFIC GENERATION								
ITU CODE	LAND USE	# UNITS	DAILY		PM PEAK HOUR			
			RATE	TRIPS	RATE	TOTAL	ENTER	EXIT
221	MULTI-FAMILY RESIDENTIAL	84	7.42	623	0.53	45	30	15

SOILS LEGEND

SOILS LINE		
SOL NUMBER	SOL NAME	HYDROLOGIC GROUP
6	ASTATULA-URBAN LAND COMPLEX, 0 TO 8 PERCENT SLOPES	A
71	URBAN LAND, 0 TO 2 PERCENT SLOPES	N/A

SOURCE: USGS SOILS SURVEY, NATURAL RESOURCE CONSERVATION SERVICE - VOLUSIA COUNTY, FLORIDA 2022



MADDEN
MOORHEAD & STOKES, LLC
CIVIL ENGINEERS
431 E. Horatio Avenue
Suite 260
Maitland, Florida 32751
(407) 629-8330

SITE PLAN
FOR
NEW YORK AVE APARTMENTS
CITY OF DELAND
FLORIDA

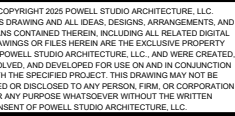
BLUE IAN, LLC
180 FOUNTAIN PKWY. N.
ST. PETERSBURG, FL 33716

ENGINEER IN CHARGE:

DAVID A. STOKES, P.E. #66527
February 28, 2025

CERTIFICATE OF AUTHORIZATION NO. CA-0007723

	DATE	REVISIONS
1	08/22/24	REVISED PER CITY AND FOOT COMMENTS
2	09/30/24	REVISED PER CITY COMMENTS
3	02/28/25	REVISED CONCEPT
4		
5		
6		
7		
8		
9		
10		
11		



OWNER / PROJECT:

**NEW YORK AVE.
APARTMENTS**

AN AFFORDABLE HOUSING COMMUNITY
DELAND, FLORIDA

MARK	DATE	DESCRIPTION
------	------	-------------

EXPIRATION DATE: FEBRUARY 20, 2025

TERIOR ELEVATION

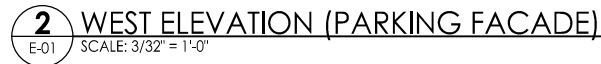
PROJECT NO. PSA 2024-01.0

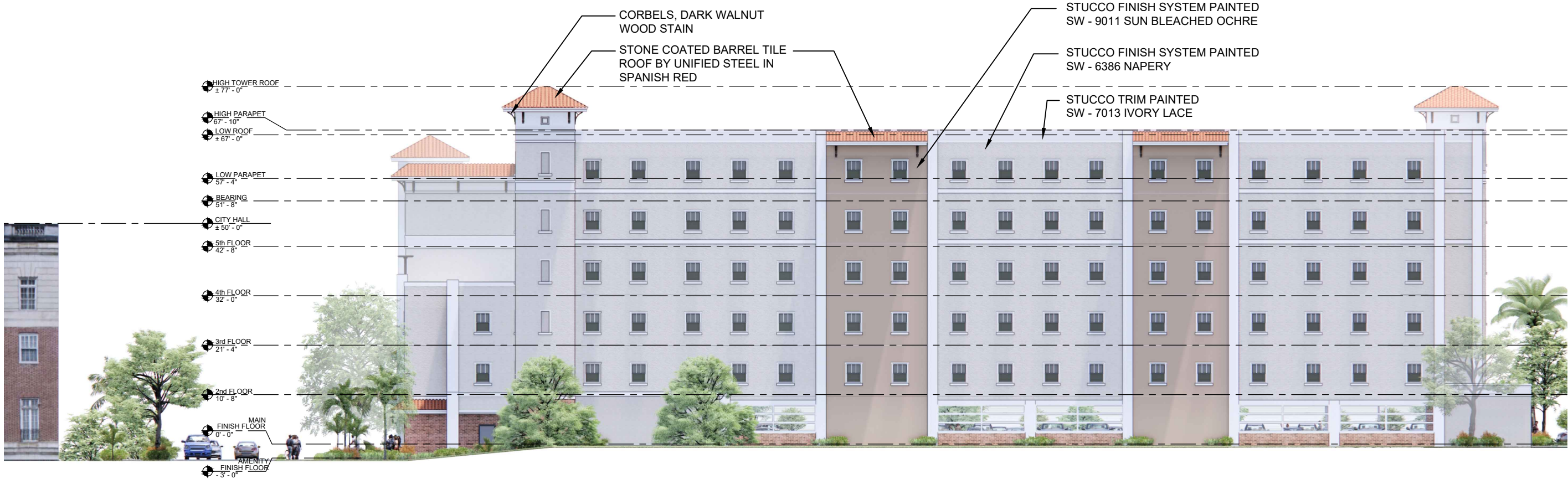
AWN BY _____ A

CHECKED BY _____ JI _____

E-01

Page 175 of 234





2 EAST ELEVATION (EMPTY LOT FACADE)
E-02 SCALE: 3/32" = 1'-0"



1 NORTH ELEVATION (REAR FACADE)
E-02 SCALE: 3/32" = 1'-0"

Prepared by:
Mark A. Watts, Esq.
Cobb Cole
231 N. Woodland Blvd.
DeLand, FL 32720

SHARED PARKING LICENSE AGREEMENT

THIS SHARED PARKING LICENSE AGREEMENT (this “Agreement”) is entered into as of the ___ day of _____, 2024, by and between **BLUE IAN, LLC**, a Florida limited liability company (“Blue Ian”), and **THE COUNTY OF VOLUSIA**, a political subdivision of the State of Florida (the “County”), mailing address: 123 West Indiana Avenue, DeLand, FL 32720.

RECITALS

WHEREAS, Blue Ian is the owner of that certain real property, located at 225 W. New York Avenue in DeLand, Florida, more particularly described on Exhibit A, attached hereto and incorporated by this reference, and located within the municipal boundaries of the City of DeLand (the “Blue Ian Property”); and

WHEREAS, the County is the owner of certain real properties, located at 235 W. New York Avenue and 136 N. Florida Avenue in DeLand, Florida, more particularly described on Exhibit B, attached hereto and incorporated by this reference, and located within the municipal boundaries of the City of DeLand (collectively, the “County Property”), which property is directly adjacent to the Blue Ian Property; and

WHEREAS, Blue Ian proposes to develop 84 affordable housing units upon the Blue Ian property which such housing shall remain affordable for 50 years; and

WHEREAS, in order to facilitate the creation of such affordable housing, additional parking is required; and

WHEREAS, the County encourages the creation of affordable housing units; and

WHEREAS, the County and Blue Ian desire to and have agreed that the County will provide Blue Ian parking on the County Property during specified hours and subject to the below limitations.

NOW, THEREFORE, the parties hereto agree and bind themselves as follows:

1. Shared Parking. The County hereby grants to residents of the Blue Ian property, but not to guests, visitors, or employees, the revocable license and right to park motor vehicles owned or leased by such resident upon the County Property. Such rights shall be subject to the following limitations/reservations:

a. The County reserves the right at any time and from time to time to exclude any person who is not a resident of the Blue Ian property from County Property;

b. The County reserves the right to make improvements to its property, and to temporarily erect or place barriers in and around areas on its property which are being constructed and/or repaired in order to insure either safety of persons or protection of property, which may temporarily impact or suspend parking; and

c. Vehicles making deliveries to or pickups from a party's property shall not park on the other party's property.

d. Rights granted hereunder are non-exclusive.

e. Residents of the Blue Ian property may not park on the County Property from 8 a.m. to 5 p.m., Monday through Friday.

f. The County reserves the right to trespass any person, including any resident or guest of the Blue Ian property, who violates any county ordinance rule or regulation, or state law, which violation was committed on or within County Property.

g. The County reserves the right to require Blue Ian to repair any portion of the County Property that is damaged by Blue Ian or a resident or guest of Blue Ian. County reserves the right to invoice Blue Ian for any repairs County undertakes to resolve any damage caused by Blue Ian or its residents or guests.

h. The County reserves the right to establish assigned spaces and regulate parking through parking passes or similar systems. The County will notify Blue Ian in advance of establishment of any such system.

i. If allowable by applicable laws and regulations, Blue Sky shall incorporate into its selection process, known as the "Resident Selection Plan," a preference for income-qualified Volusia County employees. Blue Sky shall provide the draft Resident Selection Plan to Volusia County Community Services for their review and acceptance.

j. The County reserves any other right not inconsistent with this license agreement.

2. Nature of License. In no event shall this Agreement constitute a lease or easement or effect the grant to Blue Ian or creation in favor of Blue Ian of any leasehold or easement estate or other estate in the Property. This Agreement is intended and shall be construed as granting a mere revocable license or right of use to Blue Ian in the County Property.

3. Termination. The County may terminate this Agreement for convenience by providing to Blue Ian 120 days written notice of termination. The County may terminate this Agreement for cause with 30 days written notice to Blue Ian.

4. Miscellaneous Provisions.

a. This Agreement shall be effective as of the date first written above and enforceable against the parties for a period of no less than 50 years. This Agreement may, in writing signed by both parties, be extended for such a period as the parties deem reasonable. In the event that a party chooses to terminate any extensions of this Agreement, notice shall be given to the other party no less than 60 days prior to the termination date of said extension.

b. No modification, waiver or amendment of this Agreement shall be binding upon a party unless in writing and signed by each party.

c. In the event this non-exclusive shared parking arrangement results in minor parking issues/problems for any of the parties, the parties agree to use good faith efforts to resolve any such problems in a timely manner.

d. This agreement may not be transferred to any other party or entity, including successors or assigns, without the prior written approval of the County.

5. Public Not a Beneficiary. Nothing in this Agreement shall be construed to dedicate any property or any interest or estate therein to or for any public purpose nor shall any provision herein be construed to create any right in or benefit to the general public. The right and obligations set forth in this Agreement shall be for the benefit of and be restricted solely to the owner or owners from time to time of all or any portion of the properties.

6. Indemnification. Blue Ian shall indemnify, defend and hold harmless the County including its districts, authorities, separate units of government established by law, ordinance or resolution, partners, elected and non-elected officials, employees, agents, and volunteers from and against all claims, damages, losses, and expenses, including, but not limited to attorney's fees, arising out of, resulting from, or incident to the gross negligence or willful misconduct of Blue Ian's use of the property unless such injury or damage is occasioned solely by fault, negligence, or willful misconduct of the County.

7. Sovereign Immunity. The County expressly retains all rights, benefits and immunities of sovereign immunity in accordance with Section 768.28, Florida Statutes. Notwithstanding anything set forth in any section of this Agreement to the contrary, nothing in this Agreement shall be deemed as a waiver of the County's immunity or limits of liability beyond any statutory limited waiver of immunity or limits of liability which may have been or may be adopted by the Florida Legislature, and the cap on the amount and liability of the County for damages, regardless of the number or nature of claims in tort, equity, or contract, shall not exceed the dollar amount set by the legislature for tort. Nothing in this Agreement shall inure to the benefit of any third party for the purpose of allowing any claim against the County, which would otherwise be barred under the doctrine of sovereign immunity or by operation of law.

8. Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original and all of which together shall be deemed to constitute one and the same document.

9. Construction. The rule of strict construction shall not apply to this Agreement. This Agreement shall be given a reasonable construction so that the intention of each of the Parties is carried out.

10. Severability. In case any one or more provisions contained in this Agreement shall, for any reason, be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not effect any other provision hereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had not been contained herein.

11. Applicable Law. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Florida, without regard to conflict of law principles. Venue for any legal action shall be in Volusia County, Florida.

12. Waiver. No waiver hereunder of any condition or breach shall be deemed to be a continuing waiver or a waiver of any subsequent breach.

13. Enforcement. The licenses and covenants contained herein shall be enforceable by suit for specific performance and mandatory injunctive relief, in addition to any other remedy provided by law or equity. Any action hereunder shall be brought in Volusia County, Florida.

IN WITNESS WHEREOF, the County and Blue Ian have executed this Agreement on the date first above written.

[SIGNATURES ON FOLLOWING PAGES]

Signed, sealed and delivered in the presence of:

COUNTY OF VOLUSIA, a political subdivision of the State of Florida

Witness 1

Jeff Brower, County Chair

Print Name of Witness 1

Attest

Witness 2

By: _____

Print Name of Witness 2

George Recktenwald, County Manager

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 202__ by Jeff Brower, County Chair of the County of Volusia, Florida, a political subdivision of the State of Florida, on behalf of the County. They are personally known to me and did not take an oath.

Notary Public _____

Printed Name: _____

Commission No. _____

Approved as to form by:

Russ Brown, Asst. County Attorney

Blue Ian, LLC, a Florida limited liability company

Attest

By:_____

Name

Name:_____

Title: _____

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 202_,
by _____ as _____ of Blue Ian, LLC, a Florida limited liability
company. He or she is ☐ personally known to me or ☐ produced as identification and did not
take an oath.

Notary Public

My Commission expires:_____

EXHIBIT A

THE EAST 100.00 FEET OF THE SOUTH 100 FEET OF THE WEST 237.5 FEET OF LOT 8, ASSESSOR'S SUBDIVISION OF BLOCK 1, ROGER'S DELAND, ACCORDING TO THE MAP THEREOF RECORDED IN MAP BOOK 16, PAGE 40, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 8, BLOCK 1; RUN THENCE S89°44'45"W, ALONG THE SOUTH LINE OF SAID LOT 8, A DISTANCE OF 100.00 FEET; THENCE N00°45'34"W, A DISTANCE OF 100.00 FEET TO THE NORTH LINE OF THE SOUTH 100 FEET OF SAID LOT 8; THENCE N89°44'45"E ALONG SAID NORTH LINE, A DISTANCE OF 100.00 FEET TO THE EAST LINE OF SAID LOT 8; THENCE S00°45'34"E, ALONG SAID EAST LINE, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

AND

LOT 9, ASSESSOR'S SUBDIVISION OF BLOCK 1, ROGER'S DELAND, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED AT PLAT BOOK 3, PAGE 48, IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA

EXHIBIT B

LOTS 1 TO 7, INCLUSIVE, ASSESSOR'S SUBDIVISION OF BLOCK 1, D.D. ROGERS' MAP OF
DELAND, A SUBDIVISION ACCORDING TO MAP IN MAP BOOK 3, PAGE 48, PUBLIC
RECORDS OF VOLUSIA COUNTY, FLORIDA
PARCEL NO: 7009-62-00-0010

AND

E 114 FT OF N 258.5 FT & N 286.5 FT W OF ALLEY OF LOT 10 & I
NC LOT 8 EXC W 214 FT OF N 149 1/6 FT & EXC W 237.50 FT OF S
200 FT ASSRS SUB BLK 1 DELAND MB 16 PG 40 PER OR 1409 PG 05
PARCEL NO: 7009-62-00-0100

RESOLUTION NO. 2024 – 96

**A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA,
DENYING A REQUEST FOR A PARKING REDUCTION AND ALLOWANCE
FOR OFF-SITE PARKING FOR APARTMENT BUILDING LOCATED AT 225
WEST NEW YORK AVENUE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the applicant, Blue Sky Communities, LLC, has submitted a site plan application for an 84-unit apartment building on a 1.63 acre site located at 225 West New York Avenue; and

WHEREAS, the applicant is proposing a total of 66 vehicle parking spaces for a building with 84 apartments, 44 of which are one bedroom and 40 of which have two or more bedrooms; and

WHEREAS, the City's planning staff has advised the applicant since it very first proposed the project that the site does not have sufficient space for parking given the number of units being proposed in the building; and

WHEREAS, the project, as currently proposed, does not comply with the parking requirements of the City's land development regulations; and

WHEREAS, in order to address the insufficient parking, the applicant has requested the City to reduce the amount of parking and to allow the applicant to use parking spaces on an adjacent County owned parking lot, which spaces will only be available on nights and weekends, for the purpose of meeting the parking needs of the proposed building; and

WHEREAS, the City's land development regulations provide that a maximum of 30% of the number of required car parking spaces may be satisfied by providing bicycle parking spaces; and

WHEREAS, the City's land development regulations require a total of 188 parking spaces, 52 of which are proposed to be satisfied with bicycle parking spaces, leaving 136 required car parking spaces – the applicant proposes to provide only 66 car parking spaces, which is less than half of the required number of car parking spaces even after the allowance for bicycle parking spaces; and

WHEREAS, the applicant has requested that the City consider the availability of night and weekend parking on an adjacent County parking lot, but the City Commission finds that the reduction in spaces to less than half of the required spaces, considering that a number of the spaces are also being replaced with bicycle parking spaces, is too significant to meaningfully provide parking to the residents of the proposed building; and

WHEREAS, the City has considered all of the information in the detailed staff report that accompanied this request and that information forms a part of the evidence upon which this Resolution is based; and

WHEREAS, the project could comply with the City's parking requirements by reducing the number of units in the building; and

WHEREAS, the City Commission finds that the significant reduction in parking is not compatible with a residential apartment project, that it will adversely affect the residents of the proposed apartment building, and that it will otherwise adversely affect the public interest.

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

Section 1. The foregoing preamble is incorporated herein by reference and forms a part of the basis for the adoption of this Resolution, together with all other information presented to the City Commission at its hearing on this request.

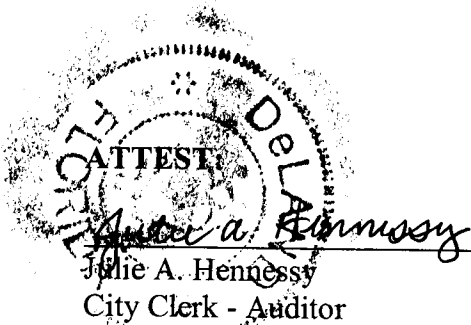
Section 2. The City Commission hereby denies the applicant's request for a reduction in the number of required parking spaces for the proposed apartment project located at 225 West New York Avenue.

Section 3. This Resolution shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 21st day of October, 2024.

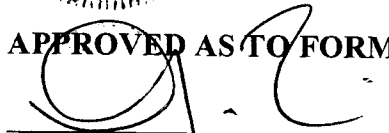


Christopher M. Cloudman
Mayor-Commissioner

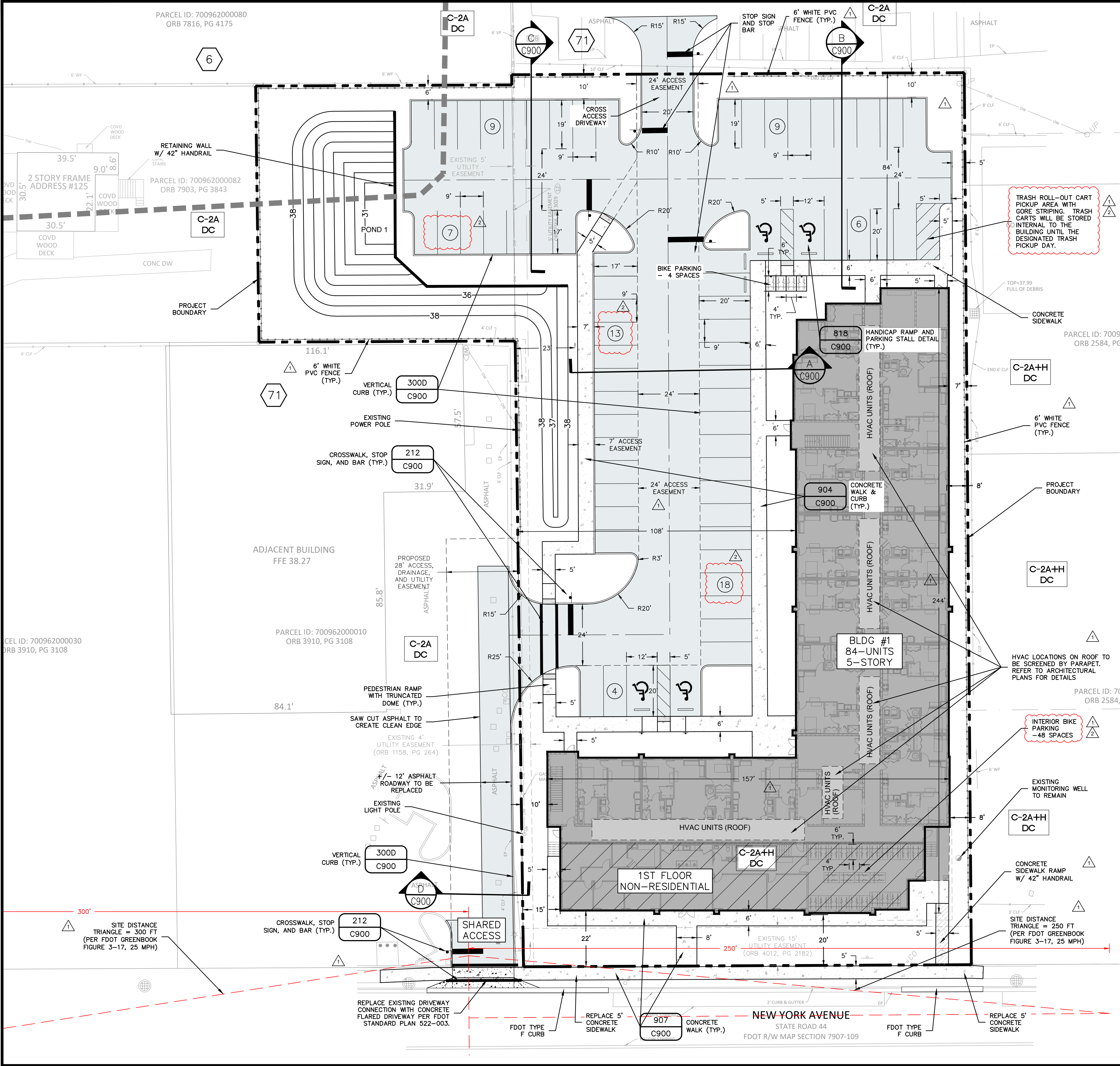


Julie A. Hennessey
City Clerk - Auditor

APPROVED AS TO FORM AND LEGALITY:



Darren J. Elkind
City Attorney



LEGEND

- TC — EXISTING ZONING
TCD — EXISTING FUTURE LAND USE



GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

SITE DATA:

- TOTAL PROPERTY AREA: 1.63 ACRES
- PARCEL ID'S: 700962000090 & 700962000087
- JURISDICTION: CITY OF DELAND
- EXISTING FUTURE LAND USE: DOWNTOWN COMMERCIAL
- EXISTING ZONING: C-2A&H
- BUFFER REQUIREMENTS: NONE
- PROPOSED USE: MULTI-FAMILY
- TOTAL DWELLING UNITS (DU): 84 UNITS
- UNIT MIX:
1 BEDROOM = 44 UNITS
2 BEDROOM = 28 UNITS
3 BEDROOM = 12 UNITS
- OPEN SPACE REQUIRED PROVIDED: NONE
0.55 AC. (33.7%)
- MAX. IMPERVIOUS SURFACE RATIO REQUIRED PROVIDED: NONE
1.08 AC. (66.3%)
- IMPERVIOUS AREA:
TOTAL BUILDINGS: 0.45 AC (27.6%)
TOTAL SIDEWALK, PAVEMENT, MISC. CONCRETE: 0.63 AC (38.7%)
TOTAL IMPERVIOUS AREA: 1.08 AC (66.3%)
TOTAL PERVIOUS AREA: 0.55 AC (33.7%)
TOTAL AREA: 1.63 AC (100.00%)
- MAX. BUILDING HEIGHT: 80 FT
- BUILDING SETBACKS: NONE
- PARKING:
A) REQUIRED:
APARTMENTS:
1 BEDROOM - 1.5 SP/UNIT X 44 = 66 SPACES
2+ BEDROOMS - 2 SP/UNIT X 40 = 80 SPACES
VISITOR PARKING - 0.5 SP/UNIT X 84 = 42 SPACES
SUBTOTAL = 188 SPACES
B) PROVIDED:
APARTMENTS:
REGULAR (9'x19'/20') = 62 SPACES
ACCESSIBLE (12'x20') = 4 SPACES
SUBTOTAL = 66 SPACES
*19' DEPTH TOTAL, 17' PAVED W/2' OVERHANG, OVERHANG IS NOT PART OF A LANDSCAPE AREA
- BICYCLE PARKING:
A) REQUIRED:
1/EVERY 4 DWELLING UNITS = 84/4 = 21 SPACES
TOTAL = 21 SPACES
B) PROVIDED:
EXTERIOR (4'x6') = 4 SPACES
INTERIOR STORAGE ROOMS (4'x6') = 48 SPACES
TOTAL = 52 SPACES
- PER FEMA FIRM PANEL NO. 12127C0470H, DATED FEBRUARY 19, 2014, THE ENTIRE SITE LIES WITHIN FLOOD ZONE 'X' (AREAS TO BE DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
- WATER AND SEWER ARE TO BE PROVIDED BY THE CITY OF DELAND.
- ALL UTILITY LINES TO MEET CITY OF DELAND SPECIFICATIONS AND STORM SYSTEM TO MEET ALL APPLICABLE CITY OF DELAND AND ST. JOHNS RIVER WATER MANAGEMENT DISTRICT SPECIFICATIONS.
- IRRIGATION ON SITE TO BE PROVIDED BY CITY POTABLE WATER.
- THE SITE IS NOT LOCATED WITHIN A WELL FIELD PROTECTION ZONE.
- THE SITE IS NOT LOCATED WITHIN AN AQUIFER RECHARGE AREA.
- SITE TO BE DEVELOPED IN ONE PHASE

WATER SERVICE DEMANDS							
LAND USE	UNIT	GPD/UNIT	# UNITS	ADD (GPD)	ADD (GPM)	MOD (GPM)	P/F (GPM)
MULTI-FAMILY RESIDENTIAL	DWELLING UNIT	350	84	29,400	20.42	40.84	81.68

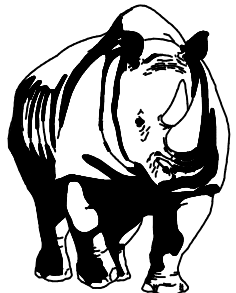
SEWER SERVICE DEMANDS							
LAND USE	UNIT	GPD/UNIT	# UNITS	ADD (GPD)	ADD (GPM)	MOD (GPM)	P/F (GPM)
MULTI-FAMILY RESIDENTIAL	DWELLING UNIT	300	84	25,200	17.50	35.00	70.00

TRAFFIC GENERATION								
ITU CODE	LAND USE	# UNITS	DAILY		PM PEAK HOUR			
			RATE	TRIPS	RATE	TOTAL	ENTER	EXIT
223	MULTI-FAMILY RESIDENTIAL	84	5.39	453	0.547	46	27	19

SOILS LEGEND

SOILS LINE		
SOIL NUMBER	SOIL NAME	HYDROLOGIC GROUP
(E)	ASTATULA-URBAN LAND COMPLEX, 0 TO 8 PERCENT SLOPES	A
(71)	URBAN LAND, 0 TO 2 PERCENT SLOPES	N/A

SOURCE: USGS SOILS SURVEY, NATURAL RESOURCE CONSERVATION SERVICE - VOLUSIA COUNTY, FLORIDA 2022



MADDEN
MOORHEAD & STOKES, LLC
CIVIL ENGINEERS
431 E. Horatio Avenue
Suite 260
Maitland, Florida 32751
(407) 629-8330

SITE PLAN
FOR
NEW YORK AVE APARTMENTS
CITY OF DELAND, FLORIDA

BLUE IAN, LLC
180 FOUNTAIN PKWY. N.
ST. PETERSBURG, FL 33716

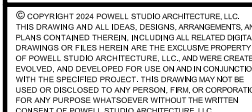
ENGINEER IN CHARGE:

DAVID A. STOKES, P.E. #6527
October 1, 2024
CERTIFICATE OF AUTHORIZATION NO. CA-000723

REVISIONS

JOB # 23201
DATE: 6/20/24
SCALE: 1"=20'
DESIGNED BY: TRF
DRAWN BY: TRF
APPROVED BY: DAS

C100



OWNER / PROJECT:

**NEW YORK AVE.
APARTMENTS**

AN AFFORDABLE HOUSING COMMUNITY
DELAND, FLORIDA

MARK	DATE	DESCRIPTION
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ISSUE DATE: AUGUST 23, 2004

EXTERIOR ELEVATION

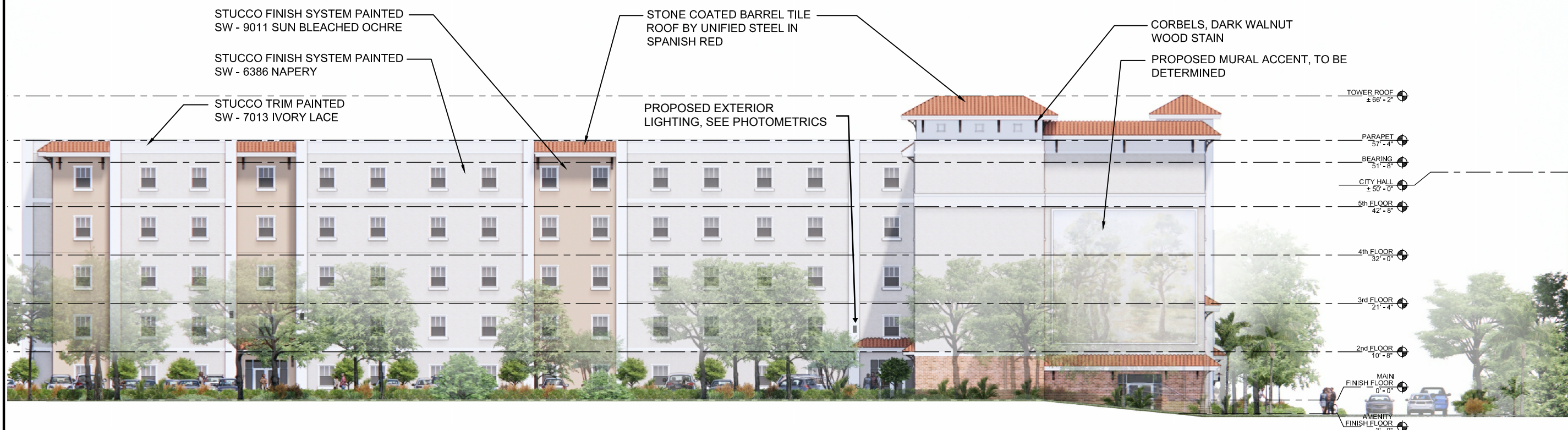
PROJECT NO.	PSA 2024.01.00
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DRAWN BY AE

CHECKED BY JP

E-01

Page 188 of 234



2 WEST ELEVATION (PARKING FACADE)
E-01 SCALE: 3/32" = 1'-0"



1 SOUTH ELEVATION (STREET FACADE)



2 EAST ELEVATION
E-02 SCALE: 3/32" = 1'-0"

STONE COATED BARREL TILE
ROOF BY UNIFIED STEEL IN
SPANISH RED

STUCCO FINISH SYSTEM PAINTED
SW - 6386 NAPERY

STUCCO TRIM PAINTED
SW - 7013 IVORY LACE

STUCCO FINISH SYSTEM BASE
PAINTED SW - 7716 CROISSANT

PROPOSED EXTERIOR
LIGHTING, SEE PHOTOMETRICS

CORBELS, DARK WALNUT
WOOD STAIN



1 NORTH ELEVATION (REAR FACADE)
E-02 SCALE: 3/32" = 1'-0"

**NEW YORK AVE.
APARTMENTS**
AN AFFORDABLE HOUSING COMMUNITY
DELAND, FLORIDA

MARK	DATE	DESCRIPTION
------	------	-------------

ISSUE DATE: AUGUST 23, 2024

EXTERIOR ELEVATION

PROJECT NO.: PSA 2024-01.00

DRAWN BY: AP

CHECKED BY: JP

E-02



PARKING DEMAND STUDY

For

NEW YORK AVENUE APARTMENTS

**225 West New York Avenue
DeLand, Florida 32720**

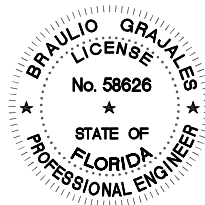
Prepared for:

**BLUE SKY COMMUNITIES, LLC
180 Fountain Parkway N, Suite 100
St. Petersburg, Florida 33716**

Prepared by:

**HIGH POINT ENGINEERING, INC
5005 W. Laurel Street, Suite 201
Tampa, Florida 33607**

Date: August 22, 2024



Digitally signed by Braulio Grajales
DN: c=US, o=HIGH POINT
ENGINEERING INC,
dnQualifier=A01410D0000018F9D2
1E3A2000B37F7, cn=Braulio Grajales
Date: 2024.08.23 14:58:04 -04'00'

PARKING DEMAND STUDY

INTRODUCTION

This report summarizes the results of a parking demand study for the New York Avenue Apartments. The proposed affordable housing development for working families is planned to be constructed on the property located at 225 West New York Avenue in DeLand, Volusia County, Florida. Based on the analysis provided herein, on average, a future resident of this development will possess less than one vehicle per bedroom. This parking demand study has been prepared as technical support for a parking waiver request to approve a total of 62 on-site surface parking spaces, for the proposed 84-dwelling unit multi-family affordable housing project. The referenced property will have full access to and from West New York Avenue through cross access with the neighboring property to the west owned by Volusia County.

BACKGROUND

The project site is located on the north side of West New York Avenue (State Road 44), just west of North Florida Avenue in Section 09, Township 17 South, Range 30 East within the incorporated area of the City of DeLand. The property is comprised of two parcels identified by the Volusia County Property Appraiser's Office with parcel identification numbers 700962000087 and 700962000090. The total site area is approximately 1.61 acres and is bounded by West New York Avenue to the south, and commercial and office properties to the north, east and west. The property was previously developed with a hotel developed in 1924, known as the Putnam Hotel. The structure was recently demolished, and the site is currently vacant and undeveloped.

The proposed New York Avenue Apartments development will consist of one (1) 5-story mid-rise building, including 84 dwelling units containing 44 units of 1 bedroom, 28 units of 2 bedrooms, and 12 units of 3 bedrooms for a total of 136 bedrooms (i.e., average unit mix of 1.62 bedrooms per dwelling unit), 62 surface parking spaces (i.e., 0.46 spaces per bedroom), a stormwater collection system that will discharge stormwater run-off generated within the property to the onsite dry detention pond, sanitary sewer system, potable water service for domestic consumption and fire protection, and Florida native drought tolerant landscape. The project will feature ten long-term restricted special need dwelling units to accommodate families transitioning from homelessness ensuring inclusivity and promoting stability for vulnerable populations. The proposed development is planned in a single phase. The setbacks, drainage, parking, and landscaping are designed to support the proposed development of the property.

The City of DeLand Land Development Code (LDC) Section 33-91 requires the following parking ratios for the multi-family land use: Studio: 1 space/unit, 1 bedroom: 1.5 spaces/unit, 2, 3, or more bedrooms: 2 spaces/unit, visitor parking: 0.5 space/unit. The City of DeLand LDC requirement for the proposed apartment building is 188 parking spaces. The proposed site layout and parking plan prepared by Madden, Moorhead & Stokes, LLC shows a total of 62 on-site parking spaces plus 56 bicycle parking spaces. LDC Section 33-91.03.1.3.b allows off-street parking reduction by no more than one space for each bicycle parking space, but by no more than 30 percent of the total required spaces. Based on the Code allowance, a 30 percent off-street parking reduction over 188 parking spaces equals 57 parking spaces. Consequently, when considering both vehicular and bicycle parking, the total parking supply

ratio provided by the proposed New York Avenue Apartments is 1.42 parking spaces per dwelling unit, representing a deficit from the Code requirements of 69 parking spaces.

Parking ratios per unit may not accurately reflect the actual parking demand generated by a residential development. This is attributed to the fact that the relation between the number of drivers and the various dwelling unit sizes in any apartment complex cannot be adequately captured by measuring parking ratios per unit. For example, a one-bedroom dwelling might be associated with a single resident driver or a couple of drivers. In contrast, a two-bedroom dwelling or three-bedroom dwelling considers the likelihood of a larger household with one adult driver or multiple drivers and with or without teenage drivers. Therefore, a parking study aligned with the number of bedrooms provides a more accurate representation of the parking demand within a multifamily apartment development.

According to ITE Parking Generation Manual 6th Edition, it is expected that the number of bedrooms and number of residents are likely correlated to the parking demand generated by a residential site. Parking studies of multifamily housing should attempt to obtain information on occupancy rate and on the mix of residential unit sizes (i.e., number of units by number of bedrooms at the site complex).

The City of DeLand LDC currently does not specify parking ratios per bedroom for multi-family land use. Thus, the focus of this parking study was to determine the peak period parking demand per bedroom for an affordable housing development for families in DeLand in support of a request for a reduction in parking. The City of DeLand LDC Section 33-91.01(d) provides guidelines for parking studies when the proposed use is not listed in Section 33-91.03(f) - Minimum Off-Street Parking Requirements. The City of DeLand LDC recommends using estimates of parking requirements based on studies from ULI, ITE, or the Traffic Institute, and based on data collected from uses or combinations of uses which are the same or comparable to the proposed use. Density, scale, bulk, area, type of activity, and location shall determine comparability.

There are two affordable housing projects with similar demographics near the project site. These projects were selected due to their geographic location and similarity to the proposed development to estimate future parking demand for the proposed New York Avenue Apartments development.

See Attached:

- *Site Location (Exhibit A)*
- *Proposed Parking Layout (Exhibit B)*

DATA COLLECTION AND EXISTING CONDITIONS

Parking observations were undertaken at two affordable housing apartment complexes in the City of DeLand: (1) The Pines and (2) Taylor Place. The Pines is located at 310 W. New Hampshire Avenue in DeLand while Taylor Place is located at 1575 S. Woodland Boulevard in DeLand. These two existing developments were used in this parking demand study due to similarities in the geographic area, land use, number of units, and number of bedrooms.

Data Collection at The Pines - DeLand

The Pines is an affordable housing community located on the south side of New Hampshire Avenue between Delaware Avenue and Clara Avenue, within the incorporated area of the City of DeLand. The Pines development is located approximately 1.6 miles south of the proposed New York Avenue Apartments development. The Pines is comprised of six (6) 3-story garden style buildings including 100 dwelling units distributed in 24 units of 1 bedroom, 32 units of 2 bedrooms, 24 units of 3 bedrooms, and 20 units of 4 bedrooms for a total of 240 bedrooms (i.e., average unit mix of 2.40 bedrooms per dwelling unit). At the time of this study, the apartment complex had an occupancy level of 100%. The Pines has a surface parking lot with a total of 241 spaces (i.e., 1.00 parking space per bedroom). Parking observations at this location took place on Monday November 13, 2023, from 4:00 am to 9:00 am and from 7:00 pm to 12:00 am. The observations consisted of identifying the number of parking spaces occupied at 5-minute intervals. The weather conditions during the observations were cloudy with temperatures between 60°F and 70°F.

The observations indicate the highest peak period parking demand ratio occurred between 8:00 pm and 9:00 pm. At 8:40 pm, 108 parking spaces of the 241 parking spaces were occupied and 133 parking spaces were available. The computed Peak Parking Demand Ratio vs Bedrooms was 0.45 spaces per bedroom. At 4:00 am, the apartment complex exhibited a parking demand ratio of 0.44 spaces per bedroom and at 7:00 pm a ratio of 0.38 spaces per bedroom. Furthermore, the observation taken at midnight revealed that The Pines had a parking demand ratio of 0.44 spaces per bedroom.

See Attached:

- *Peak Period Parking Demand Summary Tables for Observation Taken on Monday November 13, 2023 (Exhibit C)*
- *Peak Period Parking Demand Ratio vs Bedrooms Graphs for Observation Taken on Monday November 13, 2023 (Exhibit D)*

Data Collection at Taylor Place – DeLand

Taylor Place is an affordable housing community located on the east side of Woodland Boulevard (S.R. 15 / US Highway 17) between Chipola Avenue and Taylor Road, within the incorporated area of the City of DeLand. Taylor Place development is located approximately 2.2 miles south of the proposed New York Avenue Apartments development. Taylor Place is comprised of five (5) 3-story garden style buildings including 106 dwelling units distributed in 4 units of 1 bedroom, 12 units of 2 bedrooms, 71 units of 3 bedrooms, and 19 units of 4 bedrooms for a total of 317 bedrooms (i.e., average unit mix of 2.99 bedrooms per dwelling unit). At the time of this study, the apartment complex had an occupancy level of 100%. Taylor Place has a surface parking lot with a total of 263 spaces (i.e., 0.83 parking spaces per bedroom). Parking observations at this location took place on Tuesday November 14, 2023, from 4:00 am to 9:00 am and from 7:00 pm to 12:00 am. The observations consisted of identifying the number of parking spaces occupied at 5-minute intervals. The weather conditions were cloudy with temperatures between 60°F and 70°F.

The observations indicate the highest peak period parking demand ratio occurred between 4:00 am and 5:00 am. At 4:00 am, 147 parking spaces of the 263 parking spaces were occupied and 116 parking spaces available. The computed Peak Parking Demand Ratio vs Bedrooms was 0.46 spaces per bedroom. At 9:00 am, the apartment complex exhibited a parking demand ratio

of 0.15 spaces per bedroom and at 7:00 pm a ratio of 0.27 spaces per bedroom. Additionally, the observation taken at midnight revealed that Taylor Place had a parking demand ratio of 0.46 spaces per bedroom.

See Attached:

- *Peak Period Parking Demand Summary Tables for Observation Taken on Tuesday November 14, 2023 (Exhibit E)*
- *Peak Period Parking Demand Ratio vs Bedrooms Graphs for Observation Taken on Tuesday November 14, 2023 (Exhibit F)*

PARKING DEMAND ANALYSIS

According to Blue Sky Communities, LLC, the developer of the New York Avenue Apartments, the proposed development is an affordable housing community for families that will consist of 84 dwelling units distributed in one (1) 5-story mid-rise building with a total of 136 bedrooms.

Exhibits C and E summarize the Peak Parking Demand Ratio vs Bedrooms measured at the two apartment complexes in the City of DeLand. The Peak Parking Demand Ratio vs Bedrooms measured during the two days of observations was very similar to the proposed onsite parking spaces per bedroom. The Peak Parking Demand Ratio vs Bedrooms measured at the two apartment complexes range between 0.45 and 0.46 spaces per bedroom.

The two apartment complexes serve the same geographic area (i.e., urban setting) as the New York Avenue Apartments. The land use, number of units, mix of units, number of bedrooms, and demographic group (i.e., families) for the two existing apartment complexes are comparable with the same features as the New York Avenue Apartments. All sites are surrounded by the same collector/arterial road (i.e., State Road 15 / US Highway 17) and in proximity of bus transit and public transportation routes. Because of these similarities, the Peak Parking Demand Ratios observed at the two existing apartment complexes are considered adequate technical support to estimate the future peak parking demand of the New York Avenue Apartments.

Further, the proposed residential unit mix for the New York Avenue Apartments is 52% of 1 bedroom, 33% of 2 bedrooms, and 15% of 3 bedrooms. The Pines has a unit mix of 24% of 1 bedroom, 32% of 2 bedrooms, 24% of 3 bedrooms, and 20% of 4 bedrooms. Taylor Place has a residential unit mix of 4% of 1 bedroom, 11% of 2 bedrooms, 67% of 3 bedrooms, and 18% of 4 bedrooms. Accordingly, the New York Avenue Apartments will feature a unit mix of 2 bedrooms and 3 bedrooms aligning with the unit mix in The Pines.

In terms of average dwelling unit size, the New York Avenue Apartments are projected to have 1.62 bedrooms per unit (i.e., 136 bedrooms / 84 dwelling units). This average unit size is 2/3 of the average of 2.40 bedrooms per unit (i.e., 240 bedrooms / 100 dwelling units) for The Pines. Moreover, Taylor Place has an average dwelling unit size of 2.99 bedrooms per unit (i.e., 317 bedrooms / 106 dwelling units), making the average unit size at New York Avenue Apartments half that of Taylor Place.

Site Name	The Pines	Taylor Place
Project Size	100 Dwelling Units	106 Dwelling Units
Occupancy	100%	100%
Average Unit Mix	2.40 Bedrooms per Unit	2.99 Bedrooms per Unit
Parking Facility	77 Spaces	146 Spaces
Parking Supply	1.00 Spaces per Bedroom	0.83 Spaces per Bedroom
Observation Day	Monday (11/13/23)	Tuesday (11/14/23)
4:00 am - 5:00 am	0.44	0.46
5:00 am - 6:00 am	0.45	0.45
6:00 am - 7:00 am	0.37	0.41
7:00 am - 8:00 am	0.33	0.33
8:00 am - 9:00 am	0.26	0.22
7:00 pm - 8:00 pm	0.38	0.36
8:00 pm - 9:00 pm	0.45	0.38
9:00 pm - 10:00 pm	0.42	0.46
10:00 pm - 11:00 pm	0.44	0.46
11:00 pm - 12:00 pm	0.44	0.46
Peak	0.45	0.46
Mean	0.40	0.40
Median	0.43	0.43
Mode	0.44	0.46
Range	0.26 – 0.45	0.22 – 0.46

Notes: Ratios rounded to two decimals.

Source: High Point Engineering, November 2023

The table above shows a statistical analysis of the parking demand observations at the two existing apartment complexes in DeLand based on vehicles per bedroom.

Despite the different average dwelling unit sizes at the two study sites, the observed peak parking demand ratios are nearly identical. This suggests that the size of the average dwelling unit does not impact the parking demand per bedroom ratio. In other words, the observations from the two study sites indicate that there is no discernible correlation between the average dwelling unit size and the parking demand per bedroom in DeLand.

Thus, considering that the parking demand per bedroom ratio is not impacted by the average dwelling unit size in DeLand, as well as the relatively short distance between the two study sites and the New York Avenue Apartments site, the observed Peak Parking Demand Ratio vs Bedroom in both, The Pines and Taylor Place, can be effectively extrapolated to forecast the future peak parking demand for the New York Apartments.

However, since the unit mix in New York Avenue Apartments is closer to the unit mix in The Pines, the maximum observed Peak Parking Demand Ratio vs Bedrooms at The Pines is used to estimate the future peak parking demand for the New York Avenue Apartments. Applying The Pines Peak Parking Demand Ratio to the New York Avenue Apartments yields:

0.45 spaces per bedroom x 136 bedrooms = 61.2 spaces.

Rounding to the nearest integer, the estimated parking demand for the New York Avenue Apartments is 61 spaces.

The above computed peak parking demand using the extrapolated Peak Parking Demand ratio from The Pines is equal to the proposed parking supply. The probability that the expected peak parking demand for the New York Avenue Apartments can be accommodated by 62 parking spaces is acceptable.

Furthermore, Average Peak Period Parking Demand data from Institute of Transportation Engineers (ITE) Parking Generation, 6th Edition was also used to estimate the future parking demand for the New York Avenue Apartments as well as to compare the ITE published ratios with the results obtained from the observations taken at the two study sites.

The Institute of Transportation Engineers (ITE) Parking Generation, 6th Edition, offers a land use for affordable housing which is defined as all multifamily housing that is rented at below market rate to households that includes at least one employed member. Eligibility to live in affordable housing can be a function of limited household income and resident age (i.e., senior housing). For most of the study sites in the ITE Parking Generation, 6th Edition, 100 percent of the dwelling units are considered affordable. The ITE Parking Generation, 6th Edition does not provide information for Average Peak Period Parking Demand vs. Dwelling Unit Size (i.e., number of units by number of bedrooms per site) or separate parking rates for percentage of visitor parking.

The Average Peak Period Parking Demand Ratio to Bedrooms recommended by the ITE Parking Generation, 6th Edition, Affordable Housing – Income Limits subset, for estimating the off-street parking per bedroom required for workforce housing are as follows:

Weekday (Monday - Friday) in General Urban / Suburban Location:

Peak Period Parking Demand vs Bedrooms: 0.55 parked vehicles

Range of Rates: 0.29 – 0.85

Standard Deviation: 0.14

Number of Studies: 10

Average number of bedrooms: 101

Saturday in General Urban / Suburban Areas:

Peak Period Parking Demand vs Bedrooms: 0.27 parked vehicles

Range of Rates: 0.27 – 0.27

Standard Deviation: N/A

Number of Studies: 1

Average number of bedrooms: 44

Applying the Average Peak Period Parking Demand Ratio to Bedrooms recommended by the ITE Parking Generation, 6th Edition, Affordable Housing – Income Limits to the New York Avenue Apartments yields:

0.55 spaces per bedroom x 136 bedrooms = 74.8 spaces.

Rounding up, the estimated parking demand for the New York Avenue Apartments is 75 spaces.

The above ITE Parking Generation, 6th Edition Peak Period Parking Demand vs Bedrooms is slightly higher than the proposed parking supply rate of 0.46 spaces per dwelling unit. Notably, the sites included the ITE Parking Generation Manual, 6th Edition spanned locations in Alabama, California, Connecticut, District of Columbia, Maryland, Massachusetts, New Jersey, and Oregon, encompassing survey periods in the 1990s and the 2010s. It's important to highlight that the study in ITE Parking Generation Manual, 6th Edition did not include sites in Florida. Additionally, the ITE Parking Generation Manual, 6th Edition, for Land Use 223 - Affordable Housing – Income Limits, does not provide a 95% Confidence Interval due to the limited number of studies available for inclusion.

The following table taken from ITE Parking Generation Manual, 6th Edition, presents a Time-of-Day distribution of parking demand on a weekday in a general urban/suburban setting for income limits land use category:

Percent of Weekday Peak Parking Demand	
Hour Beginning	Income Limits
4:00 a.m.	-
5:00 a.m.	100%
6:00 a.m.	94%
7:00 a.m.	85%
8:00 a.m.	77%
9:00 a.m.	73%
10:00 a.m.	71%
11:00 a.m.	-
5:00 p.m.	-
6:00 p.m.	79%
7:00 p.m.	83%
8:00 p.m.	90%
9:00 p.m.	93%
10:00 p.m.	97%
11:00 p.m.	-

See Attached:

- *Institute of Transportation Engineers (ITE) Parking Generation, 6th Edition Data Summary for Land Use: 223 Affordable Housing – Income Limits (Exhibit I)*

In addition, the following unique circumstances apply to the New York Avenue Apartments site:

- Volusia County has agreed to grant residents of New York Avenue Apartments a revocable license and right to park motor vehicles owned or leased by such resident upon the adjacent County Property. Residents of New York Avenue Apartments may not park on the County Property from 8 a.m. to 5 p.m., Monday through Friday. Overnight and over the weekend parking outside the specified restricted hours will be allowed to all residents, thus compensating for the difference of parking spaces required per code.

- The project will include 10 long-term restricted special need dwelling units to accommodate families transitioning from homelessness, and these families will almost certainly not own a car. Consequently, it is anticipated that the future residents may not fully occupy the proposed 62 parking spaces.
- The project is being developed with unassigned parking. The entire parking facility will be accessible to all future residents based on the order of their arrival.
- The project site is situated in downtown DeLand, offering all future residents the opportunity to work within walking or biking distance.
- Future residents will have the opportunity to use public transit as an alternative method of transportation. Votran Route 20 runs north-south along Woodland Boulevard, with convenient bus stops located approximately a 5-minute walk to the east of the project site.
- The project will be designed with clearly identified 8 exterior uncovered bicycle parking spaces, 16 exterior covered bicycle parking spaces placed adjacent to the building and 44 covered and secured interior bicycle parking spaces, exceeding the requirements outlined by the City of DeLand LDC.
- The project site is situated in downtown DeLand, offering all future residents superior walkability typical of an urban area.
- A minimum of four on-street parking spaces along the north side of New York Avenue in front of the property will be available for short-term use.

CONCLUSION

The Peak Parking Demand ratio on a weekday for Affordable Housing – Limited Income in general urban / suburban setting suggested by the ITE Parking Generation, 6th Edition slightly exceeds the Peak Parking Demand ratios measured at the two apartment complexes in the City of DeLand. The two measured Peak Parking Demand ratios in DeLand are within the same order of magnitude indicating there is not a significant difference between the two apartment complexes.

The Peak Parking Demand ratios resulting from observations at the two affordable housing developments in the City of DeLand are considered better suited for projecting the future New York Avenue Apartments Peak Parking Demand compared to the ratio suggested by the ITE Parking Generation, 6th Edition, due to their proximity to the project site.

The planned 62 parking spaces equivalent to 0.46 spaces per bedroom for the proposed 84 dwelling units are anticipated to meet the future parking demand for the New York Avenue Apartments during all periods.

If you have any questions regarding the information contained herein, please do not hesitate to contact me.

Sincerely,
HIGH POINT ENGINEERING, INC.

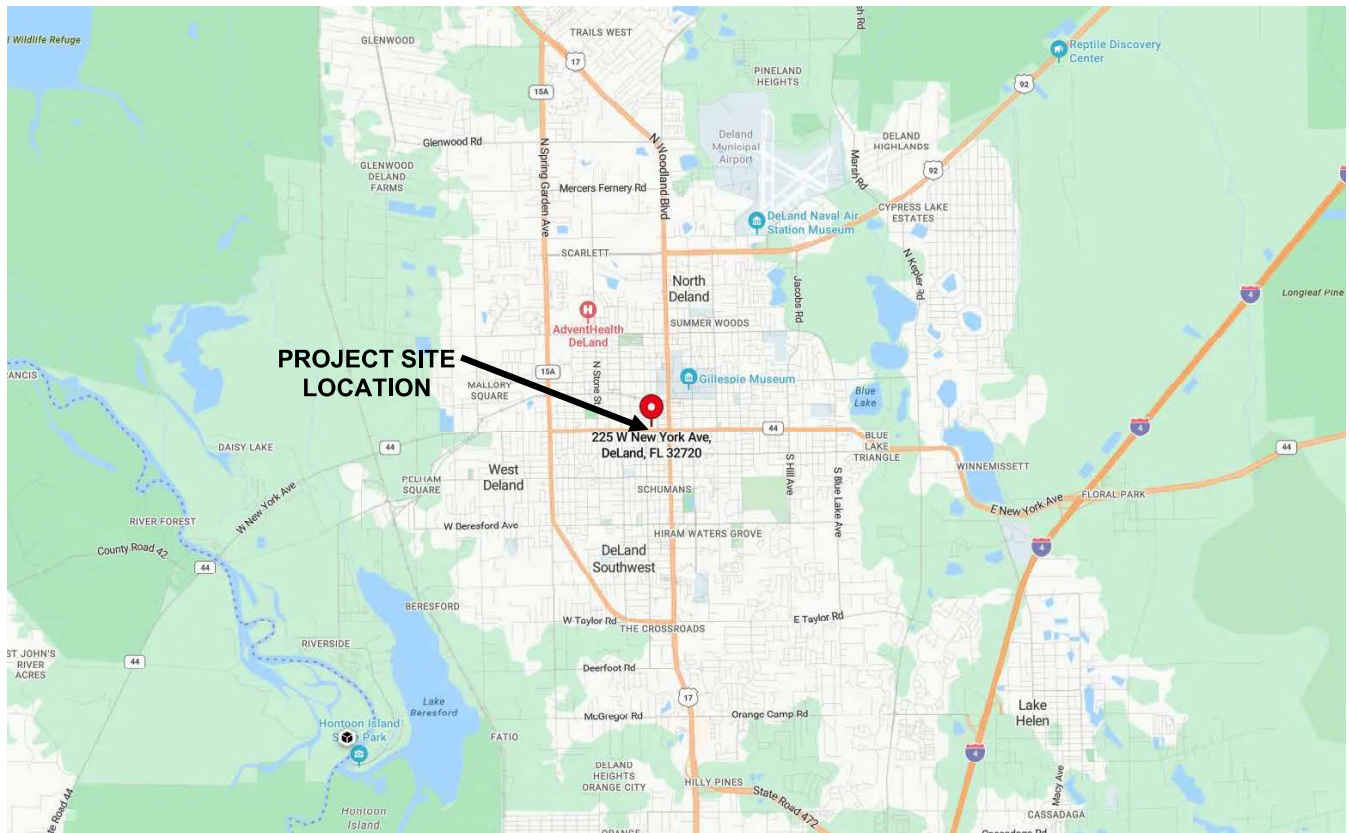


Braulio Grajales, P.E.
Principal Engineer

EXHIBITS

- Exhibit A Site Location**
- Exhibit B Proposed New York Avenue Apartments Site Layout & Parking Plan**
- Exhibit C Peak Period Parking Demand Summary Table for The Pines on Monday, November 13, 2023, Observations**
- Exhibit D Peak Period Parking Demand Ratio vs Bedrooms Graph for The Pines on Monday, November 13, 2023, Observations**
- Exhibit E Peak Period Parking Demand Summary Table for Taylor Place on Tuesday, November 14, 2023, Observations**
- Exhibit F Peak Period Parking Demand Ratio vs Bedrooms Graph for Taylor Place on Tuesday, November 14, 2023, Observations**
- Exhibit G Institute of Transportation Engineers (ITE) Parking Generation, 6th Edition Data Summary for Land Use: 223 Affordable Housing – Income Limits**

EXHIBIT A



Parking Demand Study
New York Avenue Apartments
225 West New York Avenue
DeLand, Florida 32720

August 22, 2024

EXHIBIT B



EXHIBIT C

PEAK PERIOD PARKING DEMAND SUMMARY

THE PINES - 310 W. NEW HAMPSHIRE AVENUE, FLORIDA 32720

TOTAL DWELLING UNITS = 100, NUMBER OF BEDROOMS = 240 , AVERAGE SIZE OF DWELLING UNITS = 2.40 BEDROOMS

TOTAL PARKING SPACES AVAILABLE = 241, PARKING SUPPLY = 1.00 PER BEDROOM

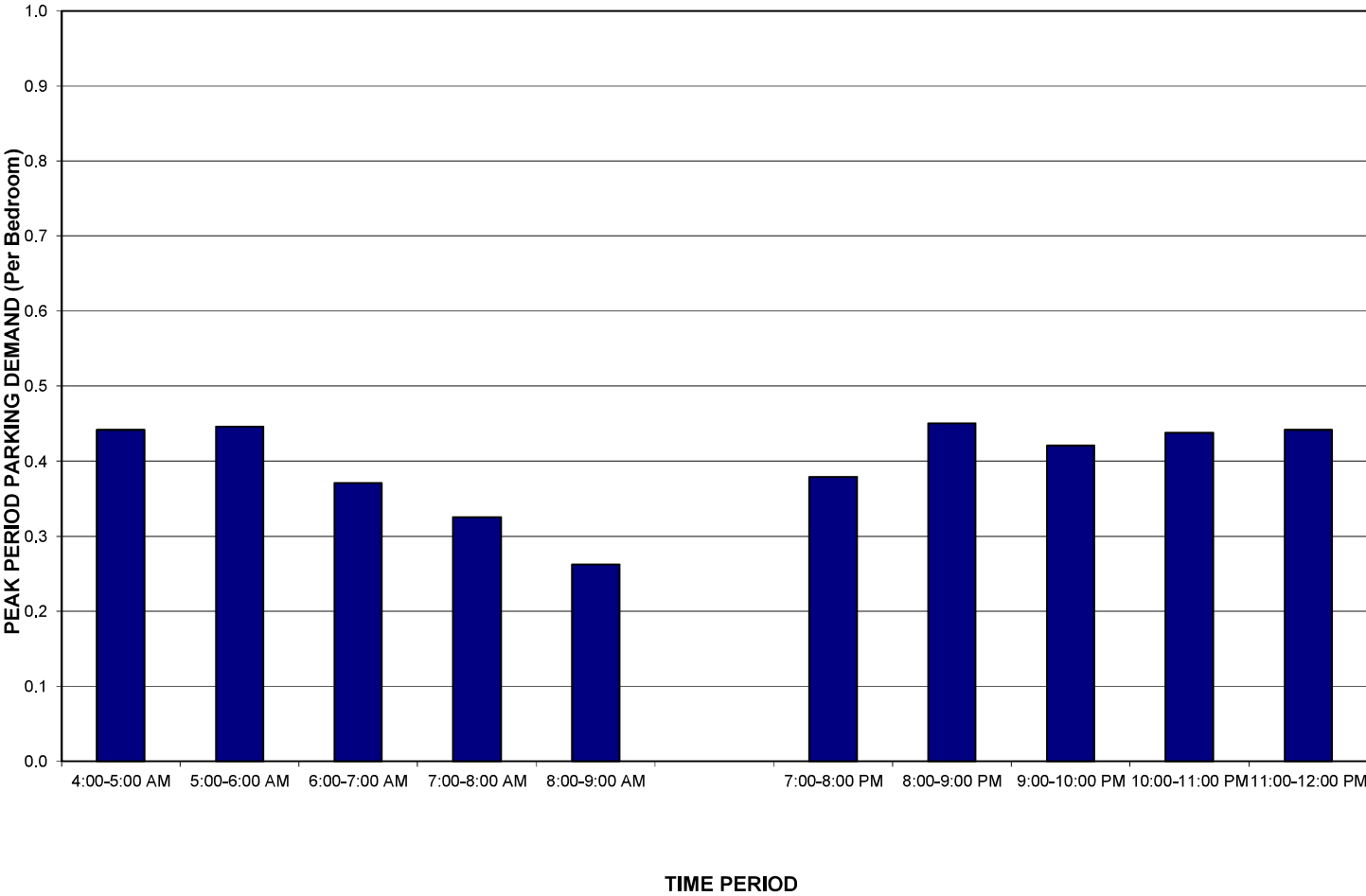
Observations Taken on Monday, November 13, 2023

Time Period	Peak Period Parking Spaces Used	Peak Period Unused Parking Spaces	Peak Period Parking Lot Occupancy (%)	Percent of Peak Parking Demand (%)	Peak Period Parking Demand (Per Bedroom)
4:00-5:00 AM	106	135	44	98	0.44
5:00-6:00 AM	107	134	44	99	0.45
6:00-7:00 AM	89	152	37	82	0.37
7:00-8:00 AM	78	163	32	72	0.33
8:00-9:00 AM	63	178	26	58	0.26
	-	-	-	-	-
7:00-8:00 PM	91	150	38	84	0.38
8:00-9:00 PM	108	133	45	100	0.45
9:00-10:00 PM	101	140	42	94	0.42
10:00-11:00 PM	105	136	44	97	0.44
11:00-12:00 PM	106	135	44	98	0.44

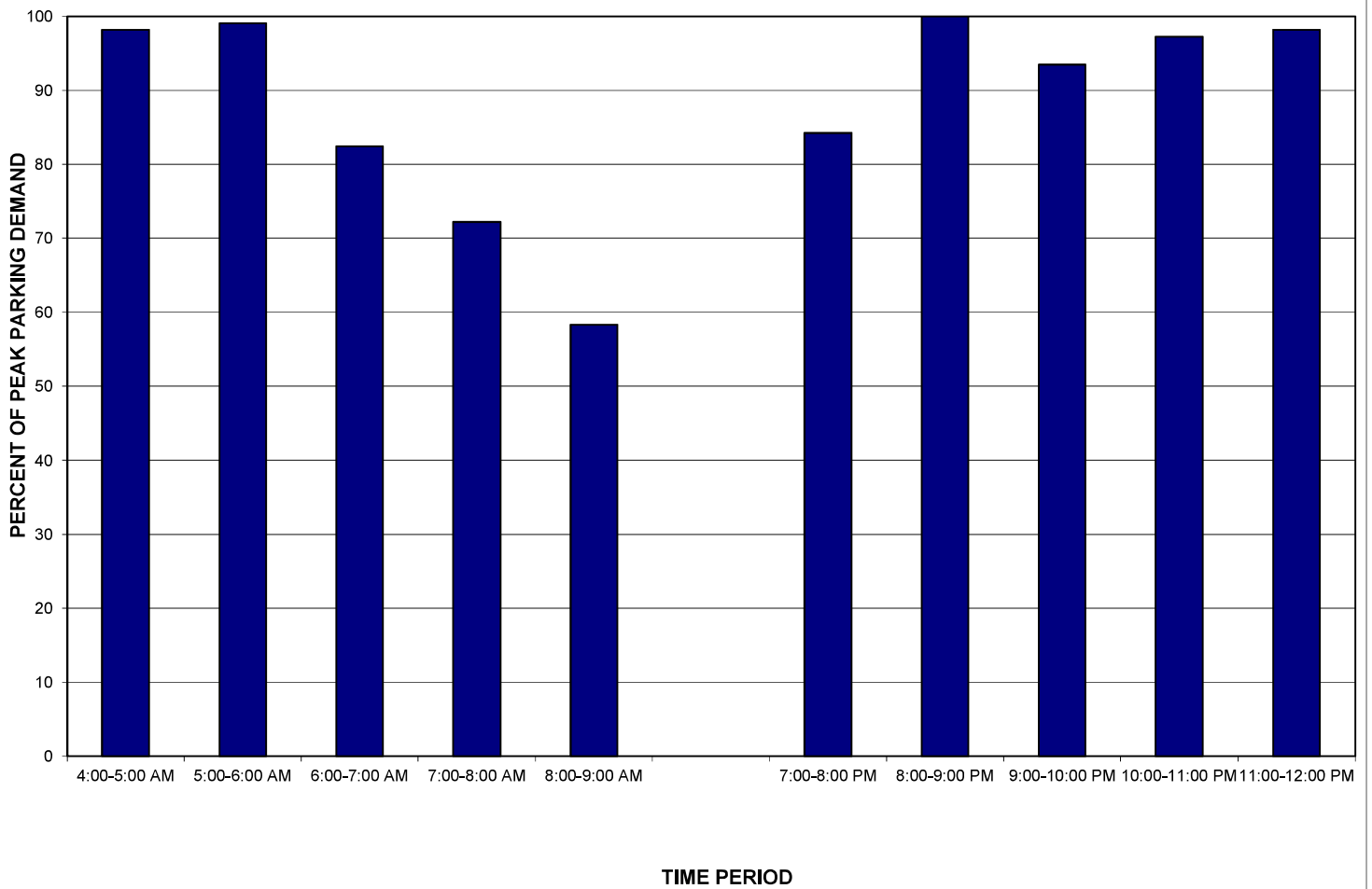
THE PINES APARTMENTS			
Address: 310 W. NEW HAMPSHIRE AVENUE, DELAND, FLORIDA 32720			
Date: 11-13-23		Total Parking Spaces Available = 241	
Time Period	Peak Period Parking Spaces Used	Time Period	Peak Period Parking Spaces Used
4:00:00 AM	105	7:00:00 PM	85
4:05:00 AM	105	7:05:00 PM	91
4:10:00 AM	105	7:10:00 PM	83
4:15:00 AM	105	7:15:00 PM	84
4:20:00 AM	104	7:20:00 PM	85
4:25:00 AM	105	7:25:00 PM	84
4:30:00 AM	105	7:30:00 PM	83
4:35:00 AM	105	7:35:00 PM	83
4:40:00 AM	105	7:40:00 PM	86
4:45:00 AM	105	7:45:00 PM	87
4:50:00 AM	106	7:50:00 PM	88
4:55:00 AM	106	7:55:00 PM	91
5:00:00 AM	107	8:00:00 PM	93
5:05:00 AM	102	8:05:00 PM	94
5:10:00 AM	100	8:10:00 PM	99
5:15:00 AM	97	8:15:00 PM	102
5:20:00 AM	96	8:20:00 PM	103
5:25:00 AM	97	8:25:00 PM	101
5:30:00 AM	98	8:30:00 PM	100
5:35:00 AM	97	8:35:00 PM	106
5:40:00 AM	96	8:40:00 PM	108
5:45:00 AM	95	8:45:00 PM	108
5:50:00 AM	91	8:50:00 PM	106
5:55:00 AM	89	8:55:00 PM	101
6:00:00 AM	87	9:00:00 PM	98
6:05:00 AM	89	9:05:00 PM	99
6:10:00 AM	86	9:10:00 PM	95
6:15:00 AM	85	9:15:00 PM	96
6:20:00 AM	86	9:20:00 PM	97
6:25:00 AM	86	9:25:00 PM	94
6:30:00 AM	85	9:30:00 PM	93
6:35:00 AM	85	9:35:00 PM	97
6:40:00 AM	83	9:40:00 PM	99
6:45:00 AM	82	9:45:00 PM	100
6:50:00 AM	81	9:50:00 PM	100
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7:45:00 AM	67	10:45:00 PM	104
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7:55:00 AM	63	10:55:00 PM	100
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8:10:00 AM	60	11:10:00 PM	103
8:15:00 AM	61	11:15:00 PM	97
8:20:00 AM	63	11:20:00 PM	99
8:25:00 AM	58	11:25:00 PM	103
8:30:00 AM	57	11:30:00 PM	102
8:35:00 AM	53	11:35:00 PM	100
8:40:00 AM	54	11:40:00 PM	101
8:45:00 AM	54	11:45:00 PM	103
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EXHIBIT D

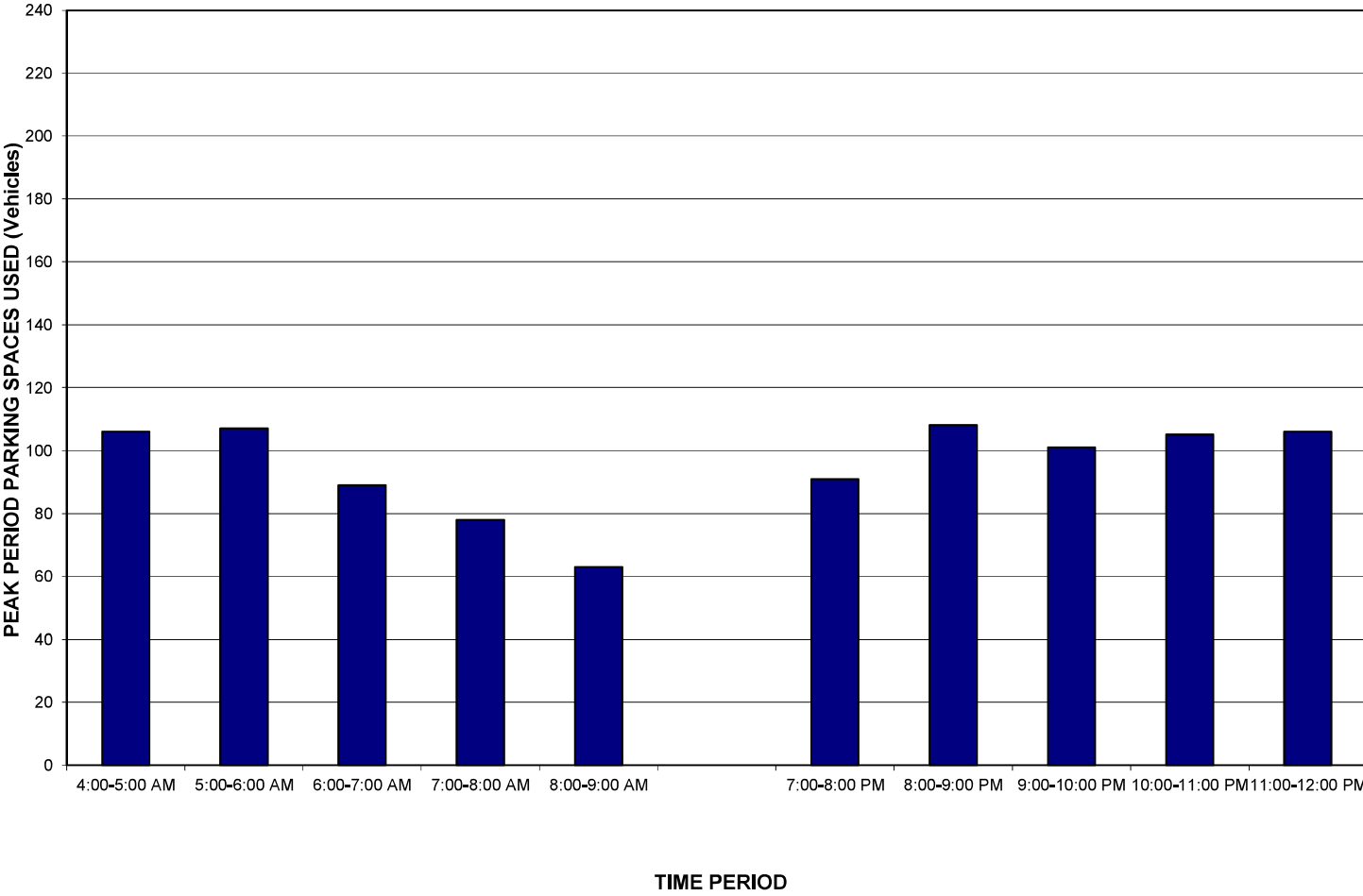
PEAK PERIOD PARKING DEMAND RATIO VS BEDROOMS
THE PINES - 310 W. NEW HAMPSHIRE AVENUE, DELAND, FLORIDA 32720
DATA TAKEN: MONDAY, NOVEMBER 13, 2023



PERCENT OF PEAK PARKING DEMAND
THE PINES - 310 W. NEW HAMPSHIRE AVENUE, DELAND, FLORIDA 32720
DATA TAKEN: MONDAY, NOVEMBER 13, 2023



PEAK PERIOD PARKING SPACES USED
THE PINES - 310 W. NEW HAMPSHIRE AVENUE, DELAND, FLORIDA 32720
DATA TAKEN: MONDAY, NOVEMBER 13, 2023



PEAK PERIOD PARKING LOT OCCUPANCY
THE PINES - 310 W. NEW HAMPSHIRE AVENUE, DELAND, FLORIDA 32720
DATA TAKEN: MONDAY, NOVEMBER 13, 2023

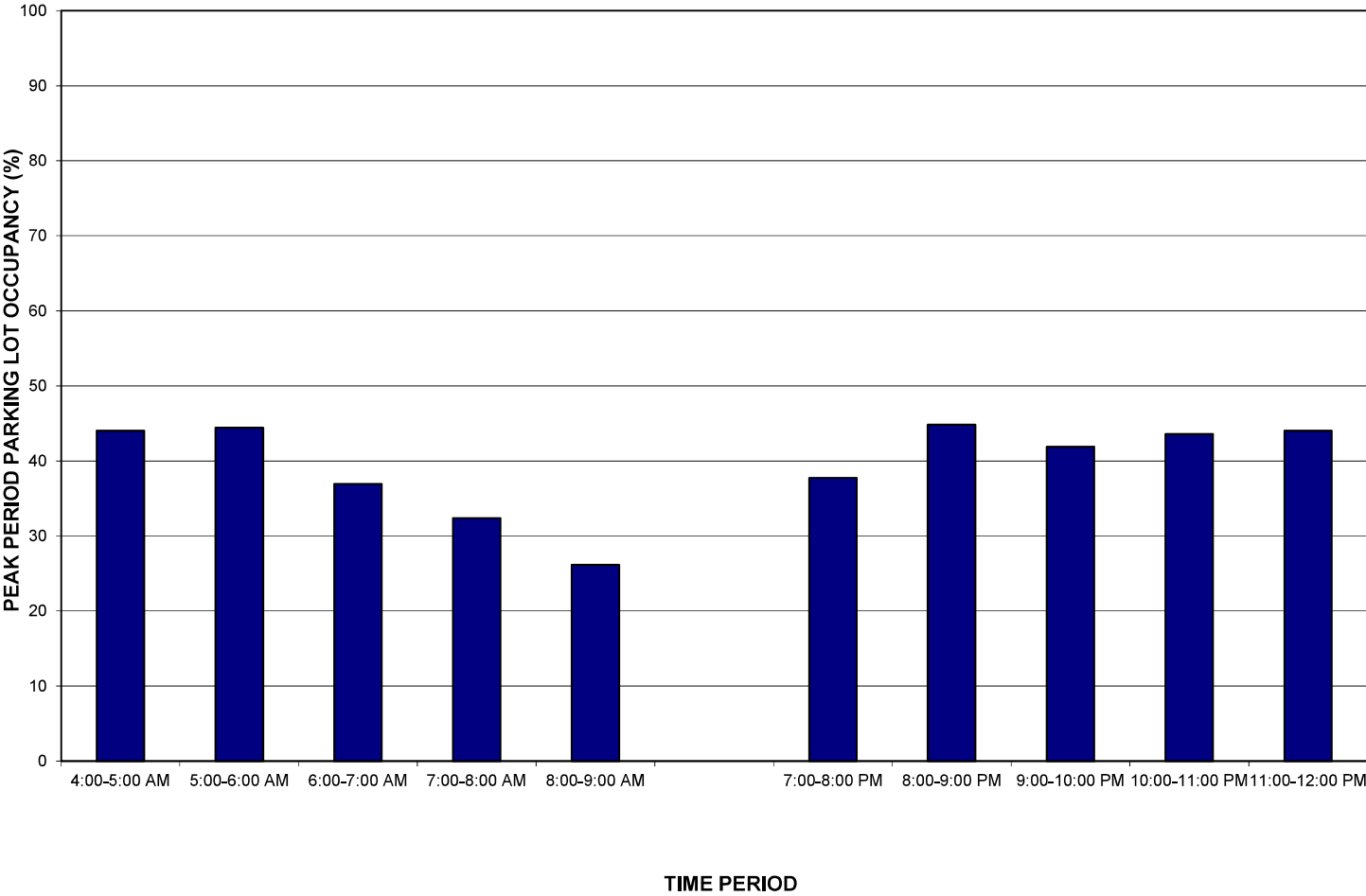


EXHIBIT E

PEAK PERIOD PARKING DEMAND SUMMARY

TAYLOR PLACE - 1575 S. WOODLAND BOULEVARD, DELAND, FLORIDA 32720

TOTAL DWELLING UNITS = 106, NUMBER OF BEDROOMS = 317, AVERAGE SIZE OF DWELLING UNITS = 2.99 BEDROOMS

TOTAL PARKING SPACES AVAILABLE = 263, PARKING SUPPLY = 0.83 PER BEDROOM

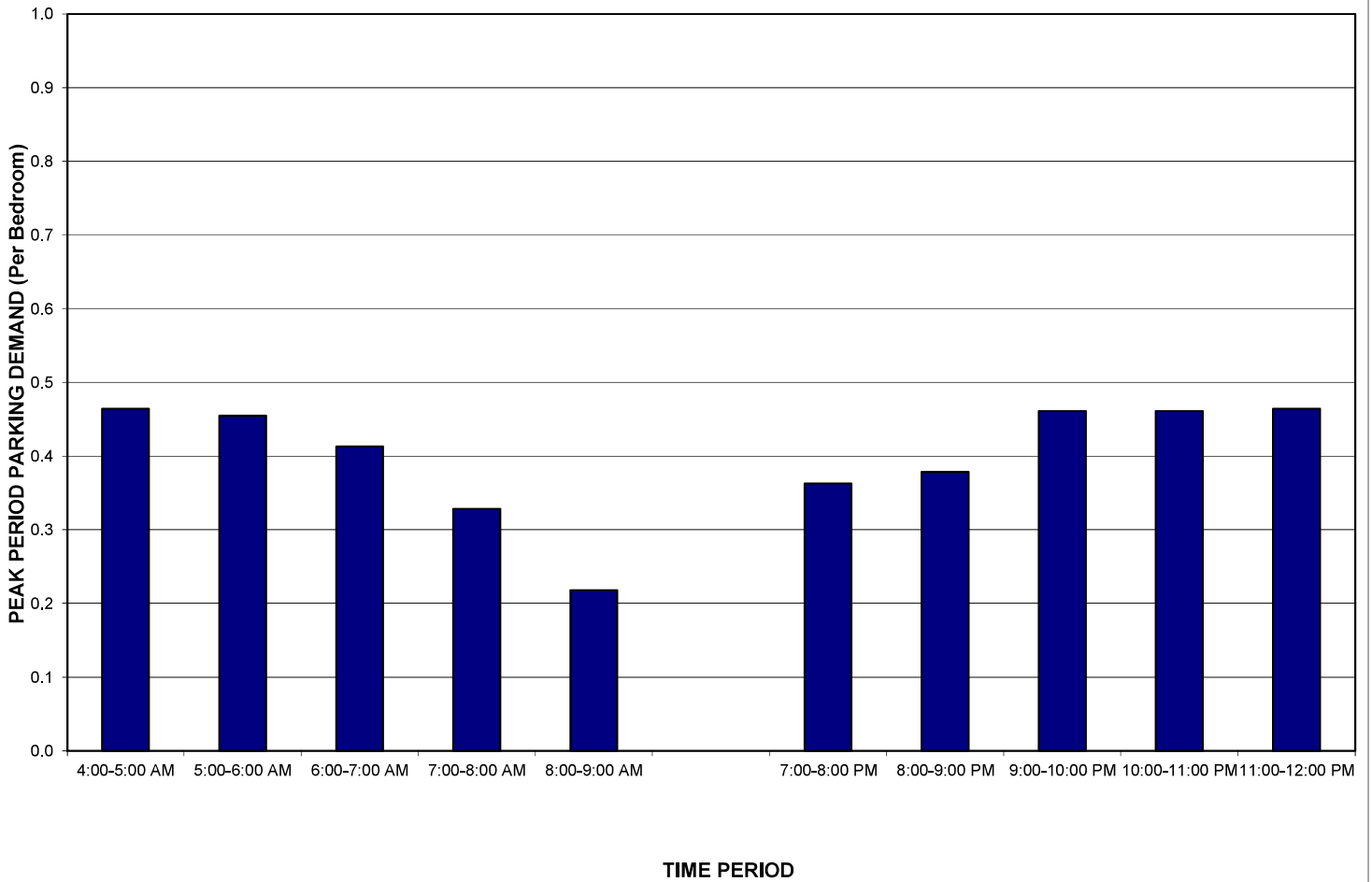
Observations Taken on Tuesday, November 14, 2023

Time Period	Peak Period Parking Spaces Used	Peak Period Unused Parking Spaces	Peak Period Parking Lot Occupancy (%)	Percent of Peak Parking Demand (%)	Peak Period Parking Demand (Per Bedroom)
4:00-5:00 AM	147	116	56	100	0.46
5:00-6:00 AM	144	119	55	98	0.45
6:00-7:00 AM	131	132	50	89	0.41
7:00-8:00 AM	104	159	40	71	0.33
8:00-9:00 AM	69	194	26	47	0.22
	-	-	-	-	-
7:00-8:00 PM	115	148	44	78	0.36
8:00-9:00 PM	120	143	46	82	0.38
9:00-10:00 PM	146	117	56	99	0.46
10:00-11:00 PM	146	117	56	99	0.46
11:00-12:00 PM	147	116	56	100	0.46

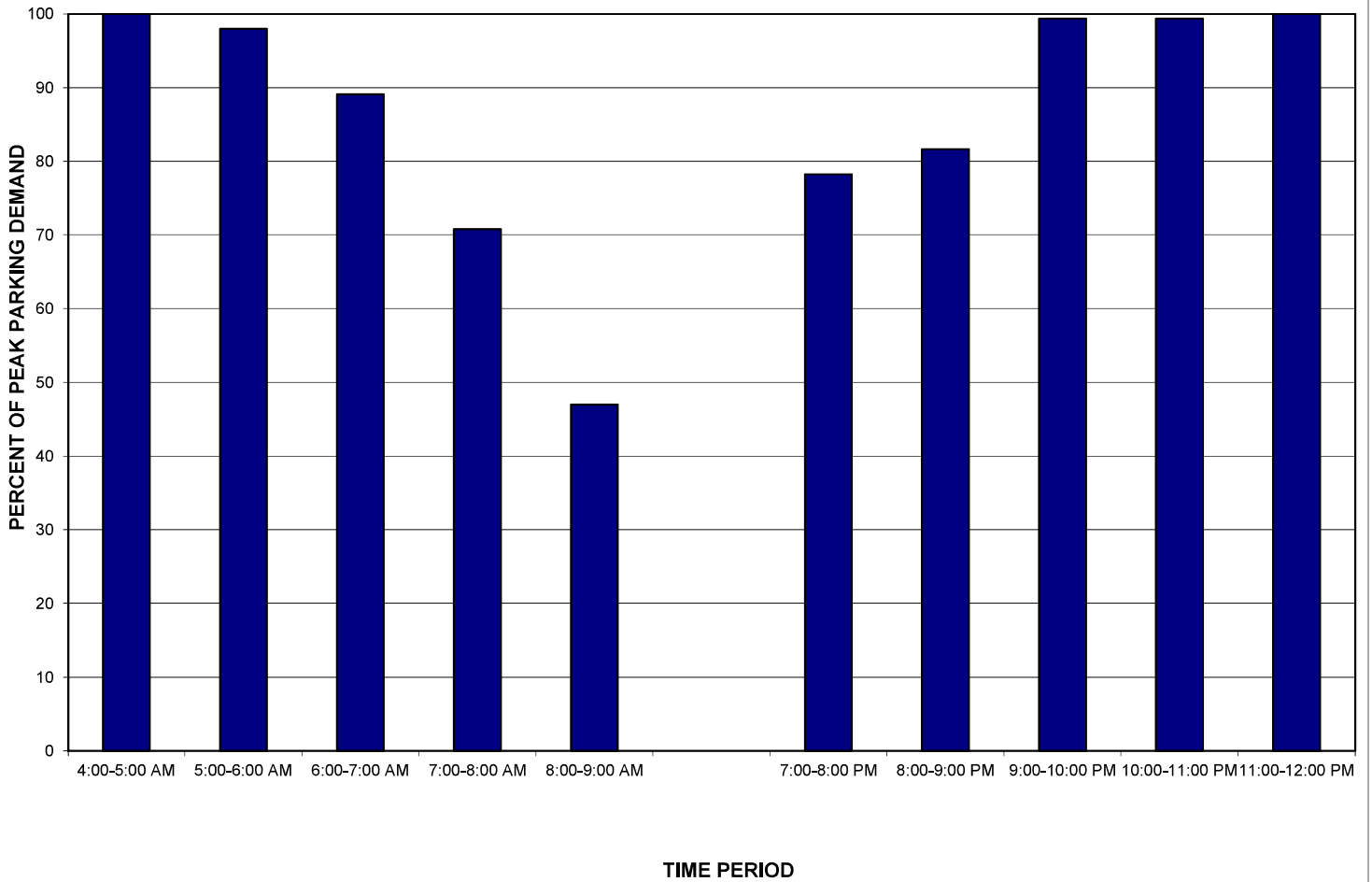
TAYLOR PLACE APARTMENTS			
Address: 1575 S. WOODLAND BOULEVARD, DELAND, FLORIDA 32720			
Date: 11-14-23		Total Parking Spaces Available = 263	
Time Period	Peak Period Parking Spaces Used	Time Period	Peak Period Parking Spaces Used
4:00:00 AM	147	7:00:00 PM	85
4:05:00 AM	147	7:05:00 PM	83
4:10:00 AM	147	7:10:00 PM	87
4:15:00 AM	147	7:15:00 PM	92
4:20:00 AM	147	7:20:00 PM	96
4:25:00 AM	147	7:25:00 PM	97
4:30:00 AM	145	7:30:00 PM	98
4:35:00 AM	145	7:35:00 PM	99
4:40:00 AM	144	7:40:00 PM	101
4:45:00 AM	144	7:45:00 PM	105
4:50:00 AM	144	7:50:00 PM	109
4:55:00 AM	145	7:55:00 PM	115
5:00:00 AM	144	8:00:00 PM	108
5:05:00 AM	143	8:05:00 PM	110
5:10:00 AM	143	8:10:00 PM	113
5:15:00 AM	143	8:15:00 PM	113
5:20:00 AM	142	8:20:00 PM	116
5:25:00 AM	141	8:25:00 PM	120
5:30:00 AM	140	8:30:00 PM	118
5:35:00 AM	138	8:35:00 PM	118
5:40:00 AM	137	8:40:00 PM	118
5:45:00 AM	136	8:45:00 PM	120
5:50:00 AM	134	8:50:00 PM	117
5:55:00 AM	133	8:55:00 PM	117
6:00:00 AM	131	9:00:00 PM	115
6:05:00 AM	128	9:05:00 PM	119
6:10:00 AM	128	9:10:00 PM	120
6:15:00 AM	126	9:15:00 PM	123
6:20:00 AM	125	9:20:00 PM	127
6:25:00 AM	124	9:25:00 PM	131
6:30:00 AM	125	9:30:00 PM	133
6:35:00 AM	119	9:35:00 PM	134
6:40:00 AM	115	9:40:00 PM	138
6:45:00 AM	117	9:45:00 PM	137
6:50:00 AM	111	9:50:00 PM	143
6:55:00 AM	106	9:55:00 PM	146
7:00:00 AM	104	10:00:00 PM	145
7:05:00 AM	101	10:05:00 PM	142
7:10:00 AM	98	10:10:00 PM	140
7:15:00 AM	94	10:15:00 PM	144
7:20:00 AM	91	10:20:00 PM	145
7:25:00 AM	89	10:25:00 PM	143
7:30:00 AM	87	10:30:00 PM	144
7:35:00 AM	84	10:35:00 PM	146
7:40:00 AM	78	10:40:00 PM	145
7:45:00 AM	73	10:45:00 PM	145
7:50:00 AM	71	10:50:00 PM	146
7:55:00 AM	70	10:55:00 PM	143
8:00:00 AM	69	11:00:00 PM	145
8:05:00 AM	67	11:05:00 PM	145
8:10:00 AM	65	11:10:00 PM	146
8:15:00 AM	66	11:15:00 PM	147
8:20:00 AM	66	11:20:00 PM	147
8:25:00 AM	66	11:25:00 PM	142
8:30:00 AM	66	11:30:00 PM	143
8:35:00 AM	60	11:35:00 PM	145
8:40:00 AM	57	11:40:00 PM	145
8:45:00 AM	57	11:45:00 PM	146
8:50:00 AM	51	11:50:00 PM	147
8:55:00 AM	49	11:55:00 PM	147
9:00:00 AM	49	12:00:00 AM	147

EXHIBIT F

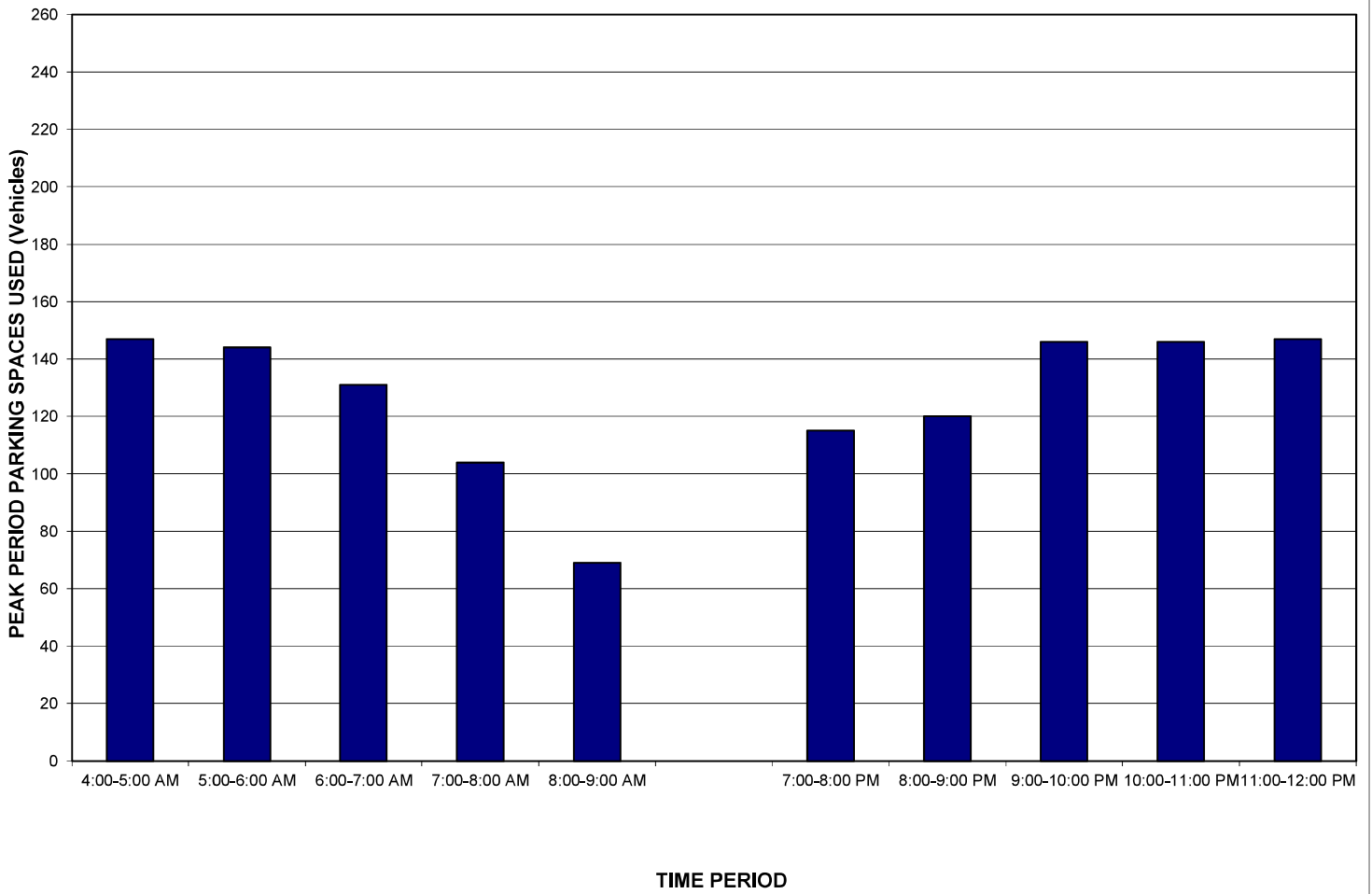
PEAK PERIOD PARKING DEMAND RATIO VS BEDROOMS
TAYLOR PLACE - 1575 S. WOODLAND BOULEVARD, DELAND, FLORIDA 32720
DATA TAKEN: TUESDAY, NOVEMBER 14, 2023



PERCENT OF PEAK PARKING DEMAND
TAYLOR PLACE - 1575 S. WOODLAND BOULEVARD, DELAND, FLORIDA 32720
DATA TAKEN: TUESDAY, NOVEMBER 14, 2023



PEAK PERIOD PARKING SPACES USED
TAYLOR PLACE - 1575 S. WOODLAND BOULEVARD, DELAND, FLORIDA 32720
DATA TAKEN: TUESDAY, NOVEMBER 14, 2023



PEAK PERIOD PARKING LOT OCCUPANCY
TAYLOR PLACE - 1575 S. WOODLAND BOULEVARD, DELAND, FLORIDA 32720
DATA TAKEN: TUESDAY, NOVEMBER 14, 2023

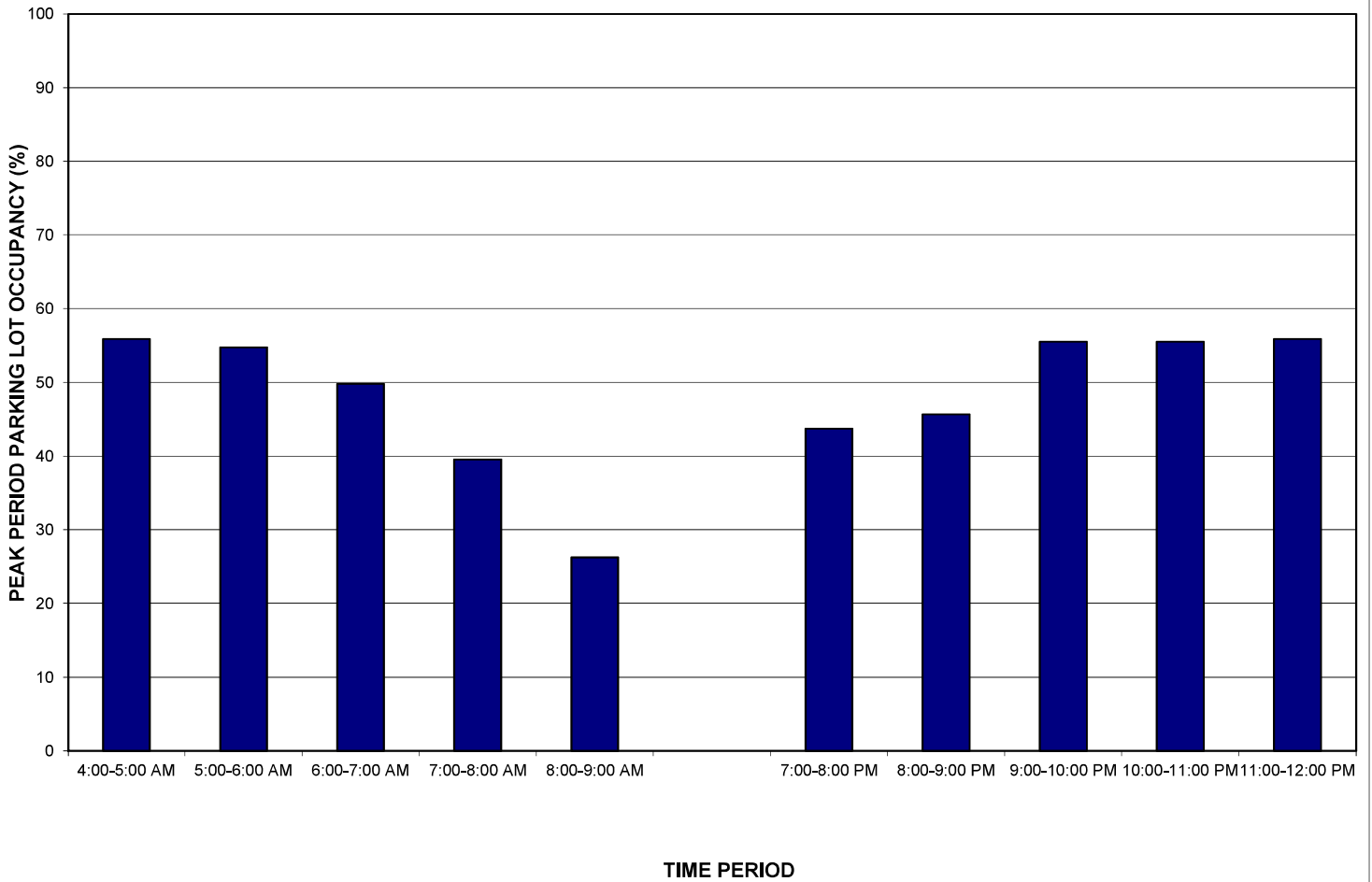


EXHIBIT G

Affordable Housing - Income Limits (223)

Peak Period Parking Demand vs: Bedrooms

On a: Weekday (Monday - Friday)

Setting/Location: General Urban/Suburban

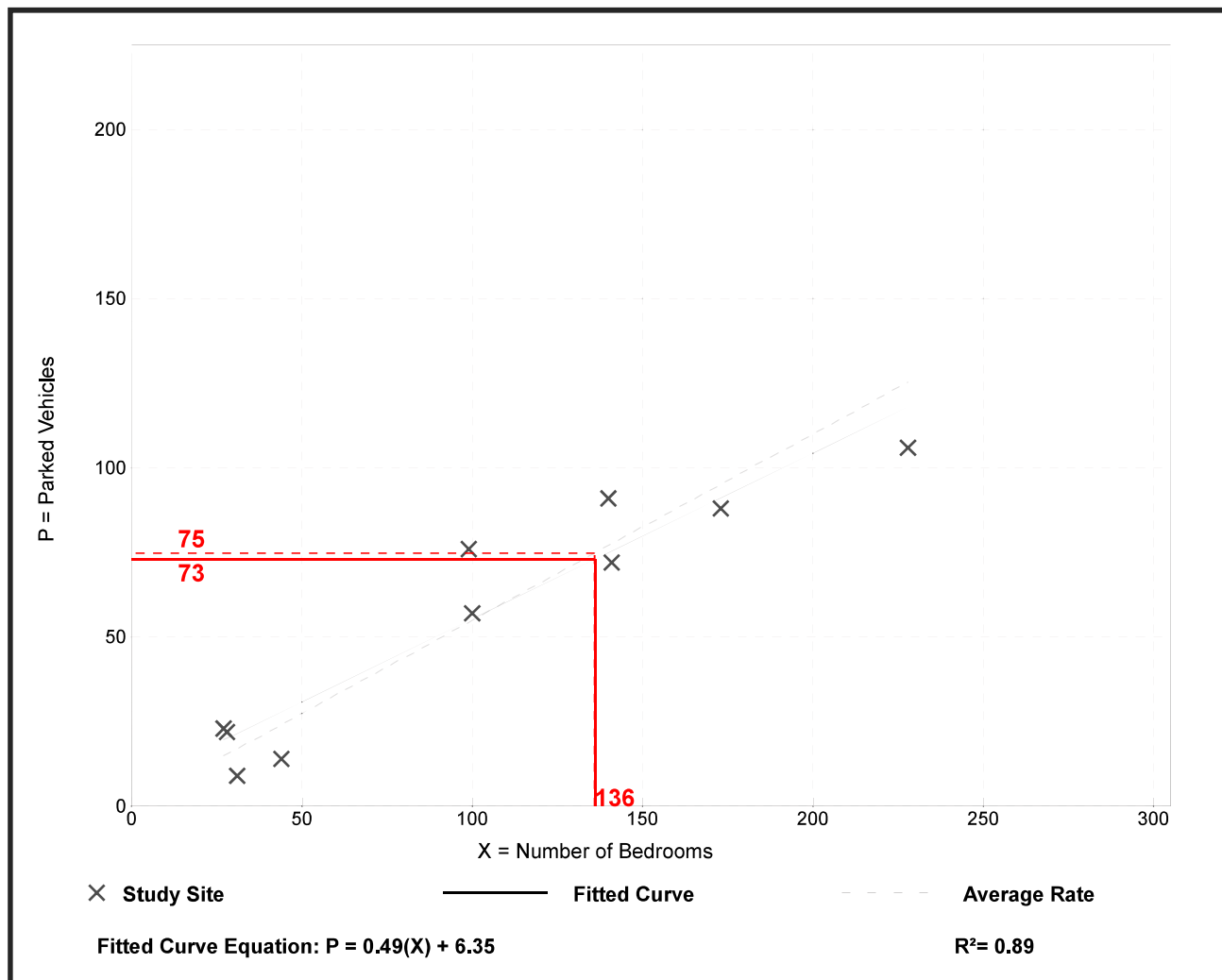
Number of Studies: 10

Avg. Num. of Bedrooms: 101

Peak Period Parking Demand per Bedroom

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
0.55	0.29 - 0.85	0.49 / 0.81	***	0.14 (25%)

Data Plot and Equation



Parking Generation Manual, 6th Edition • Institute of Transportation Engineers

Todd K. Norman
Attorney
T: (407) 669-4300
todd.norman@nelsonmullins.com

390 North Orange Avenue
Suite 1400
Orlando, FL 32801-4961
T: (407) 669-4200 F: (407) 425-8377
nelsonmullins.com

December 11, 2024

Via Certified Mail and Email

City of DeLand
c/o Darren J. Elkind, Esq.
City Attorney
Paul, Elkind, Branz & Paul, LLP
142 E. New York Avenue
Deland, FL 32724-5504
delkind@paulandelkind.com

**RE: Blue Sky Communities, LLC's development of 225 West New York Avenue,
DeLand, Florida**

Dear Mr. Elkind:

This firm has the privilege to represent Blue Ian LLC, an affiliate of Blue Sky Communities LLC (either "Blue Sky") in its proposed development of an affordable housing project at 225 W New York Avenue, DeLand, Florida (the "Development"). As you are aware, there is an ongoing issue regarding the number of proposed parking spaces at the Development. As detailed further below, in the absence of an agreement with the City regarding the number of parking spaces for the Development, Blue Sky will have no choice but to pursue litigation over the issue, including, without limitation, asserting claims for violation of the Federal Fair Housing Act.

The Development and Parking

After the Hotel Putnam was demolished in February 2023, Blue Sky began planning the development of the 1.6 acre site into an affordable housing development. The Development will provide housing for low-income families, and for the first time in recent history would allow that group of people to afford housing in the heart of the Downtown Historic District. The Development is currently under contract and has already been approved for affordable housing funding. The Development design provides for 84 residential units with the following distribution of unit sizes:

- 1-bedroom units: 44
- 2-bedroom units: 28
- 3-bedroom units: 12

- Importantly, of the total 84 units, 13 will be reserved as Permanent Supportive Housing and those residents will most likely not own a car.

The applicable City ordinance requires 188 parking spots based on the foregoing size and number of units. However, given the size of the development and the anticipated actual parking needs of future residents, the Development's current plan incorporates 66 on-site car spaces and 56 bicycle parking spaces. This is sufficient to meet the Development's resident's anticipated needs according to a parking study commissioned by Blue Sky.

Moreover, Blue Sky has worked diligently with Volusia County on a creative and mutually beneficial agreement that will provide Blue Sky with plenty of additional car parking spaces at the County surface lots, contiguous to the Development. The Blue Sky site plan includes vehicular and pedestrian connectivity to the additional spaces, which are just a few steps away from the Blue Sky lot.

To date, Blue Sky has submitted requests to the City for parking waivers and reductions. Additionally, Blue Sky has submitted a parking study which supports Blue Sky's request for a reduction in the number of required parking spaces. The parking studies show that the peak ratio of parking spaces being used per bedrooms for two comparable apartment complexes in DeLand was 0.46. Blue Sky's proposal, which calls for 0.46 parking spaces per bedroom falls well within the peak ranges shown in the parking studies and the studies concluded the proposed number of parking spaces for the Development will adequately meet the Development's future parking demands. Nonetheless, the City has denied all of Blue Sky's requests relating to parking. Part of such denials has been a concerted effort to refute the validity of the parking study. We do not believe that such refutations are persuasive.

After a series of meetings with and submissions to City officials, Blue Sky recently proposed the following solution to address the City's ongoing concerns with parking for the Development:

- Blue Sky and Volusia County would enter into Shared Parking Agreement, which would allow residents of the Development to park in the County owned parking lot located at 235 New York Avenue and 136 N. Florida Avenue (across the street from the Development) at any time other than 8am-5pm Monday-Friday.
- Language to the effect of the following would be added to the City Commission's Approval of the parking variance:
 - Four and a half years after the Development is complete Blue Sky shall provide a study showing (number of cars parked in the Development's lot) + (the number of residents of the Development's cars parked in the County lot). From that sum, Blue Sky would subtract the number of on-site spaces and the difference would be the number of "Deficit Units".
 - Blue Sky will put up a bond or LOC with a ten-year term to cover the Deficit under the following terms:

- The bond or LOC is in favor of the City in the amount of \$10,000 per Deficit Unit. The bond or LOC could then be exercised in the event Volusia County terminates the Shared Parking Agreement.
- In the event Volusia County does in fact terminate the Shared Parking Agreement, then Blue Sky must give the City prompt notice of the termination, Blue Sky must seek alternate spaces to cover the Deficit, and Blue Sky acknowledges that the City will cash in the Bond/LOC described above.
- Blue Sky will contribute \$25,000 to a City-sponsored downtown parking study, if the City so desires.

This proposal creates a framework that should address the City's concerns regarding the number of parking spaces available on site at the Development and would avoid the unreasonable added expenses for the Development that are associated with increasing the number of onsite parking spaces from the currently planned 66 spaces to the 92 spaces (that has been discussed by City officials). Nonetheless, the City has rejected the proposal, citing arbitrary and baseless positions regarding the need for more parking spaces at the Development despite the conclusions drawn from the parking studies. There are other potential frameworks that could be agreed to in a reasonable manner, if the City is willing to make an earnest effort.

Based on comments by City officials, the City's proposed courses of action for Blue Sky are to reduce the number of residential units in the Development or increase the number of parking spaces so there would be enough parking spaces per unit to satisfy the City's requirements. Neither option is practicable. First, reducing the number of units is not allowed. Blue Sky applied for and was awarded approximately \$20 million from the Florida Housing Finance Corporation to build 84 units. Additionally, such a reduction would limit the number of low-income families who can access affordable housing in the Downtown Historic District. Increasing the number of on-site parking spaces, from 66 spaces to 92, which would require increasing the height of the Development from five stories to six stories, is similarly impracticable as it would increase the construction cost by roughly \$1,368,000, plus the costs associated with the redesign of the plans. Not only would the costs associated with increasing the number of on-site parking spaces be detrimental to Blue Sky's development of the Development, but the City of DeLand has already issued a Certificate of Appropriateness for the proposed 5-story building. Therefore, Blue Sky's recent proposal outlined above presents the best option regarding parking for all parties involved.

We understand that the City of DeLand has granted a parking reduction for a market-rate development called DeLand Commons. We also understand that, prior to its demolition, the Hotel Putnam was going to be approved as a 72-unit Market Rate development with only 72 parking spaces.

The Federal Fair Housing Act

In the absence of a reasonable agreement by the City regarding the number of parking spaces for the Development, as requested herein, Blue Sky will have no choice but to bring a

lawsuit against the City for violation of the Federal Fair Housing Act based on the discriminatory effect the City's policy regarding the number of parking spaces for the Development will cause.

Under the Federal Fair Housing Act, liability may be established based on a practice's discriminatory effect, even if the practice was not motivated by a discriminatory intent. 24 CFR § 100.500. "A practice has a discriminatory effect where it actually or predictably results in a disparate impact on a group of persons or creates, increases, reinforces, or perpetuates segregated housing patterns because of race, color, religion, sex, handicap, familial status, or national origin." The Development, which will provide affordable housing to families, will predictably house a larger percentage of racial minority families than the surrounding housing options in the Downtown Historic District. Therefore, the City's refusal to accept the reasonable alternatives proposed by Blue Sky that would make the development feasible will undeniably have a disparate impact on racial minorities and the thirteen residents who would live in the Permanent Supportive Housing units, who will continue to have limited options, if any, to reside in the Downtown Historic District.

If Blue Sky and the City are unable to come to an agreement on parking and Blue Sky is forced to file a lawsuit, it will be Blue Sky's burden to first establish that the City's practice of not providing reasonable parking concessions in the Downtown Historic District for residential developments is predictably resulting in a disparate impact on racial minorities or perpetuates segregated housing patterns because of race. Given Blue Sky's extensive experience developing affordable housing projects, it is well aware that the percentage of residents that are racial minorities are higher in such developments than they are in the surrounding areas. Therefore, the City's actions which are making the Development unfeasible will clearly have a disparate impact on racial minorities.

Once Blue Sky has shown that the City's practices will predictably result in a disparate impact, the burden will shift to the City to show that the practice is necessary to achieve one or more substantial, legitimate, nondiscriminatory interests of the City. The stated purpose and intent of the City's rules regarding the number of parking spaces is as follows:

Off-street parking facilities shall be provided to lessen congestion in the streets, while ensuring safe and efficient movement of traffic, allowing flexibility in addressing vehicle parking, and ensuring that parking needs associated with new development and redevelopment are met without adversely affecting other nearby land uses, vehicle and non-vehicle movement, and surrounding neighborhoods.
The purpose is to provide sufficient parking to accommodate the majority of traffic generated by the range of uses which might be located at the site over time.

City of DeLand Code of Ordinances, Section 33-91.03 (emphasis added). The City's practice of establishing parking requirements based on the number of bedrooms rather than the actual parking needs is not necessary to serve the City's stated purpose for its practice. Specifically, parking needs can be better established through studies demonstrating the actual needs for a particular

development rather than applying the same standards to all developments. Therefore, the City is unlikely to be able to meet its burden of showing its practice relating to the number of parking spaces required for developments is necessary to achieve a substantial, legitimate interest.

Even if the City does meet its burden of showing its practices are necessary to achieve a legitimate interest, the burden will then shift to Blue Sky to show that the City's interest could be served by another practice that has a less discriminatory impact. As already explained, the City's interest could be served by evaluating the actual needs of each project, rather than setting forth requirements that do not account for the specific needs of a project. Here, the City could do just that by accepting Blue Sky's proposal which is supported by the parking study and its supplement. Once Blue Sky meets this burden, it will have established the City's liability under the Fair Housing Act.

The foregoing outlines the likely path to establishing the City's liability for its violation of the Federal Fair Housing Act based on the resulting disparate impact caused by the City's process for establishing the number of parking spaces for the Development. Additionally, although there is no evidence to date, certain City officials have made comments in passing that indicate a general concern about affordable housing being built in the Downtown Historic District. Based on these comments, it is entirely possible that discovery in the litigation process could expose an actual discriminatory intent for the City's decision-making process that makes it impracticable for an affordable housing development to be constructed across the street from City Hall and within the Downtown Historic District. Obviously, if such an intent is uncovered, it will serve as a separate basis for the City's liability.

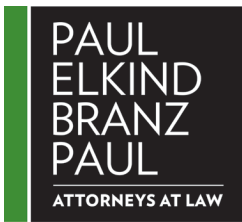
Based on the foregoing, I implore the City to reconsider Blue Sky's most recent parking proposal, as outlined above. If the parties cannot come to an agreement within fourteen (14) days of the date of this letter that permits Blue Sky to proceed with the Development as planned, we will have no choice but to pursue litigation.

Very truly yours,

Todd K. Norman

Todd K. Norman

TKN:JM



Darren J. Elkind*‡ | Matthew D. Branz | Christopher B. Paul | Melissa Morgan Paul
Aeriel A. McCann
Of counsel: Harlan L. Paul

*Board Certified Specialist – City, County & Local Government Law

‡Board Certified Specialist – Civil Trial Law

January 31, 2025

VIA EMAIL ONLY todd.norman@nelsonmullins.com

Todd K. Norman, Esquire
Nelson Mullins Riley & Scarborough LLP
390 North Orange Avenue
Suite 1400
Orlando, FL 32801-4961

Re: Blue Sky Communities, LLC's development of 225 West New York Avenue
DeLand, Florida

Mr. Norman:

With this letter I am responding to your letter dated December 11, 2024, in which you stated essentially that if the City of DeLand does not accede to your client's demands for significantly reduced parking, your client would proceed to file a disparate impact claim under the Fair Housing Act. At the outset, I would point out that your letter completely ignores the fact that the City has repeatedly notified your client since day one that its proposed project was grossly deficient in the amount of parking proposed for the site – admonitions which your client simply chose to ignore. Please see the first attachment to this letter in which the City notified your client of the parking issue before your client had received funding to develop this site. Even prior to that time, and from your client's initial investigatory meetings with City staff, the insufficiency of the parking has been pointed out to your client and its representatives. The parking problem has been reiterated at every meeting and in every review since.

I would also note that your letter references the parking waiver fairly recently granted to another downtown apartment project. That project contains 1.39 parking spaces per apartment, whereas your client's project has just over half that ratio at 0.78 parking spaces per apartment. Your client has been advised that if it were to provide a parking ratio at close to the 1.39 spaces per unit, it would likely be recommended for approval, but your client refuses to do so. Your client wants to provide approximately one third of the required car parking spaces, with a significant reduction being given for bicycle parking spaces. Your client's proposal to provide the bulk of its required parking in spaces which are only available during nights and weekends in the adjacent County owned lot is not a tenable solution to the parking shortage at this site. Your client's offer to put up a grossly insufficient bond to address the parking shortage does nothing to solve the on-site parking problem. Your client simply chose to ignore the parking shortage which, given what you

DeLand Office
142 E. New York Avenue
DeLand, FL 32724
P: 386.734.3020

Miami Office (available by appointment)
1031 Ives Dairy Road, Suite 228
Miami, FL 33179
P: 305.459.0749

paulandelkind.com

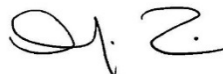
refer to in your letter as “Blue Sky’s extensive experience developing affordable housing projects,” should have been an issue it addressed before proceeding to this point.

Turning to your comments on the disparate impact of requiring your client to provide the residents of the proposed project with sufficient parking, the facts pretty obviously belie any disparate impact on racial minorities. Although not necessarily germane to the disparate impact analysis, I would point out that the 13 units which are reserved for permanent supportive housing units are going to be occupied through an agreement with the Neighborhood Center. The largest and most modern building on the Neighborhood Center’s campus, the “Bridge,” was constructed by the City and is operated by the Neighborhood Center through a contract with the City. So, the City is intimately familiar with the needs of its residents and in particular the people who will likely occupy those 13 units. Although not all of the residents in these 13 units will come from or through the Bridge, the demographic makeup of the folks that have historically resided at the Bridge is an excellent indicator of the racial makeup of the folks that will live in the 13 permanent supportive housing units in your client’s project. 66% of the people that stayed at the Bridge in 2024 identify as white. Moreover, while I have not collected any empirical data for the demographic make-up of the residential population within the vicinity of your client’s project, everyone in this community knows that the historic neighborhood to the south of your client’s project has a large African American population. The data that we have looked at does not appear to support your hypothesis that providing a reasonable amount of parking for the residents of your client’s project will have a disparate impact on the ability of racial minorities to live in this area.

The City’s refusal to allow construction of an apartment building without anywhere near the amount of parking required for the building’s residents is just good planning which protects the future residents. As the Supreme Court has made clear “[z]oning officials, moreover, must often make decisions based on a mix of factors, both objective (such as cost and traffic patterns) and, at least to some extent, subjective (such as preserving historic architecture). These factors contribute to a community’s quality of life and are legitimate concerns.” *Texas Dept. of Hous. and Community Affairs v. Inclusive Communities Project, Inc.*, 576 U.S. 519, 542 (2015). The City’s decision to take action to ensure a reasonable quality of life for ALL of its residents, to include having a place to park when they come home, is absolutely consistent with the law.

This is the City’s position on the matter, as was made clear at the last hearing on this application. However, should you have any additional information or questions you wish to discuss, you are welcome to contact me directly at any time.

Very truly yours,



Darren J. Elkind, Esquire

DJE/cal
Enclosure
#12339

**FLORIDA HOUSING FINANCE CORPORATION
LOCAL GOVERNMENT VERIFICATION THAT DEVELOPMENT IS
CONSISTENT WITH ZONING AND LAND USE REGULATIONS**

Name of Development: New York Avenue Apartments

Development Location: 225 W New York Ave, DeLand

(At a minimum, provide the address number, street name and city, and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county). The location of all Scattered Sites, if applicable, must also be included.

Number of Units in the Development: 84* (see below)

This number must be equal to or greater than the number of units stated by the Applicant in Exhibit A of the RFA.

The undersigned service provider confirms that, as of the date that this form was signed, the above referenced Development's proposed number of units, density, and intended use are consistent with current land use regulations and zoning designation, or was approved pursuant to sections 125.01055(6) and 166.04151(6), Florida Statutes, or, if the Development consists of rehabilitation, the intended use is allowed as a legally non-conforming use.

CERTIFICATION

I certify* that the City/County of DeLand has vested in me the authority to verify
(Name of City/County)

consistency with local land use regulations and zoning designation or, if the Development consists of rehabilitation, the intended use is allowed as a "legally non-conforming use" and I further certify that the foregoing information is true and correct. In addition, if the proposed Development site is in the Florida Keys Area as defined in Rule Chapter 67-48, F.A.C., I further certify that the Applicant has obtained the necessary Rate of Growth Ordinance (ROGO) allocations from the Local Government.

Carol Kuhn

Signature

Carol Kuhn, AICP

Print or Type Name

Planning Director

Print or Type Title

May 3, 2023

Date Signed

120 South Florida Avenue

Address (street address, city, state)

DeLand, FL 32720

Address (street address, city, state)

(386) 626-7025

Telephone Number (including area code)

*In order to receive approval to construct up to 84 units on this site, discretionary approvals would be required from the City Commission for parking reductions. There may be other discretionary approvals required for other elements of the project due to the limited size of the site.

The site is within a designated historic district and must meet all applicable design requirements and receive a certificate of appropriateness from the City's Historic Preservation Board.

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, appointed official (staff) responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County Manager/Administrator/Coordinator. Signatures from elected local government officials are not acceptable, nor are other signatories. If there are alterations made to this form that change the meaning of the form, the form will not be accepted.



Memorandum

DATE: April 17, 2025
TO: MAYOR AND COMMISSIONERS
FROM: JULIE A. HENNESSY, CITY CLERK
RE: Announcement of Board Vacancies

HISTORIC PRESERVATION BOARD

Three (3) seats on the HPB are vacant. The Board shall have seven members appointed by the City Commission to serve for a period of three (3) years. At least four (4) of the seven members shall be residents of the City of DeLand. Three (3) members may be non-residents who own land in the Historic District. One member of the Board shall be a registered architect, if available. The remaining six appointments shall be made on the basis of civic pride, integrity, experience, and interest in the field of historic preservation. Should, whenever possible, appoint a representative from each of the following areas of expertise:

- (a) History
- (b) Real estate or real property appraisal
- (c) Urban planning and engineering
- (d) Building construction

POWERS AND DUTIES:

- (1) Update the official inventory of cultural resources and submit to the City Commission recommendations and documentation concerning the updating.
- (2) Develop programs to stimulate public interest in urban neighborhood conservation, to participate in the adaptation of existing codes, ordinances, procedures, and programs to reflect urban neighborhood conservation policies and goals.
- (3) Explore funding and grant sources and advise property owners concerning which might be available for identification, protection, enhancement, perpetuation, and use of historic, architectural, archeological, and cultural resources.
- (4) Cooperate with agencies of city, county, regional, state and federal governments in planning proposed and future projects to reflect

- historic preservation concerns and policies, and assist in the development of proposed and future land use plans.
- (5) Advise property owners and local governmental agencies concerning the proper protection, maintenance, enhancement, and preservation of cultural resources.
 - (6) Advise the City Commission concerning the effects of local governmental actions on cultural resources.
 - (7) Review and recommend the designation of sites, buildings, structures, objects, and districts, both public and private, as historically or architecturally significant.
 - (8) Approve or deny petitions for certificates of appropriateness required under the historic preservation regulations.
 - (9) Notify the Planning Director who shall take appropriate action when it appears that there has not been compliance with the historic preservation regulations.
 - (10) Assist in developing a historic preservation element to be incorporated into the City of DeLand's Comprehensive Plan and, if necessary, make recommendations for amendments to historic preservation goals, objectives and policies in the plan.

DELAND PLANNING BOARD

Three (3) seats on the DeLand Planning Board are vacant. Shall consist of seven members who shall be residents of the City, who shall be appointed by the City Commission. The terms of the members shall be four years. Each year a chairman is elected from among the members.

POWERS:

- (a) To acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions.
- (b) To prepare, amend and revise a comprehensive and coordinated general plan for meeting present requirements and such future requirements as may be foreseen.
- (c) To establish principles and policies for guiding action in the development of the area.
- (d) To prepare and recommend for adoption to the governing authority a zoning ordinance and map for its political jurisdiction.
- (e) To amend or supplement the zoning regulations and districts adopted.
- (f) To prepare and recommend to the governing body, other ordinances and resolutions promoting orderly development, along the lines indicated in the comprehensive plan for the growth and improvement of the area.
- (g) To determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan.

- (h) To conduct public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of the comprehensive plan.
- (i) To make, cause to be made or obtain special duties on the location, condition and adequacy of specific facilities of the area.
- (j) To keep the governing body and the general public informed and advised as to these matters.
- (k) To perform any other duties which may be lawfully assigned to it by the City Commission.

Requires filing of Annual Financial Form (Form 1). [Charter Section 78; Ordinance Number: 67-6, 88-07, 2005-34, 2007-46.]

Beresford Reserve Brownfield Advisory Committee

Seat 5 of the Beresford Reserve Brownfield Advisory Committee is vacant. Shall consist of 5 members, appointed by the City Commission to serve for the duration of the Committee, unless a different term shall be set by the City Commission. The City Commission may appoint or remove members of the Committee at any time. The members may or may not be City residents, but should have a relation to the area in which the Committee has jurisdiction such as a resident, business owner, property owner, and the City Commission should strive to appoint one or more members with training or expertise in the fields of environmental science and economic development.

The Brownfield Advisory Committee shall:

- (1). Be responsible for making recommendations to the City Commission regarding brownfields within the City.
- (2). Receive public comment on the rehabilitation and redevelopment of brownfields areas, future land use, local employment opportunities, community safety and economic justice. The Committee will also review outreach efforts and materials.
- (3). Review and recommend ways to encourage public interest and participation in the brownfields initiatives of the City.
- (4). Invite persons to its meetings in an effort to provide local knowledge concerning the location of potentially contaminated sites and the possibility of redevelopment.
- (5). Provide periodic reports to the City Commission either when directed to do so by the City Commission or the City Manager or on its own accord.
- (6). Otherwise perform the functions set forth in Section 376.80(4), Florida Statutes.

cc: Carol Kuhn-Planning Director
Rick Werbiskis- Community Development Director
Vivian Ford-Admin Coordinator
Emily Kunkel-Senior Planner/Historic Resource Coordinator