



**CITY OF DELAND**  
**REGULAR MEETING OF THE PLANNING BOARD**  
**APRIL 20, 2022 AT 5:00 PM**  
**CITY HALL, COMMISSION CHAMBERS**  
**120 SOUTH FLORIDA AVENUE**

**AGENDA**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**VERBAL REPORT ON CITY COMMISSION MEETINGS**

**MINUTES**

1. Approval of the minutes from the March 9, 2022 special meeting.
2. Approval of the minutes from the March 16, 2022 meeting.

**VARIANCE OLD BUSINESS**

**VARIANCE NEW BUSINESS**

1. Applicant Name: Nathaniel Hillery  
Project Number: V21-064  
Project Location: 618 W. Voorhis Ave.  
Project Description: Variance to: Change side set back from 10' to 5' on east side of property and the street side setback from 20' to 12.6' on west side of property
2. Applicant Name: Hugo F. Toloza  
Project Number: V22-048  
Project Location: 620 E. Division St.  
Project Description: Variance to: Reduce required side yard setbacks from 10' to 7.5' and allow for the building of house without a garage
3. Applicant Name: Diane Eckert  
Project Number: V22-055  
Project Location: 117 Parkhurst Ln.  
Project Description: Variance to: Increase the maximum impervious surface from 40% to 45% to obtain a permit to build a pool on the property

**PUBLIC PARTICIPATION PROCEEDINGS**

**PLANNING - OLD BUSINESS**

**PLANNING - NEW BUSINESS**

1. Applicant Name: Michael Woods  
Project Number: AN22-066 – Annexation for The Oaks Community  
Project Location: 6.73 acres located on the east side of S. Blue Lake Ave., south of Saffron Trail  
Project Description: Annex 6.73 acres
2. Applicant Name: Michael Woods  
Project Number: SMLU22-067 – Comprehensive Plan Amendment for The Oaks Community  
Project Location: 6.73 acres located on the east side of S. Blue Lake Ave., south of Saffron Trail  
Project Description: Change of FLU from County ULI to City ULI
3. Applicant Name: Michael Woods  
Project Number: Z22-040  
Project Location: 51.86 acres located generally at the southeast corner of Voorhis Ave. & S. Blue Lake Ave.  
Project Description: To incorporate existing The Oaks Community & The Oaks PD with additional property into a single PD
4. Applicant Name: Sarah Hancock  
Project Number: SE22-056 – Special Exception for Use of Liquor License  
Project Location: 148 W. New York Ave.  
Project Description: Allow for special exception for use of a 4COP liquor license
5. Applicant Name: Ivan Moreno  
Project Number: SSB22-035  
Project Location: DeLand Townhomes 422 E. Beresford Ave.  
Project Description: Subdivision Sketch for Residential Townhomes (48 townhomes) on 5.96 acres

## **OTHER BUSINESS**

## **ADJOURNMENT**



**CITY OF DELAND  
PLANNING BOARD SPECIAL MEETING  
MINUTES  
WEDNESDAY, MARCH 9, 2022 -5:00 P.M.  
CITY HALL**

**CALL TO ORDER**

The meeting began at 5:00 p.m.

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance – Ms. Comella, *Chairperson*

**ROLL CALL**

|                                       |         |
|---------------------------------------|---------|
| Nora Lewis                            | Present |
| Don Liska                             | Present |
| Buz Nesbit                            | Present |
| Dan Reed                              | Absent  |
| Albert Neumann                        | Present |
| Jeremy Owens, <i>Vice Chairperson</i> | Present |
| Virginia Comella, <i>Chairperson</i>  | Present |

**Quorum: Yes**

Present – Mike Holmes, Planning Director; Rick Werbiskis, Community Development Director; Darren Elkind, City Attorney; MarLa Ivey, Community Development Coordinator; Vivian Ford, Administrative Coordinator; and members of the public.

**PUBLIC PARTICIPATION PROCEEDINGS**

Ms. Comella read the Public Participation procedures.

**PLANNING – OLD BUSINESS**

None.

**PLANNING – NEW BUSINESS**

1. Land Development Regulations Changes to Address Housing and Nonconforming Conditions.

Public Participation: Staff presented proposed changes. Members of the public provided comments and spoke in favor: Randy Jenkins, Executive Director and COO of West Volusia Habitat for Humanity says the proposed changes should be more flexible as to minimum house size and setbacks; Solomon Greene spoke in support of, believes allowing ADUs will be most beneficial part of updated LDRs; Mark Watts supports the proposed changes; Wendy Anderson supports proposed changes and believes the proposed required minimums could be reduced further; Reggie Williams supports the proposed changes except he would like to also address concerns for smaller lots wherein setback requirements are an issue. Staff responded to questions from the Board.

Mr. Owens moved to recommend approval to City Commission, subject to including comments from Chairperson Comella's written notes. Ms. Lewis seconded the motion. The motion was approved by a vote of 5-1 with member Neumann dissenting.

### **OTHER BUSINESS**

None.

### **ADJOURNMENT**

The meeting ended at 6:45 p.m.





**CITY OF DELAND  
PLANNING BOARD REGULAR MEETING  
MINUTES  
WEDNESDAY, MARCH 16, 2022 -5:00 P.M.  
CITY HALL**

**CALL TO ORDER**

The meeting began at 5:00 p.m.

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance – Ms. Comella, *Chairperson*

**ROLL CALL**

|                                       |         |
|---------------------------------------|---------|
| Nora Lewis                            | Present |
| Don Liska                             | Present |
| Buz Nesbit                            | Present |
| Dan Reed                              | Present |
| Albert Neumann                        | Absent  |
| Jeremy Owens, <i>Vice Chairperson</i> | Present |
| Virginia Comella, <i>Chairperson</i>  | Present |

**Quorum: Yes**

Present – Darren Elkind, City Attorney; Belinda Williams-Collins, Senior Planner; Kendall Story, Senior Planner; MarLa Ivey, Community Development Coordinator; Vivian Ford, Administrative Coordinator; applicant; and 1 member of the public.

**VERBAL REPORT ON CITY COMMISSION MEETINGS**

Ms. Collins gave the report.

**MINUTES**

Mr. Owens moved to approve the February 16, 2022 Meeting Minutes with the following correction. Ms. Lewis seconded the motion. The motion passed unanimously.

*Correction:* Ms. Comella asked that the minutes be revised to name members of the public and include a summary of their testimony.

## **VARIANCE OLD BUSINESS**

None.

## **VARIANCE NEW BUSINESS**

None.

## **PUBLIC PARTICIPATION PROCEEDINGS**

Ms. Comella read the Public Participation procedures.

## **PLANNING – OLD BUSINESS**

None.

## **PLANNING – NEW BUSINESS**

1. Applicant Name: Kelly Kazmierczak  
Project Number: SE22-024 – Special Exception  
Project Location: +/- .264 acres located at 515 W Florence Ave  
Project Description: Accessory Dwelling Unit

Public Participation: Kelly Kazmierczak, applicant, spoke and answered questions from the Board.

Mr. Reed moved to recommend approval to City Commission. Mr. Nesbit seconded the motion. The motion passed unanimously.

## **OTHER BUSINESS**

1. Appointment of Joint City-County Coordinating Committee members.

Ms. Comella requested an explanation of the committee and member duties. Mr. Elkind provided an explanation of same. Messrs. Nesbit, Owens and Liska volunteered to be on the committee.

## **ADJOURNMENT**

The meeting ended at 5:20 p.m.

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

**April 20, 2022**

**A. APPLICATION NO:** V21-064

**APPLICANT:** Nathaniel Hillery (Applicant)

**REQUEST:** To change side street set back on west side of property from 20' to 12.6' and change side set back on east side of property from 10' to 5'.

**APPLICABLE ORDINANCES:** **Sec. 33-87.02(d) (4).** *Setbacks, building separation, and lot coverage.* **Sec. 33-17.05 R-1—Single-Family Dwelling District**

**B. SITE FACTORS:**

**LOCATION:** 618 W Voorhis Ave.

**PARCEL SIZE:** +/- 7500' Square Feet

**EXISTING ZONING/USE:** R-1 Single-Family Residential

| Required Minimum Setbacks in Feet |      |      |             |
|-----------------------------------|------|------|-------------|
| Front                             | Rear | Side | Street Side |
| 30'                               | 25'  | 10'  | 20'         |



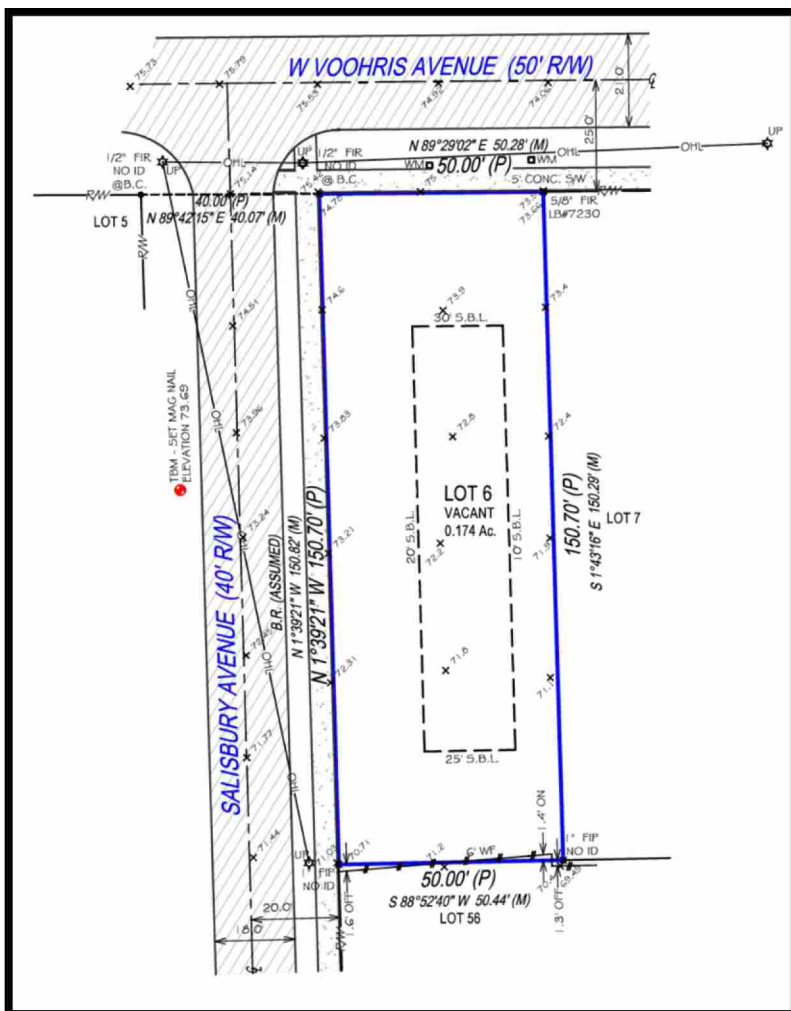
|        | SURROUNDING USE:          | SURROUNDING ZONING: |
|--------|---------------------------|---------------------|
| NORTH: | Single-Family Residential | R-1                 |
| SOUTH: | Single-Family Residential | R-1                 |
| EAST:  | Single-Family Residential | R-1                 |
| WEST:  | Single-Family Residential | R-1                 |

DOES THE APPLICANT OWN PROPERTY WHICH IS ADJACENT TO THE PROPERTY FOR WHICH HE OR SHE SEEKS A VARIANCE? Yes ☐ No ☒

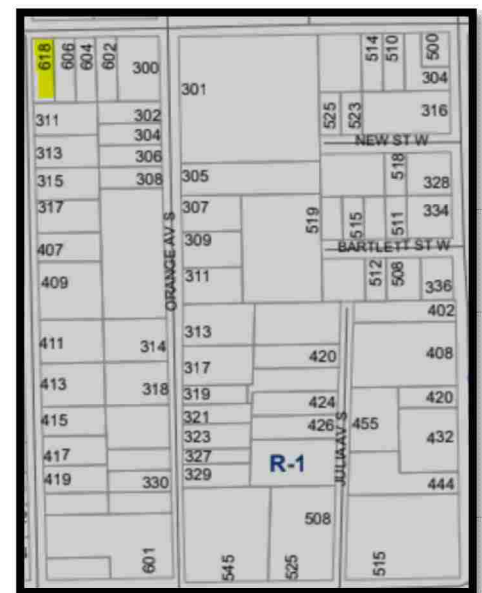
**C. LAND USE PLAN DESIGNATION:** Medium Density Residential

**CHRONOLOGY:** The property located on West Voorhis Ave is in the R-1 Single Family Residential Zone. The applicant is seeking a variance to change side street set back on west side of property from 20' to 12.6' and change side set back on east side of property from 10' to 5'. Per the property appraiser, the parcel is currently vacant and under single ownership.

The current side street setback for this zone (R-1) is 20' feet. The proposed change suggests 12.6' feet. The current side setback for this zone (R-1) is 10' feet. The proposed change would make the new side setback 5' feet. The applicant is planning on building a single-family home on this vacant land.



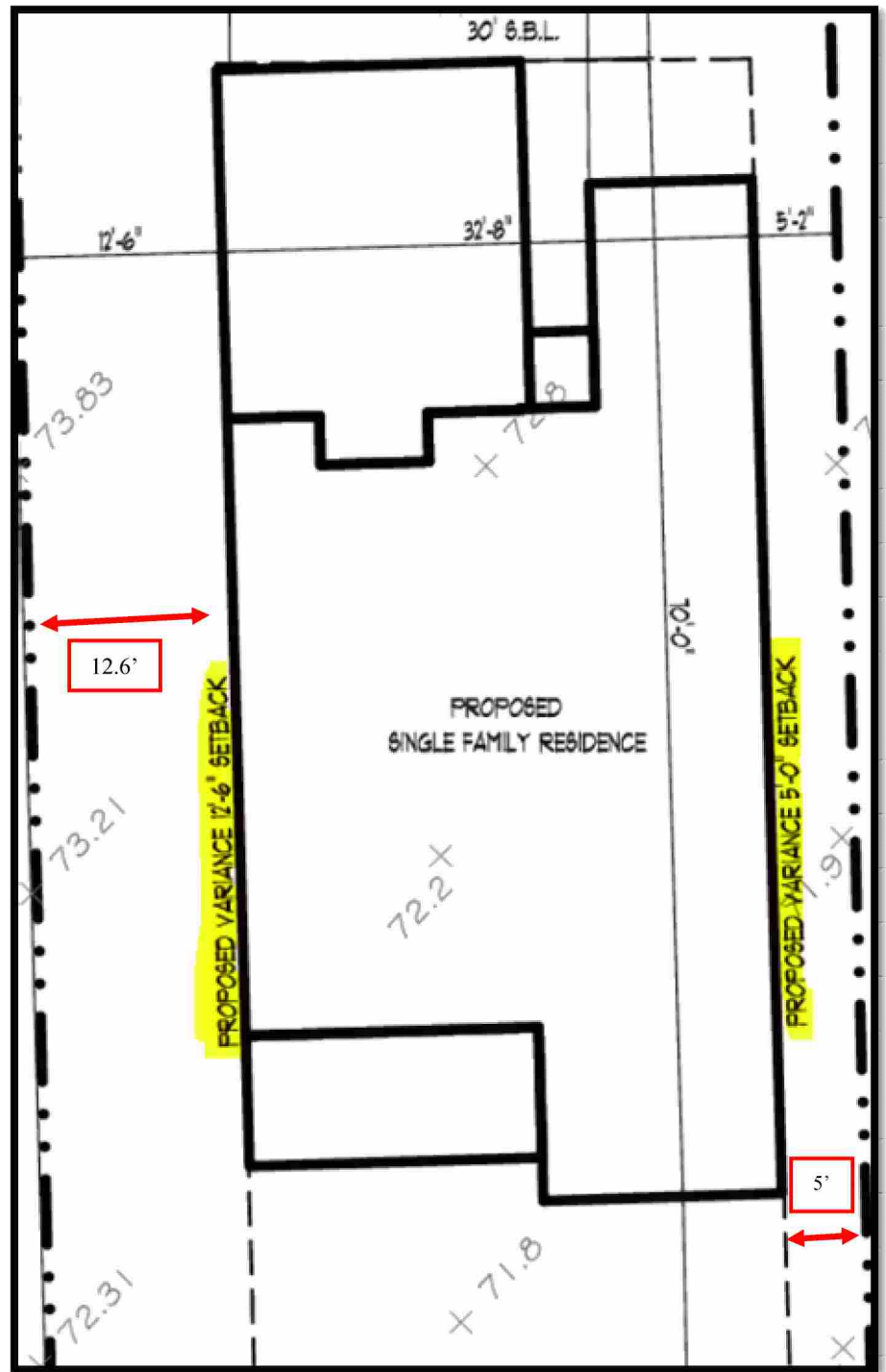
Zoning Map



**D. ANALYSIS:**

This vacant property abuts South Salisbury Ave to the West, a single-family home to its rear and front, with another vacant lot to the east which also shares the same property dimensions. The side street setbacks for the R-1 single family zoning district is 20', the side setback for the R-1 single family zoning district is 10'. The applicant is requesting a variance to construct a new single-family home with a side street setback of 12.6' and a side setback of 5'. The applicant is not able to conform with current R-1 standards due to the property being undersized. The standard lot size for a R-1 single family development is 60' feet in width, and this lot currently measures 50' feet in

width. In order to build this single-family dwelling, it would only be 20' in width without the requested variance. If the lot was the minimum width, the applicant could construct a house 30' wide which could allow for a garage.



**E. VARIANCE CRITERIA:** Per Section 33-103.03, as amended, the Planning Board will consider the following criteria in making a determination concerning the granting or denial of the requested variance:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district.

*The subject property is undersized, which is not in result to the applicant's actions. This circumstance qualifies the property as a special condition. The home cannot be constructed with the side setback of 10' and with a side street setback of 20' due current codes permitting 60-foot lots which is inconsistent with the current land size which is 50'.*

2. Granting of the variance request will not confer on the applicant any special privilege that is denied by the development code to other lands, building, or structures in the same zoning district.

*Granting of the variance would not confer special privileges, as all structures and site improvements are subject to the development agreement and must comply with the same setbacks.*

3. Literal interpretation and enforcement of the development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the development code, and would work unnecessary and undue hardship on the applicant such as natural site conditions, size or shape of lot, or existing structures(s).

*The literal interpretation and enforcement of the code would deprive the applicant of rights commonly enjoyed by other properties in the neighborhood. The subject property has an existing lot size of 50' which is common in that area due to old plats being created prior to the current zoning.*

4. The granting of the variance will be in harmony with the general intent and purpose of this code and the Comprehensive Plan, as amended, and will not be injurious to the surrounding properties or detrimental to the public welfare.

*The construction of a single-family home is unlikely to be injurious to the surrounding properties. Due to the neighboring properties also being undersized, the single-family home would be in harmony with the surrounding properties constructing a similar home.*

5. The Variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure.

*Requiring the applicant to follow current codes would deny the applicant the ability to utilize the land in the same manner as the adjacent properties, for the surrounding properties are also undersized.*

6. The special conditions or circumstances are not the result of actions of the applicant or owner.

*The lot configuration was not the result of an action by the applicant.*

**F. STAFF SUMMARY:** The applicant is requesting this variance, in order to build a new home single family home without the current required side setback of 10' and side street setback of 20'. The applicant proposes to change the side street setback to 12.6' and the side setback to 5'. The property is undersized. The standard lot size for a R-1 single family development is 60' feet in width, this lot measures 50' feet in width. This is considered a hardship, as defined by the Land Development Regulations. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district.



City of DeLand  
**PLANNING BOARD**  
V21-064  
APRIL 20, 2022







City of DeLand  
**PLANNING BOARD**  
V21-064  
APRIL 20, 2022





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

**April 20, 2022**

**A. APPLICATION NO:** V22-048

**APPLICANT:** Toloza Hugo (Applicant)

**REQUEST:** To change set backs on the sides from 10 ft to 7.5 ft and to allow to construction of a home without a garage

**APPLICABLE ORDINANCES:** *Sec. 33-87.02(d) (4). Setbacks, building separation, and lot coverage. Sec. 33-17.05 R-1—Single-Family Dwelling District*

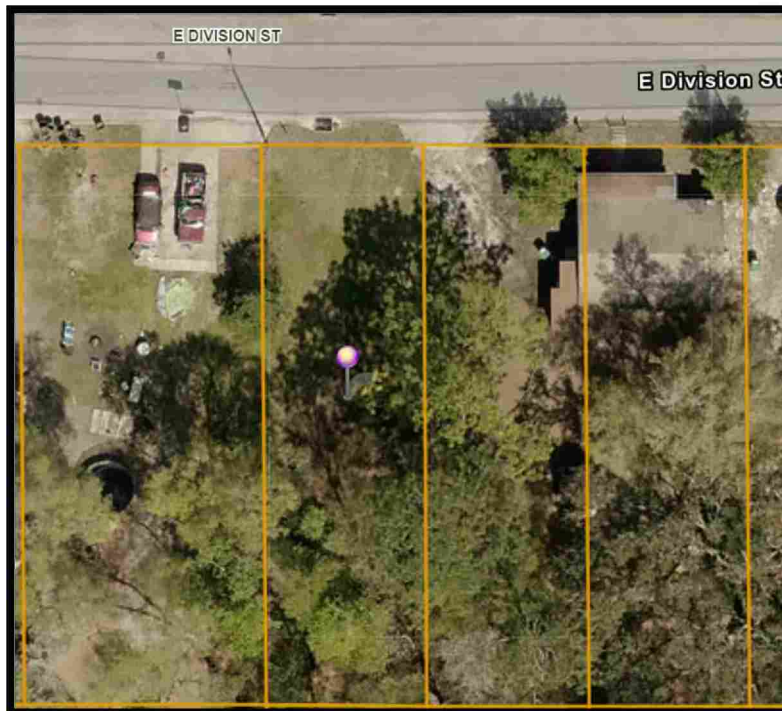
**B. SITE FACTORS:**

**LOCATION:** 620 E Division St.

**PARCEL SIZE:** +/- 5,520 Square Feet

**EXISTING ZONING/USE:** R-1 Single-Family Residential

| Required Minimum Setbacks in Feet |      |      |             |
|-----------------------------------|------|------|-------------|
| Front                             | Rear | Side | Street Side |
| 30'                               | 25'  | 10'  | 20'         |



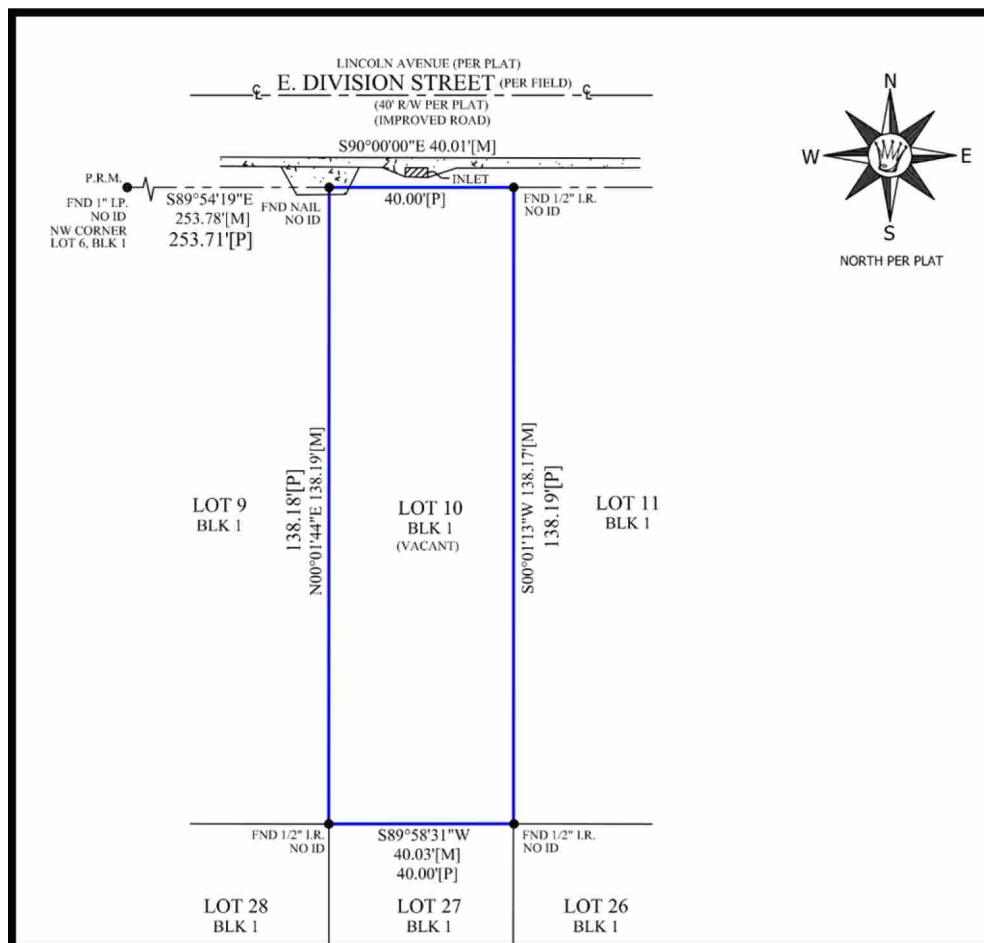
|               | SURROUNDING USE:          | SURROUNDING ZONING: |
|---------------|---------------------------|---------------------|
| <b>NORTH:</b> | Single-Family Residential | R-1                 |
| <b>SOUTH:</b> | Single-Family Residential | R-1                 |
| <b>EAST:</b>  | Single-Family Residential | R-1                 |
| <b>WEST:</b>  | Single-Family Residential | R-1                 |

DOES THE APPLICANT OWN PROPERTY WHICH IS ADJACENT TO THE PROPERTY FORWHICH HE OR SHE SEEKS A VARIANCE? Yes ☐ No ☒

**C. LAND USE PLAN DESIGNATION:** Medium Density Residential

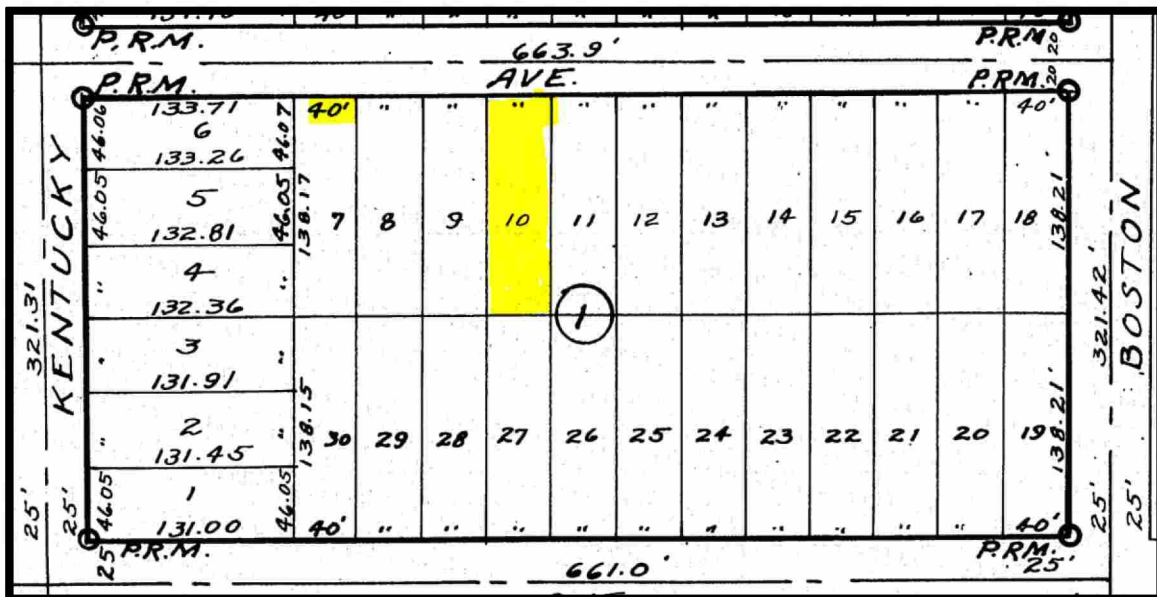
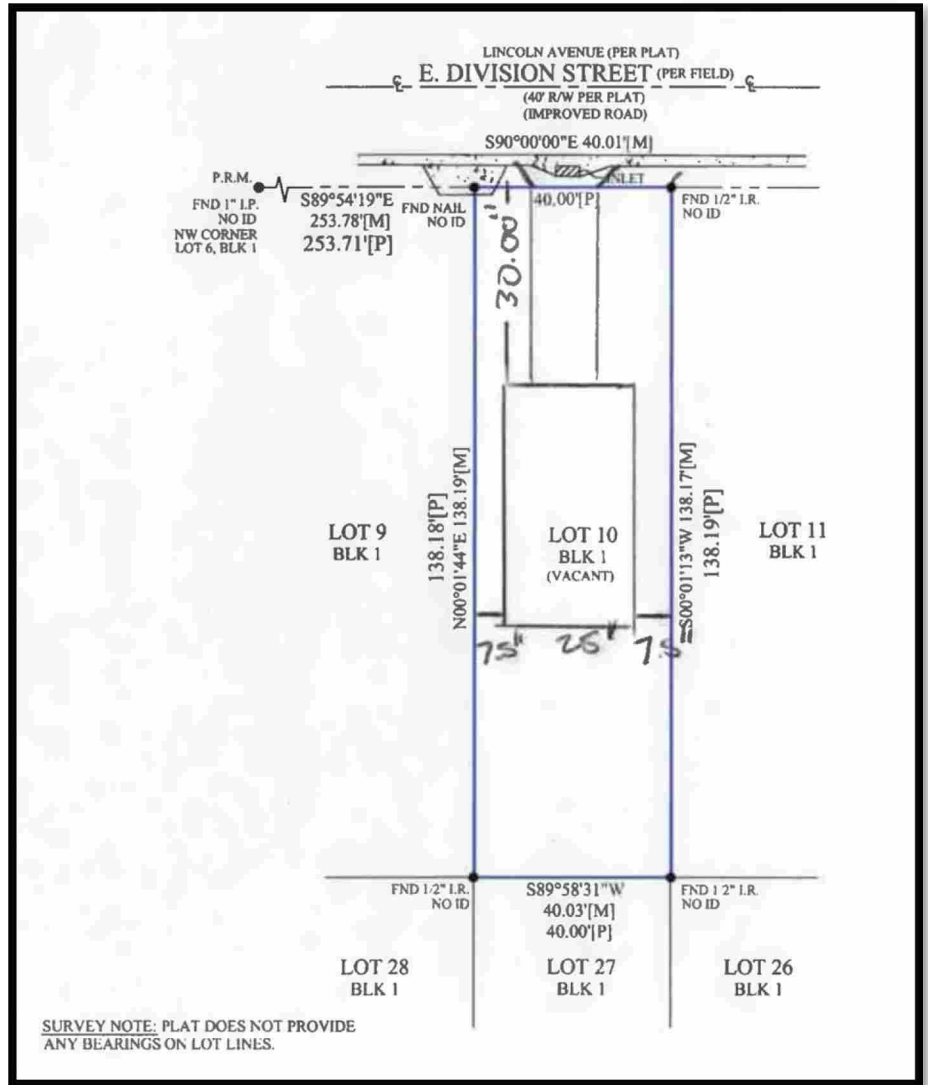
**CHRONOLOGY:** This property is located on East Division St and is in the R-1 Single Family Residential Zone. The lot is currently vacant and the applicant wishes to build a single family home on the property. The applicant is requesting a permit to build a new home without the current set backs and garage requirements. Current zoning codes state that side setback must be 10' and the applicant proposes to change that to 7.5' on both sides. The rear and front set backs will remain the same.

Current Use



**D. ANALYSIS:**

This property abuts 4 other vacant lots to the rear, front and either side. The side setback requirements for the R-1 single family development is 10'. However, the property is undersized. The standard lot size for a R-1 single family development is 60' feet in width, this lot along with the lots abutting to either side measure 40' feet in width. The applicant is requesting a variance to construct the new single-family home with a side setback of 7.5' and without a garage. The original plat draws each lot at 40 feet, the applicant's lot was never reconfigured to meet current standards so, he is forced to encroach on his side set backs and build without a garage in order to meet other land regulations.



**E. VARIANCE CRITERIA:** Per Section 33-103.03, as amended, the Planning Board will consider the following criteria in making a determination concerning the granting or denial of the requested variance:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district.

*The subject property is undersized, which is not in result to the applicants doing. This circumstance qualifies the property as a special condition. The home would be difficult to construct with the side setback of 10' and with a garage due to current codes. The city mistakenly changed the side setback in 2013 from 7.5' to 10'.*

2. Granting of the variance request will not confer on the applicant any special privilege that is denied by the development code to other lands, building, or structures in the same zoning district.

*Granting of the variance would not confer special privileges, as all structures and site improvements are subject to the development agreement and must comply with the same setbacks.*

3. Literal interpretation and enforcement of the development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the development code, and would work unnecessary and undue hardship on the applicant such as natural site conditions, size or shape of lot, or existing structures(s).

*The literal interpretation and enforcement of the code would deprive the applicant of rights commonly enjoyed by other properties in the neighborhood. The subject property has an existing lot size of 40' which is common in that area due to old zoning laws.*

4. The granting of the variance will be in harmony with the general intent and purpose of this code and the Comprehensive Plan, as amended, and will not be injurious to the surrounding properties or detrimental to the public welfare.

*The construction of a single-family home is unlikely to be injurious to the surrounding properties. Due to the neighboring properties also being undersized, the single-family home would be in harmony with the surrounding properties constructing a similar home.*

5. The Variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure.

*Requiring the applicant to follow current codes would deny the applicant the ability to utilize the land in the same manner as the adjacent properties, for the surrounding properties are also undersized.*

6. The special conditions or circumstances are not the result of actions of the applicant or owner.

*The lot configuration was not the result of an action by the applicant.*

- F. STAFF SUMMARY:** The applicant is requesting this variance, in order to build a new home single family home without the current required side setback of 10' and without a garage. Current zoning codes state that side set back must be 10' and the applicant proposes to change that to 7.5' on both sides. However, the property is undersized. The standard lot size for a R-1 single family development is 60' feet in width, this lot along with the lots abutting to either side measure 40' feet in width. This is considered a hardship, as defined by the Land Development Regulations, Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district.



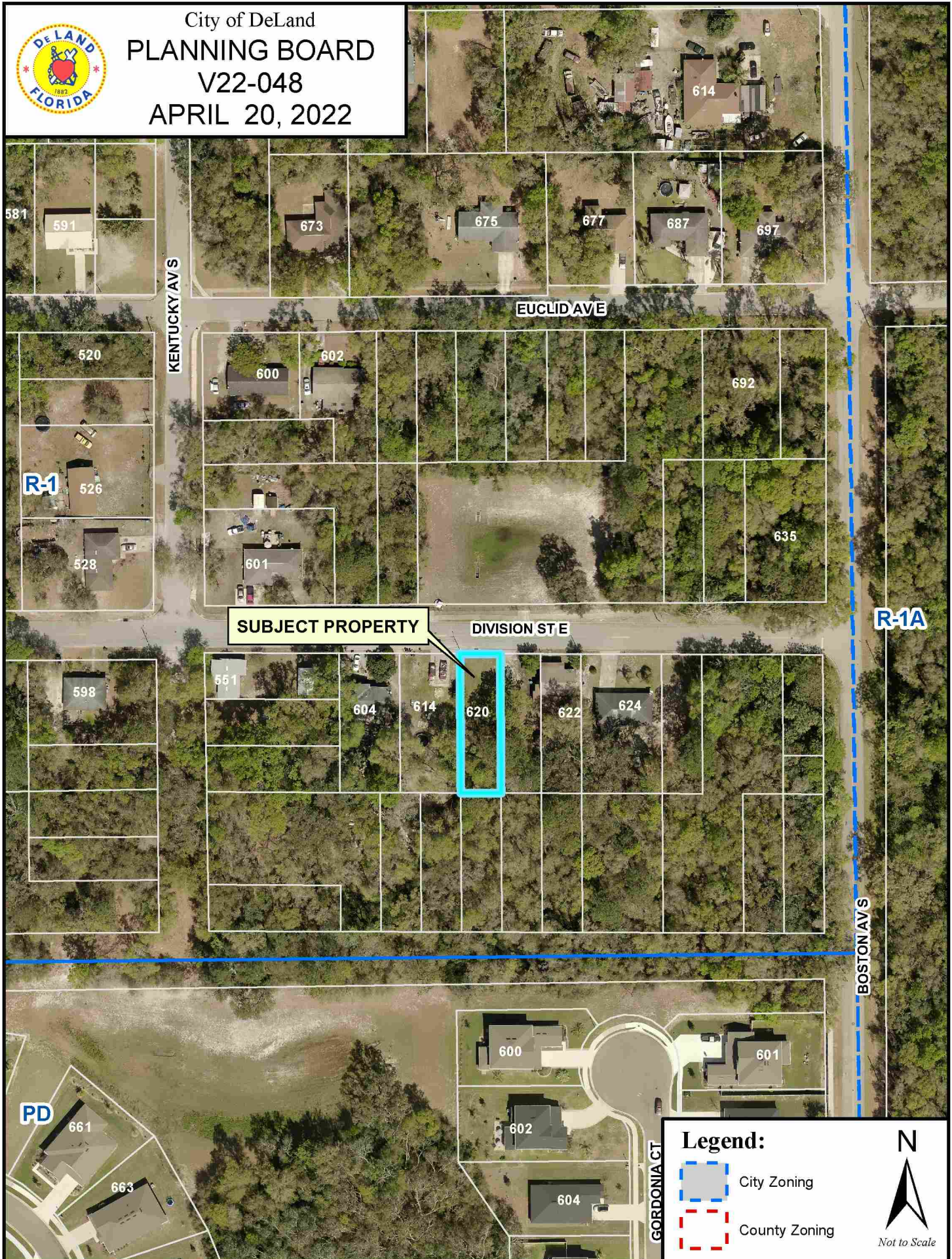
City of DeLand  
**PLANNING BOARD**  
V22-048  
APRIL 20, 2022







City of DeLand  
**PLANNING BOARD**  
V22-048  
APRIL 20, 2022



**Legend:**

- City Zoning
- County Zoning





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

**April 20, 2022**

**A. APPLICATION NO:** V22-055

**APPLICANT:** Diane Eckert (Owner/Applicant)

**REQUEST:** To increase the maximum impervious lot coverage from 40% to 45% to obtain a permit for a pool in backyard of property.

**APPLICABLE ORDINANCES:** *Sec. 33-87.01(c) (6). Impervious surface ratio calculation. Sec. 33-87.02(d) (4). Setbacks, building separation, and lot coverage.*

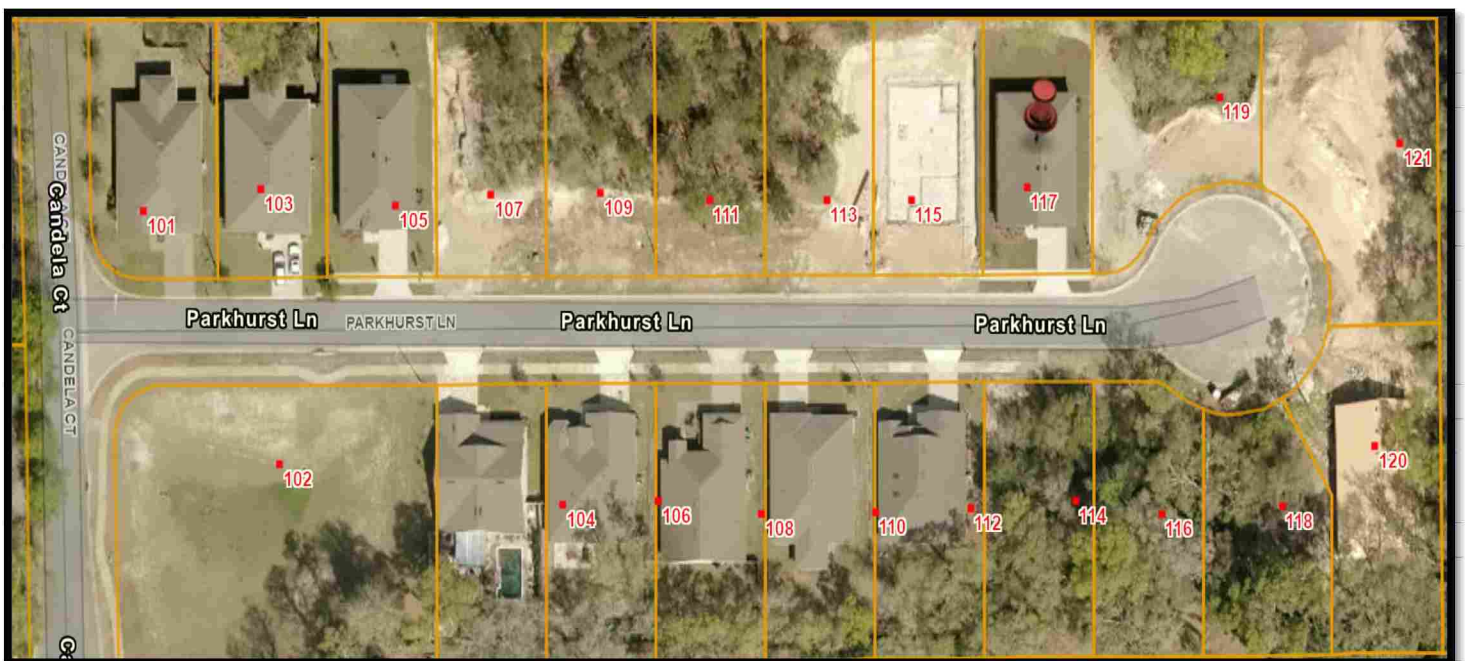
**B. SITE FACTORS:**

**LOCATION:** 117 Parkhurst Ln

**PARCEL SIZE:** +/- 7200' Square Feet

**EXISTING ZONING/USE:** Country Club Village Planned Development

| Required Minimum Setbacks in Feet |      |      |                      |
|-----------------------------------|------|------|----------------------|
| Front                             | Rear | Side | Maximum lot coverage |
| 20'                               | 20'  | 7.5' | 40%                  |



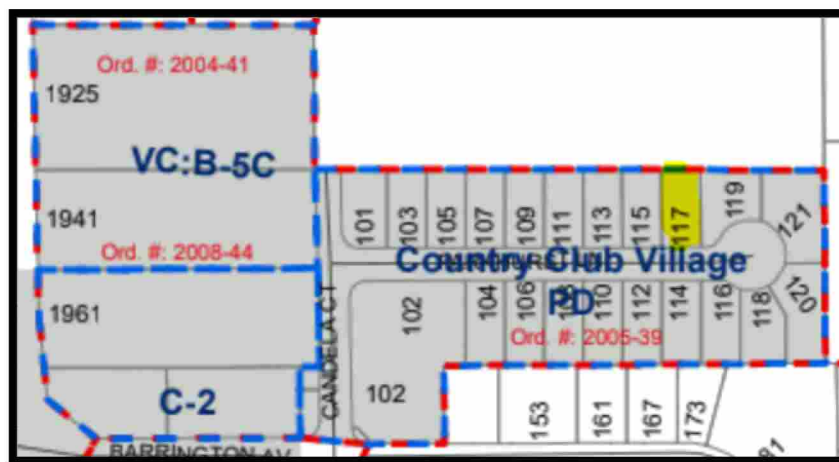
|               | SURROUNDING USE:      | SURROUNDING ZONING:                      |
|---------------|-----------------------|------------------------------------------|
| <b>NORTH:</b> | Volusia County Zoning | R-4 Urban Single-Family Residential      |
| <b>SOUTH:</b> | Planned Development   | Country Club Village Planned Development |
| <b>EAST:</b>  | Planned Development   | Country Club Village Planned Development |
| <b>WEST:</b>  | Planned Development   | Country Club Village Planned Development |

DOES THE APPLICANT OWN PROPERTY WHICH IS ADJACENT TO THE PROPERTY FORWHICH HE OR SHE SEEKS A VARIANCE? Yes ☐ No ☒

**C. LAND USE PLAN DESIGNATION:** Low Density Residential

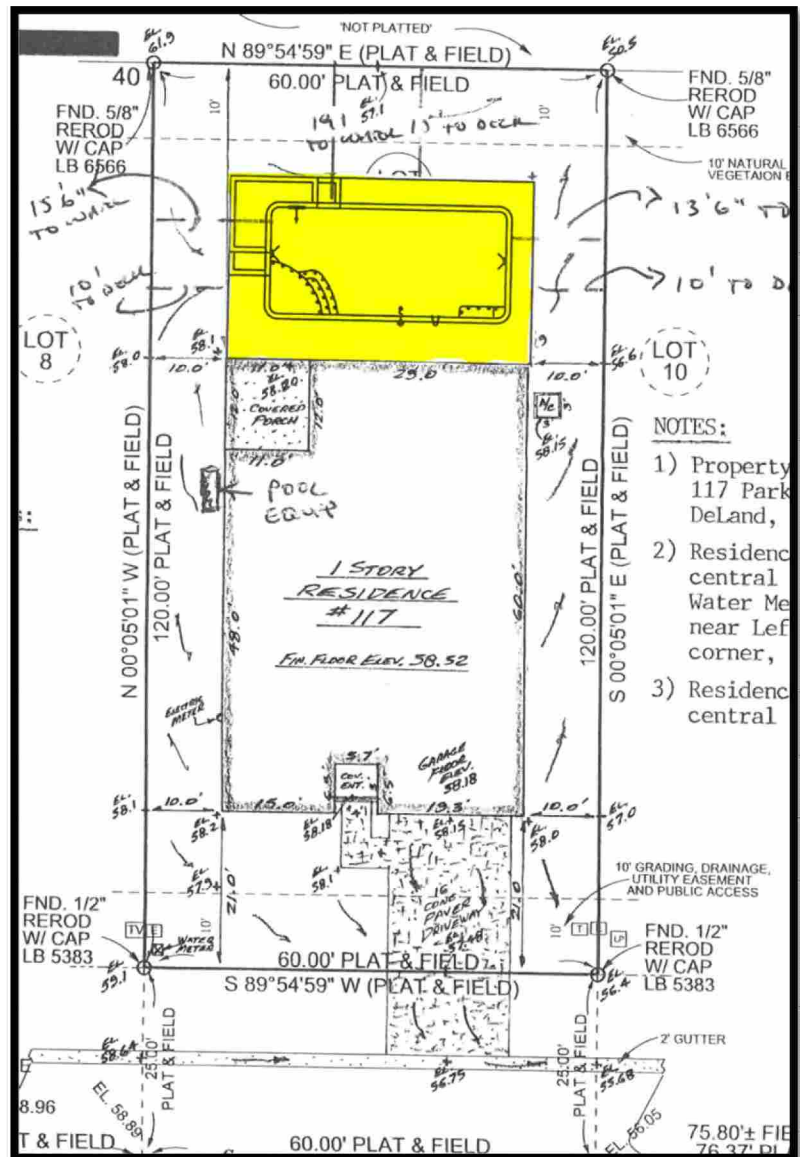
**CHRONOLOGY:** The property located on 117 Parkhurst Ln belongs in the Country Club Village Planned Development zoning district. The owner of this property is requesting a variance to increase the maximum impervious lot coverage from 40% to 45% to obtain a permit for a pool in backyard of property. According to the owner, the pool would assist in exercise needed for blood clots. Staying active is one way to naturally control the symptoms that come with blood clots. The owner of the property proposed to build the pool as small as possible in order to complete her required exercise. The survey submitted does not disclose the proposed pools dimensions. The new impervious of the property was calculated by aligning the rear building measurements and side property measurements with the proposed pool to figure out the approximate square footage of the pool, which was about 38.8' x 24' or 932'square feet.

Zoning Map



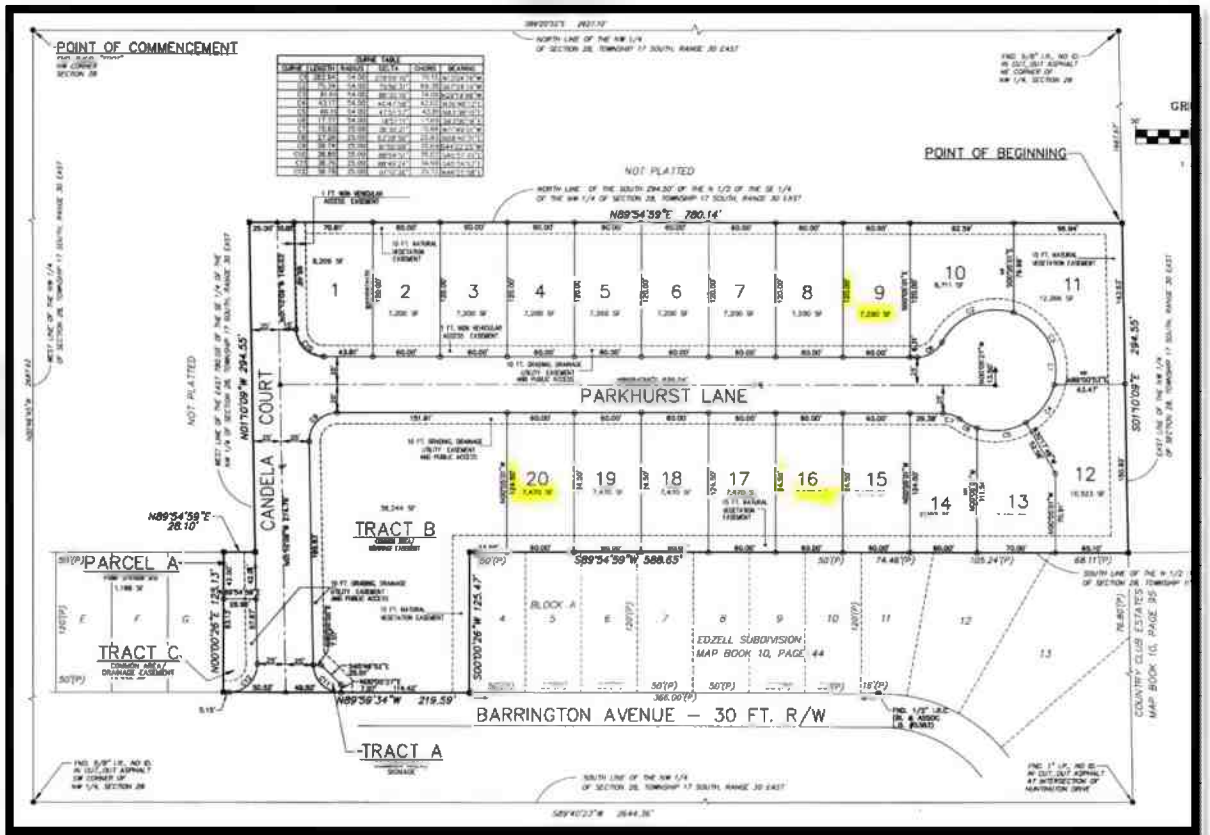
**D. ANALYSIS:**

This property abuts 2 other single-family residences to both sides. The way the lots are platted makes it difficult for the odd numbered side of the neighborhood to allow room for additional structures in the backyard. The even numbered side of the neighborhood are providing more space that allows additional structures. The odd numbered lots have an area of 7470' while the even number lots have an area of 7200'. The applicant and her neighbors excluding the cul de sac homes are not offered the same luxuries as the even number houses in the Country Club Village neighborhood. Additionally, the maximum impervious surface allowed in this district is 40%. The applicant is asking to increase the impervious surface by 5% to construct a pool just like two of her neighbors on the opposite street side. (104&112 Parkhurst Ln.)



Homes with pool

Plat



E. **VARIANCE CRITERIA:** Per Section 33-103.03, as amended, the Planning Board will consider the following criteria in making a determination concerning the granting or denial of the requested variance:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district.

*The subject property and neighboring residents with odd numbered homes are not provided the same amount of back yard space, which is not in result to the applicants doing. This circumstance qualifies the property as a special condition, due to the planned developments incontinent platting. Without the variance the applicant wouldn't get the desired maximum impervious of 45% making it difficult for her and her neighbors on the odd numbered side of the neighborhood to have small pools.*

2. Granting of the variance request will not confer on the applicant any special privilege that is denied by the development code to other lands, building, or structures in the same zoning district.

*Granting of the variance would not confer special privileges, if approved this will grant neighbors to enjoy the same luxury with a variance application.*





Back yard view



Back yard view



3. Literal interpretation and enforcement of the development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the development code, and would work unnecessary and undue hardship on the applicant such as natural site conditions, size or shape of lot, or existing structures(s).

*The literal interpretation and enforcement of the code would deprive the applicant of rights commonly enjoyed by other properties in the neighborhood. Per the property appraiser and the applicant, two other homes in that zoning district have pools.*



4. The granting of the variance will be in harmony with the general intent and purpose of this code and the Comprehensive Plan, as amended, and will not be injurious to the surrounding properties or detrimental to the public welfare.

*The addition of a pool to this property is unlikely to be injurious to the surrounding properties. The impervious surface requirements are established to limit the impact of structures located close to the boundary or to an amenity of a neighboring property. In this instance due to the property being undersized in comparison to the opposite side of neighborhood, the pool would be in harmony with the surrounding properties constructing a similar pool.*

5. The Variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure.

*Requiring the implementation of current Country Club Village zoning requirements would deny the applicant the ability to utilize her property in the same manner as the adjacent properties.*

6. The special conditions or circumstances are not the result of actions of the applicant or owner.

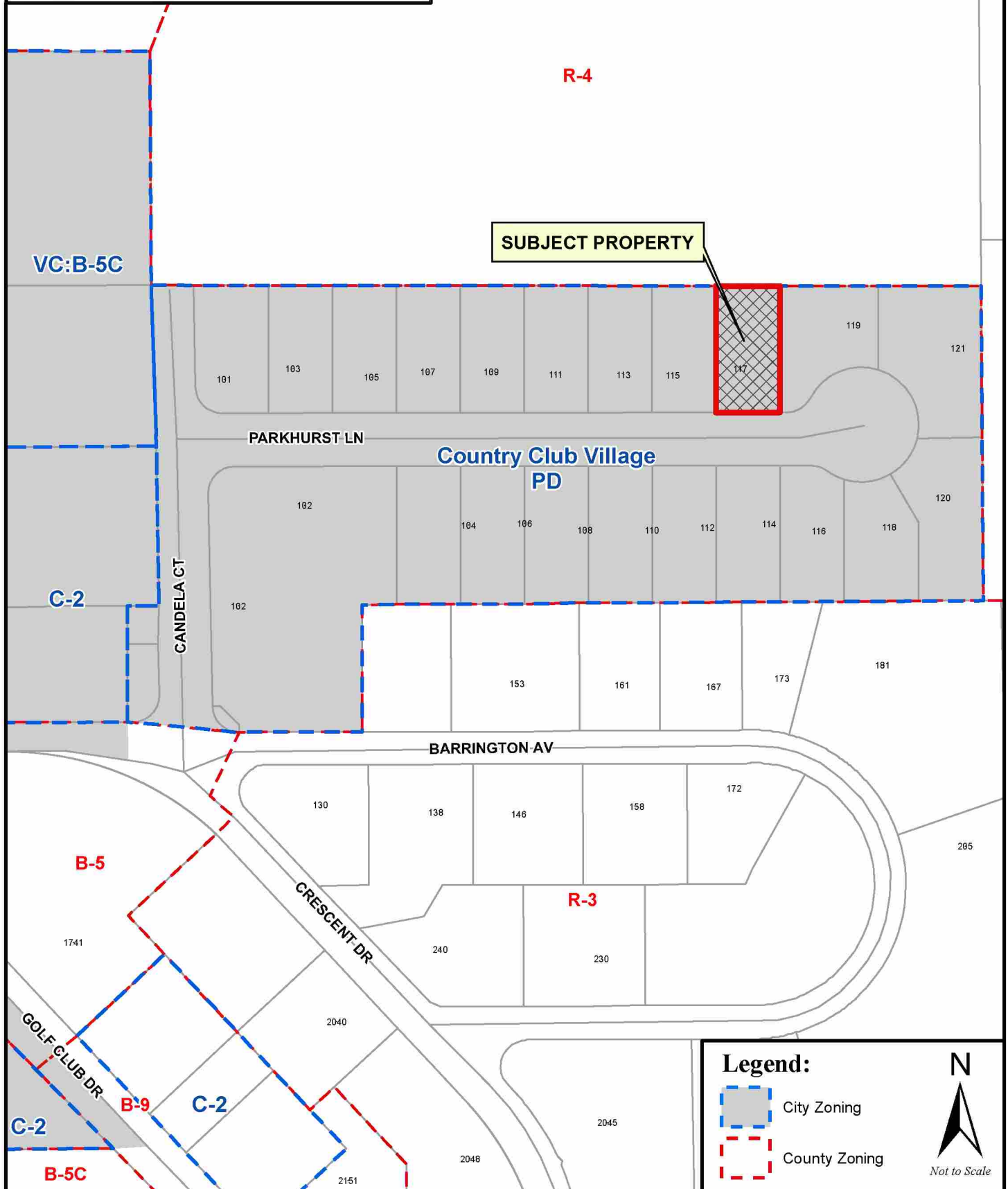
*The lot configuration was not the result of an action by the applicant.*

#### **F. STAFF SUMMARY:**

The applicant is requesting this variance, to increase the maximum impervious lot coverage from 40% to 45% to obtain a permit for a pool in the backyard of her property. According to the owner, the pool would assist in exercise needed for blood clots symptoms. Due to the way the zone is platted the homes on the odd numbered side of the neighborhood cannot utilize their property in the same manner as the adjacent property owners.



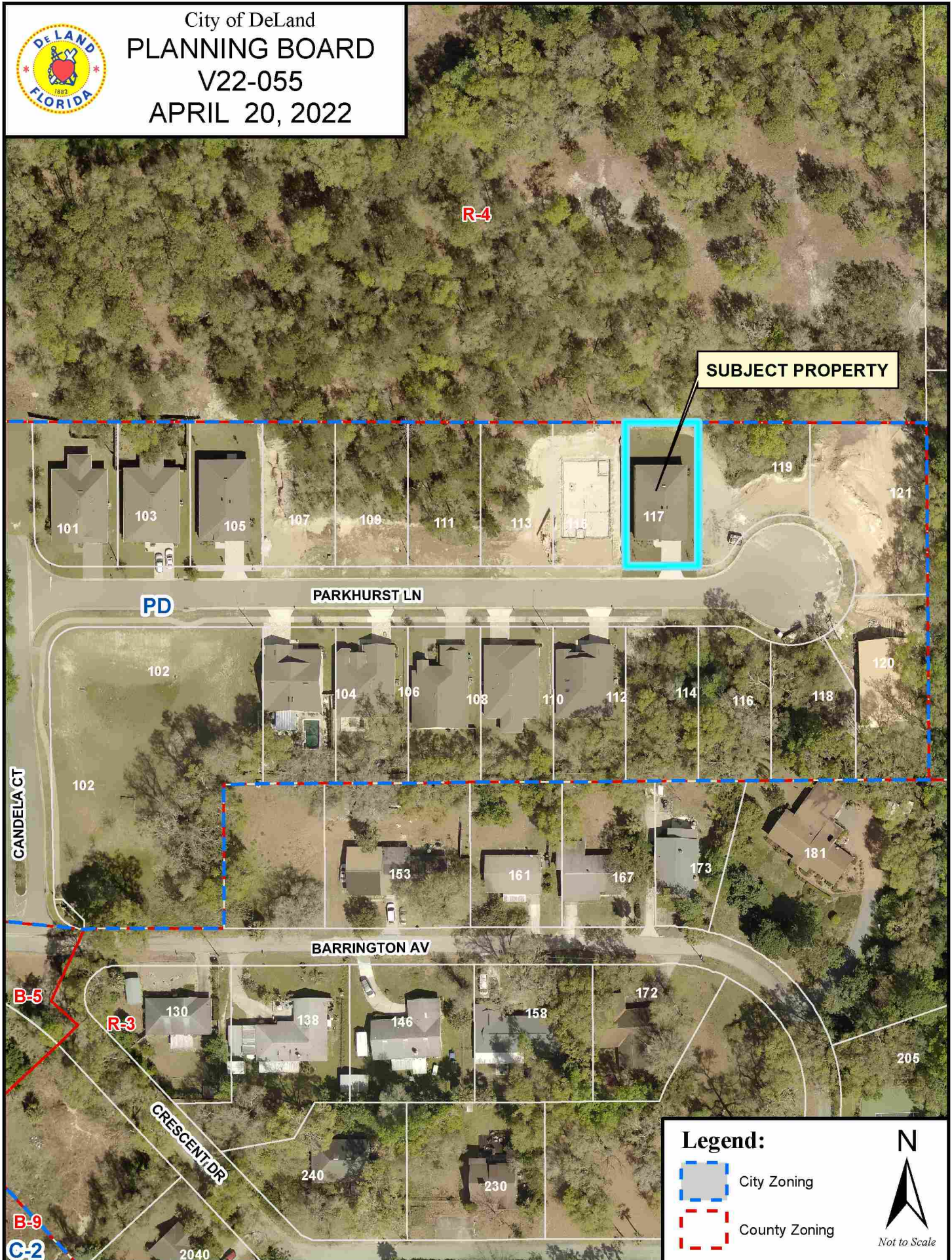
City of DeLand  
**PLANNING BOARD**  
V22-055  
APRIL 20, 2022







City of DeLand  
**PLANNING BOARD**  
V22-055  
APRIL 20, 2022



**Legend:**

-  City Zoning
-  County Zoning





**PLANNING DEPARTMENT STAFF REPORT  
TO  
PLANNING BOARD**

**April 20, 2022**

**APPLICATION:** AN22-066

- 1. Requested Action:** Annexation of property located in unincorporated Volusia County into the City limits of DeLand
- 2. Location:** East side of S. Blue Lake Ave., south of Saffron Trail
- 3. Petitioner:** Mr. Michael Woods, Esq., Cobb Cole
- 4. Owner:** Amicorp, Inc.
- 5. Size of parcel(s):** ± 6.73 acres
- 6. Parcel ID:** 7014-00-00-0216

**7. Land Use Designation & Zoning of Subject Property:**

**Future Land Use:** Volusia County: Urban Low Intensity

**Existing Zoning:** Volusia County: RR – Rural Residential

**Existing Use:** Undeveloped

**8. Surrounding Land Use & Zoning:**

|               | LAND USE                | ZONING                |
|---------------|-------------------------|-----------------------|
| <b>North:</b> | LDR                     | R-1AA; The Oaks PD    |
| <b>South:</b> | VC: Urban Low Intensity | VC: Rural Residential |
| <b>East:</b>  | LDR                     | RR                    |
| <b>West:</b>  | LDR                     | R-1B                  |

**9. Physical Characteristics:** The proposed annexation consists of ± 6.73 acres, as well as the eastern half of the S. Blue Lake Ave. right-of-way. The subject property appears to contain wetlands and to be slightly impacted by FEMA flood zone A. The parcel is undeveloped and heavily wooded. Road frontage for the subject property consists of ± 100 linear ft. along S. Blue Lake Ave.



**10. Public Services & Utilities:** The City's Utilities Department states that the closest city water and sewer mains are found within the S. Blue Lake Ave. right-of-way or internally, in The Oaks development. The property is located within Police Patrol Zone 5, and service is available to the site with an approximate response time of 5 minutes. The Fire Department confirmed that adequate fire protection can be provided, with an approximate response time of less than 5 minutes. The County of Volusia has indicated that there are no code enforcement actions or liens associated with this property.

**11. Growth Management Plan Consistency:** An application for a change in land use (SMLU-22-067) has been submitted to amend the future land use from Volusia County Urban Low Intensity (ULI) to the City's Urban Low Intensity (ULI) designation. Additionally, an application for a zoning change (Z22-040) from Volusia County RR (Rural Residential) to The Oaks PD (Planned Development) has also been submitted, to ultimately be combined with the existing mobile home development. To the north of the subject property is the Silver Ridge of DeLand residential subdivision which consists of 100-ft. wide parcels, as well the existing Oaks mobile home development. Immediately to the south of the subject property are parcels ranging from 2-3 acres in size, which are partially wooded and appear to be used for agricultural purposes. To the east is 104-acre parcel which is mostly wooded and undeveloped.



To the west the S. Blue Lake Ave. right-of-way which ranges in width from approximately 55' - 75' wide, followed by the Blue Lake Heights residential subdivision, with 75' wide lots and parcels approximately 7,500 sq. ft. each.

**12. Analysis:** The City's guidelines for annexation require a property be sufficiently contiguous to property already within the city limits and to be accessible to public services provided. In addition, the State requires the property be reasonably compact, not circuitous, and does not create an enclave. The subject property is contiguous to the City of DeLand, is reasonably compact and is not circuitous. However, the subject property is currently located inside an existing enclave of County jurisdiction. The requested annexation will reduce the enclave and will not adversely impact the provisions of governmental services. The parcel is contiguous to the north by  $\pm 857$  ft., and to the east by  $\pm 325$  ft.

**Recommendation:** The annexation of this property reduce an enclave; therefore, Staff recommends that the Planning Board forward this annexation petition to the City Commission, with a recommendation for approval.

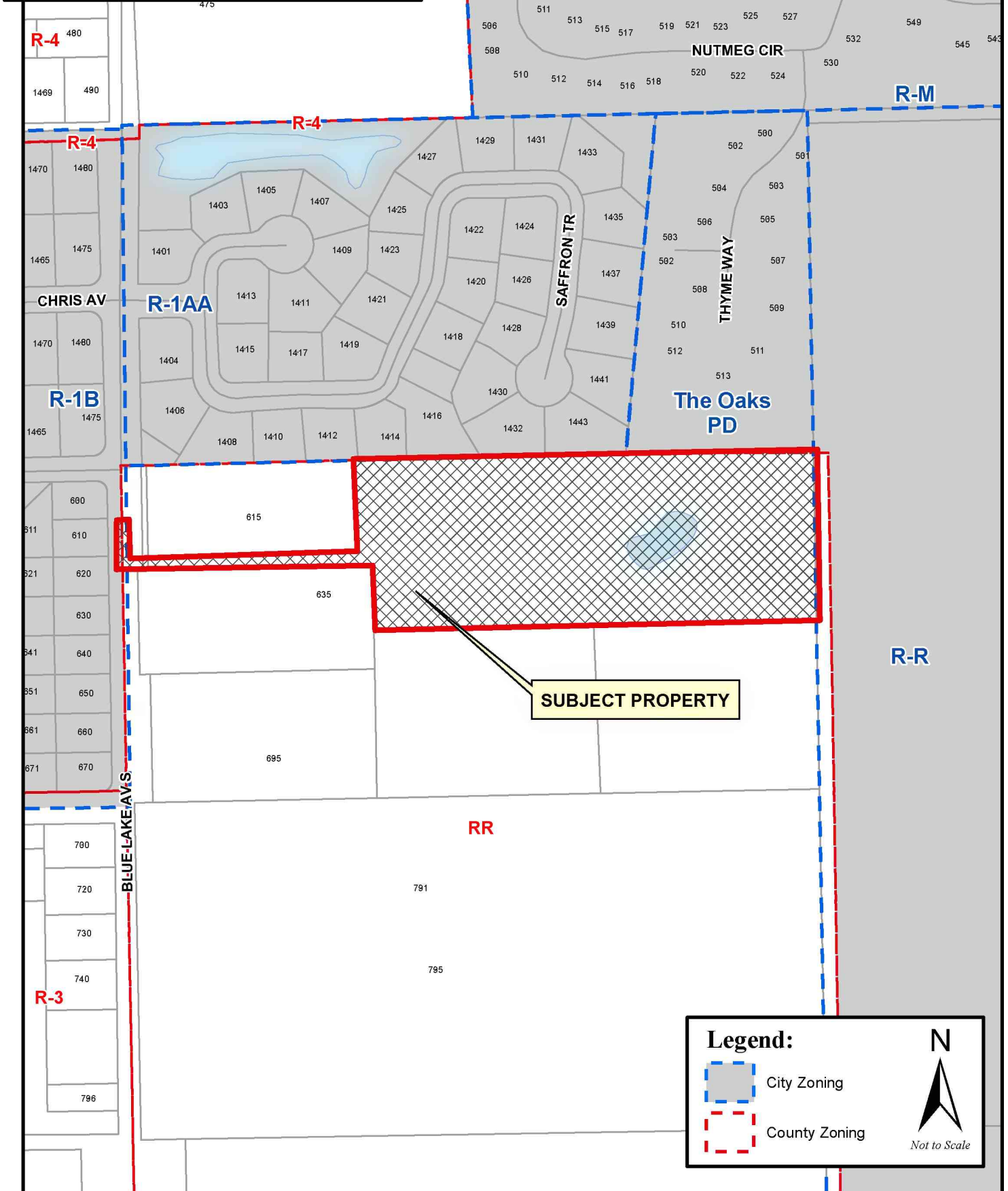
**AN22-066**  
**Page 3 of 3**

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

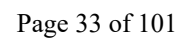
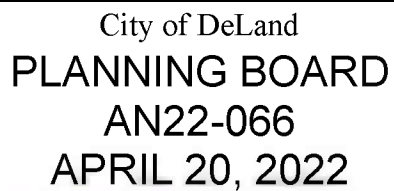
L:\P\SR\2021\SR-AN22-066 The Oaks Community PD.docx



City of DeLand  
PLANNING BOARD  
AN22-066  
APRIL 20, 2022









**DESCRIPTION: (PARCEL 2)**

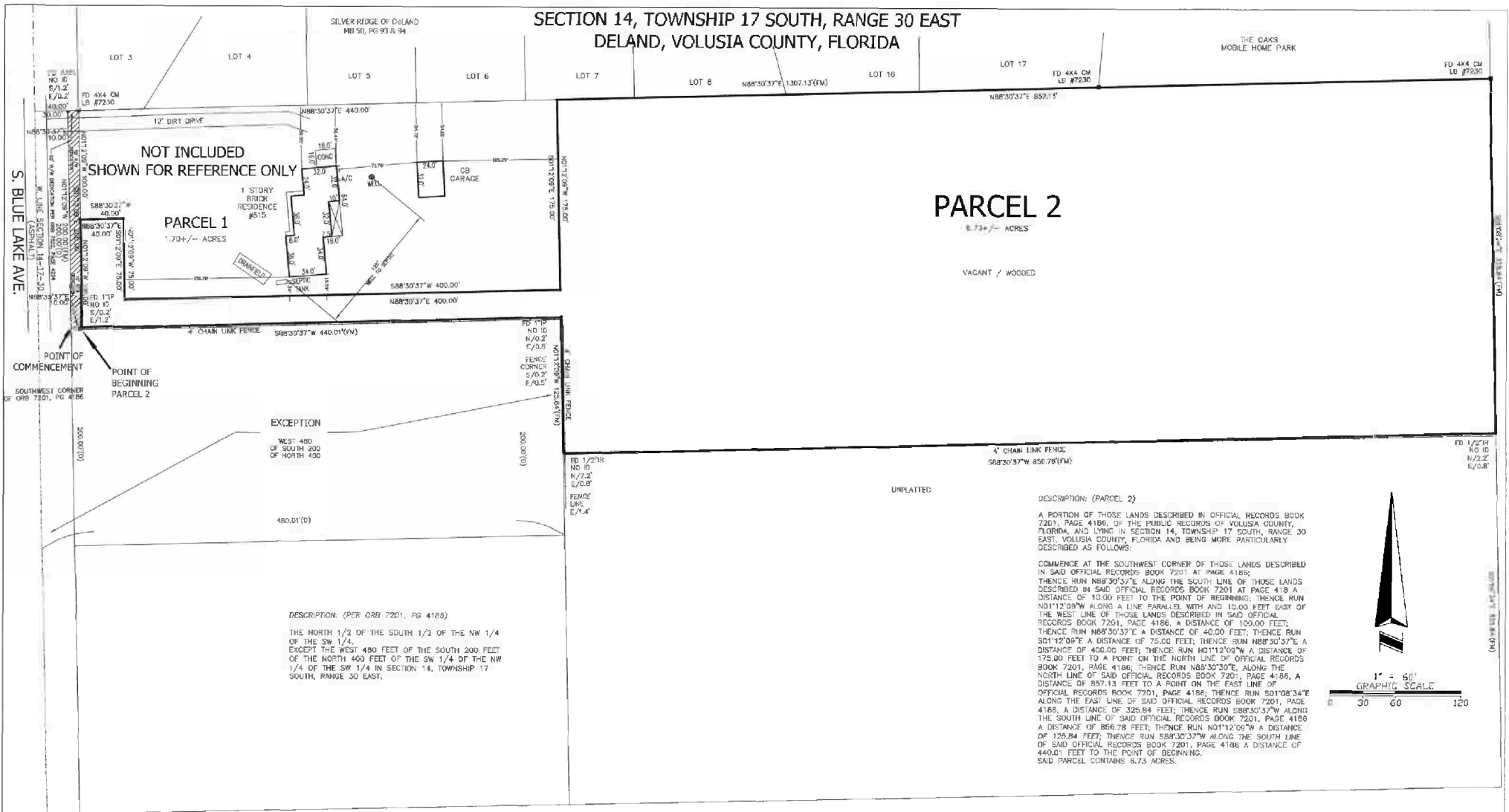
**A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 7201, PAGE 4186, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND LYING IN SECTION 14, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCE AT THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 7201 AT PAGE 4186;**

**THENCE RUN N88°30'37"E ALONG THE SOUTH LINE OF THOSE LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 7201 AT PAGE 418 A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING; THENCE RUN N01°12'09"W ALONG A LINE PARALLEL WITH AND 10.00 FEET EAST OF THE WEST LINE OF THOSE LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 7201, PAGE 4186, A DISTANCE OF 100.00 FEET; THENCE RUN N88°30'37"E A DISTANCE OF 40.00 FEET; THENCE RUN S01°12'09"E A DISTANCE OF 75.00 FEET; THENCE RUN N88°30'37"E A DISTANCE OF 400.00 FEET; THENCE RUN N01°12'09"W A DISTANCE OF 175.00 FEET TO A POINT ON THE NORTH LINE OF OFFICIAL RECORDS BOOK 7201, PAGE 4186; THENCE RUN N88°30'30"E, ALONG THE NORTH LINE OF SAID OFFICIAL RECORDS BOOK 7201, PAGE 4186, A DISTANCE OF 857.13 FEET TO A POINT ON THE EAST LINE OF OFFICIAL RECORDS BOOK 7201, PAGE 4186; THENCE RUN S01°08'34"E ALONG THE EAST LINE OF SAID OFFICIAL RECORDS BOOK 7201, PAGE 4186, A DISTANCE OF 325.84 FEET; THENCE RUN S88°30'37"W ALONG THE SOUTH LINE OF SAID OFFICIAL RECORDS BOOK 7201, PAGE 4186 A DISTANCE OF 856.78 FEET; THENCE RUN N01°12'09"W A DISTANCE OF 125.84 FEET; THENCE RUN S88°30'37"W ALONG THE SOUTH LINE OF SAID OFFICIAL RECORDS BOOK 7201, PAGE 4186 A DISTANCE OF 440.01 FEET TO THE POINT OF BEGINNING.**

**SAID PARCEL CONTAINS 6.73 ACRES.**

SECTION 14, TOWNSHIP 17 SOUTH, RANGE 30 EAST  
DELAND, VOLUSIA COUNTY, FLORIDA



NOTE:

THIS PLAT AND/OR SKETCH OF SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR INDIVIDUALS SHOWN HEREON, ON THE MOST CURRENT DATE SHOWN, AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL. FURTHERMORE, THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN HEREON THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY. THIS SURVEY /SKETCH IS PREPARED WITHOUT BENEFIT OF ABSTRACT OR TITLE SEARCH UNLESS OTHERWISE NOTED. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES. THIS SURVEY DRAWING IS THE PROFESSIONAL OPINION OF THIS SURVEYOR AND MAPPER AND THE FIRM, WHICH WAS PREPARED UTILIZING THE BEST AVAILABLE INFORMATION AND AS SUCH DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. FURTHERMORE, THIS SURVEYOR AND FIRM DOES NOT ASSUME RESPONSIBILITY AND SHALL NOT BE HELD LIABLE FOR CLAIMS ARISING FROM ERRONEOUS OR INCORRECT INFORMATION FURNISHED TO THE SURVEYOR, WHICH WAS USED AS A BASIS IN THE PREPARATION OF THIS SURVEY DRAWING.

NOTES:

1. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN.
2. NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. NO UNDERGROUND IMPROVEMENTS OR INSTALLATIONS OR OTHER INTERIOR IMPROVEMENTS HAVE BEEN LOCATED, EXCEPT AS SHOWN, AS PER THE REQUEST OF THE CLIENT.
4. UNLESS NOTED, LEGAL DESCRIPTION FURNISHED BY CLIENT.
5. FEATURES SHOWN BY SYMBOL, AS INDICATED IN THE LEGEND ARE NOT TO SCALE.
6. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE SEARCH, A TITLE SEARCH MAY REVEAL ADDITIONAL INFORMATION AFFECTING THE PARCEL AS SHOWN.
7. WHERE APPLICABLE, MONUMENT DIAMETERS, ETC., AND/OR LS OR LB NUMBERS ARE SHOWN NEAR RESPECTIVE SYMBOL ABOVE, UNLESS SHOWN IN LEGEND.
8. BEARINGS ASSUMED FROM PLAT, DITS, LEGAL DESCRIPTION.
9. UNLESS SHOWN, ONLY THOSE VISIBLE FEATURES IN THE IMMEDIATE VICINITY OF THE ABOVE DESCRIBED PARCEL BOUNDARY HAVE BEEN LOCATED.
10. SUBJECT PROPERTY LIES WITHIN ZONE "X", AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOOD PLAN AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, VOLUSIA COUNTY UNINCORPORATED COMMUNITY #125155, PANEL #1212700470 H DATED 2/19/2014. THIS FLOOD INSURANCE RATE MAP IS NOT A SURVEY AND NO RESPONSIBILITY IS TAKEN FOR THE ACCURACY OF SAID MAP.

**EFIRD SURVEYING GROUP, INC.**

475 S. BLUE LAKE AVENUE  
DELAND, FLORIDA 32724

PHONE: (386) 740-4144 FAX: (386) 740-4155

WEBSITE: [www.efirdsurveying.com](http://www.efirdsurveying.com)

e-mail: [larry@efirdsurveying.com](mailto:larry@efirdsurveying.com)

Certificate Of Authorization Licensed Business Number 7230

Boundary Survey

Survey Date:  
6/21/2021

Drawing Number:  
21-0499

Scale: 1"=60'  
Drawn By: LE JR

**AMICORP, INC.**

I HEREBY CERTIFY THIS SURVEY DRAWING TO BE CORRECT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND COMPILED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, AND IN ACCORDANCE WITH THE FLORIDA STATUTES, SECTION 476.027 FLORIDA STATUTES.

NO. 5823  
LARRY R. EFIRD JR.  
Professional Surveyor & Mapper

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

**April 20, 2022**

**A. APPLICATION NO.:** SMLU22-067

**APPLICANT:** Mr. Michael Woods, Esq., Cobb Cole (for AMICORP Inc., owner)

**REQUEST:** To amend the land use designation from Volusia County Urban Low Intensity to City of DeLand's Urban Low Intensity

**B. SITE FACTORS:**

Location: located on the east side of S. Blue Lake Ave., south of Saffron Ave.

Parcel ID #: 7014-00-00-0216

Parcel Size: ± 6.73 acres

Land Use: Volusia County Urban Low Intensity

Existing Use: Vacant, undeveloped

|               | <b>SURROUNDING USE:</b>                 |
|---------------|-----------------------------------------|
| <b>North:</b> | Low Density Residential [single-family] |
| <b>South:</b> | VC Urban Low Intensity [single-family]  |
| <b>East:</b>  | Low Density Residential; [undeveloped]  |
| <b>West:</b>  | Low Density Residential [single-family] |

**C. REQUESTED ACTION & HISTORY:**

**1. REQUEST:** The applicant is requesting the future land use designation be amended for a parcel located on the east side of S. Blue Lake Ave., south of Saffron Ave. They are requesting a change from Volusia County's Urban Low Intensity designation, to the City of DeLand's Urban Low Intensity. The parcel is currently vacant and undeveloped.

*The Applicant has also petitioned for annexation (AN22-066) and is requesting a rezoning of the property to Planned Development. (Z22-040)*

**2. CHRONOLOGY OF PAST EVENTS:** The subject property is located within unincorporated county, and has remained vacant and undeveloped.

**D. ALTERNATIVES & ANALYSIS:**

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

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

The City's Utilities Department states that there is an 8" water main running along S. Blue Lake Ave., adjacent to the subject property; and a 6" main internally serving The Oaks community. An 8" gravity sewer main is also available through an internal connection with The Oaks.

A Traffic Impact Analysis is not required for the subject property due to the project size.

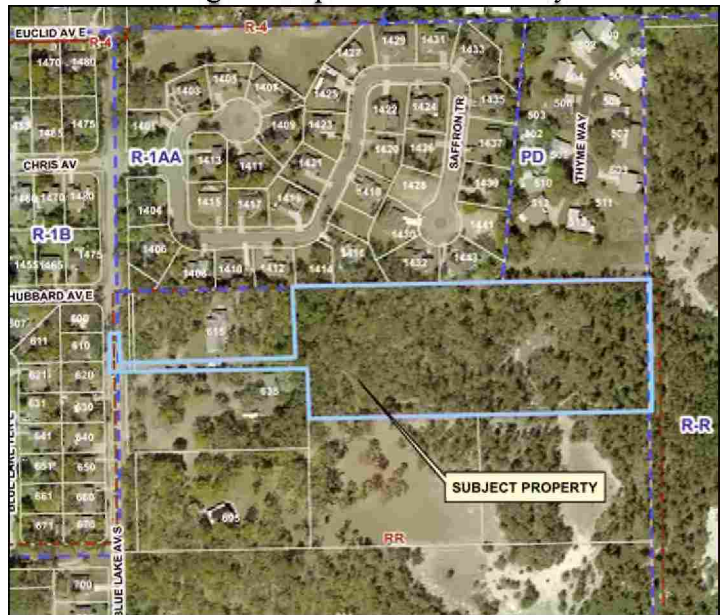
The change in designation will not generate a new demand for recreation.

Volusia County already provides a sanitary landfill for the disposal of solid waste. The landfill has adequate capacity at this time.

The City can provide an adequate LOS of Fire/Rescue service.

The City can provide an adequate LOS of Police service.

- 2. Compatibility with Land Use and Other Elements:** The Future Land Use element requires that the subject property be consistent with surrounding development. Per the City of DeLand Comprehensive Plan, Urban Low Intensity land use designation is typified by areas for suburban density residential dwelling units. These units may include detached single-family dwelling units, both conventional built on-site, or factory-built and manufactured housing units. Residential uses are limited to a maximum density of 4 dwelling units per gross acre. The subject property, situated between single-family homes to the north and west, and higher-density mobile/manufactured homes to the northeast, serves as a transition area between the two types of densities.



- 3. Future Land Use Map:** The proposed change in the land use designation to Low Density Residential will be shown on the revised Future Land Use Map.
- 4. Location of Lakes, Floodplains, and Wetlands:** The property does not appear to contain bodies of water, however the County's interactive map shows that there may be a portion of property that lines within a designated floodplain and/or wetland.



**5. Analysis of Natural Resources:**

- a. Soil types:*  
Astatula Fine Sand, 0-8% slope  
Immokalee sand, depressional
- b. Presence of Endangered Species:* None known of at this time.

**6. Existing and Future Impact upon Infrastructure Capacity:**

- a. Water* – The City’s Utility Department indicates sufficient water supply is available for the proposed use.
  - b. Sewer* – The City’s Utility Department has indicated sufficient existing capacity.
  - c. Drainage* – The City adheres to the County’s 100-year frequency, 24-hour storm event standard for landlocked basins. Stormwater capture for future development will be addressed on-site.
  - d. Solid Waste* – Solid waste services are available for the property.
  - e. Transportation* – Staff estimates traffic generation will only increase by **135** calculated trips per day under the proposed designation, according to Trip Generation by the Institute of Transportation Engineers. (8<sup>th</sup> ed.), or by only **19** based on the proposed project/use. Per 2019 Volusia County Traffic Counts, this segment of S. Blue Lake Ave., from E. Voorhis Ave. to Beresford Ave. has a current Daily LOS of “C”, and an Allowable LOS of “E”.
  - f. Fire/Rescue Service* – The City can provide an adequate LOS of Fire/Rescue service.
  - g. Police Service* - The City can provide an adequate LOS of Police protection.
- 7. Impact upon Recreation and Open Space:** No need for new recreational facilities is anticipated.
- 8. New Public Facilities Needed to Serve Land Use:** No need for new public facilities is anticipated.
- 9. Impact Upon Existing Deficiencies:** As identified in the City's Comprehensive Plan, drainage is the only existing deficiency within the City. Any future development on this site will be required to manage its own stormwater.
- 10. Impact upon Ability of the City to Fund Capital Improvements:** The development should not create an additional impact upon the City's ability to fund the projects listed in the adopted Five-Year Capital Improvement Program.
- 11. Impact upon Adopted Five-Year Schedule in Capital Improvements Element:** The proposed land use amendment will not require revision to the City's adopted Five-Year Capital Improvement Program.

12. **Compatibility with Existing Zoning Classification:** The existing zoning classification will be amended upon approval of the land use amendment to a compatible planned development.
  13. **Will the proposed land use change impact schools?** The proposed units are age-restricted; no impact to schools is anticipated.
  14. **How does this proposal fit with the guidelines developed for DeLand 2050 and the City's Strategic Plan?**
    - a. Located in Urban Core (Category 2) – i.e. “where the majority of the new, higher intensity growth will take place.” – *Consistent*
    - b. DeLand 2050 Land Use Guidelines:
      4. “Accept styles of housing other than single family dwellings to accommodate the shift in demographics where there will be fewer households with children and provide for households with adult children or aging parents.– *Consistent; mobile homes are proposed for the property which will serve an age-restricted community.*
- E. **CONCLUSION:** The Applicant is proposing an amendment to the land use designation to bring the property into the City in order to expand the adjacent mobile home park and connect with City utilities. The proposed designation is acceptable as presented and is consistent with the development pattern of the surrounding area.
- F. **STAFF RECOMMENDATION:** Staff recommends approval of the proposed amendment of the subject property's future land use designation to Urban Low Intensity.

## G. VGMC INFRASTRUCTURE IMPACT ASSESSMENT:

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

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

- |                   |                        |
|-------------------|------------------------|
| 1. Transportation | 5. Stormwater Drainage |
| 2. Sanitary Sewer | 6. Recreation          |
| 3. Potable Water  | 7. Schools             |
| 4. Solid Waste    |                        |

**Table 4. Impact Analysis (Theoretical Max.)**

| Development Variable              | Future Land Use     | Proposed Future Land Use | Net Change |
|-----------------------------------|---------------------|--------------------------|------------|
|                                   | Theoretical Maximum |                          |            |
| Dwelling Units                    | 27                  | 27                       | 0          |
| 1. Population                     | 70                  | 70                       | 0          |
| 2. PM Peak Hour Trips/Daily Trips | 16/135              | 16/135                   | 0/0        |
| 3. Sanitary Sewer (gallons/day)   | 5,400               | 5,400                    | 0          |
| 4. Potable Water (gallons/day)    | 8,100               | 8,100                    | 0          |
| 5. Solid Waste (pounds/day)       | 87                  | 87                       | 0          |
| 6. Stormwater Drainage            | N/A                 | N/A                      | N/A        |
| 7. Recreation/Open Space          | 0.19                | .19                      | 0          |

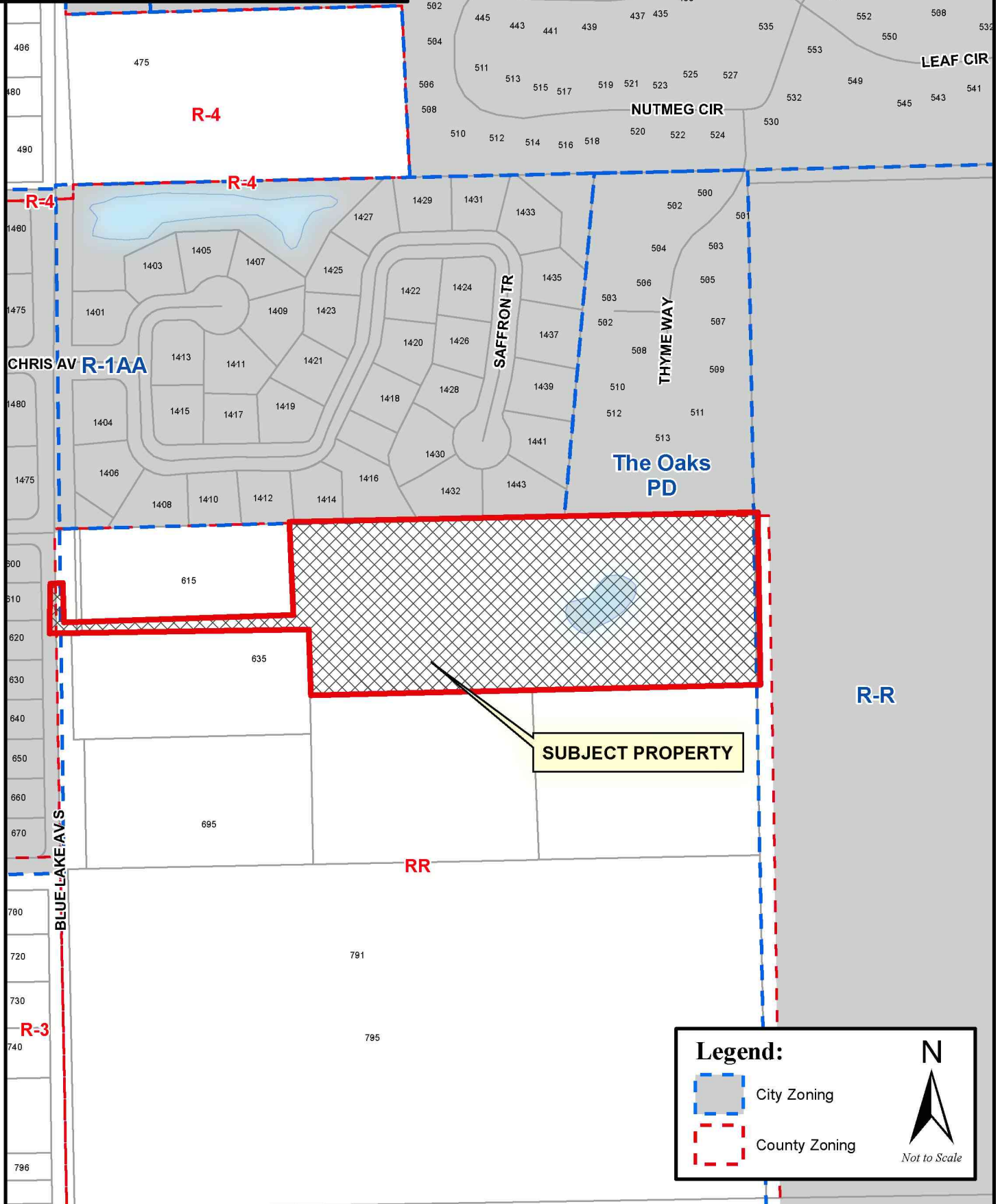
### Notes:

- |                         |                                                                                                                                                                                 |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Population:          | 2.58 persons per household (per 2010 Census)                                                                                                                                    |
| 2. Transportation:      | ITE Trip Generation Manual, 8th Edition: 1.01 PM peak hour trips per du and 9.57 daily trips per du, Single Family Homes (210)                                                  |
| 3. Sanitary Sewer:      | 200 GPD per Equivalent Residential Unit; 0.10 GPD per sq. ft. commercial use                                                                                                    |
| 4. Potable Water:       | 300 GPD per Equivalent Residential Unit; 0.10 GPD per sq. ft. commercial use                                                                                                    |
| 5. Solid Waste          | 3.21 pounds per person per day; 10 lbs. per 1,000 sq. ft. non-residential development per day                                                                                   |
| 6. Stormwater Drainage: | LOS standard = 25-year, 24-hour event. Drainage system is required to be designed to meet the requirements of the Land Development Code during subdivision or site plan review. |
| 7. Rec. & Open Space:   | 7 acres/1,000 persons (0.007 acres/person)                                                                                                                                      |

The proposed amendment results in increased impacts to all public infrastructure and services based on the theoretical maximum impact analysis.



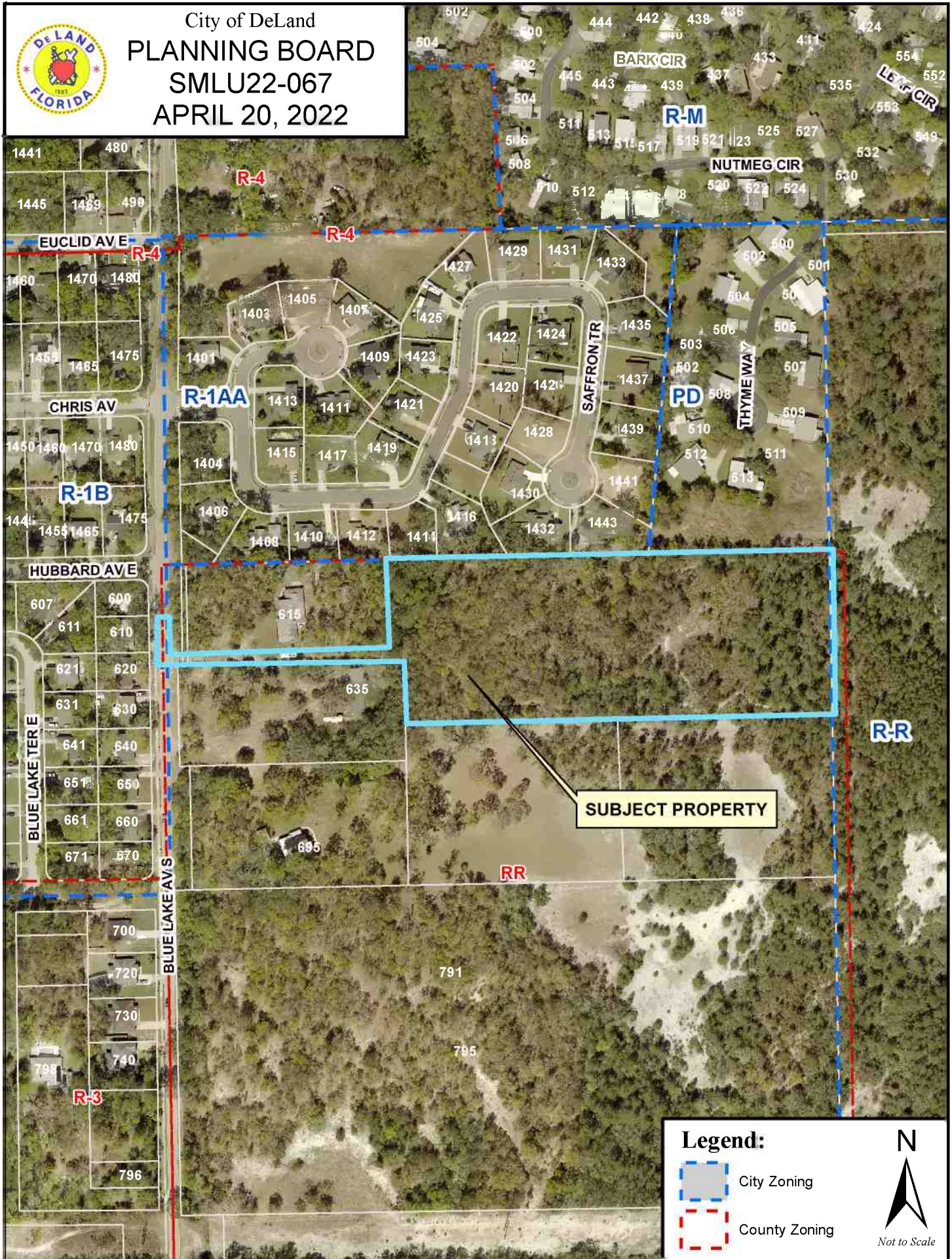
City of DeLand  
**PLANNING BOARD**  
**SE22-056**  
**APRIL 20, 2022**







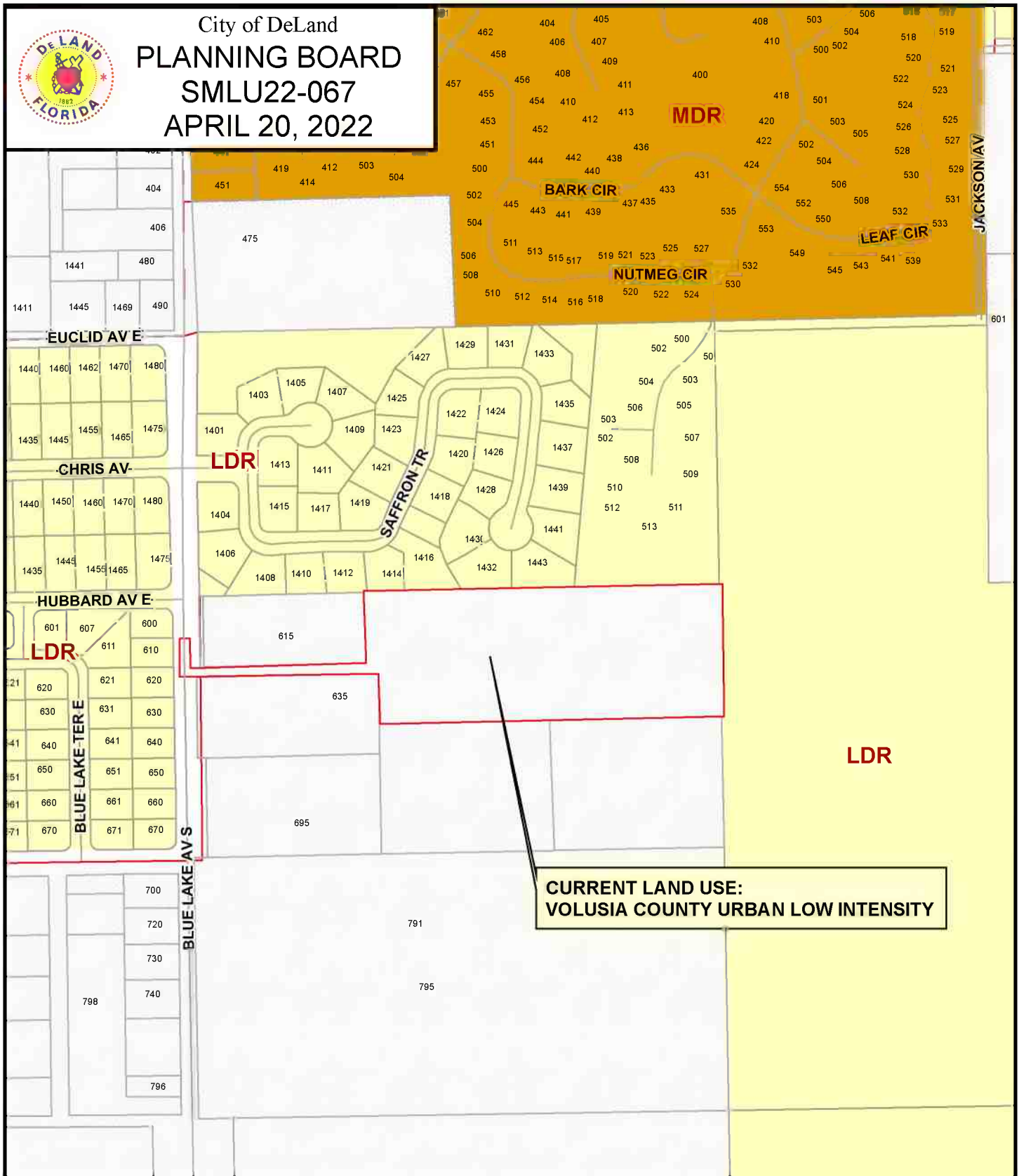
City of DeLand  
**PLANNING BOARD**  
**SMLU22-067**  
**APRIL 20, 2022**







City of DeLand  
PLANNING BOARD  
SMLU22-067  
APRIL 20, 2022



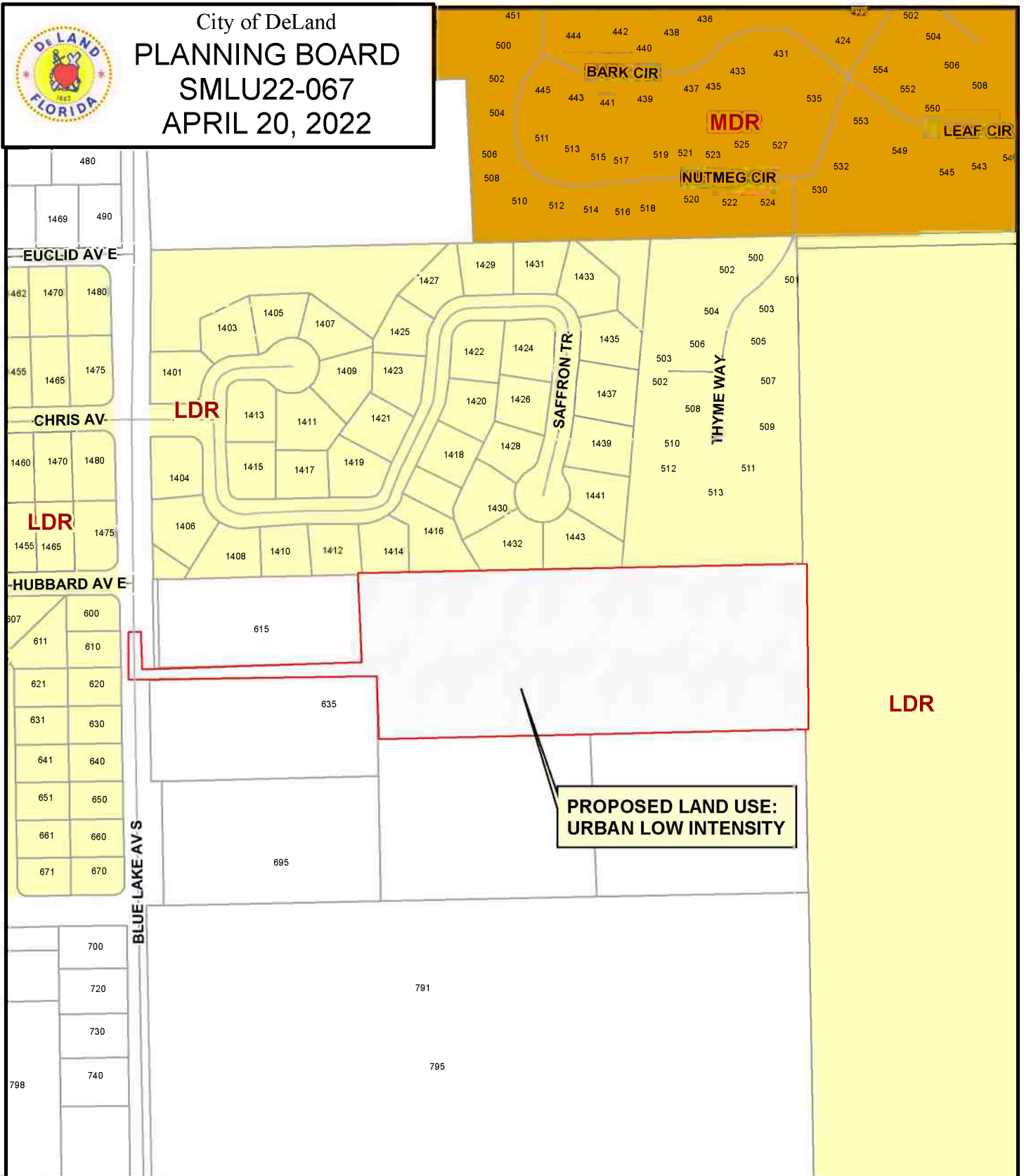
DeLand Future Land Use:

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





City of DeLand  
**PLANNING BOARD**  
**SMLU22-067**  
**APRIL 20, 2022**



**DeLand Future Land Use:**

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



**PLANNING DEPARTMENT STAFF REPORT  
TO  
PLANNING BOARD  
April 20, 2022**

**APPLICATION NO.:** Z22-040

**APPLICANT:** Mr. Michael Woods, Esq., Cobb Cole

**REQUEST:** Amend the existing zoning designation from Volusia County's R-4 & RR to City of DeLand's The Oaks Community PD

**APPLICABLE REGULATIONS:**

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

**A. SITE FACTORS:**

|                  |                                                                                    |
|------------------|------------------------------------------------------------------------------------|
| Location:        | Generally located at the southeast corner of E. Voorhis Ave. and S. Blue Lake Ave. |
| Parcel Size:     | ± 51.86 acres                                                                      |
| Land Use:        | Volusia County Urban Low Intensity                                                 |
| Existing Zoning: | Volusia County RR – Rural Residential                                              |
| Existing Use:    | Undeveloped                                                                        |

|               | <b>SURROUNDING USE:</b> | <b>SURROUNDING ZONING:</b>    |
|---------------|-------------------------|-------------------------------|
| <b>North:</b> | LDR; MDR                | R-1AA; The Oaks PD; R-1B; R-M |
| <b>South:</b> | VC; ULI; LDR            | VC: Rural Residential; R-1AA  |
| <b>East:</b>  | LDR; MDR                | RR; R-M                       |
| <b>West:</b>  | LDR; VC; ULI            | R-1B; R-4                     |

**B. ANALYSIS:**

The proposed development consists of ± 51.86 acres of property generally located at the southeast corner of E. Voorhis Ave. and S. Blue Lake Ave. The Oaks Community is an existing age-restricted mobile home community, and carries a mixture of both PD zoning as well as R-M zoning. The applicant is requesting to incorporate existing The Oaks Community and The Oaks PD, with additional property, into a single PD. The new PD will take the place of the existing PD.

The applicant has submitted concurrent applications for an annexation (AN22-066) and for a future land use amendment (SMLU22-067) to change the future land use designation from Volusia County's Urban Low Intensity to City of DeLand's Urban Low Intensity.

Phasing of the PD is documented within The Oaks development agreement, which also provides a graphic of the Phasing Plan included as "Exhibit C". Phase One is designated as the Oaks and



Phase Two is designated as Cinnamon Circle. Phase Three is designated as Sugar Mint Way, consisting of an existing single-family home on the western half of Parcel 701400000280; and the eastern portion of Parcel 701400000280 to be developed for manufactured homes, extending from the southwest corner of Phase One. Phase Four is designated as Thyme Way, a southern extension of Phase One. Phase Five is designated as the Future Development Tract. Phase One and Phase Two have been built out to completion and Phase Four is nearly complete.

Access to the site will continue to be from Voorhis Ave. and emergency access shall be provided for each of the phases, with the final locations being determined based on final engineering and permitting considerations.

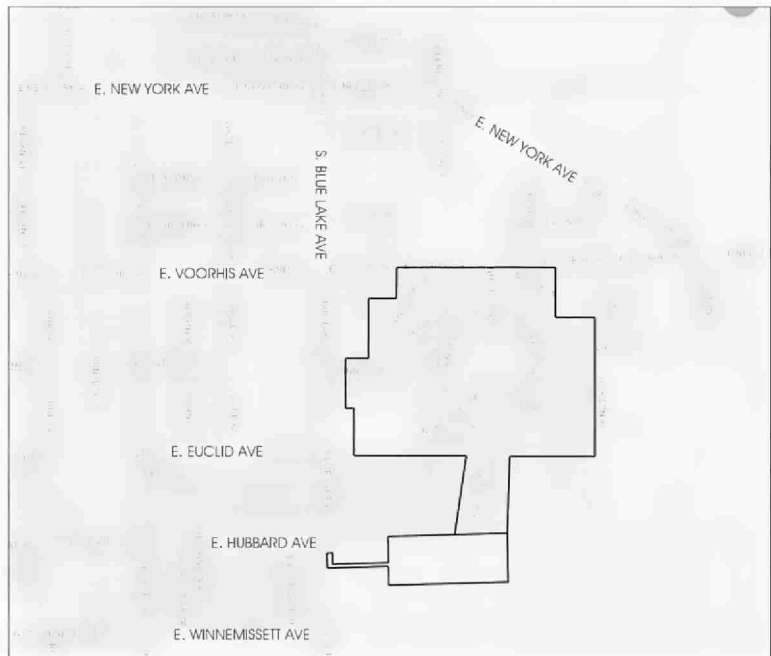
Internal roadways will be paved and no less than 20' wide. The roadways will be privately-owned and maintained by The Oaks.

Due to common ownership of this entire site, individual lot lines within the mobile home sections of the PD are not recorded and deeded. Therefore, setbacks in the development agreement will restrict building separations in place of property line setbacks that are generally seen in a traditional subdivision.

Any perimeter landscape buffer shall adhere to the City's Buffer Standard "B" and have a minimum width of 12.5'. Said landscaping shall achieve 80% opacity at a height of 6' within 1 year of construction. As required by section 33-57.07(b) of the land development regulations, a minimum of 15% of new development within the subject property will be dedicated as Tree Protection Area (TPA).

On March 17, 2022, the Technical Review Committee recommended that the proposed Planned Development Agreement be forwarded on to the Planning Board, subject to addressing remaining Staff comments.

The applicant submitted a revised version of the Planned Development Agreement on April 13, 2022, responding to prior Staff issues. Below are the comments that were remaining, along with recent applicant responses.



**THE FOLLOWING TRC COMMENTS REMAINING:**

**Applicant's responses are noted and bolded.**

**PLANNING DEPARTMENT COMMENTS:**

**Word doc**

1. Please provide a Word document copy of the PD Agreement with future submittals.

**RESPONSE: Noted, thank you.**

**Emergency Access**

2. Call out location of the Emergency Access easement on the plan (of Phase 2).

**RESPONSE: This will be provided in design plans at a future stage.**

**Decorative Wall**

3. In PD Agreement, you state that a decorative wall will not be required. If you do not plan on constructing one, please remove the wall details at the top of the page.

**RESPONSE: Please see updated revised phasing plan**

**RR Zoning**

4. Pg. 1/Line 10 – Please delete reference to “Volusia County RR” as no portion of this site has such zoning classification.

**RESPONSE: Please see updated PD Agreement.**

**Trip Generation Report**

5. During the review of the last zoning application (Z21-073) you were informed that an updated Trip Generation Report was needed stating the number of new MH's proposed & their trips.

**RESPONSE: Please see the attached traffic memo dated 4/5/2022.**

**Overall phase map**

6. Please add an additional page to Exhibit “B” of a simple map showing an overall view of entire PC and the location of the 3 phases outlined & labelled.

**RESPONSE: Please see updated plan attached.**

**RR Zoning**

7. Pg. 3/Lines 5&23 – Please delete reference to “Volusia County RR” as no portion of this site has such zoning classification.

**RESPONSE: Please see updated PD Agreement.**

**Capitalize**

8. Pg. 6/Line20 – Please capitalize the “O” in Development Order.

**RESPONSE: Please see updated PD Agreement (we decided to lowercase it all for consistency).**

Duplicate Line

9. Pg. 7/Line6 – Statement “Phase One has been built out to completion.” Is a duplicate of Lines 10-11. Please delete first occurrence.

**RESPONSE: Please see updated PD Agreement.**

Semicolon

10. Pg. 7/Line 9 – Please add semicolon for clarity.

**RESPONSE: Please see updated PD Agreement.**

Customary uses

11. Pg.7/Section D – Also add “all customary uses” statement for the MH’s, same as the single-family residence.

**RESPONSE: Please see updated PD Agreement.**

Hereby

12. Page8/Line 7 – Hereby is one word.

**RESPONSE: Please see updated PD Agreement.**

Correct date

13. Page 8/Line 11 – Please add exact adoption date – November 19, 2001 (Ord. #2001-25)

**RESPONSE: Please see updated PD Agreement.**

Phase 2 Landscaping

14. Pg. 8 & 9 – Please switch section “b” of Phase Two with “c” so both landscaping section are co-located.

**RESPONSE: Please see updated PD Agreement.**

Screened Porch

15. Pg. 9/Line 7 – As currently written, a screened porch is required for all units; do you wish this to be a requirement?

**RESPONSE: Please see updated PD Agreement removing this language.**

Phase 3 Landscaping

16. Pg. 10 – Please switch section “b of Phase Two with “c” so both landscaping sections are co-located.

**RESPONSE: Please see updated PD Agreement.**

Screened Porch

17. Pg. 10/Line 13 - As currently written, a screened porch is required for all units; do you wish this to be a requirement?

**RESPONSE: Please see updated PD Agreement removing this language.**

Buffer Standard

18. Pg. 10/Section b – Please add a Buffer Standard “B” requirement.

**RESPONSE: Please see updated PD Agreement.**

Separation between units

19. Page 10/section a – Add a requirement for a minimum separation distance of 15 ft.

**RESPONSE: Please see updated PD Agreement.**

Buffer Standard

20. Pg. 8/Section b – Please add a Buffer Standard “B” requirement.

**RESPONSE: Please see updated PD Agreement.**

Opacity

21. Pg. 8/Line 24 – 80% screening with vegetation is more the standard, as 100% opacity is difficult to achieve with plants.

**RESPONSE: Please see updated PD Agreement.**

22. Pg. 10/Line 6 - 80% screening with vegetation is more the standard, as 100% opacity is difficult to achieve with plants.

**RESPONSE: Please see updated PD Agreement.**

Title

23. Label Plan as “Phase Two”

**RESPONSE: Please see attached phasing plan.**

Label

24. Label as “Phase Three” on plan.

**RESPONSE: Please see attached phasing plan.**

Show buffer

25. Separate out/delineate the perimeter buffer on plan.

**RESPONSE: This will be provided in design plans at a future stage.**

Fences

26. There is a barbed wire fence shown on the northern boundary between phases 1 & 3. Barbed wire is not permitted within the City of DeLand. Please remove the fence for the plan and in the field during construction. Also please do the same for the 6-ft. wood fence running through the proposed stormwater retention pond.



**RESPONSE:** That is because it is from the survey. This will be removed as part of design plans at a future date.

Project Data Table

27. In “Project Date” table, please give the total impervious percentage for all 4.66 acres of Phase 3.

**RESPONSE:** This will be provided in design plans at a future stage.

Park Area

28. In PD Agreement language, describe the “Park Area” and state the type of amenities to be provided here. (Bench, doggy bag holder, etc.)

**RESPONSE:** Please see updated PD Agreement dated 4/4/2022.

Concept Plan Copies

29. Please upload more-legible copies of Phases Two & Three’s concept plans to this application.

**RESPONSE:** Please see attached phasing plan.

---

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

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

The proposed project is an extension of the existing The Oaks MHP. Proposed lots are of a similar size as those found in a previous southerly extension of The Oaks MHP, and overall density is capped by the PD at 4 dwelling units per acre. Moreover, including the existing single-family home onsite, the actual density calculates at only 2.79 actual dwelling units per acre.

The development is consistent with the Comprehensive Plan in that the underlying proposed land use category of Urban Low Intensity allows up to 4 dwelling units per acre.

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

This request is for an amendment to the zoning designation only, and no site plan has been submitted at this time. This is an in-fill project, so the impact to the environment should be minimal. The developer has also stated in the PD Agreement that in addition to providing the required 15% Tree Protection Area, they intend to retain and protect any trees located beyond 5 ft. from the building footprint. In addition, all efforts will be made to flip floor plans and/or make site adjustments on an individual lot level in order to maximize tree preservation.

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

The infusion of new, affordable housing types for seniors should have a positive impact on the general area.

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

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

The City's Utilities Department has indicated that there is both water and sewer capacity to serve the development, via both S. Blue Lake Ave. (*water only*) and internally, through the existing mobile home park. (*water & sewer*)

The current site will be used for the future expansion of the mobile home property. There will be 12 new occupied units on the Sugar Mint Way expansion and 24 occupied units in the Thyme Way Future expansion. Using the ITE Trip Generation Software we have calculated the potential new trips using the Mobile Home Land Use number 240 with 36 occupied dwelling units. This results in 180 average weekday 2 way driveway trips onto Voorhis Avenue. The AM peak will be 16 new trips and the PM peak will be 21 new trips. Based on the low number of proposed new trips this project will not exceed any undesirable effects on the roadway.

Due to the size of the project, a full Traffic Impact Analysis is not required.

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

The current housing market's situation of increased demand for housing, accompanied with limited housing stock, supports infill projects such as this.

**6. Was there a mistake in the original classification?**

The property is being annexed into the City and therefore needs a City zoning designation.

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

The infusion of additional homes for those of retirement age should have a positive impact on the general area.

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

With appropriate screening to neighboring residents, development of the subject property as an expansion to the adjacent mobile home park should have little to no negative impact upon public health, safety and welfare.

**C. CONCLUSION:**

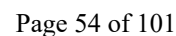
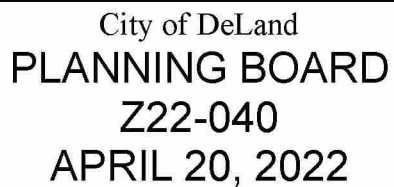
The Applicant is proposing a rezoning of the subject properties to a Planned Development to incorporate existing The Oaks Community and The Oaks PD, with additional property, into a single, consolidated PD. Submittal of a site plan will be required to ensure the provisions of the Planned Development Agreement are satisfied for all new development, as determined by TRC Staff.

**D. STAFF RECOMMENDATION:**

Staff recommends that the Planning Board forward the zoning request to the City Commission with a recommendation for approval, subject to addressing all comments from Staff and the Planning Board.











City of DeLand  
PLANNING BOARD  
Z22-040  
APRIL 20, 2022





1 PLANNED DEVELOPMENT AGREEMENT

2 IN THE CITY COMMISSION OF THE

3 CITY OF DELAND, FLORIDA

4 IN RE: Z22-040 Application of

5 AMICORP, INC. AND THE OAKS-AMICORP, INC.

6 ORDINANCE # \_\_\_\_\_

7  
8  
9 GRANTING A REQUEST FOR CHANGE OF ZONING FROM Volusia County R-4, City  
10 of DeLand R-M and City of DeLand The Oaks PD

11 TO

12 The Oaks Community Expanded PD 2022

13  
14 The application of THE OAKS-AMICORP, INC., and AMICORP, INC., hereinafter,  
15 "Applicant", for rezoning was heard by and before the City Commission, DeLand Florida,  
16 on \_\_\_\_\_, 2022. Based upon the verified Application and other supporting  
17 documents, maps, charts, overlays, other evidence and instruments; the advice, report,  
18 and recommendations of the Community Development, and other Departments and  
19 agencies of DeLand, Florida; and the testimony adduced and evidence received at the  
20 Public Hearing on this Application by the Planning Board on \_\_\_\_\_, 2022, and  
21 otherwise being fully advised, the City Commission does hereby find and determine as  
22 follows:

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A. That the application of THE OAKS-AMICORP, INC., and AMICORP, INC. was duly and properly filed herein on \_\_\_\_\_, 2022 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 58.59 +/- acre parcel of land which is located in DeLand, Florida. This parcel of land is described more particularly in the survey and plat 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 and Development Regulations Ordinance No. 2013-11, as amended.

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

F. That the owners of the property, THE OAKS-AMICORP, INC., and ORP, INC., agree with the provisions of the Development Agreement.



1 FINDINGS REGARDING REZONING

2

3 A. That the Applicant has applied for a change of zoning from the present

4 zoning classifications of the parcel described in Exhibit "A" from Volusia County R-4, City

5 of DeLand R-M and City of DeLand The Oaks PD to The Oaks Community Expanded PD

6 2022 (Planned Development).

7

8 B. That the said rezoning to a PD is consistent with both the City of DeLand

9 Comprehensive Plan Ordinance No. 1990-04, as amended, and the intent and purpose

10 of the City of DeLand Land Development Regulations Ordinance No. 2013-11, as

11 amended, and does promote the public health, safety, morals, general welfare and orderly

12 growth of the area affected by the rezoning request.

13

14 NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF

15 DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY

16 COMMISSION CHAMBERS, 120 SOUTH FLORIDA AVENUE, DELAND, FLORIDA,

17 THIS DAY OF \_\_\_\_\_, A.D., 2022, AS FOLLOWS:

18

19 A. That the Application of OAKS-AMICORP, INC., and AMICORP, INC. for

20 the rezoning of the subject parcel is hereby granted.

21

22 B. That the zoning classification of the subject parcel described in Exhibit "A"

23 attached hereto is hereby amended from Volusia County R-4, City of DeLand R-M and

24 City of DeLand The Oaks PD to The Oaks Community Expanded PD 2022 as described

1 in Article VII of the City of DeLand, Land Development Regulations Ordinance No. 2013-  
2 11, as amended.

3  
4 C. That the Official Zoning Map of the City of DeLand, is hereby amended to  
5 show the rezoning of said parcel to THE OAKS COMMUNITY EXPANDED PD 2022.

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

15  
16 E. Unless otherwise provided for herein, the City of DeLand, Land  
17 Development Regulations Ordinance No. 2013-11, as amended, shall apply to the PD in  
18 the same manner as the R-M (for the Mobile Home Park Area) and R-1 (for the existing  
19 home) zoning classification for the section designated Single-Family Residential.

20  
21 F. Nothing in this Ordinance shall abridge the requirements of any City of  
22 DeLand Ordinance other than Ordinance No. 2013-11, as amended. Timing and review  
23 procedures contained in this Order and Resolution may be modified to comply with the  
24 City of DeLand Land Development Regulations, Ordinance No. 2013-11, as amended.

1 Further, nothing in the Development Agreement is intended to abridge the requirements  
2 of Ordinance No. 2013-11, as amended, and any other City Ordinances.  
3  
4

1                                    DEVELOPMENT AGREEMENT

2

3            A.    Development Concept.    The property shall be developed as a PD

4 substantially in accordance with the Planned Development Plan. The Planned

5 Development Plan shall govern the development of the property as a PD and shall

6 regulate the future land use of this parcel.

7                    1.    Planned Development. The Planned Development shall consist of

8 the Development Plan prepared by Engineered Permits Inc. dated [REDACTED] and this

9 development agreement. The Planned Development is hereby approved and

10 incorporated in this Ordinance by reference as Exhibit "B". The Planned Development

11 shall be filed and retained for public inspection in the Planning Department and it shall

12 constitute a supplement to the Official Zoning Map of the City of DeLand.

13                    2.    Amendments. All amendments of the Planned Development Plan,

14 other than those deemed by the Planning Department to be minor amendments as set

15 out in Ordinance No. 2013-11, as amended, shall require the review and recommendation

16 of the Planning Board and action by the City Commission in the same manner as a

17 rezoning of the parcel.

18                    3.    Final Site Plan/Subdivision Approval. After the Planned

19 Development is recorded, for that portion of the Property not already developed, a final

20 development order for the final site plan approval and/or final subdivision shall be

21 submitted for review and approval in the manner required by Article XIII of the City of

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

23            B.    Unified Ownership. The Applicant or his successors shall maintain unified

24 ownership of the subject parcel until after issuance of the development order for the final



1 site plan or subdivision.

2

3 C. Phases of Development. The project has been developed in phases, as  
4 detailed in Exhibit "C". For the purposes of this Agreement, Phase One is designated as  
5 the Oaks and Phase Two is designated as Cinnamon Circle. Phase Three is designated  
6 as Sugar Mint Way, consisting of an existing single-family home on the western half of  
7 Parcel 701400000280; and the eastern portion of Parcel 701400000280 to be developed  
8 for manufactured homes, extending from the southwest corner of Phase One. Phase  
9 Four is designated as Thyme Way, a southern extension of Phase One. Phase Five is  
10 designated as the Future Development Tract. Phase One and Phase Two have been built  
11 out to completion and Phase Four is nearly complete.

12

13 D. Land Uses Within the PD. This property is restricted to 4 units per acre or  
14 less for manufactured homes. These homes will be built under Federal construction and  
15 inspection standards and may include customary accessory uses as allowable uses.  
16 Siting and accessory structure completions shall be constructed to local building official  
17 standards and inspections. Any homes constructed completely onsite would be by local  
18 construction standards and inspections. The existing single-family home located on the  
19 western portion of Parcel 701400000280 in Phase Three will remain as an allowable use  
20 and the resulting parcel shall have customary single-family accessory uses as allowable  
21 uses.

22

23 E. Development Standards. The design standards for The Oaks Community  
24 Expanded PD 2022 established herein are predominantly based on the current R-M

zoning designation and the Low-Density future land use designation, except where specifically noted otherwise herein. The Property shall be subject to an Age Restriction to 55 years old and older. This age restriction shall not apply to the existing single-family home located within Phase Three.

**1. Phase One and Phase Two Specific Development Standards.** The

development of Phase One and Phase Two ~~has~~ been completed ~~and is based upon the existing DeLand R-M zoning category~~. Modification of units or accessory structures located within Phase One and Phase Two shall be made in compliance with the DeLand R-M zoning category. Phase One and Two is hereby vested with 194 units. Amenities may include but are not limited to: passive recreation areas, benches, and walking areas.

**Commented [KS1]:** Only Phase 1 is addressed. Shouldn't this mention Phase 2 as well?

**2. Phase Three (Sugar Mint Way) Specific Development Standards.** The

development standards for Phase Three are as follows:

a. Manufactured Home Dwelling Unit Setbacks:

Standard Front Yard: 20 feet from edge of pavement.

\*Dwelling units along curved portions of the pavement may utilize a 10-foot setback from edge of pavement.

Side Yard Setback: 7 feet 6 inches.

Rear Yard Setback: 10 feet.

Rear Yard Setback Abutting Perimeter: 12 feet 6 inches.

b. Dwelling Unit Criteria:

i. Minimum Unit Under Air: 900 square feet.

- ii. Minimum Unit Width: 26 feet.
- iii. Minimum Unit Length: 36 feet.
- iv. No less than 1 covered carport.
- v. A utility room measuring 6 feet by 10 feet.

c. Perimeter Landscape Buffer: Any perimeter buffer shall have a landscaped buffer of no less than 12 feet 6 inches. No perimeter wall is required. Landscaping shall achieve 80% opacity at a height of 6 feet within 1 year of construction. All other buffer requirements shall adhere to Buffer Standard "B" under the City's Land Development Regulations Table 33-92.02(b).

d. Landscape Requirements within the Phase: It is the Developer's intent to retain and protect any trees not within the building envelope extending to 5' beyond the building footprint. All efforts will be made to flip floor plans, rearrange carports and utility rooms to maximize tree preservation. Due to common ownership of this entire site, lot lines are not recorded and deeded. Therefore, there is a maximum of flexibility to move streets, lot lines, homes, and accessory structures in order to accommodate "field adjusting" site development as well as home construction.

Xeriscaping is encouraged and natural tree hammocks shall be preserved as much as possible. Lots without trees due to the natural availability of trees shall have a minimum two 15-gallon trees with a planted growth height of 6'.

Amenities may include but are not limited to: passive recreation areas, benches, and walking areas.

e. Single Family Home Parcel Requirements: Developer may retain common ownership of or create a new lot for the existing single-family home located on the western portion of this parcel. The development criteria for the single-family lot

1 shall generally comply with the zoning criteria for the City's R-1B Single Family Dwelling  
2 District unless otherwise stated herein.

- 3 1. Minimum lot area: 7500 sf.
- 4 2. Minimum lot width: 75 ft.
- 5 3. Minimum building setbacks:
- 6 a. Front: 30 ft.
- 7 b. Rear: 20 ft.
- 8 c. Side: 10 ft.

9  
10 **3. Phase Four (Thyme Way) Specific Development Standards.** The  
11 development of Phase ~~Two-Four~~ is nearly complete, having relied upon the development  
12 standards set forth in The Oaks PD, adopted November 19, 2001 (Ord. #2001-25). For  
13 consistency and clarification and to expressly remove any requirement for a perimeter  
14 stucco wall, the development standards for Phase ~~Two-Four~~ are amended and restated  
15 as follows:

Commented [KS2]: Should be addressing Phase 4?

- 16 a. Dwelling Unit Setbacks:
- 17 Standard Front Yard: 20 feet from edge of pavement.
- 18 \*Dwelling units along curved portions of the
- 19 pavement may utilize a 10-foot setback from
- 20 edge of pavement.
- 21 Side Yard Setback: 7 feet 6 inches.
- 22 Rear Yard Setback: 10 feet.
- 23 Rear Yard Setback Abutting Perimeter: 12 feet 6 inches.
- 24 Minimum Separation (buildings): 15 feet.
- 25 b. Dwelling Unit Criteria:



- i. Minimum Unit Under Air: 900 square feet.
- ii. Minimum Unit Width: 26 feet.
- iii. Minimum Unit Length: 36 feet.
- iv. No less than 1 covered carport.
- v. A utility room measuring 6 feet by 10 feet.

c. Perimeter Landscape Buffer: Any perimeter buffer shall have a landscaped buffer of no less than 12 feet 6 inches. No perimeter wall is required. Landscaping shall achieve 80% opacity at a height of 6 feet within 1 year of construction. All other buffer requirements shall adhere to Buffer Standard "B" under the City's Land Development Regulations Table 33-92.02(b).

d. Landscape Requirements within the Phase: It is the Developer's intent to retain and protect any trees not within the building envelope extending to 5' beyond the building footprint. All efforts will be made to flip floor plans, rearrange carports and utility rooms to maximize tree preservation. Due to common ownership of this entire site, lot lines are not recorded and deeded. Therefore, there is a maximum of flexibility to move streets, lot lines, homes, and accessory structures in order to accommodate "field adjusting" site development as well as home construction.

Xeriscaping is encouraged and natural tree hammocks shall be preserved as much as possible. Lots without trees due to the natural availability of trees shall have a minimum two 15-gallon trees with a planted growth height of 6'.

Amenities may include but are not limited to: passive recreation areas, benches, and walking areas.

1  
2 4. Phase Five (Future Development Tract) Specific Development Standards. The

3 development standards for Phase ~~Five~~ four are as follows:

Commented [KS3]: Five

4 a. Dwelling Unit Setbacks:

5 Standard Front Yard: 20 feet from edge of pavement.

6 \*Dwelling units along curved portions of the  
7 pavement may utilize a 10-foot setback from  
8 edge of pavement.

9 Side Yard Setback: 7 feet 6 inches.

10 Rear Yard Setback: 10 feet.

11 Rear Yard Setback Abutting Perimeter: 12 feet 6 inches.

12 b. Dwelling Unit Criteria:

13 i. Minimum Unit Under Air: 900 square feet.

14 ii. Minimum Unit Width: 26 feet.

15 iii. Minimum Unit Length: 36 feet.

16 iv. No less than 1 covered carport.

17 v. A utility room measuring 6 feet by 10 feet.

18  
19 c. Perimeter Landscape Buffer: Any perimeter buffer shall have

20 a landscaped buffer of no less than 12 feet 6 inches. No perimeter wall is required.

21 Landscaping shall achieve 80% opacity at a height of 6 feet within 1 year of construction.

22 All other buffer requirements shall adhere to Buffer Standard "B" under the City's Land

23 Development Regulations Table 33-92.02(b).

24 d. Landscape Requirements within the Phase: It is the

Developer's intent to retain and protect any trees not within the building envelope extending to 5' beyond the building footprint. All efforts will be made to flip floor plans, rearrange carports and utility rooms to maximize tree preservation. Due to common ownership of this entire site, lot lines are not recorded and deeded. Therefore, there is a maximum of flexibility to move streets, lot lines, homes, and accessory structures in order to accommodate "field adjusting" site development as well as home construction.

Xeriscaping is encouraged and natural tree hammocks shall be preserved as much as possible. Lots without trees due to the natural availability of trees shall have a minimum two 15-gallon trees with a planted growth height of 6'.

Amenities may include but are not limited to: passive recreation areas, benches, and walking areas.

F. Environmental Considerations. The development of Phases One and Two are complete or nearly complete. The Development of Phase Three, Phase Four, and Phase 5 shall comply with the requirements for preservation of environmental resources as set forth in the Land Development Regulations Ordinance No. 2013-11, as amended. Tree Protection Areas preserving a minimum of 15% ~~of Phase Three~~, shall be required ~~and maintained as shown on Exhibit B~~.

G. Sewage Disposal and Potable Water. Provision for sewage disposal and potable water needs of the PD will be provided in accordance with the Comprehensive Plan, Ordinance No. 1990-04, as amended, the Land Development Regulations Ordinance No. 2013-11, as amended, and State of Florida Administrative Code 64E-6. Reclaimed water lines (dry lines) shall be installed within the site per the city's requirements for future connection to the city's reclaimed water system, at such time that reclaimed water is made available to the site.

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1 H. Stormwater Drainage. Provision for stormwater retention shall be in  
2 accordance with the Land Development Regulations Ordinance No. 2013-11, as  
3 amended.

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

9 1. Access to the site will continue to be from Voorhis Avenue.  
10 Emergency Access shall be provided ~~in Phase Two (Thyme Way) via a western~~  
11 ~~connection to the adjacent single family subdivision~~ for each of the phases. The Concept  
12 Plan indicates the anticipated connection locations; however, the final locations may vary  
13 due to final engineering design and permitting considerations.

14 2. Transportation System Improvements. Transportation system  
15 improvements will be provided as required by permitting agencies.

16  
17 J. Internal Roadways. Road rights-of-way will be paved and no less than 20  
18 feet wide. All internal roads will be private, owned and maintained by THE OAKS-  
19 AMICORP, INC. and AMICORP, INC.

20  
21 K. Reverter Provision. The City Commission may rezone any portion of the  
22 project which has not secured a final Development Order on or before 5 years from the  
23 effective date of this ordinance as may be necessary or appropriate to protect adjoining  
24 properties or the public health, safety and welfare, unless the City Commission, for good

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1 cause shown, shall extend the time period indicated in this paragraph.

2

3 L. Binding Effect of Plans; Recording; and Effective Date. The Planned  
4 Development Plan, including any and all amendments shall bind and inure to the benefit  
5 of the Applicant and his successor in title or interest. The Oaks Community Expanded PD  
6 2022 zoning, provisions of the "Development Agreement," and all approved plans shall  
7 run with the land and shall be administered in a manner consistent with Article XII of the  
8 City of DeLand Land Development Regulations Ordinance No. 2013-11, as amended.

9

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

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

ATTEST: City Commission of DeLand Florida

\_\_\_\_\_  
Michael Pleus  
City Manager

\_\_\_\_\_  
Robert Apgar  
Mayor

STATE OF FLORIDA  
CITY OF DELAND

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

NOTARY PUBLIC, STATE OF FLORIDA  
Type or Print Name:

\_\_\_\_\_  
Commission No.: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

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WITNESSES:

**THE OAKS-AMICORP, INC.,**  
a Florida corporation

By: \_\_\_\_\_  
KENT S. TITCOMB, President

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
*Owner of Property (if other than applicant)*

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_ (mo/yr), by \_\_\_\_\_, who is President of The Oaks-Amicorp, Inc., and 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: \_\_\_\_\_

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WITNESSES:

**AMICORP, INC.,**  
a Florida corporation

By: \_\_\_\_\_

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
*Owner of Property (if other than applicant)*

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_ (mo/yr), by \_\_\_\_\_, who is \_\_\_\_\_ of Amicorp, Inc., and 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: \_\_\_\_\_

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5 **EXHIBIT "A"**

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10 **LEGAL DESCRIPTION**

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17 **PARCEL 1:**

18 THE NORTH 1/2 OF THE SW 1/4 OF THE SW 1/4 OF THE NW 1/4, LESS AND EXCEPT THE WEST  
19 176.00 FEET THEREOF, AND THE NW 1/4 OF THE SE 1/4 OF THE NW 1/4, EXCEPT THE EAST 310  
20 FEET OF THE NORTH 370 FEET AND EXCEPT THAT PART FOR ROAD, AND THE EAST 1/2 OF THE SW  
21 1/4 OF THE NW 1/4, EXCEPT THE NORTH 30 FEET THEREOF, AND THE EAST 1/2 OF THE NW 1/4  
22 OF THE SW 1/4 OF THE NW 1/4, EXCEPT THE NORTH 240 FEET OF THE WEST 200 FEET THEREOF,  
23 ALL IN SECTION 14, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, AND  
24 ALSO ALL OF LOTS 1 TO 48, INCLUSIVE, HILLSIDE TERRACE SUBDIVISION, A SUBDIVISION OF THE  
25 SW 1/4 OF THE SE 1/4 OF THE NW 1/4 IN SECTION 14, TOWNSHIP 17 SOUTH, RANGE 30 EAST,  
26 ACCORDING TO MAP IN MAP BOOK 10, AT PAGE 213, OF THE PUBLIC RECORDS OF VOLUSIA  
27 COUNTY, FLORIDA; AND VACATED WALTZ AVENUE AND VACATED PROSPECT AVENUE OF  
28 AFORESAID HILLSIDE TERRACE SUBDIVISION.

29  
30 LESS AND EXCEPT THAT PART THEREOF DESCRIBED AS FOLLOWS: COMMENCE AT THE NW  
31 CORNER OF THE SW 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 17 SOUTH, RANGE 30 EAST,  
32 OF VOLUSIA COUNTY, FLORIDA; THENCE N 89°57'00" E, A DISTANCE OF 534.04 FEET; THENCE S  
33 01°35'13" W, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF  
34 VOORHIS AVENUE; THENCE N 89°57'00" E, A DISTANCE OF 1145.29 FEET ALONG SAID RIGHT-OF-  
35 WAY OF VOORHIS AVENUE TO A POINT ON SAID RIGHT-OF-WAY LINE, AND SAID POINT BEING  
36 THE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE S 01°12'17" W, A DISTANCE OF 34.00  
37 FEET; THENCE S 89°57'00" W, A DISTANCE OF 28.00 FEET; THENCE N 01°12'17" E A DISTANCE OF  
38 34.00 FEET; THENCE N 89°57'00" E, A DISTANCE OF 28.00 FEET TO THE POINT OF BEGINNING, ALL  
39 LYING IN VOLUSIA COUNTY, FLORIDA.

40  
41  
42  
43 **PARCEL 2:**

44 THAT PORTION OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION  
45 14, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA BEING MORE  
46 PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE POINT OF BEGINNING, SAID POINT BEING  
47 THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF AFORESAID  
48 SECTION 14, RUN THENCE SOUTH 01°08'34" EAST ALONG THE EAST LINE OF THE NORTHWEST  
49 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 14, A DISTANCE OF 651.68 FEET TO THE  
50 SOUTHEAST CORNER OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF  
51 SAID SECTION 14; THENCE SOUTH 88°30'38" WEST, ALONG THE NORTH 1/2 OF THE NORTHWEST  
52 1/4 OF THE SOUTHWEST 1/4 OF AFORESAID SECTION 14, A DISTANCE OF 369.56 FEET; THENCE  
53 NORTH 04°59'42" EAST, A DISTANCE OF 654.67 FEET, TO THE NORTH LINE OF THE SOUTHWEST  
54 1/4 OF AFORESAID SECTION 14; THENCE NORTH 88°17'00" EAST, ALONG THE NORTH LINE OF  
55 THE OF THE SOUTHWEST 1/4 OF AFORESAID SECTION 14, A DISTANCE OF 299.57 FEET TO THE  
56 POINT OF BEGINNING.

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61  
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63  
64  
65 **TOGETHER WITH**

1 (PER ORB 1890 PG. 1943)

2  
3 THE SOUTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼, SECTION  
4 14, TOWNSHIP 17 SOUTH, RANGE 30 EAST, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY,  
5 FLORIDA, LESS ROAD RIGHT-OF-WAY.

6  
7 ALSO DESCRIBED AS FOLLOWS:  
8 (CREATED BY SURVEYOR)

9  
10 THE SOUTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼, SECTION  
11 14, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, LESS ROAD RIGHT-OF-  
12 WAY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

13  
14 COMMENCE AT THE "T-BAR" AND CAP #1701 MARKING THE SOUTHWEST CORNER OF THE  
15 SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 14; THENCE RUN N88°16'32"E, ALONG  
16 THE SOUTH LINE OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 14, A DISTANCE  
17 OF 30.04 FEET TO A 4" BY 4" CONCRETE MONUMENT AT THE INTERSECTION WITH THE EAST  
18 RIGHT OF WAY LINE OF BLUE LAKE AVENUE, (a 30.00 FOOT RIGHT OF WAY AS MONUMENTED  
19 AND OCCUPIED); THENCE RUN N00°24'51"E, ALONG SAID EAST RIGHT OF WAY, A DISTANCE OF  
20 321.17 FEET TO A "T-BAR" WITH NO IDENTIFICATION MARKING THE INTERSECTION WITH THE  
21 NORTH LINE OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF THE NORTHWEST  
22 ¼ OF SAID SECTION 14; THENCE RUN N88°18'30"E, ALONG THE NORTH LINE OF THE SOUTH ½ OF  
23 THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 14, A  
24 DISTANCE OF 630.57 FEET TO A "T-BAR" WITH NO IDENTIFICATION MARKING THE INTERSECTION  
25 WITH THE EAST LINE OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF THE  
26 NORTHWEST ¼ OF SAID SECTION 14; THENCE RUN S00°30'04"E, ALONG THE EAST LINE OF THE  
27 SOUTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SAID SECTION  
28 14, A DISTANCE OF 320.76 FEET TO THE SOUTHEAST CORNER OF THE SOUTH ½ OF THE  
29 SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 14; THENCE RUN  
30 S88°16'32"W, ALONG THE SOUTH LINE OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF THE  
31 SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 14, A DISTANCE OF 635.71 FEET TO THE  
32 POINT OF BEGINNING.

33  
34 AND

35  
36 DESCRIPTION: (PARCEL 2)

37  
38 A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS  
39 BOOK 7201, PAGE 4186, OF THE PUBLIC RECORDS OF VOLUSIA  
40 COUNTY, FLORIDA, AND LYING IN SECTION 14, TOWNSHIP 17  
41 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA AND BEING  
42 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

43  
44 COMMENCE AT THE SOUTHWEST CORNER OF THOSE LANDS



1 DESCRIBED IN SAID OFFICIAL RECORDS BOOK 7201 AT PAGE  
2 4186;  
3 THENCE RUN N88°30'37"E ALONG THE SOUTH LINE OF THOSE  
4 LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 7201 AT  
5 PAGE 418 A DISTANCE OF 10.00 FEET TO THE POINT OF  
6 BEGINNING; THENCE RUN N01°12'09"W ALONG A LINE PARALLEL  
7 WITH AND 10.00 FEET EAST OF THE WEST LINE OF THOSE  
8 LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 7201,  
9 PAGE 4186, A DISTANCE OF 100.00 FEET; THENCE RUN  
10 N88°30'37"E A DISTANCE OF 40.00 FEET; THENCE RUN  
11 S01°12'09"E A DISTANCE OF 75.00 FEET; THENCE RUN  
12 N88°30'37"E A DISTANCE OF 400.00 FEET; THENCE RUN  
13 N01°12'09"W A DISTANCE OF 175.00 FEET TO A POINT ON THE  
14 NORTH LINE OF OFFICIAL RECORDS BOOK 7201, PAGE 4186;  
15 THENCE RUN N88°30'30"E, ALONG THE NORTH LINE OF SAID  
16 OFFICIAL RECORDS BOOK 7201, PAGE 4186, A DISTANCE OF  
17 857.13 FEET TO A POINT ON THE EAST LINE OF OFFICIAL  
18 RECORDS BOOK 7201, PAGE 4186; THENCE RUN S01°08'34"E  
19 ALONG THE EAST LINE OF SAID OFFICIAL RECORDS BOOK 7201,  
20 PAGE 4186, A DISTANCE OF 325.84 FEET; THENCE RUN  
21 S88°30'37"W ALONG THE SOUTH LINE OF SAID OFFICIAL  
22 RECORDS BOOK 7201, PAGE 4186 A DISTANCE OF 856.78 FEET;  
23 THENCE RUN N01°12'09"W A DISTANCE OF 125.84 FEET;  
24 THENCE RUN S88°30'37"W ALONG THE SOUTH LINE OF SAID  
25 OFFICIAL RECORDS BOOK 7201, PAGE 4186 A DISTANCE OF  
26 440.01 FEET TO THE POINT OF BEGINNING.  
27 SAID PARCEL CONTAINS 6.73 ACRES.  
28  
29  
30

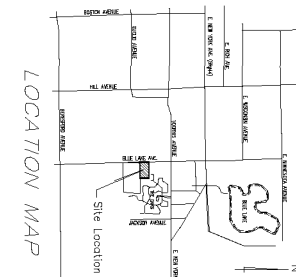
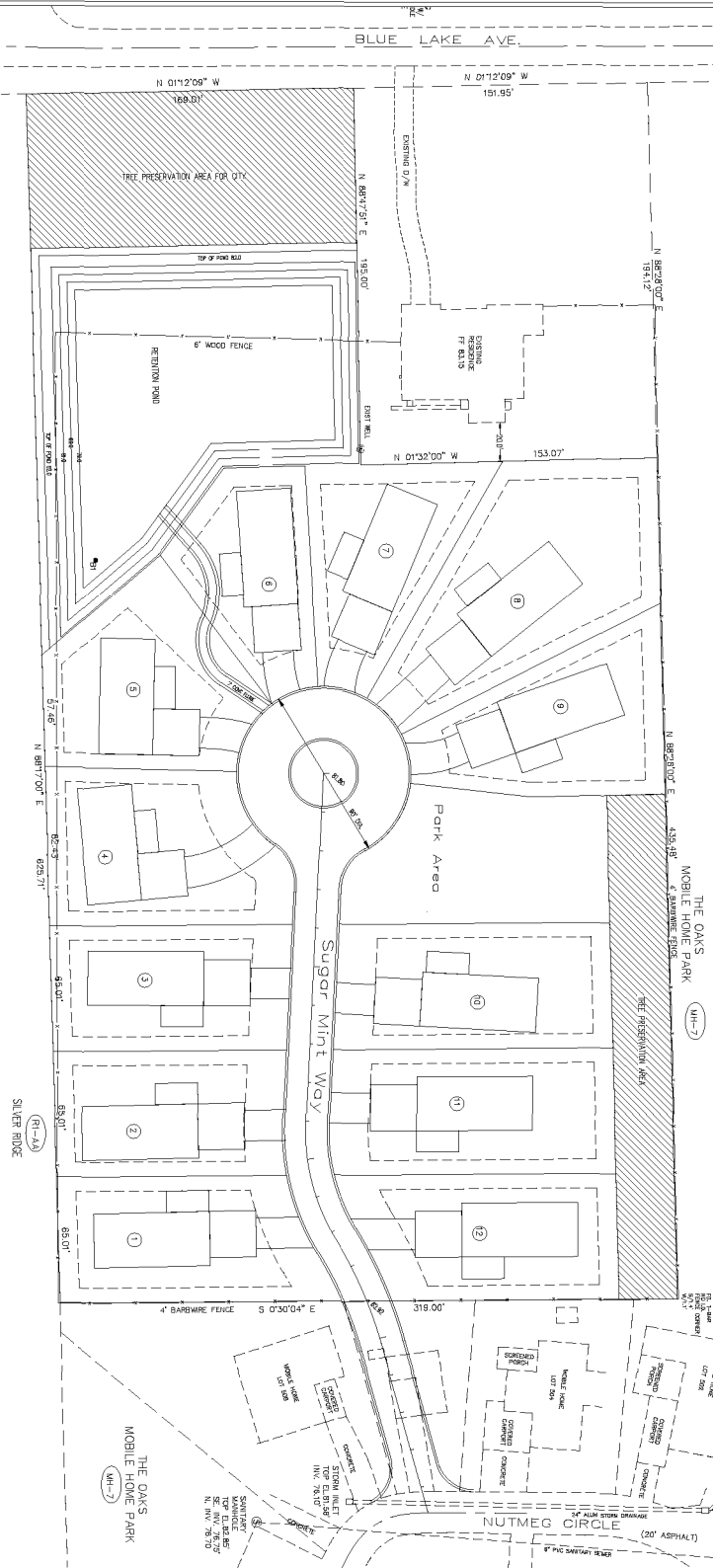
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**EXHIBIT "B"**  
CONCEPTUAL SITE PLAN

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**EXHIBIT "C"**  
PHASING PLAN

# CONCEPTUAL SITE PLAN SUGAR MINT WAY



**PROJECT DATA:**

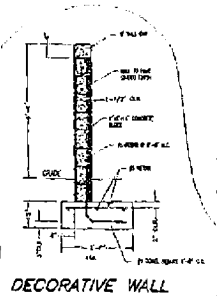
|                     |               |             |
|---------------------|---------------|-------------|
| Project Area        | 171.42 Acres  | 4.472 Acres |
| EXISTING (Total)    | 3,482 Sd.Ft.  | 1,285       |
| Building Footprints | 88 Sd.Ft.     | 0.025       |
| Other Improvements  | 1,394 Sd.Ft.  | 1.524       |
| Proposed (Total)    | 1,394 Sd.Ft.  | 1.524       |
| Building Footprints | 1,394 Sd.Ft.  | 1.524       |
| Other Improvements  | 0 Sd.Ft.      | 0           |
| Open Areas          | 137.94 Sd.Ft. | 70.205      |

| ENGINEERING                                                 | PLANNING | DESIGN                            | PERMITTING |
|-------------------------------------------------------------|----------|-----------------------------------|------------|
| PROJECT: CONCEPTUAL SITE PLAN FOR SUGAR MINT WAY DELAND, FL |          |                                   |            |
| SHEET TITLE: SITE DATA AND LAYOUT SHEET                     |          | REVISIONS:                        |            |
| DATE: 5/18/2021                                             |          | DATE: 5/18/2021                   |            |
| BY: MICHAEL J. WOJTUNIAK, P.E.                              |          | BY: MICHAEL J. WOJTUNIAK, P.E.    |            |
| CHECK: MICHAEL J. WOJTUNIAK, P.E.                           |          | CHECK: MICHAEL J. WOJTUNIAK, P.E. |            |

SHEET NO.  
1 OF 1

MICHAEL WOJTUNIAK, P.E.  
P.E. NO. 10000  
CONTACT: mwojtuniak@epieng.com



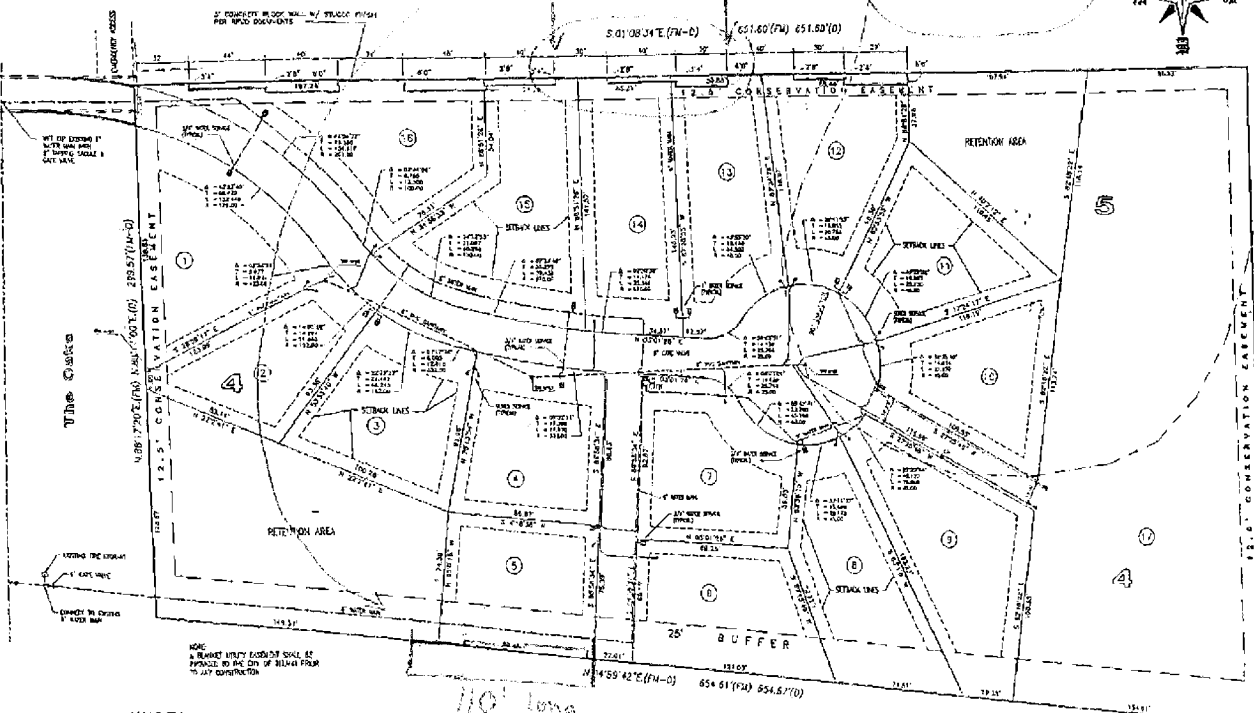


DECORATIVE WALL

**LEGEND:**

- 1) CONTRACTOR PRIOR TO CONSTRUCTION SHALL FIRST LOCATE ALL EXISTING UTILITIES FOR POSSIBLE CONFLICT.
- 2) CONTRACTOR SHALL USE STATE RECOMMENDED BEST MANAGEMENT PRACTICES TO MINIMIZE EROSION, SEDIMENTATION, AND AIR POLLUTION AND SHALL PROPERLY RESTORE ANY SUCH DAMAGE.
- 3) CONTRACTOR SHALL RESTORE ALL OFF-SITE AREAS DISTURBED BY ORIGINAL CONSTRUCTION OF SITES.
- 4) CONTRACTOR TO MAINTAIN TRAFFIC FLOW DURING CONSTRUCTION.
- 5) CONTRACTOR MAY MAKE UNDER ADJUSTMENTS IN ALIGNMENT AND GRADE TO AVOID CONFLICT WITH EXISTING UTILITIES, STRUCTURES OR DRAINAGE TO BETTER MATCH EXISTING FIELD CONDITIONS.
- 6) CONTRACTOR SHALL RECORD AND SUBMIT TO PROJECT ENGINEER ACCURATE AS-BUILT INFORMATION.

-  = LOCATING PLUMBOING
-  = PROPOSED ELEVATIONS
-  = EXISTING CONTOURS
-  = PROPOSED CONTOURS
-  = STORMAGE BOUNDARY
-  = DRAINAGE FLOOD
-  = SELF PROTECT
-  = IRRIGATION FLOW
-  = PROPOSED FLOW HYDRAULIC
-  = EXISTING CANAL TOE TO REMAIN
-  = EXISTING TOE TO BE REMOVED
-  = SOIL BORING
-  = ZONING CLASSIFICATION
-  = SOILS TYPE
-  = SANITARY SEWER
-  = WATER MAIN



WATER SYSTEM NOTES:

- [illegible]

- 3) "WATER" MEANS WATER AVAILABLE TO CARRY SUFFICIENT FORCE UNDER A PRESSURE WHICH RESULTS IN LEAKAGE OF WATER IN EXCESS OF THE ALLOWABLE LEAKAGE. THIS DEFINITION IS NOT MEANT TO BE OF A QUALITATIVE NATURE. OCCASIONALLY, THERE MAY BE A LEAK AND A TENDENCY THROUGH THE WEATHERSTRIPPING WHICH MAY BE STOPPED BY THE USER. THIS DOES NOT MEAN THAT THERE IS NO LEAK. THE USER SHOULD DETERMINE THE LEAK RATE AND BE AT LEAST "1/2" ABOVE THE TAP RATE OF 1/2 GPM PER LINEAL FOOT.
- 4) SEVERE PUMP OVERLOADS TO EXCEED FIRM STANDARDS IS PRESUMED TESTED.
- 5) WATER WAS UNWISDOM TO LOCATE FROM PUMP AND TRANSPORTED IN APPROPRIATE TENDERS AND AT A MINOR DISCHARGE THAN THE TAP RATE.
- 6) WATER WASTE SHALL BE NONCONFORMING IF TESTED IN ACCORDANCE WITH FIRM SUPERVISIONS A PERMITTED DRAIN OF 5-600 GPM PER LINEAL FOOT.
- 7) ALL WATER WASTE SHALL BE DISPOSED OF IN ACCORDANCE WITH FIRM CASE NO. 87-233-240, P.A.C.
- 8) ALL WATER AND SEWER CONNECTIONS SHALL BE PER CITY OF COLUMBIA

| SETBACK DIMENSIONS |      |
|--------------------|------|
| FRONT YARD         | 25'  |
| SIDE YARD          | 7.5' |
| REAR YARD          | 10'  |

- 1) ALL PAYMENT MARKERS SHALL BE THERMOPLASTIC AND SHALL BE INSTALLED IN ACCORDANCE WITH F.O.T. INDEX #12348.
- 2) ALL REFLECTIVE MARKERS ARE TO BE PLACED IN ACCORDANCE WITH F.O.T. STANDARD INDEX #17392.
- 3) ALL SIGNS ARE TO BE PLACED IN ACCORDANCE WITH F.O.T. STANDARD INDEX #17394. ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS.
- 4) CONSTRUCTION SHALL HAVE IN PLACE DURING CONSTRUCTION A WORK ZONE TRAFFIC CONTROL PLAN PER F.O.T. STANDARD INDEX #602.

[illegible]

Existing vegetation - Grass & large trees  
Contractor shall seed all areas in the Right-Of-Way  
disturbed by construction  
Site has no known archeological or historic resources.  
Amkor Properties, etc. will be responsible for the  
maintenance of all open space, landscaping, drainage  
retention areas, and other waste facilities.

100 Year Flood Plain, Not Applicable To Project

Soils - S.C.S. #1. Alluvial Fine Sand, C-20 Slope  
S.C.S. #3. Alluvial Fine Sand, B-17A Slope

Project Land Use: Single Family Residential  
Tax Parcel Number: 3014-30-00-1181  
Water Provider: City of Deland Utilities

|                                                  |                |             |
|--------------------------------------------------|----------------|-------------|
| Project Area                                     | 211,080 Sq.Ft. | 5,000 Acres |
| PROPOSED:                                        |                |             |
| Impervious Area                                  | 37,531 Sq.Ft.  | 17.2%       |
| Retention Area                                   | 24,364 Sq.Ft.  | 11.3%       |
| Green Area                                       | 155,285 Sq.Ft. | 71.4%       |
| Density: 17 Homes / 1.00 Acres = 3.40 homes/acre |                |             |

**AVIS & CLETON**  
**RENTING**

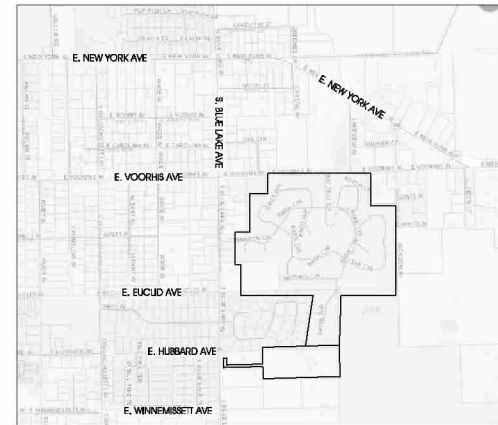
PROJECT  
SITE LAYOUT AND UTILITY PLAN  
for  
THE OAKS EXPANSION SOUTH

[illegible]

# McEwen

2001-32  
SCALE  
1"=30'  
DATE  
12/6/01  
DRAWN  
DOW





LOCATION MAP  
SCALE: NTS



SCALE: NTS

[illegible]

ENGINEERING PRODUCTS, INC.  
8111 SOUTH WOODLAND DR.  
SUITE A  
DULAND, FL 32728  
PHONE: 386-754-0352  
FAX: 386-754-8228  
CUST. INQ. 800-84  
E-MAIL: [info@engprod.com](mailto:info@engprod.com)

**MICHAEL WOLJUNIAK, P.E.**  
P.E. NO. 60834  
EMAIL: [majuniak@cedong.net](mailto:majuniak@cedong.net)

SHEET NO.

1 OF 1

\*\*\*THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY MICHAEL J. WOJCIAK, P.E. ON 4/7/2022. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES UNLESS THE RAISED SEAL HAS BEEN UTILIZED. \*\*\*

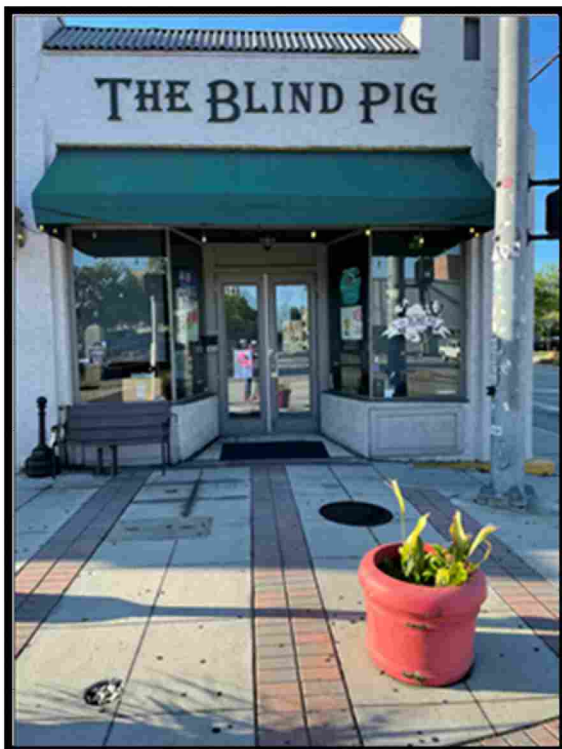
**PLANNING DEPARTMENT STAFF REPORT  
TO  
THE CITY OF DELAND PLANNING BOARD**

**April 20, 2022**

- A. APPLICATION NO:** SE22-056
- B. APPLICANT:** Sarah Hancock (Owner/Applicant)
- ADDRESS:** 148 W New York AV, DeLand, FL 32720
- REQUEST:** Special Exception that will allow The Blind Pig, which is currently a 2COP beer & wine bar, to purchase a 4COP liquor license.



**APPLICABLE ORDINANCE:** Article II - Section 33-18  
(17).Special exceptions; *Package store or bar, for all land uses requiring either a Department of Business and Professional Regulation "3 PS" liquor license (package sales) or "4 COP" liquor license (bars, lounges, etc.), the following minimum separation requirements shall apply: C-2A—300 feet; BR, C-1, C-2, C-2AC, C-4 and M-1—500 feet.*



**C. SITE FACTORS:**

**Location:** 148 W New York Ave.  
**Parcel ID:** 701601030050  
**Parcel Size:** +/- 1600 sq. ft.  
**Land Use:** Downtown Commercial  
**Existing Zoning:** C-2A&H Downtown Commercial & Historic  
**Existing Use:** 2COP Bar

**SURROUNDING USE:      SURROUNDING ZONING:**

|              |                     |                                         |
|--------------|---------------------|-----------------------------------------|
| <b>North</b> | Downtown Commercial | C-2A&H (Downtown Commercial & Historic) |
| <b>South</b> | Downtown Commercial | C-2A&H (Downtown Commercial & Historic) |
| <b>East</b>  | Downtown Commercial | C-2A&H (Downtown Commercial & Historic) |
| <b>West</b>  | Downtown Commercial | C-2A (Downtown Commercial)              |

**D. ANALYSIS:**

The applicant is seeking a Special Exception for a 4COP liquor license at the location of 148 West New York Avenue. It is currently a 2COP beer & wine bar. The approval from the city for zoning will allow The Blind Pig to then purchase a 4COP liquor license, increase the menu, sales, hired staff and hours of the business.

In the C-2A&H zoning district, establishments requiring licenses above Class 2 (beer & wine) require special exception approval—subject to a minimum separation of 500 ft. between similar uses. The surrounding uses have been reviewed, and it has been determined that there are no other similar uses within the required 300-ft. distance from this site. Café Da Vinci is 528' away from The Blind Pig, which permits this use.

The intent of this review is for the board to determine if this use is acceptable at this location. This area is a downtown commercial neighborhood comprised of variety of business and municipal buildings.

**E. CONCLUSION:**

The applicant is seeking a special exception to allow implementation of a 4COP license for liquor sales (bars, lounges, etc.). They currently hold a 2COP license. (beer & wine)

**STAFF RECOMMENDATION:**

Staff recommends the Planning Board forward the Special Exception to the City Commission with a recommendation of approval. (The City Commission will hold a public hearing on this item at their May 16, 2022 meeting.)

**Staff recommends approval of the Special Exception.**



City of DeLand  
**PLANNING BOARD**  
SE22-056  
APRIL 20, 2022



**Legend:**



City Zoning

County Zoning







City of DeLand  
**PLANNING BOARD**  
SE22-056  
APRIL 20, 2022





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

**April 20, 2022**

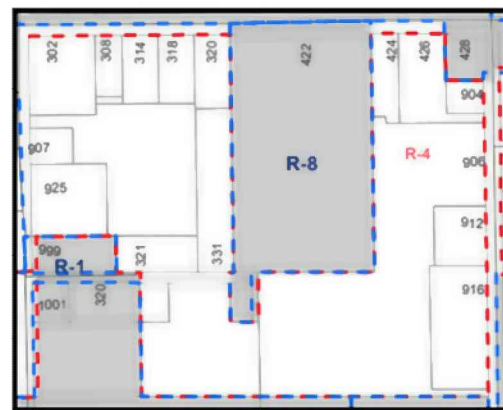
**A. APPLICATION: SSB22-035, DeLand Townhomes**

**Applicant:** Ivan Moreno, DeLand Florida Developers LLC

**Request:** Subdivision sketch plan review

**Applicable Ordinance:** Article 13, Sec. 33-146.02  
Subdivision sketch plans

Zoning Map



**B. SITE FACTORS**

**Location:** 422 E. Beresford Ave.

**Parcel Size:** 5.96± acres

**Existing Zoning:** R-8 Multiple-Family Dwelling

**Existing Land Use:** Medium Density Residential

**Surrounding Use:**

**North** City Park

**South** Auto Salvage Yard

**East** Auto Salvage Yard

**West** Volusia County Residential

**Surrounding Zoning:**

R1-B Single-Family Dwelling

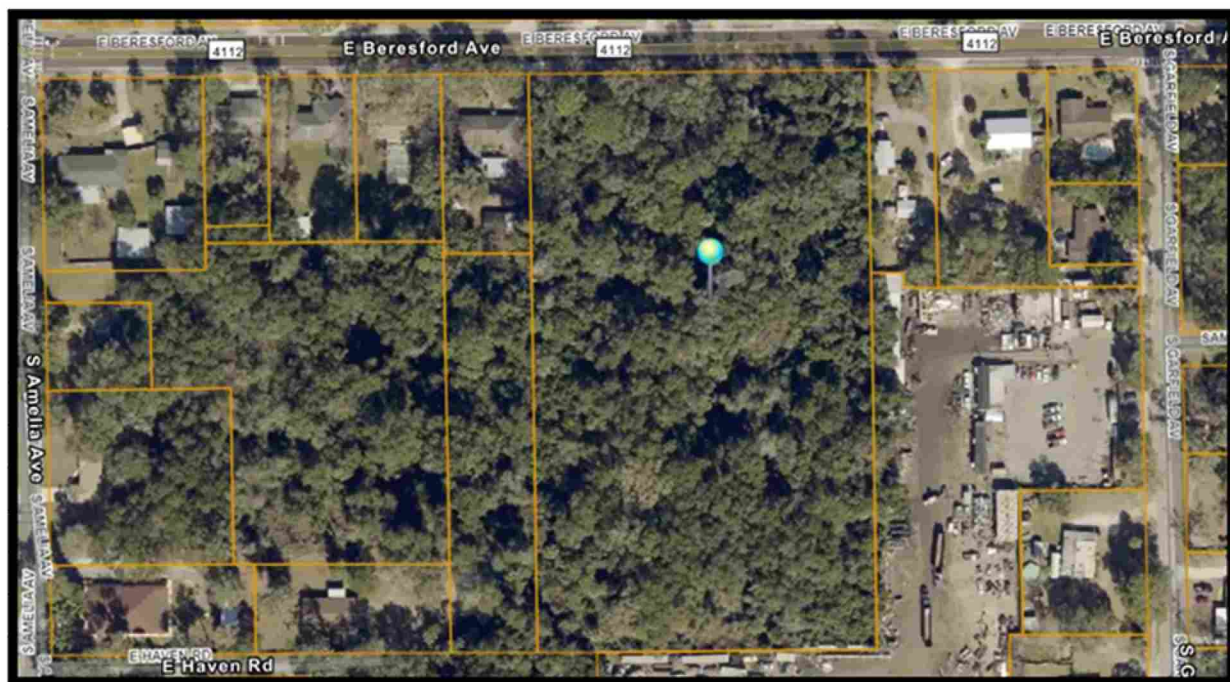
VC: R-4 Urban Single-Family residential

VC: R-4 Urban Single-Family residential

VC: R-4 Urban Single-Family residential

Proposed structure



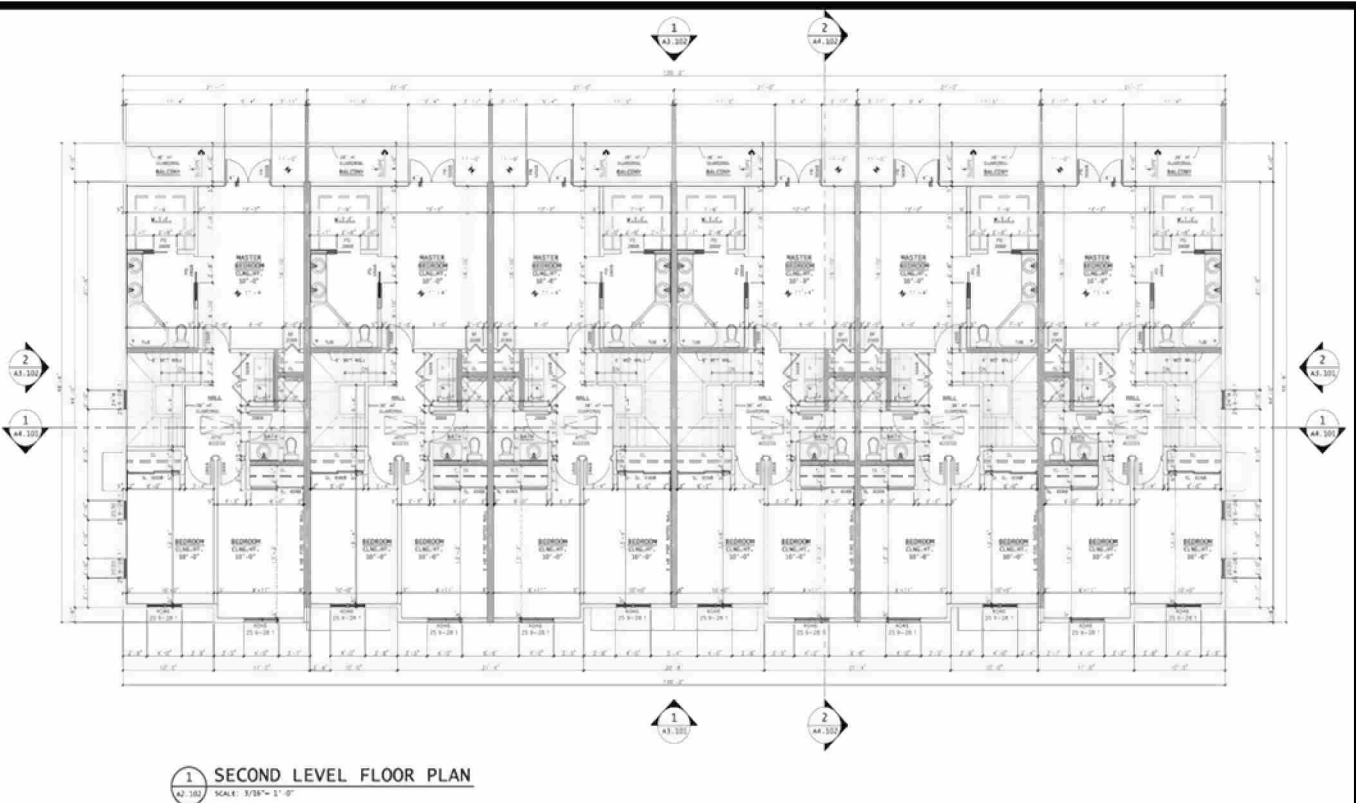
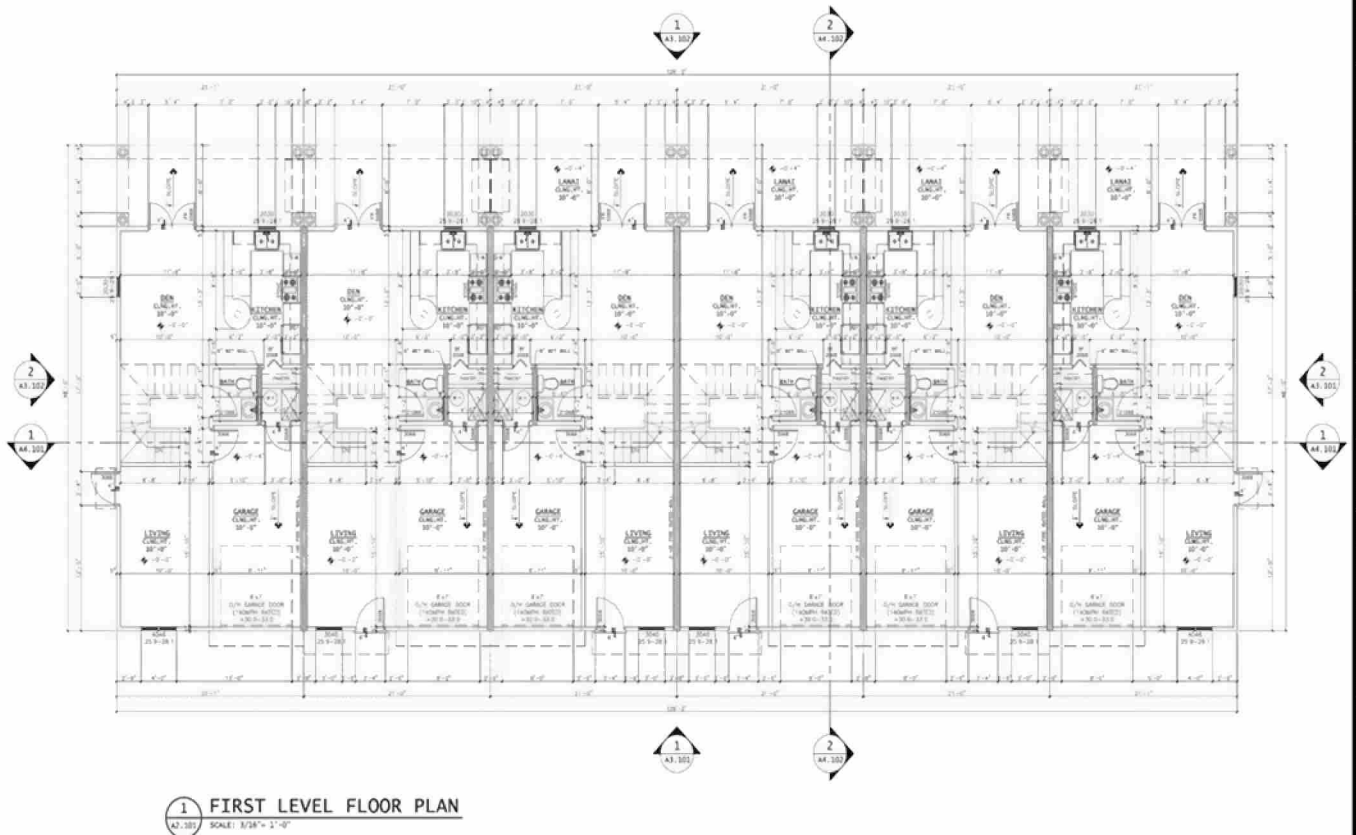


Future Land Use

### C. ANALYSIS:

This project is proposed on a lot that is currently vacant and zoned for R-8 Multiple-Family Dwelling, with Volusia County zoning surrounding. The subdivision sketch for this project consists of a parcel totaling 5.96 acres, which will be reconfigured into an 8 building 48-unit multifamily townhome development. The property is located on 422 E Beresford Ave. between S Amelia Ave. on the west S Garfield Ave. on the east. The lots will be accessible via a driveway/parking lot that connects E Beresford Ave. The development is required to maintain a tree preservation area of a minimum of 17.28% and is allowed a maximum 50% impervious surface area. The development can contain a maximum of eight (8) dwelling units per gross acre and at 5.96 acres is technically permitted to contain a total of 47 units. The purpose of the sketch plan is to allow the Planning Board an opportunity to provide comments to the applicant prior to the submittal of engineering construction plans. No official action is needed by the board for this application.





**Preliminary Staff Comments for  
TRC Meeting March 17, 2022, 1:30 p.m.  
Planning Department TRC Room 1st Floor, 120 South Florida Avenue**

**Applicant Name:** Ivan Moreno- DeLand Florida developers LLC.  
**Project Name:** SSB22-035- Subdivision Sketch for Multi-Family Townhomes  
**Project Location:** 5.96 acres located at 422 E Beresford Ave  
**Project Description:** Construction 48 Multi-family units

**Planning Preliminary Comments**

1. Show landscape buffers and label widths
  2. 9x19 parking width
  3. Amenity Center needs handicap parking
  4. You proposed 48 lots the required amount is 47
  5. Update parking calculations
  6. Show quantity of plants for each buffer
  7. Show measurement for each lot
- Show footprint of buildings  
 Show property boundary lines more bold and visible
8. North = 15' min (Standard B)  
 South= 30' min (Standard D)  
 East= 30' min (Standard D)  
 West = 20' min (Standard C)

**Engineering Preliminary Comments**

1. Please provide a larger Location Map for clarity.
2. Under Project Note #10, please provide the ITE code number and average daily trip rate for townhouse  
 Please remove the reference to Orange County, Florida from Erosion Control Notes #1.
3. Please show clearly on the site plan where the 3.5" thick asphalt pavement ends and 1.5" thick asphalt pavement begins per Typical Pavement Section detail on sheet C-4.
4. Provide the estimated seasonal high-water table (SHWT) on the Pond Detail Section A-A. Per SJRWMD, minimum 1-foot of separation is required between pond bottom and SHWT.
5. Drainage structure callouts at bottom of sheet, please use current FY 2021-22 FDOT Standard Plans Index numbering. For example, Type 'E' Inlet is now Index No. 425-052 and not 210. Revise plan where applicable.  
 Inlet D-2, D-5, and D-7 encroaches onto the traffic island divider. Are these islands curb? If yes, please relocate inlets away from the island curbing.  
 Please check maximum skewed angle for incoming pipes at structure D-3 per FDOT Storm Drains Handbook (October 2014), Table 4-3. Otherwise use round J-Bottom if necessary.  
 Please confirm or revise plan



6. Please show slopes for each storm pipe segment so that velocity can be checked  
Please show rip-rap protection at the mitered end section at the discharge points.
7. Please check that retention pond tie-down slopes to property line at the northwest and west sides do not exceed 1:4 (V:H) max. Otherwise revise plan.
8. Please provide additional spot grades at the handicap parking spaces to ensure ADA compliance.

It is not clear where the proposed sidewalks within the development are flushed with the pavement and where they are raised (thickened) edge. Please note more clearly on plan.

9. Inlet used on grading plan are standard ditch bottom inlets with grates. Detail on this sheet specified Type E Wing Inlet for Modified Curb which does not match proposed use. Please use latest FDOT Standard Plans Index for Inlets.

#### **Utility Department Preliminary Comments**

1. Please use the City of DeLand Details dated 11/5/21
2. Phone number should be (386) 626-7192
3. Did not see one on the plans. Please point out location.
4. An agreement will be drawn up showing who will own what parts of the Utility system upon completion.
5. Change Name to DeLand

#### **Building Department Preliminary Comments**

1. No comments.

#### **Fire Department Preliminary Comments**

1. Land Clearing - No burning is allowed
2. All access roads must be a minimum of at least 20ft.  
Must meet apparatus height/weight/slope and turning radius requirements. Show on plans.  
Apparatus info uploaded in documents//attachments
3. Show required fire flow for the structures and that the required fire flow will be met.
4. Show hydrants and spacing that meets the code.  
NFPA 1 Chapter 18 spacing

#### **Forestry Department Preliminary Comments**

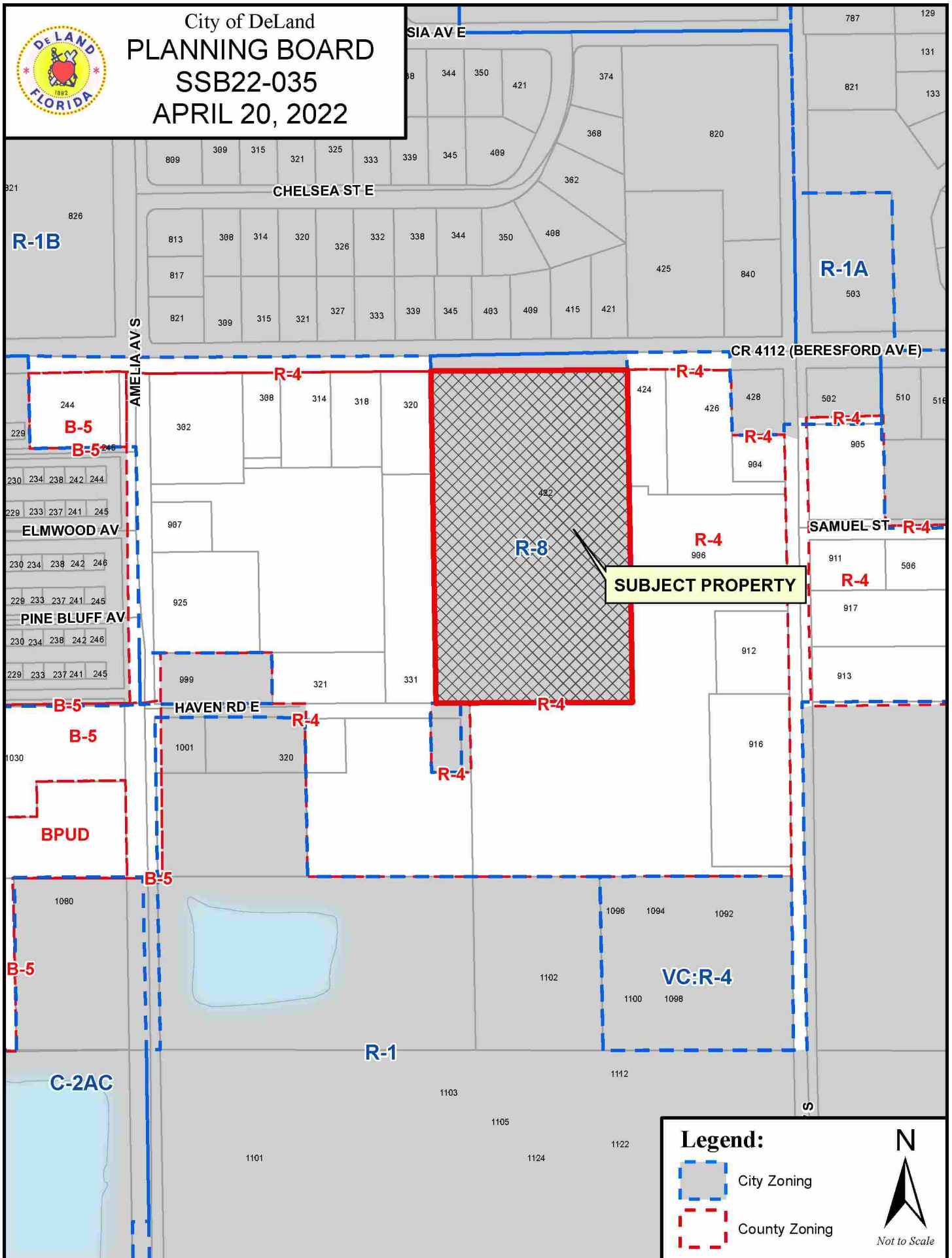
1. Your current landscape plan will provide 307.5" DBH of Live Oak replacement and 252" DBH of Crape Myrtle replacement once the size for the species is increased to Code minimum. I cannot determine whether this is sufficient without the additional tree removal data requested. It appears that your plan will require 920" DBH replacement, so the 559.5" DBH provided will not be sufficient. Specimen Trees and other protected trees that are not removed can be used towards minimum coverage, but not replacement.
2. We recommend separating the tree removal sheet from the Landscape Plan for clarity.
3. Please provide Tree Worksheets for the project.

4. Your Tree Survey information on this sheet is different than what is shown on the Efir Survey. Please correct whichever is incorrect. Both pages use different symbols and colors, but the information doesn't appear to be same.
5. Remove reference to Orange County in Erosion Control Notes 1 and 7.
6. Please replace with City Standard Tree Barricade Detail.
7. Please identify oak and pine trees by species.
8. Please provide an excel spreadsheet demonstrating the trees removed and remaining.
9. Please correct the common name of Crape Myrtle and fix the spelling of the Latin name, Lagerstroemia Indica.
10. Please provide an irrigation plan for the project.
11. Please increase the size of the crape myrtle to 3" caliper, which is the minimum size allowed by Code.

**There may be additional comments presented at the meeting, and it is recommended that you attend. Following the meeting, we will contact you to provide information about the action taken by the TRC and your next step in the development process.**



City of DeLand  
**PLANNING BOARD**  
**SSB22-035**  
**APRIL 20, 2022**







City of DeLand  
**PLANNING BOARD**  
SSB22-035  
APRIL 20, 2022





# **SITE CONSTRUCTION PLANS FOR DELAND TOWNHOMES "A CONDO DEVELOPMENT"**

**DELAND, FLORIDA 32724**

**PREPARED FOR:**

**DELAND, L.L.C.  
5558 Force Four Parkway  
Orlando, Florida 32839  
Phone: (407) 854-7726**

**PARCEL ID# 21-17-30-02-00-0030**

## **SHEET INDEX**

|            |                                       |
|------------|---------------------------------------|
| <b>C-0</b> | <b>COVER SHEET</b>                    |
| <b>C-1</b> | <b>GENERAL NOTES</b>                  |
| <b>C-2</b> | <b>GEOMETRY &amp; UTILITY PLAN</b>    |
| <b>C-3</b> | <b>PAVING, GRADING &amp; DRAINAGE</b> |
| <b>C-4</b> | <b>CIVIL DETAILS</b>                  |
| <b>C-5</b> | <b>LANDSCAPING PLAN</b>               |
| <b>C-6</b> | <b>OFFSITE IMPROVEMENTS</b>           |

**ONLY VALID FOR BIDDING  
AND CONSTRUCTION  
IF STAMPED APPROVED  
BY ORANGE COUNTY**

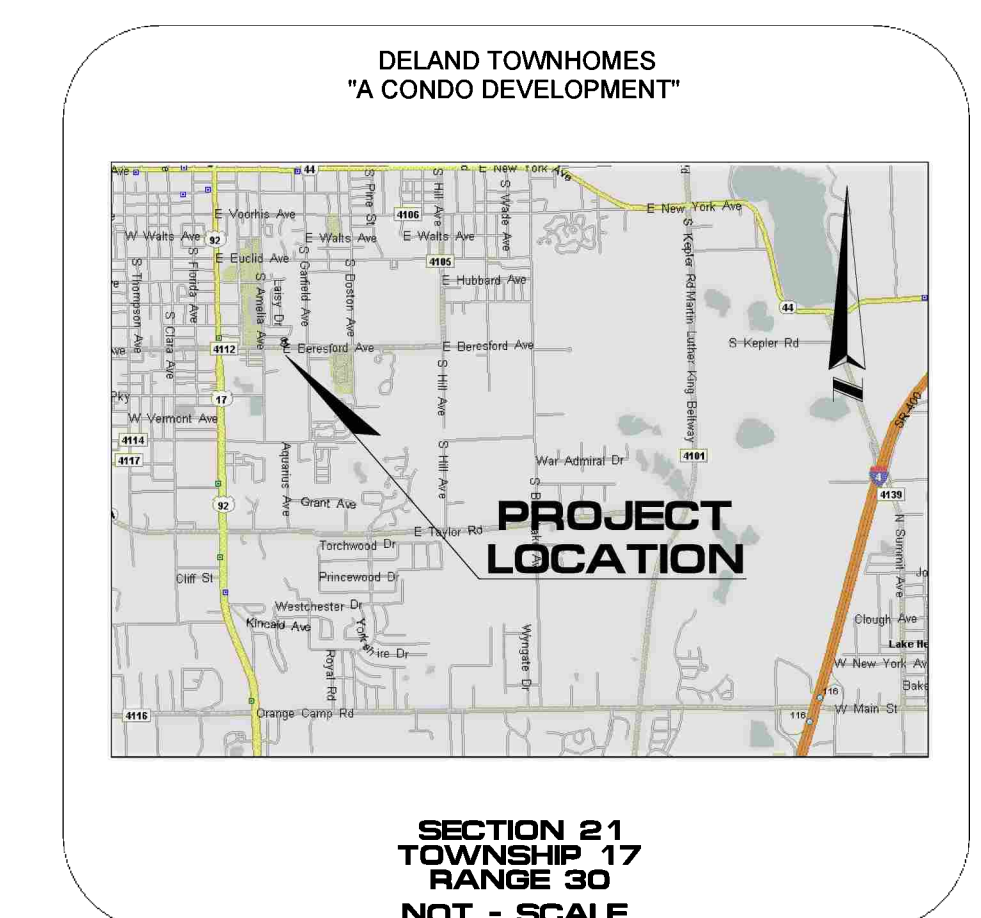
**© 2006**

**PREPARED BY:**



**3165 MCCRORY PLACE, SUITE 100  
ORLANDO, FLORIDA 32803  
PHONE: (407) 281-1775 FAX: (407) 281-1790  
I.E.C. CERTIFICATE OF AUTHORIZATION # 7494**

## **LOCATION MAP**



**NOT VALID FOR CONSTRUCTION UNLESS  
SIGNED AND SEALED IN THIS BLOCK**

**APPROVED BY  
KENNETH J. LEEHING  
FLORIDA P.E. # 45294**

**DATE**

**C-0**



PROJECT NOTES:

1.

DEVELOPER: DELAND, L.L.C.  
5558 FORCE FOUR PARKWAY  
ORLANDO, FLORIDA 32839  
PHONE: (407) 854-7726

ENGINEER: INTERNATIONAL ENGINEERING CONSULTANTS, INC.  
3165 McCrory PLACE, SUITE 100  
ORLANDO, FLORIDA 32803  
PHONE: (407) 281-1775 FAX: (407) 281-1790

SURVEYOR: LOCKLIN & ASSOCIATES, INC.  
1417 N. SEMORAN BLVD., ST. 115  
ORLANDO, FL. 32807  
VOICE: (407) 273-0356 FAX/DATE: 282-7850

PARCEL ACREAGE: 5.96 ACRES  
PROJECT ACREAGE: 5.96 ACRES  
EXIST. ZONING R-12  
FUTURE LAND USE MEDIUM DENSITY RESIDENTIAL

2. THERE ARE NO PORTIONS OF THIS SITE LOCATED WITHIN THE 100 YEAR FLOOD ZONE.

3. MAXIMUM BUILDING HEIGHT: 35 FT. BLDG. HEIGHT (TWO STORIES)

4. LOT SETBACKS: 20' FRONT SETBACK  
0'/10' SIDE SETBACK  
0'/15' REAR SETBACK

5. THIS PROJECT WILL BE CONSTRUCTED IN ONE (1) PHASE.

6. EXISTING LAND USE: VACANT PROPERTY

7. UTILITIES: WATER - CITY OF DELAND PUBLIC UTILITIES  
SEWER - CITY OF DELAND PUBLIC UTILITIES  
PRIVATE LIFT STATION

8. PROPOSED USE: TOWNHOUSE CONDOMINIUM COMPLEX (SIX UNITS PER BUILDING)

9. PROPOSED NUMBER OF UNITS: 48 TOWNHOUSES (8 BUILDINGS)  
2-STORY BUILDINGS WITH 3 BEDROOMS,  
2-1/2 BATHROOMS AND SINGLE CAR GARAGE

10. AVERAGE DAILY TRAFFIC (ADT): 480 TRIPS ENDS (PER ITE STANDARDS)

11. PARKING CALCULATIONS:  
  
PARKING REQUIRED =>  
(48 PER 3 BED. UNIT x 2.5 SPACES) = 120 SPACES  
  
PARKING PROVIDED =>  
PAVED REGULAR SPACES = 96 SPACES (2 PER UNIT RESIDENTIAL DRIVEWAY+GARAGE)  
+ 25 REGULAR SPACES IN OVERFLOW PARKING AREA (INC. 2 HANDICAP)= 121 SPACES

12. DEVELOPER CERTIFIES THE USE OF THE PROJECT SHALL BE A "CONDOMINIUM" COMMUNITY.

13. IMPERVIOUS SURFACE COVERAGE 40%

14. THE DEVELOPER IS REQUIRED TO PROVIDE FOR ONGOING MAINTENANCE OF ALL TRAFFIC CONTROL DEVICES TO INSURE THAT WEEDS, TREES, SHRUBBERY, AND CONSTRUCTION, MAINTENANCE, AND UTILITY MATERIALS AND EQUIPMENT DO NOT OBSCURE THE FACE OS ANY SIGN.

UTILITY NOTES:

1. ALL PIPING SHALL BE CONSTRUCTED AND CONNECTED TO PIPING REQUIRED ELSEWHERE IN THE DOCUMENTS.

2. ALL SEWER AND WATER LINES ARE TO BE CAPPED TEMPORARILY AT THEIR OPEN ENDS UNTIL BUILDING CONNECTIONS ARE CONSTRUCTED.

3. WHEN WATER LINES & MAINS CROSS SANITARY, STORM OR ANY NON-POTABLE LINES WITH LESS THAN 18" VERTICAL SEPARATION. THE WATER MAIN SHALL BE REPLACED WITH DUTILE IRON PIPE FOR A DISTANCE OF 10' MIN. EITHER SIDE OF THE CROSSING. A LATERAL SEPARATION OF 10' SHALL BE MAINTAINED BETWEEN WATER AND ANY NON-POTABLE LINES AT ALL TIMES, UNLESS THE WATER MAIN IS CONSTRUCTED OF DUCTILE IRON PIPE.

4. THE LOCATION OF ALL EXISTING UTILITIES SHOWN ON THE PLAN HAVE BEEN DETERMINED FROM THE BEST INFORMATION AVAILABLE, AND ARE GIVEN FOR THE CONVENIENCE OF THE CONTRACTOR. PRIOR TO THE START OF ANY CONSTRUCTION ACTIVITY, IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE VARIOUS UTILITIES AND TO MAKE THE NECESSARY ARRANGEMENTS FOR FIELD VERIFICATION OF THE EXISTING UTILITIES. THE CONTRACTOR SHALL EXERCISE CAUTION WHEN CROSSING ANY UNDERGROUND UTILITY TO ENSURE THE INTEGRITY OF THE SYSTEM.

5. CONSTRUCTION OF ANY UTILITIES PRIOR TO OBTAINING ALL APPROPRIATE UTILITY PERMITS WILL NOT BE ALLOWED.

6. SANITARY SEWER SHALL BE P.V.C. AND SHALL CONFORM TO ASTM D1784. PIPE AND FITTINGS WILL BE P.V.C. AND CONFORM TO ASTM D3034. BOTH PIPE AND FITTINGS WILL HAVE AN S.D.R. OF 35

7. ALL WATER AND SANITARY SEWER PIPES SHALL HAVE A MINIMUM COVER OF 36" FROM TOP OF PIPE TO FINISH GRADE.

8. DISINFECTION SHALL BE COMPLETED IN ACCORDANCE WITH CITY OF DELAND STANDARDS AND AWWA C651 SPECIFICATIONS. ALL REPAIRS OR TESTING REQUIRED TO COMPLETE THIS WORK SHALL BE DONE AT THE CONTRACTOR'S EXPENSE.

9. ALL CONSTRUCTION AND MATERIALS SHALL CONFORM TO THE CITY OF DELAND SPECIFICATIONS AND STANDARDS UNLESS SPECIFICALLY STATED OTHERWISE HEREIN.

10. IT IS THE CONTRACTORS RESPONSIBILITY TO MAINTAIN A COPY OF THE F.D.E.P. WATER AND SEWER PERMITS ON SITE AT ALL TIMES AND PERFORM BACTERIOLOGICAL TESTING (B.T.) AFTER DISINFECTION IN ACCORDANCE WITH THE F.D.E.P. WATER PERMITS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO SUBMIT A SET OF AS-BUILT WATER AND SEWER DRAWINGS TO THE ENGINEER.

11. ALL P.V.C. PIPE FOR POTABLE WATER USE MUST BEAR THE NSF LOGO.

12. HYDROSTATIC TESTS CONSISTING OF PRESSURE TEST AND LEAKAGE TEST SHALL BE CONDUCTED IN ACCORDANCE WITH M23 FOR P.V.C. PIPES AND AWWA C600 FOR DUCTILE IRON PIPE.

13. POTABLE & FIRE WATER PIPE 12"-4" SHALL BE AWWA STANDARD C900 DR 18 P.V.C. PIPE LESS THAN 4" SHALL BE ASTM D-2241 PR 200 SDR 21 P.V.C. 1", 1 1/4", & 2" SERVICE PIPE SHALL BE POLYETHYLENE TUBING, AWWA C800 & C901.

14. THE CONTRACTOR SHALL PROTECT THE EXISTING ACTIVE MAIN FROM BACKFLOW CONTAMINATION DURING FILLING, FLUSHING, TESTING AND MAINTAIN A PRESSURE IN THE NEW MAINS DURING CONSTRUCTION. ALL PROTECTION METHODS SHALL CONFORM TO CITY OF COUNTY, F.D.E.P., AND AWWA STANDARDS AND SPECIFICATIONS.

15. WHEN SANITARY LINES CROSS POTABLE WATER LINES WITH LESS THAN 18" VERTICAL SEPARATION. THE SANITARY LINE SHALL BE UPGRADED TO SDR-26 FOR A DISTANCE OF 10' MIN. EITHER SITE OF THE CROSSING.

16. THE CONTRACTOR SHALL NOTIFY THE CITY OF DELAND PUBLIC UTILITIES CONSTRUCTION DEPARTMENT 48 HOURS PRIOR TO ANY UTILITIES CONSTRUCTION PHONE NUMBER: (407) 836-7274

17. ALL UTILITIES CONSTRUCTION CONNECTING TO THE OCPU SYSTEM SHALL CONFORM TO CITY OF DELAND MANUAL OF STANDARDS AND SPECIFICATIONS FOR WASTEWASTER AND WATER MAIN CONSTRUCTION.

18. ALL EXISTING UTILITIES HAVE BEEN FIELD VERIFIED AT ALL POINTS OF CONNECTION AND AREAS OF CONFLICT.

19. ON SITE WATER DISTRIBUTION SYSTEM IS PRIVATELY OWNED AND MAINTAINED

GENERAL NOTES:

1. ALL CONSTRUCTION SHALL CONFORM TO CITY OF DELAND STANDARDS UNLESS STATED OTHERWISE IN THE SPECIFICATIONS.

2. TOP AND SIDE SLOPES TO BE SODDED

3. ALL EARTHWORK OPERATIONS SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS.

4. THE CONTRACTOR SHALL REFERENCE AND RESTORE PROPERTY CORNERS AND LAN MARKERS DISTURBED DURING CONSTRUCTION,(UNDER THE DIRECTION OF A FLORIDA REGISTERED LAND SURVEYOR).

5. THE LOCATION OF ALL EXISTING UTILITIES SHOWN ON THE PLAN HAVE BEEN FIELD VERIFIED BY A PROFESSIONAL SURVEYOR AND THEY ARE CORRECT TO THE BEST OF OUR KNOWLEDGE. A COPY OF THE SIGNEDAND SEALED SURVEY CAN BE PROVIDED TO THE GENERAL CONTRACTOR AT REQUEST. PRIOR TO THE START OF ANY CONSTRUCTION ACTIVITY, IT SHOULD BE THE CONTRACTORS RESPONSABILITY TO CONFIRM THE LOCATION OF THE EXISTING UTILITIES AND TO MAKE THE NECESSARY ARRANGEMENTS FOR THEIR RELOCATION. THE CONTRACTOR SHOULD EXERCISE CAUTION WHEN CROSSING ANY UNDERGROUND UTILITY TO ENSURE THE INTEGRITY OF THE SYSTEM.

6. ALL PROPERTY AFFECTED BY THIS WORK SHALL BE RESTORED TO A CONDITION EQUAL TO OR BETTER THAN EXISTED UNLESS SPECIFICALLY EXEMPTED BY THE PLANS. THE COST FOR SUCH RESTORATION SHALL BE INCIDENTAL TO OTHER CONSTRUCTION AND NO EXTRA COMPENSATION WILL BE ALLOWED.

7. WHEN TRENCH EXCAVATION EXCEEDS 5' DEPTH:  

A) CONTRACTOR SHALL CONFORM TO OSHA STD. 29CFR. SECTION 1926.650 WHICH IS INCORPORATED IN FL. STATE 90-96.  
B) THE CONTRACTOR SHALL PROVIDE WRITTEN ASSURANCE OF COMPLIANCE WITH THIS LAW.  
C) TRENCH SAFETY SYSTEM SHALL BE BY THE CONTRACTOR.

8. FOR LIMITS AND SPECIFICATIONS OF SODDING. REFER TO LANDSCAPE PLANS & SPECIFICATIONS.

9. THE CONTRACTOR SHALL ENSURE THAT ALL PERMITS FOR CONSTRUCTION ARE OBTAINED PRIOR TO STARTING WORK.

10. THE CONTRACTOR SHALL COORDINATE BETWEEN MECHANICAL, ELECTRICAL, IRRIGATION, FIRE SYSTEMS, CIVIL, ETC.... IF ANY DISCREPANCIES ARE FOUND, THE CONTRACTOR IS TO NOTIFY THE ARCHITECT AND ENGINEER IN WRITING IMMEDIATELY.

11. THE CONTRACTOR SHALL ENSURE THAT ALL DEMOLITION OF EXISTING STRUCTURES (IE. CONC. SLAB, ETC.) MEETS CITY OF DELAND STANDARDS AND REGULATIONS, AND IS ACCOUNTED IN THE SITE CONSTRUCTION CONTRACT.

12. APPROVED ADDRESS NUMBER SHALL BE POSTED ON BUILDING, VISIBLE FROM THE ROAD, IN COLORS THAT ARE OF SUFICIENT CONTRAST TO BE EASILY SEEN. THIS MUST BE DONE PRIOR TO CALLING FOR A FINAL LANDSCAPE INSPECTION, AS IT WILL BE CHECKED AT THE SAME TIME.

13. ALL SIGNAGE MUST COMPLY WITH CHAPTER 31.5, ORDINANCE 90-10 AND IS NOT INCLUDED IN THIS PERMIT

14. INGRESS AND EGRESS TO SITE DURING CONSTRUCTION IS ALLOWED ONLY THROUGH APPROV ED SITE DRIVEWAYS

15. PRIOR TO CERTIFICATE OF COMPLETION A SIDEWALK SHALL BE INSTALLED. THE DELAND MAY ACCEPT A CONTRIBUTION TO THE SIDEWALK FUND IN LIEU OF CONSTRUCTION IF THE DELAND DECIDES THE SIDEWALK IS NOT REQUIRED AT THE TIME OF CONSTRUCTION.

EROSION CONTROL NOTES

1. ALL EROSION AND SEDIMENT CONTROL WORK SHALL CONFORM TO STANDARDS OF ORANGE COUNTY, FLORIDA AND THE ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT.

2. EROSION AND SEDIMENT CONTROL MEASURES ARE TO BE PLACED PRIOR TO, OR AS THE FIRST STEP IN, CONSTRUCTION. SEDIMENT CONTROL PRACTICES WILL BE APPLIED AS A PERIMETER DEFENSE AGAINST ANY TRANSPORTATION OF SILT OFF THE SITE.

3. SUCH MATERIALS, FROM WORK ON THIS PROJECT SHALL BE CONTAINED, AND NOT ALLOWED TO COLLECT ON ANY OFF-PERIMETER AREAS OR IN WATERWAYS. THESE INCLUDE BOTH NATURAL AND MAN-MADE OPEN DITCHES, STREAMS, STORM DRAINS, LAKES AND PONDS.

4. DAILY INSPECTIONS SHALL BE MADE BY THE CONTRACTOR TO DETERMINE THE EFFECTIVENESS OF THESE EFFORTS. ANY NECESSARY REMEDIES SHALL BE PERFORMED WITHOUT DELAY.

5. ALL MUD, DIRT OR OTHER MATERIALS TRACKED OR SPILLED ONTO EXISTING STATE-COUNTY-CITY OR PRIVATE ROADS AND FACILITIES FROM THIS SITE, DUE TO CONSTRUCTION, SHALL BE PROMPTLY REMOVED BY THE CONTRACTOR/BUILDER.

6. PERMANENT SOIL EROSION CONTROL MEASURES FOR ALL SLOPES, CHANNELS, DITCHES OR ANY DISTURBED LAND AREAS SHALL BE COMPLETED WITHIN 15 CALENDAR DAYS AFTER FINAL GRADING. WHEN IT IS NOT POSSIBLE TO PERMANENTLY PROTECT A DISTURBED AREA IMMEDIATELY AFTER GRADING OPERATIONS, TEMPORARY EROSION CONTROL MEASURES SHALL BE INSTALLED. ALL TEMPORARY PROTECTION SHALL BE MAINTAINED UNTIL PERMANENT MEASURES ARE IN PLACE AND ESTABLISHED. A CERTIFICATE OF COMPLIANCE WILL NOT BE ISSUED UNTIL THE ABOVE REQUIREMENTS HAVE BEEN MET.

7. EROSION CONTROL PLANS TO BE SUBMITTED TO ORANGE COUNTY.

8. A TEMPORARY BERM WILL BE PLACED ALONG THE NORTH, SOUTH AND EAST PROPERTY BOUNDARIES, FROM THE COMPLETED POND BERM TO THE SIDEWALK ON THE WEST SIDE OF THE PROJECT, TO PREVENT SURFACE RUNOFF INTO THE ADJACENT PROPERTIES DURING CONSTRUCTION.

REVISIONS

NO.

DATE

COMMENT

APPROVED BY

INTERNATIONAL  
ENGINEERING  
CONSULTANTS, INC.

• LAND DEVELOPMENT  
• HIGHWAY DESIGN  
• DRAINAGE DESIGN  
• CONSTRUCTION ADMINISTRATION  
• ENVIRONMENTAL PERMITTING

3165 McCrory Place, Suite 100  
Orlando, Florida 32803  
Phone: 407.281.1775 • Fax: 407.281.1790  
I.E.C. CERTIFICATE OF AUTHORIZATION # 7494

PREPARED FOR:

DELAND, L.L.C.  
5558 Force Four Parkway  
Orlando, Florida 32839  
Phone: (407) 854-7726

DELAND TOWNHOMES

GENERAL NOTES

CITY OF DELAND

FLORIDA

NOT VALID FOR CONSTRUCTION UNLESS  
SIGNED AND SEALED IN THIS BLOCK

APPROVED BY  
KENNETH J. LEEMING  
FLORIDA P.E. # 45294

DATE

JOB NUMBER: 2005136  
DATE: 11/15/05  
DESIGNED: K.J.L.  
DRAWN: J.G.L.  
CHECKED: V.D.L.

C-1

Page 96 of 101



- |        |                              |
|--------|------------------------------|
| -----  | MODE UTILITY POLE & GUY WIRE |
| =====  | BRIGHTHOUSE CABLE            |
| =====  | SPRINT FIBER OPTIC CABLE     |
| =====  | BELL/SOUTH FIBER OPTIC CABLE |
| =====  | WATER MAIN                   |
| =====  | SHADY/SIDE SEWER FORCE MAIN  |
| =====  | OVERHEAD UTILITY LINE        |
| =====  | 6" WOOD FENCE                |
| =====  | 5' SCAFFET METAL FENCE       |
| =====  | CENTERLINE                   |
| =====  | RIGHT OF WAY LINE            |
| =====  | CONCRETE                     |
| (P)    | PLAT                         |
| (MR)   | MEASURED                     |
| (CD)   | DESCRIPTION                  |
| (CALC) | CALCULATED                   |
| MR     | NON RADIAL                   |
| RED    | RADIUS                       |
| TYP    | TYPICAL                      |
| CS     | POINT OF CURVATURE           |
| PT     | POINT OF TANGENCY            |
| MC     | POINT OF REVERSE CURVATURE   |
| RCP    | PERMANENT CONTROL POINT      |
| PI     | POINT OF INTERSECTION        |
| PM     | RADIUS POINT                 |
| -----  | SIGN                         |
| -----  | CANYON TREE                  |
| -----  | GARBAGE PALM                 |
| -----  | PINE TREE                    |
| -----  | OWY TREE                     |
| -----  | SHADY/SIDE SEWER MANHOLE     |
| -----  | STORM MANHOLE                |
| -----  | STIFFENED GUY PIPE           |
| -----  | REINFORCED CONCRETE PIPE     |
| -----  | WATER METER                  |
| -----  | MITERED END SECTION          |
| -----  | WATER VALVE                  |
| -----  | FIRE HYDRANT                 |
| -----  | SPOT ELEVATION               |
| -----  | A/C AIR CONDITIONER          |
| -----  | ARC RADIUS                   |
| -----  | CENTRAL ANGLE                |
| -----  | ARC LENGTH                   |
| -----  | CHORD BEARING                |
| -----  | CHORD LENGTH                 |
| -----  | ORIGINAL RECORD BOOK PAGE    |

12" THICK STABILIZED SUB-BASE  
TO 98% DENSITY (A.A.S.H.T.O.-T 180  
FOOT STD. SPEC. 16)

## STABILIZED DRIVEWAY SECTION

| REVISIONS |      |         |             |
|-----------|------|---------|-------------|
| NO.       | DATE | COMMENT | APPROVED BY |
|           |      |         |             |
|           |      |         |             |
|           |      |         |             |
|           |      |         |             |



- LAND DEVELOPMENT
  - HIGHWAY DESIGN
  - DRAINAGE DESIGN
  - CONSTRUCTION ADMINISTRATION
  - ENVIRONMENTAL PERMITTING

3165 McCrory Place, Suite 100  
Orlando, Florida 32803  
Phone: 407.281.1775 • Fax: 407.281.1790  
I.E.C. CERTIFICATE OF AUTHORIZATION # 74

PREPARED FOR:

**DELAND, L.L.C.**  
5558 Force Four Parkway  
Orlando, Florida 32839  
Phone: (407) 854-7726

# DELAND TOWNHOMES GEOMETRY & UTILITY PLAN

**CITY OF DELAND**

## FLORIDA

NOT VALID FOR CONSTRUCTION UNLESS  
SIGNED AND SEALED IN THIS BLOCK

APPROVED BY  
KENNETH J. LEEMING  
FLORIDA P.F. #45294

DATE \_\_\_\_\_

|             |          |
|-------------|----------|
| JOB NUMBER: | 2005136  |
| DATE:       | 11/15/05 |

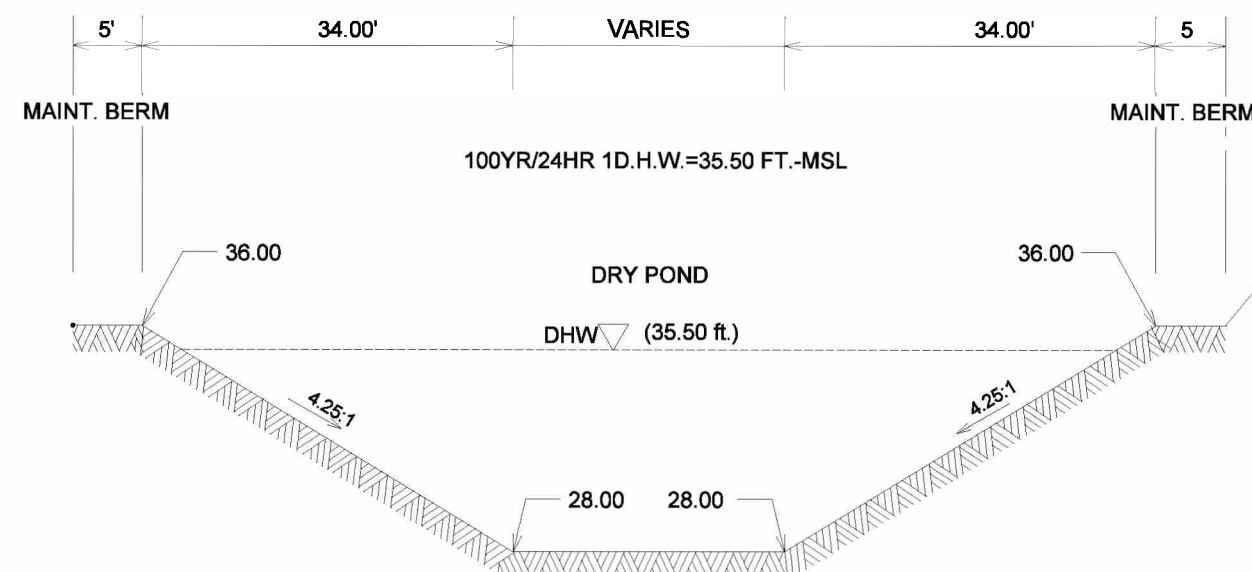
|           |        |
|-----------|--------|
| DESIGNED: | K.J.L. |
| DRAWN:    | J.G.L. |
| CHECKED:  | V.D.L. |

**C-2**

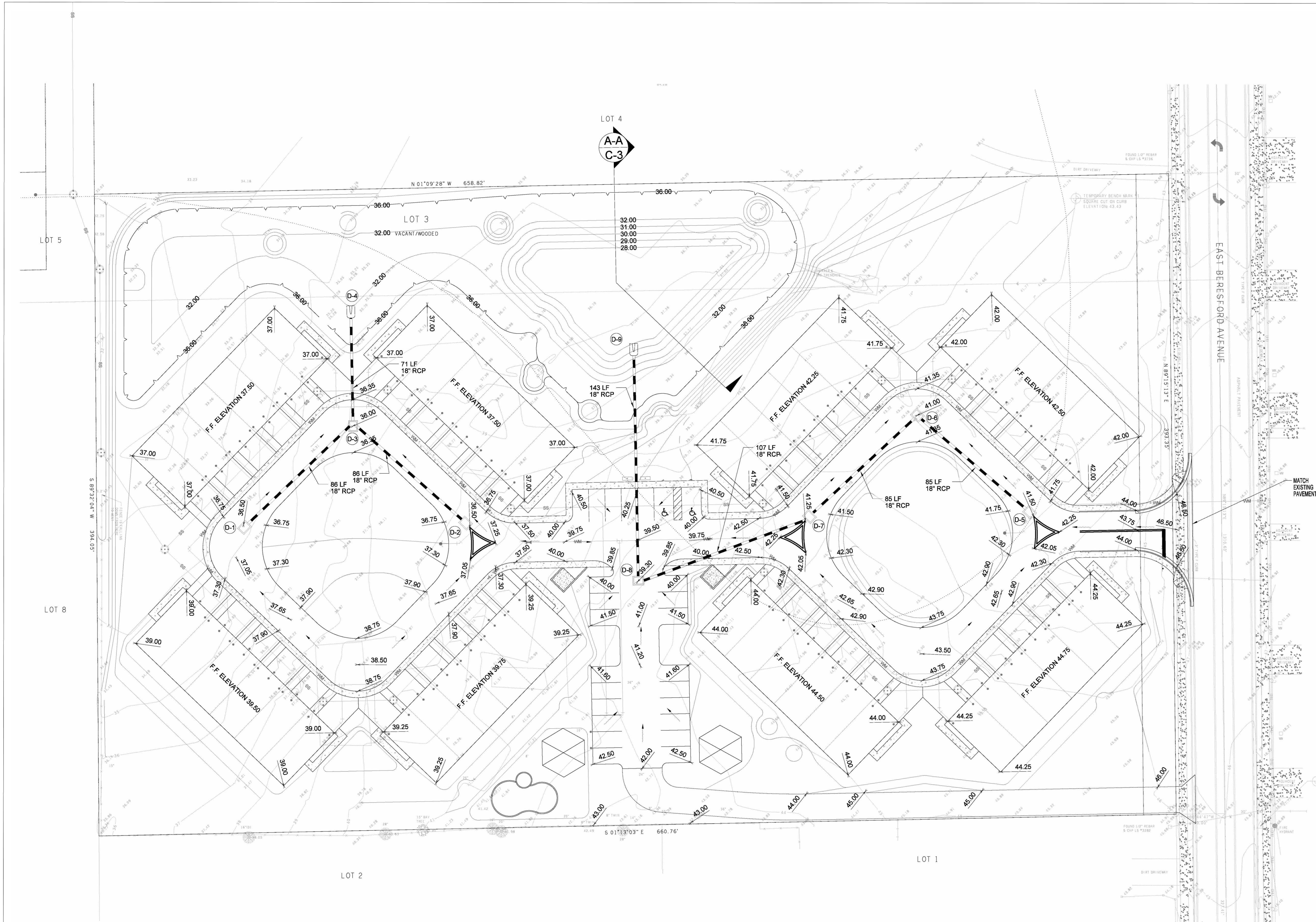




- NOTE
1. TOP AND SIDE SLOPES TO BE SODDED.
  2. MAINTENANCE BERM TO BE COMPACTED TO 95% DENSITY (A.A.S.H.T.O. T-180)



NOTE: TOP, AND SIDESLOPES  
TO BE SODDED  
**POND DETAIL  
SECTION A-A**



D-1  
CONST. INLET  
TYPE E INLET  
INDEX NO. 210  
INLET EL. 36.50  
FL 32.50

D-2  
CONST. INLET  
TYPE E INLET  
INDEX NO. 210  
INLET EL. 36.50  
FL 32.50

D-3  
CONST. INLET  
TYPE E INLET  
INDEX NO. 210  
INLET EL. 36.00  
FL 32.25

D-4  
CONST. MITERED  
END SECTION  
(4:1)  
INDEX NO. 272  
FL 32.00

D-5  
CONST. INLET  
TYPE E INLET  
INDEX NO. 210  
INLET EL. 41.50  
FL 37.50

D-6  
CONST. INLET  
TYPE E INLET  
INDEX NO. 210  
INLET EL. 41.00  
FL 37.25

D-7  
CONST. INLET  
TYPE E INLET  
INDEX NO. 210  
INLET EL. 41.25  
FL 37.50

D-8  
CONST. INLET  
TYPE E INLET  
INDEX NO. 210  
INLET EL. 39.25  
FL 32.00

D-9  
CONST. MITERED  
END SECTION  
(4:1)  
INDEX NO. 272  
FL 28.00

| REVISIONS |      |         |             |
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• LAND DEVELOPMENT  
• HIGHWAY DESIGN  
• DRAINAGE DESIGN  
• CONSTRUCTION ADMINISTRATION  
• ENVIRONMENTAL PERMITTING

3165 McCrary Place, Suite 100  
Orlando, Florida 32803  
Phone: 407.281.1775 • Fax: 407.281.1790  
I.E.C. CERTIFICATE OF AUTHORIZATION # 7494

PREPARED FOR:

DELAND, L.L.C.  
5558 Force Four Parkway  
Orlando, Florida 32839  
Phone: (407) 854-7726

# DELAND TOWNHOMES

## PAVING, GRADING & DRAINAGE

### CITY OF DELAND

### FLORIDA

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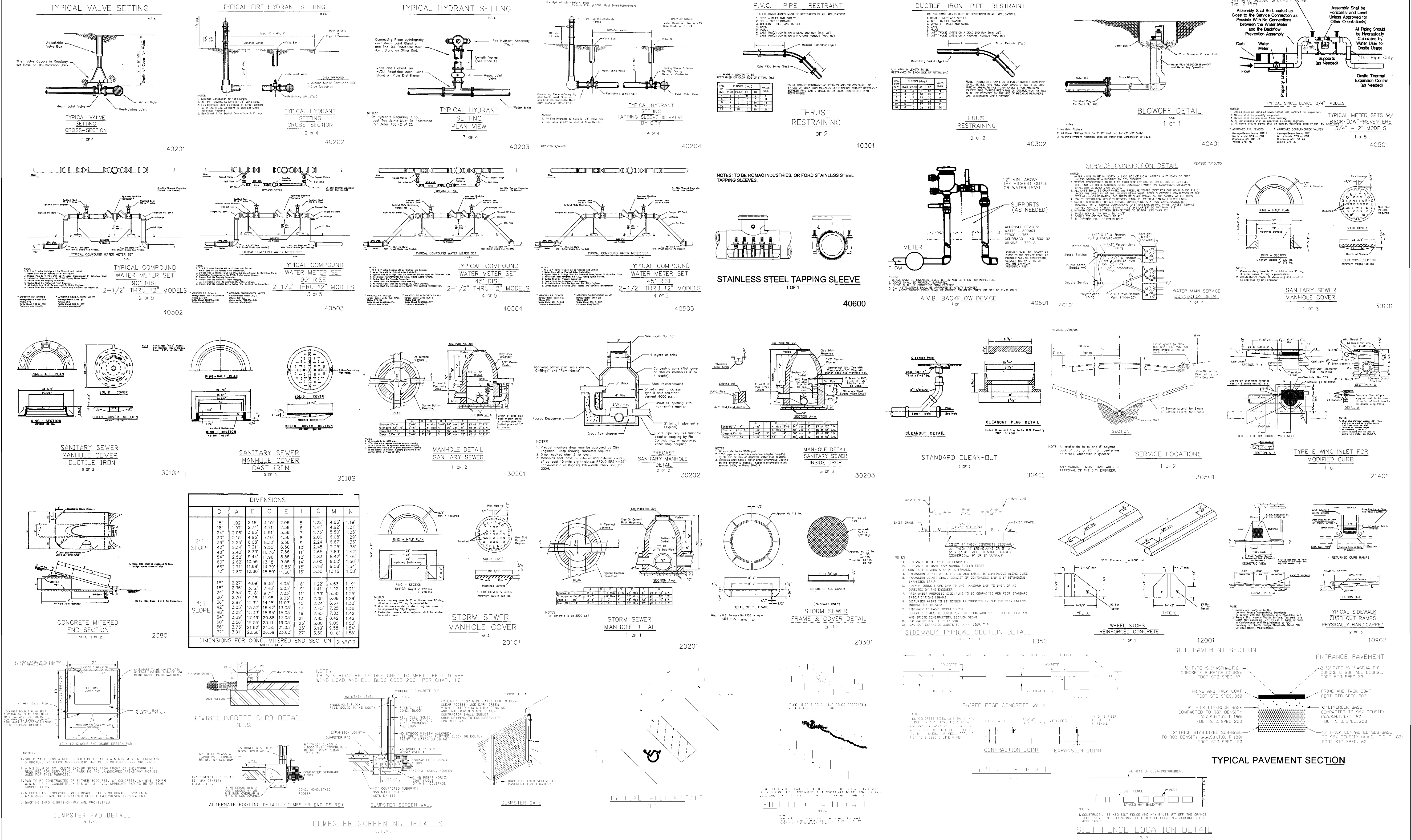
APPROVED BY  
KENNETH J. LEEMING  
FLORIDA P.E. # 45294

DATE

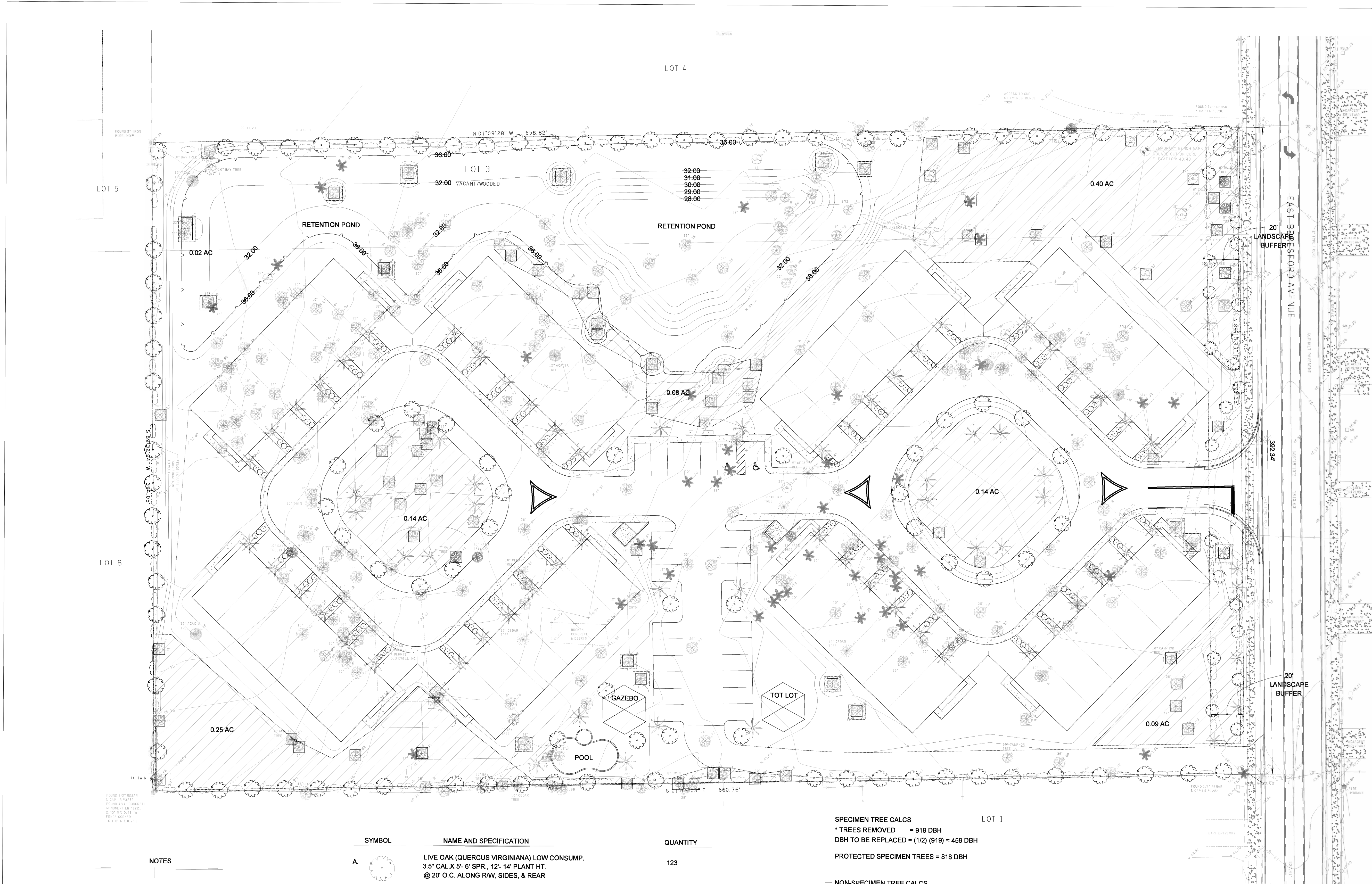
JOB NUMBER: 2005136  
DATE: 11/15/05  
DESIGNED: K.J.L.  
DRAWN: J.G.L.  
CHECKED: V.D.L.

**C-3**









**TREE LEGEND**

trees to be protected (Symbol Denotes Protection Barrier see detail)

ALL TREES NOT PROTECTED SHALL BE REMOVED

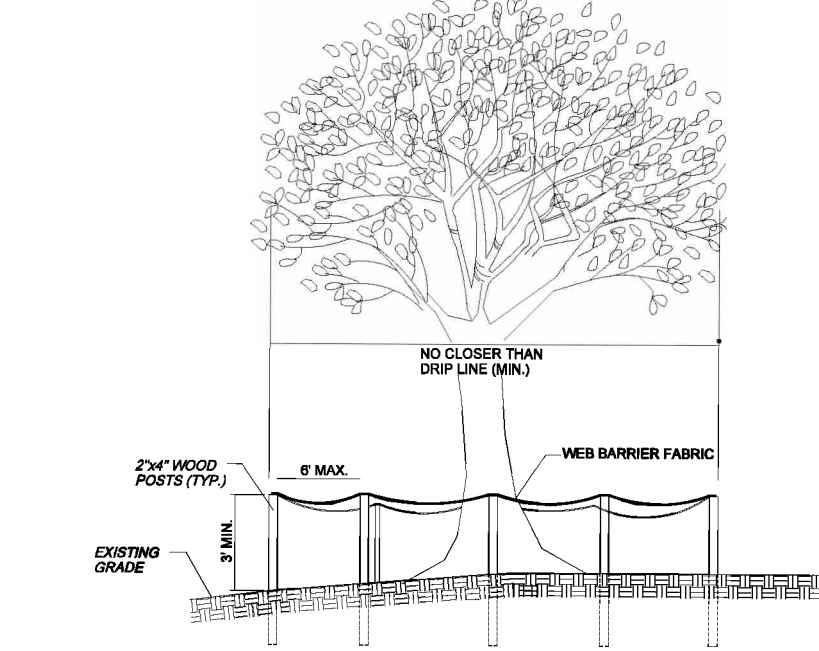
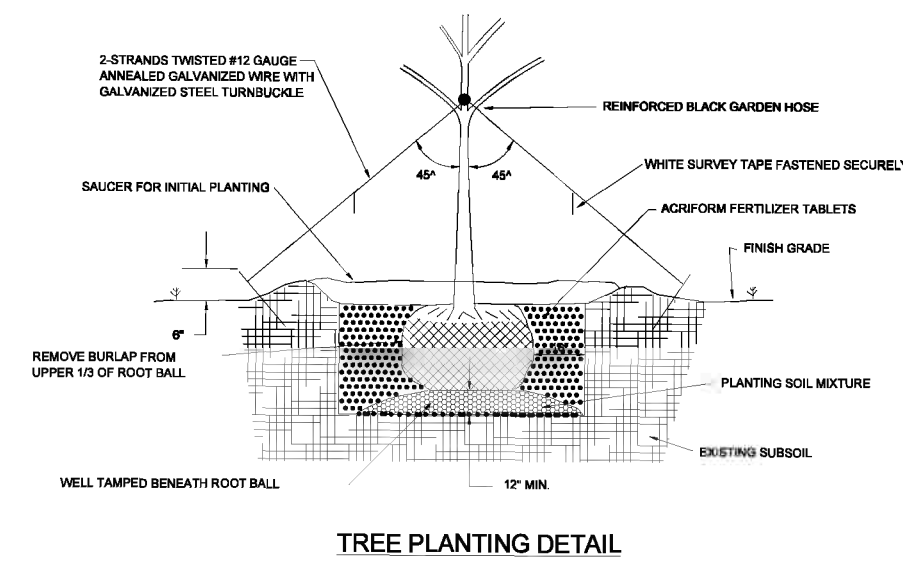
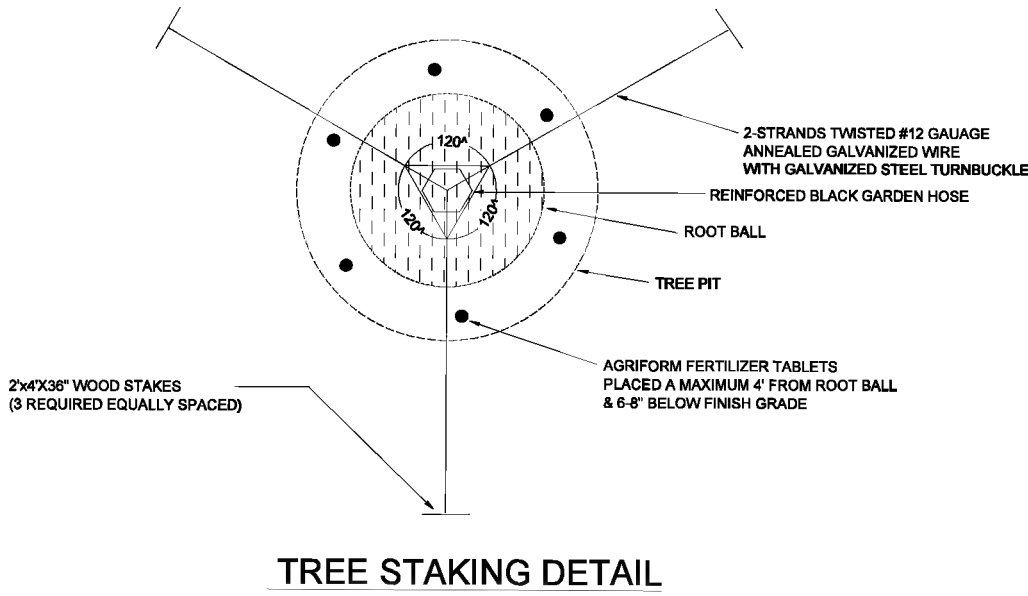
TREE PROTECTION AREA 1.03 ACRES = 17.28% OF SITE

CAMPHOR TREE

CABBAGE PALM

PINE TREE

OAK TREE



- NOTES:
- PROTECTIVE BARRIER ZONES SHALL REMAIN IN PLACE AND INTACT UNTIL SUCH TIME AS LANDSCAPE OPERATIONS BEGIN OR CONSTRUCTION IS COMPLETE, WHICHEVER OCCURS FIRST, OF THE AREA.
  - LANDSCAPE PREPARATION IN THE PROTECTIVE AREA SHALL BE LIMITED TO SHALLOW DISKING.
  - NO BUILDING MATERIALS, MACHINERY OR TEMPORARY SOIL DEPOSITS SHALL BE PLACED WITHIN PROTECTIVE BARRIER ZONES.
  - NO ATTACHMENTS OR WIRES OTHER THAN THOSE OF A PROTECTIVE OR NONDAMAGING NATURE SHALL BE ATTACHED TO ANY TREE.
  - TRENCHING OF ANY TYPE SHOULD BE AVOIDED. WHEN TRENCHING OR TUNNELING OCCURS NEAR TREES TO BE PROTECTED, PROTECTIVE MEASURES SHOULD BE TAKEN IN ACCORDANCE WITH THE TREE PROTECTION MANUAL FOR BUILDERS AND DEVELOPERS PUBLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.
  - FEN CING SHALL BE COMPOSED OF WOOD, CHAIN LINK, WEB BARRIER FABRIC OR MULTIPLE STRANDS OF HEAVY GAUGE WIRE SECURED WITH POSTS. NO WEAK FABRICS (ROPE) SHALL BE USED.

- NOTES
- ALL PLANTS TO BE FLORIDA No.1 OR BETTER.
  - ALL TREES TO BE STAKED FOLLOWING ACCEPTED GUYING METHODS.
  - SOD TO BE ARGENTINE BAHIA.
  - ALL LANDSCAPE AREAS TO BE SODDED.
  - PH = PLANT HEIGHT  
SPR = SPREAD  
CAL = CALIPER (DIAMETER)
  - ALL SHRUBS BEDS SHALL BE MULCHED.
  - FULLY AUTOMATIC SPRINKLER SYSTEM TO BE INSTALLED FOR FULL COVERAGE ACCORDING TO CITY OF DELAND'S REQUIREMENTS.

| SYMBOL | NAME AND SPECIFICATION                                                                                                                                                                                                                    | QUANTITY |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| A.     | LIVE OAK (QUERCUS VIRGINIANA) LOW CONSUMP.<br>3.5" CAL X 5'-6" SPR., 12'-14' PLANT HT.<br>@ 20' O.C. ALONG RW, SIDES, & REAR                                                                                                              | 123      |
| B.     | VIBURNUM ODORATISSIMUM. (LOW CONSUMP.)<br>(LOW CONSUMP.) 30" PH X 30"-36" SPR. PLANT @ 36" O.C.<br>PLANTS SHALL BE CAPABLE OF GROWING TO AT LEAST 36" IN HT.<br>WITHIN 18 MONTHS, HEDGE SHALL BE MAINTAINED AT A HT. NOT<br>LESS THAN 36" | 378      |
| C.     | INDIA HAWTHORN (RAPHIOLEPIS INDICA)<br>(LOW CONSUMP.)<br>30" PH X 30"-36" SPR. PLANT @ 30" O.C.                                                                                                                                           | 144      |
| D.     | CREPE MYRTLE (LAGERSTROEMIA INDICA) LOW CONSUMP. 3-15 GAL<br>(OR APPROVED EQUIVALENT). MULTI TRUNK MIN. OF 8" IN HEIGHT AND<br>2.5" IN CALIPER                                                                                            | 84       |

SPECIMEN TREE CALCS  
\* TREES REMOVED = 919 DBH  
DBH TO BE REPLACED = (1/2) (919) = 459 DBH  
PROTECTED SPECIMEN TREES = 818 DBH

NON-SPECIMEN TREE CALCS  
\* TREES REMOVED = 1,383 DBH  
DBH TO BE REPLACED = (1/3) (1383) = 461 DBH  
PROTECTED NON SPECIMEN TREES = 579 DBH

TREE PROTECTION REQUIREMENT  
15% OF SITE  
4 TREES PER ACRE X 5.96 = 24 TREES  
SPECIMEN TREES PROTECTED = 29 TREES

MIN. COVERAGE TREES REQUIRED:  
\* (5.96 AC) (43580 SF/AC) (112500 SF) = 104  
\* 104 \* 6" = 624 INCHES

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LAND DEVELOPMENT  
HIGHWAY DESIGN  
DRAINAGE DESIGN  
CONSTRUCTION ADMINISTRATION  
ENVIRONMENTAL PERMITTING

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# DELAND TOWNHOMES LANDSCAPING PLAN

## CITY OF DELAND FLORIDA

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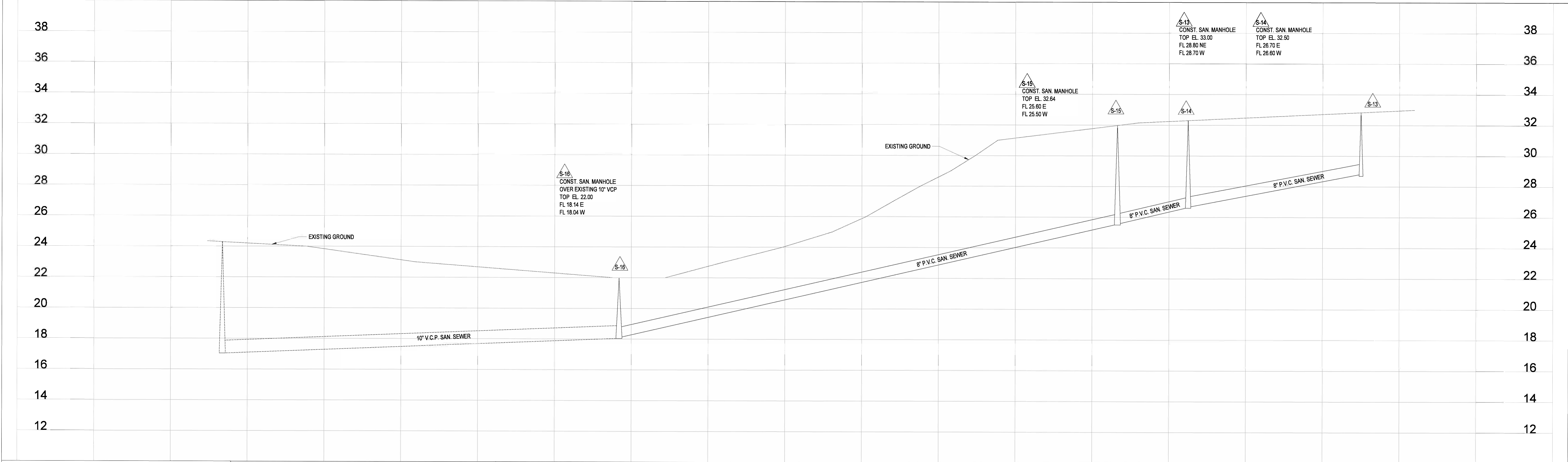
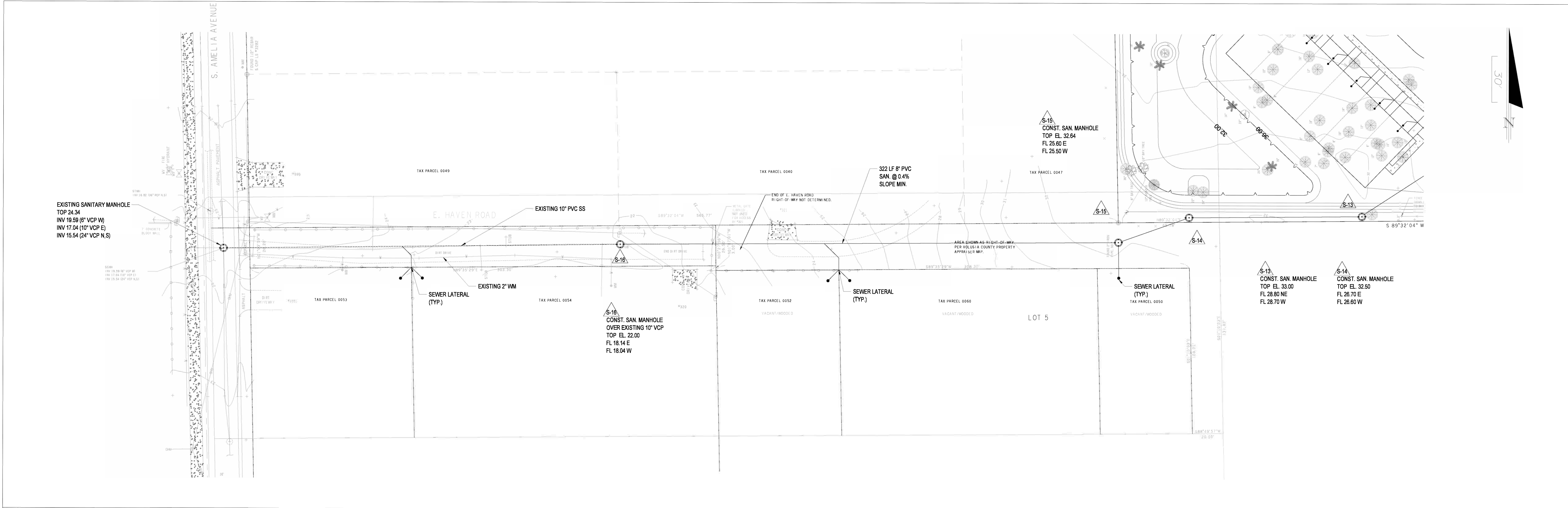
APPROVED BY  
KENNETH J. LEEING  
FLORIDA P.E. # 45294

DATE

JOB NUMBER: 2005136  
DATE: 11/15/05  
DESIGNED: K.J.L.  
DRAWN: J.G.L.  
CHECKED: V.D.L.

C-5





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INTERNATIONAL  
ENGINEERING  
CONSULTANTS, INC.

- LAND DEVELOPMENT
- HIGHWAY DESIGN
- DRAINAGE DESIGN
- CONSTRUCTION ADMINISTRATION
- ENVIRONMENTAL PERMITTING

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DELAND TOWNHOMES

OFFSITE IMPROVEMENTS

CITY OF DELAND

FLORIDA

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C-6