

**MINUTES FOR A SPECIAL MEETING OF
THE CITY COMMISSION OF THE CITY OF DELAND
HELD ON MONDAY, JULY 25, 2022, AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE**

CALL TO ORDER

The meeting was called to order by Mayor Apgar at 7:00 p.m.

Mayor Apgar requested that anyone present who wishes to address the City Commission on an item appearing on tonight's agenda, or with regard to an item not on the agenda, please fill out a Speaker's Card and give it to the City Clerk. The public has a right to speak with regard to any item on which the City Commission is to take action.

INVOCATION: Michael Pleus, City Manager, gave the Invocation.

PLEDGE OF ALLEGIANCE: Mayor Apgar led the Pledge of Allegiance.

ROLL CALL

Commissioner Charles Paiva	Present
Commissioner Jessica Davis	Present
Commissioner Chris Cloudman	Present
Commissioner Kevin Reid	Present
Mayor Robert F. Apgar	Present

ALSO PRESENT: Michael Pleus, City Manager; Darren J. Elkind, City Attorney; Julia Hewitt, Deputy City Clerk; Chad Gamble, Public Services Director; Rick Werbiskis, Community Development Director; Mike Holmes, Planning Director; Carol Kuhn, Deputy Planning Director; Belinda Williams-Collins, Senior Planner/Historic Preservation; members of the public and press.

Mayor Apgar stated this meeting is for the express purpose of the Second Reading of Ordinance No. 2022-13, pertaining to Beresford Reserve. The last reading of this Ordinance was on January 21, 2022.

Mayor Apgar reviewed procedures for the meeting and asked the Commission for consent on suggested procedures for this evening. There were no objections.

OLD BUSINESS

1. Second Reading of Ordinance No. 2022-13, Changing the Zoning of Approximately 167.65 Acres of Property, Located North of East Beresford Avenue (C.R. 4112), East of South Boston Avenue and West of South Hill Avenue (C.R. 4105), from R-1A (Single Family) to Beresford Reserve Planned Development.

Mr. Elkind, City Attorney, read the Ordinance by title only.

ORDINANCE NO. 2022-13

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

Mayor Apgar opened the Public Hearing. The Kimley-Horn report has been entered into the record, as well as communications received by commissioners since the first reading in January. He incorporated, by reference, any and all prior hearings, testimony and correspondence into the record.

Mayor Apgar explained the process used to accommodate Dr. DeGarmo's request to appear remotely due to medical treatment occurring in Illinois. The Commission had no objections to this accommodation.

Mr. Elkind, City Attorney asked Commissioners to disclose any ex parte communications.

Mike Holmes, Planning Director, gave a brief overview of the development and outlined the initial plans versus current plan and changes that have been made to date.

Mr. Holmes, Planning Director, presented a summary of the development agreement. Since first reading the applicant has revised the agreement to provide:

1. Total number of residential units is 597 (254 SF units; 154 fee simple townhomes & 189 rental townhomes).
2. HOA maintained pool amenity is located southerly of the proposed public park.
3. Commercial area is no longer part of the proposed project.
4. Requires main park to be constructed, including all required environmental remediation work, in the first phase of development.
5. References that the entire project will comply with approved Brownfield Redevelopment Program.
6. Provides that any costs associated with environmental clean-up on the park will not be considered in calculating the parks and recreation impact fee credit due the developer.
7. All quarterly reports submitted to FDEP will be submitted to the City.
8. Low Impact Development specifics are now provided in the Development Agreement under Section F. Environmental Considerations.

General information, as included in the staff report, was presented to the City Commission and those present.

Chad Gamble, Public Services Director, provided remarks with regard to his involvement in reviewing this development. Mr. Gamble became involved as a technical advisor for this project upon joining City of DeLand staff. The most recent submittal was a July 6, 2022 work plan from Kimley-Horn. Most work plans are an iterative process since the primary objective is delineation of the constituents within the development. Oversight by the FDEP will reprogram the plan based on findings. The report submitted is not an all-inclusive report, particularly with this type of development. In his previous positions, most of the developments Mr. Gamble dealt with involved brownfield plans. He said the brownfield process initiates, oversees and confirms pre and post development testing, allowing an opportunity for quality developments to be planned and constructed. The brownfield plan is a regimented process overseen by FDEP and it manages activation and clean-up of property. Mr. Gamble said the executive summary included in the report outlines the process very well.

Gregory Self, founder of Terra-Com Environmental Consulting, was also present serving as an expert advisor to the City. He explained that Ms. Hanrahan, who was present at a previous meeting worked with Mr. Self on a contract basis. She is not an employee of Terra-Com, she is a contractor who works for a non-profit organization. Mr. Self and Ms. Hanrahan worked jointly on this project. Mr. Self is a degreed Geologist and his training is that of a petroleum geologist. His primary responsibility was to bring data from a variety of disciplines into a single platform so as to extract the best comprehensive data out of collected data. For the past 27 years, Mr. Self has been an environmental geologist. He has read the document in its entirety and is comfortable with the contents. His personal experience is that Kimley-Horn is one of the best in the business. He offered his unqualified support of the document and what has been outlined in the Scope of Work, as well as the technical approach taken.

Mayor Apgar asked if any members of the Commission have questions for Mr. Gamble or Mr. Holmes.

Commissioner Reid asked what protections exist with the current zoning in the area of the site. Mr. Elkind stated knowing there was a former dump on the site, prior to allowing development under the existing zoning classification, his advice to the City would be prior to issuing any development orders, require something be done to ensure the safety of the area, whether it be clean up through a brownfield program or not. In addition, Mr. Elkind said this is a rezoning and in this meeting the City is stating clearly if the development moves forward, it will have to be cleaned up phase by phase prior to any orders being issued for construction of the project.

Mr. Elkind advised Commissioner Reid, if an application was received that would go straight to plat under the existing zoning, knowing there was a former dump and a former golf course, and knowing what comes along with those former uses, it would be advised that an assessment be conducted and necessary clean-up be done.

Mayor Apgar asked if under existing zoning, if the same would be true in terms of when development could occur. Mr. Elkind said yes, but in the case of a PD there is no question since everything is set forth in an agreement.

Mayor Apgar asked if the existing zoning would allow 4 units per acre. Mr. Holmes said current land use, low density, allows 5.8 units per acre. Current zoning, 5.28 units per acre. Mayor Apgar said if an application were filed to plat the property, the City would have no ability to require a park, walking trails or other amenities of that nature that are included in the proposed PD. Mr. Holmes said there is no provision in the code for that type of requirement.

Mr. Self returned to the podium and Mayor Apgar asked how many similar projects he has been involved with during his career. Mr. Self said he has dealt with multiple complex projects that enveloped thousands of acres. In terms of environmental experience dealing with similar projects, he has worked as an expert witness on approximately 5 very similar projects, 2 former golf courses. Mayor Apgar asked if in dealings with DEP, if they are pretty rigorous in their investigations and work with an applicant. He further clarified his question, how would Mr. Self characterize DEP's involvement in approval of final clean-up. Mr. Self said DEP is very thorough and has both a district review and a Tallahassee review. He mentioned Mr. Dougherty from the Tallahassee office, stating the project will be very thoroughly reviewed from an engineering standpoint as well as from an environmental standpoint.

Dr. DeGarmo noted in the case where there is not an accurate characterization of the property, that leaves a lot of uncertainty as to what the actual testing methods will be, as well as, what methods will be used for remediation. Mr. Self said first thing is when contaminants have been released, there are two major questions that need to be answered: what type of contaminants and to what extent are they spread across the property. That determines the analytical method necessary. As the assessment process is being done, it is determined from where the samples will be taken and what density of testing will be necessary. The analytical suite is often expanded during the testing process based upon initial results.

Mark Watts, Attorney, Law Firm of Cobb Cole, appeared on behalf of the applicant. First, he introduced those accompanying him this evening. Mr. Watts commented over the course of the past twenty months, the plan has been vastly improved. What started as a project proposing 861 units, is now 597 units. The development is consistent with the comprehensive plan and includes a far superior mix of housing diversity than originally envisioned. He said it is key, the City will be involved at an unprecedented level specifically in the brownfield rehabilitation. The way the development agreement is set up assures the City has a seat at the table and it is a specific condition of future development. What has been the focus through listening to commentary during the past months, includes connectivity, how the project fits within the fabric of the City, how it fits within other development activity occurring within the City of DeLand and how priorities have been established for growth in DeLand.

Updates to the Development Agreement, as a result of input received, incorporate all revisions requested at the first reading in January. Standards and commitments with regard to the Central Park have been incorporated as well as the brownfield rehabilitation program. DEP and EPA have

confirmed the site is being addressed appropriately. Mr. Watts thanked city staff and Mr. Self for the input and support throughout this project.

Jason Sheasley, Kimley-Horn, principal author for the work plan, said he had a lot of input and a lot of assistance gathering information for the final document. There was input from the City, the City's consultant and FDEP. A comprehensive work plan was put together to continue assessing the extent of contamination. The overall approach and methodology that will be undertaken is in accordance with DEP rules. Also, the site is being redeveloped under Florida's Brownfields program.

Mr. Sheasley went through the testing plan, additional soil sampling and additional groundwater sampling. He stated that the due diligence effort provides a snapshot of what is being worked with to rehabilitate this property. He went over the details of additional testing and provided what the plan will include if it is determined that additional data collection is necessary. They are looking for the horizontal and vertical extents of the contamination. Once determined, the remediation plan that best addresses these findings, will be developed.

Mayor Apgar asked Dr. DeGarmo if she had any questions of Kimley Horn. Dr. DeGarmo asked about the testing done in 2020, based on due diligence of collecting preliminary information. Knowing there would be proposition of a planned development, is there any reason why the initial testing wasn't extended out at that time? Mr. Sheasley asked what she means by extending the testing. Dr. DeGarmo said one of the concerns she is hearing from constituents is that without an accurate site characterization, how is the community supposed to feel secure with the plan being provided today. She was wondering why the previous testing wasn't more extensive, knowing a planned development would be the ultimate plan. Mr. Sheasley said this is not last minute and what Dr. DeGarmo is asking for is the whole purpose of the work plan.

Mr. Watts said there has been discussion about the nature of process with brownfields. At prior hearings, both he and Mr. Sheasley have discussed how one has to understand what is being developed in order to move forward with the brownfield program. He noted Dr. DeGarmo has not previously worked with the Florida Brownfields Program.

Commissioner Paiva said the remediation plan has to be done before any development will occur. He asked what the timetable looks like and Mr. Sheasley said several months to one year. Best case scenario would be six months but realistically, it could be up to a year.

Mr. Elkind referred to the final document in the agenda, page 13 line 15 starts with "If accepted by the City, the developer..." needs to be rewritten. Mr. Watts stated the intent of the sentence.

Mr. Elkind stated that the agreement needs to clarify that the City has absolutely no legal obligation under the law, nor by this agreement is the City obliging itself in any way, shape or form, to approve a CDD. However, should the developer apply for, and should the City approve a CDD, then the CDD may fund the prepaid maintenance reserve as opposed to a private developer.

Commissioner Davis referred to an inquiry she received about the point of development and why the applicant wanted a new zoning. Mr. Watts said he thinks the specific reason for it was that

when his client looked at the property it made sense to have various types of housing. If looking at what the comprehensive plan and the 2050 plan encourages, a mix is desirable. Providing that mix of uses close to the downtown is a combination of the applicant looking for somewhat high density, recognizing this density is close to the core of the City, and looking at opportunities to provide a mix of housing styles and properties. The current zoning classification could result in 400 houses all the same size with same size lots versus the mix of housing and public spaces.

Commissioner Reid clarified the central park would be included in Phase 1, but then on other documentation the park is denoted as phase 2. Mr. Watts said he thinks the phasing plan picked up in the staff report predated the most current plan. Commissioner Reid asked if it would be safe to assume Phase 1 & 2 have been combined into one phase and Mr. Watts said yes, phase 1 must include the park. Commissioner Reid also clarified the southwest quadrant of the property, a large wooded area, does not really denote the buffer. He inquired about the tree buffer being retained in that area. Mr. Watts said comments received during the course of discussion, is that 45' is the minimum buffer in that area. One of the specific comments received about that corner was that it is the heaviest area of trees. Tree preservation plans will be submitted with plats for the property. The trails will be the only disruption in that area.

Mr. Elkind clarified HOA Maintenance responsibilities that could be transferred to a CDD, if one were created.

Mayor Apgar asked if the developer's intent is still to ask for a CDD and Mr. Watts said yes. Attorneys would come in after approval of the zoning, while brownfield testing is being done, to work on the CDD if it is to be approved by the time the property is presented for platting.

Commissioner Cloudman asked if there have been any additional discussions with the county regarding the impact to local intersections and what may be required of this project. Mr. Watts said none additional at this point in time.

Dr. DeGarmo explained that she opposes approval of this application. Dr. DeGarmo thinks it was a positive move to hire Terra-Com. After looking at all of the documentation in the agenda packet, she finds there are concerns of a different nature on the site in addition to chemical contamination. She encouraged the City Commission to slow the process down or deny the application altogether. She understands the plan is meant to address some insufficiencies of earlier reporting. Currently degree and extent of the chemicals present on the site is not known. An accurate characterization of the property won't be achieved until several iterations of testing have been completed. She thinks six months could be a little soon to come to completion when we really don't know what is lying beneath the soil and in the groundwater. To her knowledge the site assessment work plan has yet to be finalized by FDEP. Additionally, the agreement speaks to grading and clearing of the site. Citizens would feel better having some of the uncertainty cleared away before earth work begins on remediation or site development. Each individual site has its own characteristics and houses its own set of complexities.

Dr. DeGarmo asked about whether testing would be done on adjoining properties and hoped Mr. Watts would address this.

Dr. DeGarmo stated there are some concerns that no plans have been seen or inventories taken on endangered species on the property as these species may be impacted by testing and remediation. Another thing recommended by Ms. Hanrahan was a citizen's oversight committee because she realized that keeping the citizens involved is one way to understand the process and stay involved. She would be willing to volunteer her time and resources to assist the City in creating such a procedure. Dr. DeGarmo encouraged City Commissioners to consider delay of the approval of rezoning until FDEP has approved the plan.

Mayor Apgar asked if Dr. DeGarmo would agree when the report that is done so far is submitted to FDEP and as test results come in; that DEP will ask for additional requirements based upon what those results show during the process. Dr. DeGarmo said she would hope so but citizens have some misgivings. She thinks because of the misgivings and distrust, the failure to bring citizens totally on board with this plan of action, has left questions. She does think FDEP does some things well. The citizens deserve the opportunity to know results from iterative testing.

Mr. Watts asked Dr. DeGarmo to confirm her PhD and she said it is in International Relations, Natural Resources and the Environment. He asked Dr. DeGarmo to confirm how many brownfield programs she has been involved in as an expert. Dr. DeGarmo said none. Mr. Watts asked Dr. DeGarmo if she was aware of the Florida DEP's guidance issued in May 2022 regarding grading of sites and management of airborne particulate and contaminants. Dr. DeGarmo said she is aware, but has not finished reading the reports. He asked if Dr. DeGarmo is aware that guidance would apply to this project through the brownfield program and Dr. DeGarmo said she believes it would. Mr. Watts asked Dr. DeGarmo if she was aware the City of Deland's LDR requires testing and reporting for gopher tortoises prior to issuance of any development orders on the property. Dr. DeGarmo said she is aware of it but no one has heard anything about it yet. Mr. Watts asked if Dr. DeGarmo had reviewed the environmental species report that was submitted with the original application. Dr. DeGarmo stated she has not had access to that document. Mr. Watts stated it is a public record and she can request it or his firm can provide same to her. Mr. Watts asked Dr. DeGarmo if she is aware that the development agreement requires approval of a remediation plan prior to the development of any phase, as recently suggested by Dr. DeGarmo. She said she is aware of that but believes the zoning application approval should wait until the remediation plan is available. Mr. Watts also asked if Dr. DeGarmo knows of any other program that allows FDEP to enter onto private property for testing of this nature absent a brownfield agreement. Dr. DeGarmo has seen FDEP intervene when there have been grave concerns about contaminants present on a property. Mr. Watts stated at the first meeting where Dr. DeGarmo provided commentary, the same question was asked with regard to awareness of any program in Florida authorizing DEP to go onto private property. Dr. DeGarmo was not aware of that and Mr. Sheasley then testified the brownfield program is the only program of this nature.

Mayor Apgar recessed the meeting at approximately 8:38 p.m. The meeting was reconvened at 8:48 p.m.

Wendy Anderson, 505 E. Victoria Trails Blvd, has reviewed the Kimley-Horn proposed site assessment plan and understands it has been approved by the City's independent consultant, Mr. Self. She continues to find the plan inadequate. As many have indicated and more will be heard from this evening, there are several eye witnesses who will state additional areas of dumping on

the site, outside the areas denoted in the 1952 and 1958 aerial photographs. She believes much could have happened before, in between and after those years that is not recorded or being accounted for in the preliminary studies or current proposed study. In addition, from the 1980 aerial photographs, the pit north of Euclid was also used as a dump. Dr. DeGarmo noted there has been no plan to do testing in the area north of Euclid even though there are plans for affordable housing. She said that area needs to be included in the site plan. Kimley-Horn needs to conduct ground penetrating radar across the entire 167 acres. Currently GPR has only been used in the upper third of the main parcel. The work plan also shows more soil samples will be evaluated in a slightly larger radius around the original sample sites. These original areas were only around the golf course tees and greens. There needs to be sampling from the fairway areas, as well. Dr. Anderson has some issue with the use of incremental sample methodology in areas where soil exceeds the default ground water leachability soil clean up target levels for yield. To her, the report indicates the areas identified in the preliminary study that had some level of contamination, but not the highest levels of contamination, will be re-sampled the way that mixes multiple soil core samples together. She stated this minimizes the likelihood of finding additional hot spots. This may be standard practice for other sites, but this site needs more. One of the benefits of approving rezoning for planned development, is for the City to leverage a higher level of testing and remediation than required by the state's brownfield program. The City needs better. It is Dr. Anderson's understanding of the brownfield program in the State of Florida that once this site was designated as a brownfield, it is a brownfield and must be treated as such moving forward, regardless of the zoning designation. The only thing that would prevent testing and remediation would be to keep it zoned R-1A, leading the developer to walk away. Dr. Anderson stated her confidence has been lost in the process. She stated it is clear the developer and consultant are not going to give this site or this development the level of attention it deserves. She encouraged the City Commission to deny this request for PD. She added there has been much discussion about forming a brownfield ad hoc committee and she feels that would add some confidence back to the citizens of DeLand.

Mr. Elkind, City Attorney, stated the staff position is not to create a brownfield committee if the project ends up not moving forward. So, if the project is to go forward, staff would, as statutorily required, have a brownfield committee. Currently that committee is the EDC which is not specific to a particular project. The plan with staff, if this goes forward, is to make the statutorily required brownfield committee specific to this project, creating a model for the future.

Several citizens were present to speak against the project. These citizens are listed below with a brief summary of their commentary.

Lorna Jean Hagstrom, 921 S. Hill Ave, is glad to know the developer is going to pay for part of the roadway improvements necessary, especially Beresford. She said DeLand considers itself a Tree City. She is seeing many trees being clear-cut in the area of the subject site. It is possible to develop without taking out all of the trees.

Chris Sellati, 327 S. Virginia Ave, has a background in Information Technology consulting with 35 years of experience. He has a lot of knowledge and history in crime prevention. He sees potential problems with the rental units that are being placed adjacent to one of the highest crime areas in DeLand. He stated that the north side of this property needs a wall.

Amber Antonio, 141 N. Stone Street Apt 1, is a new resident who loves the quaint town of DeLand. She urged the City Commission to fight for the residents of DeLand.

Martha Shaw Sylvester, 804 S Hill Ave, understands serving as a commissioner is not an easy task. She agreed with a previous speaker about trees being clear-cut. She also mentioned traffic in the area of the project. Any plans for development at this time, in Ms. Sylvester's opinion, is speculative.

Jack Davis, 1440 Wyngate Drive, voiced his continued opposition to this project. He believes the citizens of DeLand would be best served if this property were cleaned up and kept as a natural park area. Mr. Davis does not agree with Kimley-Horn's assessment of the property. Florida Department of Environmental Protection will only review data provided to them. He raised questions about the testing used to obtain information contained in the report. Mr. Davis has worked in Geotech Investigation for more than ten years. He does not think the samples were deep enough. He asked why the developer did not hire a Geotech investigation company.

David Ballesteros, 1740 Taylor Woods Rd, added a recent conversation he had with an elderly DeLand resident. Mr. Ballesteros read the statement of this gentleman who had moved to DeLand after retiring from NYPD several years ago. The statement included an eye witness account the gentleman experienced when he worked for the golf course after relocating to Florida attesting to dumped and buried items. Based on this account, he believes the Kimley-Horn report was inadequate.

Dominique DuBois, 1065 S. Boston Ave, expressed sadness and disbelief of the massacre happening in DeLand with the removal of trees, air and shade from the residents.

Donna Pepin, 416 N. Blue Lake Terrace, spoke with regard to the trees that are being removed and benefits of trees in the area. She said as a Hospice nurse several years ago, she took care of several patients who resided near the golf course. She believes some of those ailments were due to the chemicals used by the golf course, and subsequently the city removed residents from the wells in that area.

Jack Hill, 1490 E. Beresford Avenue, explained that he watched Florida being developed in other places. He quoted Joni Mitchell: "Pave paradise, put up a parking lot."

Dr. DeGarmo provided closing comments. She stated that she agreed with the City's expert, Ms. Hanrahan, who at the January 22 hearing, advised that ideally the site should be completely characterized and a remedial action plan in place before rezoning. Dr. DeGarmo indicated that is the way to eliminate uncertainty and quell citizen concerns. She believes that the public concerns need to be placed ahead of an outside developer's needs. She asked if the City Commission intended to abdicate their responsibility to the citizens by prematurely approving this request.

Mr. Watts restated he does not stipulate to an expert status. He stated a lot of opinions have been shared today that would not qualify as expert testimony. What he has tried to do in working with staff in the development agreement, is to give the city staff and residents as much access as

possible. He indicated that a project plan needs to be in place to know testing needs. Those tests will be conducted after rezoning. He stated his client stands ready to follow through on commitments made during this process, as well as those commitments in the agreement.

Mr. Watts said he heard few specific objections or concerns about the rezoning. This is a rezoning hearing, to see if what is being proposed is ultimately consistent with the City's comprehensive plan, goals, policies and objectives that must be followed when developing in the City of DeLand. He said clear-cutting within the site, within specific phases of the development that have been approved, has been limited. Mr. Watts said over 50% of the total site is being preserved as open space versus lots of development area. There are 50 acres of total green space dedicated to parks and other amenities. With regard to traffic concerns, the development agreement does not exempt the client from any of those requirements. A lot of time has been spent on this item, talking about many things other than the rezoning. Mr. Watts said the City of DeLand has achieved far greater standards and far greater protections, and something staff has spent more than 20 months working on; to create a better development than what the existing zoning would have allowed.

Mayor Apgar closed the Public Hearing.

Mayor Apgar thanked all who have participated in this long and difficult process. He appreciates that everyone has been polite and adhered to the procedures set forth for the meeting. He also thanked Dr. DeGarmo for her input and wished her well.

Commissioner Cloudman has had an opportunity to speak with the immediate past president of the Florida League of Cities. He is from Bay Harbor Island. The entire city of 269 acres, is the size of one development being considered by the DeLand City Commission. Commissioner Cloudman stated his appreciation to the developer for all of the concessions that have been made to this project plan. He named many of the improvements and concessions made by the developer, and that this is a much better project plan than originally presented.

Commissioner Cloudman continues to have some concerns which include the local schools. He did find relief in that the local school board is taking into consideration developments that have been approved but have not yet been built out. In the current climate, even if new schools could be built, staffing is a challenge. He also mentioned roads and it is hard to approve something of this magnitude while being assured that proper additions and changes to the existing roadways will be made later after the approval. The Beresford Extension will help and is nearing the end of the process for getting the final right of way, but there are no shovels in the ground to date. Commissioner Cloudman is concerned with Beresford Road from the west side to the east side, already has five approved developments, and this would be a sixth approved development along that corridor.

Commissioner Cloudman said the City Commission shares concern with regard to the level of contaminations and the desire to have the best possible remediation of the site regardless of what is developed on the site. He raised the question of who would fund testing prior to the purchase of a site: the seller, the buyer or the tax payers. He concluded with his appreciation for all of the effort that has been put forth to satisfy some of the concerns and to improve the overall project, but that he still has many concerns regarding density and roadway improvements.

Commissioner Paiva said a lot of factors go into every development put before City Commission for consideration. A lot of time has been spent listening to the public and discussing this development in order to get it right. Commissioner Paiva reiterated the amenities of the project, many of which will be enjoyed by citizens who do not reside in the development. He has voted against quite a few developments and is certainly evaluating the project very closely. This project is close to the City Center and is more of an infill project. Commissioner Paiva stated there is a need in DeLand for housing diversity and this project provides it. Additional park land is needed, this project provides park land. He said there are varying amounts of what the city gains, including the increased bicycle and pedestrian lanes and park land. Commissioner Paiva feels that the brownfield issue will be addressed regardless of the zoning in place, but he appreciates the greater participation afforded by this project. He feels the city is gaining a lot in exchange for a traditional land use.

Commissioner Davis expressed her appreciation and stated she can't discount any of the good information that has been provided and presented to the Commission. There are many unknowns when considering this project. She continues to have concerns about the project.

Commissioner Reid asked what protections are in place with regard to the brownfield site. He was told they will have to do more testing but they may build under their current zoning designation. There is still uncertainty and so for him, there is definitely an environmental concern. Commissioner Reid definitely agrees with a brownfield citizen committee. However, the City Commission is asking for more testing. He would like to see additional testing north of Euclid as well as including some of the concerned areas mentioned in historical testimony. This project does try to solve a lot of issues as there is a vast need for more affordable housing and the amount of park land being added, accounts for a good portion of the City's required parks for the full population.

Commissioner Reid referenced a movement to preserve a piece of land that is native out on Martin Luther King, stating he would much rather focus on an uncontaminated piece of property that is habitable by animals. He urged everyone to remember, this property is a golf course and the number of trees is limited. The heavily treed areas are being preserved to the best of the developer's ability with the exception of the area north of Euclid.

Mayor Apgar echoed comments made by other City Commissioners. He said alterations have been made to the PD, much of which was done because of public input resulting in a better project with greater public reporting of future testing efforts. Regardless of how this turns out, it is a better project than when it was first presented to the City Commission.

Commissioner Paiva made a motion that if this project is approved, to direct staff to reconstitute the Brownfield Committee separate from the EDC. Commissioner Reid seconded the motion. The motion was approved by a vote of 4 to 1, Commissioner Davis voted nay.

Commissioner Paiva made a motion to approve the final reading of Ordinance No. 2022-13, changing the zoning of approximately 167.65 acres of property, located North of East Beresford Avenue (C.R. 4112), East of South Boston Avenue and West of South Hill Avenue (C.R. 4105),

from R-1A (Single Family) to Beresford Reserve Planned Development, with additional soil samples/drilling sites as directed by the City's third-party consultant. Commissioner Reid seconded the motion. The motion was approved by the following roll call vote.

Commissioner Paiva	YES
Commissioner Davis	NO
Commissioner Cloudman	NO
Commissioner Reid	YES
Mayor Apgar	YES

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:04 p.m.

Prepared by:
Julie A. Hennessy, MMC
City Clerk – Auditor

Approved on:
07/06/2026
Date