



CITY OF DELAND
REGULAR MEETING OF THE PLANNING BOARD
MAY 18, 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 April 20, 2022 meeting.

VARIANCE OLD BUSINESS

VARIANCE NEW BUSINESS

PUBLIC PARTICIPATION PROCEEDINGS

PLANNING - OLD BUSINESS

PLANNING - NEW BUSINESS

1. Applicant Name: Frank Ford, Jr.
Project Number: Z21-186 – Rezoning for Glasshouse Square PD
Project Location: 130 W. New York Ave.
Project Description: Rezone 0.868 acres from C-2A to Planned Development
2. Applicant Name: Mark Watts
Project Number: Z22-053 – Rezoning for CTC DeLand PD
Project Location: SE corner of Martin Luther King Blvd. & Cassadaga Road
Project Description: Rezone 28.64 acres from County R-4C & R-4 to CTC DeLand PD to develop a multi-family residential project
3. Applicant Name: Nika Hosseini
Project Number: Z22-057 – Amendment to Woodland Crossings PD
Project Location: Part of Woodland Crossing Shopping Center on N. Woodland Blvd.
Project Description: Amend 1.1 acres of Woodland Crossings PD to allow a car wash as permitted use
4. Applicant Name: Mark Watts
Project Number: SMLU22-061 – Comprehensive Plan Amendment

Project Location: 306 W. Wisconsin Ave.

Project Description: Land use change for 1.45 acres from Low Density Residential & Institutional Overlay to Mixed Commercial

5. Applicant Name: Mark Watts
Project Number: Z22-060 – Rezoning for North West Square PD
Project Location: 306 W. Wisconsin Ave.
Project Description: Rezone 1.45 acres from R1-B to Northwest Square PD to develop mixed commercial & residential uses in an existing building.
6. Applicant Name: Mark Watts
Project Number: Z22-063 – Rezoning for DeLand Tech Park PD
Project Location: 1465 Cassadaga Road
Project Description: Rezone 142.8 acres from County R-4C, R-4, A-1C, A-1, I-1C & I-1 to DeLand Tech Park Planned Development
7. Applicant Name: Peter King
Project Number: Z22-070 – Renovations of the Putnam Hotel to include the acquisition of this 100' x 100' lot to be combined with the Putnam parcel for parking.
Project Location: 225 W. New York Ave.
Project Description: Rezone 10,000 square feet from R-1A to C-2A, Downtown Commercial
8. Applicant Name: Mark Watts
Project Number: Z22-073 – Rezoning for DeLand Commons
Project Location: North side of Voorhis Avenue at S. Clarke Street
Project Description: Rezone 1.45 acres from DeLand Commons PD to C-2A, Downtown Commercial
9. Applicant Name: City of DeLand
Project Number: Z22-075 – Administrative Rezoning
Project Location: West side of S.R. 4139
Project Description: Rezone 1.45 acres from Royal Oaks PD to E-1, Education
10. Applicant Name: City of DeLand
Project Number: SMLU22-076 – Administrative Comprehensive Plan Amendment
Project Location: SE corner of Dr. Martin L. King Jr. Btwy. & Beresford Ave. Ext.
Project Description: Land use change for 1.3 acres from Low Density Residential to Highway Commercial
11. Applicant Name: City of DeLand
Project Number: Z22-077 – Administrative Rezoning
Project Location: SE corner of Dr. Martin L. King Jr. Btwy. & Beresford Ave. Ext.
Project Description: Rezone 1.3 acres from Royal Oaks PD to C-2, Highway Commercial

OTHER BUSINESS

ADJOURNMENT



**CITY OF DELAND
PLANNING BOARD REGULAR MEETING
MINUTES
WEDNESDAY, APRIL 20, 2022 -5:00 P.M.
CITY HALL**

CALL TO ORDER

The meeting began at 5:00 p.m.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance – Mr. Owens, *Acting Chairperson*

ROLL CALL

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

Quorum: Yes

Present – Mike Holmes, Planning Director; Darren Elkind, City Attorney; Kendall Story, Senior Planner; Vivian Ford, Administrative Coordinator; applicant; and members of the public.

VERBAL REPORT ON CITY COMMISSION MEETINGS

Mr. Holmes gave the report.

MINUTES

1. Mr. Liska moved to approve the March 9, 2022 Special Meeting Minutes. Ms. Lewis seconded the motion. The motion passed unanimously.
2. Mr. Liska moved to approve the March 16, 2022 Special Meeting Minutes. Ms. Lewis seconded the motion. The motion passed unanimously.

VARIANCE OLD BUSINESS

None.

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

Public Participation: Applicant was not present. Staff answered questions from the Board following their presentation.

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

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

Public Participation: Applicant was in attendance but did not present. Staff answered questions from the Board following their presentation.

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

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 46% to obtain a permit to build a pool on the property

Public Participation: Diane Eckert, applicant, spoke and answered questions from the Board.

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

PUBLIC PARTICIPATION PROCEEDINGS

Mr. Owens read the Public Participation procedures.

PLANNING – OLD BUSINESS

None.

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

Public Participation: Kent Titcomb, applicant and Nika Hosseini, Cobb Cole, as attorney for applicant, spoke and answered questions from the Board.

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

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

Public Participation: Kent Titcomb, applicant and Nika Hosseini, Cobb Cole, as attorney for applicant, spoke and answered questions from the Board.

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

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

Public Participation: Kent Titcomb, applicant and Nika Hosseini, Cobb Cole, as attorney for applicant, spoke and answered questions from the Board.

Anna Sprow, public speaker, voiced concerns about development effects on current infrastructure.

Ms. Lewis moved to recommend approval to City Commission with the following recommendations. Mr. Liska seconded the motion. The motion passed unanimously.

Recommendations:

1. Identify emergency egress for each phase before going to Commission;
 2. Work with Staff for mandatory LID inclusion of all new development.
-
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

Mr. Reed recused himself from voting due to a conflict of interest. Voting Conflict form on file.

Public Participation: Applicant was present but did not speak.

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

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

Public Participation: Kenneth J. Leeming of International Engineering Consultants, Inc., on behalf of applicant, spoke and answered questions from the Board.

Board pointed out that the plans will need to be updated in order to meet current code requirements.

OTHER BUSINESS

Board discussed and approved removing plastic barriers currently in place in the Commission Chambers, but to store them in case the need for them should arise in the future.

ADJOURNMENT

The meeting ended at 7:06 p.m.

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

May 18, 2022

A. APPLICATION NO.: Z21-186 Glass House Square

APPLICANT: Frank Ford, Jr. , Landis Graham, French P.A.

REQUEST: The applicant is requesting to amend the zoning
From: City C-2A&H (Downtown Commercial / Historic Overlay)

To: Glass House Square PD

Note: This property is also located within the Downtown Historic District Overlay
Change of Zoning C-2A&H to Glasshouse Square Planned Development

Developer is implementing provisions set forth in acquisition and redevelopment agreement (ADA) executed by city of DeLand and Glasshouse Square, LLC on July 9, 2020.

APPLICABLE ORDINANCES:

Article XII ADMINISTRATION AND ENFORCEMENT
Sec. 33-135 – Procedure for text amendments and rezoning

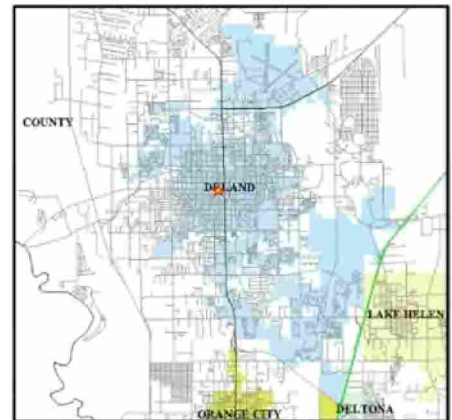
Location: 130 W. New York Ave.
Downtown Support Design District

Parcel Size: 0.868± acres

Existing Use: Vacant

B. ANALYSIS:

The site currently consists of a single structure that was the former location of the County jail. Ultimately, the applicant will be demolish the structure and now wishes to have the property rezoned to the Glasshouse Square PD (Planned Development). The property could be developed in as many as 2 phases and will include a maximum of 5 residential units as well as a number of other potential commercial and office uses.



The development of the property will be guided by the development agreement provided and includes the provision of 50 on-site and offsite parking spaces, will follow the sign plan that is to be provided, will include a green square/water feature and comply with architectural standards that maintain consistency with the character of the historic downtown area. The property is currently subject to the Downtown Historic Overlay and will remain so despite the request to rezone to the property to a planned development. Section 33-135 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 Land use designation for this property is Downtown Commercial. As outlined in the city's comprehensive plan, the policy guidelines state:

Land uses shall be mixed whenever possible to provide diversity. Major categories should include institutional/governmental office, commercial and retail, cultural, and residential. New developments shall be coordinated, even among separate developers, in order to develop a site/structure unity. In general, retail commercial uses shall be encouraged on the ground floors that front on to streets. Offices and residential should be encouraged to locate above the active ground floor.

The existing zoning designations are described as follows:

City of DeLand: C-2A Downtown Commercial

33-17.17. *C-2A—Downtown Commercial District.*

- (a) *Statement of intent.* The purpose of this zoning district is to provide for residential, retail, and service needs of the Central Business District (CBD). The list of permitted uses contains those land uses that are oriented to the downtown area.

City of DeLand: H Historic

Sec. 33-34. - *Historic districts and landmarks.*

3-34.01. *Generally.*

- (a) *Statement of intent.* The intent of the following regulations is to serve the best interest of the health, safety, prosperity and welfare of the citizens of DeLand by:
1. Protecting, enhancing and perpetuating historic resources that represent or reflect elements of the city's cultural, social, economic, political and architectural history.
 2. Stabilizing and improving property values through the revitalization of older residential and commercial properties and neighborhoods.
 3. Fostering an awareness and pride in the accomplishments and achievements of the past.
 4. Protecting and enhancing the city's historic attractions to residents, tourists and visitors which in turn serve to stimulate the local economy and draw new business and industry.
 5. Enriching the quality of life in DeLand by fostering knowledge of the living heritage of the past.
 6. Conserving existing housing stock and extending the economic life of housing units through the rehabilitation of such units under housing and neighborhood redevelopment programs.
- (b) *Statement of purpose.* The city commission shall identify, evaluate, recognize, preserve and protect historical land archaeological resources within the city limits of DeLand, in the best interest of the health, safety, prosperity and welfare of the citizens of DeLand by:
1. Creating a historic preservation board with the power to effectively administer the duties provided for herein.
 2. Developing a process to designate individual properties (buildings, structures, sites, objects) and groups of properties (districts) as historically significant.
 3. Protecting the integrity of designated historic resources by requiring a review of proposals to add to, demolish or in any way alter the exterior historic fabric of such resources.

4. Encouraging historic preservation by providing technical assistance and financial incentives.
5. Obtaining certified local government status as provided for in the National Historic Preservation Act of 1966, as amended in 1980 (P.L. 96-515) and as procedures dictate in 36 C.F.R. 61 (1987).

The proposed zoning designation is generally described as follows:

Glasshouse Square PD – Planned Development

33-17.22. PD—Planned Development District.

- (a) Statement of intent. The Planned Development District is intended to provide a method for consideration and approval of unique zoning districts for individual Planned Developments (PD) which are not provided for or allowed in the zoning districts otherwise established by this chapter. See also: [section 33-32](#), Planned Development District and [section 33-133](#), Review of Planned Development Plans.

A development agreement has been written to outline the unique zoning requirements by which the development will be constructed. For the sake of comparison, the chart below lists some of the lot and building requirements of the existing and proposed zoning categories:

Lot & Bldg Reqmts.	C-2A	Glasshouse Square PD
Min. lot area	n/a	n/a
Min. width	n/a	n/a
Setbacks	n/a	
Front	n/a	10 ft. along New York/Georgia
Rear	n/a	
Sides	n/a	
Perimeter bldg.		5 ft. min. on East, none on North, South, West.
Max density	20 upa	5 units max.
Min. floor area		Bldg 1 - not less than 2 stories, not less than 20,000 gross sq. ft. Bldg 2 - not less than 2 stories, not less than 7,000 gross sq. ft.
Efficiency	425 sf	
1 BR	525 sf	
2+ BR	725 + 150/add'l BR	
Max. lot coverage	n/a	100%
Max. bldg height	80 ft	Bldg 1 - Max. 2 stories + rooftop space, not more than 60 ft. above FFE Bldg 2 - Max. 2 stories, not more than 40 ft. above FFE
Landscaping		None required
Building separation		None required

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

Rezoning of the property will only amend the permitted uses of the property and not impact the environment or natural resources. The property is located within the heart of the downtown and for the most part has no environmental resources to speak of.

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

The property is currently vacant contributes only marginally to the tax base. The rezoning action will spur the development of commercial and residential uses on the site that will have an impact upon the economy.

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

The rezoning action will not impact governmental services. The property is located within the urban area and such services are already provided. No new services are anticipated to be required because of the rezoning action.

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

This building has been vacant and unused for a number of years. The City of DeLand obtained the site from the County in order to facilitate redevelopment. Immediately to the east of the site is located the area known as Artisan Alley, the location for regular pedestrian retail and social events as well as Georgia Ave. which has been redeveloped to curtail vehicular use as necessary to allow pedestrian activity as well. The redevelopment of this site will be a continuation of this type of activity in the area.

6. Was there a mistake in the original classification?

It does not appear that the classification was the result of a mistake because it is consistent with other zoning designations in the surrounding area.

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

The proposed rezoning will permit virtually the same uses that the existing zoning with a few nuances as shown in the attached comparative list. New proposed uses are in keeping with uses that are permitted within the general area.

C-2A	Type	Glasshouse Square PD
General/Professional Offices	P	General/Professional Offices
Financial Institutions	C20	Financial Institutions, but without drive through service
Medical office	P	Medical office
Drugstores and pharmacies	P	Drugstores and pharmacies, but without drive through service
Laboratories, hospitals and clinics	P	
Medical clinics over 5,000 square feet	P	
Nursing homes and adult congregate living facilities	P	
Veterinary clinics and pet grooming shops with overnight and/or outdoor boarding facilities and runs	C	
Mailbox and shipping shops	P	Mailbox and shipping shops
Copying, printing and lithography	P	Copying, printing and lithography
		Showroom commercial
Beauty salons, barbershops and day spas	P	Beauty salons, barbershops and day spas
Day care facilities, adult or child	P	Day care facilities, adult or child
Dry cleaning and laundry, retail	P	Dry cleaning and laundry, retail
Dry cleaning and laundry, self-service	P	
Mortuary, funeral homes and crematoriums	P	
Pet shops and pet grooming with no overnight boarding of animals	C	
Tailor shops and shoe repair	P	Tailor shops and shoe repair
Banquet facilities, catering services	P	Banquet facilities, catering services
		Event hosting
		Outdoor entertainment
		Outdoor consumption of alcohol
		Outdoor events including, without limitation, weddings, receptions, parties, farmers' markets, food trucks, outdoor markets, temporary vendor booths, concerts and festivals. These events may be open to the public or may be private.
Bed and breakfast inn	P	
Hotels or motels and associated accessory uses including restaurant and conference facilities	P	
Uses requiring a DBPR 3PS liquor license (package sales) or 4COP liquor license (bars, lounges, etc.)	E17	Uses requiring a DBPR 3PS liquor license (package sales) or 4COP liquor license (bars, lounges, etc.)
Package sales where beer and/or wine (no liquor) are sold for consumption off premises with DBPR 2APS license	C	Package sales where beer and/or wine (no liquor) are sold for consumption off premises with DBPR 2APS license
Restaurants including fast food and/or drive through facilities	C20	Restaurants including except fast food and/or drive through facilities
Restaurants and establishments serving alcohol requiring a DBPR 2COP, 3PS or 4COP license with special class	C	Restaurants and establishments serving alcohol requiring a DBPR 2COP, 3PS or 4COP license with special class
Bakery, pastry, gourmet, coffee and specialty beverage shops (retail)	P	Bakery, pastry, gourmet, coffee and specialty beverage shops (retail)
Bakeries wholesale, up to 1,000 square feet of floor area	C	
Convenience stores without gas pumps	P	Convenience stores without gas pumps
Furniture, appliances retail	P	Furniture, appliances retail
Furniture, appliances wholesale	P	

Grocery	p	Grocery
Retail sales	p	Retail sales
Used materials, sales or thrift shops; not including junk yards	P	Used materials, sales or thrift shops; not including junk yards
Multiple-family dwellings on the first floor	C*	
Residential dwelling units above the first floor or one residential unit on the first floor accessory to an office or commercial use	C	Residential dwelling units above the first floor (in Building 2, only)
Business colleges, professional or commercial schools	p	Business colleges, professional or commercial schools
Churches, houses of worship and religious institutions with customary accessory educational and recreational uses	E5	
Government and public land uses and buildings	p	Government and public land uses and buildings
Private clubs and lodges	C9	
Museums	P	Museums
		Gallery (commercial)
Music, dance, gymnasium, art school or studio, excluding discotheques	P	Music, dance, gymnasium, art school or studio, excluding discotheques
Parks, community and regional	E8	
Parks, mini and neighborhood	P	Parks, mini and neighborhood
Theatres and assembly halls	P	Theatres and assembly halls
		Research and Development facilities
		Pet supply store
Pest control and exterminating services	P	
Upholstering and reupholstering	P	
Microwave, radio, telephone and television facilities and transmission towers	E6	
Commercial parking lots	P	
		Craft beverage and food sales and production
		Craftsmen shops
		All permitted uses within the C2-AH zoning district
		Other uses and structures of an accessory nature to the permitted uses listed above but not limited to shade structures, fixed awnings and porticos.

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

City utilities are available for this property and new development is required to utilize the available water and water systems that are in place helping to maintain public health and the area is served by police and fire. The rezone request will not adversely impact health, safety or welfare. The property is located within the developed urban core and the property is compatible with commercial/retail uses. This request is consistent with the area and not anticipated to adversely impact the area in that regard.

C. CONCLUSION:

This rezoning request aligns with the pattern of development in the surrounding area and will enhance the overall goals established for the downtown area including the provision of housing and the appropriate commercial use of the property. This site is also located within the Downtown Historic Overlay. That designation will remain in place and this action will not change it. However, there are revisions to the development agreement that staff is requesting prior to the Planning Board taking action:

- List of allowed uses should only include those that are not already allowed within the C2-AH district and also list any of those uses that you may want to exclude
- The parking design standards need to be updated (isle width, islands & landscaping)

Z21-186 (BC)

6 of 7

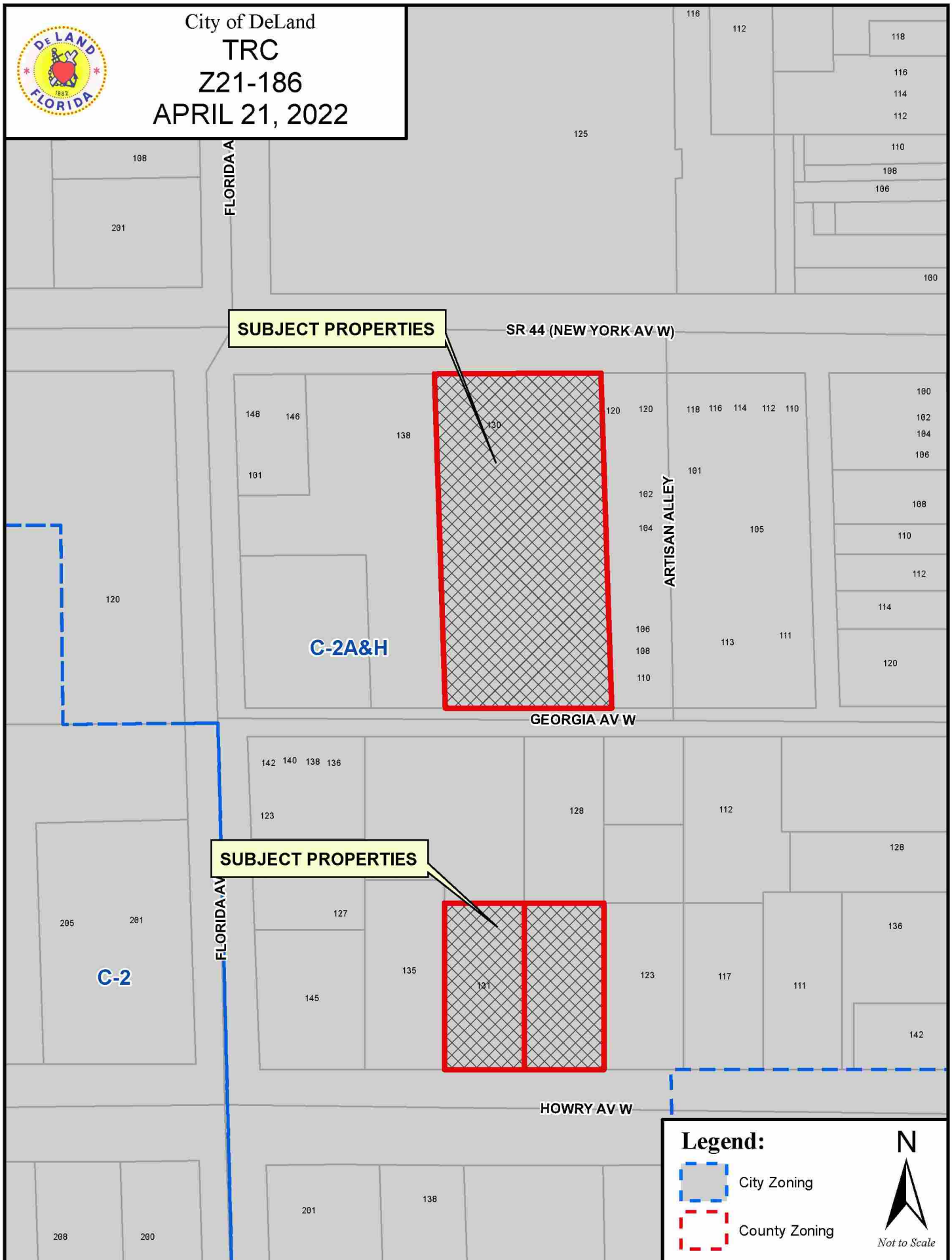
- Staff has concerns about the design and operation of the waste management area along New York Av
- The design and use of the pedestrian walkway needs updating and clarification
- Off-site transportation waiver needs to be removed as this is outside of city jurisdiction
- Exhibits B (concept plan) needs significant revision to update current situation
- Missing an on-site parking plan
- Additional comments that may be generated at the PB public hearing.

D. STAFF RECOMMENDATION:

Staff recommends that the rezoning request be continued until additional information is provided before the Planning Board forwards a recommendation to the City Commission.



City of DeLand
TRC
Z21-186
APRIL 21, 2022





City of DeLand
TRC
Z21-186
APRIL 21, 2022



1 GLASSHOUSE SQUARE PLANNED DEVELOPMENT AGREEMENT

2 CITY COMMISSION OF THE

3 CITY OF DELAND, FLORIDA

4 IN RE: (Case #), Application of

5 GLASSHOUSE SQUARE, LLC

6 ORDINANCE # _____

7
8 ORDER AND RESOLUTION

9 GRANTING A REQUEST FOR CHANGE OF ZONING FROM C2-A Historic Overlay

10 (C2 – AH) TO

11 GLASSHOUSE SQUARE PD (PLANNED DEVELOPMENT)

12
13 The application of GlassHouse Square, LLC, (together with its successors and
14 assigns, "Applicant") for rezoning was heard by and before the City Commission, DeLand
15 Florida, on _____, 2021. Based upon the verified Application and other supporting
16 documents, maps, charts, overlays, other evidence and instruments; the advice, report,
17 and recommendations of the Community Development Department, and other City
18 departments and agencies of DeLand, Florida; and the testimony adduced and evidence
19 received at the Public Hearing on this Application by the Planning Board on _____,
20 2021, and otherwise being fully advised, the City Commission does hereby find and
21 determine as follows:

22 GENERAL FINDINGS

23 A. The application of GlassHouse Square, LLC was duly and properly filed
24 herein on _____, 2021 as required by law.

25 B. All fees and costs which are by law, regulation, or Ordinance required to be
26 borne and paid by the Applicant have been paid.

27 C. The Applicant is the contract purchaser of an approximately 0.868-acre
28 parcel of land situated in DeLand, Florida. This parcel of land is described more

Page 1 of 19

1 particularly in the survey and legal description, a true copy of which is attached hereto as
2 Exhibit "A" (the "Property").

3 D. The City of DeLand is the owner of the Property, which has frontage on W.
4 New York Avenue and W. Georgia Avenue and is the former site of the Volusia County
5 Jail. The Property is located within the DeLand Downtown Community Redevelopment
6 Area as well as the City's Historic District. The existing jail building is in a deteriorated
7 condition, contains asbestos, is unsightly, and is hindering the continued redevelopment
8 that is and has been occurring in the immediate area in which the jail building is located.
9 The City desires that the Property be redeveloped for a mixed use, in-fill project with a
10 variety of permitted uses including, without limitation, general offices, professional offices,
11 medical offices, retail, commercial, multifamily residential and residential lofts, and
12 entertainment and event spaces, all of which are to be consistent with the aesthetic
13 qualities of downtown DeLand, and in furtherance of the City's Downtown DeLand
14 Redevelopment Plan, and the Florida Community Redevelopment Act of 1969, Florida
15 Statutes, Chapter 163. The Applicant intends to redevelop the Property with a mixture of
16 uses including, without limitation, the aforementioned uses, consistent with the terms set
17 forth herein.

18 E. The Applicant has complied with the concept plan provision as required by
19 Land Development Regulations Ordinance # 2013-11, as amended.

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

22 G. The owner of the Property agrees with the provisions of the Development
23 Agreement.

24 FINDINGS REGARDING REZONING

25 A. The Applicant has applied for a change of zoning of the Property from the
26 present zoning classification(s) of the Property from C-2A Historic Overlay (C2 – AH) to
27 GlassHouse Square Planned Development (PD).

28 B. The said rezoning to a Mixed Use Planned Development is consistent with
29 both the City of DeLand Comprehensive Plan Ordinance # 1990-04, as amended, and
30 the intent and purpose of the City of DeLand Land Development Regulations Ordinance
31 # 2013-11, as amended, and does promote the public health, safety, morals, general

1 welfare, and orderly growth of the area affected by the rezoning request.

2 NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF
3 DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY
4 COMMISSION CHAMBERS, 120 SOUTH FLORIDA AVENUE, DELAND, FLORIDA,
5 THIS (public hearing date) DAY OF _____, A.D., 2021, AS FOLLOWS:

6 A. The Application of GlassHouse Square, LLC for the rezoning of the Property
7 is hereby granted.

8 B. The zoning classification of the Property is hereby amended from C-2A
9 Historic Overlay (C2 – AH) to GlassHouse Square Planned Development (PD) as
10 described in Article VII of the City of DeLand, Land Development Regulations Ordinance
11 # 2013-11, as amended.

12 C. The Official Zoning Map of the City of DeLand, is hereby amended to show
13 the rezoning of said Property to GlassHouse Square Planned Development (PD).

14 D. The City of DeLand Land Development Regulations Ordinance # 2013-11,
15 as amended, is consistent with the provisions of the "Development Agreement" as
16 hereinafter set forth in this Ordinance and with respect to any conflict between Land
17 Development Regulations Ordinance # 2013-11, as amended, and the "Development
18 Agreement", the provisions of the "Development Agreement" shall govern. Ordinance
19 No. 2013-11, as amended, shall govern with respect to any matter not covered by the
20 "Development Agreement." The City of DeLand, will ensure overall compliance with this
21 Ordinance.

22 E. Unless otherwise provided for herein, the City of DeLand, Land
23 Development Regulations, Ordinance # 2013-11, as amended, shall apply to the Property
24 in the same manner as the C2 Historic Overlay (C2 – AH) zoning classification.

25 F. Nothing in this Ordinance shall abridge the requirements of any City of
26 DeLand Ordinance other than Ordinance 2013-11, as amended. Timing and review
27 procedures contained in this Order and Resolution may be modified to comply with the
28 City of DeLand Land Development Regulations, Ordinance No. 2013-11, as amended.
29 Further, nothing in the Development Agreement is intended to abridge the requirements
30 of Ordinance No. 2013-11, as amended, and any other City Ordinances, except as
31 provided herein.

1 DEVELOPMENT AGREEMENT

2 A. Development Concept. The Property shall be developed as a Planned
3 Development (PD) substantially in accordance with the Planned Development Plan
4 described below. The Planned Development Plan shall govern the development of the
5 Property as a Planned Development and shall regulate the future land use of the Property.

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

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

17 3. Subdivision Approval. Subdivision Plat Approval is not required. If
18 Applicant chooses to subdivide the Property, an application for exemption or a preliminary
19 and/or a final plat application for the area to be subdivided shall be submitted for review
20 and approval in the manner required by Article 13 of the City of DeLand Land
21 Development Regulations, Ordinance No. 2013-11, as amended.

22 4. Final Site Plan Approval. After the Planned Development Plan is
23 recorded and prior to issuance of any permits for construction, other than for asbestos
24 abatement, clearing and landfill by the City of DeLand, a Final Site Plan shall be prepared
25 and submitted for review and approval in the manner required by Article 12 of the City of
26 DeLand, Land Development Regulations Ordinance # 2013-11, as amended.

27 B. Unified Ownership. The Applicant shall maintain unified ownership of the
28 Property (after title is conveyed to it) until after issuance of the Final Site Plan
29 Development Order.

30 C. Phases of Development. Applicant may, in its sole discretion, develop the
31 Property in two (2) phases and, if Applicant so elects, the order of the phases for

development shall be sequential (i.e., Phase 1 shall precede Phase 2). Applicant may commence development of Phase 2 prior to completion of Phase 1, but the Certificate of Occupancy for Phase 2 shall not be issued until Phase 1 is substantially completed.

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

1. General/Professional Offices
2. Financial Institutions, but without drive through service
3. Medical office
4. Drugstore and pharmacies, but without drive through service
5. Mailbox and shipping shops
6. Copying, printing and lithography
7. Showroom commercial
8. Beauty salons, barber shops and day spas
9. Day care facilities, adult or child
10. Dry cleaning and laundry retail
11. Tailor shops and shoe repair
12. Banquet facilities, catering services
13. Event hosting
14. Outdoor entertainment
15. Outdoor consumption of alcohol
16. Outdoor events including, without limitation, weddings, receptions, parties, farmers' markets, food trucks, outdoor markets, temporary vendor booths, concerts, and festivals. These events may be open to the public or may be private.
17. Uses requiring a DBPR 3PS liquor license {package sales} or 4COP liquor license (bars lounges, etc.)
18. Package sales where beer and/or wine (no=liquor) are sold for consumption off premises with DBPR 2APS license

19. Restaurants, except fast food and/or drive through facilities
20. Restaurants and establishments serving alcohol requiring a DBPR 2COP, 3PS or 4COP license with special class
21. Bakery, pastry, gourmet, coffee, and specialty beverage shops (retail)
22. Convenience stores without gas pumps
23. Furniture, appliances retail
24. Grocery
25. Retail Sales
26. Used materials, sales, or thrift shops, not including junk yards
27. Residential dwelling units above the first floor (In Building 2, only)
28. Business colleges, professional or commercial schools
29. Government and public land uses and buildings
30. Museums
31. Gallery (commercial)
32. Music, dance, gymnasium, art school or studio, excluding discotheques
33. Parks, mini and neighborhood
34. Theaters and assembly halls
35. Research and Development facilities
36. Pet Supply store
37. Craft beverage and food sales and production
38. Craftsmen shops
39. All permitted uses within the C2 - AH zoning district
40. Other uses and structures of an accessory nature to the permitted uses listed above including but not limited to shade structures, fixed awnings, and porticos.

E. Development Standards. The minimum site design regulations that will be used to govern development within the in PD are as follows:

1. Minimum lot area - no minimum
2. Minimum lot width and/or depth - no minimum
3. Minimum yard size (building) - no minimum
4. Maximum front yard – 10 feet along New York Avenue and Georgia Avenue.

- 1 5. Minimum stories and floor area:
- 2 a. Building 1 as shown on the Development Plan Map ("Building 1")
- 3 - Not less than two (2) stories and not less than 20,000 gross square feet.
- 4 b. Building 2 as shown on the Development Plan Map ("Building 2")
- 5 - Not less than two (2) stories and not less than 7,000 gross square feet.
- 6 6. Maximum stories and building height:
- 7 a. Building 1 - Maximum of two (2) stories, plus rooftop space.
- 8 The top of all enclosures shall be not more than sixty (60') feet above the finished
- 9 floor elevation of the first floor of the building.
- 10 b. Building 2 –Maximum of two stories and forty (40) feet above
- 11 the finished floor elevation of the first floor of the building.
- 12 7. Maximum lot coverage:
- 13 100%
- 14 8. Landscape requirements - No perimeter landscape buffer or
- 15 other landscaping is required.
- 16 9. Perimeter building setbacks:
- 17 5 foot minimum setback on the entire east property line. There is no setback
- 18 required on the north, south or west property lines.
- 19 10. Minimum building separation –
- 20 None.
- 21 11. Off-street parking requirements. Applicant contemplates developing
- 22 the Property in phases and shall provide a minimum of forty (40) parking spaces for
- 23 Phase 1 and ten (10) parking spaces for Phase 2, for a total parking requirement of not less than fifty
- 24 (50) spaces. Parking may be located onsite and/or in offsite parking lot(s). Any such parking
- 25 area may be secured or controlled by gates or other access limitations. The design of
- 26 such onsite parking shall allow development with permeable pavers or similar materials
- 27 and, in lieu of standard code dimensional requirements, Applicant may elect to provide
- 28 standard parking space dimensions of no smaller than 9' by 18' and drive aisle widths of
- 29 20' or more. Handicapped accessible parking space dimensions shall be in accordance
- 30 with code. No parking islands are required for onsite parking. It is anticipated that the
- 31 Applicant or its successors may seek variances or other accommodations from City
- related to the design of its offsite parking lot(s), to the extent reasonably necessary to

1 make efficient use of space in the downtown area. Except as otherwise provided herein,
2 the exact location, number of spaces, phasing of construction, and other issues involving
3 the parking on site shall be addressed in the site plan. Offsite parking, if any, shall be
4 within 800 feet of the Property. For the sake of clarity, this means that the nearest point
5 on any parcel of property upon which offsite parking is located shall be within 800 feet of
6 any point on the boundary of the Property. Except as otherwise provided herein, parking
7 shall be provided in accordance with the Land Development Regulations Ordinance No.
8 2013-11, as amended.

9 12. Signage requirements. Signs in general conformance with those
10 shown on Exhibit C, Sign Plan, are specifically allowed. Except as otherwise provided
11 herein, signs shall comply with applicable requirements of the Land Development
12 Regulations Ordinance No. 2013-11, as amended, Article VII, y Signs.

13 13. Open Space and/or Common Area requirements for the Property
14 shall be satisfied in development of Phase 2, with the Green Square/water feature
15 area/gathering space ("Amenity Area") and pedestrian walkway ("Pedestrian Walkway")
16 shown on the Development Plan Map, notwithstanding the requirements of the City's
17 Land Development Code. For Phase 1 it is contemplated that all or part of the Amenity
18 Area and Pedestrian Walkway will be used for parking until development of Phase 2. For
19 Phase 2 a portion of the Pedestrian Walkway may continue to be used for parking.
20 Parking in the Pedestrian Walkway shall not interfere with its functionality as a pedestrian
21 walkway.

22 14. Architectural Design Standards: The Architectural standard for the
23 Property shall be consistent with the aesthetic qualities of downtown DeLand and
24 complementary to the brick architecture which currently exists along Georgia Avenue.
25 The general architectural standards, elevations and concepts set forth on Exhibit D shall
26 apply to the Property, and are deemed consistent and complementary with said aesthetic
27 qualities and architecture along Georgia Avenue.

28 15. Minimum residential unit exterior sound attenuation: Sound
29 Transmission Class (STC) 60 Rating for exterior walls. For fenestration: STC35. (As
30 established by LEED Enhanced Acoustical Credits).

31 16. Residential units – The maximum number of residential units on the

1 Property is five (5). Residential units shall be permitted only in Building 2.

2 17. Pedestrian Walkway – The pedestrian walkway, as shown on the
3 Development Plan Map (“Pedestrian Walkway”), may be used for parking except as
4 otherwise provided herein, and will be generally left open to the public during the hours
5 of 8:00 a.m. until midnight. However, it is contemplated Applicant may close it for private
6 events and may leave it open for the public for longer hours than stated above. There will
7 be a separate agreement entered into between Applicant, or its successors or assigns,
8 and the City, consistent with this Development Agreement, regulating specific parameters
9 related to the public use of the Pedestrian Walkway, the adoption or future amendment
10 of which shall not be deemed a zoning of the Property. Either or both buildings shall be
11 permitted to overhang the Pedestrian Walkway provided a ground clearance of at least
12 14 feet shall be maintained for permanent structures.

13 F. Environmental Considerations. The Property is currently covered by
14 structures and hardscape and contains no trees and no green space. Although trees and
15 landscaping are not required under current code (Section 33-57.07), even if such code
16 provisions change in the future, no tree protection area or landscaping shall be required.

17 G. Sewage Disposal and Potable Water. Provision for sewage disposal and
18 potable water needs of the PD will be provided in accordance with the Comprehensive
19 Plan, Ordinance No.1990-04, as amended, the Land Development Regulations
20 Ordinance No. 2013-11, as amended, and State of Florida Administrative Code 64E-6.

21 H. Stormwater Drainage. Provision for stormwater retention shall be in
22 accordance with the requirements of the St. Johns River Water Management District
23 (“SJRWMD”). Neither the City's land development regulations, nor any other applicable
24 regulation of the City shall impose any on-site storm water treatment or storage
25 requirements which are in any way greater than SJRWMD's requirements. It is
26 anticipated that all stormwater from the Property will outfall to the City's Stormwater
27 System. Pursuant to a separate agreement, the City has the option to install or upsize (as
28 the case may be), and maintain, an underground stormwater system beneath the
29 Pedestrian Walkway, to the extent space and capacity is available therefor, as determined
30 by sound engineering principles.

1 I. Access and Transportation System Improvements. All access and
2 transportation system improvements shall be provided in accordance with the Land
3 Development Regulations, Ord. 2013-11, as amended. The Property shall be developed
4 in substantial accordance with the following access and transportation system
5 improvements:

6 1. Access. Limited vehicular access (for example, for service vehicles)
7 may be provided to the Property on the Pedestrian Walkway and also for onsite parking,
8 if applicable. Otherwise, no motorized vehicular access is anticipated for the Property.
9 The Applicant may restrict or prohibit public vehicular access to the Property.

10 2. Transportation System Improvements. No offsite transportation
11 improvements are required pursuant to this Development Agreement.

12 J. Internal Roadways. No internal roadways are anticipated at this time.

13 K. Building or Property Owners Association. It is not the current intent of the
14 Applicant to subdivide the Property and therefore no building or property owner's
15 association would be required. However, if the Applicant or its successors or assigns later
16 subdivide the Property, then an owners association shall be required. With respect to the
17 enforcement of agreements, covenants, easements, or restrictions entered into between
18 the Applicant and the owners' or occupiers of property within the GlassHouse Square
19 Planned Development, the City of DeLand shall only enforce the provisions of the
20 "Development Agreement" and City of DeLand Land Development Regulations
21 Ordinance # 2013-11, as amended, whichever is applicable, and not the private
22 agreements entered into between the aforementioned parties.

23 L. Other:

24 1. Minimizing Disruption of Public Parking. Development of the Property a.
25 Building 1 shall be designed to reasonably minimize the disruption to the existing public
26 parking on the City's parcel, Tax Parcel No. 7016-01-03-0070, without unreasonably
27 interfering with construction of the project(s) on the Property. The site plan for each phase
28 shall include measures to mitigate disruption to such existing public parking, which shall
29 be part of the City's review process and shall be depicted on the site plan for each
30 respective phase. Such mitigation measures may include, without limitation, the Applicant
31 maintaining its laydown area and all construction staging operations on the Property or

1 on the City's lot located at 224 South Florida Avenue, or other measures to avoid impacts
2 to Georgia Avenue.

3 2. Additional Restrictions: The following additional restrictions apply
4 to the Property, as set forth below:

a. Building 1 (Shall be Phase 1, if development occurs in phases.)	FIRST FLOOR *Not to exceed 10,500 GSF provided, however, allowable area (not to exceed an additional 2,000 GSF) may be permitted upon Applicant addressing any additional demand for parking, as may be reasonably determined by City staff. *No more than 30% of 1 st floor space to be for general, professional, medical or government offices. *No residential use.
	SECOND FLOOR *Not to exceed 10,500 GSF provided, however, allowable area (not to exceed an additional 2,000 GSF) may be permitted upon Applicant addressing any additional demand for parking, as may be reasonably determined by City staff. *No residential use.
	ROOFTOP *Not to exceed 10,500 GSF. *Rooftop space enclosures including, without limitation, enclosures for stairways, elevator landing, enclosed restroom, and other enclosures, shall not exceed 1,500 GSF. * All enclosures except for stairway enclosures, elevator shafts and landings, and mechanical rooms shall be set back at least 10 feet from the

	edge of the roof. *No residential use.
--	---

b. Building 2 (Shall be Phase 2, if development occurs in phases	FIRST FLOOR – *Not to exceed 4,200 GSF provided, however, allowable area (not to exceed an additional 1,000 GSF) may be permitted upon Applicant addressing any additional demand for parking, as may be reasonably determined by City staff. *No more than 30% of 1 st floor space to be general, professional, medical or government offices. *No residential use.
	SECOND FLOOR - *Not to exceed 5,000 GSF provided, however, allowable area (not to exceed an additional 1,000 GSF) may be permitted upon Applicant addressing any additional demand for parking, as may be reasonably determined by City staff.

3. Before issuance of the Certificate of Occupancy for Building 2, Applicant shall construct the Green Square water feature area/gathering space and Pedestrian Walkway, as generally depicted on the Development Plan Map.

4. Except as otherwise provided herein, the City of DeLand Land Development Regulations, Ordinance Number 2013-11, as amended, shall apply to the Property in the same manner as the C-2 Historical Overlay (C2 – AH) zoning classification.

M. Reverter Provision: (i) Provided the Applicant has commenced development of the project within five (5) years from the Effective Date (as defined below) and has completed development or has continued to actively develop ongoing phases as demonstrated by issuance of development permits and building permits, or actual construction activities, then no rezoning by the City shall occur unless otherwise

1 requested by the then owner. (ii) If the Applicant does not meet the guidelines under
2 subsection (i) above, the City Commission may rezone any portion of the Property which
3 has not secured a final development order on or before 5 years from the Effective Date
4 of this ordinance as may be necessary or appropriate to protect adjoining properties or
5 the public health, safety, and welfare, unless the City Commission shall extend the time
6 indicated in this paragraph.

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

13
14 This Ordinance and all subsequent amendments shall be filed with the Clerk of the
15 Court and recorded within forty-five (45) days following execution of the document by the
16 City Commission, in the Public Records of Volusia County, Florida. One copy of the
17 document, bearing the book and page number of the Official Record in which the
18 document was recorded, shall be submitted to the Planning Department for placement in
19 the public file. The date of recording of this document shall constitute the effective date
20 of the PD or its subsequent amendments. The Applicant shall pay all filing costs for
21 recording documents.
22

DONE and ORDERED by the City Commission, City of DeLand, Florida,
this ____ day of _____, 2022.

ATTEST:

City Commission of DeLand Florida

Michael Pleus
City Manager

Robert Apgar
Mayor

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this ____ day of _____, 2022 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: _____

1
2 WITNESSES:

GLASSHOUSE SQUARE, LLC, a
Florida limited liability company

3
4
5
6 By: _____

Michael Prelec, Manager

7
8
9
10
11
12
13
14
15 STATE OF FLORIDA
16 COUNTY OF VOLUSIA
17

18 The foregoing instrument was acknowledged before me by means of ☐
19 physical presence or ☐ online notarization this ____ day of
20 _____, by Michael Prelec, Manager of Glasshouse Square,
21 LLC, who is personally known to me or who has produced
22 _____ as identification.
23
24

25
26 NOTARY PUBLIC, STATE OF FLORIDA
27 Type or Print Name:
28

29
30 Commission No.: _____
31 My Commission Expires: _____
32
33

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

EXHIBIT A
LEGAL DESCRIPTION

1
2
3

EXHIBIT B
DEVELOPMENT PLAN MAP

1	EXHIBIT C
2	SIGN PLAN
3	(to be provided)
4	

1

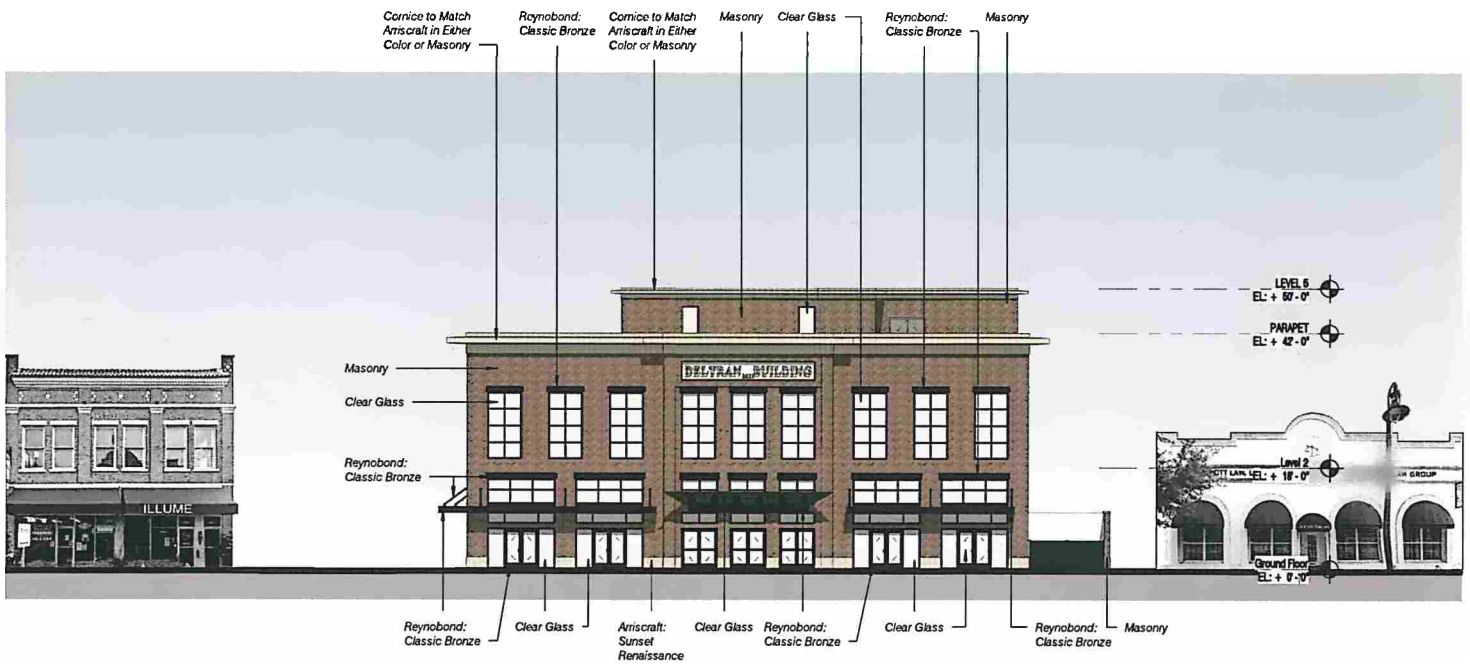
EXHIBIT D

2

ARCHITECTURAL STANDARDS

1
2

EXHIBIT D
ARCHITECTURAL STANDARDS



All measurements are subject to change. Not for construction.

GLASSHOUSE SQUARE - Schematic Design - PD Submittal

No copies, transmissions, reproductions, or electronic revisions of any portions of these drawings in whole or in part be made without the express written permission of Zyscovich Architects. All designs indicated in these drawings are property of Zyscovich Architects. All copyrights reserved © 2021.

NORTH ELEVATION - A

1/16" = 1'-0"

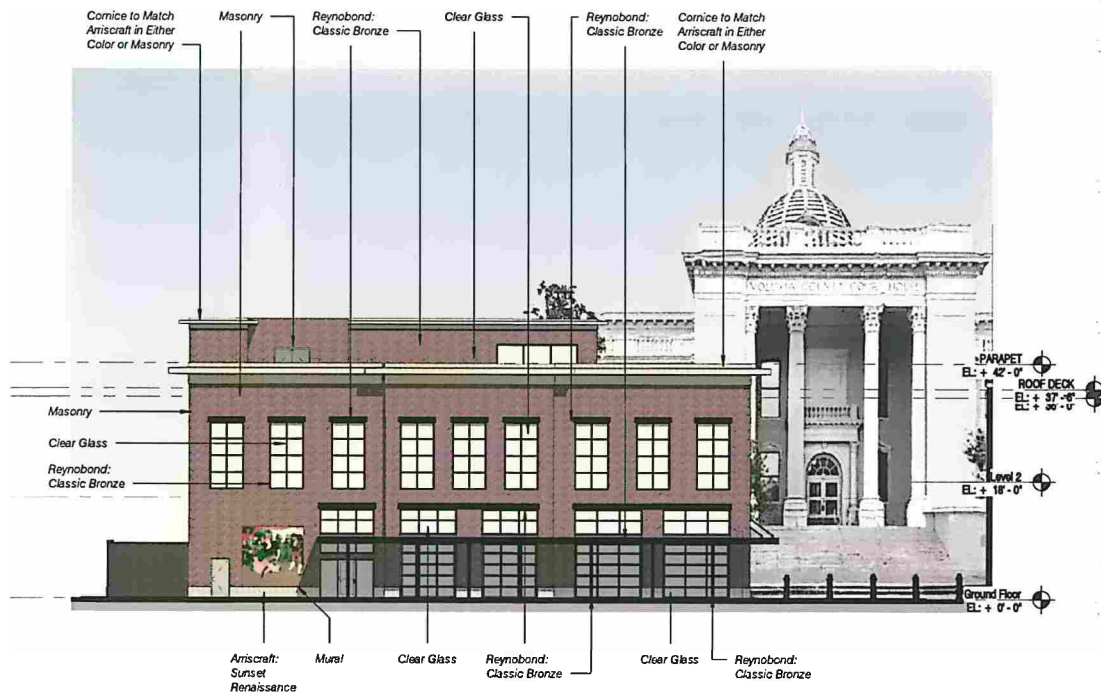
July 20, 2021

ZYSCOVICH
ARCHITECTS

250 S. Park Ave. Ste 310
Winnipeg, MB. R3C 0P9
T: 407.674.1166

info@zyscovich.com
www.zyscovich.com

10



All measurements are subject to change. Not for construction.

GLASSHOUSE SQUARE - Schematic Design - PD Submittal

No copies, transmissions, reproductions, or electronic revisions of any portions of these drawings in whole or in part be made without the express written permission of Zyscovich Architects. All designs indicated in these drawings are property of Zyscovich Architects. All copyrights reserved © 2021.

SOUTH ELEVATION - A

1/16" = 1'-0"

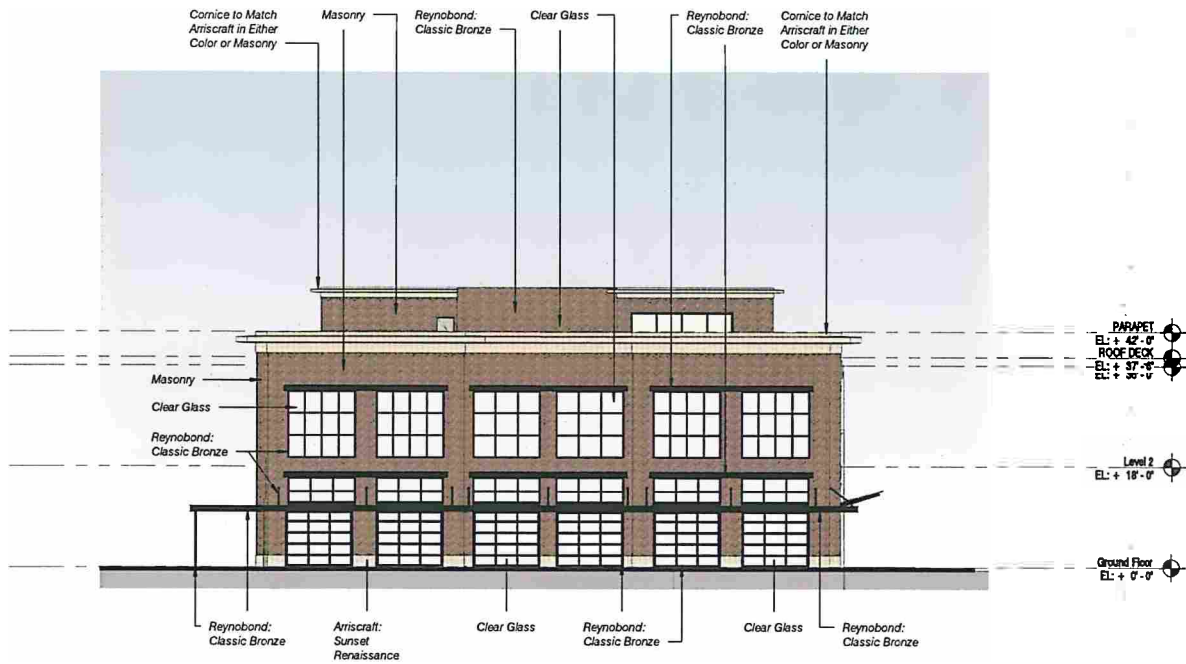
July 20, 2021

ZYSCOVICH
ARCHITECTS

250 S Park Ave. Ste 510
Worke Park, PA 32709
1-407-674-1958

e info@zyscovich.com
w www.zyscovich.com

11



All measurements are subject to change. Not for construction.

GLASSHOUSE SQUARE - Schematic Design - PD Submittal

No copies, transmissions, reproductions, or electronic missions of any portions of these drawings in whole or in part be made without the express written permission of Zyscovich Architects. All designs indicated in these drawings are property of Zyscovich Architects. All copyrights reserved © 2021.

EAST ELEVATION - A

1/16" = 1'-0"

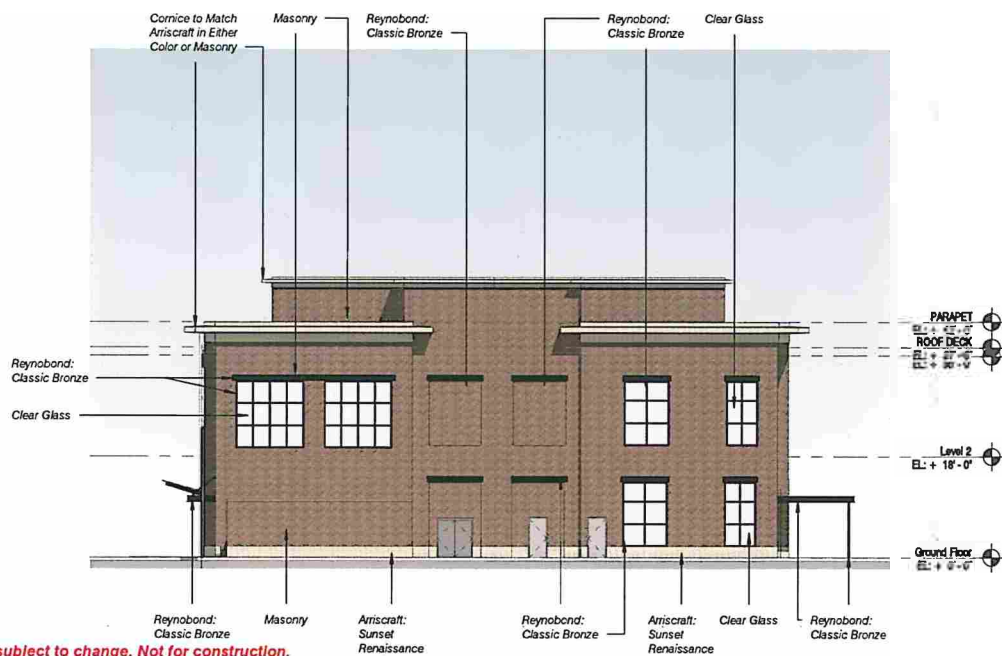
July 20, 2021

ZYSCOVICH
ARCHITECTS

250 S. Park Ave., Ste. 510
West Palm Beach, FL 33411
T: 407.674.1150

info@zyscovich.com
www.zyscovich.com

12



All measurements are subject to change. Not for construction.

GLASSHOUSE SQUARE - Schematic Design - PD Submittal

No copies, transmissions, reproductions, or electronic revisions of any portions of these drawings in whole or in part be made without the express written permission of Zyscovich Architects. All designs indicated in these drawings are property of Zyscovich Architects. All copyrights reserved © 2021.

WEST ELEVATION

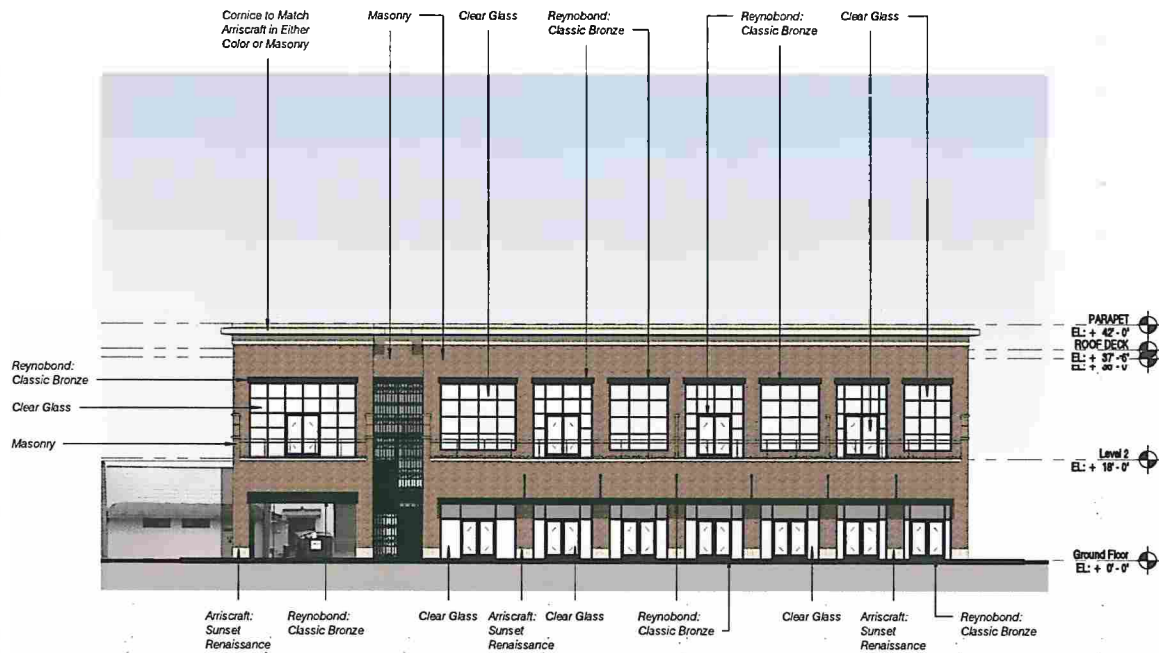
1/16" = 1'-0"

July 20, 2021

ZYSCOVICH
ARCHITECTS

250 B Park Ave. Ste 510
New York, NY 10022
1 407.674.1950

www.zyscovich.com



All measurements are subject to change. Not for construction.

GLASSHOUSE SQUARE - Schematic Design - PD Submittal

No copies, transmissions, reproductions, or electronic revisions of any portions of these drawings in whole or in part be made without the express written permission of Zyscovich Architects. All designs indicated in these drawings are property of Zyscovich Architects. All copyrights reserved © 2021.

NORTH ELEVATION - B

1/16" = 1'-0"

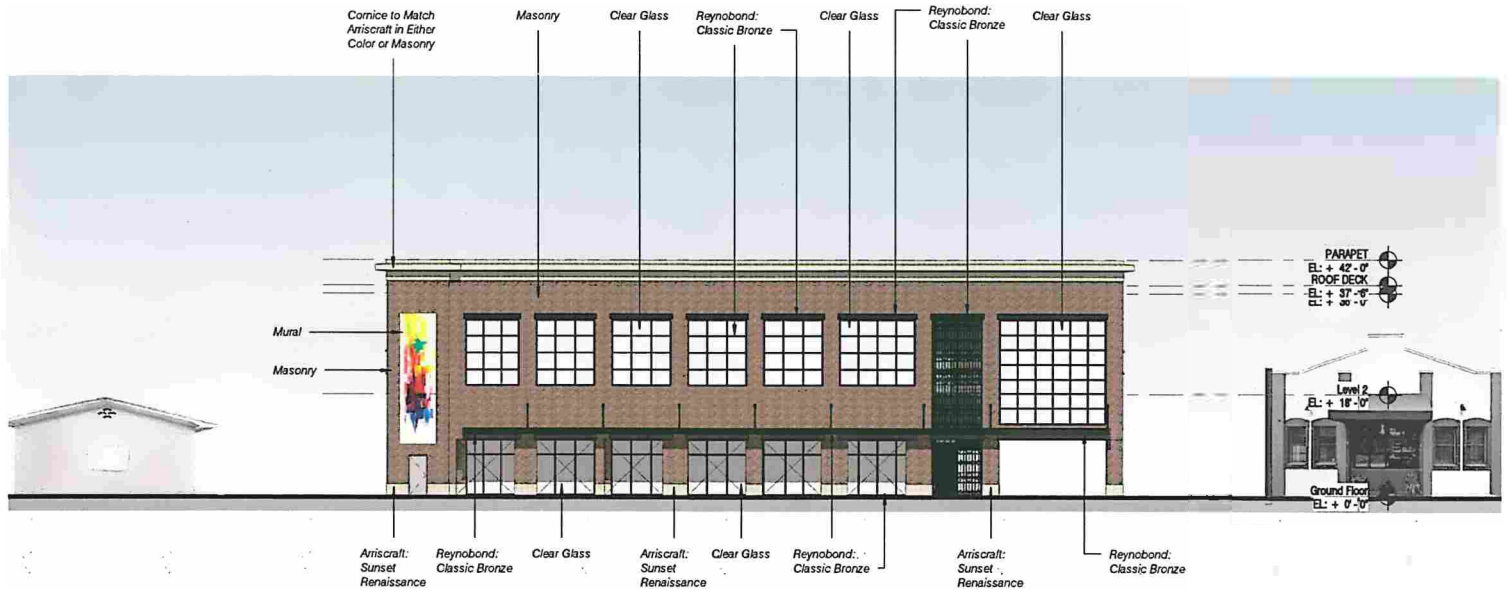
July 20, 2021

ZYSCOVICH
ARCHITECTS

250 S. Park Ave., Ste 510
West Palm Beach, FL 33411
T 407.674.1850

• info@zyscovich.com
• www.zyscovich.com

14



All measurements are subject to change. Not for construction.

GLASSHOUSE SQUARE - Schematic Design - PD Submittal

No copies, transmissions, reproductions, or electronic revisions of any portions of these drawings in whole or in part be made without the express written permission of Zyscovich Architects. All designs indicated in these drawings are property of Zyscovich Architects. All copyrights reserved © 2021.

SOUTH ELEVATION - B

1/16" = 1'-0"

July 20, 2021

ZYSCOVICH
ARCHITECTS

250 S Park Ave., Ste 510
West Palm Beach, FL 33411
1.407.674.1958

info@zyscovich.com
www.zyscovich.com

15



All measurements are subject to change. Not for construction.

GLASSHOUSE SQUARE - Schematic Design - PD Submittal

No copies, transmissions, reproductions, or electronic revisions of any portions of these drawings in whole or in part be made without the express written permission of Zyscovich Architects. All designs indicated in these drawings are property of Zyscovich Architects. All copyrights reserved © 2021.

VIEW 1

July 20, 2021

ZYSCOVICH
ARCHITECTS

250 S Park Ave. Ste 510
Wesley Park, FL 32789
T 407.674.1155

e info@zyscovich.com
w www.zyscovich.com

16



All measurements are subject to change. Not for construction.

GLASSHOUSE SQUARE - Schematic Design - PD Submittal

No copies, transmissions, reproductions, or electronic revisions of any portions of these drawings in whole or in part be made without the express written permission of Zyscovich Architects. All designs indicated in these drawings are property of Zyscovich Architects. All copyrights reserved © 2021.

VIEW 2

July 20, 2021

ZYSCOVICH
ARCHITECTS

250 S Park Ave., Ste 510
West Palm Beach, FL 33411
1 407.674.1954

✉ info@zyscovich.com
www.zyscovich.com

17



All measurements are subject to change. Not for construction.

GLASSHOUSE SQUARE - Schematic Design - PD Submittal

No copies, alterations, reproductions, or derivative works or any portions of these drawings or parts thereof may be made without the express written permission of Zyscovich Architects. All designs indicated in these drawings are property of Zyscovich Architects. All copyrights reserved © 2021.

VIEW 3

July 20, 2021

ZYSCOVICH
ARCHITECTS

250 S. Park Ave., Suite 510
Winter Park, FL 32789
1-407-674-1850

info@zyscovich.com
www.zyscovich.com

18



All measurements are subject to change. Not for construction.

GLASSHOUSE SQUARE - Schematic Design - PD Submittal

No copies, transmissions, reproductions, or electronic revisions of any portions of these drawings in whole or in part be made without the express written permission of Zyscovich Architects. All designs indicated in these drawings are property of Zyscovich Architects. All copyrights reserved © 2021.

VIEW 4

July 20, 2021

ZYSCOVICH
ARCHITECTS

350 S. Palm Ave., Ste 510
West Palm, FL 33411
1 407.674.1959

info@zyscovich.com
www.zyscovich.com

19



All measurements are subject to change. Not for construction.

GLASSHOUSE SQUARE - Schematic Design - PD Submittal

No copies, transmissions, reproductions, or electronic revisions of any portions of these drawings in whole or in part be made without the express written permission of Zyscovich Architects. All designs indicated in these drawings are property of Zyscovich Architects. All copyrights reserved © 2021.

VIEW 5

July 20, 2021

ZYSCOVICH
ARCHITECTS

250 S. Park Ave. Ste 510
West Park, FL 32789
1 407.674.1950

✉ info@zyscovich.com
www.zyscovich.com

20



All measurements are subject to change. Not for construction.

GLASSHOUSE SQUARE - Schematic Design - PD Submittal

No copies, transmissions, reproductions, or electronic revisions of any portions of these drawings in whole or in part be made without the express written permission of Zyscovich Architects. All designs indicated in these drawings are property of Zyscovich Architects. All copyrights reserved © 2021.

VIEW 6

July 20, 2021

ZYSCOVICH
ARCHITECTS

250 S. Park Ave., Ste. 510
West Palm Beach, FL 33411
1.407.674.1155

e info@zyscovich.com
w www.zyscovich.com

21



All measurements are subject to change. Not for construction.

GLASSHOUSE SQUARE - Schematic Design - PD Submittal

No copies, transmissions, reproductions, or electronic revisions of any portions of these drawings in whole or in part be made without the express written permission of Zyscovich Architects. All designs indicated in these drawings are property of Zyscovich Architects. All copyrights reserved © 2021.

VIEW 7

July 20, 2021

ZYSCOVICH
ARCHITECTS

250 S. Park Ave. Ste 510
Vivier Park, FL 32769
1 407.674.1956

e info@zyscovich.com
w www.zyscovich.com

22



All measurements are subject to change. Not for construction.

GLASSHOUSE SQUARE - Schematic Design - PD Submittal

No copies, transmissions, reproductions, or electronic revisions of any portions of these drawings in whole or in part be made without the express written permission of Zyscovich Architects. All designs indicated in these drawings are property of Zyscovich Architects. All copyrights reserved © 2021.

VIEW 8

July 20, 2021

ZYSCOVICH
ARCHITECTS

250 S. Park Ave., Ste 510
Winter Park, FL 32789
t 407.574.1958

e info@zyscovich.com
w www.zyscovich.com

23



All measurements are subject to change. Not for construction.

GLASSHOUSE SQUARE - Schematic Design - PD Submittal

No copies, transmissions, reproductions, or electronic versions of any portions of these drawings in whole or in part be made without the express written permission of Zyscovich Architects. All designs indicated in these drawings are property of Zyscovich Architects. All copyrights reserved © 2021.

VIEW 9

July 20, 2021

ZYSCOVICH
ARCHITECTS

250 S. Park Ave. Ste 310
West Park, FL 32789
t 407.574.1158

e info@zyscovich.com
w www.zyscovich.com

24

TOTAL SIGN / COPY AREA = 0.5 SF PER 1 LINEAR FT OF BUILDING FRONTAGE
 114.54 LIN FT X 0.5 SF = 57.27 SF OF COPY AREA

DELTRAN BUILDING SIGN = 26.99 SF
 (4) FUTURE SIGNS = 7 SF EACH = 28 SF



All measurements are subject to change. Not for construction.

GLASSHOUSE SQUARE - Schematic Design - PD Submittal

No copies, transmissions, reproductions, or electronic revisions of any portions of these drawings in whole or in part be made without the express written permission of Zyscovich Architects. All designs indicated in these drawings are property of Zyscovich Architects. All copyrights reserved © 2021.

North Elevation Copy Area

1/16" = 1'-0"

July 20, 2021

ZYSCOVICH
ARCHITECTS

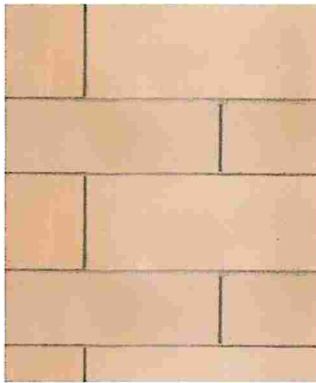
250 S. Park Ave. Ste 510
West Palm Beach, FL 33411
Tel: 561.831.1550

info@zyscovich.com
www.zyscovich.com

25

GLASSHOUSE

MATERIALS



ARRISCRAFT:
SUNSET RENAISSANCE
(CORNICE'S AND TRIMS WILL
MATCH IN EITHER COLOR OR
MASONRY)



CLASSIC BRONZE REYNOBOND
(STOREFRONTS AND CANOPIES)



ELDORADO STONE: BRACCIANO
ROMABRICK



COLOMBUS BRICK COMPANY:
BURLINGTON QUEEN

GROUT: AMERIMIX. DANDELION

VLT	91%
Est. Reflectance	6%
Winter U-Value	1.02
Summer U-Value	.93
SC	1.63
SHGC	.90
LSG	1.01

© 2014 by Viracore Inc.

CLEAR GLASS: VIRACON

All measurements are subject to change. Not for construction.

GLASSHOUSE SQUARE - Schematic Design - PD Submittal

No copies, transmissions, reproductions, or electronic revisions of any portions of these drawings in whole or in part be made without the express written permission of Zyscovich Architects. All designs indicated in these drawings are property of Zyscovich Architects. All copyrights reserved © 2021.

Material Board

July 20, 2021

ZYSCOVICH
ARCHITECTS

250 S. Park Ave., Ste 510
West Palm Beach, FL 33411
1 407.674.1856

• info@zyscovich.com
• www.zyscovich.com

26

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

May 18, 2022

- A. APPLICATION NO.:** Z22-053 CTC DeLand PD (Christopher Todd Communities)
- APPLICANT:** Mark Watts, Cobb Cole, Stonekirk Ventures, LLC Applicants
TM BTR of Florida LLC, Owner
- REQUEST:** The applicant is requesting to amend the zoning
From: County R-4C (Urban Single-Family Residential-Thoroughfare
Corridor) & R-4 (Urban Single-Family Residential)
To: CTC DeLand PD

APPLICABLE ORDINANCES:

Article XII

ADMINISTRATION AND ENFORCEMENT

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

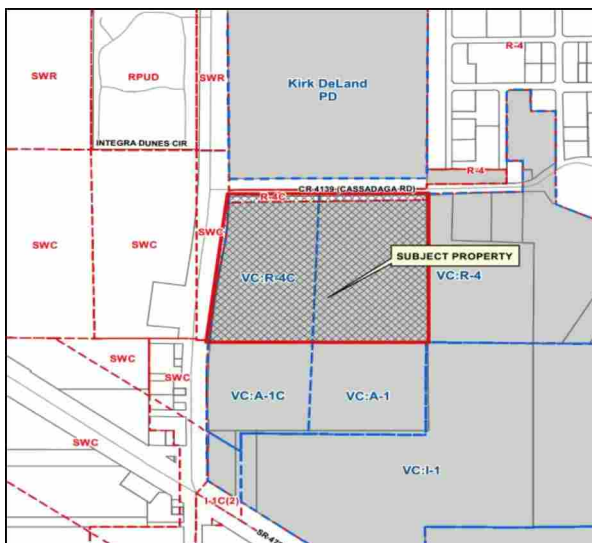
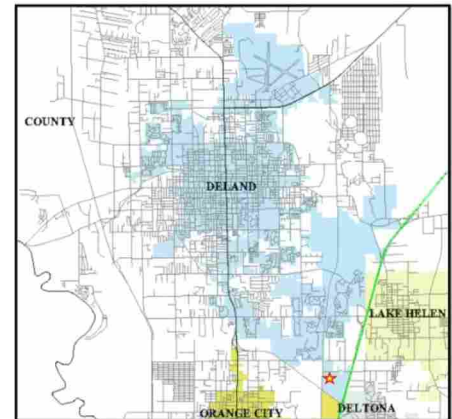
Location: Cassadaga Rd. (810600000124)

Parcel Size: 28.64± acres

Existing Use: Undeveloped

B. ANALYSIS:

This is an application for the development of a 238-unit multi-family residential project. The site, located in the southeast section of the city limits is currently vacant, undeveloped and heavily vegetated. The site is a part of the Southwest Activity Center which previously was the subject of a DRI including property in unincorporated Volusia County and the city limits of Orange City and Deltona. The DRI has been dissolved and the City of DeLand maintains the Activity Center land use designation to provide guidance for development of property in the area.



Surrounding uses include property approved for residential purposes, property developed for residential purposes and property set aside for industrial/commercial/office uses. Development of this property will be guided by the development agreement provided as required by the comprehensive plan.

The concept for the development of this property is as a multi-family development with 238 units designed to reflect a single-family neighborhood with individual units instead of the typical apartment layout of larger buildings with multiple units. The concept plan includes open spaces/tree protection, stormwater areas, amenities including pocket parks, a dog park and a walking trail.

Section 33-135 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 Land use designation for this property is (Southwest) Activity Center. As outlined in the city's comprehensive plan, the vision for the activity center is as follows:

THE VISION FOR THE SOUTHWEST ACTIVITY CENTER

For many years, Volusia County has lagged behind the Orlando metropolitan area in terms of economic development. There is a severe imbalance in the East Central Florida region's economic activity. Orange County clearly is the dominant employment and income attractor and generator in the region while the surrounding counties have a negative outflow of employment and income. In recent years, Seminole County has emerged as the focal point for new economic activity north of Orlando. Due in part to the availability of affordable housing, the southwestern portion of Volusia County has historically been viewed as a "bedroom community" serving the Orange/Seminole County market. In order to reverse this trend, the southwestern part of Volusia County needs to become an active partner in the north Orlando suburban market. Strong business and civic leadership must be demonstrated soon or the modest opportunities for the future may be lost. The creation of the Southwest Activity Center (SWAC) is envisioned to be one of the most significant steps necessary for Volusia County to compete and link up with Orange and Seminole Counties by becoming an economic focal point of West Volusia.

The vision is that the Activity Center will become one of the major centers or places of synergy in the urban network of Central Florida. The Southwest Activity Center will become one of the principle employment centers in Volusia County, especially generating well-paying jobs in the office and industrial oriented sectors of the economy for residents of Volusia County, in particular, West Volusia. The Southwest Activity Center will provide the residents and consumers of West Volusia with a greater array of comparison and shopping goods choices by having these additional retail opportunities in the County. The Activity Center's development will be controlled by the policies contained in this Local Plan to avoid the negative impacts of unplanned piecemeal development. The time has come for southwest Volusia County to implement its plan for its share of the north Orlando suburban market and to develop the I-4/SR 472 intersection as a focal point for the urbanization of southwest Volusia.

The vision is that the Activity Center will become one of the major centers or places of synergy in the urban network of Central Florida. The Southwest Activity Center will become one of the principle employment centers in Volusia County, especially generating well-paying jobs in the office and industrial oriented sectors of the economy for residents of Volusia County, in particular, West Volusia.

The existing zoning designations are described as follows:

Volusia County: R-4C Urban Single-Family Residential/Conservation

Purpose and intent: The purpose and intent of the R-4 Urban Single-Family Residential Classification is to provide medium-density residential developments, preserving the character of existing or proposed residential neighborhoods.

Permitted principal uses and structures: In the R-4 Urban Single-Family Residential Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Cluster and zero lot line subdivisions (refer to subsection 72-304).

Communication towers not exceeding 70 feet in height above ground level.

Essential utility services.

Exempt excavations (refer to subsection 72-293(15)) and/or those which comply with division 8 of the Land Development Code of Volusia County [article III] and/or final site plan review procedures of this article.

Exempt landfills (refer to subsection 72-293(16)).
 Fire stations.
 Home occupations, class A (refer to section 72-283).
 Houses of worship.
 Parks and recreational areas accessory to residential developments.
 Public schools.
 Publicly owned parks and recreational areas.
 Publicly owned or regulated water supply wells.
 Single-family standard or manufactured modular dwelling.

The proposed zoning designation is generally described as follows:

CTC DeLand PD – Planned Development *(see attached PD agreement)*

33-17.22. PD—Planned Development District.

- (a) Statement of intent. The Planned Development District is intended to provide a method for consideration and approval of unique zoning districts for individual Planned Developments (PD) which are not provided for or allowed in the zoning districts otherwise established by this chapter. See also: section 33-32, Planned Development District and section 33-133, Review of Planned Development Plans.

A development agreement has been written to outline the unique zoning requirements by which the development will be constructed. For the sake of comparison, the chart below lists some of the lot and building requirements of the existing and proposed zoning categories:

Lot & Bldg Reqmts.	R-12	CTC DeLand PD
Min. lot area	7500 s.f.	10 acres
Min. width	75 ft.	300 ft.
Setbacks		
Front	(-)	MLK - 40 ft.
Rear	25 ft.	(20 ft. l/s buffer)
Sides	7.5 ft.	E/W Road ROW - 25 ft.
Side -street	15 ft.	Cassadaga - 35 ft.
Perimeter bldg.		Perimeter - 20 ft.
Max density	12 upa	238 units = 8.31 upa
Min. floor area		
Maximum indiv. Bldg.		1,750 s.f.
Single family - 2 story	1,200 s.f.	875 s.f.
Single family - 1 story	1,400 s.f.	1,400 s.f.
Max. lot coverage	40%	50% (imp)
Max. bldg height	65 ft.	35 ft.
Max. bldg. coverage		20%
Landscaping		
Open space		20% min.
Tree protection (15% min.)	4.3 ac	4.3 acres
Other usable open space		1.4 acres
Building separation	(-)	10 ft between bldgs., 20 ft. front-front or rear-rear

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

Rezoning of the property will only amend the permitted uses of the property and not immediately impact the environment or natural resources. The site planning/platting process will determine the impacts to the environment. It has been requested that low impact development practices be used in the development of the property to minimize any environmental impacts.

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

The property is currently vacant and contributes only marginally to the tax base. The rezoning action will spur the ultimate development of residential uses on the site which will have an impact upon the economy.

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

The rezoning action will not impact governmental services. The property is located within the urban area and such services are already provided. No new services are anticipated to be required because of the rezoning action. This site is within Volusia County's Utility Service Area and the applicant will be required to provide verification that the County will serve the site with utilities.

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 site is located in the Southwest Activity Center which previously was the subject of a DRI which has since been dissolved.

6. Was there a mistake in the original classification?

There is no mistake apparent in the classification of this property.

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

This project has the road designed as if it is only designated for this development and it does not provide for connection to the area to the east. In fact, the road is part of the overall activity center and as such is ultimately intended to meet the access needs of the other properties in the Activity Center to the east. Because of this and the fact that the residential use will be in close proximity to the commercial/industrial use, a larger buffer should be provided between the uses to protect the residential use. The same is also true for the road along the eastern edge of the site since that will also be a future road available to the Activity Center. The comprehensive plan states:

"All new roadways for development shall be coordinated to the extent possible when reviewing development proposals for the Activity Center to ensure interconnectivity between properties."

It also states:

"Non-residential projects sharing a common boundary with an area planned for residential use shall be sensitive to the scale of a residential neighborhood."

The proposed PD rezoning will replace the existing County zoning and as a result the currently permitted uses are changing. The PD agreement states that the "Land Development Regulations... shall apply to the Property and the PD in the same manner as the R-12 zoning classification." Uses that are allowed in the R-12 zoning are shown below to demonstrate a comparison to the uses proposed by the PD agreement:

County: R-4	R-12	Type	CTC DeLand PD
Cluster and zero lot line subdivisions (refer to subsection 72-304).			Single unit cottages
Communication towers not exceeding 70 feet in height above ground level.	Bed and breakfast inn, accessory only	P	
Essential utility services.	Apartment dwelling	P	
Exempt excavations (refer to subsection 72-293(15)) and/or those which comply with division 8 of the Land Development Code of Volusia County [article III] and/or final site plan review procedures of this article.	Family day care homes	P	Family day care homes
Exempt landfills (refer to subsection 72-293(16)).	Mini and neighborhood parks	P	Mini and neighborhood parks
Fire stations.	Single-family dwellings (except mobile homes)	C*	
Home occupations, class A (refer to section 72-283).	Two-family dwellings and duplexes	C*	Two-family dwellings and duplexes
Houses of worship.	Multiple-family dwellings	P	Multiple-family dwellings and duplexes
Parks and recreational areas accessory to residential developments.	Other uses approved by City Commission, after PB review, which are similar to permitted uses	P	
Public schools.	Community residential homes, single-family	C	
Publicly owned parks and recreational areas.	Community residential homes, multi-family	C	
Publicly owned or regulated water supply wells.	Cemeteries	S	
Single-family standard or manufactured modular dwelling.	Churches, houses of worship and religious institutions	S	
	Community and regional parks	S	
	Golf courses...	S	
	Governmental of public buildings and land uses	S	
	Nursing (convalescent) homes, ACLF	S	
	Private parks	S	
			Community uses including but not limited to clubhouse, cabana, dog park, community garden

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

City utilities are available for this property and new development is required to utilize the available water and water systems that are in place helping to maintain public health and the area is served by police and fire. The rezone request will not adversely impact health, safety or welfare. This request is not anticipated to adversely impact the area.

C. CONCLUSION:

It is the city's intent for the Activity Center to be a significant source of well-paying employment in the office and industrial sectors to curtail the exodus of Volusia County residents away from the area and provide jobs and services in the West Volusia area. The residential portion of the activity center was to provide housing to support the employees of these well-paid jobs and become a self-sustaining entity. The provision of housing that is created for the general population and not necessarily available for the use of future employees anticipated as a result of office and industrial development goes against the purpose and can further the imbalance that it was meant to resolve.

The Activity Center land use designation allows residential uses, but within the original context of the purposes of the activity center as a whole. With this in mind, this particular residential development must fit seamlessly into the overall activity center vision and not be seen as a stand-alone project. It is anticipated that the activity center will retain the city's desire to NOT serve simply as the bedroom community to the benefit of the surrounding area's economic growth. Development of the remaining portions of the activity center will allow a number of different uses, including industrial and commercial uses which if not properly planned, will conflict with the purpose of this site as a residential use and diminish its quality as a desirable residential area. The goal is to avoid this situation as much as possible. Development of additional residential resources is important for the city, however, it is important that the uses within the activity center be designed to exist compatibly for the benefit of the area as a whole.

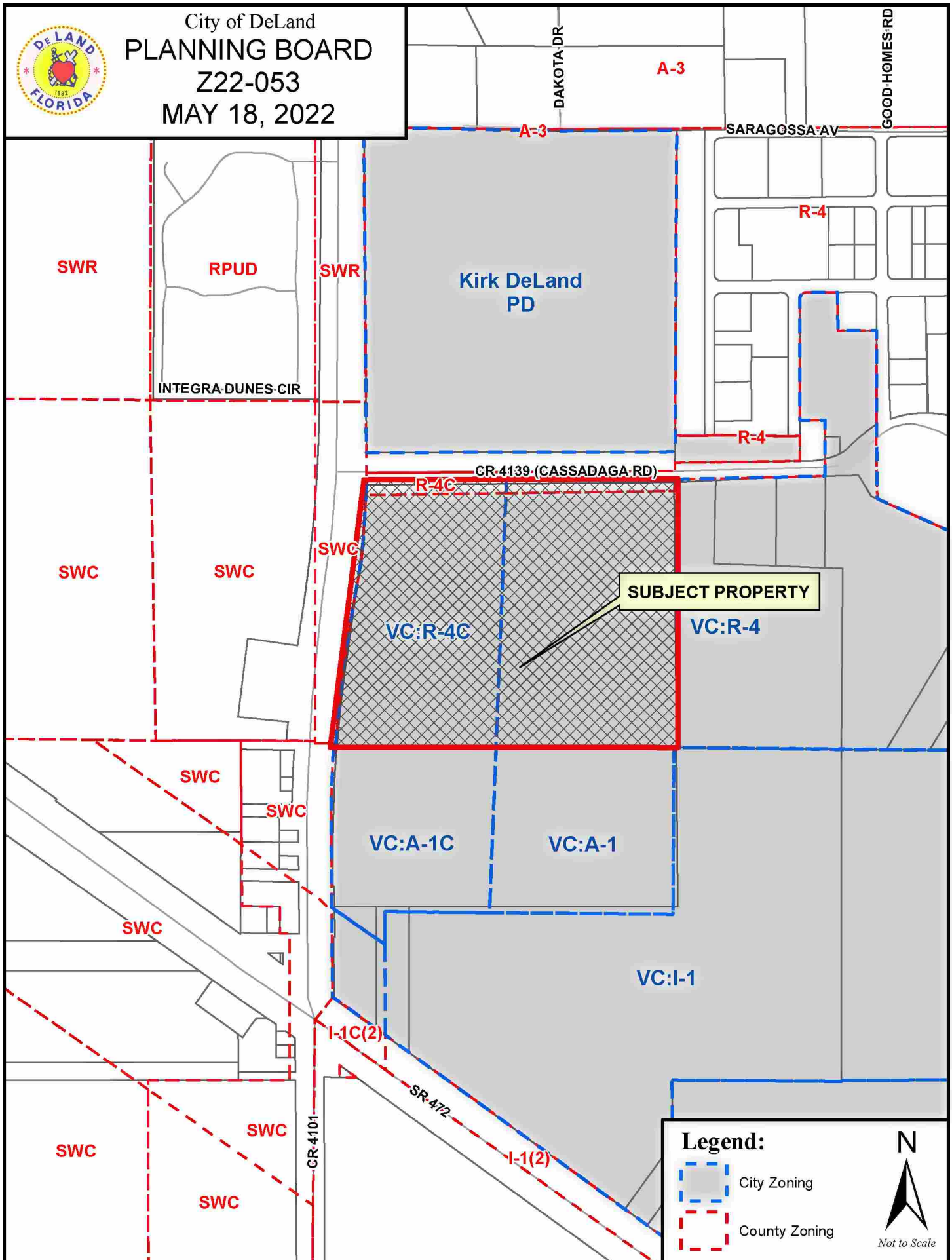
The original SWAC designation was designed for high-intensity uses containing a variety of land uses including office, commercial, recreational, industrial and housing. Residential uses were meant to meet the needs of the employees of the non-residential land uses within the activity center. This development ONLY includes residential uses and the concept is as a multi-family use with the composition of a single-family neighborhood.

D. STAFF RECOMMENDATION:

The TRC reviewed the project on April 21, 2022 and the major comments have been addressed. Staff recommends that the Planning Board forward to the City Commission a recommendation of approval for the rezoning request subject to the outstanding comments being resolved and in anticipation of supporting the employment of the activity center as was intended.



City of DeLand
PLANNING BOARD
Z22-053
MAY 18, 2022



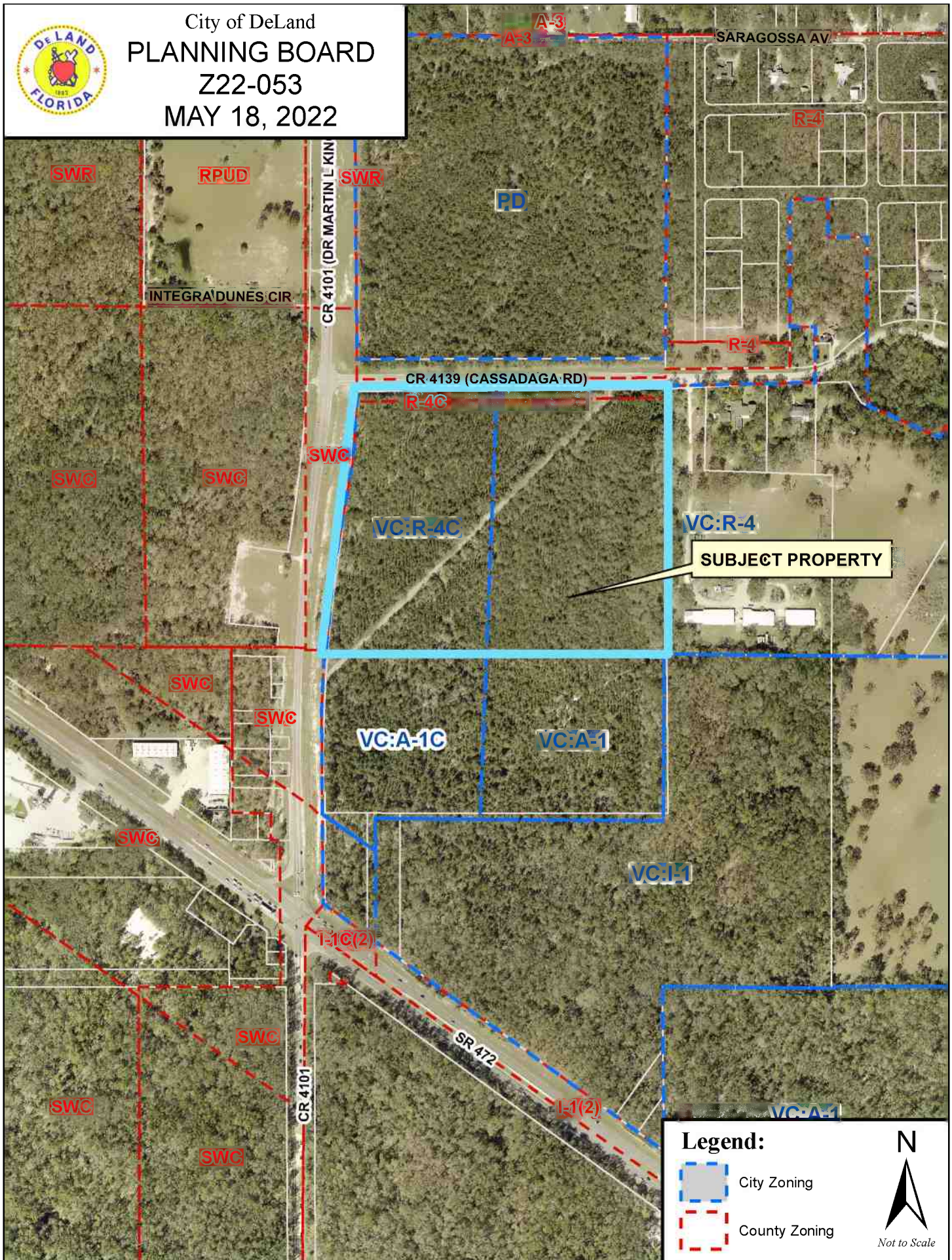
Legend:

- City Zoning
- County Zoning





City of DeLand
PLANNING BOARD
Z22-053
MAY 18, 2022



1 PLANNED DEVELOPMENT AGREEMENT

2 IN THE CITY COMMISSION OF THE

3 CITY OF DELAND, FLORIDA

4 IN RE: Case # Z-22-_____, Application of

5 TM BTR OF FLORIDA, LLC

6 ORDINANCE # 2022-____
7

8 ORDER AND RESOLUTION

9 GRANTING A REQUEST FOR CHANGE OF ZONING FROM COUNTY R-4C & R-4

10 TO CTC DELAND PD
11

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

GENERAL FINDINGS

A. That the application of TM BTR of Florida, LLC was duly and properly filed herein on March 15, 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 Contract Purchaser of a 28.64 +/- acre parcel of land which is the subject of this application and which land is situated in DeLand, Florida and more particularly described in the attached Exhibit "A" (hereinafter the "Property").

D. That the Applicant has complied with the Planned Development Plan provision as required by Land Development Regulations Ordinance No. 2013-11, as amended.

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

F. That the owners of the Property, Stonekirk Ventures, LLC, agree with the provisions of the Development Agreement.

FINDINGS REGARDING REZONING

A. That the applicant has applied for a change of zoning from the present zoning classification of the Property from County R-4C & R-4 to CTC DELAND PD (Planned Development).

B. That the said rezoning to a PD is consistent with both the City of DeLand Comprehensive Plan Ordinance No. 1990-04, as amended, and the intent and purpose of the City of DeLand Land Development Regulations Ordinance No. 2013-11, as amended, and does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY COMMISSION CHAMBERS, 120 SOUTH FLORIDA AVENUE, DELAND, FLORIDA, THIS ____ DAY OF _____, 20____, AS FOLLOWS:

A. That the Application of TM BTR of Florida, LLC, a Florida limited liability company, for the rezoning of the Property is hereby granted.

B. That the zoning classification of the Property is hereby amended from County R-4C & R-4 to CTC DELAND PD as described in Article VII of the City of DeLand, Land Development Regulations Ordinance No. 2013-11, as amended.

1 C. That the Official Zoning Map of the City of DeLand is hereby amended to
2 show the rezoning of the Property to CTC DELAND PD.

3
4 D. That the City of DeLand, Land Development Regulations Ordinance No.
5 2013-11, as amended, is consistent with the provisions of the "Development Agreement" as
6 hereinafter set forth in this Ordinance and with respect to any conflict between Land
7 Development Regulations Ordinance No. 2013-11, as amended, and the "Development
8 Agreement", the provisions of the "Development Agreement" shall govern. Ordinance No.
9 2013-11, as amended, shall govern with respect to any matter not covered by the
10 "Development Agreement". The City of DeLand will ensure overall compliance with this
11 Ordinance.

12
13 E. Unless otherwise provided for herein the City of DeLand, Land Development
14 Regulations Ordinance No. 2013-11, as amended, shall apply to the Property and the PD in
15 the same manner as the R-12 zoning classification.

16
17 E. Except as otherwise stated herein, nothing in the Development Agreement is
18 intended to abridge the requirements of Ordinance No. 2013-11, as amended, and any
19 other City Ordinances.

DEVELOPMENT AGREEMENT

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

B. Planned Development Plan. The Planned Development Plan shall consist of the PD Plan prepared by LevelUp Consulting, LLC, and dated _____, 2022 and this Development Agreement. The Development Plan Map is hereby approved and incorporated in this Ordinance and Development Agreement by reference as Exhibit "B". The Planned Development Plan shall be filed and retained for public inspection in the Planning Department and it shall constitute a supplement to the Official Zoning Map of the City of DeLand.

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

D. Subdivision Approval. After the Planned Development Plan is recorded, and prior to any construction, including clearing and landfill, a final site plan of the area, whether one phase or multiple phases, shall be submitted for review and approval in the manner required by Article 13 of the City of DeLand Land Development Regulations, Ordinance No.

2013-11, as amended.

E. Unified Ownership. The applicant or its successors shall maintain unified ownership of the Property until after issuance of the final site plan.

F. Phases of Development. The project may be developed in one or more than one phase. Grading may occur by phase.

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

Permitted Uses within Residential Areas:

1. Multi-family Residences:

Single-unit cottages

Two-family dwellings and duplexes.

Multiple-family dwellings and duplexes.

Family day care home.

Mini and neighborhood parks.

Community uses including but not limited to clubhouse, cabana, dog park, community garden, and bicycle facilities.

H. Development Standards. All development for the property shall rely upon the standards set forth below for each phase of development as identified on the Planned

Development Plan. The maximum number of units permitted for all Phases shall not exceed 238.

1. Residential Structures:

- a. Maximum individual building size: 1,750 sf
 - 1. 1 bedroom unit: 875 sf
 - 2. 2-bedroom unit: 1,400 sf
- b. Minimum lot area: 10 acres
- b. Minimum lot width: 300 feet
- c. Minimum building separation: 10 feet
 - i. Between buildings
(side to side): 10 ft.
 - ii. Between buildings
(front to front or rear to rear): 20 ft.
 - iii. Maximum building coverage: 20 %
 - iv. Maximum building height: 35 ft
 - v. Minimum open space 20%
 - vi. Tree protection: 4.3 acres
 - vii. Other usable open Space: 1.4 acres
 - viii. Maximum impervious surface: 50% (actual is +/- 40%)
 - ix. Maximum proposed density: 9 du/acre
 - xi. Property perimeter building setbacks:
 - a. Cassadaga ROW: 35 ft.
 - b. MLK ROW: 40 ft.
 - c. E/W Road ROW: 25 ft.
 - d. Perimeter: 20 ft.

d. Maximum number of units: 238

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

3. Parking Standards

a. There will be a combination of enclosed garages and surface parking. There will be a total of 428 parking units for the residences and an additional 48 surface parking spaces provided for guest parking. Enforcement of parking and maintenance of the access road shall be the responsibility of the property owners' association.

4. Signage: Signage for the subdivision shall be provided per the Land Development Regulations. Monument signs identifying the subdivision shall be placed at the entrances along E. Beresford Ave., Dr. Martin Luther King, Jr. Beltway and S. Blue Lake Ave. The primary access point shall be the Dr. Martin Luther King, Jr. Beltway entrance.

5. Open Space. Open space and/or common area shall meet the requirements of the Land Development Regulations Ordinance No. 2013-11, as amended.

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

I. Environmental Considerations. The development shall comply with the requirements for preservation of environmental resources as set forth in the Land Development Regulations Ordinance No. 2013-11, as amended. This includes compliance with the Land Development Regulations regarding analysis, preservation, and mitigation for

1 historic trees. The development shall comply with the requirements for preservation of
2 environmental resources as set forth in the Land Development Regulations Ordinance No.
3 2013-11, as amended unless specifically stated herein. Tree Protection Areas preserving a
4 minimum of 15% of the overall site, excluding any required right-of-way dedication areas,
5 shall be maintained as shown on Exhibit "B". For development of this project, Laurel Oak
6 trees shall not be considered, for the purpose of calculating tree replacement and
7 preservation, as specimen or historic trees. Mitigation for each Laurel Oak tree measuring
8 greater than 20 inches DBH shall require reduced replacement of one 3-inch caliper
9 canopy tree. For the purpose of payment for tree replacement and preservation, Developer
10 shall pay tree replacement costs for each phase of the project. Trees planted to
11 supplement buffers or as part of the approval of the landscape plan shall be permitted to
12 count against the tree mitigation costs.

13 Additional provisions regarding tree mitigation are as follows:

14 1. The City shall grant mitigation credit for Live Oak trees measuring 2" DBH to
15 5" DBH and maintained in TPAs. If said provision regarding 2"-5" Live Oak trees within the
16 TPAs is utilized, the City will require an additional conservation easement to prevent the
17 future removal of said trees as the default provisions of the Land Development Code only
18 protects trees 6" DBH or larger. Credit for preservation of these 2"-5" Live Oak trees shall
19 be based on an actual tree survey rather than a statistical analysis.

20 2. Due to the City's recognition that Laurel Oaks 20" DBH and larger are nearing
21 the end of their lifespan, any Laurel Oak 20" DBH and larger removed from the Property
22 during development will require reduced replacement of one 3" caliper canopy tree for each
23 Laurel Oak removed.

24 3. Street trees may be planted within the rights of way within the Property and
25 said trees may be included in mitigation calculations. However, the homeowners'

1 association shall be responsible for the maintenance of all trees planted in the public right-
2 of-way, including to the responsibility to repair any and all impacts upon the right of way
3 infrastructure created by the presence of said trees, including any road or sidewalk
4 facilities.

5 4. A tree survey is required as part of the review process for the project, to be
6 completed prior to site-plan approval. The survey shall be conducted based on the
7 following standards:

8 a. The Applicant shall survey all trees to be located in Tree Protection
9 Areas or otherwise used as mitigation. Once the boundaries of the Tree Protection Areas
10 are established, an arborist and surveyor may utilize Geopointe mapping or similar software
11 to locate and identify said trees within the Tree Protection Areas.

12 b. The Applicant shall survey all specimen and historic trees.

13 c. For non-specimen or non-historic trees, the Applicant will engage an
14 arborist to identify statistically significant sample area(s). Sample areas are to be identified
15 based upon cover types of species. The sample area for each cover type must have an
16 area that is at least 10 percent of its total area and may not be less than one acre in size.
17 The Applicant's arborist shall provide the City Forester with the proposed sample areas for
18 review, comment and approval. The proportionate area of each statistically significant
19 sample area will be calculated as a percentage of the overall property area.

20 d. Upon approval of the statistically significant sample areas by the City
21 Forester, the Applicant will cause all trees 6 inches DBH and larger to be identified and
22 surveyed in the selected sample area.

23 e. The tree density determined by the survey of the sample area(s) will be
24 used to determine tree replacement or mitigation requirements. The tree mitigation
25 requirements will be weighted based on the proportionate area represented by each

sample area.

5. Tree replacement and tree mitigation may be provided on a phase-by-phase basis so long as there is no clearing in any phase for which tree replacement and mitigation is not being contemporaneously provided. All tree mitigation required for any particular phase shall be determined and approved by the City Forester based upon landscape plans submitted by the Applicant and approved by the City Forester. With the exception of required street trees, all tree mitigation required for any particular phase, based upon the approved landscape plan, shall be installed prior to the issuance of certificate of occupancy for a home in that phase. Street tree installation, based upon the approved landscape plan, shall be required on a lot-by-lot basis and must be planted prior to the issuance of a certificate of occupancy for that particular lot.

J. Sewage Disposal, Potable Water and Reclaimed Water. Provision for sewage disposal, potable and reclaimed 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.

K. Stormwater Drainage. Provision for stormwater retention shall be in accordance with the Land Development Regulations Ordinance No. 2013-11, as amended. All stormwater retention systems will be designed to meet all required governmental regulations. Low Impact Development (LID) should be incorporated in the Planned Development stormwater management master plan. LID design such as bioretention swales, rain gardens, stormwater reuse and harvesting, and BMP treatment train to minimize runoff pollutant and increase stormwater recharge and natural infiltration

processes. Maintenance of the stormwater ponds shall be a private responsibility.

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

1. Access. Access to the site will be from Dr. Martin Luther King Jr. Beltway (CR 4101). Additional connection from Cassadaga Road (CR4139) is also provided. The Planned Development Plan indicates the anticipated connection locations; however, the final locations may vary due to final engineering design and permitting considerations.

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

M. Internal Roadways.

1. All rights-of-way will be a minimum of fifty (50) feet wide and any rights-of-way with on-street parking will be a minimum of fifty-two (52) feet wide.

2. All internal roads will be privately owned and maintained.

N. Property Owners' Association. The Applicant shall create a Property Owners Association (POA). The charter and by-laws of said association and any other agreements,

Page 12 of 20

1 covenants, easements or restrictions shall be furnished to the City of DeLand at the time of
2 creation. The Applicant shall be responsible for recording said information in the Public
3 Records of Volusia County, Florida. Also, the applicant shall bear and pay all costs for
4 recording all of the aforementioned documents.

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

11
12 O. Enhanced Development Conditions: Notwithstanding anything contained
13 herein to the contrary, the following enhanced development conditions shall be applicable
14 to the project.

15 1. Amenity Features.

16 a. Mulch Trail Network: A trail network shall be constructed throughout
17 the Property as depicted on Exhibit "B". Trail segments shall be
18 constructed concurrent with the construction of the infrastructure
19 provided for the particular phase in which the trail segment is located.

20 The trail network shall be maintained by the POA.

21 b. Amenity Tracts: Amenity Tracts are identified on Exhibit "B" and shall
22 be constructed concurrent with the development of the Phase within
23 which it is located. Amenity Tracts shall be owned and maintained by
24 the POA and shall be reserved for the use of the residents of the
25 community.

1 c. Perimeter Landscape Buffer Minimum. A landscape buffer, no less
2 than 20 feet wide, shall be provided around the perimeter of the
3 Property. Specific dimensional callouts are provided within the
4 Conceptual Plan.

5
6 P. On-Site Burning of Cleared Vegetation Prohibited: Vegetation and other
7 biomass cleared from the Property during development may not be incinerated on-site.

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

15
16 R. Binding Effect of Plans; Recording; and Effective Date. The Planned
17 Development Plan, including any and all amendments shall bind and inure to the benefit of
18 the Applicant and his successor in title or interest. The CTC DELAND PD zoning,
19 provisions of the "Development Agreement," and all approved plans shall run with the land
20 and shall be administered in a manner consistent with Article 12 of the City of DeLand Land
21 Development Regulations Ordinance No. 2013-11, as amended.

22 This Ordinance and all subsequent amendments shall be filed with the Clerk of the
23 Court and recorded within forty-five (45) days following execution of the document by the
24 City Commission, in the Official Records of Volusia County, Florida. One copy of the
25 document, bearing the book and page number of the Official Record in which the document

1 was recorded, shall be submitted to the Planning Department for placement in the public
2 file. The date of recording of this document shall constitute the effective date of the Trinity
3 Gardens PD or its subsequent amendments. The applicant shall pay all filing costs for
4 recording documents.

5
6 REMAINDER OF PAGE INTENTIONALLY BLANK
7

DONE and ORDERED by the City Commission, City of DeLand, Florida, this

____ day of _____, 20____.

ATTEST:

City Commission of DeLand Florida

Michael P. Pleus
City Manager

Robert F. 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 _____, 20____, by Michael P. Pleus and Robert F. Apgar, as City Manager and Mayor of the City of DeLand, respectively, on behalf of the City of DeLand, and who are personally known to me.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

Commission No.: _____

My Commission Expires: _____

1 WITNESSES:

APPLICANT

2 **TM BTR of FLORIDA, LLC**

3 a Florida limited liability company

4
5
6
7 By: _____

8 Name: _____

9 Title : _____

10
11 Printed Name

12
13
14
15
16
17 Printed Name

18
19
20 STATE OF _____

21 COUNTY OF _____

22
23 The foregoing instrument was acknowledged before me by means of ☐ physical presence
24 or ☐ online notarization this ____ day of _____, 20____, by
25 _____, as _____ of TM BTR of FLORIDA, LLC, who is
26 personally known to me or who has produced _____ as identification.

27
28 NOTARY PUBLIC, STATE OF FLORIDA

29 Type or Print Name:

30
31 Commission No.: _____

32 My Commission Expires: _____

1 WITNESSES:

OWNER:

Stonekirk Ventures, LLC

2
3
4
5
6 _____

By: _____

7
8
9
10 _____
Printed Name

Name: _____

Title : _____

11
12 _____

13
14
15
16 _____
Printed Name

17
18
19 STATE OF FLORIDA
20 COUNTY OF _____

21
22 The foregoing instrument was acknowledged before me by means of ☐ physical presence
23 or ☐ online notarization this ____ day of _____, 20____, by _____
24 & _____, of Stonekirk Ventures, LLC, who are _____ personally
25 known to me or _____ who has produced _____ as identification.
26

27 NOTARY PUBLIC, STATE OF FLORIDA

28 Type or Print Name:

29 _____
30 Commission No.: _____

31 My Commission Expires: _____
32

EXHIBIT "A"
LEGAL DESCRIPTION

A PORTION OF GOVERNMENT LOTS 4 AND 5, SECTION 6, TOWNSHIP 18 SOUTH,
RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA.

BEING DESCRIBED AS FOLLOWS:

BEGIN AT A POINT ON THE SOUTH RIGHT OF WAY LINE OF CASSADAGA ROAD PER
OFFICIAL RECORDS BOOK 3779, PAGE 3745 OF THE PUBLIC RECORDS OF VOLUSIA
COUNTY, FLORIDA AND THE EASTERLY LINE OF SAID GOVERNMENT LOT 4; THENCE RUN
SOUTH 00°14'44" EAST ALONG SAID EASTERLY LINE, FOR A DISTANCE OF 1028.00 FEET;
THENCE DEPARTING SAID EASTERLY LINE RUN NORTH 89°43'30" WEST, FOR A DISTANCE
OF 118.80 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY;
THENCE RUN NORTHWESTERLY ALONG SAID CURVE: HAVING A CENTRAL ANGLE OF
15°36'56", A RADIUS OF 1000.00 FEET, AN ARC LENGTH OF 272.54 FEET, A CHORD
BEARING OF NORTH 81°55'02" WEST AND A CHORD DISTANCE OF 271.70 FEET TO THE
POINT OF TANGENCY; THENCE RUN NORTH 74°06'34" WEST, FOR A DISTANCE OF 169.10
FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY; THENCE
RUN NORTHWESTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 3°39'55", A
RADIUS OF 1520.00 FEET, AN ARC LENGTH OF 97.24 FEET, A CHORD BEARING OF NORTH
75°56'32" WEST AND A CHORD DISTANCE OF 97.22 FEET TO THE POINT ON A RADIAL LINE;
THENCE RUN SOUTH 12°13'31" WEST ALONG SAID RADIAL LINE, FOR A DISTANCE OF
80.00 FEET TO THE POINT ON A CURVE CONCAVE SOUTHERLY; THENCE DEPARTING SAID
RADIAL LINE, RUN NORTHWESTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF
12°42'11", A RADIUS OF 1440.00 FEET, AN ARC LENGTH OF 319.26 FEET, A CHORD
BEARING OF NORTH 84°07'35" WEST AND A CHORD DISTANCE OF 318.61 FEET TO THE
POINT OF TANGENCY; THENCE RUN SOUTH 89°31'20" WEST, FOR A DISTANCE OF 362.16
FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF MARTIN LUTHER KING JR.
BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 3779, PAGE 3819 OF SAID
PUBLIC RECORDS AND A NON-TANGENT CURVE CONCAVE EASTERLY; THENCE RUN
NORTHEASTERLY ALONG SAID CURVE AND EASTERLY RIGHT OF WAY LINE HAVING A
CENTRAL ANGLE OF 2°43'48", A RADIUS OF 5629.58 FEET, AN ARC LENGTH OF 268.24
FEET, A CHORD BEARING OF NORTH 06°53'12" EAST AND A CHORD DISTANCE OF 268.22
FEET TO THE POINT OF TANGENCY; THENCE RUN NORTH 08°15'06" EAST, FOR A
DISTANCE OF 225.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE
WESTERLY; THENCE RUN NORTHEASTERLY ALONG SAID CURVE HAVING A CENTRAL
ANGLE OF 04°38'00", A RADIUS OF 5829.58 FEET, AN ARC LENGTH OF 471.41 FEET, A
CHORD BEARING OF NORTH 05°56'07" EAST AND A CHORD DISTANCE OF 471.28 FEET TO
A POINT ON THE SAID SOUTH RIGHT OF WAY LINE OF CASSADAGA ROAD; THENCE
RUN NORTH 89°31'20" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, FOR A DISTANCE
OF 1223.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 28.642 ACRES OF LAND, MORE OR LESS.

1
2
3
4

EXHIBIT "B"
PLANNED DEVELOPMENT PLAN

**PLANNING DEPARTMENT STAFF REPORT
TO
PLANNING BOARD**

May 18, 2022

A. APPLICATION NO.: Z22-057

APPLICANT: Nika Hosseini, Cobb Cole

REQUEST: Amend the existing Woodland Crossings PD

APPLICABLE REGULATIONS:

Article IV OVERLAY AND FLOATING ZONES

Sec. 33-32 – Planned Development District.

Article XII ADMINISTRATION AND ENFORCEMENT

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

B. SITE FACTORS:

Location: On the west side of N. Woodland Blvd., north of Violetwood Rd
Parcel Size: ±1.1 acres
Land Use: BR (Business Retail)
Existing Zoning: Woodland Crossings PD (Planned Development)
Existing Use: Vacant, undeveloped

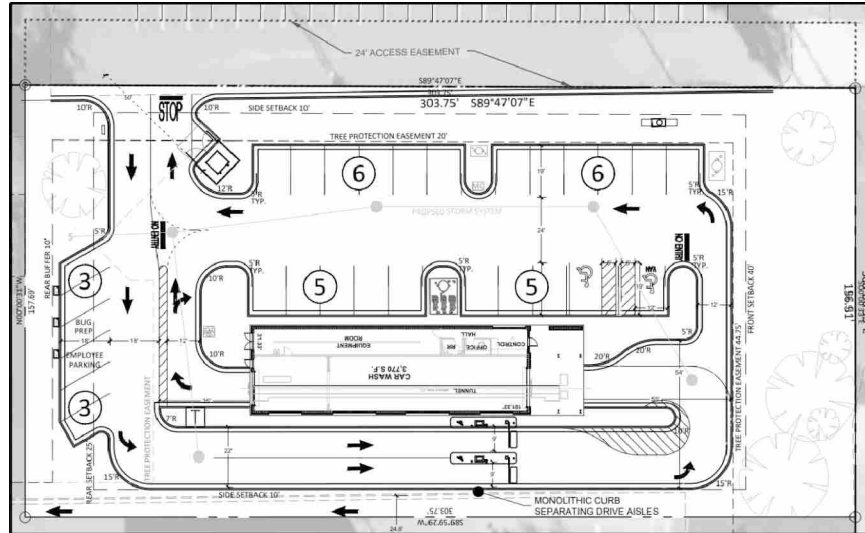
	SURROUNDING USE:	SURROUNDING ZONING:
North:	VC: Rural Community; VC: Commercial	R-1B
South:	VC: Rural Community; VC: Commercial; Highway Commercial	C-2; VC: A-3A; VC: B-4CA
East:	Highway Commercial	C-2
West:	VC: Rural Community	VC: RRA

B. ANALYSIS:

The subject property is Lot 2 of the Woodland Crossings Plat and is part of the Woodland Crossings Planned Development. Lot 2 is ±1.1 acres in size and fronts N. Woodland Blvd., across from Wal-Mart. Currently, the permitted uses in the Woodland Crossings PD are the same as the C-2 zoning classification in the code. However, the concept plan in the original PD is specific in the uses for each lot, showing Lot 2 as the future site of a drive-thru bank. As originally designed, the bank would fit onto Lot 2, maintaining Tree Protection Areas dedicated on the plat.

However, the applicant would like to amend the existing PD to specifically allow for an automobile service station, including, but not limited to, drive-thru services such as cleaning or detailing, on Lot 2. The applicant's proposed layout shows the Tree Protection Area (TPA) being encroached upon. Encroachment into a Tree Protection Area requires not only an amendment to the PD Agreement, but a replat as well. Prior to site plan approval, the applicant must replat the parcel in a way that will not require encroachment into any easements, while still maintaining the code required 15% of Tree Protection Area.

CONCEPT PLAN:



AERIAL MAP:



ZONING MAP:



The Technical Review Committee recommended at their April 21, 2022 meeting that the proposed Planned Development Agreement be forwarded on to the Planning Board, subject to addressing all remaining Staff comments. On May 3, 2022, the applicant submitted a revised version of the Development Agreement, however, the revised concept plan was not submitted in time to be reviewed prior to the Planning Board meeting.

The following TRC comments remain:

Planning Comments:

PD Agreement

1. Parking: provide specific standards into the PD and/or refer to the LDRs. A reduction in parking will require action by the Commission.

CONDEPT PLAN

2. Delineate LS buffer adjacent to Woodland; you only state the setback.
3. The data table is confusing; what is "Level 1" or "Level 2"?
 - a. Remove line items that are N/A or fill in the data... don't leave them blank
 - b. Data table says the proposed zoning is BR; should say PD
 - c. State overlay district
 - d. Building setbacks: what is major/minor?
 - e. Land use buffers?
 - f. State the Parking ratios; not "TBD"
4. Note that the drive-thru service line proposed on Lot 2 directly abuts another drive aisle going the opposite way, running parallel, east to west... How will these two areas be separated?

Engineering Dept. Comments:

5. Provide 50 feet clear line of sight for the dumpster pad area. There is concern that garbage truck backing out will hit the curb at the entrance driveway.
6.
 1. What are the big arrows shown at the parking spaces represent?
 2. Please provide curb radius dimensions on the plan.
7. Please provide the FEMA Flood Zone based on the FIRM Map and provide the panel number and effective date.
8. There is "NO ENTRY" shown on west side of parking lot. But the drive aisle is two-way based on traffic arrows shown. This will create confusion for vehicular traffic.
9. Please provide:
 1. Please show how stormwater runoff will be collected, treated, and attenuated for Lot 2?
 2. Where is the drainage connection point? Please note if connection is on Woodland Blvd. then FDOT Permit is required.
 3. Building finish floor elevation (FFE) must be min. 1-foot above the 100yr-24hr storm Design High Water (DHW) elevation of the stormwater management system.
 4. Storm sewer Hydraulic Grade Line (HGL) must be below the parking lot lowest inlet with minor and major head losses included.

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 amendment to the existing Woodland Crossings PD. The property lies within the Emerging Gateway Corridor and will be required to meet the landscape standards for the corridor.

The development is consistent with the Comprehensive Plan with an underlying land use designation of BR, Business Retail; the BR designation accommodates a full range of sales and service activities such as the proposed plan.

The proposed development program is consistent with the existing Woodland Crossings PD in that the uses still align with the C-2 zoning designation and maintains the same general character of the surrounding area.

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

The rezoning of this property should not impact any environment or natural resources. The subject property is currently vacant and generally clear.

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

Subsequent commercial development of the vacant parcel will increase the taxable value of the subject property and allow Lot 2 to be developed similar to what was originally intended.

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

The proposed use of the property is anticipated to have little to no impact on governmental services.

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 proposed amendment to the PD will facilitate site improvements that are consistent with the pattern of nearby land uses and zoning.

6. Was there a mistake in the original classification?

There was no known mistake.

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

The parcels abutting the subject property are developed and are commercial in nature. To the north is an access easement, and to the west is Lot 1, which is currently vacant and undeveloped. Landscape buffers to the east, along Woodland Blvd. will meet the standards of the Emerging Gateway Corridor, providing a 40' wide landscape buffer. There should be little to no unintended impact to neighboring properties.

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

It is not anticipated that there will be any adverse impacts upon public health, safety or welfare as a result of this amendment.

C. CONCLUSION:

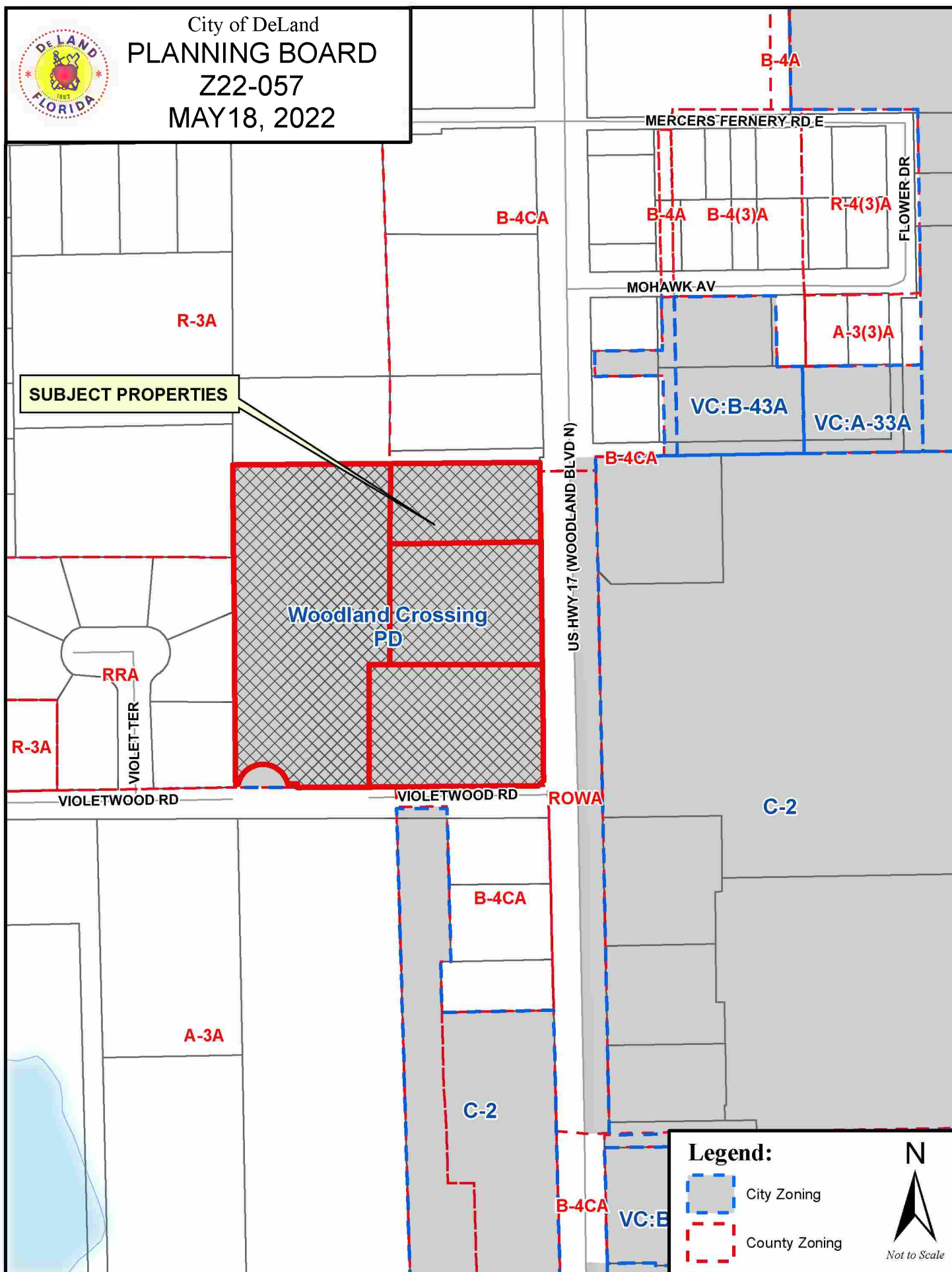
The Applicant is proposing to amend the Woodland Crossings Planned Development Agreement and Concept Plan to allow for an automobile service station, including, but not limited to, drive-thru services such as cleaning or detailing. These uses are in-line with current development trends of the area.

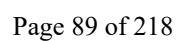
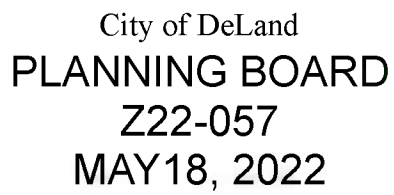
D. STAFF RECOMMENDATION:

Staff recommends that the Planning Board forward the application to the City Commission with a recommendation of approval for the 1st Amendment to the Woodland Crossings PD Agreement and Concept Plan, subject to the applicant addressing the outstanding or additional Technical Review Committee comments and/or Planning Board comments.



City of DeLand
PLANNING BOARD
Z22-057
MAY18, 2022





FIRST AMENDMENT TO WOODLAND CROSSINGS
PLANNED DEVELOPMENT AGREEMENT

This First Amendment to the Planned Development Agreement (the "First Amendment") is made this ____ day of _____, 2022 between the **CITY OF DELAND**, a Florida municipal corporation (hereafter, the "City"), whose mailing address is 120 S. Florida Avenue, DeLand, FL 32720, **GILL PROPERTIES LP**, a Florida limited partnership, whose mailing address is 9 Kenview Blvd, Brampton, ON LGT 5--G5 CA (hereafter, "Gill Properties") and **ARA FLORIDA INVESTMENTS LLC**, a Florida limited liability company with a mailing address of 901 Vista Trelago Way, The Grove at Trelago, Apt 121, Maitland, FL 32751, who are the successors in interest to **CRF-DELAND, LLC**, a Florida limited liability company (hereafter "CRF DeLand").

WHEREAS, the City and CRF DeLand previously entered into that certain Planned Development Agreement (the "PD Agreement") dated on or about February 7, 2007 and recorded in Official Records Book 6042, Page 3554 of the Public Records of Volusia County, Florida in connection with the rezoning of ± 8.952 acres known as the "Woodland Crossings" PD; and

WHEREAS, Gill Properties, with the consent of ARA Florida Investments LLC, desires to modify the specified use permitted within Lot 2 of the Woodland Crossings PD Overall Site Plan, as recorded in Official Records Book 6042, Page 3568 of the Public Records of Volusia County, Florida (the "Site Plan") to permit the development of an alternative conditionally permitted use as described within Section D of the Woodland Crossings PD; and

WHEREAS, Gill Properties further wishes to amend the Woodland Crossings PD to provide for an additional access point to Lot 2; and

WHEREAS, the application of Gill Properties to amend the Woodland Crossings PD was duly and properly filed with the City on February 21, 2022 and the application was reviewed by the City's Community Development Department and determined to be consistent with the City's Comprehensive Plan; and

WHEREAS, Public Hearings on this First Amendment to the Woodland Crossings Planned Development Agreement were held by the Planning Board on _____, 2022 and the City Commission on _____, 2022 and _____, 2022 after due public notice was provided in accordance with the City's Land Development Regulations Ordinance No. 2013-11, as amended.

NOW THEREFORE, the City and Gill Properties acknowledge and agree that the Woodland Crossings PD is hereby amended to reflect the following changes, revisions and amendments to the Woodland Crossings Planned Development Agreement and amended Planned Development Plan for Lot 2:

1. Paragraph D of the Development Agreement for the Woodland Crossings PD is amended as follows (changes shown in ~~strike through~~/underline format):

D. Land Uses Within the PD. The development of the parcel shall be consistent with the uses prescribed for each area within the proposed Woodland Crossings PD. The location and size of said land use areas are shown on the Planned Development Plan. The following land uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures: all uses allowed within C-2 Commercial, including without limitation, a 17,600 square foot office/retail center, a 14,000 square foot retail center, a 6,000 square foot restaurant

use, all as indicated on the Planned Development Plan- and a ~~3,820 square foot bank use~~ automobile service station, including, but not limited to, the automated drive through servicing of motor vehicles, such as cleaning or detailing, as well as customary accessory uses for the same, as further depicted on the amended Planned Development Plan for Lot 2.

2. Paragraph I(1) of the Development Agreement for the Woodland Crossings PD is amended as follows (changes shown in ~~strike~~through/underline format):

1. Access. The Woodland Crossings PD will gain access through a single access point on North Woodland Boulevard-US Highway 17-State Road 15, ~~and a~~ single access from Violetwood Road, and a single access via a right of way easement which connects to Lot 2. The Applicant shall obtain authorization from Volusia County to construct a western terminus of Violetwood Road and to construct a cul de sac for the Violetwood subdivision all at the request of the Violetwood subdivision residents and Volusia County and all as set forth in the Development Plan Map Volusia County shall continue to own and be responsible for Violetwood Road.

3. Paragraph E of the Development Agreement for the Woodland Crossings PD is amended to add the following (changes shown in ~~strike~~through/underline format):

E. 4. Parking. The required parking on Lot 2 shall conform to the specifications within the amended Planned Development Plan for Lot 2.

4. Exhibit C3, the Planned Development Plan of the Development Agreement for the Woodland Crossings PD is amended as follows (changes shown in ~~strike~~through/underline format):

Exhibit C3 is amended to incorporate Attachment A herein as the amended Planned Development Plan for Lot 2.

IN WITNESS WHEREOF, the City, Gill Properties, and ARA Florida Investments LLC have caused this First Amendment to the Woodland Crossings Planned Development Agreement to be duly executed by their authorized representatives as of the last date entered below.

(Signatures on Following Pages)

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: _____

WITNESSES

GILL PROPERTIES, LP, a Florida limited partnership

Print Name

Sign Name

Print Name

Sign Name

By: _____

Print: _____

Title: _____

Date: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this ____ day of _____, 2022, by _____, as _____ for and on behalf of Gill Properties, LP, a Florida limited partnership. He/She is personally known to me or has produced _____ as identification.

Seal

Notary Public

Type or Print Name: _____

Commission No. _____

My Commission Expires: _____

WITNESSES

ARA FLORIDA INVESTMENTS LLC, a
Florida limited liability company

Print Name

Sign Name

Print Name

Sign Name

By: _____

Print: _____

Title: _____

Date: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence
or ☐ online notarization this ____ day of _____, 2022, by _____, as
_____ for and on behalf of ARA FLORIDA INVESTMENTS LLC
, a Florida limited liability company. He/She is personally known to me or has produced
_____ as identification.

Seal

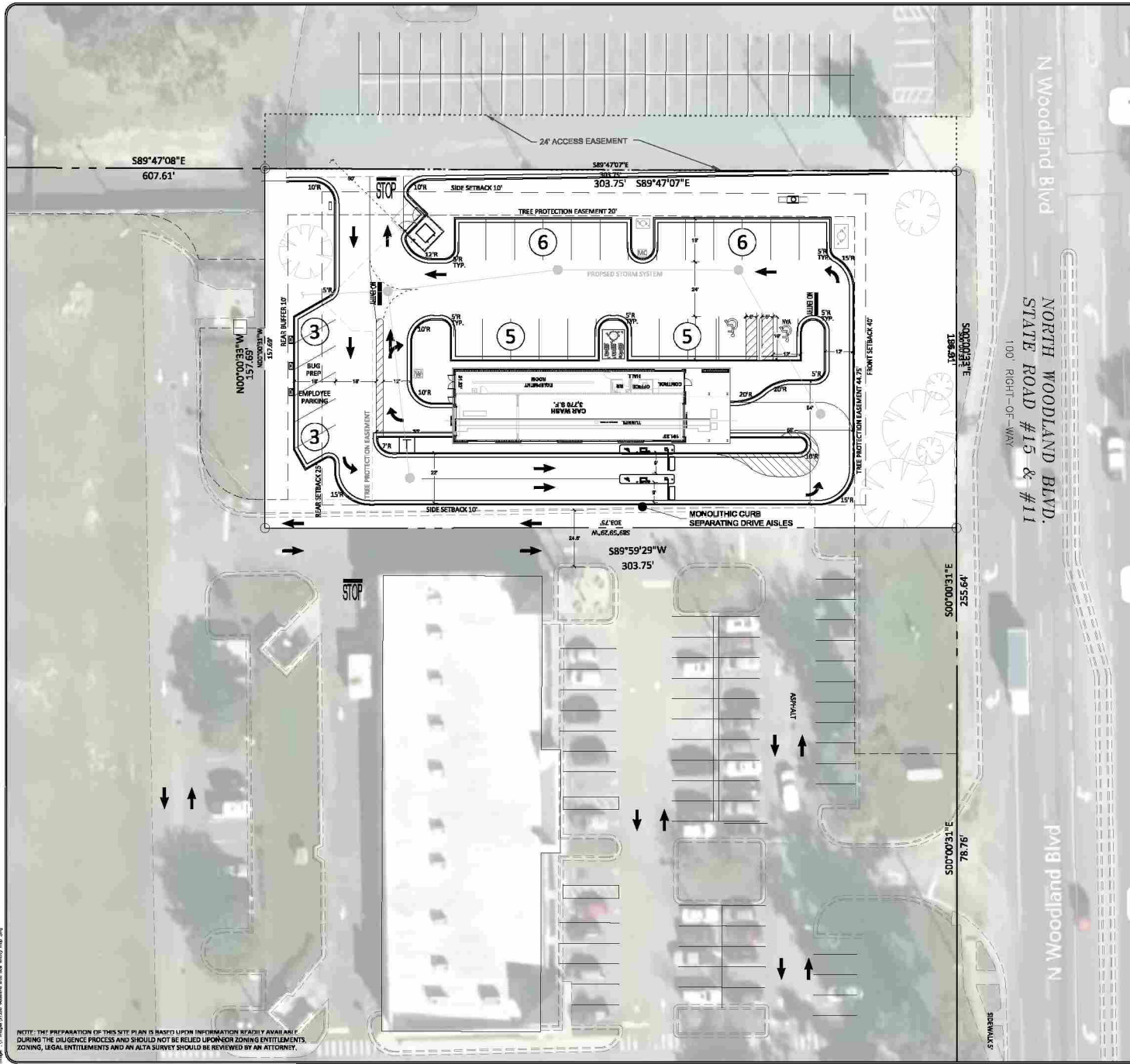
Notary Public

Type or Print Name: _____

Commission No. _____

My Commission Expires: _____

Attachment A
Amended Planned Development Plan for Lot 2



VICINITY MAP

- ENGINEERING NOTES:
1. THE STORMWATER WILL BE COLLECTED ON SITE VIA DROP INLETS AND WILL BE TREATED TO COMPLY WITH ST. JOHNS REQUIREMENTS. THE TREATMENT MAY BE ON SITE OR OFF-SITE AT THE WOODLANDS CROSSING MASTER STORMWATER FACILITY. THE ANTICIPATED LAYOUT OF STORM INLETS HAS BEEN SHOWN IN THE PLAN.
 2. THE PROPOSED DRAINAGE CONNECTION POINT IS UNKNOWN AT THIS TIME, BUT WILL LIKELY BE TO THE REAR OF THE PROPERTY IN THE DIRECTION OF THE WOODLANDS CROSSING MASTER STORMWATER FACILITY.
 3. THE BUILDING FINISH FLOOR ELEVATION (FFE) WILL BE LOCATED A MINIMUM OF ONE FOOT ABOVE THE 100YR 24HR STORM DESIGN HIGH WATER (DHW) ELEVATION OF THE STORMWATER MANAGEMENT SYSTEM.
 4. THE STORM SYSTEM HYDRAULIC GRADE LINE (HGL) MUST BE BELOW THE PARKING LOT LOWEST INLET WITH MINOR AND MAJOR HEAD LOSSES INCLUDED.
 5. THE PROPOSED SITE IS LOCATED WITHIN ZONE X OF FEMA COMMUNITY PANEL # 12127204RSH. THE ONLY PROPOSED ACCESS FOR LOT 2 IS TO THE PROPOSED ACCESS EASEMENT ON THE ADJACENT PROPERTY TO THE NORTH. THERE ARE NO PROPOSED ACCESS POINTS DIRECTLY TO NORTH WOODLAND BLVD.
 6. ANY CHANGES MADE TO THE ACCESS POINTS SHOULD BE CLEARED BY THE VOLUNTEER CO AND NOTED.
 7. THE PREVIOUSLY PLATTED TREE PROTECTION EASEMENT MUST BE REPLANTED BASED UPON THE NEW CONTINUATION. THE PREVIOUSLY PROTECTED TREE IS NO LONGER EXIST AND NO TREE REMOVAL IS PROPOSED.

Site Analysis		
	Existing/Req'	Proposed
Zoning	PD	PD
Flood Zone	No	No
National Wetlands Inventory	No	No
Overlay District	Yes	Emerging Gateway Corridor
Calliber Car Wash		3,175 Bldg SF
Total Site Area	-	1.1 AC
Front Building Setback	40'	40'
Side Building Setback	10'	10'
Rear Building Setback	25'	25'
Front LS Buffer	40'	45'
Rear LS Buffer		10'
north Side / South Side	20' / 0'	20' / 0'
Vacuum Stations		22
Employee Parking		3
Bug Prep Stations		3
Vacuum Ratio		5.8 Spaces / MSF
Parking Ratio		1.6 Spaces / MSF
Parking Size	9x19	9x19
Total Impervious Area	60% of Total Area	
Minimum Lot Size	9,000 SF	
Adjacent Zoning North	8-4 CA	-
Adjacent Zoning South	PD	-
Adjacent Zoning East	R/W U.S. 17	-
Adjacent Zoning West	PD	-



NOTE: THE PREPARATION OF THIS SITE PLAN IS BASED UPON INFORMATION READILY AVAILABLE. DURING THE DULGENCE PROCESS AND SHOULD NOT BE RELIED UPON FOR ZONING ENTITLEMENTS, ZONING, LEGAL ENTITLEMENTS AND AN ALTA SURVEY SHOULD BE REVIEWED BY AN ATTORNEY.

PRELIMINARY SITE PLAN

N. WOODLAND BLVD CCW

1702 WOODLAND BLVD
DELAND, FL 32720

CP4

21328

DECEMBER 28, 2021

REVISIONS
CITY COMMENTS
05-04-22

FL C&M#18000003456, CA#2230

civiloquistix

500 SUN VALLEY DRIVE, STE #13, ROSWELL, GA 30076
(404) 594-4403 - civiloquistix.com

DESIGN
PROJECT: CIVILISTIX

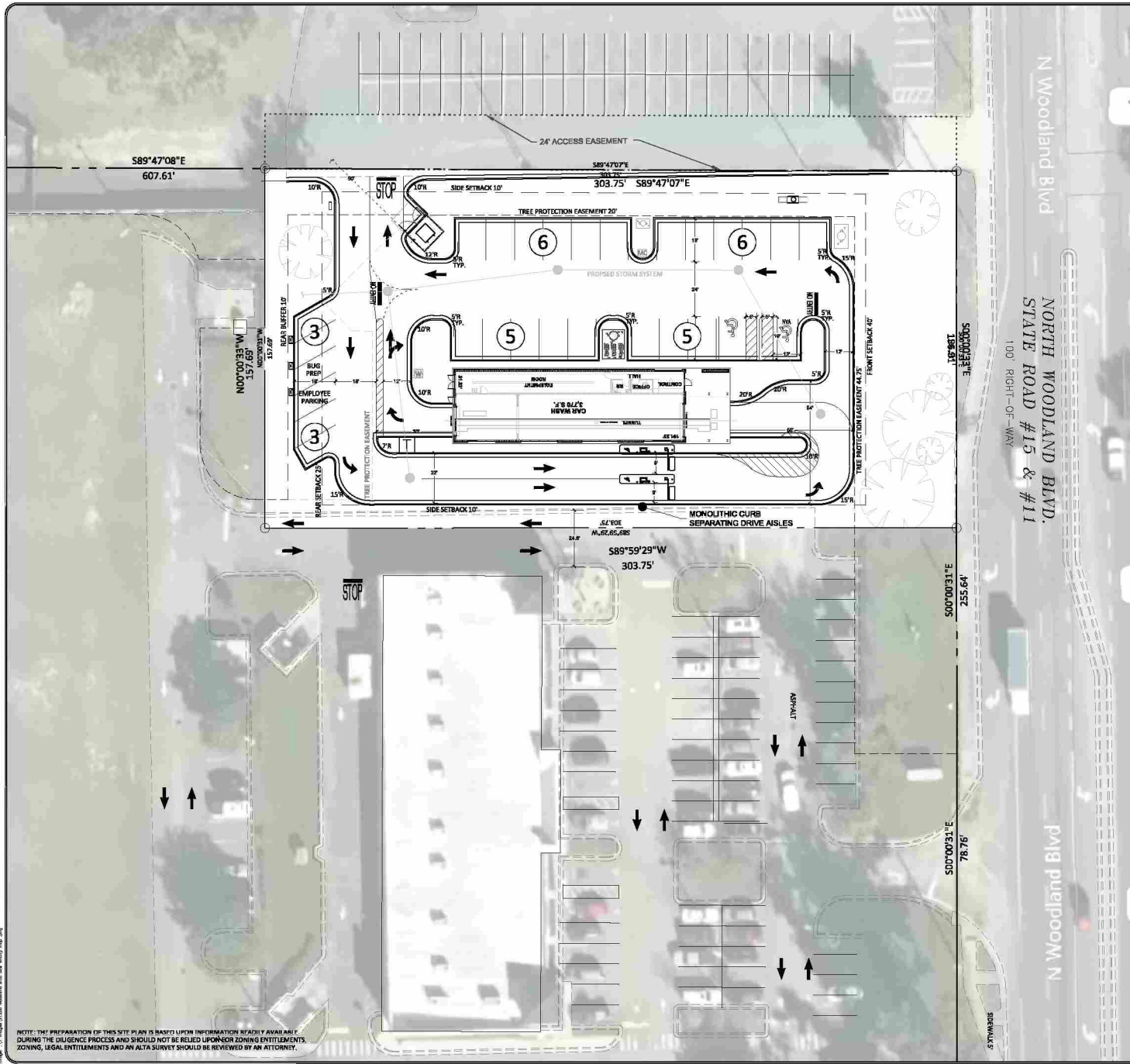
SCALE: 1" = 20'

DATE: 12/28/21

LEGAL DESCRIPTION

DESCRIPTION: (PER TITLE COMMITMENT FILE NO. 4107984)

LOTS 1, 2, 4, TRACT "A" AND "B", WOODLAND CROSSINGS, A SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 55, PAGES 112 THRU 116, INCLUSIVE, IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.



VICINITY MAP

- ENGINEERING NOTES:
1. THE STORMWATER WILL BE COLLECTED ON SITE VIA DROP INLETS AND WILL BE TREATED TO COMPLY WITH ST. JOINS REQUIREMENTS. THE TREATMENT MAY BE ON SITE OR OFF-SITE AT THE WOODLANDS CROSSING MASTER STORMWATER FACILITY. THE ANTICIPATED LAYOUT OF STORM INLETS HAS BEEN SHOWN IN THE PLAN.
 2. THE PROPOSED DRAINAGE CONNECTION POINT IS UNKNOWN AT THIS TIME, BUT WILL LIKELY BE TO THE REAR OF THE PROPERTY IN THE DIRECTION OF THE WOODLANDS CROSSING MASTER STORMWATER FACILITY.
 3. THE BUILDING FINISH FLOOR ELEVATION (FFE) WILL BE LOCATED A MINIMUM OF ONE FOOT ABOVE THE 100YR 24HR STORM DESIGN HIGH WATER (DHW) ELEVATION OF THE STORMWATER MANAGEMENT SYSTEM.
 4. THE STORM SYSTEM HYDRAULIC GRADE LINE (HGL) MUST BE BELOW THE PARKING LOT LOWEST INLET WITH MINOR AND MAJOR HEAD LOSSES INCLUDED.
 5. THE PROPOSED SITE IS LOCATED WITHIN ZONE X OF FEMA COMMUNITY PANEL # 12127204RSH. THE ONLY PROPOSED ACCESS FOR LOT 2 IS TO THE PROPOSED ACCESS EASEMENT ON THE ADJACENT PROPERTY TO THE NORTH. THERE ARE NO PROPOSED ACCESS POINTS DIRECTLY TO NORTH WOODLAND BLVD.
 6. ANY CHANGES MADE TO THE ACCESS POINTS SHOULD BE CLEARED BY THE VOLUNTEER CO AND ROOT.
 7. THE PREVIOUSLY PLATTED TREE PROTECTION EASEMENT MUST BE REPLANTED BASED UPON THE NEW CONTINGUATION. THE PREVIOUSLY PROTECTED TREE IS NO LONGER EXIST AND NO TREE REMOVAL IS PROPOSED.

Site Analysis		
	Existing/Req'	Proposed
Zoning	PD	PD
Flood Zone	No	No
National Wetlands Inventory	No	No
Overlay District	Yes	Emerging Gateway Corridor
Caliber Car Wash		3,175 Bldg SF
Total Site Area	-	1.1 AC
Front Building Setback	40'	40'
Side Building Setback	10'	10'
Rear Building Setback	25'	25'
Front LS Buffer	40'	45'
Rear LS Buffer		10'
north Side / South Side	20' / 0'	20' / 0'
Vacuum Stations		22
Employee Parking		3
Bug Prep Stations		3
Vacuum Ratio		5.8 Spaces / MSF
Parking Ratio		1.6 Spaces / MSF
Parking Size	9x19	9x19
Total Impervious Area	60% of Total Area	
Minimum Lot Size	9,000 SF	
Adjacent Zoning North	8-4 CA	-
Adjacent Zoning South	PD	-
Adjacent Zoning East	R/W U.S. 17	-
Adjacent Zoning West	PD	-



NOTE: THE PREPARATION OF THIS SITE PLAN IS BASED UPON INFORMATION READILY AVAILABLE. DURING THE DULGENCE PROCESS AND SHOULD NOT BE RELIED UPON FOR ZONING ENTITLEMENTS, ZONING, LEGAL ENTITLEMENTS AND AN ALTA SURVEY SHOULD BE REVIEWED BY AN ATTORNEY.

PRELIMINARY SITE PLAN

N. WOODLAND BLVD CCW

1702 WOODLAND BLVD
DELAND, FL 32720

CP4

21328

DECEMBER 28, 2021

REVISIONS
CITY COMMENTS
05-04-22

FL C&M#18000003456, CA#2230

civiloquistix

500 SUN VALLEY DRIVE, STE #15, ROSWELL, GA 30076
(404) 594-4403 - civiloquistix.com

DESIGN
PROJECT: CIVILOQUISTIX
DATE: 12/28/21
SCALE: 1" = 20'

UNPLAYED

This survey is made for the benefit of:

I hereby certify that this survey, dated OCTOBER 31, 2012.

(c) shows all required building setback lines on the subject property located as shown thereon;

(c) meets all requirements for surveys established by Florida law;

(g) shows the legal description hereon, which is identical to the legal description shown on the sketch of the property.

Net 5823
STATE OF FLORIDA
11/6/2012

LOTS 1, 2, 4, TRACT "A" AND "B", WOODLAND CROSSINGS, A SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 55, PAGES 112 THRU 116, INCLUSIVE, IN THE PUBLIC RECORDS OF VOLusia COUNTY, FLORIDA.

PER TITLE COMMITMENT SCHEDULE B-4 ITEM 23

PROGRESS ENERGY EASEMENT (PER O.R. BOOK 6163, PAGE 316A)

A 10 FOOT WIDE EASEMENT AREA DEFINED AS LYING 5 FEET ON EACH SIDE OF GRANTEE'S FACILITIES TO BE INSTALLED AT MUTUALLY AGREEABLE LOCATIONS OVER, ACROSS AND THROUGH THE ABOVE DESCRIBED PROPERTY TO ACCOMMODATE PRESENT AND FUTURE DEVELOPMENT.

THIS PLAN AND/OR PORTION 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. WHOSOEVER 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.

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. THEREFORE, 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.

1. NO INSTRUMENTS RECORD REFLECTING EASEMENTS, RIGHT OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THE SURVEYOR EXCEPT AS NOTED.

2. WITHIN THE BOUNDARY OF THE DONATED SEASIDE TRACT A FLORIDA LICENSED SURVEYOR AND MAP COMPILED THE FOLLOWING:

3. NO UNDERGROUND IMPROVEMENTS OR UTILITIES OR OTHER INTERIOR FEATURES WERE DISCOVERED OR SHOWN, AS PER THE REQUEST OF THE CLIENT.

4. LEGAL DESCRIPTION FURNISHED BY TITLE COMPANY.

5. FEATURES SHOWN BY SYMBOL AS INDICATED IN THE LEGEND ARE NOT TO SCALE.

6. UNRECOVERABLE EMBOWMENT DATA WAS OBTAINED FROM THE US BUREAU OF LANDS NEAR RESPECTIVE SYMBOL ABOVE, UNLESS SHOWN IN LEGEND.

7. BEARINGS OBTAINED FROM PLAT, DEED, LEGAL DESCRIPTION.

8. BEARING SHOWN, ONLY THE DISTANCES IN THE IMMEDIATE VICINITY OF THE ABOVE DESCRIBED PARCEL BOUNDARY HAVE BEEN LOCATED.

CERTIFIED TO:
WOODLAND CROSSINGS, LLC
GILL PROPERTIES (US), INC.
GILL PROPERTIES (US), LP
TO BANK, N.A.
PROVINCIAL TITLE, LLC
FIDELITY NATIONAL TITLE INSURANCE COMPANY
STEPHEN L. SKIPPER, P.L.
AKERMAN SENTERFITT, LLP

REVISED 11/6/12
TO ADD SYMBOL LEGEND

Survey Date	Drawing Number	Scale 1"=40'
-------------	----------------	--------------

CERTIFICATIONS ABOVE

LAUREY R. KIRKMAN
Professional Surveyor & Mapper No. 5000

475 S. BLUE LAKE AVENUE
DELAND, FLORIDA 32724

PHONE: (888) 740-4144 FAX: (888) 740-4155
e-mail: lefird@bellsouth.net
Certificate Of Authorization Licensed Business Number 7230

NORTH WOODLAND BOULEVARD
STATE ROAD #15 & #11

SYMBOL LEGEND

Δ = DELTA ANGLE
 ♿ = HANDICAP PARKING
 ○ = LIGHT POLE
 ⊗ = DRAINAGE MANHOLE
 ✖ = FIRE HYDRANT
 ⊙ = SANITARY MANHOLE
 □ = DRAINAGE INLET

NOTES, SCHEDULE B: EASEMENTS

21. OFFICIAL RECORDS BOOK 5881, PAGE 1485, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, IS AMENDING THE SUBJECT PROPERTY INTO THE CITY OF DELAND.

22. OFFICIAL RECORDS BOOK 6042, PAGE 2543, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA PERTAINS TO RIGHT OF WAY OF WOODMOOR ROAD AND IS NOTED ON SURVEY.

23. OFFICIAL RECORDS BOOK 6042, PAGE 3550, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA IS THE ZONING CHANGE TO F10.

23. PROGRESS ENERGY EASEMENT [FROM O.K. BOOK 6163, PAGE 3180] A 10 FOOT WIDE EASEMENT AREA DEFINED AS LYING 5 FEET ON EACH SIDE OF GRANITE'S FACILITIES TO BE INSTALLED AT MUTUALITY OF INTERESTS THEREIN AND THAT THE EASEMENT SHALL BE USED FOR THE PURPOSES OF TRANSMISSION, DELIVERY, STORAGE, AND DISTRIBUTION OF ELECTRICITY.

24. OFFICIAL RECORDS BOOK 6164, PAGE 3181, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

24. OFFICIAL RECORDS BOOK 6286, PAGE 328, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA PERTAINS TO DRAINAGE EASEMENTS AND ARE SHOWN ON SURVEY.

25. MATTERS CONTAINED ON THE PLAN OF WOODLAN CROSSING, RECORDED IN PLAT BOOK 35, PAGES 112 THROUGH 116, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, ARE SHOWN.

Page 101 of 218

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

May 18, 2022

- A. APPLICATION NO.:** SMLU22-061
- APPLICANT:** Mark Watts, Cobb Cole
- REQUEST:** To amend the land use designation of a parcel
From: LDR & Institutional Overlay
To: Mixed Commercial

B. SITE FACTORS

Location: 306 W. Wisconsin

Parcel ID #: Parcel 7008-43-07-0012

Parcel Size: 1.45 ± acres

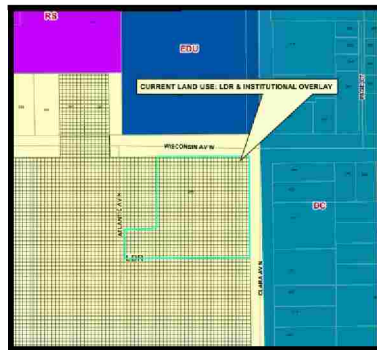
Land Use: Low Density Residential & Institutional Overlay

Existing Use: Vacant, church

Surrounding Uses:

	<u>Designation</u>	<u>Use</u>
North:	Educational	Church/School
South:	Low Density Residential	Office
East:	Downtown Commercial	Single-Family
West:	Low Density Residential	Office

LAND USE



Existing designation



Proposed designation

Low Density Residential

Mixed Commercial

C. REQUESTED ACTION AND HISTORY:

The site currently consists of a structure that was the former location of the historic Trinity United Methodist Church. It is located on the same block as the Volusia County School Board Administrative Building. The applicant has applied to rezone the property to a planned development. The request will be heard by the City Commission who will make the final determination on the request. The building is 63,118 square feet in size and sits on a 1.45 acre parcel located in a single-family residential neighborhood.

SMLU22-061
1 of 9



CHRONOLOGY OF PAST EVENTS:

The land use designation of the subject property has not recently been changed. This section of the city is where DeLand got its start and is the core area within a few blocks of the downtown. In addition this neighborhood is known as the West DeLand Residential Historic District and listed on the national register. The concrete and masonry church was constructed in 1927.

D. ALTERNATIVES AND 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 parcel is within the City of DeLand utility service boundary and water/wastewater service for this project will be provided through existing city lines.
- The existing roadways adjacent to this site are W. Wisconsin Ave. And N. Clara Avenue.

- Multi-family residential uses are typically reviewed to determine if there will be any new demand for recreational facilities. Any changes in demand require the adjustment as necessary.
- Volusia County 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. This site is located adjacent to property designated as Downtown Commercial to the east and Educational to the north. Property to the south and west are designated as Low Density Residential, however the use is for the Volusia County School Board Facility and not residential use.

LOW DENSITY RESIDENTIAL DESIGNATION

Description: Low Density residential land use is typified by detached single-family dwelling units and both agricultural and conservation land uses. A maximum density of 5.8 dwelling units per gross acre shall be permitted.

General Type of Development:

- o Conventional, on-site built single-family dwelling units, attached or detached*
- o Single-family factory-built units*
- o Manufactured housing units, as defined by the Florida Manufactured Building Act*
- o Townhomes*
- o Elementary Schools*

Policy Guidelines:

This density of development should be located in areas where more intense residential densities would cause environmental problems or would be incompatible with surrounding uses. Agricultural activities shall be located on the outskirts of the City where surrounding land uses are compatible with agricultural activities. Cluster housing may be permitted to provide common open space recreation and conservation areas. Gross density on cluster development shall be consistent with the maximum densities allowed in this land use designation. Pedestrian and bicycle facilities are encouraged in this land use. Residential development should have convenient access to recreation, shopping areas, schools and other public amenities. Internal roadways shall be designed to discourage through access and service only residents wherever it is not in conflict with the road network pattern reflected in the Transportation Element.

Recreational facilities as accessory to residential uses, such as pools, tennis courts and golf courses may be allowed upon receiving approval as a Planned Development.

MIXED COMMERCIAL DESIGNATION

Description: The City of DeLand has several areas which are characterized by a mixture of primarily single family residential, office, and retail/service land uses. Although there is a tendency for the residences to convert to nonresidential land uses (office, service, and retail), residential land uses are compatible with the nonresidential land uses and comprise a significant portion of the land uses. Residential land uses include single family, and multiple family, having densities not exceeding 10 DU/A.

The retail, office, and service land uses vary greatly in both size and impact. Although some of the nonresidential land uses may serve a broad market area, most provide retail and related goods and services to local markets. Maximum coverage of impervious surface shall not exceed 60%.

General Type of Development:

- o Residential development, both single family and multiple family*
- o Conversion of residential structures into office, service and/or retail uses*
- o Office complexes*
- o High schools*
- o Neighborhood Convenience - goods which are needed immediately and often, and which are purchased where it is most convenient to the shopper. Generally characteristics include: 3,000 - 5,000 square feet; access to adjacent residential area.*
- o Neighborhood Shopping Center - a neighborhood shopping center is compatible with all types of residential development, recreation, and open space use. The following description presents the general characteristics of neighborhood shopping centers.*
 - Small Neighborhood Shopping Center. Major tenants include a variety or outlet store with a personal service or convenience store serving as the anchor. The travel time is up to three minutes, since the radius of the market is approximately .5 mile and the gross leasable area is 5,000 to 30,000 square feet on .5 to 3 acres. The number of stores range from 2 to 5.*
 - Typical Neighborhood Shopping Centers. A supermarket or drug store serves as a major tenant with other stores serving convenience goods and personal service needs.*

Policy Guidelines: Neighborhood convenience centers shall be located so as to be easily accessible to both automobiles and to the pedestrians who live within the immediate area. They will be compatible with the character of the surrounding area, without disruption to said areas, and discourage strip-commercial developments.

Neighborhood commercial areas are frequently located in older areas of the city and may be comprised of a mixture of both residential and nonresidential land uses. Functionally, they tend to serve adjacent residential areas or varying sizes. Although some retail, service, or office land uses may serve a regional or subregional market area, land uses with this designation tend to have a relatively small market area. Such developments shall be located along, and have their access from, collectors or arterial roadways, or local streets immediately adjacent to arterials or collectors.

New neighborhood commercial developments shall be clustered to promote shared facilities and access. Local commercial uses, located adjacent to residential uses, shall utilize significant buffering and landscaping to minimize negative impacts.

Residential land uses may either be freestanding or share structures with nonresidential land uses. Conversion of residences to office, retail, or service land uses is common. When residential and nonresidential land uses share the same structure, the residential land use usually occupies the upper floor(s) or the rear of the first floor.

3. **Future Land Use Map:** The proposed change in the land use designation to Mixed Commercial will be shown on the revised Future Land Use Map.
4. **Location of Lakes, Floodplains, and Wetlands:** The subject property does not appear to contain any bodies of water. Any such items will be dealt with properly at the point where development is to occur.
5. **Analysis of Natural Resources:**
 - a. Soil type: ASTATULA TAVARES – Broad, Undulating ridges of excessively drained and moderately well drained, brownish and grayish sandy soils; interspersed with a few sinks, lakes and depressions.
 - b. Presence of Endangered Species – This property is entirely developed for urban use and no known species likely to be identified on this site.
6. **Existing and Future Impact upon Infrastructure Capacity:**
 - a. *Water* –The City’s utility department supplies water to the site. The infrastructure necessary to provide water to any future development would be analyzed by staff and assessed to ensure concurrency.
 - b. *Sewer* – It is anticipated that sufficient sewer capacity is available.
 - c. *Drainage* - The City adheres to the County’s 100-year frequency, 24-hour storm event standard for landlocked basins. Stormwater capture will be addressed on-site so as not to impact surrounding property.
 - d. *Solid Waste* – Solid waste services are available for the property.
 - e. *Transportation* – The new uses that are anticipated for this site are expected to generate additional traffic primarily because the site is currently a use (church) that has uses limited to certain days and the proposed uses will generate a more different pattern of usage. Traffic generation is estimated according to the most intense type of development allowed under the proposed designation. Based on potential uses under the proposed designation, additional analysis may be needed to ensure that any additional traffic is handled so as not to adversely impact the existing roadway.
 - 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:** The proposed land use is a commercial category; and additional impacts to the recreational needs of the City of DeLand could be anticipated based on the inclusion of residential use on the site. *The increase in the allowable density, from a maximum of 5.8 ddu to 10 ddu, will be investigated further at the site plan review stage to determine the potential impact.*
8. **New Public Facilities Needed to Serve Land Use:** Because this site is located within the Utility Service Area, no need for new public facilities is anticipated.
9. **Impact upon Existing Deficiencies:** The site in question has access to all city facilities and no deficiencies are currently known to exist.
10. **Impact upon Ability of the City to Fund Capital Improvements:** The proposed land use amendment will not result in the need for additional public facilities to serve the subject property. It will not create an additional impact upon the City's ability to fund the projects listed in the adopted Five-Year Capital Improvement Program. The Applicant will be required to provide any additional necessary improvements to connect to the City's utilities.
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:** This property is subject to a planned development (PD) rezoning request to a designation that will allow residential and commercial uses. The land use amendment is necessary to permit the density that the applicant wishes to generate.
13. **Will the proposed land use change impact schools?** The proposed project will include residential dwelling units and be considered a multi-family use and there is the potential for additional students to be generated by the changes made to the site. School impacts were anticipated and the school board concurrency application was submitted to determine the potential impact and ways to address those changes. The school board conducted a review and issued a letter with a finding of adequate capacity. A total of 2 students is anticipated based on the proposed changes.

Table 1

UNIT TYPE	SGR	UNIT COUNT	STUDENTS GENERATED
Single Family Dwelling Unit	0.273	0	0
Multifamily Dwelling Unit	0.127	15	2
Manufactured Home Dwelling Unit	0.047	0	0
Total		15	2

14. **How does this proposal fit with the guidelines developed for DeLand 2050 and the City's Strategic Plan?** The following guidelines will be considered when reviewing this proposal considering the specific guidelines listed for new development:

DeLand 2050

Principle – Promote mixed use development

Policy 2 – ensure there is interconnection between the new mixed-use projects with existing neighborhoods

Guiding Principles

History:

- encourage functional reuse of historic buildings while maintaining the historic character of the community

Strategic Plan

HISTORY. DeLand is identified as the "Athens of Florida." That heritage started with the City's Founder, Henry A. DeLand. Henry DeLand's goal was to create a town dedicated to the advancement of education and culture, much like the Athens of Greece. To this end, he started the DeLand Academy, which became Stetson University and in fulfillment of his dream, DeLand has been a center for culture and education. Recognizing that our future is guided by our heritage, we will:

- encourage historic preservation and restoration efforts;
- encourage new development in the core that complements the historic character of the core community;
- encourage functional reuse of historic buildings while maintaining the historic character of the community;
- Create and/or support public policies that promote a sense of community, promote our community's history, promote inclusiveness or solve important community issues.

Action Step:

4. Support preservation of historic structures in core city as well as throughout the City.

E. 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 (Low Density Residential) versus the proposed designation (Mixed Commercial).

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

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

Table 4. Impact Analysis (Theoretical Max.)

North West Square - SMLU22-061					
Development Variable			Existing land use	Proposed l.u	Net Change
			LDR	MX Use	
	Permitted Density		5.8	10	
			Theoretical Maximum		
Property Acreage	1.45				
Dwelling units			8.41	14.5	6
Non-residential (retail, sq. ft.)					0
1. Population	2.25	persons/hh	19	33	14
2. PM Peak Hour Trips/Daily Trips	0.62	PM peak/unit	5	9	4
	6.65	trips/unit	56	96	40
3. Sanitary Sewer	160	gal/unit	1345.6	2320	974
4. Potable water (gal/day)	180	gal/unit	1513.8	2610	1096
5. Solid waste (pounds/person)	3.21	lb/person	61	105	44
6. Stormwater Drainage			0		0
7. Recreation/Open Space (ac./person)	0.007	acres/person	0	0	0

Notes:

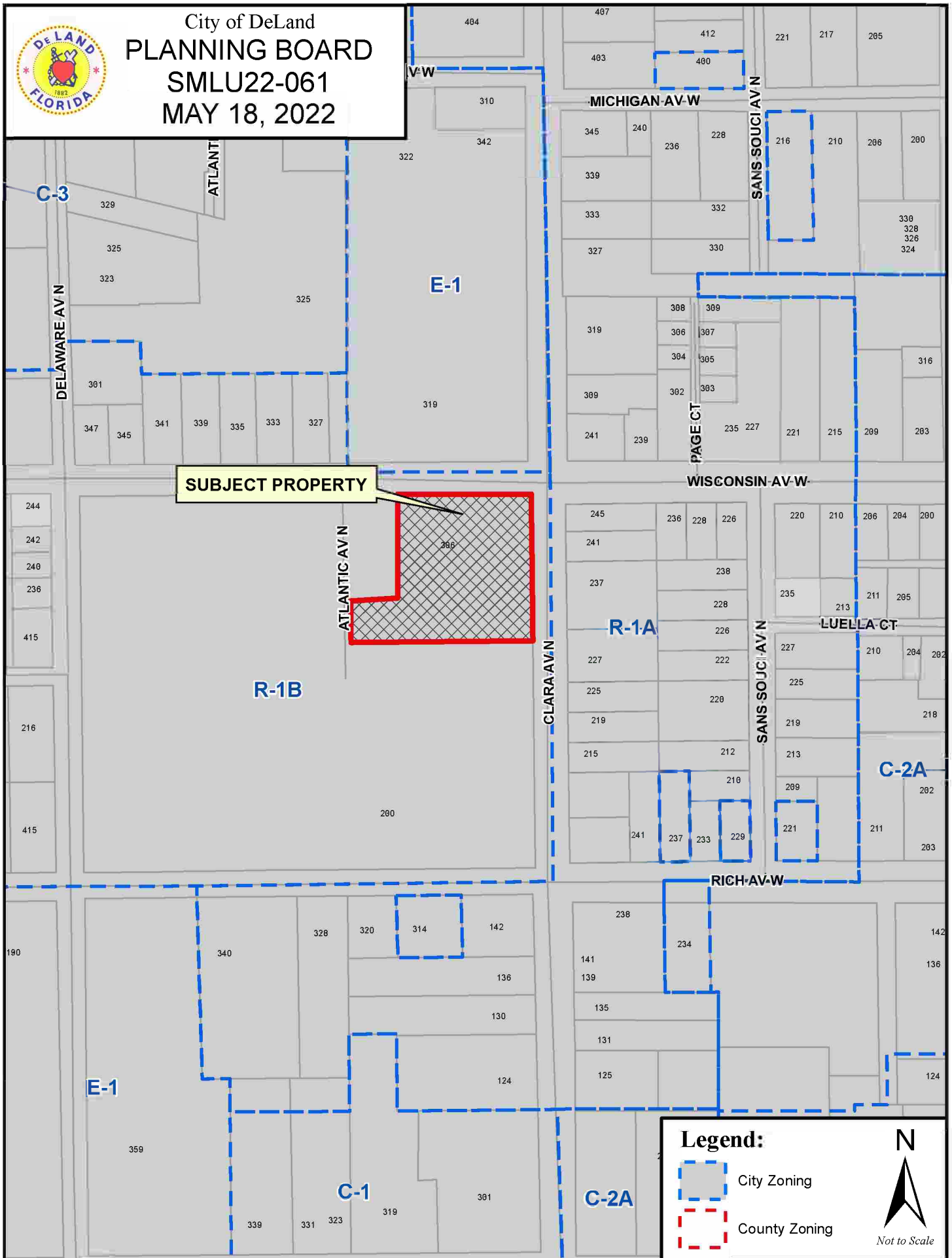
- | | |
|-------------------------|---|
| 1. Population: | 2.25 persons per household (per 2010 Census) |
| 2. Transportation: | ITE Trip Generation Manual, 8th Edition: 0.62 PM peak hour trips per unit and 6.65 daily trips per unit, Apartments - Low-rise (220) |
| 3. Sanitary Sewer: | 160 gallons per day per Equivalent Residential Unit |
| 4. Potable Water: | 180 gallons per day per Equivalent Residential Unit |
| 5. Solid Waste | 3.21 pounds per person 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.

STAFF RECOMMENDATION: Staff recommends approval of the amendment of the subject property's land use designation.

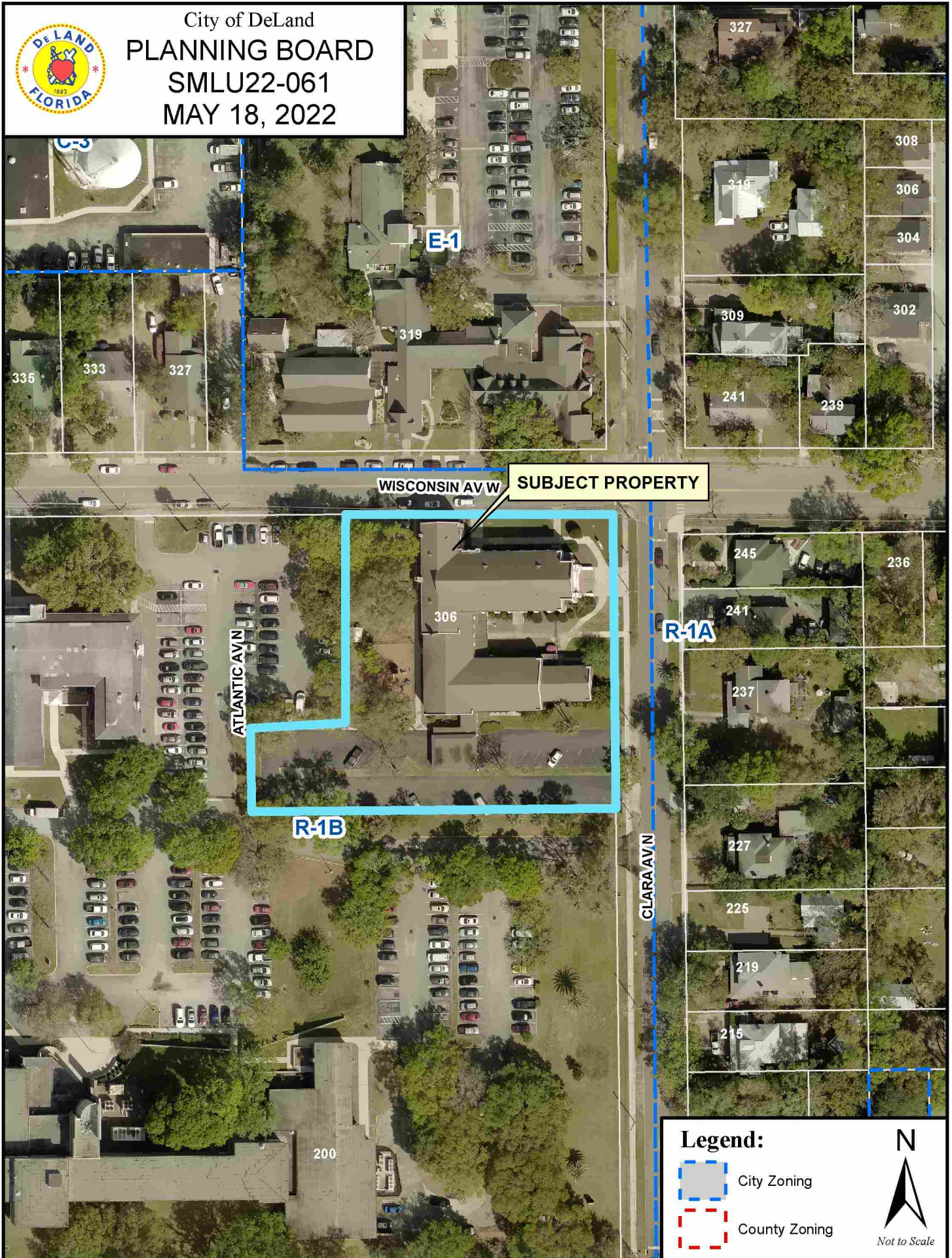


City of DeLand
PLANNING BOARD
SMLU22-061
MAY 18, 2022



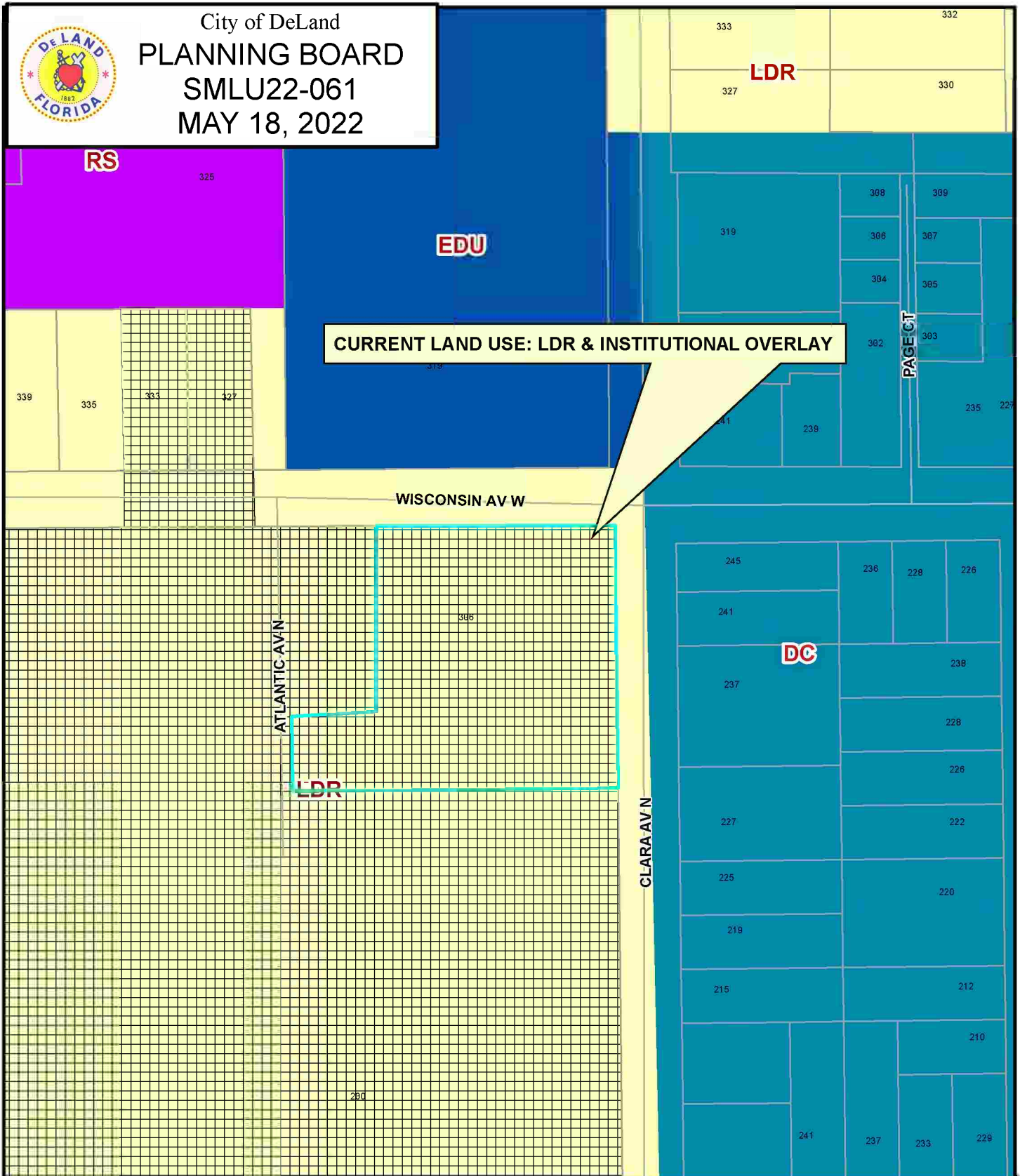


City of DeLand
PLANNING BOARD
SMLU22-061
MAY 18, 2022





City of DeLand
PLANNING BOARD
SMLU22-061
MAY 18, 2022



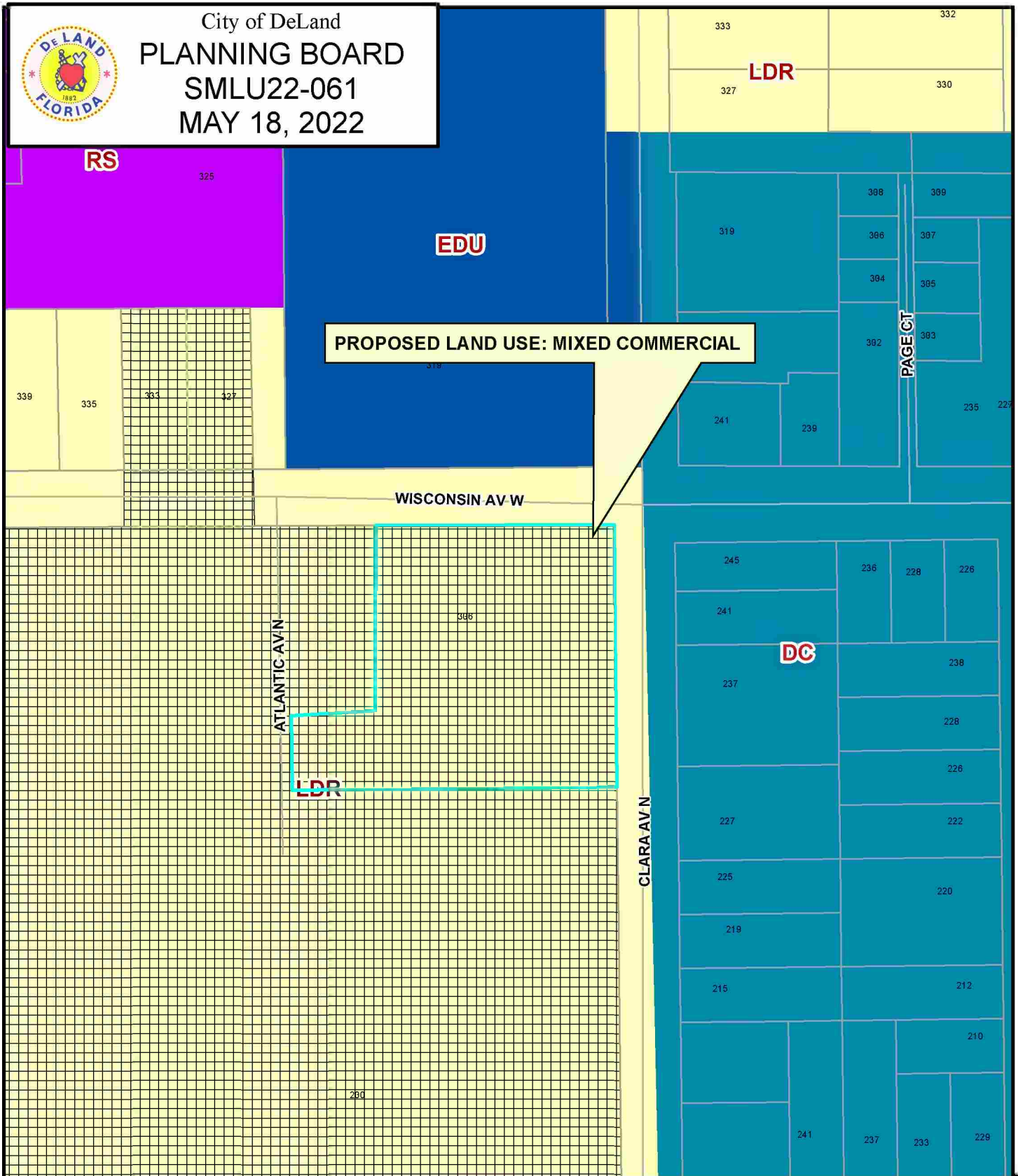
DeLand Future Land Use:

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
SMLU22-061
MAY 18, 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
THE CITY OF DELAND PLANNING BOARD**

May 18, 2022

- A. APPLICATION NO.:** Z22-060 North West Square PD
- APPLICANT:** Mark Watts, Cobb Cole
Trinity Methodist Church, Owner
- REQUEST:** The applicant is requesting to amend the zoning
From: R-1B (Single family)
To: North West Square PD

For the development of mixed commercial & residential uses in an existing building.

APPLICABLE ORDINANCES:

Article XII

ADMINISTRATION AND ENFORCEMENT

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

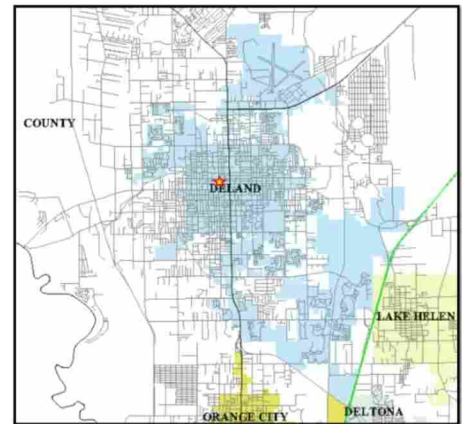
Location: 306 W. Wisconsin Ave.

Parcel Size: 1.45 ± acres

Existing Use: (vacant) Church

B. ANALYSIS:

The site currently consists of a single structure that was the former location of the historic Trinity United Methodist Church. It is located on the same block as the Volusia County School Board Administrative Building. The application states the intent of the owner is to rezone the property to a Planned Development and that it is being filed to accommodate the adaptive reuse of the church property. By rezoning the property to the PD classification, the contract purchaser is seeking to preserve the existing structure, modernize it to comply with current codes and introduce a new mix of commercial and residential uses that will provide for neighborhood-scale activity to serve the surrounding residential neighborhood.



The planned redevelopment of the property will include first floor retail spaces focusing on small scale retail stalls that will create a neighborhood market. Uses on the upper floors will eventually include event space that will occupy the former sanctuary as well as residential uses consisting of loft apartments.

The development of the property will be guided by the development agreement provided which is written to reflect a number of existing conditions because of the fact that the structure is already in place.

Section 33-135 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 Land use designation for this property is currently Low Density Residential. The applicant has also submitted a land use change to Mixed Commercial. This neighborhood is located in the historic core of the City of DeLand and as outlined in the city's comprehensive plan, the policy guidelines state that more intense residential densities would be incompatible with the surrounding area.

The existing zoning designations are described as follows:

City of DeLand: R-1B Single Family

33-17.04. *R-1B—Single-Family Dwelling District.*

- (a) *Statement of intent.* The purpose and intent of the R-1B Single-Family Residential District is to provide affordable, low density residential neighborhoods in an urban setting with less stringent development standards and minimum floor area requirements than the R-1A district.

The proposed zoning designation is generally described as follows:

North West Square PD – Planned Development

33-17.22. *PD—Planned Development District.*

- (a) *Statement of intent.* The Planned Development District is intended to provide a method for consideration and approval of unique zoning districts for individual Planned Developments (PD) which are not provided for or allowed in the zoning districts otherwise established by this chapter. See also: section 33-32, Planned Development District and section 33-133, Review of Planned Development Plans.

A development agreement has been written to outline the unique zoning requirements by which the development will be constructed. For the sake of comparison, the chart below lists some of the lot and building requirements of the existing and proposed zoning categories:

Lot & Bldg Reqmts.	R-1B	North West Square PD
Min. lot area	7,500 s.f.	n/a
Min. width	75 ft.	n/a
Setbacks		
Front	30 ft.	10 ft.
Rear	25 ft.	20 ft.
Sides	10 ft.	7.5 ft.
Side -street	20 ft.	
Max density	5.81 upa	15 units = 10.3 upa
Min. floor area		
Efficiency		425 s.f.
1 story	1,200 sf	1 BR = 525 s.f.
2 story	1,400 sf	2 BR = 725 s.f. + 150 s.f./add'l BR
Max. lot coverage	40%	75%
Max. bldg height	35 ft	65 ft.

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

The property is located within the heart of the urban core and rezoning of the property will only amend the permitted uses of the property and not impact any environment or natural resources.

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

The property is currently listed as a church on the Volusia County Property Appraiser's website and no taxes are assessed. Upon approval of the rezoning request and use of the building for residential purposes the property will be a contributor to the property tax base.

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

The rezoning action will not impact governmental services. The property is located within the urban area and such services are already provided. No new services are anticipated to be required because of the rezoning action.

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

Churches, houses of worship and religious institutions are special uses within some residential zoning districts subject to certain requirements. The area surrounding this property is primarily residential in nature and no changes have occurred to the area. The Volusia County School Board has a facility nearby that formerly housed a public school which is also a permitted use in residential neighborhoods. While the use remains school-related, there are no students on the campus. This proposed rezoning will introduce residential uses to the site while also permitting a number of commercial/retail uses that are typically not permitted as stand-alone in residential areas. In this situation, because the building is in existence and will be modified to accommodate the new uses, the building regulations cannot be applied as they normally would be if this were a vacant site.

Because the proposed commercial uses will take place on the interior of the existing building, their impact will not be the same as if a retail use were constructed in the neighborhood. Use of the building as a church is not a residential use, but neither is it retail. It could be considered somewhat in between because of the nature of the church members coming to the site at particular times and because of the nature of the activities at the church.

The retail use of this site will be similar to that of a church because of the fact that those are also not residential in nature. The residential uses are of a higher density than the surrounding area, but owing to the fact that the building is being converted, single-family uses would be difficult to establish.

6. Was there a mistake in the original classification?

It does not appear that the classification was the result of a mistake because the use of this property as a church is consistent with the zoning designation of the surrounding area.

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

The proposed rezoning will permit a number of different uses as shown in the table below:

R-1B	Type	North West Square PD
		Bakery, pastry, gourmet, coffee and specialty beverage shops (retail).
Bed and breakfast homestay	P	Bed and breakfast homestay (accessory)
Churches, houses of worship and religious institutions	S	Churches, houses of worship and religious institutions with their customary accessory uses and recreational uses and buildings.
		Day care facilities
Family day care homes	P	Family day care home.
		Flea markets and merchandising barns or marts, per section 33-19.03.
		General/Professional Offices.
		Grocery.
Mini and neighborhood parks	P	Mini and neighborhood parks.
Single-family dwellings (except mobile homes)	P	
		Multiple-family dwellings.
		Music, dance, gymnasium, art school or studio, excluding discotheques.
Other uses approved by City Commission, after PB review, which are similar to permitted uses	P	
Community residential homes, single-family	C	
Cemeteries	S	
Community and regional parks	S	
Golf courses.	S	
Governmental of public buildings and land uses	S	
Private parks	S	
		Restaurants, except fast food and/or drive through facilities.
		Restaurants and establishments serving alcohol requiring a DBPR 2COP, 3PS or 4COP license with special class.
		Retail sales.
		Theatres and assembly halls.

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

The rezoning request will not adversely impact health, safety or welfare. The change in use from a church to a facility offering retail services will result in a change, however, the impacts of the change remain to be seen, It is the intent of the retail uses to serve the needs of the surrounding neighborhood and not to be a new major commercial outlet for the city. The property is limited in facilities such as parking, which can be expected to limit impacts to the area.

C. CONCLUSION:

This rezoning request generally aligns with the pattern of development in the surrounding area owing largely to the fact that it is an existing structure. Reuse of the historic building is an acceptable use for the property and owing to the fact that the area is listed on the National Register of historic Places, it helps preserve the area in its historic context.

D. STAFF RECOMMENDATION:

Staff recommends that the Planning Board forward to the City Commission a recommendation of approval for the rezoning request.



City of DeLand
PLANNING BOARD
Z22-060
MAY 18, 2022





City of DeLand
PLANNING BOARD
Z22-060
MAY 18, 2022



1 PLANNED DEVELOPMENT AGREEMENT

2 IN THE CITY COMMISSION OF THE

3 CITY OF DELAND, FLORIDA

4 IN RE: Case #Z22-___ Application of

5 NORTHWEST SQUARE LLC

6 ORDINANCE # _____

7
8 ORDER AND RESOLUTION

9 GRANTING A REQUEST FOR CHANGE OF ZONING FROM R-1BTO

10 NORTH WEST SQUARE PD

11
12 The application of Northwestsquare LLC hereinafter, "Applicant", for rezoning was
13 heard by and before the City Commission, DeLand Florida, on _____, 2022. Based
14 upon the verified Application and other supporting documents, maps, charts, overlays,
15 other evidence and instruments; the advice, report, and recommendations of the
16 Community Development, and other Departments and agencies of DeLand, Florida; and
17 the testimony adduced and evidence received at the Public Hearing on this Application
18 by the Planning Board on _____, 2022, and otherwise being fully advised, the City
19 Commission does hereby find and determine as follows:

20 GENERAL FINDINGS

21 A. That the application of Northwestsquare LLC was duly and properly filed
22 herein on _____, 2022 as required by law.

23
24 B. That all fees and costs which are by law, regulation, or Ordinance required
25 to be borne and paid by the applicant have been paid.

1
2 C. That the applicant is the contract purchaser of a +/- 1.46 acre parcel of land
3 which is situated in DeLand, Florida. This parcel of land is described more particularly in
4 the survey and legal description, a true copy of which is attached hereto as Exhibit "A".
5

6 D. That the Applicant has complied with the concept plan provision as required
7 by Land Development Regulations Ordinance No. 2013-11, as amended.
8

9 E. That the Applicant has complied with the "Due Public Notice" requirements
10 of the City Commission, Land Development Regulations Ordinance No. 2013-11, as
11 amended.
12

13 F. That the owner of the property, Trinity Methodist Church, agrees with the
14 provisions of the Development Agreement.
15

16 FINDINGS REGARDING REZONING
17

18 A. That the Applicant has applied for a change of zoning from the present
19 zoning classification(s) of the parcel described in Exhibit "A" from R-1B to North West
20 Square PD.
21

22 B. That the said rezoning to North West Square PD is consistent with both the
23 City of DeLand Comprehensive Plan Ordinance No. 1990-04, as amended, and the intent
24 and purpose of the City of DeLand Land Development Regulations Ordinance No. 2013-

11, as amended, and does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY COMMISSION CHAMBERS, 121 WEST RICH AVENUE, DELAND, FLORIDA, THIS _____ DAY OF _____, A.D., _____, AS FOLLOWS:

A. That the Application of Northwestsquare LLC for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Exhibit "A" attached hereto is hereby amended from R-1B to North West Square PD as described in Article VII of the City of DeLand, Land Development Regulations Ordinance No. 2013-11, as amended.

C. That the Official Zoning Map of the City of DeLand is hereby amended to show the rezoning of said parcel to North West Square PD.

D. That the City of DeLand Land Development Regulations Ordinance No. 2013-11, as amended, is consistent with the provisions of the "Development Agreement" as hereinafter set forth in this Ordinance and with respect to any conflict between Land Development Regulations Ordinance No. 2013-11, as amended, and the "Development Agreement", the provisions of the "Development Agreement" shall govern. Ordinance

1 No. 2013-11, as amended, shall govern with respect to any matter not covered by the
2 "Development Agreement." The City of DeLand will ensure overall compliance with this
3 Ordinance.

4
5 E. Unless otherwise provided for herein the City of DeLand, Land
6 Development Regulations Ordinance No. 2013-11, as amended, shall apply to the PD.

7
8 F. Nothing in this Ordinance shall abridge the requirements of any City of
9 DeLand Ordinance other than Ordinance No. 2013-11, as amended. Timing and review
10 procedures contained in this Order and Resolution may be modified to comply with the
11 City of DeLand Land Development Regulations, Ordinance No. 2013-11, as amended.
12 Further, nothing in the Development Agreement is intended to abridge the requirements
13 of Ordinance No. 2013-11, as amended, and any other City Ordinances.

DEVELOPMENT AGREEMENT

A. Development Concept. The property +/- 1.46-acre property (the "Property") shall be developed as a PD substantially in accordance with the Planned Development Plan. The Planned Development Plan shall govern the development of the property as a PD and shall regulate the future land use of this parcel.

1. Planned Development Plan The Planned Development Plan shall consist of the Development Plan Map and this development agreement. The Planned Development Plan is hereby approved and incorporated in this Ordinance by reference as Exhibit "B". The Planned Development Plan shall be filed and retained for public inspection in the Planning Department and it shall constitute a supplement to the Official Zoning Map of the City of DeLand.

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

3. Subdivision Approval. After the Planned Development Plan is recorded, and prior to any construction, including clearing and landfill, a preliminary and/or a final plat and/or final site plan, as applicable, of the area to be subdivided shall be submitted for review and approval in the manner required by Article XIII of the City of DeLand Land Development Regulations, Ordinance No. 2013-11, as amended.

4. Final Site Plan Approval. After the Planned Development Plan is recorded, and prior to issuance of any permits for construction, including clearing and

1 landfill, a final site plan, as applicable, shall be prepared and submitted for review and
2 approval in the manner required by Article XII of the City of DeLand, Land Development
3 Regulations Ordinance No. 2013-11, as amended.

4
5 B. Unified Ownership. The Applicant or his successors shall maintain unified
6 ownership of the subject parcel until after issuance of the final site plan development
7 order.

8
9 C. Phases of Development. The project may be developed in one or more
10 phases.

11
12 D. Land Uses Within the PD. The development of the parcel shall be
13 consistent with the uses prescribed for each area within the proposed North West Square
14 PD. The location and size of said land use areas are shown on the Development Plan,
15 Exhibit "B".

16
17 Permitted Uses:

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

19 Bed and breakfast homestay.

20 Churches, houses of worship, and religious institutions, with their customary
21 accessory educational and recreational uses and buildings.

22 Day care facilities.

23 Family day care home.

24 Flea markets and merchandising barns or marts,

per section 33-19.03.

General/Professional Offices.

Grocery.

Mini and neighborhood parks.

Multiple-family dwellings.

Music, dance, gymnasium, art school or studio, excluding discotheques.

Restaurants, except fast food and/or drive through facilities.

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

Retail sales.

Theatres and assembly halls.

E Development Standards for Residential.

1. Minimum Floor Area:

Efficiency (no separate bedroom)	425 square feet
One bedroom	525 square feet
Two + bedroom	725 square feet plus 150 square feet for each additional bedroom

2. Minimum yard size (building):

a. Front yard:	10 ft.
b. Rear yard:	20 ft.
c. Side yard:	7.5 ft.

3. Maximum lot coverage: 75%

4. Maximum building height: 65 ft.

5. Maximum Dwelling Units: 15 du

6. Off-street parking requirements: The Property shall consist of at least 40 parking spaces and an additional 4 handicap spaces.

7. Signage requirements: Signage shall be provided per the Land Development Regulations.

8. Landscape buffer requirements: As detailed on the Planned Development Plan attached as Exhibit "B".

Development Standards for Non-Residential.

1. Minimum lot area: 1,000 sq. ft.

2. Minimum yard size (building):

a. Front yard: 10 ft.

b. Rear yard: 20 ft.

c. Side yard: 7.5 ft.

3. Maximum lot coverage: 75%

4. Maximum building height: 65 ft.

5. Off-street parking requirements: The Property shall consist of at least 40 parking spaces and an additional 4 handicap spaces.

6. Landscape buffer requirements: As detailed on the Planned Development Plan attached as Exhibit "B".

F. Environmental Considerations. The development shall comply with the requirements for preservation of environmental resources as set forth in the Land Development Regulations Ordinance No. 2013-11, as amended unless specifically stated herein.

G. Sewage Disposal and Potable Water. Provision for sewage disposal and potable water needs of the North West Square 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

1 Code 64E-6.

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

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

12 1. Access. Access to the site will be from Clara Avenue. A secondary
13 and emergency access point will be from the Property to Wisconsin Avenue. The
14 Development Plan indicates the anticipated connection locations; however, the final
15 locations may vary due to final engineering design and permitting considerations.

16 2. Transportation System Improvements. Transportation system
17 improvements will be provided as required by permitting agencies.

18
19 J. Internal Roadways. Road rights-of-way will be developed as detailed on
20 the Planned Development Plan attached as Exhibit "B".

21
22 K. Reverter Provision: The City Commission may rezone any portion of the
23 project which has not secured a final development order on or before 10 years from the
24 effective date of this ordinance as may be necessary or appropriate to protect adjoining

1 properties or the public health, safety and welfare, unless the City Commission, for good
2 cause shown, shall extend the time period indicated in this paragraph.

3
4 L. Binding Effect of Plans; Recording; and Effective Date. The Planned
5 Development Plan, including any and all amendments shall bind and inure to the benefit
6 of the Applicant and his successor in title or interest. The North West Square PD zoning,
7 provisions of the "Development Agreement," and all approved plans shall run with the
8 land and shall be administered in a manner consistent with Article 12 of the City of DeLand
9 Land Development Regulations Ordinance No. 2013-11, as amended.

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

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

3
4
5 ATTEST:

City Commission of DeLand Florida

6
7
8 _____
9 Michael Pleus
10 City Manager

Robert Apgar
Mayor

11
12
13 STATE OF FLORIDA

14 CITY OF DELAND
15

16 The foregoing instrument was acknowledged before me by means of ☐
17 physical presence or ☐ online notarization this ____ day of
18 _____ (mo/yr), by Michael Pleus and Robert Apgar, as City
19 Manager and Mayor, City of DeLand, respectively, on behalf of the City of
20 DeLand, and who are personally known to me.
21

22
23 NOTARY PUBLIC, STATE OF FLORIDA

24 Type or Print Name:

25 _____
26 Commission No.: _____

27 My Commission Expires: _____

1 WITNESSES:
2
3

4 _____
5 _____
6 Christopher Levings, Manager
7 Northwestsquare, LLC
8

9 STATE OF FLORIDA

10 CITY OF DELAND
11
12
13

14 The foregoing instrument was acknowledged before me by means of ☐ physical
15 presence or ☐ online notarization this _____ day of _____
16 (mo/yr), by Christopher Levings, Manager of Northwestsquare, LLC, who is personally
17 known to me or who has produced _____ as
18 identification.
19
20

21 NOTARY PUBLIC, STATE OF FLORIDA

22 Type or Print Name:
23 _____

24 Commission No.: _____

25 My Commission Expires: _____
26
27
28

1 WITNESSES:
2
3
4
5
6
7
8
9
10
11

12 The foregoing instrument was acknowledged before me by means of ☐
13 physical presence or ☐ online notarization this _____ day of
14 _____ (mo/yr), by _____ as _____ of
15 Trinity Methodist Church, who is personally known to me or who has
16 produced _____ as identification.
17
18

19 NOTARY PUBLIC, STATE OF FLORIDA

20 Type or Print Name:

21 _____
22 Commission No.: _____

23 My Commission Expires: _____
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

EXHIBIT "A"
Legal Description

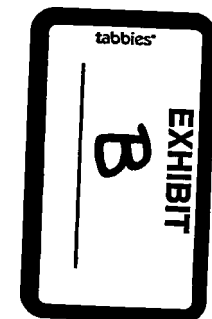
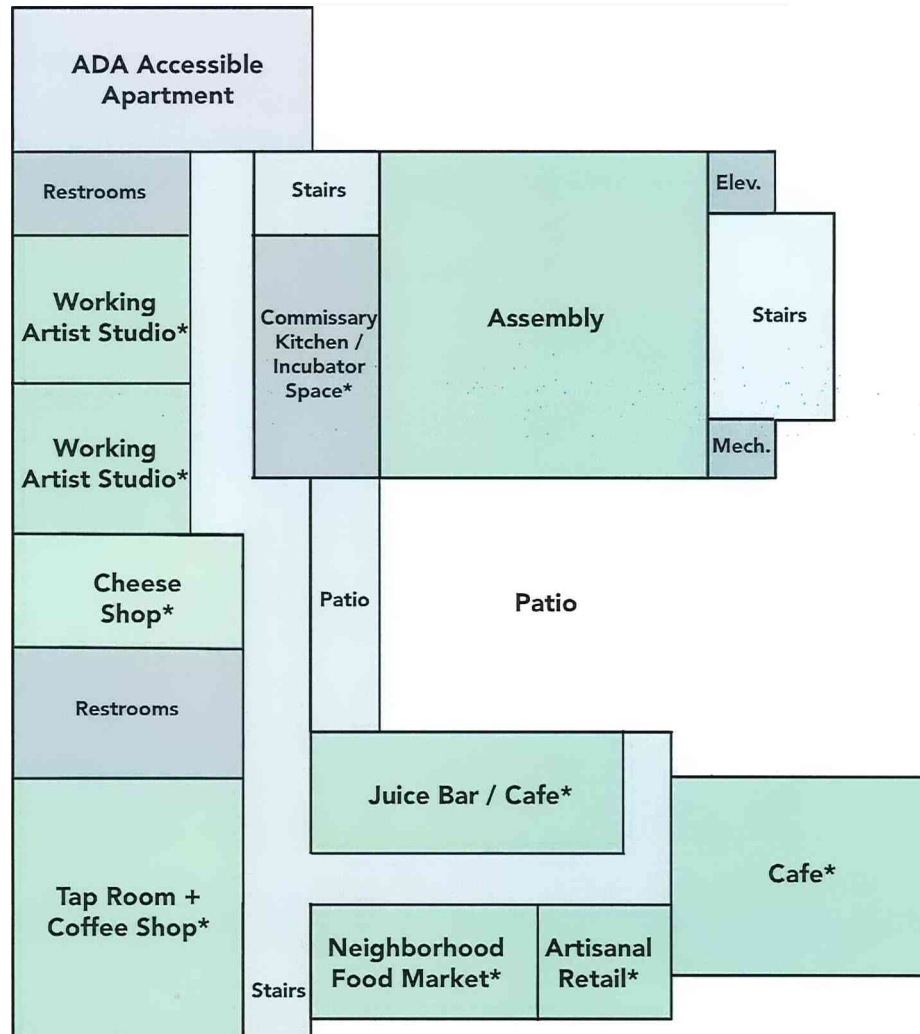
E 227.5 FT OF LOT A & E, 227.5 FT OF N 57 FT & S 75 FT OF LOT 8 BLK 7 RICHES
ADD DELAND

1.45 ACRES, MORE OR LESS

1
2
3
4
5

EXHIBIT "B"
DEVELOPMENT PLAN

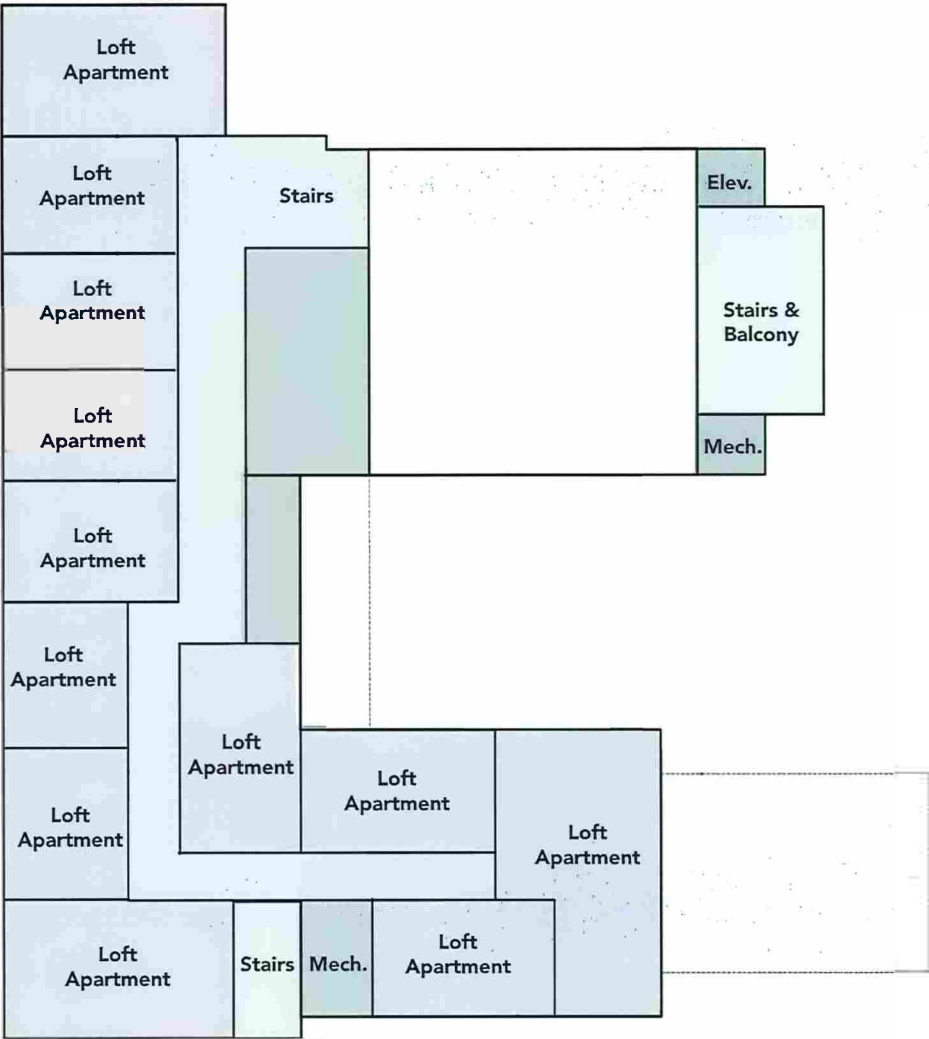
FIRST FLOOR USE DIAGRAM: PUBLIC COMMERCIAL / RETAIL



NOT TO SCALE

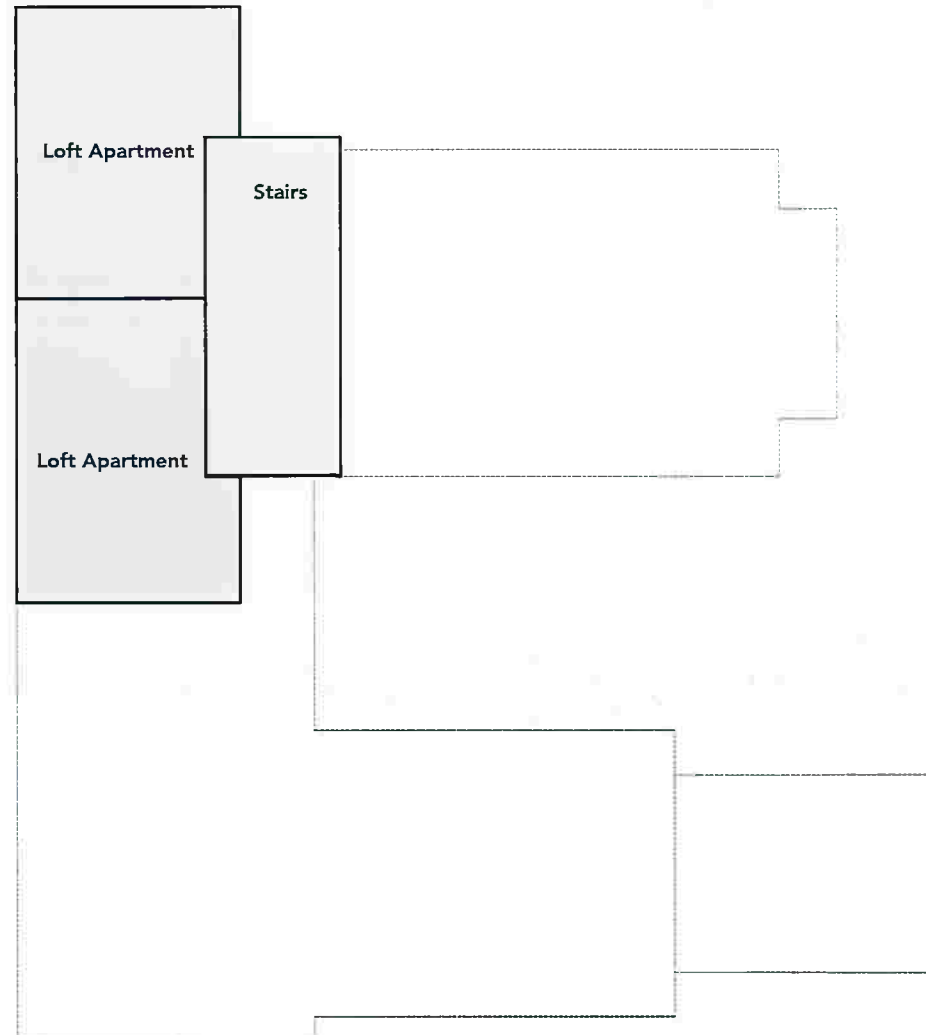
* Or other permitted use

SECOND FLOOR USE DIAGRAM: PRIVATE COMMERCIAL



NOT TO SCALE

THIRD FLOOR USE DIAGRAM: RESIDENTIAL



NOT TO SCALE

E 227.5 FT OF LOT A & E
227.5 FT OF N 57 FT &
S 75 FT OF LOT B BLK 7
RICHS ADD DELAND

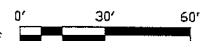
BEARINGS SHOWN HEREON ARE BASED ON THE
SOUTH RIGHT-OF-WAY LINE OF W. WISCONSIN
AVENUE AS BEING A BEARING OF S 89°43'06" W
(ASSUMED).

THE FLOODPLAIN BOUNDARY, IF SHOWN HEREON,
WAS SCALED FROM A LARGE SCALE FEMA FLOOD
INSURANCE MAP AND AS SUCH HAS AN INHERENT
ERROR OF 10% OF THE FEMA MAP SCALE.

UNDERGROUND UTILITIES AND FOUNDATION MAY
EXIST AND HAVE NOT BEEN LOCATED, EXCEPT AS
SHOWN.

I HEREBY CERTIFY THAT THE SURVEY SHOWN
HEREON WAS MADE UNDER MY RESPONSIBLE
CHARGE AND THAT IT HAS BEEN PREPARED IN
ACCORDANCE WITH THE STANDARDS OF PRACTICE
(MINIMUM TECHNICAL STANDARDS) AS SET FORTH
BY THE FLORIDA BOARD OF PROFESSIONAL
SURVEYORS AND MAPPERS IN CHAPTER 5J-17, OF
THE FLORIDA ADMINISTRATIVE CODE, SECTION
472.027, FLORIDA STATUTES.

(Per map dated February 19, 2014)
This is to certify that I have consulted the
Federal Insurance Flood Hazard Boundary Map
and found the ABOVE named Property IS NOT
located in a special flood hazard area,
according to Community Panel Map No.
12127C-0470-H Map Panel 470 of 930, Zone



NOTE:
This Part of Survey is certified to and prepared for the sole and exclusive benefit of the MARLES and/or individuals shown hereon, valid on the most current date shown hereon, and shall not be relied upon by any other entity or individual whatsoever.

BY: Robert R Evers
ROBERT R. EVERS, PSM
FLORIDA CERTIFICATE No. 5675

DATE :	12/22/21
W.D. No.	11-659-21
DRAWN BY :	JT
FIELD BOOK :	748-79, 479-
CADO FILE / FILE No. :	11-659-21

**PLANNING DEPARTMENT STAFF REPORT
TO
PLANNING BOARD**

May 18, 2022

APPLICATION NO.: Z22-063

APPLICANT: Mr. Mark Watts, Cobb Cole

REQUEST: Amend the existing zoning designation from Volusia County's R-4, A-1, A-1C, I-1, I-1C, to DeLand Tech Park PD

APPLICABLE REGULATIONS:

Article IV

OVERLAY AND FLOATING ZONES

Sec. 33-32 – Planned Development District.

Article XII

ADMINISTRATION AND ENFORCEMENT

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

A. SITE FACTORS:

Location: Northwest quadrant of SR 472 and Interstate 4
Parcel Size: ± 142.8 acres
Land Use: Southwest Activity Center (Commerce District/West Central District)
Existing Zoning: Volusia County R-4, A-1, A-1C, I-1, I-1C
Existing Use: Mostly undeveloped

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

B. ANALYSIS:

The proposed development consists of ± 142.8 acres of vacant, wooded land, located at the northwest quadrant of SR 472 and Interstate 4. The property appears to be mostly wooded and lies outside of the 100-year floodplain and is clear of any wetlands. The applicant is requesting to rezone the subject property from Volusia County's R-4, A-1, A-1C, I-1, I-1C, to DeLand Tech Park Planned Development.

The subject property lies within the Southwest Activity Center (SWAC) and shall comply with the policies identified within the Local Plan as "Commerce" and "West Central". According to the vision of the SWAC, the ultimate goal is to develop a key employment area for the City of DeLand and the rest of southwest Volusia County. The applicant seeks to develop the eastern side of the subject property (Parcel 1) as industrial space and the western side of the property (Parcels 2 and 3) as commercial/neighborhood retail.

4. In your traffic study, ITE code 130 (Industrial Park) is being used to calculate the number of trips in the industrial section. However, it's being calculated based on number of employees; I believe it should be based on the KSF calculations. Please verify.
5. Section fl 3.6.4 sw of the SWAC Local Plan provides the maximum trip generation rates per district. Exceeding these will require a large scale land use amendment.
6. PD Agreement needs revisions
7. Additional comments pending

Engineering Revised Comments:

Forestry Revised Comments:

Fire Revised Comments:

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

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

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

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

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

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

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

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

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

The SWAC has trip allowances based on the uses and the district (Commerce/West Central/Community). According to the SWAC plan, the maximum allowable trips for the from the Commerce portion of the development would calculate out to 2,804 average daily trips; for the West Central Districts portion of the development, the maximum allowable trips would be 4,470 average daily trips. In total, the SWAC allows for 7,274 average daily trips if following the proposed development plan. Based on information provided in the Trip Generation Memo provided by the applicant dated March 28, 2022, 1.39 million square feet of industrial space will generate 4,684 average daily trips, and 205,000 square feet of commercial space is projected to generate 7,587 average daily trips. This is an increase of 4,997 trips.

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 Southwest Activity Center (SWAC) at the I-4/S.R. 472 interchange was conceived by Volusia County in 1995 as a mixed-use office, industrial, and residential development. The County and the City of Deltona initiated the Areawide Development of Regional Impact (DRI) as an attempt to implement the concept of the SWAC. This effort was later joined by the City of DeLand after a large area was annexed into the City. After the adoption of the DRI, the City adopted the Southwest Activity Center Local Plan into the Comprehensive Plan. The project was envisioned as a shared major regional employment center, encompassing adjacent portions of Orange City, Deltona, Volusia County, and DeLand. The DRI was later abandoned in 2018, however the City of DeLand adopted standards into the Comprehensive Plan in order to direct future development that would still meet the intent of the original DRI.

If approved, the proposed DeLand Tech Park PD will be the second project in the City's SWAC, furthering its development goals as originally envisioned.

6. Was there a mistake in the original classification?

There was no mistake in the original classification.

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

The proposed development provides approximately 19% open space overall and will be developed for industrial, neighborhood commercial and retail uses, all of which will positively contribute to the jobs in the area. The proposed rezoning will not have an effect on the use or negatively affect the value of the area, as the proposed development is in line with the City's long-range plans.

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

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

Impacts upon public health, safety and welfare will generally be positive impacts, as the development will reduce traffic congestion from roads by providing alternate routes for drivers.

C. CONCLUSION:

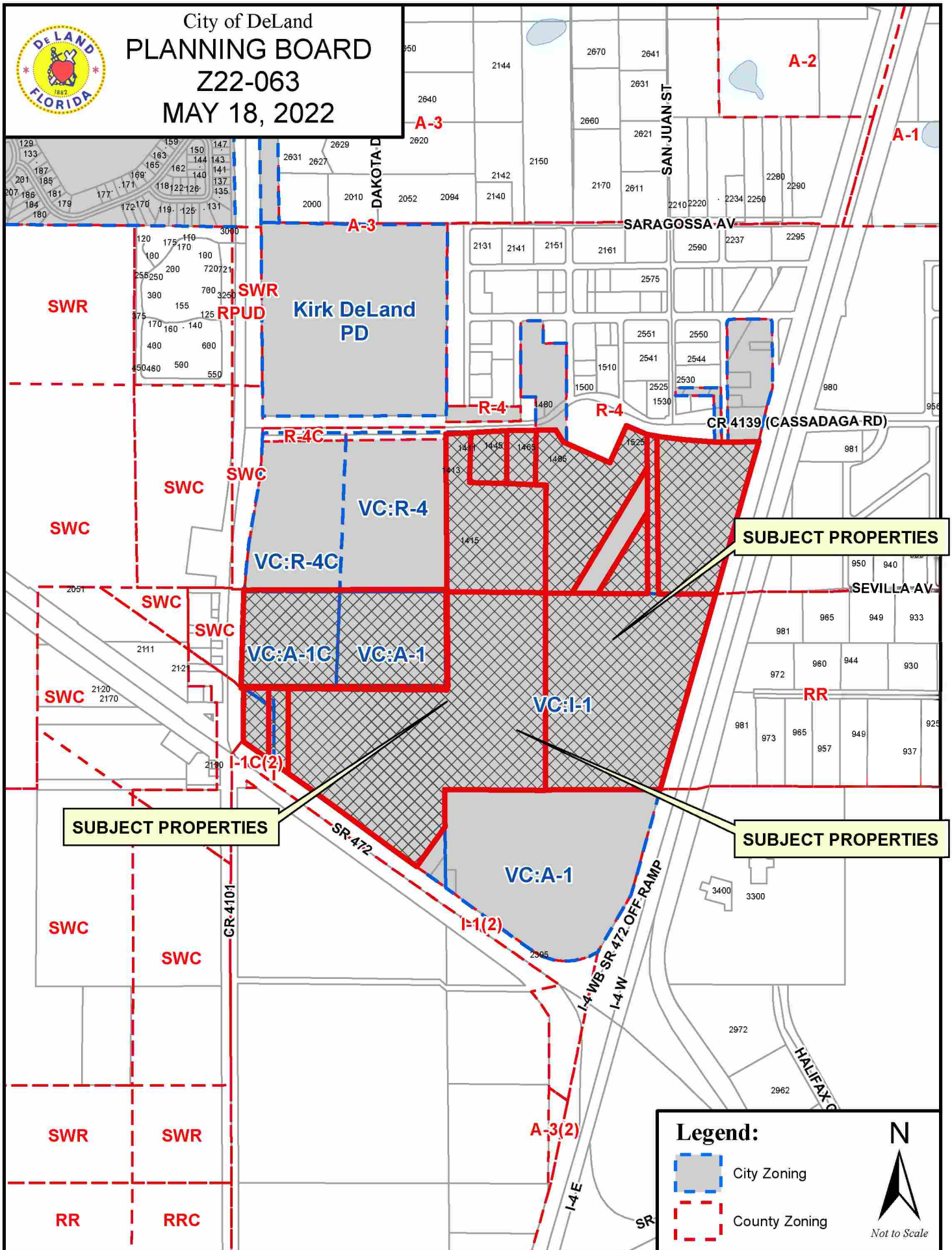
The Applicant is proposing a rezoning from Volusia County's R-4, A-1, A-1C, I-1, I-1C, to DeLand Tech Park PD in order to develop the subject property for a range of commercial and industrial uses located within the Southwest Activity Center (SWAC).

D. STAFF RECOMMENDATION:

Staff recommends that the Planning Board continue the request to rezone the subject property from Volusia County's R-4, A-1, A-1C, I-1, I-1C, to DeLand Tech Park PD, pending further review by the TRC and subject to addressing all Staff comments.



City of DeLand
PLANNING BOARD
Z22-063
MAY 18, 2022



Legend:

- City Zoning
- County Zoning





City of DeLand
PLANNING BOARD
Z22-063
MAY 18, 2022



1 PLANNED DEVELOPMENT AGREEMENT

2 IN THE CITY COMMISSION OF THE

3 CITY OF DELAND, FLORIDA

4 IN RE: Case # _____, Application of

5 LONGLEAF FOUR LLC

6 ORDINANCE # _____
7

8 ORDER AND RESOLUTION

9 GRANTING A REQUEST FOR CHANGE OF ZONING FROM ____ TO

10 DELAND TECH PARK PD PLANNED UNIT DEVELOPMENT ("DeLand Tech Park PD")

11
12 The application of LONGLEAF FOUR LLC, hereinafter, "Applicant", for rezoning was
13 heard by and before the City Commission, DeLand Florida, on _____, 2022. Based
14 upon the verified Application and other supporting documents, maps, charts, overlays,
15 other evidence and instruments; the advice, report, and recommendations of the
16 Community Development, and other Departments and agencies of DeLand, Florida; and
17 the testimony adduced and evidence received at the Public Hearing on this Application by
18 the Planning Board on _____, 2022 and otherwise being fully advised, the City
19 Commission does hereby find and determine as follows:
20

GENERAL FINDINGS

A. That the application of LONGLEAF FOUR LLC 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 contract purchaser of a 142.8 +/- acre parcel of land which is situated in DeLand, Florida. These parcel of land are described more particularly in the survey and legal description, a true copy of which is attached hereto as Exhibit "A".

D. That the Applicant has complied with the concept plan provision as required by Land Development Regulations Ordinance No. 2013-11, as amended.

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

F. That the owners of the properties: Elizabeth P.T. Zitman as Trustee of the Elizabeth P.T. Zitman Trust dated 27th day of February 2004, Pieter C. Ambachtsheer, Shannon Leigh Rottach, A-Z Poultry Farm, Inc., Stonekirk Ventures, LLC, J. Scott Kirk, W.L. Kirk Jr. as Trustees, William H Baker Trust, W.L. Kirk Jr., and Sieg & Ambachtsheer Inc., agree with the provisions of the Development Agreement.

FINDINGS REGARDING REZONING

A. That the Applicant has applied for a change of zoning from the present zoning classification of the parcel described in Exhibit "A" from Volusia County (VC) I-1, I-1c, A-1, A-1c, R-4, and R-4c to DELAND TECH PARK PD.

B. That the said rezoning to a PD is consistent with both the City of DeLand Comprehensive Plan Ordinance No. 1990-04, as amended, and the intent and purpose of the City of DeLand Land Development Regulations Ordinance No. 2013-11, as amended, and does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY COMMISSION CHAMBERS, 120 SOUTH FLORIDA AVENUE, DELAND, FLORIDA, THIS DAY OF _____, A.D., _____, AS FOLLOWS:

A. That the Application of LONGLEAF FOUR LLC for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Exhibit "A" attached hereto is hereby amended from Volusia County (VC) I-1, I-1c, A-1, A-1c, R-4, and R-4c to DELAND TECH PARK PD as described in Article VII of the City of DeLand, Land Development Regulations Ordinance No. 2013-11, as amended.

1 C. That the Official Zoning Map of the City of DeLand, is hereby amended to
2 show the rezoning of said parcel to DELAND TECH PARK PD.

3
4 D. That the City of DeLand Land Development Regulations Ordinance No. 2002-
5 09, as amended, is consistent with the provisions of the "Development Agreement" as
6 hereinafter set forth in this Ordinance and with respect to any conflict between Land
7 Development Regulations Ordinance No. 2013-11, as amended, and the "Development
8 Agreement", the provisions of the "Development Agreement" shall govern. Ordinance No.
9 2013-11, as amended, shall govern with respect to any matter not covered by the
10 "Development Agreement." The City of DeLand, will ensure overall compliance with this
11 Ordinance.

12
13 E. Unless otherwise provided for herein, the City of DeLand, Land Development
14 Regulations Ordinance No. 2013-11, as amended, shall apply to the PD in the same
15 manner as the M-1, Industrial District zoning classification.

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

DEVELOPMENT AGREEMENT

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

1. Planned Development Plan. The Planned Development Plan shall consist of the Development Plan Map prepared Vanasse Hangen Brustlin, Inc. and dated March 18, 2022 and this development agreement. The Planned Development Plan is hereby approved and incorporated in this Ordinance by reference as Exhibit "B". The Planned Development Plan shall be filed and retained for public inspection in the Planning Department and it shall constitute a supplement to the Official Zoning Map of the City of DeLand.

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

3. Site Plan Approval. After the Planned Development Plan is recorded, and prior to any construction, including clearing and landfill, a preliminary and/or a final site plan shall be submitted for review and approval in the manner required by Article 13 of the City of DeLand Land Development Regulations, Ordinance No. 2013-11, as amended.

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

3
4 C. Phases of Development. The project may be developed in one or more than
5 one phase. Grading may occur per phase. No burning shall be permitted on site.

6
7 D. Land Uses Within the PD. The development of the parcel shall be consistent
8 with the uses prescribed for each area within the proposed DELAND TECH PARK PD. The
9 location and size of said land use areas are shown on the Development Plan Map, Exhibit
10 "B". The following land uses shall be allowed as permitted principal uses and structures
11 along with their customary accessory uses and structures.

12
13 Permitted Uses within the PD:

14 General/Professional Offices.

15 Medical Office.

16 Drugstores and pharmacies.

17 Laboratories, hospitals and clinics.

18 Medical clinics over 5,000 sq. ft.

19 Veterinary clinics allowing overnight boarding for clinical care, no outside
20 runs or kennels.

21 Copying, printing and lithography.

22 Showroom commercial.

23 Day care facilities, adult or child.

24 Hotels or motels and associated accessory uses including restaurant and
25 conference facilities, without extended stays.

1 Package sales where beer and/or wine are sold for consumption off-premises
2 with DBPR 2APS license.

3 Restaurants, including fast food and/or drive through facilities, including
4 establishments serving alcohol requiring a DBPR 2COP, 3PS or 4COP
5 license with special class.

6 Food products manufacturing or wholesale.

7 Grain blending and packaging, but not milling.

8 Milk, dairy, creamery, beverage bottling, processing and wholesale plants.

9 Automobile service station and repair.

10 Marine manufacturing, sales, and service.

11 Convenience stores with or without gas pumps.

12 Grocery.

13 Retail sales.

14 Retail and service land uses.

15 Colleges or schools.

16 Government and public land uses and buildings.

17 Music, dance, gymnasium, art school or studio excluding discotheques.

18 Outdoor recreation land use.

19 Parks, mini and neighborhood.

20 Electrical, gas, plumbing and HVAC sales/service.

21 Laboratories, research, testing and development – Pharmaceutical products,
22 drugs compounding only.

23 Manufacturing – limited, including assembly and fabrication operations.

24 Research and development facilities.

25 Utilities.

Warehousing and commercial storage.

Wholesale commercial activities.

Communication towers, Cell Towers, 5G Towers.

EV charging stations.

E. Development Standards.

1. **The following lot development criteria shall apply to industrial or similar development within the PD:**

b. Maximum building height: 65 feet

c. Minimum perimeter building setbacks:

(a) Side, Street: 30 ft.

Side, Interior: 10 ft.

(b) Front: 35 ft.

(c) Rear: 25 ft.

d. Maximum lot coverage: 70 percent ("%").

e. **Parking standards shall be in accordance with the standards on the Development Plan Map.**

[Add trip generation table]

2. **The following lot development criteria shall apply to commercial/retail or similar development within the PD:**

b. Maximum building height: 80 feet

c. Minimum perimeter building setbacks:

(a) Side, Street: 20 ft.

Side, Interior: 10 ft.

Side, abutting residential: 25 ft.

(b) Front: 20 ft.

(c) Rear: 10 ft.

Rear, abutting residential: 25 ft.

d. Maximum lot coverage: 60 percent ("%").

e. Parking standards shall be in accordance with the standards on the Development Plan Map.

[Add trip generation table]

Site:

1. Landscape buffer requirements: The landscape buffers shall be installed per the City's applicable Land Development Regulations (see Buffer Standards listed in 33.92.02 of the City of DeLand Land Development Regulations). If right-of-way dedications are required by Volusia County, the landscape buffers will be measured from the new right-of-way line. Existing vegetation within the buffers will be preserved to the extent possible; however, changing the grade within the proposed landscape buffer will be permitted, provided that the graded area will be replanted using native or low-water landscape material and may use a combination of saved and planted material to meet this standard.

2. Signage: Signage shall be provided per the City's Land Development Regulations. The two existing billboards on the property shall be permitted to remain or may be consolidated into one electronic billboard.

1 3. Open Space and/or Common Area: The development shall meet the
2 Land Development Regulations Ordinance No. 2013-11.
3

4 F. Environmental Considerations. The development shall comply with the
5 requirements for preservation of environmental resources as set forth in the Land
6 Development Regulations Ordinance No. 2013-11, as amended. All landscaping, including
7 buffers, shall predominantly utilize Florida-Friendly Landscaping, as defined by the
8 University of Florida/Institute of Food and Agricultural Sciences ("UF/IFAS") Center for
9 Landscape Conservation and Ecology, native, or low-water plant material. The
10 Development Plan Map encourages environmental preservation and sustainable
11 development through the provision of substantial perimeter buffers, natural areas, open
12 space, the incorporation of Low Impact Development ("LID") stormwater strategies, as
13 developed by the UF/IFAS, Center for Landscape Conservation and Ecology, and use of
14 Florida-Friendly Landscaping. The proposed buffers will add Florida-Friendly vegetation
15 where needed to screen adjoining residential properties. The development shall include
16 landscape designs such that plants will serve environmentally friendly functions including,
17 but not limited to, cooling, privacy screening, shade, aesthetics, wildlife habitat, runoff
18 pollution prevention, and directing traffic flow onto and within the community. All mulching
19 will be conducted in accordance with the most current version of the Florida Green
20 Industries Best Management Practices (BMPs) handbook guidelines. To the extent
21 practicable, mowing shall be done in accordance with the most current version of the
22 Florida Green Industries BMPs handbook and by certified landscaping contractors. Mowing
23 adjacent to swales shall be performed such that no clippings are deposited into any swales
24 or water bodies. All clippings that may have been deposited on impervious surfaces will be
25 swept back into the vegetated area. All pesticide applications shall be done by a certified

professional in accordance with the most current version of the Florida Green Industries BMPs handbook. Additional LID options are provided as part of the Development Plan Map.

G. Sewage Disposal and Potable Water. Provision for sewage disposal, potable and reclaimed 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.

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

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

1. Access. Access to the site will be in accordance with the Development Plan Map. The Development Plan Map indicates the anticipated connection locations; however, the final locations may vary due to final engineering design and permitting considerations.

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

1 J. Internal Roadways. Road rights-of-way will be in accordance with the
2 Development Plan Map details. All internal roads will be public.

3
4 K. Reverter Provision: The City Commission may rezone any portion of the
5 project which has not secured a final development order on or before 7 years from the
6 effective date of this ordinance as may be necessary or appropriate to protect adjoining
7 properties or the public health, safety and welfare, unless the City Commission, for good
8 cause shown, shall extend the time period indicated in this paragraph.

9
10 L. Binding Effect of Plans; Recording; and Effective Date. The Planned
11 Development Plan, including any and all amendments shall bind and inure to the benefit of
12 the Applicant and its successor in title or interest. DELAND TECH PARK PD zoning,
13 provisions of the "Development Agreement," and all approved plans shall run with the land
14 and shall be administered in a manner consistent with Article 12 of the City of DeLand Land
15 Development Regulations Ordinance No. 2013-11, as amended.

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

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

ATTEST:

City Commission of DeLand Florida

Michael 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: _____

1
2 WITNESSES:
3
4
5
6
7
8
9

Developer:
LONGLEAF FOUR, LLC

Harry F. McNaught, Manager
LONGLEAF FOUR LLC

10
11
12
13 The foregoing instrument was acknowledged before me by means of ☐
14 physical presence or ☐ online notarization this _____ day of
15 _____ (mo/yr), by Harry F. McNaught, Manager of
16 LONGLEAF FOUR LLC, who is personally known to me or who has
17 produced _____ as identification.
18
19

20 NOTARY PUBLIC, STATE OF FLORIDA

21 Type or Print Name:

22 _____
23 Commission No.: _____

24 My Commission Expires: _____
25
26
27

1 WITNESSES:

Owner:

Elizabeth P.T. Zitman, as Trustee of the
Elizabeth P.T. Zitman Trust dated 27th
day of February 2004

8 _____
9 Elizabeth P.T. Zitman
10
11 _____
12
13
14

15 The foregoing instrument was acknowledged before me by means of ☐
16 physical presence or ☐ online notarization this _____ day of
17 _____ (mo/yr), by Elizabeth P.T. Zitman, who is
18 personally known to me or who has produced
19 _____ as identification.
20
21

22 NOTARY PUBLIC, STATE OF FLORIDA

23 Type or Print Name:

24 _____
25 Commission No.: _____

26 My Commission Expires: _____
27
28

1 WITNESSES:

Owners:

Pieter C. Ambachtsheer and Shannon
Leigh Rottach

6 _____
7 Pieter C. Ambachtsheer
8
9 _____

12 _____
13 Shannon Leigh Rottach
14
15 _____

18 The foregoing instrument was acknowledged before me by means of ☐
19 physical presence or ☐ online notarization this _____ day of
20 _____ (mo/yr), by _____ and
21 _____, who are personally known to me or who
22 have produced _____ as identification.

25 NOTARY PUBLIC, STATE OF FLORIDA

26 Type or Print Name:

27 _____
28 Commission No.: _____

29 My Commission Expires: _____
30

1 WITNESSES:

Owner:
A-Z Poultry Farm, Inc.

6 _____
7 _____
8 Print: _____
9 _____

10
11
12
13 The foregoing instrument was acknowledged before me by means of ☐
14 physical presence or ☐ online notarization this _____ day of
15 _____ (mo/yr), by _____, as
16 _____ of A-Z Poultry Farm, LLC, who is personally
17 known to me or who has produced _____ as
18 identification.

19
20
21 NOTARY PUBLIC, STATE OF FLORIDA

22 Type or Print Name:

23 _____
24 Commission No.: _____

25 My Commission Expires: _____
26

1 WITNESSES:

Owner:
Stonekirk Ventures, LLC

2
3
4
5 _____
6
7
8 _____

Print: _____

9
10
11
12 The foregoing instrument was acknowledged before me by means of ☐
13 physical presence or ☐ online notarization this _____ day of
14 _____ (mo/yr), by _____, who is
15 _____ of Stonekirk Ventures, LLC and who is personally
16 known to me or who has produced _____ as
17 identification.
18
19

20 NOTARY PUBLIC, STATE OF FLORIDA

21 Type or Print Name:

22 _____

23 Commission No.: _____

24 My Commission Expires: _____
25
26
27

1 WITNESSES:

Owners:

W. L. Kirk Jr. Trustees and Scott Kirk

2
3
4
5 _____

6
7
8 _____

Print: _____

9
10 _____

11 Scott Kirk

12
13 _____

14
15
16 The foregoing instrument was acknowledged before me by means of ☐
17 physical presence or ☐ online notarization this _____ day of
18 _____ (mo/yr), by _____ and
19 _____, who are is personally known to me or who have
20 produced _____ as identification.
21
22

23 NOTARY PUBLIC, STATE OF FLORIDA

24 Type or Print Name:

25 _____

26 Commission No.: _____

27 My Commission Expires: _____

1 WITNESSES:

Owner:
WILLIAM H. BAKER TR

Print: _____

2
3
4
5
6
7
8
9
10
11
12 The foregoing instrument was acknowledged before me by means of ☐
13 physical presence or ☐ online notarization this _____ day of
14 _____ (mo/yr), by _____, who is
15 _____ of the William H. Baker TR and who is personally
16 known to me or who has produced _____ as
17 identification.
18
19

20 NOTARY PUBLIC, STATE OF FLORIDA

21 Type or Print Name:

22 _____
23 Commission No.: _____

24 My Commission Expires: _____
25

1 WITNESSES:

Owner:
W.L. KIRK, JR.

Print: _____

2
3
4
5
6
7
8
9
10
11
12 The foregoing instrument was acknowledged before me by means of ☐
13 physical presence or ☐ online notarization this _____ day of
14 _____ (mo/yr), by _____, who is
15 personally known to me or who has produced
16 _____ as identification.
17
18

19 NOTARY PUBLIC, STATE OF FLORIDA

20 Type or Print Name:

21 _____
22 Commission No.: _____

23 My Commission Expires: _____
24

1 WITNESSES:

Owner:
SIEG & AMBACHTSHEER, INC.

Print: _____

2
3
4
5
6
7
8
9
10
11
12 The foregoing instrument was acknowledged before me by means of ☐
13 physical presence or ☐ online notarization this _____ day of
14 _____ (mo/yr), by _____, who is
15 _____ of Sieg & Ambachtsheer, Inc. and who is
16 personally known to me or who has produced
17 _____ as identification.
18
19

20 NOTARY PUBLIC, STATE OF FLORIDA

21 Type or Print Name:

22 _____
23 Commission No.: _____

24 My Commission Expires: _____
25
26

EXHIBIT "A"
LEGAL DESCRIPTION

1
2
3
4
5
6
7
8
9
10
11

**DELAND TECH PARK PD
LEGAL DESCRIPTION**

All that tract or parcel of land situate in Section 6, Township 18 South, Range 31 East, Volusia County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 6, thence proceed North 89°53'22" East, along said Northerly line, a distance of 312.84' to the Southwest corner of Section 36 of Township 17 South, Range 31 East; thence continue along said Northerly line, North 89°54'31" East, a distance of 1088.49'; thence departing said Northerly line, South 00°14'12" East, a distance of 1392.56' to the Southerly monumented Right of Way line of Cassadaga Road (County Road 4139) and the **Point of Beginning**; thence North 89°19'39" East, along said Southerly Right of Way line, a distance of 527.85' to the beginning of a curve concave to the Northwest, having a Radius of 300.00', a Central Angle of 25°44'19", a Chord Bearing of North 76°27'29" East, a Chord Distance of 133.64', and an Arc Length of 134.77' to a Point of Cusp of said curve; thence departing said curve, continue along said monumented Southerly Right of Way line, South 42°48'57" East, a distance of 117.98'; thence continue, South 65°48'52" East, a distance of 328.72'; thence continue, North 24°09'13" East, a distance of 279.20'; thence continue, South 72°13'09" East, a distance of 170.39' to the Point of Curvature of a curve concave to the Northeast, having a Radius of 763.41', a Central Angle of 12°48'53", a Chord Bearing of South 78°37'35" East, a Chord Distance of 170.39', and an Arc Length of 170.74' to the Point of Tangency; thence continue, South 85°02'02" East, a distance of 296.20'; thence continue North 89°17'02" East, a distance of 313.15' to the intersection of said monumented southerly Right of Way line of said Cassadaga Road and the Westerly Limited Access Right of Way line of Interstate 4 (State Road 400) as shown on Florida Department of Transportation Right of Way Map, Section 79110, Financial Project 242655-1; thence departing said Southerly Right of Way line, thence South 15°45'27" West, along said Westerly limited Access Right of Way line, a distance of 2,426.29' to the intersection of said Westerly Limited access Right of Way line and the Southerly line of the North one-half of Government Lot 7 of said Section 6; thence departing said Westerly Limited Access Right of Way line, North 89°30'27" West, along said southerly lines of said Government Lot 7 and Government Lot 6, a distance of 802.87' to the Southeast corner of Lot 19 of Yourlando Farms and Groves, according to the Map of Plat recorded in Map Book 10, Pages 227-228, Public Records of Volusia County, Florida; thence North 89°50'30" West, along the South lines of Lots 19 and 20 of said Plat, a distance of 617.69 feet to the Southwest corner of said Lot 20, also being the Northeast corner of Lot 27 of said Plat; thence South 00°14'50" East, along the Easterly line of Lot 27, a distance of 250.09' thence departing said Easterly line, South 35°50'28" West, a distance of 354.28' to the Northerly Right of Way line of State Road 472, as shown on said Florida Department of Transportation Right of Way Map, thence North 54°12'12" West, along said Northerly Right of Way line, a distance of 1,481.04' to the intersection of said Northerly Right of Way line, and the Easterly Right of Way line of Dr. Martin Luther King, Jr Beltway as shown on Volusia County, Florida Right of Way Map, Project 1113-3; thence departing said Northerly Right of Way line, North 00°27'52" West, along said Easterly Right of Way line, a distance of 703.97' to the Point of Curvature of a curve concave to the Southeast, having a Radius of 98.00', a Central Angle of 45°56'03", a Chord Bearing of North 22°30'10" East, a Chord Distance of 76.55' and an Arc length of 78.64' to the Point of Tangency; thence continue North 45°28'12" East, a distance of 26.79' to a Point of Cusp on a curve concave to the East, having a Radius of 5,629.58', a Central Angle of 02°41'42", a Chord Bearing of North 04°08'43" East, a Chord Distance of 264.78' and an Arc Length of 264.80'; thence departing said curve and said Easterly Right of Way, North 89°29'37" East, a distance of 362.16' to the Point of Curvature of a curve concave to the south, having a Radius of 1,440.00', a Central Angle of 07°52'25", a Chord Bearing of South

86°34'11" East, a Chord distance of 197.73', and an Arc Length of 197.89' to the Point of Compound Curvature of a curve concave Southwesterly, having a Radius of 35.00', a Central Angle of 57°30'05", a Chord Bearing of South 53°53'06" East, a Chord Distance of 33.67', and an Arc length of 35.13' to the Point of Reverse Curvature of a curve concave to the North, having a Radius of 80.00', a Central Angle of 107°25'34", a Chord Bearing of South 78°50'59" East, a Chord Distance of 128.97', and an Arc length of 149.99 feet to the Point of Reverse Curvature of a curve concave to the Southeast, having a Radius of 35.00', a Central Angle of 57°30'05", a Chord Bearing of North 76°11'07" East, a Chord Distance of 33.67', and an Arc Length of 35.13' to the Point of Reverse Curvature of a curve concave to the Northeast, having a Radius of 1,440.00', a Central Angle of 00°55'43", a Chord Bearing of South 74°36'09", a Chord Distance of 23.34' and an Arc length of 23.34' to the Point of Tangency; thence South 74°08'17" East, a distance of 122.73' to the Point of Curvature of a curve concave Northeasterly, having a Radius of 1,560.00, a Central Angle of 16°08'10", a Chord Bearing of South 82°12'22" East, a Chord Distance of 437.89', and an Arc length of 439.34' to the Point of Tangency; thence North 89°43'33" East, a distance of 19.89' to the Westerly line of Lot 17 of said Yourlando Plat; thence North 00°08'31" West, along said Westerly line, a distance of 84.03' to the Northwest corner of said Lot 17, also being the Southeast corner of Government Lot 4 of said Section 6; thence North 00°14'21" West, along the Easterly line of said Government Lot 4, a distance of 1,036.68' to the **Point of Beginning**.

Said tract or parcel contains 141.90 Acres, More or Less.

EXHIBIT "B"

PD PLAN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Revised May 3, 2022 u/p/zone/pd_doc

SITE DATA

Project Size	143.24 AC
Wellhead Acreage	0
Future Land Use	Commercial (West Activity Center), West Central District (West Activity Center);
Existing Zoning	VC; I-1; VC; A-1; VC; A-1c; VC; I-1c; VC; R-4
Proposed Zoning	(PUD) Planned Unit Development

Adjacent Future Land Use

North	South	East	West
Urban Low Intensity (County)/Went Central District (City)	Crossing PUO (Orange City)	Urban Low Intensity/ Urban Medium Intensity (County)	SWAC Commerce (County)

Adjacent Zoning

North	South	East	West
VC:R-4 (Urban Single-Family Residential)	VC:I-1 (Light Industrial)	VC:R-R (Rural Residential)/R-4 (Urban Single-Family Residential)	VC:SWC

Max Impervious Surface Ratio Permitted 80% (Commercial and mixed-use), 70% (Industrial)

DEVELOPMENT PROGRAM

Parcel NO	Land Use	Gross Acres	Development Program
1	Industrial	120.60 AC	1,500,000 ⁰⁰
2	Commercial: Power Center/Neighborhood Retail	9.84 AC	130,000 ⁰⁰
3	Commercial: Power Center/Neighborhood Retail/ Gas Station with Convenience Store	12.80 AC	110,000 ⁰⁰
TOTAL		143.24 AC	1,740,000⁰⁰

Permitted Uses: Permitted uses shall be those described in the West Central District and Commerce District regulations in the City of Deland Comprehensive Plan and listed in the PD Agreement.

Phase	Time
-------	------

OPEN SPACE	
LAND USE	ACREAGE PROVIDED
Commercial/Mixed Use	8.81 AC
Industrial	18.38 AC

*15% of the property shall be dedicated to the tree preservation.

NON-RESIDENTIAL DEVELOPMENT STANDARDS

Retail/Restaurant

Max Lot Coverage		80%
Max Building Height		8'
Minimum Setbacks	Front	10' (25' when abutting residential-zoned properties) (20' when abutting streets)
	Side	10'
	Rear	10' (25' when abutting residential-zoned properties)

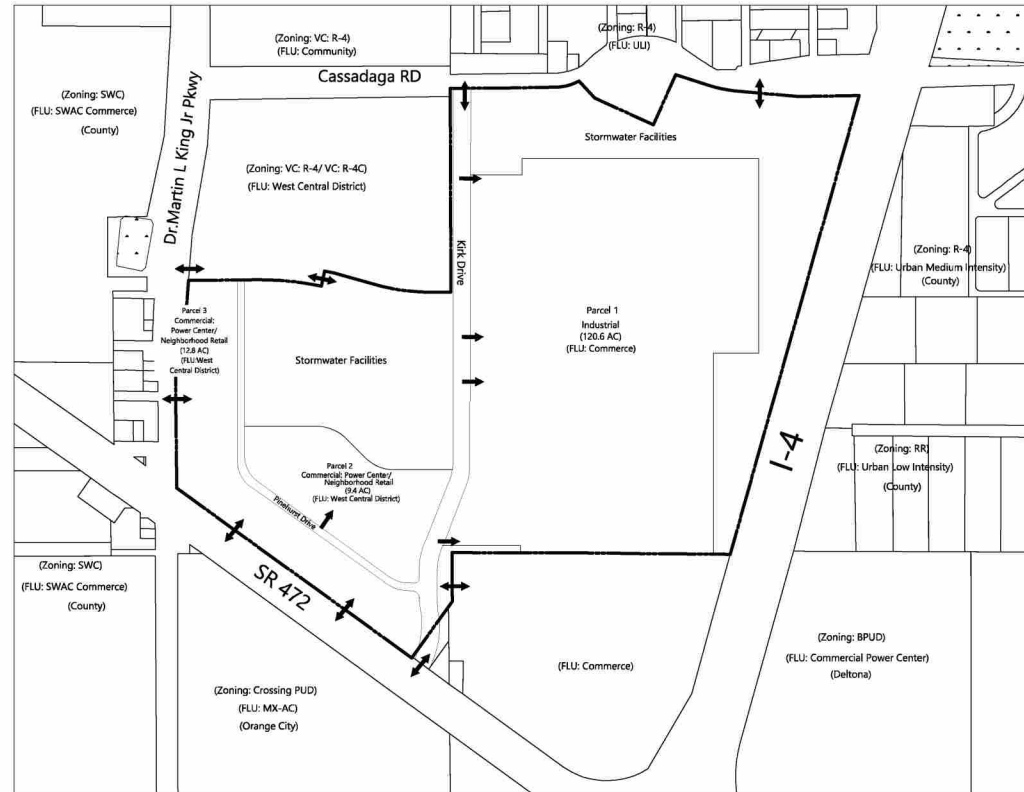
Industrial

Max Lot Coverage	70%
Max Building Height	65
Minimum Setbacks	
Front	35'
Side	10'
	(30' when abutting streets)
Rear	25'

PARKING

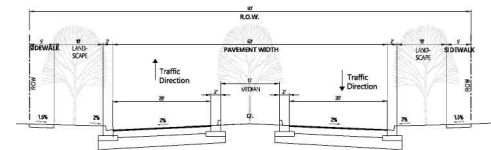
PARKING:	PARKING RATIO (SPACE/SE)	SPACE PROVIDED
Industrial	1 space/1,000 square feet of net floor area * for the first 20,000 square feet devoted to warehousing plus the required parking for square footage devoted to other uses 1 space/2,000 square feet for the second 20,000 square feet 1 space/4,000 square feet for floor area in excess of 40,000 square feet	345
Commercial	3 spaces/300 square feet of net floor area* and 1 space/very additional 250 square feet	485

* Computations per section 33-81.01(c)3.

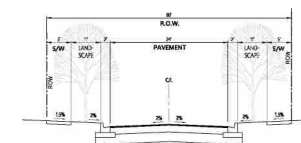


DEVELOPMENT NOTES

1. All acreages are subject to change with final engineering and final plat review and approval.
2. Per City of Deland LDC Sec 33-57, historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in article VI of chapter 35, may not be removed without applicant's prior approval of a permit by the city. Modifications of less than 15 percent of the canopy for tree preservation is required.
3. Per City of Deland LDC Sec 33-92, landscaped buffers are required along street frontages where are proposed per article VIII of chapter 35.
4. Per City of Deland LDC Sec 33-17, additional buffer and sign requirements apply to developments within and/or along special overlay districts per article VI of chapter 33.
5. Per City of Deland LDC Sec 33-61, parking on grass and sidewalks is prohibited. Vehicle use areas shall be paved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer. Paved areas shall be included in the site's impervious surface calculations.
6. Unless otherwise prohibited in the list of primary, conditional or special-use exceptions for each zoning district, outdoor display of equipment, supplies, merchandise, or personal property is permitted in compliance with section 33-27.04.
7. Site and building aesthetics shall comply with the Community Design Standards in City of Deland LDC Sec 33-94.
8. Stormwater management areas shall be provided per each phase of development.
9. Low Impact Development (LID) techniques shall be implemented to reduce stormwater runoff. LID options are the following:



Neighborhood Connector Typical Road Section



Local Street Typical Road Section



225 E. Robinson Street
Suite 300
Orlando, FL 32801
407.839.4006
Certificate of Authorization
Number FL #3932

LEGEND

-
- PROJECT BOUNDARY
 - PARCEL LIMITS
 - WETLAND
 - PROPOSED ACCESS POINT



DeLand Tech Park PD

City of DeLand, Florida

Date	Description	Debit	Credit
Total To			

March 21, 2022

Vertical Datum: NAVD 1988
 Contour Interval: 10'

Drawing Number

1	2
---	---

May. 03, 2022

**DELAND TECH PARK PD
LEGAL DESCRIPTION**

All that tract or parcel of land situate in Section 6, Township 18 South, Range 31 East, Volusia County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 6, thence proceed North $89^{\circ}53'22''$ East, along said Northerly line, a distance of 312.84' to the Southwest corner of Section 36 of Township 17 South, Range 31 East; thence continue along said Northerly line, North $89^{\circ}54'31''$ East, a distance of 1088.49'; thence departing said Northerly line, South $00^{\circ}14'12''$ East, a distance of 1392.56' to the Southerly monumented Right of Way line of Cassadaga Road (County Road 4139) and the **Point of Beginning**; thence North $89^{\circ}19'39''$ East, along said Southerly Right of Way line, a distance of 527.85' to the beginning of a curve concave to the Northwest, having a Radius of 300.00', a Central Angle of $25^{\circ}44'19''$, a Chord Bearing of North $76^{\circ}27'29''$ East, a Chord Distance of 133.64', and an Arc Length of 134.77' to a Point of Cusp of said curve; thence departing said curve, continue along said monumented Southerly Right of Way line, South $42^{\circ}48'57''$ East, a distance of 117.98'; thence continue, South $65^{\circ}48'52''$ East, a distance of 328.72'; thence continue, North $24^{\circ}09'13''$ East, a distance of 279.20'; thence continue, South $72^{\circ}13'09''$ East, a distance of 170.39' to the Point of Curvature of a curve concave to the Northeast, having a Radius of 763.41', a Central Angle of $12^{\circ}48'53''$, a Chord Bearing of South $78^{\circ}37'35''$ East, a Chord Distance of 170.39', and an Arc Length of 170.74' to the Point of Tangency; thence continue, South $85^{\circ}02'02''$ East, a distance of 296.20'; thence continue North $89^{\circ}17'02''$ East, a distance of 313.15' to the intersection of said monumented southerly Right of Way line of said Cassadaga Road and the Westerly Limited Access Right of Way line of Interstate 4 (State Road 400) as shown on Florida Department of Transportation Right of Way Map, Section 79110, Financial Project 242655-1; thence departing said Southerly Right of Way line, thence South $15^{\circ}45'27''$ West, along said Westerly limited Access Right of Way line, a distance of 2,426.29' to the intersection of said Westerly Limited access Right of Way line and the Southerly line of the North one-half of Government Lot 7 of said Section 6; thence departing said Westerly Limited Access Right of Way line, North $89^{\circ}30'27''$ West, along said southerly lines of said Government Lot 7 and Government Lot 6, a distance of 802.87' to the Southeast corner of Lot 19 of Yourlando Farms and Groves, according to the Map of Plat recorded in Map Book 10, Pages 227-228, Public Records of Volusia County, Florida; thence North $89^{\circ}50'30''$ West, along the South lines of Lots 19 and 20 of said Plat, a distance of 617.69 feet to the Southwest corner of said Lot 20, also being the Northeast corner of Lot 27 of said Plat; thence South $00^{\circ}14'50''$ East, along the Easterly line of Lot 27, a distance of 250.09'; thence departing said Easterly line, South $35^{\circ}50'28''$ West, a distance of 354.28' to the Northerly Right of Way line of State Road 472, as shown on said Florida Department of Transportation Right of Way Map, thence North $54^{\circ}12'12''$ West, along said Northerly Right of Way line, a distance of 1,481.04' to the intersection of said Northerly Right of Way line, and the Easterly Right of Way line of Dr. Martin Luther King, Jr Beltway as shown on Volusia County, Florida Right of Way Map, Project 1113-3; thence departing said Northerly Right of Way line, North $00^{\circ}27'52''$ West, along said Easterly Right of Way line, a distance of 703.97' to the Point of Curvature of a curve concave to the Southeast, having a Radius of 98.00', a Central Angle of $45^{\circ}56'03''$, a Chord Bearing of North $22^{\circ}30'10''$ East, a Chord Distance of 76.55' and an Arc length of 78.64' to the Point of Tangency; thence continue North $45^{\circ}28'12''$ East, a distance of 26.79' to a Point of Cusp on a curve concave to the East, having a Radius of 5,629.58', a Central Angle of $02^{\circ}41'42''$, a Chord Bearing of North $04^{\circ}08'43''$ East, a Chord Distance of 264.78' and an Arc Length of 264.80'; thence departing said curve and said Easterly Right of Way, North $89^{\circ}29'37''$ East, a distance of 362.16' to the Point of Curvature of a curve concave to the south, having a Radius of 1,440.00', a Central Angle of $07^{\circ}52'25''$, a Chord Bearing of South

86°34'11" East, a Chord distance of 197.73', and an Arc Length of 197.89' to the Point of Compound Curvature of a curve concave Southwesterly, having a Radius of 35.00', a Central Angle of 57°30'05", a Chord Bearing of South 53°53'06" East, a Chord Distance of 33.67', and an Arc length of 35.13' to the Point of Reverse Curvature of a curve concave to the North, having a Radius of 80.00', a Central Angle of 107°25'34", a Chord Bearing of South 78°50'59" East, a Chord Distance of 128.97', and an Arc length of 149.99 feet to the Point of Reverse Curvature of a curve concave to the Southeast, having a Radius of 35.00', a Central Angle of 57°30'05", a Chord Bearing of North 76°11'07" East, a Chord Distance of 33.67', and an Arc Length of 35.13' to the Point of Reverse Curvature of a curve concave to the Northeast, having a Radius of 1,440.00', a Central Angle of 00°55'43", a Chord Bearing of South 74°36'09", a Chord Distance of 23.34' and an Arc length of 23.34' to the Point of Tangency; thence South 74°08'17" East, a distance of 122.73' to the Point of Curvature of a curve concave Northeasterly, having a Radius of 1,560.00, a Central Angle of 16°08'10", a Chord Bearing of South 82°12'22" East, a Chord Distance of 437.89', and an Arc length of 439.34' to the Point of Tangency; thence North 89°43'33" East, a distance of 19.89' to the Westerly line of Lot 17 of said Yourlando Plat; thence North 00°08'31" West, along said Westerly line, a distance of 84.03' to the Northwest corner of said Lot 17, also being the Southeast corner of Government Lot 4 of said Section 6; thence North 00°14'21" West, along the Easterly line of said Government Lot 4, a distance of 1,036.68' to the **Point of Beginning**.

Said tract or parcel contains 141.90 Acres, More or Less.

Page 176 of 218

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

May 18, 2022

A. APPLICATION NO.: Z22-070 Putnam Renovation

APPLICANT: Peter King, Axia Putnam LLC

REQUEST: The applicant is requesting to amend the zoning of property located at 125 N. Clara Ave.

From: R-1A (Single-Family Residential)

To: C-2A (Downtown Commercial)

APPLICABLE ORDINANCES:

Article XII

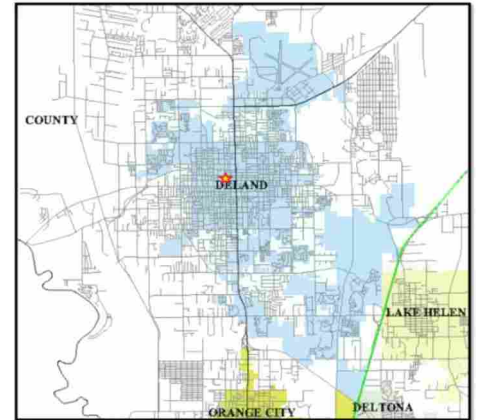
ADMINISTRATION AND ENFORCEMENT

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

Location: 225 W. New York Ave.

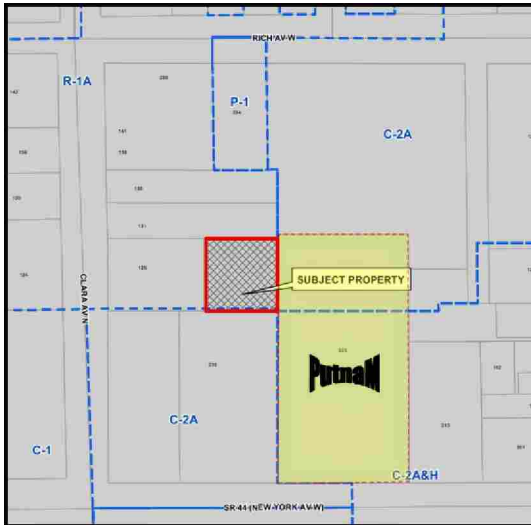
Parcel Size: 0.23 ± acres (10,000 sq. ft.)

Existing Use: Vacant residential



B. ANALYSIS:

The Putnam Hotel is in the process of being renovated into apartment units. In order to meet the parking requirements for the site, the rear portion of the adjacent property located at 125 N. Clara was purchased to be added onto the Putnam site located at 225 W. New York Avenue. The original property totaled 0.5 acres and a 100' x 100' portion of the site (10,000 square feet) has been carved off from the residential property and purchased for use by the Putnam.



The residential property has a designation of R-1A and the Putnam is zoned C-2A (Downtown Commercial). In order to create consistency for the parcels, the newly acquired portion is to be rezoned by this request. The proposed use of the property will be for parking purposes. The city previously amended the future land use map to the Downtown Commercial land use designation and this rezone would create consistency for the property.

Section 33-135 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 existing zoning designation is described as follows:

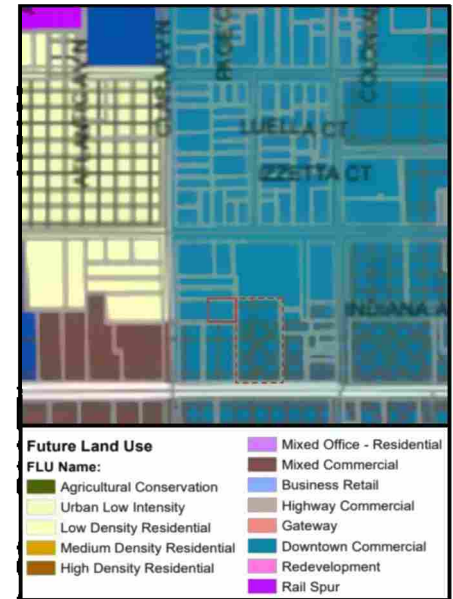
33-17.031. R-1A—Single-Family Dwelling District.

- (a) *Statement of intent.* The purpose and intent of the R-1A Single-Family Residential District is to provide low density residential neighborhoods in an urban setting with less stringent development standards than the R-1AA district.

The proposed zoning designation is described as follows:

33-17.17. C-2A—Downtown Commercial District.

- (a) *Statement of intent.* The purpose of this zoning district is to provide for residential, retail, and service needs of the Central Business District (CBD). The list of permitted uses contains those land uses that are oriented to the downtown area.



This property has a Downtown Commercial land use designation. The proposed zoning designation is consistent with the existing land use.

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

Rezoning of the property will only amend the permitted uses of the property and create consistency between the land use and zoning designations. It will not impact the environment or natural resources.

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

The property is vacant and as a former residential property has contributed to the tax base. The rezoning action will have no impact upon the economy and the property will continue to add to the tax base as a new addition to the Putnam site.

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

The rezoning action will not impact governmental services. The property is located within the urban area and such services are already provided. No new services are required because of the rezoning action. The property is proposed to be used for parking for the apartments that will be developed on the Putnam site.

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 redevelopment of the Putnam has created the necessity for additional space to accommodate the anticipated use of the nearby Putnam property as apartments. This action supports those changes.

6. Was there a mistake in the original classification?

The property had a residential land use designation at some point prior to the amendment to the Downtown Commercial category. The Downtown Commercial designation allows multi-family residential units.

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

The proposed rezoning will remove the property from the single-family residential use category but that will only impact the adjacent parcel from which this has been carved off. There is anticipated to be no adverse impact to the larger area. The property to the south is the Volusia County's Records storage building and property to the north (131 N. Clara Ave.) is listed as a single-family use. Buffers will be required between the uses at the site plan stage.

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

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

C. CONCLUSION:

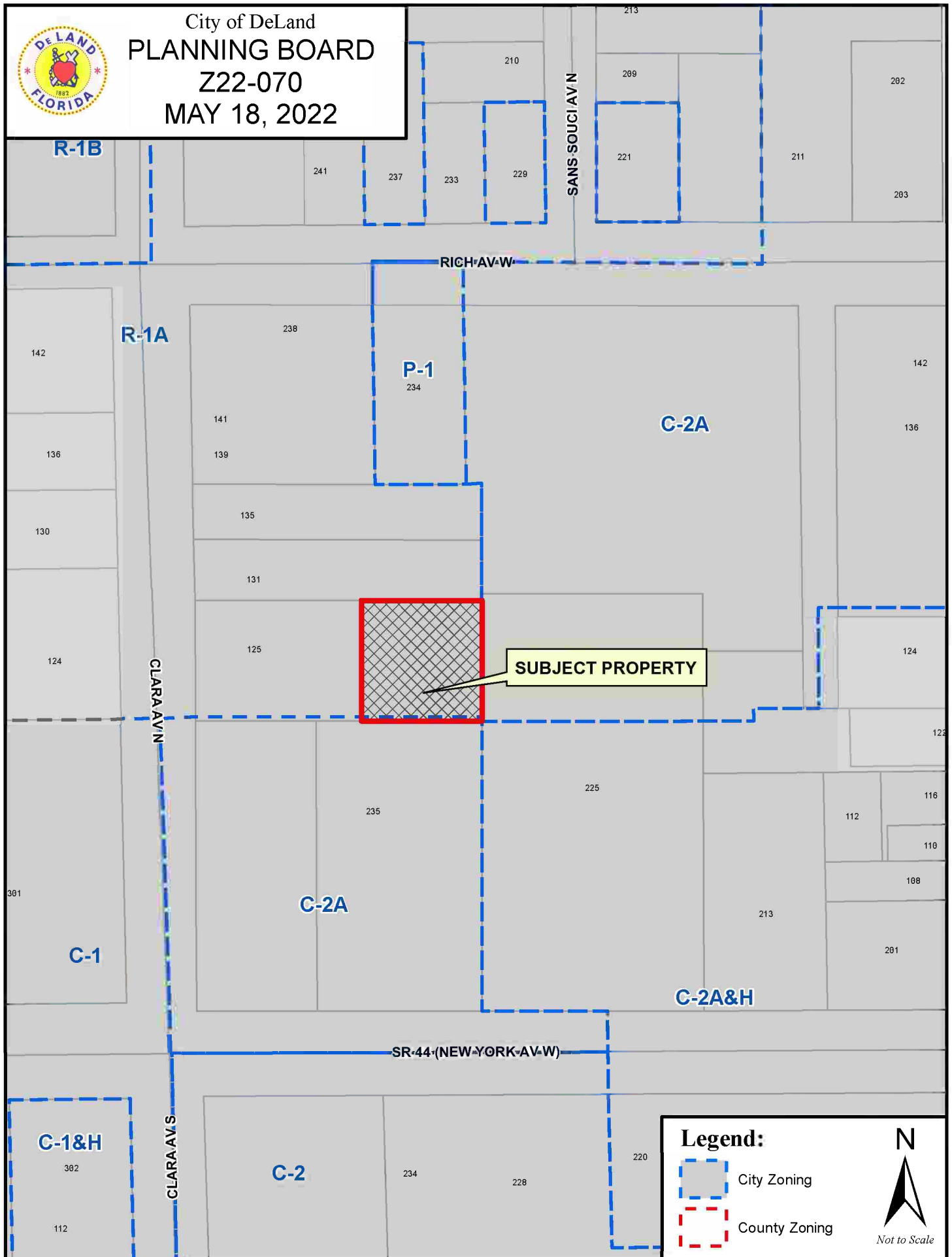
This rezoning request will bring the property into compliance with the land use designation and enable the Putnam to use the property for its intended purpose - parking.

D. STAFF RECOMMENDATION:

Staff recommends that the Planning Board forward to the City Commission a recommendation of approval for the rezoning request. *(The City Commission will address the proposed rezoning for first reading at 7 p.m., June 20 2022.)*



City of DeLand
PLANNING BOARD
Z22-070
MAY 18, 2022



Legend:

-  City Zoning
-  County Zoning





City of DeLand
PLANNING BOARD
Z22-070
MAY 18, 2022





Planning Department

Memorandum

TO: Mark Watts, Cobb Cole

DATE: May 11, 2022

FROM: Belinda Williams-Collins, Sr. Planner

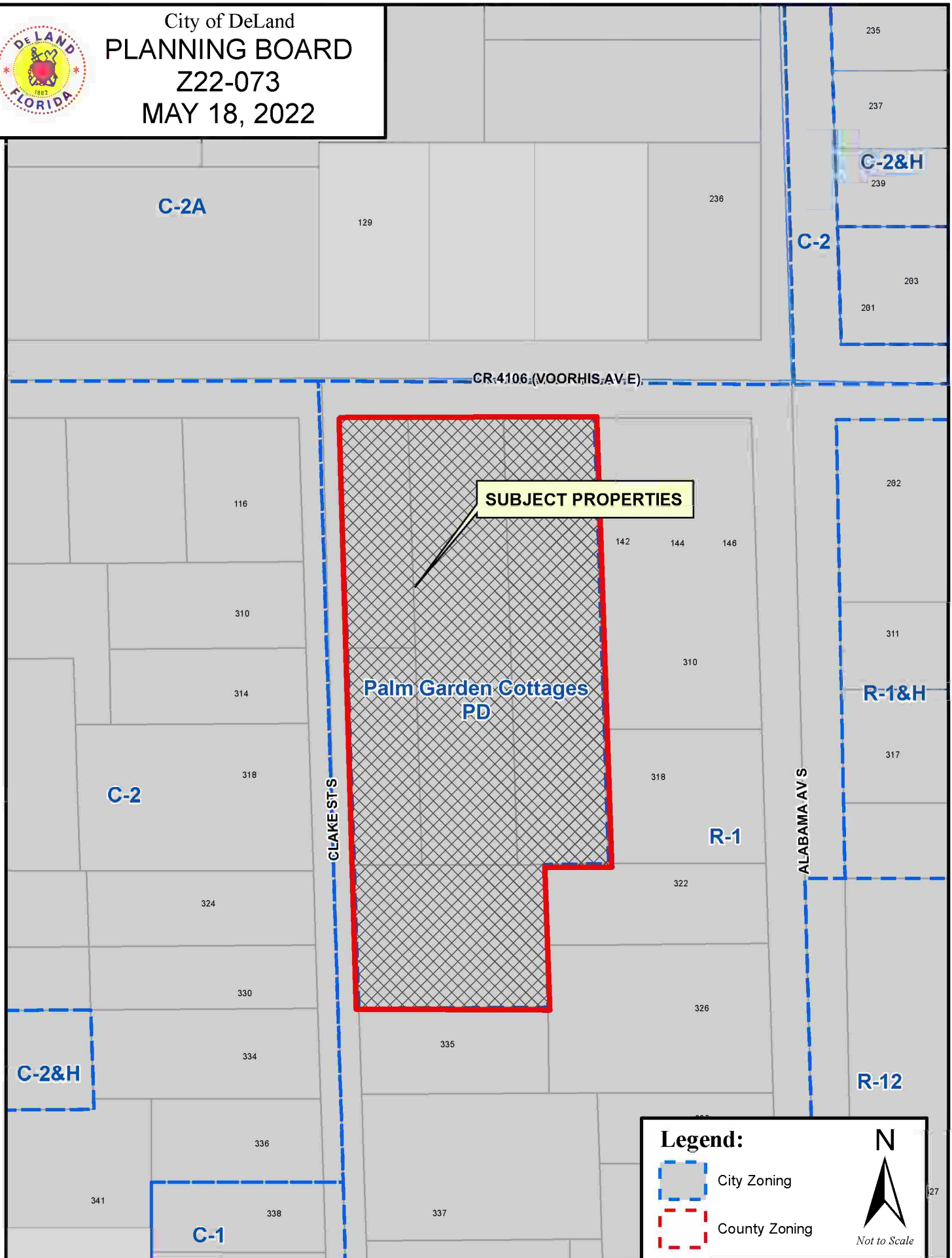
SUBJECT: Z22-073 - DeLand Commons Rezone, S. Clake St.

It has come to the attention of Planning staff that the application to rezone the property listed above to the C-2A (Downtown Commercial) zoning designation cannot go forward because the underlying land use category has not been amended to support the rezoning. As such, staff will request a continuance of the application which was scheduled to be heard at the May 18, 2022 Planning Board meeting.

At your earliest convenience, please provide an application to amend the land use designation and it will be placed on the next available Planning Board agenda. The applications may run concurrently and be approved at the same time. Please contact the Planning Department if you have any questions or concerns.



City of DeLand
PLANNING BOARD
Z22-073
MAY 18, 2022



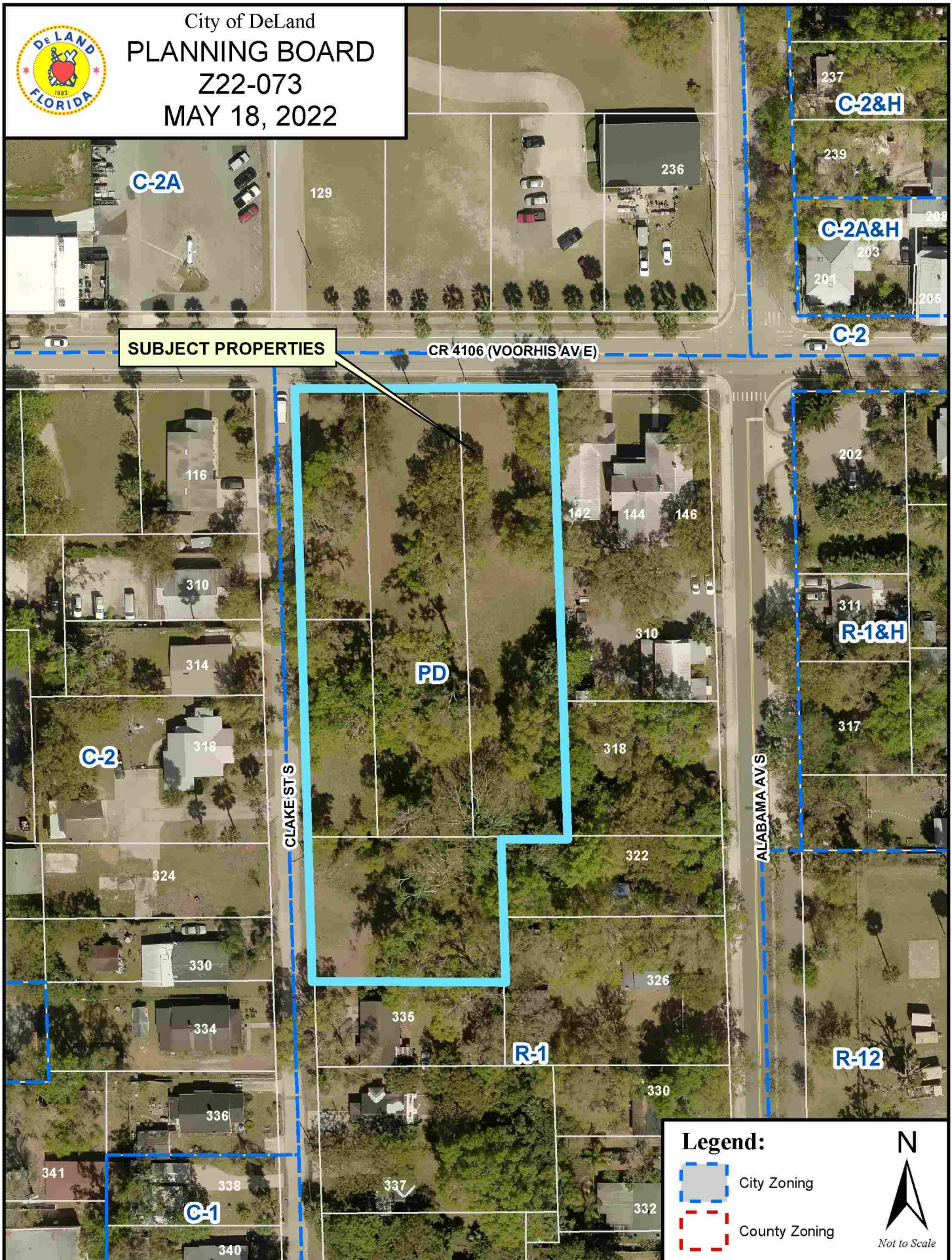
Legend:

- City Zoning
- County Zoning





City of DeLand
PLANNING BOARD
Z22-073
MAY 18, 2022



**PLANNING DEPARTMENT STAFF REPORT
TO
PLANNING BOARD
May 18, 2022**

APPLICATION NO.: Z22-075

APPLICANT: City of DeLand

REQUEST: Amend the existing zoning designation from Royal Oaks PD to E-1 Educational District

APPLICABLE REGULATIONS:

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

A. SITE FACTORS:

Location:	Generally located at the southwest corner of Kepler Road and North Summit Avenue (CR 4139)
Parcel Size:	± 1.45 acres
Parcel ID:	7024-00-00-0024
Land Use:	Lake Winnemissett Gateway Corridor
Existing Zoning:	Royal Oaks PD
Existing Use:	Undeveloped

	SURROUNDING USE:	SURROUNDING ZONING:
North:	Educational	E-1
South:	LDR	Park Lake Estates PD
East:	LDR; Educational	VC: P (Public)
West:	VC: PSP (Public/Semi-Public)	E-1; Park Lake Estates PD

B. ANALYSIS:

The subject property consists of ± 1.45 acres of property generally located on the west side of CR 4139, south of E. New York Avenue, and across from Daytona State College DeLand Campus. The subject property is currently zoned Royal Oaks PD and is owned by Deprop LLC. The City of DeLand has negotiated an agreement with the owner of the subject property to exchange it for an equally sized portion of a parcel the City owns. The intent is to facilitate construction of the future Beresford Extension to SR 44.

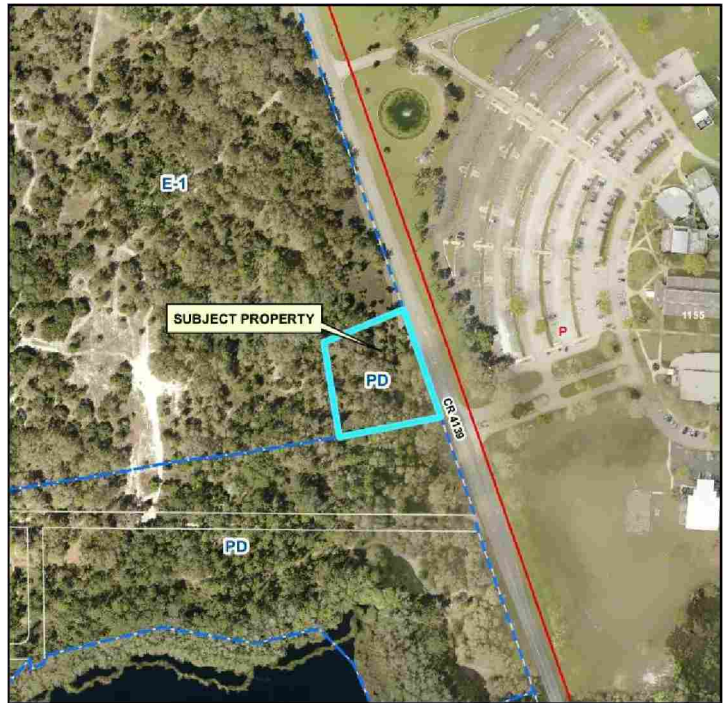
The transaction will transfer ownership of the subject property from Deprop LLC to the City of DeLand, while at the same time transferring ownership of the City-owned parcel to Deprop LLC. The parcel that will be transferred to Deprop LLC is ±1.3 acres and is generally located on the east side of Dr. Martin Luther King Jr. Beltway, north of Havasu Falls Drive. This transaction will be an even transaction between the City of DeLand and Deprop LLC, and will not require the exchange of City funds.

A rezone is being requested for the subject property from Royal Oaks PD to E-1 (Educational), consistent with the school board property to the north. The subject property is currently designated as Highway Commercial on the Future Land Use map. The E-1 zoning classification is allowed in all land use designations.

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

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

The subject property is in character with the surrounding area and zoning pattern; an application for a land use amendment was submitted, changing the land use to Educational, making the zoning to E-1 consistent and compatible.



- 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 an offic

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

The request to rezone is part of an agreement made between the City and the property owner to swap the subject property with another property located on Dr. Martin Luther King Jr. Beltway so that the Beresford Extension may be constructed. The Extension will positively impact the area by reducing congestion, thus making the area more desirable and therefore more valuable.

- 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.

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

Once the pending Beresford Extension is completed, it will help alleviate local traffic in the area by providing a more efficient, alternate route.

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

The property is needed to allow for the Beresford Extension to be constructed.

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

The plan is to rezone and transfer property from Deprop LLC to the City of DeLand to allow for the Beresford Extension to be constructed.

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

The impact will be positive in that the reduction in traffic congestion makes roads safer for both cars and pedestrians.

C. CONCLUSION:

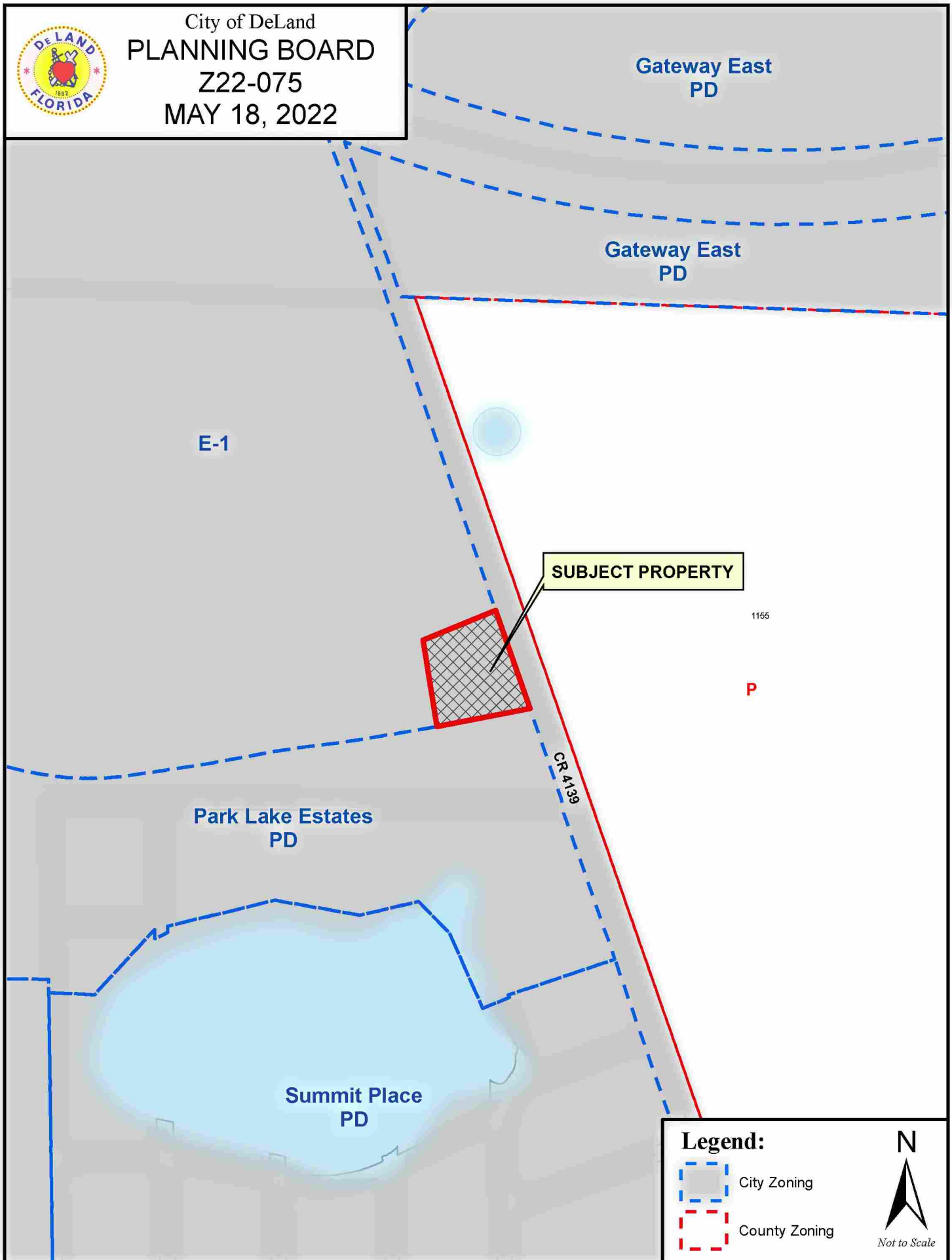
The request is to rezone the subject property to E-1 (Education) as part of a land swap between Deprop LLC and the City of DeLand.

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 any and all comments from Staff and the Planning Board.



City of DeLand
PLANNING BOARD
Z22-075
MAY 18, 2022





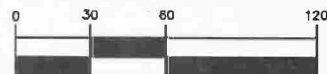
City of DeLand
PLANNING BOARD
Z22-075
MAY 18, 2022



LEGEND & ABBREVIATIONS:

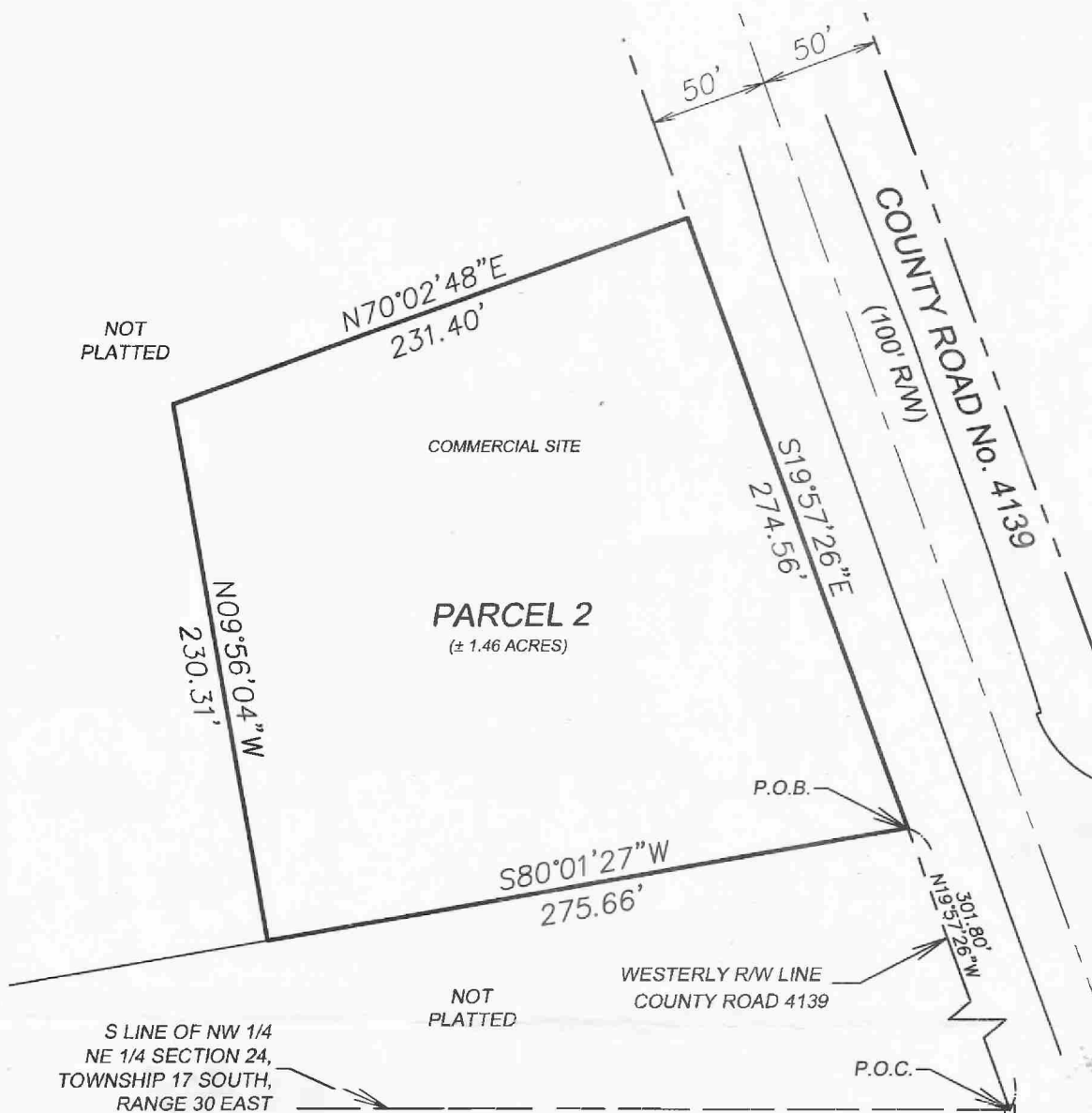
RCP	=	REINFORCED CONCRETE PIPE
CMP	=	CORRUGATED METAL PIPE
No.	=	NUMBER
P.O.C.	=	POINT OF COMMENCEMENT
P.O.B.	=	POINT OF BEGINNING
WBF	=	WOOD BOARD FENCE
HWF	=	HOG WIRE FENCE
CLF	=	CHAIN LINK FENCE
R/W	=	RIGHT OF WAY
I.P.	=	IRON PIPE
I.R.	=	IRON ROD
C.C.R.	=	CURB CUT RAMP
SEC.	=	SECTION
I.D.	=	IDENTIFICATION
C.	=	CENTERLINE
L.B.	=	CERTIFICATE OF AUTHORIZATION #
E/P	=	EDGE OF PAVEMENT
C.B.	=	CHORD BEARING
PLS/PSM	=	PROFESSIONAL SURVEYOR AND MAPPER
PC	=	POINT OF CURVATURE
PT	=	POINT OF TANGENCY
DRMP	=	DYER, RIDDLE, MILLS & PRECOURT, INC.

GRAPHIC SCALE



(IN FEET)

1 INCH = 60 FEET



MAP OF DESCRIPTION

THIS IS NOT A SURVEY

SHEET 1 OF 2

DESCRIPTION ON SHEET 2 OF 2

PREPARED FOR:
DELTA INVESTMENT PROPERTIES

DATE: 12/07/05 SCALE: 1"=60'

PROJECT #: 05-0714.000

DESIGN: WJD CHECKED: ALQ

THIS MAP OF DESCRIPTION IS NOT VALID WITHOUT THE
SURVEYOR'S SIGNATURE & ORIGINAL INKED SEAL.

Allen L. Quickel
ALLEN L. QUICKEL
PROFESSIONAL SURVEYOR AND MAPPER #6481
STATE OF FLORIDA

**DRMP**

ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS

Phone: (407) 896-0594

L.B. #2648

1505 East Colonial Drive - Orlando, Florida 32803

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 4139 AND THE SOUTH LINE OF THE AFOREMENTIONED NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, AND RUN NORTH 19°57'26" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 301.80 FEET; THENCE RUN SOUTH 80°01'27" WEST, DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 275.66 FEET; THENCE RUN NORTH 09°56'04" WEST, A DISTANCE OF 230.31 FEET; THENCE RUN NORTH 70°02'48" EAST, A DISTANCE OF 231.40 FEET, TO THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 4139; THENCE RUN SOUTH 19°57'26" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 274.56 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.46 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

1. No underground installations or improvements, including, but not limited to, buried cables, sub-surface utilities, foundations/footers or burial sites were located, except as shown.
2. This property is subject to recorded or unrecorded agreements, assessments, exceptions, easements, reservations, and restrictions, if any, which may or may not appear in the Public Records of Orange County, Florida.
3. The bearings shown hereon are based on the Westerly Right-of-Way line of County Road 4139, as being South 19°57'26" East, an assumed bearing.
4. This Sketch of Description does not constitute a boundary survey, as such.

SKETCH ON SHEET 1 OF 2

SHEET 2 OF 2

PREPARED FOR:
DELFA INVESTMENT PROPERTIES

DATE: 12/07/05 SCALE: 1"=60'

PROJECT #: 05-0714.000

DESIGN: WJD CHECKED: ALQ

DATE

REVISIONS



DRMP
ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS

Phone: (407) 896-0594

L.B. #2648

1505 East Colonial Drive - Orlando, Florida 32803

**AGREEMENT FOR THE EXCHANGE OF REAL PROPERTY
BERESFORD AVENUE EXTENSION**

This Agreement is made and entered into by and between the City of DeLand, Florida, a Florida municipal corporation with a mailing address of 120 South Florida Avenue, DeLand, Florida 32720 (the “City”) and DEPROP, LLC, a Florida limited liability company, with a mailing address of 3867 Blackwood Court, Cincinnati, Ohio, 45236 (“DEPROP”).

WHEREAS, the City is the owner in fee simple of a vacant parcel of land located in DeLand, Volusia County, Florida bearing parcel identification number 702300000013 more particularly described in the attached Exhibit “A” (hereinafter the “City Parcel”); and

WHEREAS, DEPROP is the owner in fee simple of a vacant parcel of land located in DeLand, Volusia County, Florida bearing parcel identification number 702400000024 and more particularly described in the attached Exhibit “B” (the “DEPROP Parcel”); and

WHEREAS, the City has requested that DEPROP exchange the DEPROP Parcel for the City Parcel for the purpose of facilitating the construction of the long-planned Beresford Avenue Extension; and

WHEREAS, traffic congestion in the DeLand area is increasing and the construction of the Beresford Avenue Extension is a key element in dealing with traffic congestion, both existing and anticipated; and

WHEREAS, the parties have agreed to exchange by way of mutual conveyance the DEPROP Parcel for the City Parcel and to the other covenants contained herein.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is agreed as follows:

1. The effective date of this Agreement shall be the date it is approved by the City Commission of the City of DeLand, which date is evidenced below by the signature of the Mayor of the City of DeLand (hereinafter the “Effective Date”).

2. The City shall, in consideration of the property agreed to be conveyed to the City by DEPROP, convey by warranty deed to DEPROP the City Parcel in fee simple, free from all encumbrances, except for an easement for ingress, egress, drainage and utilities over and upon the City Parcel to access Beresford Avenue Extension.

3. DEPROP shall, in consideration of the property agreed to be conveyed to DEPROP by the City, convey by warranty deed to the City the DEPROP Parcel in fee simple, free of all encumbrances.

4. Prior to and as a condition of the exchange contemplated hereby, the City shall cause the future land use map designation of the City Parcel to be changed to the City of

DeLand's Highway Commercial future land use designation, and the City shall cause the zoning of the City Parcel to be changed to C-2, all at the City's sole cost and expense. Second readings of the two ordinances which must be adopted by the City in order to amend the future land use designation and zoning of the City Parcel must occur within one hundred eighty (180) days of the Effective Date or this Agreement shall be deemed terminated and of no further force or effect. Both of the parties hereto understand and recognize that pursuant to controlling law the City cannot contractually agree to have the City Commission vote in a certain way on any land use or zoning change, and this Agreement is not intended to create any enforceable contractual obligation on the part of the City. If the City Commission of the City of DeLand fails to amend the future land use designation or zoning of the City Parcel, no action for specific performance or otherwise shall lie in favor of any person, and this Agreement shall simply terminate and both parties relieved of all further obligations.

5. The exchange shall be completed within two hundred ten (210) days of the Effective Date, when each of the parties shall by good and proper warranty deeds, convey the real property to the other of them, free from all encumbrances.

6. Each party shall pay the cost of recording the deed of conveyance to the other party and any documentary stamps which are due as a result of the exchange provided for in this Agreement.

7. There shall be no adjustment for ad valorem taxes and no payment will be made by either party to the other on account of ad valorem taxes or otherwise.

8. The City Parcel and the DEPROP Parcel are being conveyed "AS-IS" and there are no warranties, other than warranties of title, on either of the parcels, express, or implied, including NO WARRANTY OF MERCHANTABILITY.

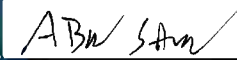
9. Each party shall have sixty (60) days from the date of the execution of this Agreement to perform studies and inspections to determine if the two properties involved in this exchange are suitable, in their sole discretion, for the intended uses ("Inspection Period"). In the event either party determines, in their sole discretion, that either property is unsuitable to their intended uses or needs, gives written notice of same to the other, then this Agreement and all subsequent agreements and addendums become null and void. Said studies shall include, but not be limited to, environmental and hazardous waste studies. Each shall provide the other with any studies, surveys and/or reports related to the property in their possession. Each shall cooperate with the other in recertifying all surveys, and/or reports related to the properties.

10. Each party may obtain its own title commitment for the property of the other to be exchanged hereunder and/or title insurance, but same will be at the ordering parties' own expense, and neither party will have any obligation to cure any defects in title, it being the sole option of either party to cancel this Agreement during the Inspection Period.

Approved by DEPROP, LLC on this _____ day of _____, 2022.

DEPROP, LLC

DocuSigned by:

By: 
Signature 5753B4635D1B425...

Manager

Title

Approved by the City Commission of the City of DeLand this _____ day of _____, 2022.

CITY OF DELAND

By: _____
Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy, MMC
City Clerk - Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

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

May 18, 2022

A. APPLICATION NO.: SMLU22-076

APPLICANT: City of DeLand

REQUEST: To amend the land use designation from Low Density Residential to Highway Commercial

B. SITE FACTORS:

Location: Generally located on the east side of Dr. Martin Luther King Jr. Beltway, north of Havasu Falls Drive

Parcel ID #: 7023-00-00-0013

Parcel Size: ± .93 acres

Land Use: Low Density Residential

Existing Use: Vacant, undeveloped

	SURROUNDING USE:
North:	LDR
South:	VC; ULI; LDR
East:	LDR
West:	LDR

C. REQUESTED ACTION & HISTORY:

1. REQUEST: A request is being made for the future land use designation to be amended for a parcel generally located on the east side of Dr. Martin Luther King Jr. Beltway, north of Havasu Falls Drive. The request is to change from Low Density Residential (LDR), to the Highway Commercial (HC). The parcel is currently vacant and undeveloped.

The request is also being made to rezone the property from Royal Oaks PD to C-2 (Z22-077)

2. CHRONOLOGY OF PAST EVENTS: The City of DeLand has negotiated an agreement with the owner of the subject property to exchange it for an equally sized portion of a parcel the City owns. The intent is to facilitate construction of the future Beresford Extension to SR 44.

The transaction will transfer ownership of the subject property from Deprop LLC to the City of DeLand, while at the same time transferring ownership of the City-owned parcel to Deprop LLC.

The parcel that will be transferred to Deprop LLC is ±1.3 acres and is generally located on the east side of Dr. Martin Luther King Jr. Beltway, north of Havasu Falls Drive. This transaction will be an even transaction between the City of DeLand and Deprop LLC, and will not require the exchange of City funds.

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 a 12" water main running along the east side of Dr. Martin Luther King Jr. Beltway in front of the property. An 8" sewer main is also available to the north of Beresford Road Extension.

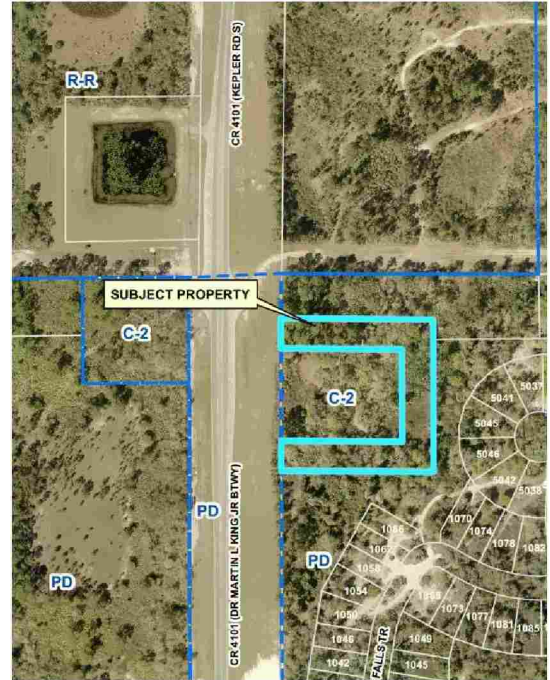
A Traffic Impact Analysis is not required for the subject property until a site plan is submitted for review.

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, Highway Commercial (HC) land use designation is typified by “office uses, as well as service-oriented and commercial establishments which provide retail and related goods and services to local/sub-regional and regional markets”. Development may include office complexes, high schools, neighborhood-convenience and shopping centers. Areas of residential dwelling units may be permitted, but they are limited to multi-family and manufactured developments, restricted to 16 dwelling units per acre.

3. Future Land Use Map: The proposed change in the land use designation to Highway Commercial 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 does not have an estimate of future traffic generations as a site plan has not been submitted. Per 2018 Volusia County Traffic Counts, this segment of Martin Luther King Jr. Beltway (W. Volusia Bltwy). 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 C-2 (General Commercial) which is compatible with the parcel that it is being combined with.
 13. **Will the proposed land use change impact schools?** The proposed amendment is to Highway Commercial; although HC does allow for multi-family residential uses, the zoning is being requested to change to C-2.
 14. **How does this proposal fit with the guidelines developed for DeLand 2050 and the City's Strategic Plan?**
 - a. Located in the Retaining Existing Zoning (Category 1) – i.e. “contributes to sustainability and increases economic opportunities (not residential)” – *Consistent*
 - b. DeLand 2050 Land Use Guidelines:
 4. “Use design standards to preserve sense of place and to improve Gateway appearances” – *Consistent; this parcel is located within the Emerging Gateway Corridor. When developed, design shall follow those standards in the code regarding the corridor.*
- E. **CONCLUSION:** The Applicant is proposing an amendment to the land use designation as part of a property swap between the City and adjacent property owner. 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 Highway Commercial.

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	5	14	+9
1. Population	13	42	+29
2. PM Peak Hour Trips/Daily Trips	5/48	14/133	+9/+85
3. Sanitary Sewer (gallons/day)	1,000/0	2,800/2,835	+1,800/+2,835
4. Potable Water (gallons/day)	1,500/0	4,200/2,835	+2,700/+2,835
5. Solid Waste (pounds/day)	42/0	134/283	+92/+283
6. Stormwater Drainage	N/A	N/A	N/A
7. Recreation/Open Space	0.1	.3	+.2

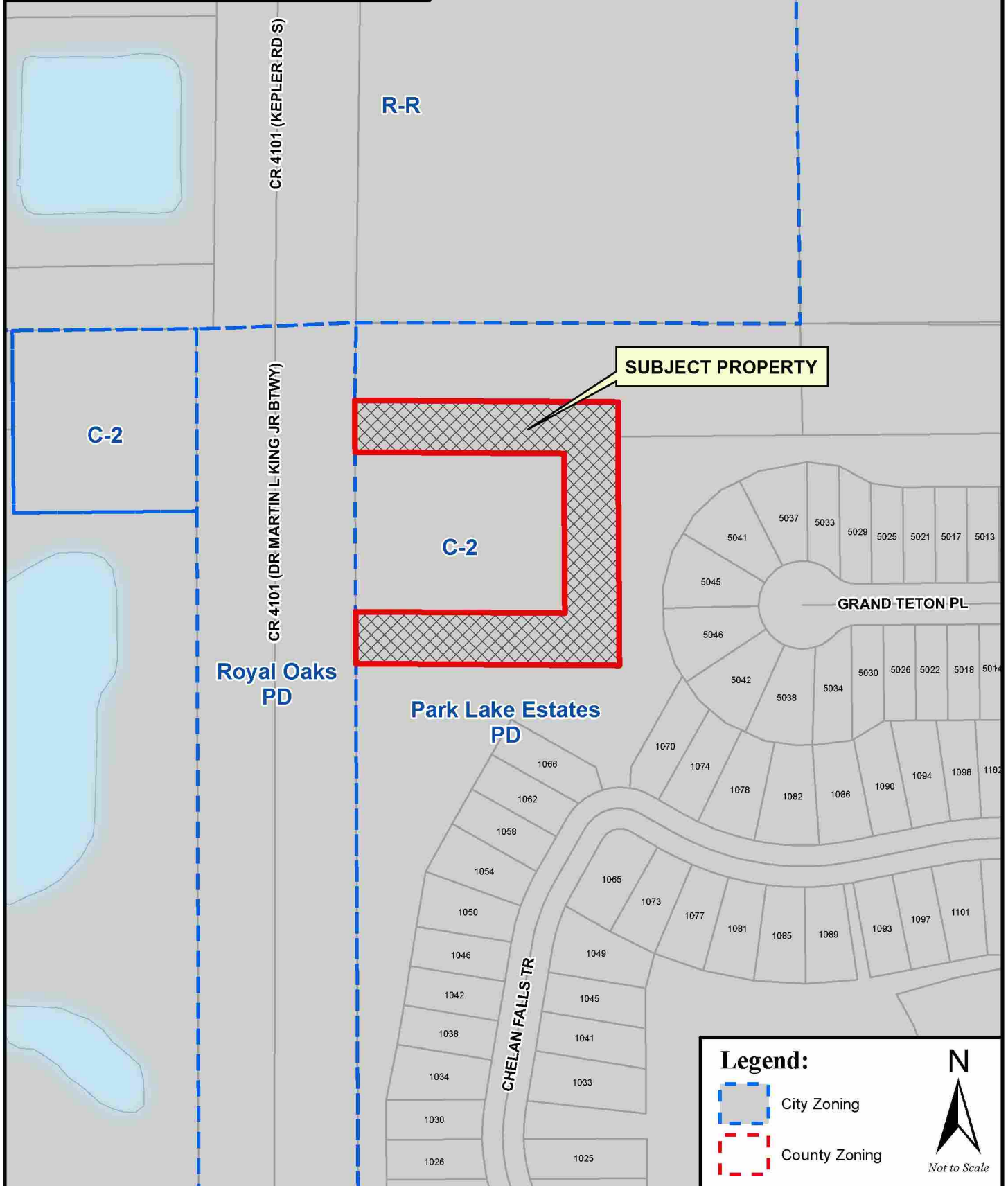
Notes:

- | | |
|-------------------------|---|
| 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. However, due to the configuration of the property, staff does not anticipate any proposed development could achieve the theoretical maximums, thus reducing any possible impacts.



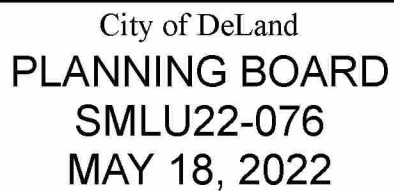
City of DeLand
PLANNING BOARD
SMLU22-076
MAY 18, 2022





City of DeLand
PLANNING BOARD
SMLU22-076
MAY 18, 2022



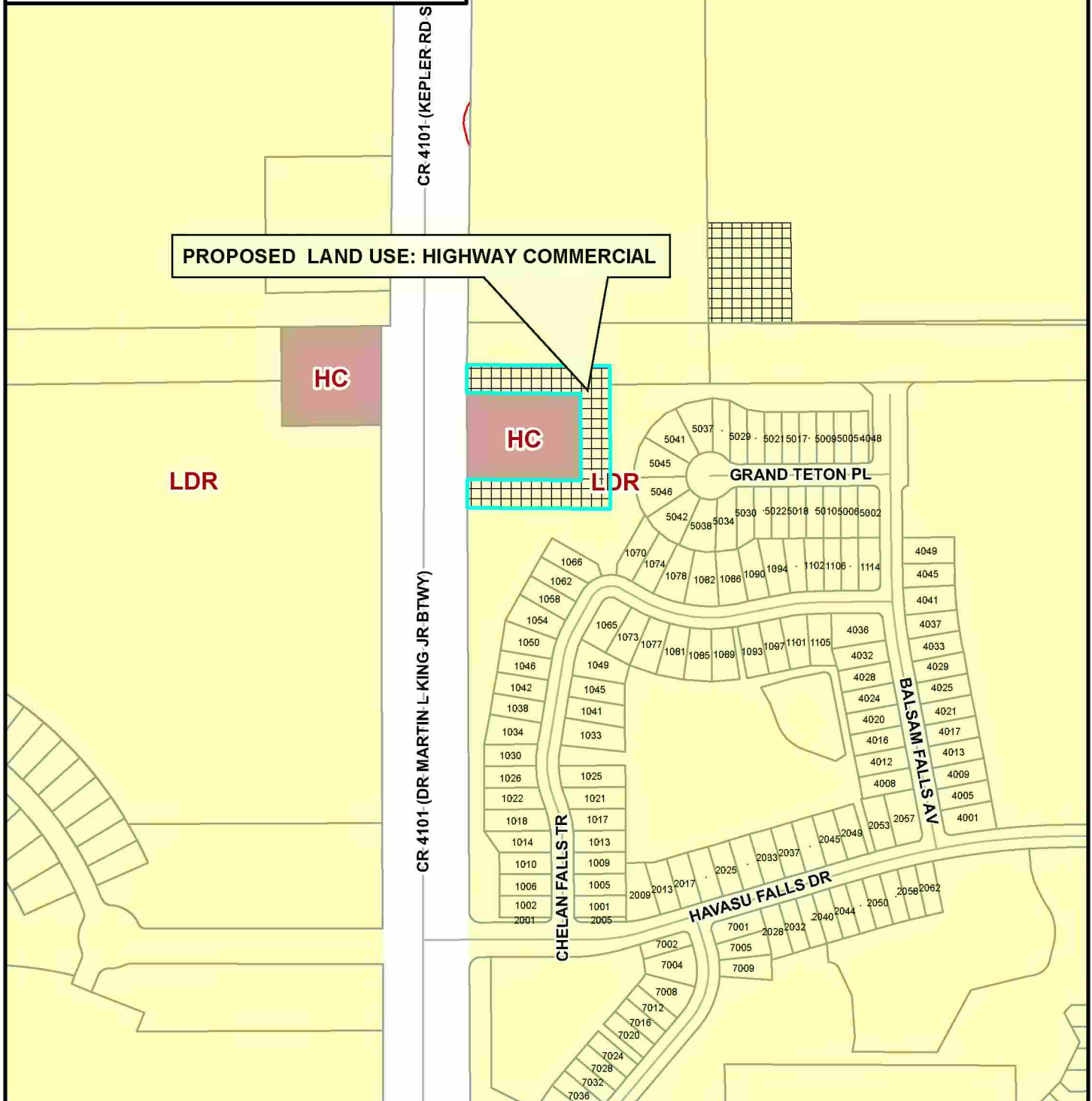


	Agricultural Conservation		Educational		Downtown Commercial		New Community Development
	Urban Low Intensity		Mixed Office - Residential		Redevelopment		Community
	Low Density Residential		Mixed Commercial		Gateway		Commerce
	Medium Density Residential		Business Retail		Rail Spur		West Central District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





City of DeLand
PLANNING BOARD
SMLU22-076
MAY 18, 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



**AGREEMENT FOR THE EXCHANGE OF REAL PROPERTY
BERESFORD AVENUE EXTENSION**

This Agreement is made and entered into by and between the City of DeLand, Florida, a Florida municipal corporation with a mailing address of 120 South Florida Avenue, DeLand, Florida 32720 (the “City”) and DEPROP, LLC, a Florida limited liability company, with a mailing address of 3867 Blackwood Court, Cincinnati, Ohio, 45236 (“DEPROP”).

WHEREAS, the City is the owner in fee simple of a vacant parcel of land located in DeLand, Volusia County, Florida bearing parcel identification number 702300000013 more particularly described in the attached Exhibit “A” (hereinafter the “City Parcel”); and

WHEREAS, DEPROP is the owner in fee simple of a vacant parcel of land located in DeLand, Volusia County, Florida bearing parcel identification number 702400000024 and more particularly described in the attached Exhibit “B” (the “DEPROP Parcel”); and

WHEREAS, the City has requested that DEPROP exchange the DEPROP Parcel for the City Parcel for the purpose of facilitating the construction of the long-planned Beresford Avenue Extension; and

WHEREAS, traffic congestion in the DeLand area is increasing and the construction of the Beresford Avenue Extension is a key element in dealing with traffic congestion, both existing and anticipated; and

WHEREAS, the parties have agreed to exchange by way of mutual conveyance the DEPROP Parcel for the City Parcel and to the other covenants contained herein.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is agreed as follows:

1. The effective date of this Agreement shall be the date it is approved by the City Commission of the City of DeLand, which date is evidenced below by the signature of the Mayor of the City of DeLand (hereinafter the “Effective Date”).

2. The City shall, in consideration of the property agreed to be conveyed to the City by DEPROP, convey by warranty deed to DEPROP the City Parcel in fee simple, free from all encumbrances, except for an easement for ingress, egress, drainage and utilities over and upon the City Parcel to access Beresford Avenue Extension.

3. DEPROP shall, in consideration of the property agreed to be conveyed to DEPROP by the City, convey by warranty deed to the City the DEPROP Parcel in fee simple, free of all encumbrances.

4. Prior to and as a condition of the exchange contemplated hereby, the City shall cause the future land use map designation of the City Parcel to be changed to the City of

DeLand's Highway Commercial future land use designation, and the City shall cause the zoning of the City Parcel to be changed to C-2, all at the City's sole cost and expense. Second readings of the two ordinances which must be adopted by the City in order to amend the future land use designation and zoning of the City Parcel must occur within one hundred eighty (180) days of the Effective Date or this Agreement shall be deemed terminated and of no further force or effect. Both of the parties hereto understand and recognize that pursuant to controlling law the City cannot contractually agree to have the City Commission vote in a certain way on any land use or zoning change, and this Agreement is not intended to create any enforceable contractual obligation on the part of the City. If the City Commission of the City of DeLand fails to amend the future land use designation or zoning of the City Parcel, no action for specific performance or otherwise shall lie in favor of any person, and this Agreement shall simply terminate and both parties relieved of all further obligations.

5. The exchange shall be completed within two hundred ten (210) days of the Effective Date, when each of the parties shall by good and proper warranty deeds, convey the real property to the other of them, free from all encumbrances.

6. Each party shall pay the cost of recording the deed of conveyance to the other party and any documentary stamps which are due as a result of the exchange provided for in this Agreement.

7. There shall be no adjustment for ad valorem taxes and no payment will be made by either party to the other on account of ad valorem taxes or otherwise.

8. The City Parcel and the DEPROP Parcel are being conveyed "AS-IS" and there are no warranties, other than warranties of title, on either of the parcels, express, or implied, including NO WARRANTY OF MERCHANTABILITY.

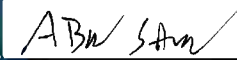
9. Each party shall have sixty (60) days from the date of the execution of this Agreement to perform studies and inspections to determine if the two properties involved in this exchange are suitable, in their sole discretion, for the intended uses ("Inspection Period"). In the event either party determines, in their sole discretion, that either property is unsuitable to their intended uses or needs, gives written notice of same to the other, then this Agreement and all subsequent agreements and addendums become null and void. Said studies shall include, but not be limited to, environmental and hazardous waste studies. Each shall provide the other with any studies, surveys and/or reports related to the property in their possession. Each shall cooperate with the other in recertifying all surveys, and/or reports related to the properties.

10. Each party may obtain its own title commitment for the property of the other to be exchanged hereunder and/or title insurance, but same will be at the ordering parties' own expense, and neither party will have any obligation to cure any defects in title, it being the sole option of either party to cancel this Agreement during the Inspection Period.

Approved by DEPROP, LLC on this _____ day of _____, 2022.

DEPROP, LLC

DocuSigned by:

By: 
Signature 5753B4635D1B425...

Manager

Title

Approved by the City Commission of the City of DeLand this _____ day of _____, 2022.

CITY OF DELAND

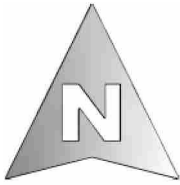
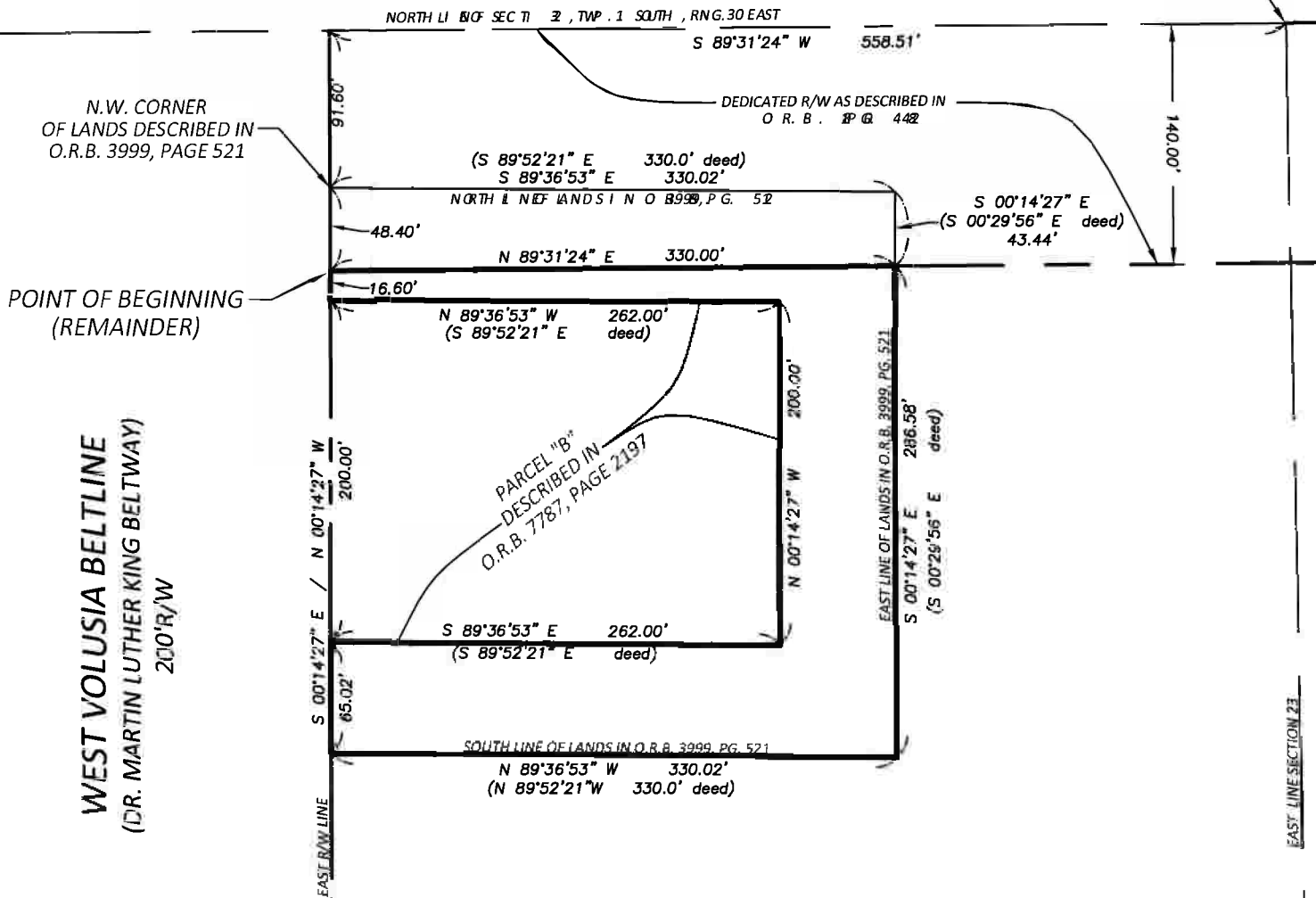
By: _____
Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy, MMC
City Clerk - Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

EXHIBIT
APOINT OF COMMENCEMENT
N.E. CORNER OF SECTION 23LEGEND & ABBREVIATION
(UNLESS OTHERWISE NOTED)

O.R.B. = OFFICIAL RECORDS BOOK
 SEC. = SECTION
 TWP. = TOWNSHIP
 RNG. = RANGE
 R/W = RIGHT OF WAY
 P.O.C. = POINT OF COMMENCEMENT
 P.O.B. = POINT OF BEGINNING

REVISED:

PARCEL REMAINDER CITY OF DELAND PARCEL (EAST OF MLK BLVD)

SKETCH OF DESCRIPTION ONLY / NOT A BOUNDARY SURVEY
 SECTION 23, TWP. 17 SOUTH, RNG. 30 EAST, VOLUSIA COUNTY, FLORIDA



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

NAME	DATE	PLOT DATE:	DRAWING #
CADD	MEM	1/22	2509
SURVEY DATE	N/A	N/A	
CHECKED	EAB	1/22	
PBOJ CT #	5779		5779
FIELD BOOK	N/A		SHEET #
			1 OF 2

A portion of those lands as described in Official Records Book 3999, Page 521 of the Public Records of Volusia County, Florida being a portion of Section 23, Township 17 South, Range 30 East and being more particularly described as follows:

Commence at the Northeast corner of said Section 23; thence run S 89°31'24" W, along the North line of said Section 23, a distance of 558.51 feet to its intersection with the East right of way line of the West Volusia Beltline (know known as Dr. Martin Luther King Jr. Beltway), a 200.00 foot wide right of way; thence, departing said North line, run S 00°14'27" E, along said right of way line, a distance of 91.60 feet to the Northwest corner of those lands described in aforesaid Official Records Book 3999, Page 521; thence continue, S 00°14'27" E, along said right of way line, a distance of 48.40 feet to a point on a line that is 140.00 feet south of and parallel with the North line of aforesaid Section 23 and the POINT OF BEGINNING; thence run N 89°31'24" E, along said line, a distance of 330.00 feet to a point on the East line of those lands described in Official Records Book 3999, Page 521 of the aforesaid Public Records; thence run S 00°14'27" E (S 01°29'56" E, deed), along the East line of said lands, a distance of 286.58 feet to the Southeast corner thereof; thence N 89°36'53" W (N89°52'21" W, deed), along the South line of said lands, a distance of 330.02' (330.0', deed) to the East right of way line of aforesaid West Volusia Beltline; thence run N 00°14'27" W, along said right of way line, a distance of 65.02 feet to the Southeast corner of those lands described as Parcel "B" in Exhibit A of the deed recorded on Official Records Book 7787, Page 2197 of the aforesaid Public Records; thence run S 89°36'53" E (S 89°52'21" E, deed), along the South line of said Parcel "B", a distance of 262.00 feet to the Southeast corner thereof; thence run N 00°14'27" W (N 00°29'56" W, deed), along the East line of said Parcel "B", a distance of 200.00 feet to the Northeast corner thereof, thence N 89°36'53" W (N89°52'21" W, deed), along the North line of said Parcel "B", a distance of 262.00 feet to the aforesaid East right of way line of the aforesaid West Volusia Beltline; thence run N 00°14'27" W, along said right of way line, a distance of 16.60 feet to the Point of Beginning.

The above-described parcel contains 41,356.5 square feet (0.949 Ac) +\-.

SKETCH NOTES:

1. SKETCH OF DESCRIPTION ONLY.
2. BEARINGS SHOWN HEREON ARE BASED UPON THE NORTH LINE OF 23, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA AS BEING N 89°31'24" (DEED) RECORDED IN O.R.B. 8108, PG.4428 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
3. DISTANCES SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.

**PARCEL REMAINDER
CITY OF DELAND PARCEL (EAST OF MLK BLVD)**

SKETCH OF DESCRIPTION ONLY / NOT A BOUNDARY SURVEY
SECTION 23, TWP. 17 SOUTH, RNG. 30 EAST, VOLUSIA COUNTY, FLORIDA



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

	NAME	DATE	PLOT DATE:	DRAWING #
CADD	MEM	1/22	1/06/22	2509
SURVEY DATE	N/A	N/A	SCALE:	
CHECKED	EAB	1/22	N/A	
PROJECT #			FIELD BOOK	SHEET #
5779			N/A	2 OF 2

**PLANNING DEPARTMENT STAFF REPORT
TO
PLANNING BOARD
May 18, 2022**

APPLICATION NO.: Z22-077

APPLICANT: City of DeLand

REQUEST: Amend the existing zoning designation from Royal Oaks PD to C-2 General Commercial

APPLICABLE REGULATIONS:

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

A. SITE FACTORS:

Location:	Generally located on the east side of Dr. Martin Luther King Jr. Beltway, north of Havasu Falls Drive
Parcel Size:	± .93 acres
Parcel ID:	7023-00-00-0013
Land Use:	Highway Commercial
Existing Zoning:	Royal Oaks PD
Existing Use:	Undeveloped

	SURROUNDING USE:	SURROUNDING ZONING:
North:	LDR	Park Lake Estates PD; RR
South:	VC; ULI; LDR	Park Lake Estates PD
East:	LDR	Park Lake Estates PD
West:	LDR	The Reserve at Victoria PD; C-2

- B. ANALYSIS:** The City of DeLand has negotiated an agreement with the owner of the subject property to exchange it for an equally sized portion of a parcel the City owns. The intent is to facilitate construction of the future Beresford Extension to SR 44.

The transaction will transfer ownership of the subject property from Deprop LLC to the City of DeLand, while at the same time transferring ownership of the City-owned parcel to Deprop LLC. The parcel that will be transferred to Deprop LLC is ±1.3 acres and is generally located on the east side of Dr. Martin Luther King Jr. Beltway, north of Havasu Falls Drive. This transaction will be an even transaction between the City of DeLand and Deprop LLC, and will not require the exchange of City funds.

Currently, the subject property is part of the Royal Oaks PD. If approved, this rezone would change the zoning to C-2, General Commercial, and will be consistent with the adjoining C-2 property, also located on Dr. Martin Luther King Jr. Beltway.

An application to amend the future land use from Low Density Residential to Highway Commercial (SMLU22-076) has also been submitted and will be adopted prior to the rezoning being completed.

Review by the Technical Review Committee was not required.

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

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

The subject property directly abuts other C-2 zoned property and it will eventually be combined with said property. This rezone will allow for consistent zoning across the entire parcel.

The development is consistent with the Comprehensive Plan in that the underlying proposed land use category of Highway Commercial is compatible with C-2 zoning.



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.

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

The rezoning of the subject property will facilitate plans for the Beresford Extension. Once completed, the Beresford Extension will add connectivity and an alternate route for drivers. That 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.

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

As local traffic congestion increases, the developing of the Beresford Extension will add efficiency to those drivers within the City.

6. Was there a mistake in the original classification?

No; The property is being swapped with another parcel. A rezone to C-2 is appropriate.

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

As local traffic congestion increases, the developing of the Beresford Extension will add efficiency to those drivers within the City. This should have a positive impact on the general area.

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

The proposed rezoning is part of a swapping of land between the City and another party. The purpose of the land swap is to facilitate the Beresford Extension connection; once developed, the Extension should greatly add to the quality of life of those within the City and travelers by lessening traffic congestion and adding efficiency to their drive.

C. CONCLUSION:

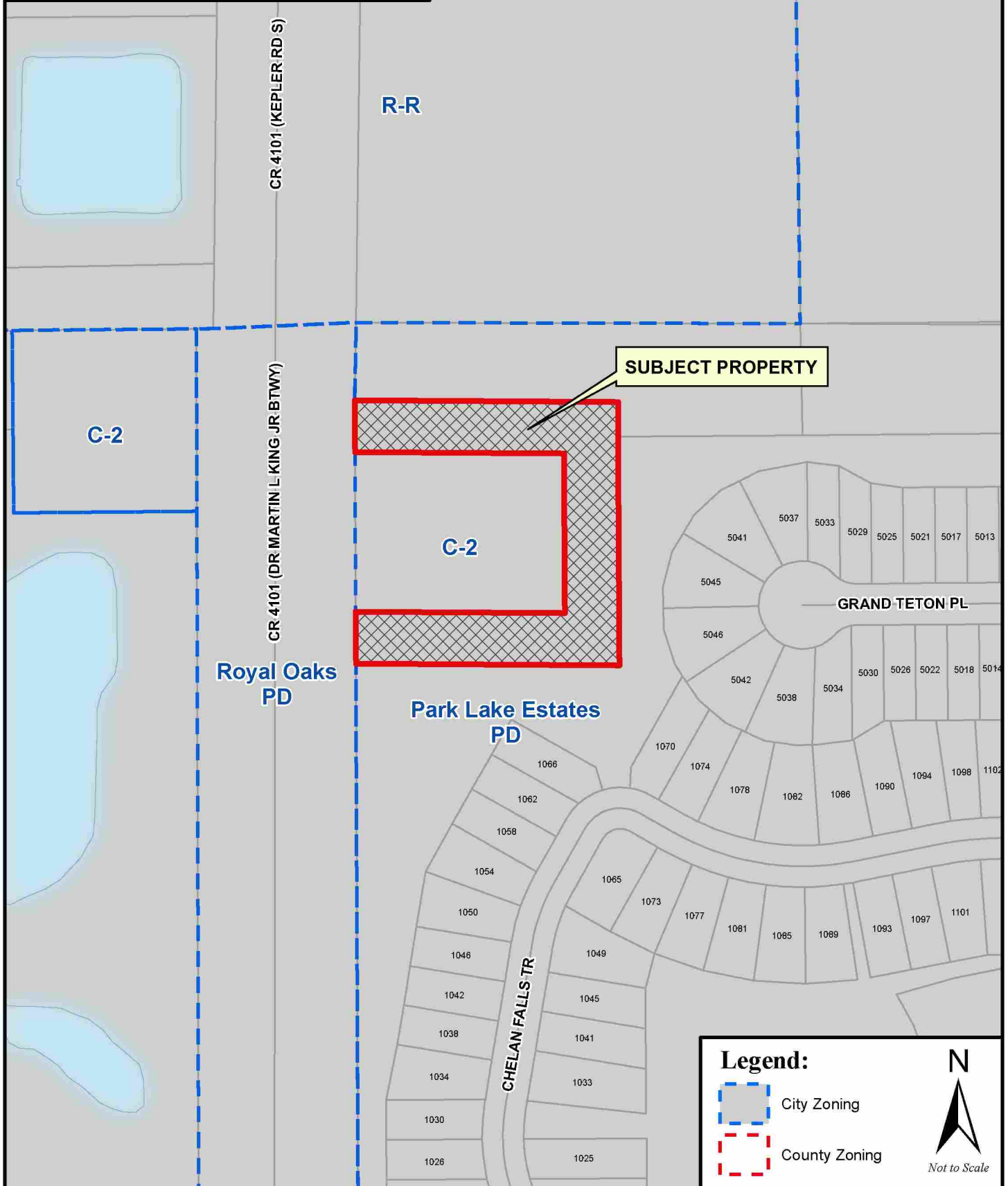
The request is to rezone the subject property from the Royal Oaks PD to C-2, General Commercial, as part of an agreement to swap land between the City and related parties. The purpose of the swapping of land is to facilitate the completion of the Beresford Extension connection.

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 the Planning Board.



City of DeLand
PLANNING BOARD
Z22-077
MAY 18, 2022





City of DeLand
PLANNING BOARD
Z22-077
MAY 18, 2022



**AGREEMENT FOR THE EXCHANGE OF REAL PROPERTY
BERESFORD AVENUE EXTENSION**

This Agreement is made and entered into by and between the City of DeLand, Florida, a Florida municipal corporation with a mailing address of 120 South Florida Avenue, DeLand, Florida 32720 (the “City”) and DEPROP, LLC, a Florida limited liability company, with a mailing address of 3867 Blackwood Court, Cincinnati, Ohio, 45236 (“DEPROP”).

WHEREAS, the City is the owner in fee simple of a vacant parcel of land located in DeLand, Volusia County, Florida bearing parcel identification number 702300000013 more particularly described in the attached Exhibit “A” (hereinafter the “City Parcel”); and

WHEREAS, DEPROP is the owner in fee simple of a vacant parcel of land located in DeLand, Volusia County, Florida bearing parcel identification number 702400000024 and more particularly described in the attached Exhibit “B” (the “DEPROP Parcel”); and

WHEREAS, the City has requested that DEPROP exchange the DEPROP Parcel for the City Parcel for the purpose of facilitating the construction of the long-planned Beresford Avenue Extension; and

WHEREAS, traffic congestion in the DeLand area is increasing and the construction of the Beresford Avenue Extension is a key element in dealing with traffic congestion, both existing and anticipated; and

WHEREAS, the parties have agreed to exchange by way of mutual conveyance the DEPROP Parcel for the City Parcel and to the other covenants contained herein.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is agreed as follows:

1. The effective date of this Agreement shall be the date it is approved by the City Commission of the City of DeLand, which date is evidenced below by the signature of the Mayor of the City of DeLand (hereinafter the “Effective Date”).

2. The City shall, in consideration of the property agreed to be conveyed to the City by DEPROP, convey by warranty deed to DEPROP the City Parcel in fee simple, free from all encumbrances, except for an easement for ingress, egress, drainage and utilities over and upon the City Parcel to access Beresford Avenue Extension.

3. DEPROP shall, in consideration of the property agreed to be conveyed to DEPROP by the City, convey by warranty deed to the City the DEPROP Parcel in fee simple, free of all encumbrances.

4. Prior to and as a condition of the exchange contemplated hereby, the City shall cause the future land use map designation of the City Parcel to be changed to the City of

DeLand's Highway Commercial future land use designation, and the City shall cause the zoning of the City Parcel to be changed to C-2, all at the City's sole cost and expense. Second readings of the two ordinances which must be adopted by the City in order to amend the future land use designation and zoning of the City Parcel must occur within one hundred eighty (180) days of the Effective Date or this Agreement shall be deemed terminated and of no further force or effect. Both of the parties hereto understand and recognize that pursuant to controlling law the City cannot contractually agree to have the City Commission vote in a certain way on any land use or zoning change, and this Agreement is not intended to create any enforceable contractual obligation on the part of the City. If the City Commission of the City of DeLand fails to amend the future land use designation or zoning of the City Parcel, no action for specific performance or otherwise shall lie in favor of any person, and this Agreement shall simply terminate and both parties relieved of all further obligations.

5. The exchange shall be completed within two hundred ten (210) days of the Effective Date, when each of the parties shall by good and proper warranty deeds, convey the real property to the other of them, free from all encumbrances.

6. Each party shall pay the cost of recording the deed of conveyance to the other party and any documentary stamps which are due as a result of the exchange provided for in this Agreement.

7. There shall be no adjustment for ad valorem taxes and no payment will be made by either party to the other on account of ad valorem taxes or otherwise.

8. The City Parcel and the DEPROP Parcel are being conveyed "AS-IS" and there are no warranties, other than warranties of title, on either of the parcels, express, or implied, including NO WARRANTY OF MERCHANTABILITY.

9. Each party shall have sixty (60) days from the date of the execution of this Agreement to perform studies and inspections to determine if the two properties involved in this exchange are suitable, in their sole discretion, for the intended uses ("Inspection Period"). In the event either party determines, in their sole discretion, that either property is unsuitable to their intended uses or needs, gives written notice of same to the other, then this Agreement and all subsequent agreements and addendums become null and void. Said studies shall include, but not be limited to, environmental and hazardous waste studies. Each shall provide the other with any studies, surveys and/or reports related to the property in their possession. Each shall cooperate with the other in recertifying all surveys, and/or reports related to the properties.

10. Each party may obtain its own title commitment for the property of the other to be exchanged hereunder and/or title insurance, but same will be at the ordering parties' own expense, and neither party will have any obligation to cure any defects in title, it being the sole option of either party to cancel this Agreement during the Inspection Period.

Approved by DEPROP, LLC on this _____ day of _____, 2022.

DEPROP, LLC

DocuSigned by:

By: ABN Sam
Signature 5753B4635D1B425...

Manager

Title

Approved by the City Commission of the City of DeLand this _____ day of _____, 2022.

CITY OF DELAND

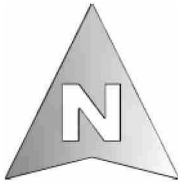
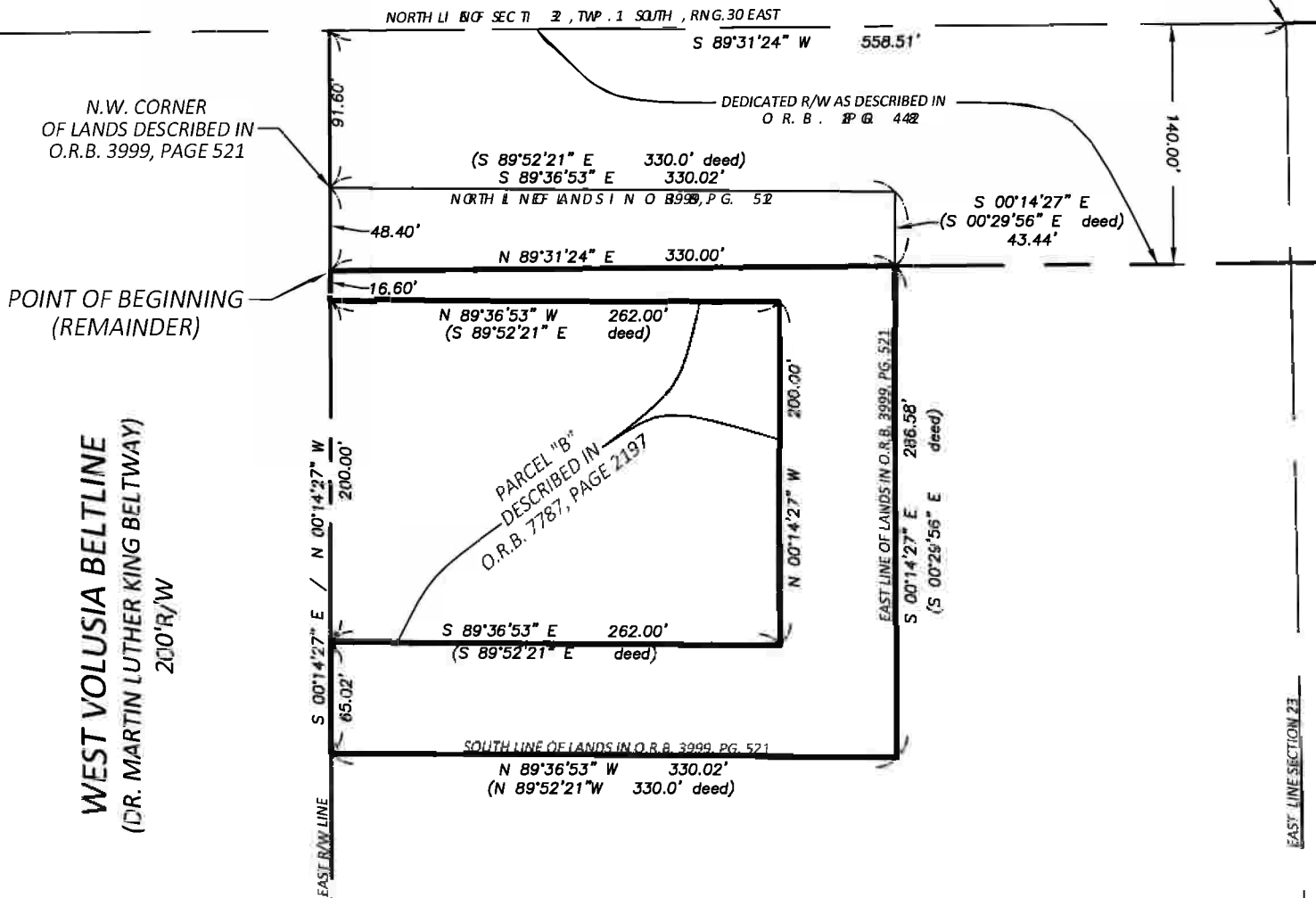
By: _____
Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy, MMC
City Clerk - Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

EXHIBIT
APOINT OF COMMENCEMENT
N.E. CORNER OF SECTION 23LEGEND & ABBREVIATION
(UNLESS OTHERWISE NOTED)

O.R.B. = OFFICIAL RECORDS BOOK
 SEC. = SECTION
 TWP. = TOWNSHIP
 RNG. = RANGE
 R/W = RIGHT OF WAY
 P.O.C. = POINT OF COMMENCEMENT
 P.O.B. = POINT OF BEGINNING

REVISED:

PARCEL REMAINDER CITY OF DELAND PARCEL (EAST OF MLK BLVD)

SKETCH OF DESCRIPTION ONLY / NOT A BOUNDARY SURVEY
 SECTION 23, TWP. 17 SOUTH, RNG. 30 EAST, VOLUSIA COUNTY, FLORIDA



COUNTY OF VOLUSIA
 PUBLIC WORKS DEPARTMENT
 CONSTRUCTION ENGINEERING
 SURVEY DIVISION

123 W. INDIANA AVE. DELAND, FL 32720
 PHONE 1-386-736-5967 FAX 1-386-822-5736

NAME	DATE	PLOT DATE:	DRAWING #
CADD	MEM	1/22	2509
SURVEY DATE	N/A	N/A	
CHECKED	EAB	1/22	
PBOJ CT #	5779		FIELD BOOK
			N/A
			SHEET #
			1 OF 2

A portion of those lands as described in Official Records Book 3999, Page 521 of the Public Records of Volusia County, Florida being a portion of Section 23, Township 17 South, Range 30 East and being more particularly described as follows:

Commence at the Northeast corner of said Section 23; thence run S 89°31'24" W, along the North line of said Section 23, a distance of 558.51 feet to its intersection with the East right of way line of the West Volusia Beltline (know known as Dr. Martin Luther King Jr. Beltway), a 200.00 foot wide right of way; thence, departing said North line, run S 00°14'27" E, along said right of way line, a distance of 91.60 feet to the Northwest corner of those lands described in aforesaid Official Records Book 3999, Page 521; thence continue, S 00°14'27" E, along said right of way line, a distance of 48.40 feet to a point on a line that is 140.00 feet south of and parallel with the North line of aforesaid Section 23 and the POINT OF BEGINNING; thence run N 89°31'24" E, along said line, a distance of 330.00 feet to a point on the East line of those lands described in Official Records Book 3999, Page 521 of the aforesaid Public Records; thence run S 00°14'27" E (S 01°29'56" E, deed), along the East line of said lands, a distance of 286.58 feet to the Southeast corner thereof; thence N 89°36'53" W (N89°52'21" W, deed), along the South line of said lands, a distance of 330.02' (330.0', deed) to the East right of way line of aforesaid West Volusia Beltline; thence run N 00°14'27" W, along said right of way line, a distance of 65.02 feet to the Southeast corner of those lands described as Parcel "B" in Exhibit A of the deed recorded on Official Records Book 7787, Page 2197 of the aforesaid Public Records; thence run S 89°36'53" E (S 89°52'21" E, deed), along the South line of said Parcel "B", a distance of 262.00 feet to the Southeast corner thereof; thence run N 00°14'27" W (N 00°29'56" W, deed), along the East line of said Parcel "B", a distance of 200.00 feet to the Northeast corner thereof, thence N 89°36'53" W (N89°52'21" W, deed), along the North line of said Parcel "B", a distance of 262.00 feet to the aforesaid East right of way line of the aforesaid West Volusia Beltline; thence run N 00°14'27" W, along said right of way line, a distance of 16.60 feet to the Point of Beginning.

The above-described parcel contains 41,356.5 square feet (0.949 Ac) +\-.

SKETCH NOTES:

1. SKETCH OF DESCRIPTION ONLY.
2. BEARINGS SHOWN HEREON ARE BASED UPON THE NORTH LINE OF 23, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA AS BEING N 89°31'24" (DEED) RECORDED IN O.R.B. 8108, PG.4428 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
3. DISTANCES SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.

**PARCEL REMAINDER
CITY OF DELAND PARCEL (EAST OF MLK BLVD)**

SKETCH OF DESCRIPTION ONLY / NOT A BOUNDARY SURVEY
SECTION 23, TWP. 17 SOUTH, RNG. 30 EAST, VOLUSIA COUNTY, FLORIDA



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

	NAME	DATE	PLOT DATE:	DRAWING #
CADD	MEM	1/22	1/06/22	2509
SURVEY DATE	N/A	N/A	SCALE:	
CHECKED	EAB	1/22	N/A	
PROJECT #			FIELD BOOK	SHEET #
5779			N/A	2 OF 2