



CITY OF DELAND
REGULAR MEETING OF THE CITY COMMISSION
JUNE 20, 2022 AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

AGENDA

CALL TO ORDER

INVOCATION-Pastor T. L. Jackson, DeLand Community Church

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATIONS

1. Proclamation, Pride Month.
2. Introduction of New Firefighter-Christian Vallejo.

CONSENT AGENDA

1. Resolution Approving Budget Amendment for FY 21-22.

Presentation of budget amendment recognizing anticipated actual revenues and expenditures for FY 21-22.
2. Consideration re Award of Bid, Chisholm Playground Shade Structure.

Staff recommends that the City Commission award the Chisholm Playground Shade Structure Bid No. B-22-10 to Korkat for the amount of \$42,667.79.
3. Consideration re Extra Work Authorization (EWA) for Professional Services to Prepare Design Criteria Package – Melching Field Stadium Improvements.

It is recommended that the City Commission approve the Extra Work Authorization for the Melching Field - Design Criteria Package contract issued to CPH for the amount of \$45,000. In addition, the Commission is also asked to approve the change of use of funds programmed in the original contract for survey work, in the amount of \$8,500, in support of general engineering activities during the overall design build project.
4. Consideration re Award of Bid, Lift Station Generator # 54.

Staff recommends that the City Commission award Lift Station Generator # 54 to Ring Power Corporation in the amount of \$41,350.
5. Consideration re Award of Bid, DeLand House Foundation.

Staff recommends that the City Commission award DeLand House Foundation to Coastal Sun Engineering and Construction in the amount of \$42,500.

6. Consideration re Utility Service Agreement with the Lakewood Park Community Development District.

Utility Service Agreement with the Lakewood Park Community Development District.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

NEW BUSINESS

1. Discussion re Gateway Grant for DeLand Church of the Nazarene, Located at 913 East New York Avenue.

The DeLand Church of Nazarene located at 913 East New York Avenue has requested a Gateway Grant in the amount of \$5,000 to replace a 48 square foot conforming sign with a 48 square foot electronic message center (EMC). Staff recommends that the City Commission maintain the denial recommendation that was provided at the June 6th, 2020 meeting.

2. First Reading of Ordinance Changing the Zoning of Approximately 28.64 Acres of Property, Located at the South East Corner of Martin Luther King Boulevard and Cassadaga Road, from County R-4C & R-4 to CTC DeLand PD to Develop a Multi-Family Residential Project.

First Reading of Ordinance to Rezone 28.64 acres from County R-4C & R-4 to CTC DeLand PD to develop a multi-family residential project, located at the Southeast Corner of Martin Luther King Boulevard and Cassadaga Road. This application is for the development of a 238-unit multi-family residential project.

3. First Reading of Ordinance Changing the Zoning of 1.1 Acres of Property, Located on the West Side of North Woodland Boulevard, to Allow a Car Wash as a Permitted Use "Woodland Crossings PD."

An amendment to the Woodland Crossings Planned Development Agreement is being requested, with the intention of developing Lot 2 of the Woodland Crossings commercial subdivision in order to add an automobile service station as a permitted use.

4. First Reading of Ordinance Changing the Land Use for 1.45 Acres of Property, Located at 306 West Wisconsin Avenue from Low Density Residential & Institutional Overlay to Mixed Commercial.

First Reading of Ordinance for a Comprehensive Plan Amendment, changing the Land Use from Low Density Residential & Institutional Overlay to Mixed Commercial, for approximately 1.45 acres of property, located at 306 West Wisconsin Avenue.

5. First Reading of Ordinance Changing the Zoning from R-1B to North West Square PD, of Approximately 1.45 Acres of Property, Located at 306 West Wisconsin Avenue.

First Reading of Ordinance for rezoning from R-1B to North West Square Planned Development to create a mixed use facility. The subject property is located at 306 West Wisconsin Avenue and contains approximately 1.45 acres.

6. First Reading of Ordinance Changing the Zoning of a 10,000 Square Feet Parcel off of Clara Avenue from R-1A to C-2A, Downtown Commercial and to be Combined with the Putnam parcel, Located at 225 West New York Avenue "Putnam Hotel ."

First Reading of Ordinance to rezone 10,000 square feet at 125 North Clara Avenue from R-1A to C-2A, Downtown Commercial to be combined with the main Putnam parcel, located at 225 West New York Avenue.

7. First Reading of Ordinance Changing the Zoning from Royal Oaks Planned Development PD to City of DeLand's E-1, Educational District on Property Located on the West Side of North Summit Avenue, Across from Daytona State College for an Administrative Rezone of 1.45 Acres of Property.

A rezone is being requested as part of a property exchange agreement to facilitate the construction of the future Beresford Extension to SR 44.

8. First Reading of Ordinance Changing the Land Use of Approximately 0.949 Acre of Property, Located at the Southeast Corner of Dr. Martin Luther King, Jr. Beltway and Beresford Avenue Extension; from Low Density Residential to Commercial Highway.

This is a request to change the future land use of the subject property from Low Density Residential, to Highway Commercial, as part of a larger plan, known as the Beresford Extension.

9. First Reading of Ordinance Changing the Zoning from Royal Oaks PD, to C-2, General Commercial, for Approximately 1.3 Acres of Property, Located at the South East Corner of Dr. Martin Luther King Jr. Beltway and Beresford Avenue Extension.

A rezone is being requested as part of a property exchange agreement to facilitate the construction of the future Beresford Avenue Extension to SR 44.

CITY COMMISSION REPORTS

1. Report re Elected Officials Rounds Table.
2. Report re River-to-Sea TPO.
3. Report re River of Lakes Heritage Corridor.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

CITY CLERK REPORT

CITY COMMISSION

ADJOURNMENT

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

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

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

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

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

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

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

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

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



The CITY OF DELAND

Volusia County, Florida

Proclamation

Whereas, all residents deserve to be treated with dignity, respect, compassion and justice regardless of gender, age, race, religion, economic status, or sexual orientation; and,

Whereas, the City of DeLand supports the rights of every individual to experience equality of treatment and values our diverse population of residents, businesses, and visitors, recognizing that this diversity is one of this community's greatest strengths; and,

Whereas, June is annually recognized as Pride Month to commemorate the Stonewall Uprising in 1969, considered the catalyst of the modern Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ+) rights movement; and,

Whereas, all human beings are born free and equal in dignity and rights. LGBTQ individuals have had immeasurable impact to the cultural, civic and economic successes of our country; and

Whereas, the City of DeLand is committed to supporting visibility, dignity and equality for LGBTQ+ individuals in our diverse community; and

Whereas, while society at large increasingly supports LGBTQ equality, it is essential to acknowledge that the need for education and awareness remains vital to end discrimination and prejudice; and

Whereas, this nation was founded on the principle that every individual has infinite dignity and worth, and the City of DeLand is committed to protecting the civil rights of the LGBTQ+ community to create a more open and just society.

Whereas, celebrating Pride Month influences awareness and provides support and advocacy for DeLand's LGBTQ+ community, and is an opportunity to take action and engage in dialogue to strengthen alliances, build acceptance and advance equal rights.

Now, therefore, I, Robert F. Apgar, Mayor of the City of DeLand, do hereby proclaim, June 2022 as:

LGBTQ+ Pride Month

In the City of DeLand and urge all citizens of DeLand to help recognize and raise awareness for Pride Month in support of the LGBTQ+ community.

Done and proclaimed this 3rd day of June 2022.

Robert F. Apgar, Mayor

Attest:

Julie A. Hennessy, City Clerk - Auditor

CITY OF DELAND
Request for Commission Action
June 20, 2022

SUBJECT: Resolution Approving Budget Amendment for FY 21-22.

DEPARTMENT: Finance

PREPARED BY: Daniel Stauffer, Finance Director

ATTACHMENTS: RESO FY21-22 Budget Amendment, FY 21-22 Budget Amendment Details

APPROVED BY: Michael Grebosz, Asst. City Manager, June 15, 2022

SUMMARY/HIGHLIGHT:

The budget amendments proposed are detailed in the attached summary. The amendments proposed are primarily adjustments to reflect anticipated actual revenues and expenditures for FY 21-22.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

N/A

SUSTAINABILITY:

N/A

FISCAL IMPACT:

Amended changes with the impact on each fund itemized in the attached summary.
Operating contingency balances after these amendments are as follows:

General Fund	\$174,457
Water & Sewer Fund	\$194,156
Airport Fund	\$83,346
Stormwater Fund	\$0
Permits & Inspections Fund	\$0

RECOMMENDATION:

Staff recommends the City Commission adopt the Resolution amending the FY 21-22 budget as presented.

BACKGROUND/DISCUSSION:

The budget amendments for the Melching Field Renovations are in line with the City Commission's discussion and direction at the June 6, 2022 City Commission meeting. The Jackson Lane Memorial Park Playground Project amendments are in line with the City Commission's approval of an ECHO Grant application submittal at the April 18, 2022 City Commission meeting for the project. The Airport Fund budget amendment is a budget correction to fix internal transfers.

RESOLUTION NO. 2022 -

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE BUDGET FOR THE GENERAL FUND, GRANTS & SPECIAL REVENUE FUND AND AIRPORT FUND FOR THE FISCAL YEAR 2021-2022; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to amend the budget for the City of DeLand for fiscal year 2021-2022; and

WHEREAS, the City Commission is vested by the Charter of the City of DeLand with the authority to amend the budget.

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

Section 1. The budget of the City of DeLand for fiscal year 2021-2022 is amended in the following manner:

GENERAL FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		45,820,509	468,394	0	46,288,903
	Other Sources Revenue				
001-0000-380-000	USE OF RESERVES	5,655,656	468,394	0	6,124,050
EXPENDITURES		45,820,509	1,733,394	1,265,000	46,288,903
	Transfers				
001-9999-991-190	TRANSFER TO GRANTS & SPEC REV	2,263,258	1,733,394	0	3,996,652
	Contingency				
001-9990-999-300	SAVINGS CONTINGENCY	3,693,266	0	1,265,000	2,428,266

GRANTS AND SPECIAL REVENUE FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		7,873,271	2,201,789	1,265,000	8,810,060
	Intergovernmental Revenue				
190-0000-337-700-PR2201	MELCHING FIELD RENOVATION & EXPANSION	1,265,000	0	1,265,000	0
190-0000-337-700-PR2203	PLAYGROUND EQUIPMENT - JACKSON LANE PARK	99,172	50,828	0	150,000
	Miscellaneous Revenue				
190-0000-366-000-PR2201	MELCHING FIELD RENOVATION & EXPANSION	2,899,272	417,567	0	3,316,839
	Other Sources Revenue				
190-9999-381-001-PR2201	TRANSFER FROM GENERAL FUND	1,434,272	1,682,567	0	3,116,839
190-9999-381-001	TRANSFER FROM GENERAL FUND	828,986	50,827	0	879,813
EXPENDITURES		7,873,271	936,789	0	8,810,060
	Parks				
190-1403-663-000-PR2201	MELCHING FIELD RENOVATION & EXPANSION	5,798,544	835,134	0	6,633,678
190-1403-664-000-PR2203	PLAYGROUND EQUIPMENT - JACKSON LANE PARK	198,345	101,655	0	300,000

AIRPORT FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		9,692,181	0	0	9,692,181
EXPENDITURES		9,692,181	239	239	9,692,181
430-9999-991-001	TRANSFER TO GENERAL FUND	225,874	0	239	225,635
430-9990-999-100	CONTINGENCY	83,107	239	0	83,346

Section 2. In all other respects the Budget of the City of DeLand, Florida for fiscal year 2021-2022 is hereby ratified and confirmed as adopted by Resolution 2021-65, 2021-76, 2022-02, 2022-08, 2022-11, 2022-27 and 2022-45.

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

PASSED AND DULY ADOPTED this 20th day of June, 2022.

Robert F. Apgar
Mayor-Commissioner

ATTEST:

Julie A. Hennessy
City Clerk-Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

FY 21-22 Budget Amendment Details

ACCOUNT	Account Description	Increase	Decrease	Description
GENERAL FUND				
REVENUES		468,394	0	
001-0000-380-000	USE OF RESERVES	417,567		increase funding for Melching Field Renovations (additional costs associated with option 1)
001-0000-380-000	USE OF RESERVES	50,827		increase funding for Jackson Lane Memorial Park Playground Project
EXPENDITURES		1,733,394	1,265,000	
001-9999-991-190	TRANSFER TO GRANTS & SPEC REV	1,265,000		increase transfer for Melching Field Renovations (replace lost ECHO grant funds)
001-9999-991-190	TRANSFER TO GRANTS & SPEC REV	417,567		increase transfer for Melching Field Renovations (additional costs associated with option 1)
001-9999-991-190	TRANSFER TO GRANTS & SPEC REV	50,827		increase transfer for Jackson Lane Memorial Park Playground Project
001-9990-999-300	SAVINGS CONTINGENCY		1,265,000	decrease savings of ARPA Benefit Funds for Melching Field Renovations
GRANT & SPECIAL				
REVENUE FUND				
REVENUES		2,201,789	1,265,000	
190-0000-337-700-PR2201	MELCHING FIELD RENOVATION & EXPANSION		1,265,000	reduce funding from ECHO grant for Melching Field Renovations
190-0000-337-700-PR2203	PLAYGROUND EQUIPMENT - JACKSON LANE PARK	50,828		increase funding for Jackson Lane Memorial Park Playground Project
190-0000-366-000-PR2201	MELCHING FIELD RENOVATION & EXPANSION	417,567		increase funding from Stetson University for Melching Field Project
190-9999-381-001-PR2201	TRANSFER FROM GENERAL FUND	1,265,000		increase transfer for Melching Field Renovations (replace lost ECHO grant funds)
190-9999-381-001-PR2201	TRANSFER FROM GENERAL FUND	417,567		increase transfer for Melching Field Renovations (additional costs associated with option 1)
190-9999-381-001	TRANSFER FROM GENERAL FUND	50,827		increase transfer for Jackson Lane Memorial Park Playground Project
EXPENDITURES		936,789	0	
190-1403-663-000-PR2201	MELCHING FIELD RENOVATION & EXPANSION	835,134		increase appropriation for Melching Field Renovations (additional costs associated with option 1)
190-1403-664-000-PR2203	PLAYGROUND EQUIPMENT - JACKSON LANE PARK	101,655		increase appropriation for Jackson Lane Memorial Park Playground Project
AIRPORT FUND				
REVENUES		0	0	
EXPENDITURES		239	239	
430-9999-991-001	TRANSFER TO GENERAL FUND		239	decrease appropriation for adjustment to correct transfer for CIS Services by Crowdstrike
430-9990-999-100	CONTINGENCY	239		increase appropriation for adjustment to correct transfer for CIS Services by Crowdstrike

CITY OF DELAND
Request for Commission Action
June 20, 2022

SUBJECT: Consideration re Award of Bid, Chisholm Playground Shade Structure.

DEPARTMENT: Parks & Recreation

PREPARED BY: Pam Godfrey, Admin

ATTACHMENTS: B2210Tab

APPROVED BY: Michael Grebosz, Asst. City Manager, June 15, 2022

SUMMARY/HIGHLIGHT:

The subject project was advertised via the internet-based Demandstar and the local newspaper. Bids were received on May 4, 2022 from four contractors and the results are presented in the attached bid tabulation.

The confirmed low bidder was Korkat for the amount of \$42,667.79. The low bidder has demonstrated that they have the necessary experience and abilities to perform and deliver the requirements specified in the bidding documents.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Preserving a "Sense of Community", High Value Government

SUSTAINABILITY:

Energy Efficient Buildings and Infrastructure

FISCAL IMPACT:

The lowest bidder, Korkat's bid amount, was \$42,667.79. CDGB funds in the amount of \$28,065.00 were approved for this project. The approved budget is \$42,000, therefore, additional funding will be paid out of Grants & Special Revenue Fund fund balance reserves.

RECOMMENDATION:

Staff recommends that the City Commission award the Chisholm Playground Shade Structure Bid No. B-22-10 in the amount of \$42,667.79.

BACKGROUND/DISCUSSION:

The playground at the Chisholm Center is a very active playground in the community. In recent years, especially in Florida, it has become common practice to provide shade structures on most if not all playgrounds. This is a CDBG project that was approved by the City Commission and Volusia County.



120 S. Florida Ave.
DeLand, FL 32720
Phone: 386-626-7000
Fax: 386-626-7140

BID TABULATION SHEET

Bid Title: Chisholm Playground Shade Structure
Bid No: B-22-10
OPENING DATE & TIME: May 4, 2022 @ 3:00 PM
POSTING DATE: May 12, 2022

POSTED BY: Corey McMillen

Contractor	City, State	Price
Korkat	Carrollton, GA	\$42,667.79
Bliss Products & Services, Inc.	Lithia Springs, GA	\$44,444.00
Gametime	Fort Payne, AL	\$49,332.84
Peak Power Services, Inc.	Tampa, FL	\$65,100.00

***All bids are subject to Volusia County review; this tabulation could change after review.**

Bid tabulations with award recommendations are posted to DemandStar at www.demandstar.com.

CITY OF DELAND
Request for Commission Action
June 20, 2022

SUBJECT: Consideration re Extra Work Authorization (EWA) for Professional Services to Prepare Design Criteria Package – Melching Field Stadium Improvements.

DEPARTMENT: Public Service

PREPARED BY: Chad Gamble, Public Services Director

ATTACHMENTS: CPH EWA Proposal

APPROVED BY: Michael Grebosz, Asst. City Manager, June 16, 2022

SUMMARY/HIGHLIGHT:

The City Commission, at their November 1, 2021 meeting, awarded the Design Criteria Package for the planned improvements to Melching Field to CPH consultants. Due to the compressed schedule necessary to complete all of the field improvements, in particular the installation of the natural turf, a decision was made to separate this work from the design build portion of the project and procure this work via a design, bid, build process. The attached Extra Work Authorization (EWA) is due to the oversight and design support necessary for the Melching Field, - field contract. In addition, there were modifications in the field design that necessitated the application of a St. John's River Water Management District (SJRWMD) permit for work in the area of the adjacent detention facility. CPH will need to modify plans and specifications, perform additional geotechnical work, attend additional meetings on site and via conference call as well as other various tasks in order to provide plans and calculations necessary to proceed with the field contract and obtain the SJRWMD permit.

As the Commission is aware, design development and other preliminaries for the Melching Field Stadium improvements project must be performed shortly in order to complete all necessary work between June of 2022 and the 2023 baseball season.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Preparing for future/sustainability.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The original contract amount for CPH was \$184,400 with an additional change order for design/build field improvements of \$8,500 for a total contract of \$192,900. This proposed EWA, to perform the work outlined above, is \$45,000 which will bring the total contract amount to \$237,900. Funds are available and programmed in the Melching Field project budget to perform this necessary work.

RECOMMENDATION:

It is recommended that the City Commission approve the Extra Work Authorization for the Melching Field -

Design Criteria Package contract issued to CPH for the amount of \$45,000 bringing the total contract to \$237,900. In addition, the Commission is also asked to approve the change of use of funds programmed in the original contract for survey work, in the amount of \$8,500, in support of general engineering activities during the overall design build project.

BACKGROUND/DISCUSSION:

N/A

Extra Work Authorization (EWA)		EWA#: 1	
CPH Project #: D0935	Base Contract Date:	9/30/2021	
Project Name: Design Criteria Melching Field	Base Contract Fee Amount:	\$184,400.00	
Client: City of DeLand	Current Contract Date:	1/11/2022	
	Current Contract Fee Amount:	\$192,900.00	
	Proposed Fee for Extra Work:	\$45,000.00	
	Contract Fee Amount with this EWA:	\$237,900.00	
		(Does not include the construction observation services)	
All terms and conditions of the BASE CONTRACT, with all approved amendments to date, shall be applicable to this Extra Work Authorization, except that Professional Services hourly rates are updated to reflect periodic adjustments to CPH's published rate, if so marked below. Approval of this Extra Work Authorization will amend the scope of services, and professional fees.			
The following: ☒ Increased Scope of Service ☐ Additional Service, is proposed for Client's approval:			
<u>SCOPE DESCRIPTION</u>		<u>PROPOSED FEE ADJUSTMENT</u> (IF ANY)	
The additional scope for splitting the bids, additional meetings, and plans preparations:		\$20,000.00	
- Preparation of plans and specifications to separate the field work (Phase 1) from the building design build scope (Phase 2). - Additional meeting (site meetings and conference calls) to review plan progress and specifications. - Modification of plans and specifications to add underdrains to the natural turf field. - Bullpen layout and additional adjustments. - Splitting of bids to have the field work (Phase 1) bid earlier than the building portion design build (Phase 2). - Changes to bullpens and wall layout after bidding. Review of VE items with selected contractor and City.			
St. John's River Water Management District permitting: (includes \$5,000 allowance for Geo)		\$25,000.00	
- The preparation and attendance at a conference call preapplication meeting with SJRWMD. - Geotechnical subconsultant for underdrain design and confirmation of current groundwater table and system recovery. (fee allowance included) - Preparation of minimum amount of plans for permit submittal. This submittal will include field grading, natural turf underdrain layout, and details based on geotechnical recommendations and City requirements. Underdrain system under the artificial turf will be provided to CPH by the contractor. - Preparation of stormwater calculations to support the application. CPH will review the submittal package and coordinate it with the City Engineering Department prior to submittal to the District. This scope assumes that the District will consider the natural turf field with underdrains as pervious. In addition, it is assumed that the District will approve the first submittal without comments. - The Contractor is responsible for preparation and permitting of all additional engineering plans required for permitting with the City (wall plans, artificial turf, site plan, etc.)			
Please note that CPH anticipates to have plans and applicable calculations prepared three (3) weeks after notice to proceed (NTP), assuming the geotechnical information is available no more than two (2) weeks after NTP. City review of submittal package one (1) week. The District review time is anticipated to be four (4) weeks. Assuming that the District approves application with no comments, the City should anticipate receiving the District permit eight (8) to ten (10) weeks after notice to proceed.			
☐ Revised Professional Service Rates are Attached.			
Proposed by:		Approved:	
John Baer	 (Signature)	6/13/2022	
CPH Project Manager	Date	Client	Signature
			Date

CITY OF DELAND
Request for Commission Action
June 20, 2022

SUBJECT: Consideration re Award of Bid, Lift Station Generator # 54.

DEPARTMENT: Public Service

PREPARED BY: Chad Gamble, Public Services Director

ATTACHMENTS: BID TAB

APPROVED BY: Michael Grebosz, Asst. City Manager, June 16, 2022

SUMMARY/HIGHLIGHT:

In May, 2022, the subject project was advertised via the internet based Demandstar and the local newspaper. Bids were received from three vendors, and the results are presented in the attached bid tabulation.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government - Facilities and Infrastructure.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The lowest bidder, TAW Power Systems, submitted a brand that was not acceptable via language contained in addendum #2 and therefore declared non-responsive. Therefore, staff recommends awarding the bid to the lowest responsive bidder, Ring Power Corporation. Award of bid to Ring Power will result in an obligation of \$41,350.

CDBG appropriations are being used to fund this project and all requirements of said use of funds have been met.

RECOMMENDATION:

Staff recommends that the City Commission award Lift Station Generator # 54 to Ring Power Corporation in the amount of \$41,350.

BACKGROUND/DISCUSSION:

N/A



120 S. Florida Ave.
DeLand, FL 32720
Phone: 386-626-7000
Fax: 386-626-7140

BID TABULATION SHEET

Bid Title: List Station #54 Generator

Bid No: B-22-14

OPENING DATE & TIME: June 2, 2022 @ 3:00 PM

POSTING DATE: June 7, 2022

POSTED BY: Corey McMillen

Contractor	City, State	Price
Ring Power Corporation	St. Augustine, FL	\$41,350.00

***TAW Power Systems submitted an unapproved generator brand and are deemed non-responsive. Paramount Power Inc. did not submit product details, including generator brand, and are deemed non-responsive.**

Bid tabulations with award recommendations are posted to DemandStar at www.demandstar.com.

CITY OF DELAND
Request for Commission Action
June 20, 2022

SUBJECT: Consideration re Award of Bid, DeLand House Foundation.

DEPARTMENT: Public Service

PREPARED BY: Chad Gamble, Public Services Director

ATTACHMENTS: B-22-16 Tabulation, DeLand House Foundation

APPROVED BY: Michael Grebosz, Asst. City Manager, June 16, 2022

SUMMARY/HIGHLIGHT:

In May, 2022, the subject project was advertised via the internet based Demandstar and the local newspaper. One Bid was received, from Coastal Sun Engineering and Construction. Staff considers this bid responsive.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government - Facilities and Infrastructure

SUSTAINABILITY:

N/A

FISCAL IMPACT:

Coastal Sun Engineering and Construction submitted their bid in the amount of \$42,500. Funds are available in the Parks and Recreation FY 21/22 Budget to pay for this.

RECOMMENDATION:

Staff recommends that the City Commission award DeLand House Foundation to Coastal Sun Engineering and Construction in the amount of \$42,500.

BACKGROUND/DISCUSSION:

The foundation of the DeLand House is original to the building. Little work has been done to it since its original construction. Sometime in the 1950's there was an addition put on the west side of the building. When the addition was built, the perimeter joists were cut in order to tie in the addition and therefore structurally compromised that section of the building. This has caused a large sag to develop in the main parlor. In addition, the original joists are too far apart and thus adds to the structural problems that are causing the sagging of the parlor area. In addition, the original building was not constructed with indoor plumbing or air conditioning and when those systems were added, some of the beams were cut or notched to make room for those modifications. The upcoming work will add supplemental beams and new columns throughout the entire foundation to which the load of the house will be transferred to and thus provide proper structural support for the building. This activity will also take some of the sag out of the floor and thus stop any further settlement.



120 S. Florida Ave.
DeLand, FL 32720
Phone: 386-626-7000
Fax: 386-626-7140

BID TABULATION SHEET

Bid Title: DeLand House Foundation

Bid No: B-22-16

OPENING DATE & TIME: May 26, 2022 @ 3:00 PM

POSTING DATE: June 1, 2022

POSTED BY: Corey McMillen

Vendor	Vendor City/State	Total
Coastal Sun Engineering & Construction	Mims, FL	\$42,500.00

Bid tabulations with award recommendations are posted to DemandStar at www.demandstar.com.

DeLand House Foundation

NO. B-22-16



**City of DeLand
120 S. Florida Ave
DeLand, FL 32720
(386) 626-7196**



**CITY OF DELAND
NOTICE TO BIDDERS
BID NO. 22-16**

NOTICE IS HEREBY GIVEN that the City of DeLand will receive sealed proposals at the City Hall 2nd floor receptionist, 120 South Florida Avenue, DeLand, Florida, until 3:00 p.m. on Thursday, May 26, 2022 and will open the submitted bids in the Commission Chambers, first floor, immediately following the submittal closing time for the following:

DELAND HOUSE FOUNDATION

A mandatory pre-bid meeting will be held at 2:00 pm on Tuesday, May 17th, 2022 at the DeLand House, 137 W. Michigan Avenue, DeLand, FL, 32720

Bids must comply and be submitted in accordance with the project technical specifications which may be obtained at the office of the Public Services Director, 1102 S. Garfield Avenue, DeLand, Florida, any time prior to the bid opening. Questions shall be directed to the office of the Purchasing Coordinator at purchasing@deland.org.

Michael Pleus
City Manager

SUBMIT TO: CITY OF DeLAND FINANCE DEPT., 2 nd Floor Receptionist 120 SOUTH FLORIDA AVENUE DeLAND, FLORIDA 32720		INVITATION TO BID	
CONTACT PERSON: Corey McMillen			
PHONE: 386-626-7078		BID # B-22-16	SUBMITTALS RECEIVED AFTER SPECIFIED DATE AND TIME WILL NOT BE CONSIDERED
BID TITLE: DeLand House Foundation			SUBMITTAL DEADLINE Thursday, May 26, 2022 @ 3:00 P.M.
PRE-BID DATE, TIME AND LOCATION: Mandatory Pre-Bid to be held on Tuesday, May 17, 2022 at 2 PM, at the DeLand House, 137 W. Michigan Avenue, DeLand, FL, 32720			BID BOND REQUIRED 5%
RESPONDENT NAME:			FEDERAL ID # OR SOCIAL SECURITY #:
MAILING ADDRESS:			TELEPHONE #:
CITY – STATE – ZIP:			FAX #:
X			EMAIL:
AUTHORIZED SIGNATURE			Title
Printed Name			Date
By my signature I certify that this offer is made without prior understanding, agreement, or connection with any corporation, firm, business entity, or person submitting an offer for the same materials, supplies, equipment, or service(s), and is in all respects fair and without collusion or fraud. I further agree that if the offer is accepted, the offeror will convey, sell, assign, or transfer to the City of DeLand all right, title, and interest in and to all causes of action it may now or hereafter acquire under the Antitrust laws of the United States and the State of Florida for price fixing relating to the particular commodity(s) or services(s) purchased or acquired by the City of DeLand. At the City's discretion, such assignment shall be made and become effective at the time the City tenders final payment to the bidder.			
THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR RESPONSE			

Sec. 25A.5-2. Local bid preference.

- (a) Applicability. This Section shall apply to all purchasing \$25,000.00 and above which is accomplished by the City of DeLand pursuant to an invitation to bid.
- (b) Preference. Where the lowest Bid is submitted by a vendor which is not a Local business, and a Bid is submitted by a Local business which is within five percent (5%) of the lowest Bid, then the Local business submitting the lowest Bid amongst all Local business submitting Bids, and the vendor submitting the lowest Bid, shall each have the opportunity to submit, within five (5) working days of the bid opening, a best and final Bid equal to or lower than the amount of the lowest Bid. The contract shall be awarded to the vendor submitting the lowest final Bid. In the case of a tie between a Local business and a vendor which is not a Local business, the contract shall be awarded to the Local business.
- (c) Exemptions. Notwithstanding the provisions of subparagraph (b) above, this Section shall not apply to any of the following purchasing activities:
 - 1. Purchasing funded, in whole or in part, by an entity prohibiting application of the preference provided by this section by grant agreement, contract or applicable federal, state, or local law;
 - 2. Items purchased on state contracts, "piggybacked" contracts, sole source purchases, or other purchases which are not accomplished by competitive bids, in accordance with the City's Charter and Purchasing Guidelines;
 - 3. Emergency purchasing.
- (d) Certification. A vendor claiming to qualify as a Local business for purposes of this Section shall so certify in writing on a form prescribed by the City of DeLand's finance director as part of the request for bids process.
- (e) Verification. Any vendor which has qualified as Local business as prescribed in this Section shall provide all documentation reasonably required by the finance director that demonstrates its status as a Local business prior to the time of purchase or recommendation of award of contract.
- (f) Maintenance of status. A vendor granted a preference under this Section which results in the award of a contract may be required to stipulate to maintaining its status as Local businesses throughout the term of the contract.
- (g) Job openings. A vendor which is granted a preference under this Section which results in the award of a contract shall be required to post job openings related to the contract with such agencies or organizations designated by the city manager.
- (h) Compliance. Noncompliance with this section shall be deemed a material breach of any contract which resulted from a preference granted under this Section, and such breach shall be grounds for termination by the City of DeLand. The terms of this Section are deemed incorporated by reference in any contract resulting from a preference granted under this Section, regardless of whether such contract expressly so states.

GENERAL CONDITIONS AND INSTRUCTIONS

****PLEASE READ CAREFULLY****

- 1. SUBMISSION OF OFFERS:** All offers shall be submitted in a sealed envelope or package. The invitation numbers, title, and opening date shall be clearly displayed on the outside of the sealed envelope or package. The delivery of responses to the receptionist located on the 2nd floor of City Hall prior to the specified date and time is solely and strictly the responsibility of the offeror. Any submittal received after the specified date and time will not be considered.

Responses shall be submitted on forms provided by the City. Additional information may be attached to the submittal. Facsimile submissions are NOT acceptable. No offer may be modified after acceptance. No offer may be withdrawn after opening for a period of sixty (60) days unless otherwise specified.

- 2. EXECUTION OF OFFER:** Offer shall contain a manual signature in the space(s) provided of a representative authorized to legally bind the offeror to the provisions therein. All spaces requesting information from the offeror shall be completed. Responses shall be typed or printed in ink. Use of erasable ink or pencil is not permitted. Any correction made by the offeror to any entry must be initialed.
- 3. OPENING:** Opening shall be public at City Hall immediately following the advertised deadline date and time for receipt of submittals. Pursuant to Section 119.073(3)(0) Florida Statutes (1991) no further information regarding offers submitted will be made public until such time of intended award or thirty (30) days, whichever is earlier.
- 4. PUBLIC RECORD:** The City of DeLand, Florida, is governed by the Public Record Law, Chapter 119, Florida Statutes. Pursuant to chapter 119 only trade secrets as defined in Section 812.081, Florida Statute shall be exempt from disclosure.
- 5. TABULATION:** Anyone wishing to receive a copy of the tabulation of offers is required to enclose a stamped, self-addressed envelope with submittal, or include a written request to have the tabulation emailed to the email address listed above.
- 6. CLARIFICATION/CORRECTION OF ENTRY:** The City of DeLand reserves the right to allow for the clarification of questionable entries and the correction of OBVIOUS MISTAKES.
- 7. INTERPRETATION/ADDENDA:** Any questions concerning conditions and specifications shall be directed to the designated contact person. Those interpretations which may affect the eventual outcome of the invitation/offer shall be furnished in writing to prospective offerors.
- No interpretation shall be considered binding unless provided in writing by the City of DeLand in the form of an addendum. Any addenda issued shall be acknowledged by signature and returned with offeror's response. Failure to acknowledge addenda may result in the offer not being considered.
- 8. INCURRED EXPENSES:** This invitation does not commit the City to make an award nor shall the City be responsible for any cost or expense which may be incurred by any respondent in preparing and submitting a reply, or any cost or expense incurred by any respondent prior to the execution of a purchase order or contract agreement.
- 9. PRICING:** Unless otherwise specified, prices offered shall remain firm for a period of at least sixty (60) days; all pricing of goods shall include FOB DESTINATION, all packing, handling, shipping charges and delivery to any point(s) within the City to a secure area of inside delivery; all prices of services shall include all expenses necessary to provide the service at the location specified.

- 10. ADDITIONAL TERMS & CONDITIONS:** The City of DeLand reserves the right to reject offers containing terms or conditions contradictory to those requested in the invitation specifications.
- 11. TAXES:** The City of DeLand is exempt from Federal Excise Taxes and all sales taxes. Florida State Exemption Certificate No. 85-8013842706C-2.
- 12. DISCOUNTS:** All discounts, except those for prompt payment, shall be considered in determining the lowest net cost for evaluation purposes.
- 13. MEETS SPECIFICATIONS:** The offeror represents that all offers to this invitation shall meet or exceed the minimum requirements specified.

- 14. SAMPLES:** When required, samples of products shall be furnished with response to the City at no charge. Samples may be tested and will not be returned to the offeror. The result of any and all testing shall be made available upon written request.

- 15. SILENCE OF SPECIFICATIONS:** The apparent silence of these specifications or any supplemental specifications as to details or the omission from same of any detailed description concerning any point, shall be regarded as meaning that only the best commercial practices are to prevail and that only materials of first quality and correct type, size, and design are to be used. All workmanship shall be first quality. All interpretations of specifications shall be made upon the basis of this statement.

- 16. GOVERNING LAWS:** Any agreement to purchase resulting from this invitation shall be governed by the laws, regulations, and ordinances of the State of Florida and the City of DeLand, Florida. Venue shall be non-jury in the Circuit Court of Volusia County, Florida.

- 17. ASSIGNMENT:** Any agreement to purchase issued pursuant to this invitation and award thereof and the monies which may become due hereunder are not assignable except with the prior written approval of the City.

- 18. CONTENT OF INVITATION/RESPONSE:** The contents of this invitation, all terms, conditions, specifications, and requirements included herein and the accepted and awarded response thereto may be incorporated into an agreement to purchase and become legally binding. Any terms, conditions, specifications, and/or requirements specific to the item or service requested herein shall supersede the requirements of the 'GENERAL CONDITIONS AND INSTRUCTIONS'.

- 19. LIABILITY:** The supplier/provider shall hold and save the City of DeLand, its officers, agents, and employees harmless against claims by third parties resulting from breach of contract or negligence by the supplier/provider.

- 20. PATENTS, COPYRIGHT, AND ROYALTIES:** The supplier/provider, without exception, shall indemnify and save harmless the City of DeLand, its officers, agents and employees, from liability of any nature or kind, including cost and expenses for or on account of any copyrighted, registered, patented, or unpatented invention, process, or article manufactured or used in the provision of goods and/or services, including use by the City of DeLand. If the supplier/provider uses any design, device, or materials covered by letters, patent, copyright, or registration, it is mutually agreed and understood without exception that the quoted price shall include all royalties or costs arising from the use of such design, device, or materials in any way involved.

- 21. TRAINING:** Unless otherwise specified, suppliers/providers may be required at the convenience of and at no expense to the City to provide training to City personnel in the operation and maintenance of any item purchased as a result of this invitation.

- 22. ACCEPTANCE:** Products purchased as a result of this invitation may be tested for compliance with specifications. Items delivered not conforming to specifications may be rejected and returned at bidder's expense. Those items and items not delivered by the delivery date specified in accepted offer and/or purchase order may be purchased on the open market. Any increase in cost may be charged against the bidder.

- 23. SAFETY WARRANTY:** Any awarded supplier/provider including dealers, distributors, and/or manufacturers shall be responsible for having complied with all Federal, State, and local standards, regulations, and laws concerning the product or service specified, and the use hereof, applicable and effective on the date of manufacture or use or date in service including safety and environmental standards as apply to both private industry and governmental agencies.

- 24. WARRANTY:** The offeror agrees that, unless otherwise specified, the product and/or service furnished as a result of this invitation and award thereto shall be covered by the most favorable commercial warranty the offeror gives to any customer for comparable quantities of such products and/or services and that the right and remedies provided herein are in addition to and do not limit any rights afforded to the City of DeLand by any other provision of the invitation/offer.

- 25. AWARD:** As the best interest of the City may require, the City reserves the right to make award(s) by individual item, group of items, all or none, or a combination thereof, on a geographical basis and/or on a Citywide basis with

one or more supplier(s) or provider(s); to reject any and all offers or waive any irregularity or technicality in offers received. Offerors are cautioned to make no assumptions unless their offer has been evaluated as being responsive. Any or all award(s), made as a result of this invitation, shall conform to applicable ordinances of the City of DeLand, Florida.

- 26. VIOLATIONS:** Any violation of any of the stipulations, terms, and/or conditions listed and/or included herein may result in the offeror/bidder being disqualified from doing business with the City for a period of time to be determined on a case-by-case basis.

- 27. UNIT PRICING:** For purposes of this Invitation and evaluation of responses hereto the following shall apply: unit prices shall prevail over extended prices; written matter shall prevail over typed matters; numbers spelled in word form shall prevail over Arabic numerals (“one” over “1”). When not inconsistent with context words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- 28. INSURANCE:** Vendor/Contractor shall defend, indemnify and hold harmless the City of DeLand from and against any and all liability, losses, damages, claims, demands, expenses, fees, fines, penalties, suits, proceedings, actions, and costs of actions (including attorneys’ fees), of whatsoever kind or nature arising out of or in any way arising out of the agreement or any act or omission of Vendor/Contractor or its agents, servants, employees, independent contractors, customers, patrons or invitees, unless such claims are as a result of the City’s sole negligence.

The Vendor/Contractor shall secure and maintain, at its own expense at all times during the term of this contract, a comprehensive public liability insurance policy issued by a responsible insurance company, and in a form acceptable to the City, protecting and insuring against all of the following: claims, demands, damages, fees, fines, penalties, suits, proceedings, actions, and costs of actions, etc. coverage limits of not less than \$1,000,000 for bodily injury to or death to one or more person(s), and \$1,000,000 for damage to any property, or a combined single limit of \$2,000,000 for any occurrence of bodily injury to persons or damage to property, which insurance shall be issued on the occurrence basis. This policy shall name the City of DeLand as additionally insured.

The Vendor/Contractor shall secure and maintain, at its own expense at all times during the term of this contract an automobile liability coverage policy with a minimum of a \$1,000,000 combined single limit per occurrence.

The Vendor/Contractor shall secure and maintain, at its own expense at all times during the term of this contract, Worker’s Compensation and Employer’s Liability Insurance covering all the persons employed by the Vendor/Contractor in connection with this contract. Worker’s Compensation shall be the Statutory Limits.

The Vendor/Contractor shall not commence work under this contract until he has obtained all insurance required and submitted proof thereof to the City’s Risk Manager for approval. Certificates shall provide for thirty (30) day cancellation notice to the City. Referenced Certificate to be mailed to Risk Manager, City of DeLand, 120 South Florida Avenue, DeLand, Florida, 32720-5481.

The Vendor/Contractor shall either cover any sub-contractors on its policy or require the sub-contractors to conform to all requirement for insurance contained herein.

Vendor/Contractor agrees that the City of DeLand will make no payments pursuant to the terms of the contract until all required proof or evidence of insurance has been provided to the City’s Risk Manager.

29. DEFINITIONS:

CITY – The term “City” herein refers to the City of DeLand, Florida, and its duly authorized representatives.

OFFEROR - The term “offeror” used herein refers to any dealer, manufacturer, representative, distributor, or business organization submitting an offer to the City in response to this invitation.

BIDDER – The term “bidder” used herein refers to any dealer, manufacturer, representative, distributor, or business organization that will be or has been awarded a contract and/or purchase order pursuant to the terms and conditions of the invitation and accepted offer.

- 30. PUBLIC ENTITY CRIMES INFORMATION STATEMENT:** A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

- 31. PERMITS:** Contractor shall be responsible for payment of all applicable permit fees.

- 32. PAYMENT:** Payment will be made in accordance with Local Government Prompt Payment Act (Florida Statutes 218.70 – 218.80). A City of DeLand VISA Purchasing Card will be used to pay for services or goods you provide, unless you are not currently VISA capable. Ability to accept VISA will not be considered in determining “lowest and best responsive bidder”. If you are not currently VISA capable, invoices submitted by the first of the month will be paid with the regularly scheduled accounts payable run for that month unless stated otherwise.

- 33. PERFORMANCE BOND:** Upon award the successful bidder will also be required to furnish and pay for a satisfactory contract 100% Performance and Payment Bond to be recorded by the vendor, with the Clerk of the Circuit Court, Volusia County, Florida, to enter into a contract for services with the City of DeLand. The recorded document shall be returned to the City of DeLand, City Clerk’s Office, 120 South Florida Avenue, DeLand, FL, 32720

- 34. AVAILABILITY OF FUNDS:** A contract shall be deemed executory only to the extent of appropriations available to each department for the purchase of such articles. The City’s extended obligation on these contracts, which envision extended funding through successive fiscal periods, shall be contingent upon actual appropriations for the following fiscal year.

- 35. E-VERIFY:** In accordance with Florida State Law, Executive Order 11-116, any vendor or company that the City enters into contract with, or issues a purchase order, must utilize the E-Verify system.

THE CITY OF DELAND RESERVES THE RIGHT TO REJECT ANY OR ALL OFFERS, TO WAIVE INFORMALITIES, AND TO ACCEPT ALL OR ANY PART OF ANY OFFER AS MAY BE DEEMED TO BE IN THE BEST INTEREST OF THE CITY.

CERTIFICATION AFFIDAVIT BY CONTRACTOR AS LOCAL BUSINESS

This form must be signed and sworn to in the presence of a notary public or other official authorized to administer oaths.

1. This sworn statement is submitted to the City of DeLand, Florida:

By: _____ (Authorized Individual's name and title)

For: _____
(Name of Company/Individual submitting sworn statement)

2. Local Preference Eligibility:

- a. Vendor has been in business for a minimum of six (6) months prior to the date of bid. Yes or No?
- b. Vendor has attached proof of local business in the form of a business tax receipt from a local jurisdiction per City of DeLand Local Preference ordinance. Yes or No?

3. Job Openings:

- a. There will or there will not be job openings created by award of this contract; yes or no?
- b. Job openings related to award of this bid shall be advertised with:

Center for Business Excellence
846 Saxon Boulevard
Orange City, Florida 32763
(386) 323-7079
businessservices2@cbe-fve.org

- c. Verification receipt of job posting must be provided to the Finance Director within ten (10) days after the job advertisement has been released:

City of DeLand
Finance Director
120 South Florida Avenue
DeLand, Florida 32720

I understand that the submission of this form to the City of DeLand, Florida, is valid through the end of term of the awarded contract. I also understand that failure to notify the City of DeLand of a change in address out of the local area may result in breach of contract.

(Signature)

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this ____ day of _____, 20____,
by _____
(name of person making statement)

(NOTARY SEAL)

(Signature of Notary Public – State of Florida)

(Name of Notary Typed, Printed, or Stamped)

Personally Known____ OR Produced Identification_____

Type of Identification Produced_____

DeLand House Foundation

B-22-16

SPECIFICATIONS

1. PURPOSE

The purpose of this Invitation to Bid (ITB) is to solicit competitive sealed bids from qualified contractors to provide foundation stabilization to the DeLand House located at 137 W Michigan Ave, DeLand, FL 32720. By virtue of providing a bid in response to this solicitation, the vendor agrees to all terms and conditions contained herein.

2. SPECIFICATION

- Stabilization and leveling as close to zero is goal
- Supplemental beams will be added where necessary and be made of steel securely fastened to structure by mechanical means (screws or bolts)
- Support and level entire foundation
- Replace and remove any rotted or compromised wood support beams
- Remove and reinstall any lattice, replace and repair if necessary
- If A\C duct work needs to be removed, contractor will supply temporary climate control to mediate any excessive heat or humidity.
- Exterior bricks – If any break or come loose from footings contractor will repair\ replace with similar bricks. Repairs will be done by contractor
- All new footings will be 2x2 ft square
- Concrete will be 4000 psi or greater
- Jacks will be: Ellis Manufacturing STL Series or equivalent (Attachment A)
- Any landscaping that needs to be removed will be replaced by contractor

Attachments

Attachment A – Jack Specifications

Attachment B – Job Map

3. SUBSTITUTIONS/EQUIVALENTS

If a potential bidder wishes to submit a substitution or equivalent it must be approved by the City of DeLand before bid submission.

4. INQUIRIES

Questions shall be directed to the office of the Purchasing Coordinator, Corey McMillen at 386-626-7078 or by email at mcmillenc@deland.org or Purchasing@deland.org. Any bid or specification changes will be communicated via addendum from the Purchasing Coordinator. Questions will be accepted until **Friday, May 20th, 2022 at 5 pm.**

5. PRE-BID MEETING

A Mandatory pre- bid meeting will be held on Tuesday, May 17th, 2022, at 2:00 p.m. located at the DeLand House, 137 W. Michigan Avenue, DeLand, FL, 32720

☒ **Mandatory**

6. SUBMITTAL REQUIREMENTS

- Signed Price Sheet

- Signed Bid Invitation
- Proposer's Certification
- Bid Bond
- Non-Collusion Affidavit
- Contractor Affidavit Regarding Scrutinized Company List
- Public Entity Crim Form
- Drug-Free Workplace Form
- Conflict of Interest Affidavit
- Reference Form
- Payment & Performance Bonds

7. RECEIVING OF BIDS

Bids must be received by The City of DeLand Purchasing Coordinator, 120 S. Florida Ave., 2nd Floor, DeLand, FL 32720 no later than **May 26th, 2022 at 3 pm.**

Bids shall be submitted with the "Original" clearly marked and should be accompanied by an equivalent electronic PDF file on compact disc or USB flash drive. DO NOT MODIFY OR REISSUE THE PRICE SHEET; USE THE PRICE SHEET FORM PROVIDED.

Note* Please ensure that if you use a third-party carrier (DHL Express, FedEx, UPS, USPS, etc.) that they are properly instructed to deliver your bid only to Purchasing Services on the third (3rd) floor at the above address. Contractors are advised that U.S. Postal Service 1st Class and Express mail is delivered to a P.O. Box and is not delivered to the Purchasing Services Office. Delivery via the USPS is at the Contractor's risk. To be considered, a bid must be accepted by the Purchasing Coordinator no later than the ITB closing date and time. If the bid is delivered anywhere else, it may not reach Purchasing Services in time

DeLand House Foundation

B-22-16

PRICE SHEET

Price shall include all labor, materials, delivery/shipping, and equipment to perform all requirements and meet all specifications:

Total Cost:_____

ADDENDUM ACKNOWLEDGMENT

Contractor acknowledges receipt of amendments by indicating amendment number and date of issue.

Add. No._____ Dated_____ // Add. No._____ Dated_____

Add. No._____ Dated_____ // Add. No._____ Dated_____

I hereby acknowledge that I have read, understand, and agree to all terms, conditions, insurance, scope of work, specifications and pricing for B-22-16/DeLand House Foundation.

COMPANY NAME_____

ADDRESS_____

AUTHORIZED SIGNATURE_____

PRINTED SIGNATURE_____DATE_____

TELEPHONE # _____FAX # _____

EMAIL_____

PROPOSER'S CERTIFICATION

IN WITNESS WHEREOF, the Proposer hereto has executed this Proposal Form this

_____ day of _____, 2022.

By: _____
Signature of Individual

Printed Name of Individual

Witness

Business Address _____

City/State/Zip _____

Business Phone Number _____ Fax Number _____

State of _____

County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2022 by _____, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

WITNESS my hand and official seal.

NOTARY PUBLIC

(Name of Notary Public: Print, Stamp,
or Type as Commissioned)

CONFLICT OF INTEREST AFFIDAVIT

By the signature below, the firm (employees, officers and/or agents) certifies, and hereby discloses, that, to the best of their knowledge and belief, all relevant facts concerning past, present, or currently planned interest or activity (financial, contractual, organizational, or otherwise) which relates to the proposed work; and bear on whether the firm (employees, officers and/or agents) has a possible conflict have been fully disclosed.

Additionally, the firm (employees, officers and/or agents) agrees to immediately notify in writing the Finance Director, or designee, if any actual or potential conflict of interest arises during the contract and/or project duration.

Company

Address

Authorized Signature

City, State, Zip Code

Printed Name & Title

Telephone No.

Email

Fax No.

State of _____)

City of _____)

SUBSCRIBED AND SWORN to before me this ____ day of _____, 20__, by

_____, who is personally known to me to be the

_____ for the Firm, OR who produced the following

identification:

Notary Public

My Commission Expires:

NON-COLLUSION AFFIDAVIT

State of _____)

County of _____)

_____ being first duly sworn, deposes and says that:

- (1) He/she is the _____, (Owner, Partner, Officer, Representative or Agent) of _____, the Contractor that has submitted the attached Proposal;
- (2) He/she is fully informed respecting the preparation and contents of the attached Proposal and of all pertinent circumstances respecting such Proposal;
- (3) Such Proposal is genuine and is not a collusive or sham Proposal;
- (4) Neither the said Contractor nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Contractor, firm, or person to submit a collusive or sham Proposal in connection with the Work for which the attached Proposal has been submitted; or to refrain from bidding in connection with such Work; or have in any manner, directly or indirectly, sought by agreement or collusion, or communication, or conference with any Contractor, firm, or person to fix the price or prices in the attached Proposal or of any other Contractor, or to fix any overhead, profit, or cost elements of the Proposal price or the Proposal price of any other Contractor, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against (Recipient), or any person interested in the proposed Work;
- (5) The price or prices quoted in the attached Proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Contractor or any other of its agents, representatives, owners, employees or parties in interest, including this affiant.

By: _____
Signature of Individual

Printed Name of Individual

Title of Individual

Signed, sealed and delivered in the presence of:

Witness

Witness

State of _____

City of _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2022 by _____, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

WITNESS my hand and official seal.

NOTARY PUBLIC

(Name of Notary Public: Print, Stamp,
or Type as Commissioned)

FORM OF BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we,

(CONTRACTOR)

(PRINCIPAL CONTRACTOR ADDRESS)

(PRINCIPAL CONTRACTOR ADDRESS 2)

(TELEPHONE NUMBER)

(hereinafter called the "Principal"), whose principal business address and telephone number is as stated above; and

(SURETY)

(SURETY ADDRESS)

(SURETY ADDRESS 2)

(TELEPHONE NUMBER)

(AM BEST, NAIC, OR FEIN NUMBER)

(hereinafter called the "Surety"), whose principal address and telephone number is as stated above, a surety insurer chartered and existing under the laws of the State of _____ and authorized to do business in the State of Florida;

are held and firmly bound unto the City of DeLand Commissioners, (hereinafter called "Obligee"), in the penal sum of

_____ Dollars and no cents (\$_____),

good and lawful money of the United States of America, for the payment of which the Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents. The Condition of this Obligation is such, that,

WHEREAS the Principal has submitted a bid to the Obligee on a contract for « DeLand House Foundation », Bid No. «B-22-16» in accordance with drawings and specifications, which contract is incorporated herein by reference and made a part hereof, and is referred to as the Contract.

NOW THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a contract with the Obligee in accordance with the terms of such bid, and give such bond or

bonds as may be specified in the Bidding or Contract Documents with good, qualified and sufficient surety for the faithful performance of such construction for the prompt payment of labor and material furnished in the prosecution thereof, then this obligation shall be null and void; otherwise this bid is to remain in full force and effect for the payment to Oblige of the stated penal sum hereof.

IN WITNESS WHEREOF, we have hereunto set our signatures and seal this _____ day of _____, 20____, all pursuant to due authorization.

Principal (Seal)

By_____
Surety

By_____
As Attorney-in-Fact (Attach Power of Attorney)

STATE OF _____)
COUNTY OF _____) S.S.

I, _____, a Notary Public in and for the State and City aforesaid, do hereby certify that _____, and _____, whose names are signed to the foregoing bond, this day personally appeared before me in my State and City aforesaid and acknowledged the same. Given under my hand and seal this _____ day of _____, 20_____.

NAME OF NOTARY PUBLIC (*PRINTED*)

SIGNATURE OF NOTARY PUBLIC STATE

COMMISSION NUMBER

MY COMMISSION EXPIRES: _____

(AFFIX SEAL or STAMP)

CONTRACTOR AFFIDAVIT REGARDING SCRUTINIZED COMPANY LIST

Awarded Contractor shall certify that it and its subcontractors are not on the Scrutinized Companies that Boycott Israel List. Pursuant to Section 287.135, F.S. If the Contract is for more than \$1,000,000 the Contractor further certifies that it and its subcontractors are also not on the Scrutinized Companies with Activities in Sudan, Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria as identified in Section 287.135, F.S.

For Contracts of any amount, if the City determines the Contractor submitted a false certification under Section 287.135(5) of the Florida Statutes, or if the Contractor has been placed on the Scrutinized Companies that Boycott Israel List, or is engaged in a boycott of Israel, the City shall either terminate the Contract after it has given the Contractor notice and an opportunity to demonstrate the City's determination of false certification was in error pursuant to Section 287.135(5)(a) of the Florida Statutes, or on a case-by-case basis the City may choose to maintain the Contract if the conditions of Section 287.135(4) of the Florida Statutes are met. For Contracts \$1,000,000 and greater, if the City determines the Contractor submitted a false certification under Section 287.135(5) of the Florida Statutes, or if the Contractor has been placed on the Scrutinized Companies with Activities in the Sudan List, or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, the City shall either terminate the Contract after it has given the Contractor notice and an opportunity to demonstrate the City's determination of false certification was in error pursuant to Section 287.135(5)(a) of the Florida Statutes, or on a case-by-case basis the City may choose to maintain the Contract if the conditions of Section 287.135(4) of the Florida Statutes are met.

STATE OF FLORIDA

CITY OF _____

BEFORE ME, the undersigned authority, personally appeared

_____, who, being by me first duly sworn, made the following statement:

1. The Business address of _____ (name of bidder or Contractor) is _____.
2. My relationship to _____ (name of bidder or Contractor) is _____ (relationship such as sole proprietor, partner, president, vice president).
3. I understand that "Boycott of Israel" has the same meaning as defined in §215.4725, Florida Statutes, and means refusing to deal, terminating business activities, or taking other actions to limit commercial relations with Israel, or persons or entities doing business in Israel or in Israeli-controlled territories, in a discriminatory manner. A statement by a company that it is participating in a boycott of Israel, or that it has initiated a boycott in

response to a request for a boycott of Israel or in compliance with, or in furtherance of, calls for a boycott of Israel, may be considered by the State Board of Administration to be evidence that a company is participating in a boycott of Israel. The term does not include restrictive trade practices or boycotts fostered or imposed by foreign countries against Israel.

4. I understand that "business operations" means, for purposes specifically related to Cuba or Syria, engaging in commerce in any form in Cuba or Syria, including, but not limited to, acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, military equipment, or any other apparatus of business or commerce.
5. _____ (name of the bidder or Contractor) is not on the Scrutinized Companies that Boycott Israel List, created pursuant to s. 215.4725, Florida Statutes, or is engaged in a boycott of Israel.
6. _____ (name of the bidder or Contractor) is not on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, created pursuant to s. 215.473, Florida Statutes.
7. _____ (name of the bidder or Contractor) is not engaged in business operations in Cuba or Syria.

Signature

Sworn to and subscribed before me in the state and City first mentioned above on the _____ day of _____, 20____.

Notary Public

My commission expires:

(AFFIX SEAL or STAMP)

PUBLIC ENTITY CRIME FORM

Section 287.133(3)(a), Florida Statutes, on Public Entity Crimes:

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid/quote/proposal on a contract to provide goods or services to a public entity, may not submit a bid/quote/proposal on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids/quotes/proposals on leases of rental property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

Acknowledged: _____ Date: _____

**CITY OF DeLAND
CONFIRMATION OF DRUG-FREE WORKPLACE FORM**

In accordance with Section 287.087, Florida Statutes, "[w]henver two or more bids are equal with respect to price, quality, and service which are received by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. In order to have a drug-free workplace program, a business shall:

- (1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
- (2) Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
- (3) Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection one (1).
- (4) In the statement specified in subsection one (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
- (5) Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community by, any employee who is so convicted.
- (6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section."

As the person authorized to sign the statement, I certify that this firm complies with the above requirements and the Florida Statutes Section 287.087. This form is in conjunction with The City of DeLand's General Conditions, Drug-Free Workplace.

Business Name

Bid Number and Name

Authorized Representative's Signature

Date

Name

Position

REFERENCE FORM

List a minimum of three (3) / maximum five (5) customers for the services specified in the solicitation in the spaces provided.

Note: A contact person shall be someone who has personal knowledge of the Contractor's performance for the specific requirement listed. Contact person must have been informed that they are being used as a reference and that the County may be calling them. Do not list persons who will be unable to answer specific questions regarding the requirements.

Ref #1. Customer/Client: _____
Date of Services: _____
Description of Services: _____
Street Address: _____
City, State, ZIP Code: _____
Telephone #: _____ Fax #: _____
Contact Person: _____ Email: _____

Ref #2. Customer/Client: _____
Date of Services: _____
Description of Services: _____
Street Address: _____
City, State, ZIP Code: _____
Telephone #: _____ Fax #: _____
Contact Person: _____ Email: _____

Ref #3. Customer/Client: _____
Date of Services: _____
Description of Services: _____
Street Address: _____
City, State, ZIP Code: _____
Telephone #: _____ Fax #: _____
Contact Person: _____ Email: _____

Ref #4. Customer/Client: _____
Date of Services: _____
Description of Services: _____
Street Address: _____
City, State, ZIP Code: _____
Telephone #: _____ Fax #: _____
Contact Person: _____ Email: _____

Ref #5. Customer/Client: _____
Date of Services: _____
Description of Services: _____
Street Address: _____
City, State, ZIP Code: _____
Telephone #: _____ Fax #: _____
Contact Person: _____ Email: _____

CONTRACTOR NAME _____

ADDRESS _____

PRINTED SIGNATURE _____

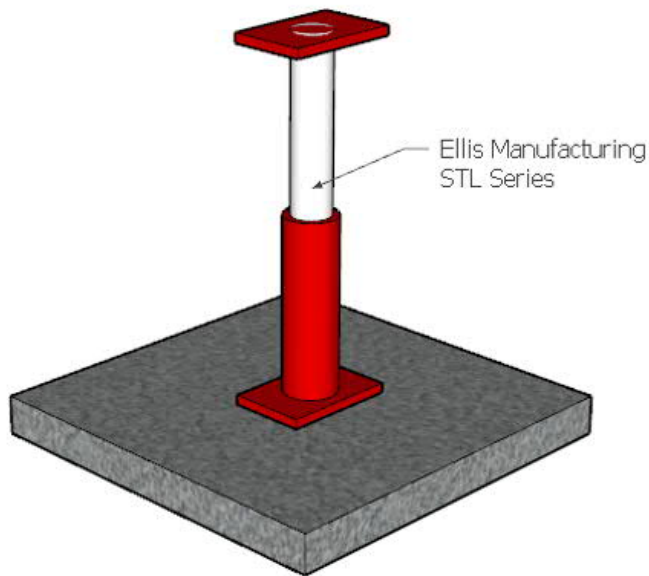
AUTHORIZED SIGNATURE _____

TELEPHONE # _____ FAX# _____ DATE _____

EMAIL: _____

ATTACHMENTS

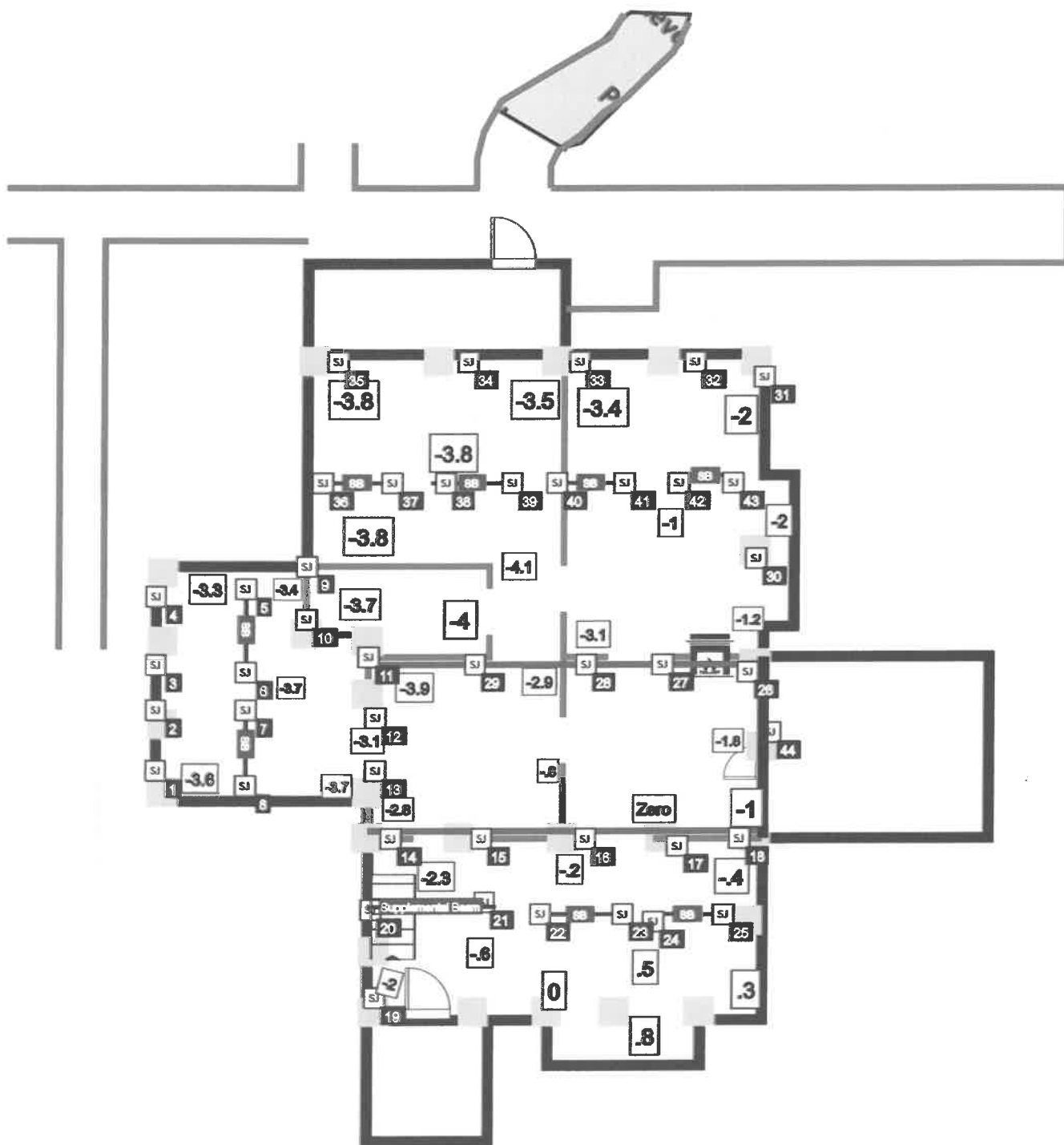
Installation notes from CSEC Repair Procedures:



Notes:

- Footings to be 24 x 24 inches
- Rebar must be minimum 3" from bottom or edges of footer
- Use CRSI guidelines for rebar placement and hook dimensions
- Concrete to be mixed on site, use Quikrete 4,000 psi average compression strength (yellow bag) or similar product.
- Use GRK 1/4 x 2.5-inch structural screws for attachment to lumber when required
- Use Tapcon 1/4 x 1.75-inch concrete anchors for attachment to pad when required
- Tighten set screw on shore post upon completion of installation

Job Details



CITY OF DELAND
Request for Commission Action
June 20, 2022

SUBJECT: Consideration re Utility Service Agreement with the Lakewood Park Community Development District.

DEPARTMENT: Legal

PREPARED BY: Darren Elkind, City Attorney

ATTACHMENTS: Utility Service Agreement

APPROVED BY: Michael Grebosz, Asst. City Manager, June 15, 2022

SUMMARY/HIGHLIGHT:

Approval by the City Commission of a Utility Service Agreement with the Lakewood Park Community Development District is requested.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The proposed action ensures that the City is fairly compensated for the use of its valuable City facilities, that the City will be adequately protected and that the facilities' maintenance will remain in a high quality state for the benefit of the citizens of the City and other users.

RECOMMENDATION:

City staff recommends that the City Commission approve the proposed Utility Service Agreement with the Lakewood Park Community Development District.

BACKGROUND/DISCUSSION:

The City Commission enacted Ordinance Number 2020-25 relating to a petition filed by Cap 5 Development, LLC ("Petitioner"), an Ohio limited liability company, under the provisions of Chapter 190, Florida Statutes, to establish a uniform community development district within the City named the "Lakewood Park Community Development District". By enactment of the Ordinance, the City Commission created the District as a statutorily created single and special purpose local government with powers being limited to providing basic systems, facilities and services to the property within the District's boundaries subject to the City's Comprehensive Plan, Land Development Regulations and development conditions set forth in development orders and permits.

The purpose of the Utility Service Agreement is to provide for the provision of utility services by the City to the District's real property and the Agreement is authorized under Section 163.01, Florida Statutes, known as

the "Florida Interlocal Cooperation Act of 1969", and other controlling Florida law.

Under the terms and conditions of the Utility Service Agreement, the City will provide and have the exclusive right to furnish potable water, domestic sewer and reuse irrigation services to the real property upon the design, permitting and installation of system facilities and improvements being constructed by the District all in accordance with City-approved plans and specifications and upon the City accepting the conveyance of the systems as approved by the City Attorney and technical approval by the City Engineer. The design and construction of all facilities to be transferred to and owned and operated by the City is, of course, subject to prior approval by the City Engineer to ensure both quality of the improvements and compatibility with the City's systems.

Under the terms of the Utility Service Agreement, the City does not guarantee an uninterrupted supply of water or reuse at any particular water pressure, nor does the City assume any duty or obligation to furnish water for extinguishing fires. All connections to City systems are subject to the continuing operating rules and regulations of the City such as payment of water, wastewater and reuse charges and fees under the City's rate schedules, a surcharge for non-domestic waste discharges, protection of the City from abnormal strength sewage flows, mandatory pretreatment of discharges and water conservation measures as well as an array of other provisions which protect the City and provide the City with necessary rights to implement the Agreement.

**UTILITY SERVICE AGREEMENT
FOR
LAKEWOOD PARK**

THIS UTILITY SERVICE AGREEMENT is entered into this 21st day of March, 2022, between the CITY OF DELAND, FLORIDA (the “City”) and the LAKEWOOD PARK COMMUNITY DEVELOPMENT DISTRICT (the “District”), a community development district created pursuant to the provisions of Chapter 190, *Florida Statutes*, with joinder by LAKEWOOD PARK PROJECT I, LLC (the “Developer”), regarding utility service for the Lakewood Park project. The addresses of the parties are set forth below.

WHEREAS, the purpose of this Utility Service Agreement is to provide for the provision of utility services to the real property hereinafter described as set forth herein; and

WHEREAS, this Utility Service Agreement has been approved in accordance with the provisions of controlling law by the District Board, in accordance with the appropriate processes and procedures of the Developer and in a legally sufficient manner by the City; and

WHEREAS, it is in the mutual interest of the City, the District and the Developer to establish which provides for the ability of customers to have the ability to be served with adequate utility services within the boundaries of the District; and

WHEREAS, Section 163.01, *Florida Statutes*, known as the “*Florida Interlocal Cooperation Act of 1969*”, permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities, and

WHEREAS, controlling Florida law provides for agreements that relate to the provision of utility services by utility providers to customers using the systems of the provider; and

WHEREAS, the City, the District and the Developer find this Utility Service Agreement to be necessary, proper and convenient to the exercise of their powers, duties and purposes authorized by law.

NOW, THEREFORE, in consideration of the mutual understandings and covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the District agree as follows with joinder to the terms and conditions hereof by the Developer:

Section 1. City to Furnish Service. Upon the terms and conditions in this Utility Service Agreement, and in accordance with the City's codes, ordinances, rules, regulations and technical standards and requirements, the City shall provide and shall have the exclusive right to furnish potable water, domestic sewer and reuse irrigation services to the real property located East and Southeast of the intersection of Dr. Martin Luther King, Jr. Beltway and East Beresford Avenue in DeLand, Florida and described in City of DeLand Ordinance Number 2019-38, recorded in Official Records Book 7933, Pages 3590 et. seq., of the Public Records of Volusia County, Florida, the PD rezoning ordinance for the Park Lake Estates Planned Development (a/k/a Lakewood Park) and consisting of approximately 198 acres of land and referred to herein sometimes as “the property”.

Section 2. Service Conditioned on Construction and Acceptance of Systems. No water, wastewater or reuse service shall be provided to any part of the property, and no connections to such systems shall be allowed, until the District or the Developer has installed system facilities and improvements in accordance with City-approved plans and specifications and the City has accepted the conveyance of the systems in writing in forms acceptable to the City Attorney. The Developer shall apply in writing to the City Engineer for acceptance of the systems. Upon acceptance of the systems, all construction guarantees, such as bonds or other sureties, issued in favor of the City shall be released.

Section 3. Installation of Improvements. The District or the Developer shall install, at its own initial cost and expense (including, but not limited to, permitting and engineering costs), and to include, but not be limited to, all lines, pipes, manholes, lift stations, generators, RTUs (devices that collect analog and digital data about a substation and transmit that data back to a master station), machinery and other facilities which may be required on and off the District's or the Developer's property to provide the developed buildings and occupants of those buildings with water, wastewater or reuse service and to connect the property to existing City facilities and systems in a City-approved manner. Upon completion, all off-site utility improvements shall be conveyed to the City in a form acceptable to the City Attorney. The improvements to be constructed by the District or the Developer off of the District's or the Developer's property (off-site improvements) shall include, but are not necessarily limited to:

- Four 12" X 8" wet taps on water main with 12" S.S. tapping sleeves, six 8" gate valves, three 12" gate valves, two 12" caps with two 2" blow off, and install approximately 1300 LF +/- of 8" C900 PVC or HDPE piping.
- Two 8" X 6" wet taps on sewer force main with 8" S.S. tapping sleeves, two 6" Gate valves, and install approximately 100 LF +/- of C900 or HDPE piping.
- Connection to existing 12" reclaim/reuse, three 12" gate valve's, one 8" gate valve, one 12" x 8" tee, three 12" x 12" tee's and three 12"cap with three 2" blow offs, and install approximately +/- 1700 LF of 12" C900 PVC or HDPE.
- Any other installations required in accordance with the plans and specifications for the subject development or which are otherwise required in accordance with sound utility engineering practices.
- Reclaim/reuse main up to the master meter will be owned and maintained by the City. All Reclaim/reuse mains and services beyond the master meter connection, and onsite reclaim/reuse pump station will remain owned, operated and maintained in perpetuity by the District, or a homeowners association or homeowner associations subject to approval thereof by the City.

All onsite improvements to be constructed by the District or the Developer shall be dedicated to the City, in a form approved by the City Attorney, with the exception of the reclaim/reuse system as stated above. All connections to City facilities shall be made at the District's or the Developer's expense. All water meters 2" and below will be installed by the City at the District's or the Developer's expense.

Section 4. Approval of Design and Plans. The design and construction of all facilities to be transferred to and owned and operated by the City shall be subject to prior approval by the City Engineer. The District's or the Developer's engineer shall incorporate all applicable standards and specifications of the City into the District's or the Developer's engineering design, plans and specifications. The City shall provide reasonable assistance to the District's or the Developer's engineers as would be normative and consistent with generally accepted practices and principles

of a utility provider as to design and construction requirements and all construction plans and specifications shall be subject to the prior written approval of the City before any construction is commenced. The District or the Developer shall obtain all necessary Federal, State, County, City and other permits required for construction, acceptance and operation of the improvements.

Section 5. Access to Construction; Approval of Work and Materials. The City may inspect the construction to ensure compliance with the approved plans and specifications and shall retain the power of final approval of work and materials; provided, however, that in so acting the City shall not accept or be assigned any liability of any type or nature.

Section 6. Testing During and After Construction. The District's or the Developer's engineer shall properly supervise construction and shall certify, under seal, to the City Engineer that the systems are installed in accordance with the approved design plans and specifications. The District or the Developer shall conduct at its own expense all tests are deemed by the City Engineer to be necessary and reasonable to ensure that the systems are being constructed in accordance with the approved engineering plans and specifications and all other requirements.

Section 7. Conveyance of Easements and Improvements. The District or the Developer shall at its expense grant to the City adequate transferable easements for water, sewer and reuse lines, for access to lift stations and water stations and related appurtenances as may be deemed to be necessary by the City and all in a form accepted by the City Attorney.

Section 8. Evidence of Conveyance of Facilities. By entering this Utility Service Agreement, the District or the Developer hereby agrees to transfer to the City the title to the water, wastewater and reuse systems, facilities and improvements to be installed pursuant to this Utility Service Agreement, effective without further action upon the completion and acceptance by the City of the installation of those systems in a form approved by the City Attorney. As further evidence of the transfer of title required under this Utility Service Agreement, the District or the Developer shall provide to the City a copy of the recorded plat, if any; a bill of sale or bills of sale for the facilities as approved by the City Attorney; easements grants as approved by the City Attorney; deeds to the land on which lift stations, water stations or similar facilities are located as approved by the City Attorney; and other evidences of conveyance required by the City as approved by the City Attorney. Mortgagees, if any, holding prior liens on any property shall be required to release such liens, subordinate their positions or join in any conveyance, grant or dedication or give to the City assurance by way of a "non-disturbance agreement", in a form acceptable to the City Attorney, that, in the event of foreclosure, the mortgagee would continue to recognize the ownership and easement rights of the City.

Section 9. Additional Documents to be Provided Before Acceptance of Facilities. In addition to the documents of title otherwise set forth in this Utility Service Agreement, the District or the Developer shall provide to the City the following documents prior to acceptance of the facilities all as approved by the City Attorney: as-built drawings of utility improvements, (one hard copy signed and sealed, one PDF and one AUTOCAD delivered on a USB drive) furnished one week prior to final inspection; an accounting of the actual costs (schedule of values) for on-site and off-site construction; letters of acceptance from the appropriate regulatory agency for the systems; certification by the design engineer that the system was constructed as designed; and right-of-way use permits and other permits and licenses obtained from applicable government agencies and such documents shall be under the seal of an engineer as required by the City.

Section 10. Uninterrupted Supply Not Guaranteed. The City does not guarantee an uninterrupted supply of water or reuse at any particular pressure, nor does it assume any duty or obligation to furnish water for extinguishing fires. The City reserves the right to shut off the water

in its mains temporarily for necessary purposes. The City shall not be responsible for any damage caused by low pressure, interruption of service or variations in water quality or content.

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

Section 12. Surcharge for Non-Domestic Waste. The terms wastewater or sanitary sewage used in this Utility Service Agreement are meant to include only human waste, including liquids and solid matter carried from plumbing fixtures normally carried off by drains and sewers, and, except where specifically excluded, bath and toilet wastes, laundry wastes, kitchen wastes and other similar wastes. This Utility Service Agreement, and any charges contained in this Utility Service Agreement, is based on normal domestic sewage, defined herein as containing not more than two hundred (200) parts per million biochemical oxygen demand or two hundred (200) parts per million suspended solids. Whenever water which contains more than these amounts is to be admitted to the sewers the City and all other pollution control agencies must specifically agree to the connection and an additional charge shall be imposed in accordance with the City's codes, ordinances, rules, regulations and technical standards and requirements.

Section 13. The District or the Developer to Obtain Permits. The District or the Developer shall obtain all governmental approvals, licenses and permits necessary for the design, routing, construction, connection and use of the water, wastewater and reuse systems to be installed under this Utility Service Agreement. The City shall render assistance to the District or the Developer in obtaining these approvals, licenses and permits as would be normative and consistent with generally accepted practices and principles of a utility provider.

Section 14. Service of Other Properties. The City reserves the right to service other properties through the facilities conveyed by the District or the Developer, and nothing in this Utility Service Agreement shall be deemed to prohibit or prevent the City from extending its water, wastewater or reuse facilities to any other area.

Section 15. Default by District or the Developer. The District's or the Developer's failure to carry out any provision in this Utility Service Agreement shall relieve the City from its obligation to provide water, wastewater or reuse service to the property.

Section 16. Application for Service to Consumer Installations. Neither the District nor the Developer, or any owner or occupant (consumer) of the property may connect any consumer installation to the facilities of the City until application has been made to the City by an appropriate party and approval for such connection has been granted. Connections shall occur only in a manner approved by the City.

Section 17. High Strength Waste. The District and the Developer agree that waste or sewage to be treated by the City from the property will consist of domestic wastewater, and further agree that they will not allow any abnormal strength sewage to flow to the City's facilities, except upon permission of the City and payment of a fees and charges promulgated by the City. The District and the Developer grant to the City the plenary right to sample sewage from the property to verify compliance with this Section.

Section 18. Pretreatment. The District and the Developer agree that the City has certain obligations to protect the health, safety and welfare of the public and not to burden the City's customers with extraordinary expenses attributable to the District or the Developer, their successors or assigns. The District and the Developer agree that all sewage or wastewater from property shall conform to the City's standards prior to introduction into the City's collection system and the District and the Developer further agree that the City may at the City's sole option require pretreatment or special features such as grease traps to ensure such conformity. The District or the Developer shall be responsible for all costs associated herewith.

Section 19. Water Conservation. The District and the Developer agree to employ water conservation measures in development of the property, subject to the City's review and approval to encourage water conservation.

Section 20. Inspection. The District and the Developer agree that the City may, at its option and without notice, inspect the District's and the Developer's utility facilities at all times whether before or after completion of construction and acceptance of same by the City. The City, by inspecting or not inspecting to any extent whatsoever, shall not assume responsibility for construction or installation of the District's and the Developer's utility facilities and shall in no way be deemed to waive any rights available to the City for defaults on the part of the District and the Developer, or to consent to any defects, omissions or failures in the design, construction and installation of the District's and the Developer's utility facilities.

Section 21. Relocation of Utility Facilities. Any relocation of utility facilities required for the District's or the Developer's convenience or necessity shall be accomplished at the District's or the Developer's expense provided such relocation can be accomplished without adverse impact on any other part of the facilities or other consumers.

Section 22. Cost and Attorneys' Fees. In the event that the City or the District or the Developer bring an action to enforce this Utility Service Agreement by court proceedings or otherwise, then the prevailing party shall be entitled to reasonable attorneys' fees at all levels, including appeals.

Section 23. Interpretation. The District, the Developer and the City agree that all words, terms and conditions contained herein are to be read in concert, each with the other, and that a provision contained under a particular heading may be considered to be equally applicable under another in the interpretation of this Utility Service Agreement.

Section 24. Assignment. This Utility Service Agreement may not be assigned by the District or the Developer without the prior written consent of the City, which shall not be unreasonably withheld provided the District's and the Developer's successor or assign expressly assumes the District's or the Developer's obligations hereunder by execution of an assignment of this Utility Service Agreement on a form acceptable to the City Attorney. Capacity allocated hereunder may not be sold or assigned to any other property whether or not owned by the District or the Developer.

Section 25. Strict Compliance. Failure to insist upon strict compliance of any of the terms, covenants, or conditions in this Utility Service Agreement shall not be deemed a waiver thereof, nor shall any waiver of any right hereunder at a particular time be deemed a waiver of such right at any other time.

Section 26. Liability. The District and the Developer and their successors and assigns agree to hold harmless and indemnify the City and its officers, officials, employees and agents from any and all claims, damages, causes of actions or other liabilities that arise out of or in relation to the

any denial of applicable permits to provide utility services to the property or in any way relates to the provision any utility service by the city.

Section 27. Time of the Essence. Time is hereby made of the essence of this Utility Service Agreement in all respects.

Section 28. Entire Agreement and Incorporation by Reference. This Utility Service Agreement constitutes the entire agreement of the parties and expressly supersedes all negotiations, previous agreements or representations whether verbal or written, and may not be amended in any way whatsoever except by a writing executed by both parties hereto in a manner equal in dignity to the execution of this Agreement; provided however, that documents for the implementation of this Utility Service Agreement, including all permits, engineering design and construction contracts, plans and specifications for the utility facilities as and when approved and filed with the City are hereby incorporated herein by reference.

Section 29. Binding Effect. This Utility Service Agreement shall inure to the benefit of and be binding upon the heirs, successors, personal representatives and assigns (as permitted) of the parties hereto and shall constitute a covenant running with the Property.

SIGNATURE PAGES FOLLOW:

LAKWOOD PARK COMMUNITY
DEVELOPMENT DISTRICT

Megan Wilbur

Print: Megan Wilbur

Chair – Board of Supervisors

ATTEST:

Print:

Craig Wrathell
District Manager - Secretary

APPROVED AS TO FORM AND LEGALITY:

Mark A. Watts
Mark A. Watts, District Counsel

ACKNOWLEDGMENT

STATE OF FLORIDA)

COUNTY OF VOLUSIA)

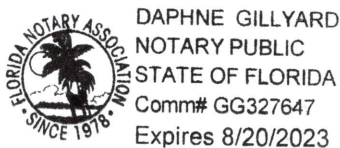
I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Megan Wilbur and Craig Wrathell, as Chair of the Board of Supervisors and District Manager, respectively, and they acknowledged executing the same freely and voluntarily and they are personally known to me or provided the following for identification. Sworn and subscribed before me, by said persons by means of ☒ physical presence or ☐ online notarization.

WITNESS my hand and official seal in the County and State last aforesaid this 27 day of May, 2022.

(Affix Notary Seal)

Daphne Gillyard
Notary Public; State of Florida

Print Name: Daphne Gillyard



SIGNATURE PAGES FOLLOW:

CITY OF DELAND

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy, MMC
City Clerk - Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind, City Attorney

SIGNATURE PAGES FOLLOW:

JOINDER BY THE DEVELOPER:

COMES NOW the Developer, and joins and agrees to be bound by the provisions of this Utility Service Agreement:

LAKEWOOD PARK PROJECT I, LLC, a
Florida limited liability company

By: **EBS RESIDENTIAL DEVELOPMENT
FUND III, LLC**, an Ohio limited liability
company, its Sole Member

By: **Eubel Brady & Suttman Asset
Management, Inc.**, a Delaware
Corporation, its Manager

By: Mark E. Brady
Name: Mark E. Brady
Title: Co-CIO

Witnesses:

Aaron Jenkins
Print Name: Aaron Jenkins

Lindsey Murray
Print Name: Lindsey Murray

STATE OF OHIO
COUNTY OF MONTGOMERY

The foregoing instrument was acknowledged before me this 6th day of May, 2022 by
Mark E. Brady as [Co-CIO] of Eubel Brady & Suttman Asset Management, Inc., a
Delaware corporation, as Manager of EBS Residential Development Fund III, LLC, the Sole Member of
Lakewood Park Project I, LLC, a Florida Limited Liability Company, who is personally known and/or
produced _____ as identification and who being duly sworn, deposes and says that the
aforementioned is true and correct to his or her best knowledge.

[SEAL]

Lori Brown
Notary Public Commission:



LORI BROWN
Notary Public
State of Ohio
My Comm. Expires
December 22, 2026

CITY OF DELAND
Request for Commission Action
June 20, 2022

SUBJECT: Discussion re Gateway Grant for DeLand Church of the Nazarene, Located at 913 East New York Avenue.

DEPARTMENT: Community Development

PREPARED BY: Rick Werbiskis, Community Dev. Director

ATTACHMENTS: Application, EMC Affidavit, Gateway Corridors Map

APPROVED BY: Michael Grebosz, Asst. City Manager, June 15, 2022

SUMMARY/HIGHLIGHT:

The applicant, DeLand Church of Nazarene, has requested a Gateway Grant in the amount of \$5,000 to replace a 48 square foot conforming sign (notwithstanding an illegal attachment) with a 48 square foot electronic message center (EMC). The property is located at 913 E New York. The estimated total cost of the proposed electronic message center is \$25,000.

This item was inadvertently placed on the consent agenda at the June 6th, 2022 meeting which did not allow for the applicant to address the Commission to appeal staff's recommendation. Staff has brought back the item for reconsideration to allow for the applicant to address the Commission.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Institute Smart Growth Principles & Preserving "Sense of Community".

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The grant request is for the maximum allowance of \$5,000.

RECOMMENDATION:

Staff maintains the original recommendation that the grant request be denied. One of the purposes of the Gateway Grants, as outlined in the attached application, is to replace nonconforming signs with conforming signs. Based upon information available to staff, the current sign conforms to size and location (notwithstanding an illegal attachment). Staff does note that the existing sign is in need of maintenance. In addition, EMC signs, in general, become problematic for code enforcement as the signs are routinely operated in violation of code requirements (brightness, animation, flashing, persistently changing messages).

BACKGROUND/DISCUSSION:

Normal 0 false false false EN-US X-NONE X-NONE Item History:

At the June 6th, 2022 Commission meeting, the item was placed in error on the consent agenda with the staff recommendation for denial. After the meeting, the applicant approached staff unsure of what had transpired and

thought the grant was approved, not denied. The item is being brought back before the Commission for reconsideration to allow the applicant to have the opportunity to address the Commission.

It has been noted that any future Gateway/Downtown CRA grant application that is recommended for denial shall not be placed on consent to ensure that an applicant has an opportunity to state their case with respect to City Commission consideration.

Gateway Grant General Background:

Matching Grants are available to property owners for improving the appearance of businesses located within DeLand's gateways. Eligible projects may receive Grant Awards of up to 50% of total project cost as a reimbursement for expenditures with no single grant exceeding \$5,000. This program is designed to offer a onetime award to improve the appearance of gateway properties. A wide variety of projects are eligible to receive matching grant funds. Examples of eligible projects include:

- Exterior building renovation which improves the appearance of the facility
- Pressure washing or repainting the exterior of discolored buildings
- Repainting exterior buildings from loud or garish colors to earth tones or pastels
- Installation of landscape buffers where none exist
- Installation of tree islands or landscape islands in older non-conforming parking lots.
- Replacement of older non-conforming signs with monument signs and foundation landscaping
- Other projects as approved by the City Commission.

Note: All landscaping must be done with 'water-wise' plant materials.



APPLICATION FOR GATEWAY BUSINESS

IMPROVEMENT PROGRAM

March 15, 2022

DeLand Church of the Nazarene
913 E. New York Avenue
DeLand, FL. 32724
(386) 848-3023



Dear Main Street DeLand Association:

DeLand Church of the Nazarene was organized officially in 1962. It is located on New York Avenue, a main thoroughfare in the city of DeLand and one of the busiest roads in our town.

Our current sign, at over 30 years old, is damaged, dilapidated and non-repairable. A new digital sign would help us get the word out to the community concerning our worship hours, special occasions and events that happen on church grounds. The church would look more modern with an updated digital sign and would enhance the facade of the church and make it more beautiful.

On Sunday morning our church offers an English-speaking worship service, as well as a Spanish speaking worship service in the afternoon. The church offers morning bible studies twice a week and evening bible studies once a week. Also, we have Missions Emphasis studies monthly.

In addition to worship and bible study times, the church provides a much-needed food ministry to the community. Throughout the year, our church brings in guests speakers, singers, and special events around the holidays. Also, we have a fellowship hall on the property that provides a meeting room for several organizations and their activities.

All these things are available to the public and they do not even know it. We are certain this project will benefit all activities on our grounds. Church members are counting on our attendance growing rapidly because of the new digital sign. Testimonies from many other churches proved their attendance increased as much as 10-30% after their sign went up. We are anxious to get this undertaking accomplished by this summer.

Newcomers attending our many functions on the church grounds will be met by a group of warm and friendly people. They are committed to making worship and learning experiences enjoyable, exciting and life changing. A new sign will last many years, which will be a blessing for our church and an asset to the community.

Sincerely,

A handwritten signature in cursive script that reads "Rev. Peter Migner".

Rev. Peter Migner

The DeLand Church of the Nazarene would like to apply for the Gateway Business Improvement Program.

We are located in the Gateway are # 1 district Core Gateway.

The type of eligible project we are interested in receiving is the matching grant funds for: Replacement of older non-conforming signs with monuments signs and foundations landscaping or other projects approved by the City Commission.

We are applying for the maximum grant amount that can be awarded to one project per premise on Volusia County Property Appraiser's Records of \$5,000 which does not exceed 50% of our project cost.

1. Enclosed are photos of the old existing sign showing the poor condition of the sign.
2. Enclosed is a picture of the approximate scale measurement of the new sign.
3. Enclosed is a colored copied of the proposed color to be used on the new sign.
4. Landscape plans, not applicable.
5. The project budget starts with a quote of \$19,200 from a reputable sign company. Stewart Sign Company located in Sarasota, FL. They have been producing church signs for over 50 years.

We have 3 different installation estimates from contractors as followed:

Estimate 1	Estimate 2	Estimate 3
Coastline Whole Sign & Led. Fleming Island, FL 32203	PermaCraft Signs S. Daytona Beach, FL 32119	Coastline Wholesale Signs & LED Daytona Beach, FL 32114
Stewart Sign \$19,200	Stewart Sign \$19,200	Stewart Sign \$19,200
\$9,500	\$7,527	\$6,400
Total \$28,700	Total \$26,727	Total \$25,600

If any other information is required, please do not hesitate to contact me at migner@me.com or call me at (386) 848-3023.

Sincerely,



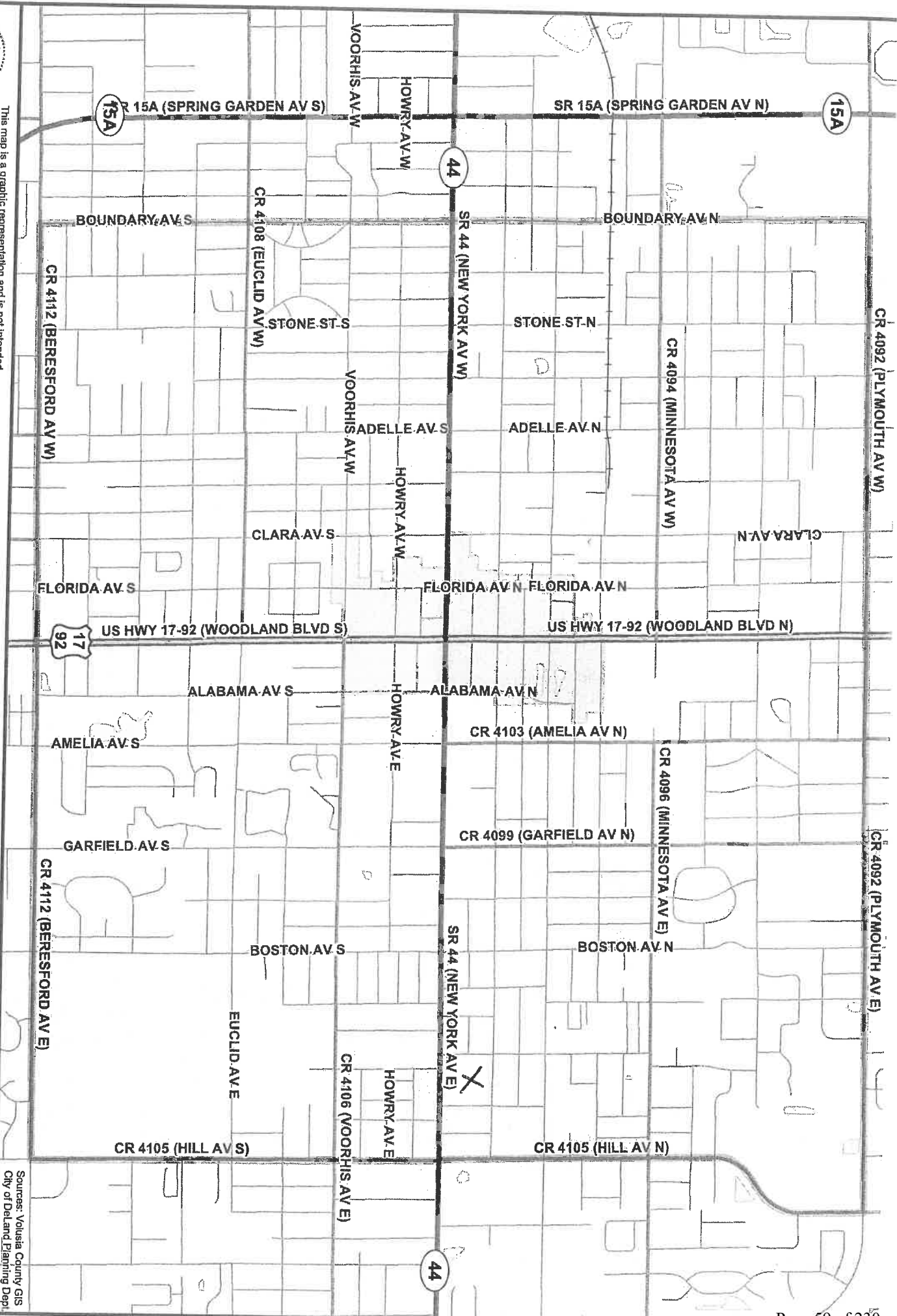
Rev. Peter Migner



This map is a graphic representation and is not intended to be used for any engineering or surveying purposes. The City of Deland is not liable for any decisions made on the basis of this map or on the information contained within the map.

Prepared by: City of Deland Planning Dept.
October 24, 2018

City of Deland Core Gateway Map



Sources: Volusia County GIS
City of Deland Planning Dept.

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Sincerely,



Rev. Peter Migner

GATEWAY GRANT CONTRACT (Page 1 of 2)

This agreement is made and entered into the 15 day of March, 2022 by and between the City of DeLand and DeLand Church of Nazareth (hereinafter "Applicant"), for a grant project on the property located at 913 E. New York Ave., DeLand FL for and in consideration of the mutual covenants expressed herein and other good and valuable considerations. The adequacy of which is hereby acknowledged, the parties agree as follows:

APPLICANT AGREES:

- A. To perform the work for the project, set forth in the specifications attached hereto and made a part hereof, in a workmanlike manner and all work shall be done in strict conformance with all applicable federal, state, county and city codes, laws, regulations and ordinances. If a Contractor (s) is hired by the applicant for this project, the applicant bears responsibility to the Contractor(s) for cost of the project.
- B. To complete the approved project and submit to the City of DeLand all documentation specified as necessary to receive payment no later than September 30th of the grant award year, including such extensions as may be granted by the City in writing.
- C. To maintain, with no substantial changes, the improvements for ten (10) years unless otherwise agreed to by the City Commission.
- D. To hold harmless the City of DeLand and its individual employees and committee members, in the event of property damage, personal or physical injury occurring as a result of working on the project.
- E. To submit proof of payment to the City of DeLand for any expenses incurred under the terms of this grant including but not necessarily limited to engineering survey costs, work performed by a contractor and construction material and landscaping expenses.

THE CITY AGREES:

- A. The work in progress will be inspected by the City and the City will work with the property owner and the Contractor to ensure that the work meets the objectives of the Gateway Business Improvement Program. The City of DeLand will not be responsible for the quality of material and workmanship.

GATEWAY GRANT APPLICATION

Project: Installing New Sign
Applicant's Name: DELAND Church of the Nazarene
Owner's Name: Senior Pastor Peter Migner
Applicant's Address: 913 E. New York Ave.
Property Address: 913 E. New York Ave.
Daytime Phone: 386-734-8281 FAX #: 386-734-8281
E-Mail Address: migner@mc.com
Type of Improvement Planned: Replace current sign and installing new sign
Estimated Cost of Project: \$ 25,000 Amount Requested \$ 5,000
(Maximum grant award of \$5,000; cannot be more than 50% of project cost)

Attach detailed outline of proposed work, including:

1. Photographs clearly showing existing conditions.
2. Detailed drawing to approximate scale, showing proposed improvements.
3. Samples of proposed colors to be used on building and signs, if applicable.
4. Landscape plans, if applicable.
5. Project budget with at least three (3) contractor estimates.

AGREEMENT

I understand that in order for my request for funding to be approved, I must agree to follow the recommendations of the City Commission and comply with the following:

1. Gateway grants apply only to those commercial structures and buildings within the designated gateway areas.
2. Only projects which have not received grant funds within the past FIVE (5) years will be given consideration.
3. It is the responsibility of the owner or APPLICANT to obtain all required permits from the city BEFORE beginning any work. No reimbursements will be made without the proper permits before work begins.
4. Project work must begin within 45 days after the building permit is issued.
5. Monies are for improvements only and will be reimbursed upon completion of work. In-Kind expenses are not reimbursable.
6. For projects where the applicant is not the property owner, the applicant must obtain approval in writing that the property owner concurs with the execution of the proposed work.

NOTE: NO PROJECT WORK MAY BEGIN WITHOUT:

1. City Commission approval.
2. Signed Contract Documents.
3. All required development orders and permits.
4. Unapproved deviations from the approved proposal will void funding.

Grantees are responsible for meeting with the City Planning Officials and/or Building Officials prior to grant application to find out the legal needs, permits, etc. Grantee must comply with all relevant requirements. Grantee is responsible for making certain that their contractors have pulled the proper permits.

SIGNED: Rev. Peter Migner

Date: 3/15/2022

GATEWAY GRANT CONTRACT (Page 2 of 2)

B. Reimbursement of \$ (max of \$5,000) shall be made by the City of DeLand to the Applicant upon completion of work, and the City of DeLand's on-site inspection and written acceptance of same. The applicant shall submit proof of payment to the City of DeLand for any item for which reimbursement is requested including professional services, costs of materials or work performed by a contractor.

WITNESS the hands and seals of the parties hereto the date first written above.

BY: _____
City of DeLand – Community Development Director

BY: _____
Representative, MainStreet DeLand Association

BY: Rev. Peter Myrin
Applicant

BY: Rev. Peter Myrin
Owner



ID Flat Surface Area: 12.125" x 91.875"
 Active LED Area: 25.2" x 88.2"



Stewart Signs
 ONE SIGN. ONE COMPANY
 1-800-237-3928 stewartsigns.com

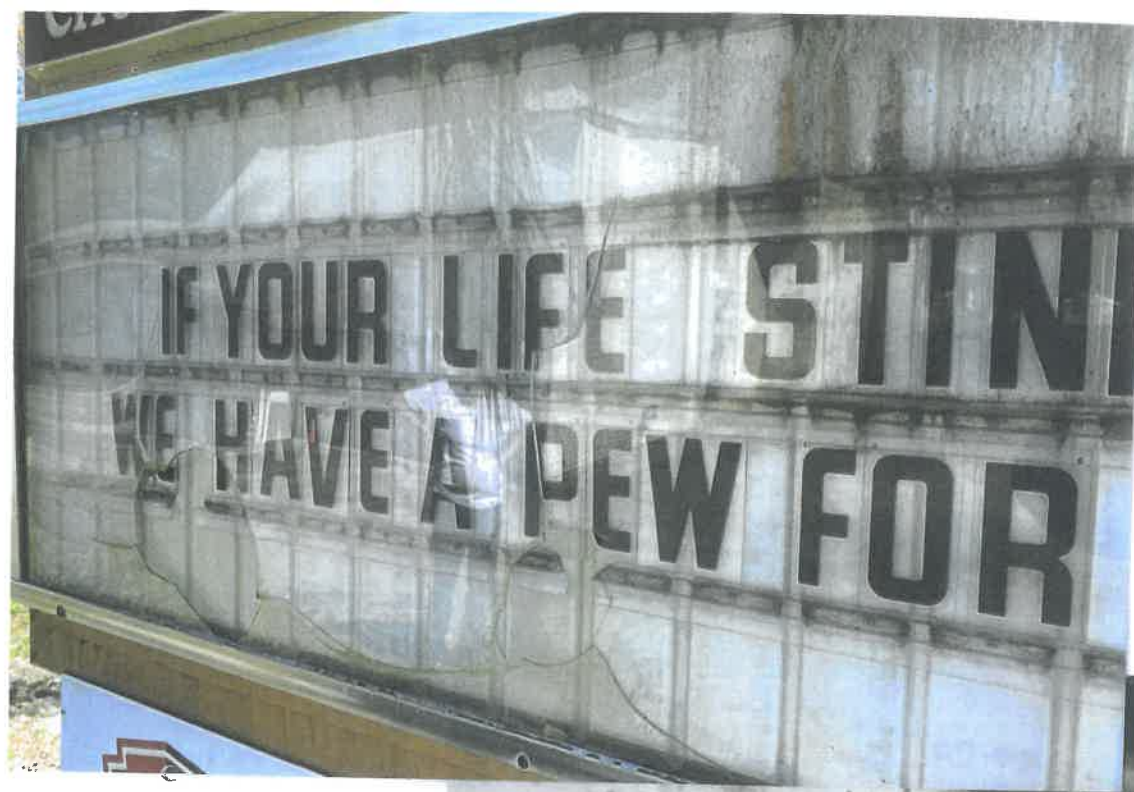
TekStar Color 16mm 40x140
 Cabinet Size: 4'x8'
 Sk: 983196-1b-s Cust: 1082425
 12/21/2021 F/kSavage SOLD
 Scale: 5/8"=1' Cabinet Color: Black

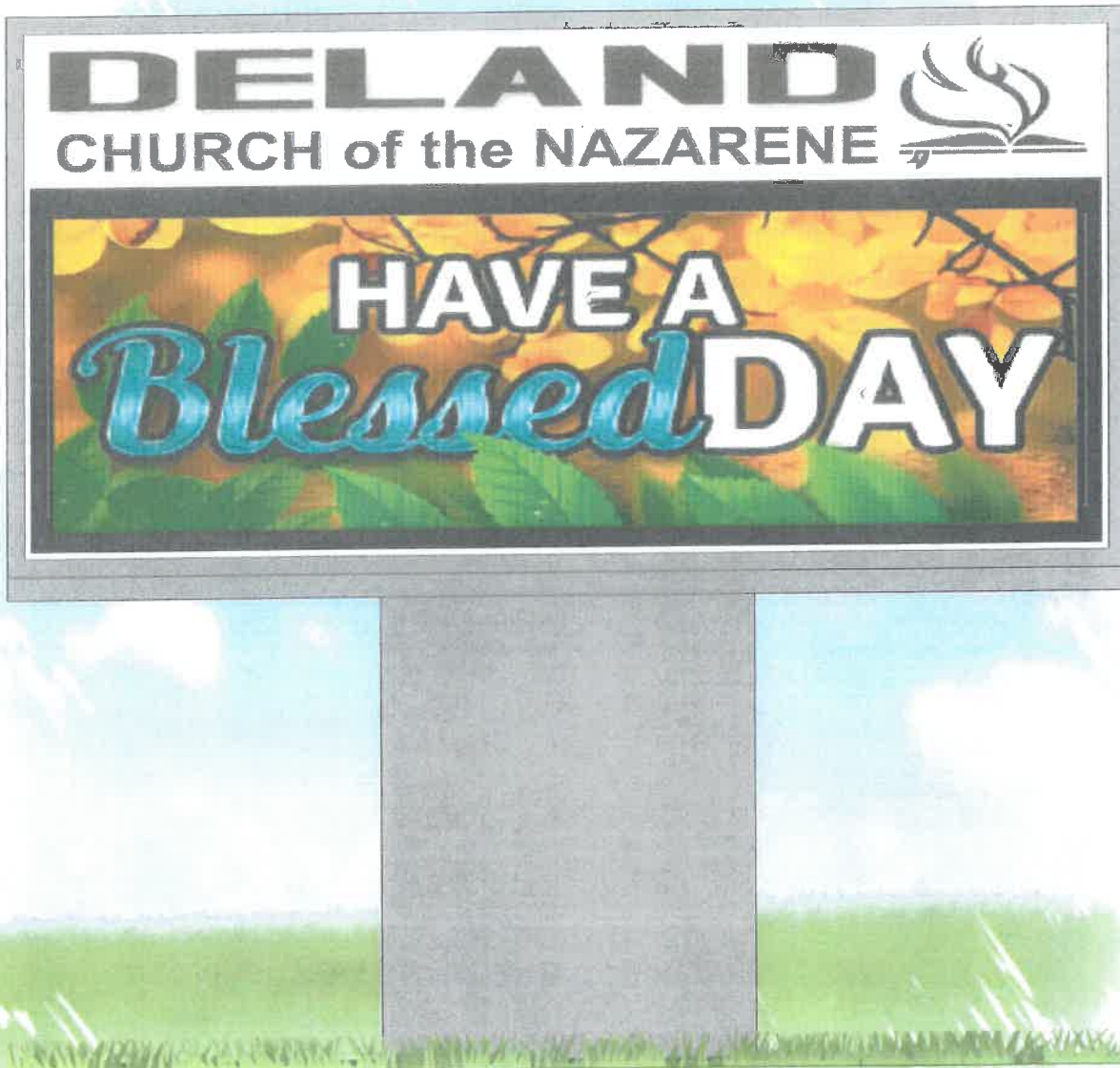
Signature _____

Date _____



This custom artwork is not intended to provide an exact match for ink, vinyl, paint, or LED color. Signs are designed for an illuminated graphic and art is based off of this premise. Non-illumination during daylight hours may result in graphics of varying appearance. Brickwork and masonry are not included in the proposal with the exception of Cornerstone products. Measurements shown are approximations; final product dimensions may vary. LED images shown are simulated to replicate optimum viewing distance. Original design, do not duplicate





TekStar 10mm 64x224 4'x8'

Cabinet: 4' x 8'
Mount: Pedestal

Cabinet Color: Silver Gray
Face Color: White
Line Colors: Dark Brown/Black

The provided graphics will be insufficient quality for the manufacturing process. Please see our web site, <http://www.stewartsigns.com/support-artwork.php> or your consultant for a list of acceptable formats.

Outline Color: Light Beige
Fonts: Accidental Presidency, Arial(b)
Logos: 27m1-black, logo, led



stewartsigns

Worldwide Provider Sign Company

1-800-237-3928 www.StewartSigns.com

ORIGINAL DESIGN DO NOT DUPLICATE

DUE TO THE PHYSICAL LIMITATIONS OF THE PAPER AND INK BASED PRINTING PROCESS, THIS CUSTOM ARTWORK IS NOT INTENDED TO PROVIDE AN EXACT MATCH BETWEEN INK, VINYL, PAINT, OR LED COLOR. ARTIST'S RENDERING OF BRICKWORK, MASONRY AND LANDSCAPING IS NOT INCLUDED IN THE PROPOSAL. ANY MEASUREMENTS SHOWN ARE APPROXIMATIONS. DIMENSIONS OF FINAL PRODUCT MAY VARY. LED IMAGES SHOWN ARE SIMULATED TO REPLICATE RESOLUTION FROM OPTIMUM VIEWING DISTANCE. A STEWART SIGN IS DESIGNED TO BE ILLUMINATED AT ALL TIMES, AS IT INCREASES THE LIFE OF THE SIGN'S LIGHTING COMPONENTS. SKETCHES ARE BASED OFF OF THIS PREMISE.

APPROVED AS SHOWN.

X _____

DATE _____

1. _____

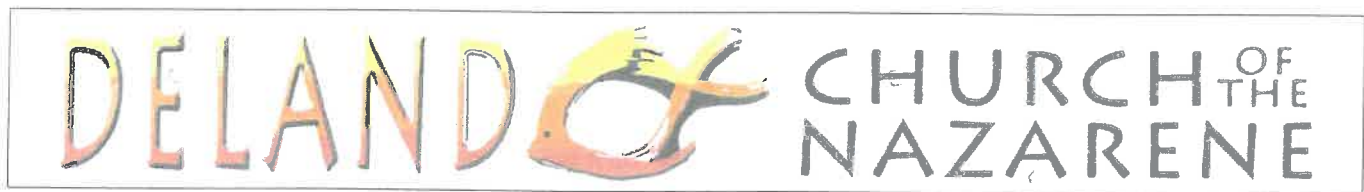
APPROVED WITH LISTED CHANGES.

X _____

DATE _____

3. _____

Sketch #292744 Customer #108425
11/4/2021 undefined -PROPOSAL-



983196-1b-s
Photo real VECTOR header
ID Flat Surface Area: 12.125" x 91.875"

 **Stewart Signs**
ONE SIGN. ONE COMPANY
1-800-237-3928 stewartsigns.com

TekStar Color 16mm 40x140
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From: rowebuckinc@gmail.com
Subject: RE: Referral
Date: January 14, 2022 at 9:24:17 AM
To: Peter Migner migner@me.com

Pastor Migner

Labor and material to install new sign and remove old sign 9500.00. If you remove old sign delete 1000.00 dollars. If this is acceptable I will send over a simple contract and will begin the permitting process. If you handle all permitting delete 500.00.

Thanks

Ronnie Williams

Rowe Buck Inc

1806 West Lake Ct

Fleming Island, Florida 322003

rowebuckinc@gmail.com 904.237.8806

From: PETER MIGNER
Sent: Wednesday, January 12, 2022 3:03 PM
To: rowebuckinc@gmail.com
Subject: Fwd: Referral

Thanks Ronnie



DELAND CHURCH OF THE NAZARENE
913 E. NEW YORK
DELAND, FL 32720

Consultant:
Kate Savage, x2120
ksavage@stewartsigns.com
Direct Fax: (888) 418-3644

Customer ID: 1082425
Quote #: 983196 / 1
Quoted: 12/13/2021

Attn: Lori Rumbarger
937-298-6477

DESCRIPTION

4'x 8' Double Sided 16mm TekStar, 40x 140 Full Color LED Display with 12" Deep, Hinged Extruded Aluminum Cabinet and Thermoformed Makrolon SL Faces Decorated on Inside Surface with 3M Vinyl Graphics.

Face / Cabinet Details

Internal TekStar Cabinet with Complete LED Display Assembly, 16mm 40x140 Color

Electrical Information

One 20 Amp Circuit, 120 Volts; Max Draw: 8.32 Amps

LED Communication Method: Wireless Data Modem with no restrictions on distance.

SignCommand.com Cloud-Based Software Included FREE for Lifetime of Product. Please visit www.signcommand.com for more information**.

Lifetime Wireless Data Plan Provided by StewartSigns
By signing you, the customer, affirm and agree to the terms and conditions listed at
<https://www.signcommand.com/data-plan>

Structural Details

Mount Style: Dual Leg Mount

Cowling (Creates Pedestal Appearance)

Mount Size:

Leg Height: 3 Ft 6 In

Leg Width: 2 Ft 8 In

Overall Sign Height: 7 Ft 6 In

Minimum Wind Load Rating: 120mph, Exposure B

Miscellaneous Items

Illuminated

freight included flfb

One Set of Three (3) Florida Engineer Drawings & Calcs,
Sealed

*** Review Custom Artwork for Text, Graphic and Layout Details ***

Draft: White

SPECIAL PRICING EXPIRES 12/22/21 EOB

REQUIRED DEPOSIT FOR 10 PAYMENT PLAN \$4,802.50

Investment: \$22,546.00

~~Special Pricing \$19,210.00~~

Unless otherwise noted in Special Instructions, these prices are valid for 30 days.

Freight, storage, other freight services and applicable sales tax will be added to your invoice.

Organizations exempt from sales tax must include exempt certificate with order.

Shipping Terms: F.O.B. Origin

Payment Terms: 25% Down, Balance due in 10 equal monthly payments after shipment. @ 0% interest, requires auto-debit (** \$15,000 limit **)

* Compliance: FCC Part 15 / UL Listed

** By purchasing the SignCommand.com product, you are agreeing with the Website Terms of Use (<https://www.signcommand.com/terms>) and Software End User License Agreement (<https://www.signcommand.com/eula>).

Stewart Signs • 2201 Cantu Court • Suite 215 • Sarasota, FL 34232-6255
Phone: (800) 237-3928 Fax: (800) 485-4280 Web: www.stewartsigns.com

Coastline Wholesale Signs & LED
 Daytona Beach, FL 32114
 (386) 238-6200

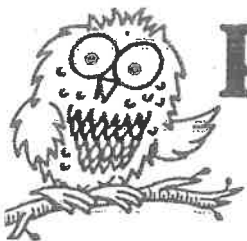
Estimate

Date	Estimate #
1/21/2022	583761

Name / Address
Stewart Signs 2201 Cantu Ct #215 Sarasota, FL Nazareth Church

			Project
Description	Qty	Cost	Total
Survey Location		250.00	250.00
City Permits		200.00	200.00
City Electrical Permits		150.00	150.00
Permits acquisition		400.00	400.00
Coastline Signs to install monument sign provided by customer		4,200.00	4,200.00
Hardware supplied by customer			
Demolition of existing sign		1,200.00	1,200.00
Thank you for your business.			
Total			\$6,400.00

Customer Signature _____



PermaCraft SIGNS

1644 South Ridgewood Ave
South Daytona Beach Fla. 32119
edward@permacraftsigns.com
386.767.8011 office
386.767.8246 fax
770.900.0474 personal

roudly Serving The Central Florida Since 1972

ER13014880

IBMITTED TO	CONTACT	PHONE NUMBER	DATE OF ORIGIN
-------------	---------	--------------	----------------

ewart Signs/Nazareth Church

03/09/2022

REET ADDRESS	CITY	STATE	ZIP CODE
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01 Cantu Ct #215

Sarasota

FL

HEREBY SUBMIT SPECIFICATIONS FOR EXECUTING THE FOLLOWING

Scope of Work:

- Permacraft Signs to install monument sign supplied by customer
- Permacraft Signs to demolish existing sign
- Hardware supplied by customer

HERBY VOW TO FURNISH MATERIAL AND LABOR TO COMPLETE THE ABOVE LISTED PROJECT IN ACCORDANCE WITH THE ABOVE LISTED
SPECIFICATIONS FOR THE CONTRACTED AMOUNT OF: \$ + SALES TAX IF APPLICABLE

MENT MADE AS FOLLOWS: 50% DEPOSIT @ SIGNING, REMAINING BALANCE @ TIME OF **INSTALL \$7,527.00**

TRIC WIRING TO THE SIGN OF ADEQUATE CAPABILITY AND THE PHYSICAL HOOKUP OF ELECTRIC POWER TO THE SIGN ARE TO BE RESPONSIBILITIES OF THE CUSTOMER. THIS PROPOSAL DOES NOT include sales tax. It does not include
ost not shown as part of this proposal (when applicable).
yments due hereunder shall be sent to PermaCraft Sign Co., 1644 S. Ridgewood Ave., South Daytona, FL 32119. This proposal is for prompt acceptance. PermaCraft Sign Co. will not & cannot be held responsible for delays caused by
s, fires, floods, wars, allocations of materials o other circumstances beyond our control. Upon mutual acceptance of this proposal by purchaser and seller, said order is not subject to cancellation. Sign shall remain the property of
aCraft Sign Co. / DBA Parrillo Inc. and shall at all times be severable from the premises upon which it is installed until account is paid in full. In the event it becomes necessary to institute any action for the enforcement of obligations,
aser agrees to pay, in addition to amount due to seller, all attorney fees and other cost incurred in connection therewith acceptance of agreement. This agreement shall not be considered as executed until signed by or on behalf of
aser and approved by an executive officer and seller and is signed by him/her on seller's behalf and is hereby further declared agreed and understood that there are prior writings, verbal negotiations, understandings, representations
eements between the parties not herein expressed in the event of default hereunder. Purchaser agrees to pay in addition to all sums due hereunder a reasonable attorney's fee and all costs of collections in the event any action or suit
e brought to enforce this agreement. The venue of said suits of action WILL BE at the option of PermaCraft Sign Co. / DBA Parrillo Inc. to be laid in Volusia County, Florida and the right to object to venue is expressly waived by
aser. Any amount not paid within 30 days shall be subject to a 1.5% per month service charge. Any below-ground utilities, old footers or any objects unseen that will not allow for an as-planned installation and require additional time,
and materials will be the liability of the purchaser.

rchaser _____

Seller _____

ite of Acceptance _____

Authorized Signature _____

Thank You For Allowing Us The Opportunity To Serve You.....



The DeLand Church of the Nazarene wants to thank the City of DeLand for having grant money available to businesses in the Gateway Area for improvements of their buildings, signs, and landscaping.

We feel the application we submitted speaks for itself. Therefore, we have complete confidence that our request will be granted.

If you require any additional information, please do not hesitate to contact me at (386) 848-3023. Also, if you would like to tour our church grounds, an appointment can be arranged.

Sincerely,

A handwritten signature in cursive script that reads "Rev. Peter Migner".

Rev. Peter Migner



City of DeLand

"The Athens of Florida"

www.deland.org

LED MESSAGE BOARD AFFIDAVIT

I, _____, am applying for a sign permit for an LED message board, which will be located at _____, from the City of DeLand, Florida. I hereby agree to the following conditions:

1. The display screen must be integral to the design of the sign structure and shall not be the dominant element; and
2. Only the identification of the tenants within the center shall be permitted; and
3. The display area shall apply towards the maximum amount of signage permitted per each site regardless of whether it is illuminated or utilized; and
4. Copy change of display screen shall not be more frequent than once per day; and
5. The display screen is restricted to a single permanent background color, per copy change. A malfunctioning electronic message center shall be programmed to turn off or otherwise display a blank screen. Electronic message centers must be equipped with software programming controls that automatically turn the sign off if the display is malfunctioning in any way.; and
6. Any message or picture displayed shall be static in nature and shall not scroll, blink, flicker, flash, scintillate or be otherwise animated; and
7. The display screen area shall provide a high resolution picture quality. Exposed neon or fiber-optic tubing on electronic message centers is prohibited; and
8. Electronic message centers shall be equipped with a sensor or other device that automatically determines the ambient illumination and can be programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements; and
9. An information sheet shall be submitted as part of the sign permit application which includes the manufacturing specifications of the display screen being installed, along with contact information of the property owner, sign contractor and the display screen maintenance provider.

Applicant Signature

Signed this _____ day of _____, _____.

Individual Applicant's Signature

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this _____ day of _____, by _____ who is personally known to me or who produced

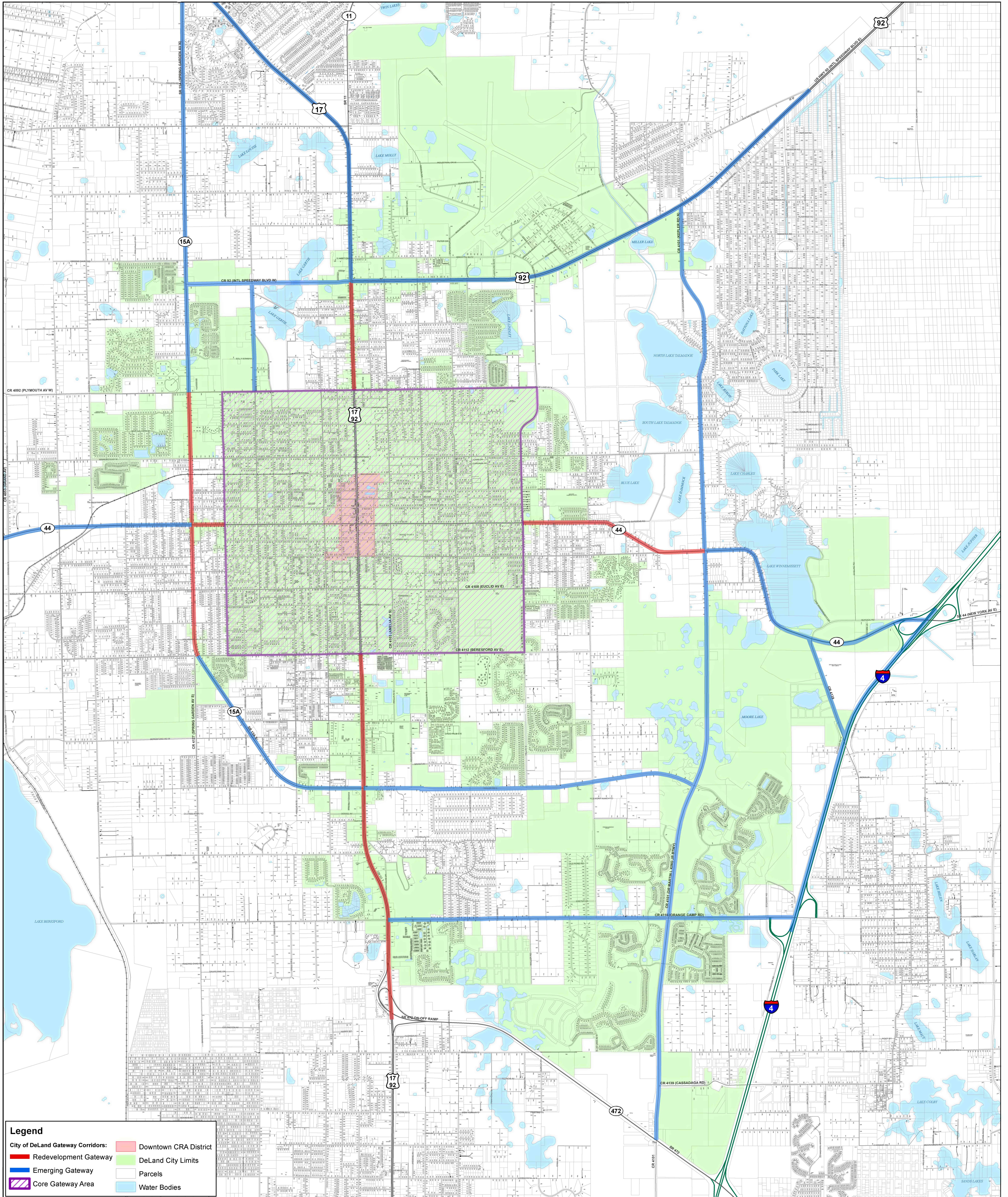
_____ as identification, and who did take an oath.

Notary Public Signature

Date

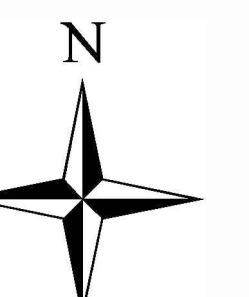
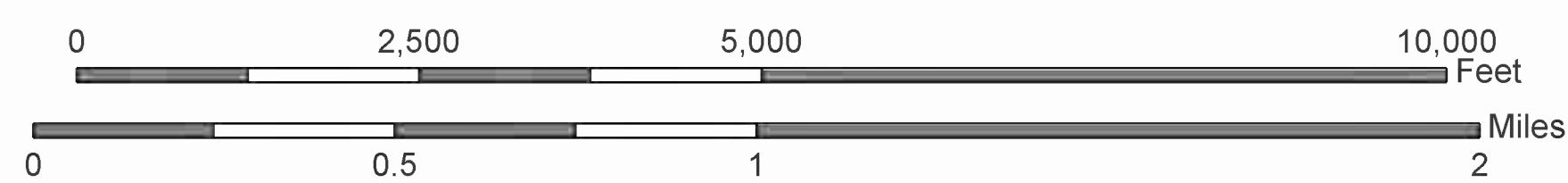
City of DeLand

Gateway Corridors Map



Sources: Volusia County GIS
City of DeLand Planning Dept.
This map is a graphic representation and is not intended to be used for any engineering or surveying purposes. The City of DeLand is not liable for any decisions made on the basis of this map or on the information contained within the map.
Prepared by: City of DeLand Planning Dept.
November 18, 2014
U:\P\GIS\GIS\GIS\city_1810_with_gateway.mxd

Scale: 1:15,000
Print size: 34" x 44"
1 inch = 1,250 feet



CITY OF DELAND
Request for Commission Action
June 20, 2022

SUBJECT: First Reading of Ordinance Changing the Zoning of Approximately 28.64 Acres of Property, Located at the South East Corner of Martin Luther King Boulevard and Cassadaga Road, from County R-4C & R-4 to CTC DeLand PD to Develop a Multi-Family Residential Project.

DEPARTMENT: Planning

PREPARED BY: Mike Holmes, Planning Director

ATTACHMENTS: Ordinance, Exhibit A - Legal Description, Exhibit B-PD Agreement with Exhibits , Exhibit B - PD CTC Deland Concept Plan , Z22-053 Staff Report, Z22-053 Zoning and Location Map, Z22-053 Aerial Map, DeLand Tech Park Comprehensive Plan Trip Comparison

APPROVED BY: Michael Grebosz, Asst. City Manager, June 16, 2022

SUMMARY/HIGHLIGHT:

First Reading of Ordinance to Rezone 28.64 acres from County R-4C & R-4 to CTC DeLand PD to develop a multi-family residential project, located at the SE corner of Martin Luther King Blvd. & Cassadaga Road. This application is 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.

The concept for the development is a multi-family development designed to reflect a single family neighborhood with single and two unit buildings 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.

This project has the entrance road designed exclusively for this development and it does not provide for a connection to the area to the east. Due to this restriction, staff is no longer requesting that this roadway be dedicated as a public right of way and recommends that it remain as a private entrance to the multi-family project. Although this is to be a private road, staff recommends that the buffer along this roadway should be 20' wide instead of 15' to provide some additional visual protection for the residents.

The Planning Board, at the May 18th meeting, recommended approval with the following comments: (notes action taken)

- Revise PD to remove reference to subdivision and internal road and creation of property owners association; (referenced site plan and no HOA necessary)
- Ensure max impervious to 50% is the correct amount; (completed)
- Provide detailed standards for free standing garages; (completed)
- Coordinate with City Forester on environmental provisions to determine if they are needed; (changes made after the Planning Board meeting, reviewed by Forester - new comments below)

- Update southern buffer to 20' to match PD agreement; (text changed in PD agreement to an average, but unchanged on the concept plan)
- Allow the City the option to take the entrance road at the time of the final site plan; (no longer applicable)
- Revise reference to Low Impact Development to be required. (completed)
- Reference traffic analysis and how it relates to the entire Activity Center; (not submitted to date)
- Clarify building size; (completed)
- Clarify type and locations for accessory structures; (completed) and
- Confirm which streets are public and private; (completed, but the Commission should decide if the entrance road is to be public)

The applicant revised the development agreement that addressed most of the above comments. Below are issues that staff is looking for City Commission direction on, prior to second reading.

1. Comment from Forester is looking for the PD agreement to state how the applicant will determine tree replacement, whether per the LDR's or another means. The key issue is to not reference another development, but review this project on its own merits.
2. Staff reviewed the traffic memo that provided trip comparison between the four projects in the Activity Center Local Plan, Canopy Terrace, CTC DeLand PD, DeLand Tech Park PD (currently at the Planning Board) and Advent's property. The traffic information is attached which shows that the projects do not exceed the total trips contained in the Comprehensive Plan.
3. Increase the buffer along the southern boundary to 20'. The PD agreement was revised to require an average of 20' around the entire perimeter; staff recommends removal of the "average" provision and establishment of a minimum 20' buffer requirement.
4. Clarification is needed by the City Commission as to whether the entrance road should be a public right of way. The staff wanted the roads that only serve as service roads to the commercial portion of the adjacent property and the entrance to this project to be private. Currently, the PD agreement states that the final determination will be made at the time of platting or site plan. However, staff would like for it to be determined at this point so that the applicant will know how to prepare the plans and staff will know how to review them.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Strategic Focus Area: Institute Smart Growth Principles:

Strategies:

Community consistent growth

Action Steps:

Encourage use of Planned Development Agreements in zonings.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

The Planning staff is recommending that the request to rezone the subject property be approved if the referenced issues are resolved by the City Commission at first reading.

BACKGROUND/DISCUSSION:

Refer to staff report.

ORDINANCE NO. 2022 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM VOLUSIA COUNTY'S R-4C, URBAN SINGLE-FAMILY RESIDENTIAL-THOROUGHFARE CORRIDOR AND R-4, URBAN SINGLE-FAMILY RESIDENTIAL TO CITY'S PLANNED DEVELOPMENT, CTC DELAND PD, ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF DR. MARTIN LUTHER KING, JR., BOULEVARD AND CASSADAGA ROAD; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 28.64 +/- ACRES OF PROPERTY MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the applicant, Mark Watt, Esq., (hereinafter referred to as "Applicant"), on behalf of the owners, own approximately 28.64 +/- acres of land located at the southeast corner of Dr. Martin Luther King, Jr., Boulevard and Cassadaga Road, which is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, the Applicant has applied for a change of zoning designations from Volusia County's R-4C, Urban Single-Family Residential Thoroughfare Corridor and R-4, Urban Single-Family Residential to CTC DeLand PD, Planned Development; and

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

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

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

WHEREAS, the proposed development plan is consistent with West Central and Commerce Districts future land use designations.

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

Section 1. The City Commission has held a public hearing to approve the change of zoning from Volusia County's R-4C, Urban Single-Family Residential Thoroughfare Corridor and R-4, Urban Single-Family Residential to CTC DeLand, PD, Planned Development, on property located at southeast corner of Dr. Martin Luther King Jr., Boulevard and Cassadaga Road, consisting of approximately 28.64 +/- acres of property.

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

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

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

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

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

Section 7. The City Commission may rezone any portion of the Project which has not obtained a site plan approval within five years from the date of adoption of this Ordinance.

Section 8. Prior to the issuance of a building permit, Applicant shall submit an easement document, acceptable to the City of DeLand, permitting additions to shared access, parking, utilities, and stormwater.

Section 9. Pursuant to Article 5 of the City’s Land Development Regulations, the Applicant shall comply with all applicable infrastructure regulations.

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

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

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

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

PASSED AND DULY ADOPTED this _____ day of _____, 2022.

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

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 "AF" 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.

PLANNED DEVELOPMENT AGREEMENT

IN THE CITY COMMISSION OF THE

CITY OF DELAND, FLORIDA

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

TM BTR OF FLORIDA, LLC

ORDINANCE # 2022-_____

ORDER AND RESOLUTION

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

TO CTC DELAND PD

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

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 F. 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.
20
21
22

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. Site Plan 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. No open burning shall be permitted on the property.

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 residential dwelling units permitted for all Phases shall not exceed 238.

1. Residential Structures:

a. Minimum individual residential dwelling unit size:

1. 1 bedroom unit: 700 sf
2. 2-bedroom unit: 1,000 sf

b. Minimum lot area: 10 acres

c. Minimum lot width: 300 feet

d. Minimum building separation: 10 feet

e. Maximum building coverage: 25%

f. Maximum building height: 35 ft

g. Minimum open space: 20%

h. Tree protection: 4.3 acres

i. Maximum impervious surface: 50%

j. Maximum proposed density: 9 du/acre

k. 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.

l. Maximum number of residential dwelling units: 238

2. Accessory Structures.

a. Residential Accessory Structures: No accessory structures shall be

permitted within the fenced yards of the residential dwelling units.

b. Community Accessory Structures: Community common areas may include gazebos, pergolas, shade structures, picnic shelters or other similar common accessory uses.

i. Freestanding Garage Structures (which may include up to four attached spaces):

a. Maximum Height: 18 feet

b. Maximum Square Footage: 900 sq ft

3. Parking Standards. 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 parking areas shall be the responsibility of the property owner.

4. Signage. Signage for the development shall be provided per the Land Development Regulations. Monument signs identifying the development shall be placed at the entrances along Dr. Martin Luther King, Jr. Beltway, Cassadaga Rd., and the east/west entrance road. The primary access point shall be from the east/west entrance road to be constructed from Dr. Martin Luther King, Jr. Beltway.

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. It is noted that the Property was historically in use as a tree farm and the current tree density may be abnormally high based on the nature of the tree plantings. The Applicant may use the more natural tree density determined in connection with the Canopy Terrace project to the north as a basis for establishing the overall tree density and tree replacement or mitigation requirements.

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) shall be incorporated in the Planned Development stormwater management master plan. LID design may include elements 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

1 transportation system improvements shall be provided in accordance with the Land
2 Development Regulations, Ordinance No. 2013-11, as amended. The parcel shall be
3 developed in substantial accordance with the following access and transportation system
4 improvements:

5 1. Access. A new east/west entrance road will be constructed to access
6 the site from Dr. Martin Luther King Jr. Beltway (CR 4101). An additional connection from
7 Cassadaga Road (CR4139) will also be provided. The Planned Development Plan
8 indicates the anticipated connection locations; however, the final locations may vary due to
9 final engineering design and permitting considerations. All roads, other than the east/west
10 entrance road, shall be private. The developer, in coordination with the City, may dedicate
11 the east/west entrance road to the City as public right-of-way. The entrances to the
12 development may also be gated.

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

16
17 M. Enhanced Development Conditions. Notwithstanding anything contained
18 herein to the contrary, the following enhanced development conditions shall be applicable
19 to the project.

20 1. Amenity Features.

21 a. Trail Network. An internal mulch trail network may be constructed
22 throughout the Property as depicted on Exhibit "B". The trail network
23 shall be constructed prior to certificate of occupancy for the final
24 structure in the final phase of development. The trail network shall be
25 maintained by the property owner.

1 b. Community common areas. May include, but is not limited to,
2 accessory structures, a dog park, a clubhouse, swimming pool, and
3 other common community structures and areas for enjoyment by the
4 residents.

5 c. Perimeter Landscape Buffer Minimum. A landscape buffer, no less
6 than 15 feet wide, and a total perimeter average of 20 feet wide, shall
7 be provided around the perimeter of the Property. Specific
8 dimensional callouts are provided within the Conceptual Plan.

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

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

23 This Ordinance and all subsequent amendments shall be filed with the Clerk of the
24 Court and recorded within forty-five (45) days following execution of the document by the
25 City Commission, in the Official Records of Volusia County, Florida. One copy of the
Page 11 of 17

1 document, bearing the book and page number of the Official Record in which the document
2 was recorded, shall be submitted to the Planning Department for placement in the public
3 file. The date of recording of this document shall constitute the effective date of the CTC
4 DELAND PD or its subsequent amendments. The applicant shall pay all filing costs for
5 recording documents.

6
7 REMAINDER OF PAGE INTENTIONALLY BLANK
8

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: _____

EXHIBIT "A"
LEGAL DESCRIPTION

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

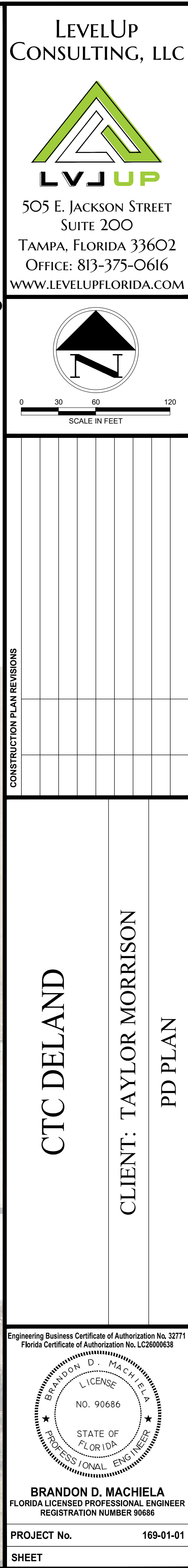
BEING DESCRIBED AS FOLLOWS:

BEGIN AT A POINT ON THE SOUTH RIGHT OF WAY LINE OF CASSADAGA ROAD PER
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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
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

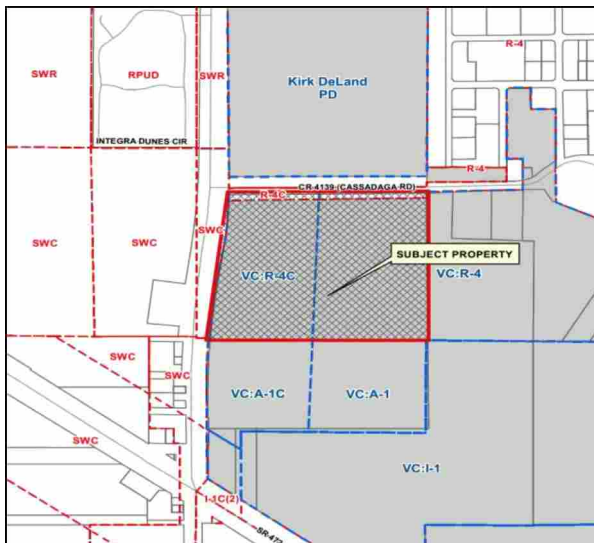
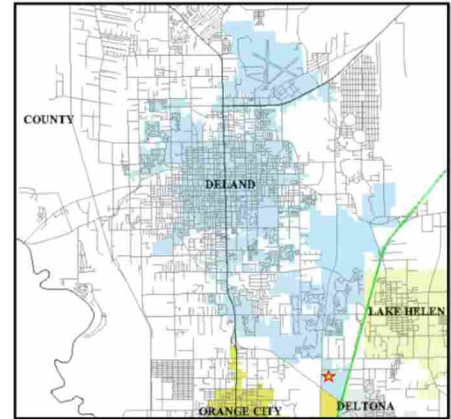
Location: Cassadaga Rd. (810600000124)

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.

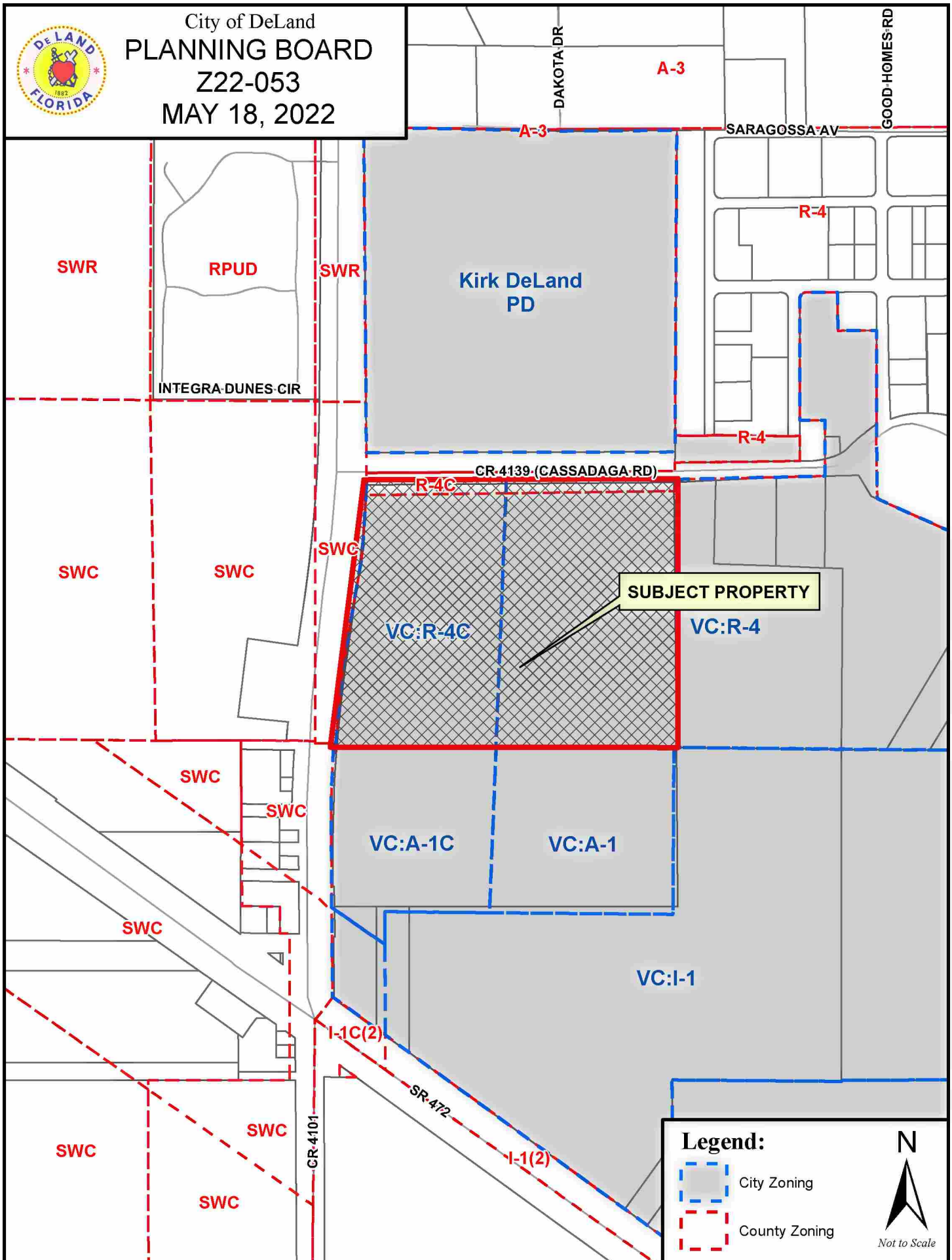
The original SWAC designation was designed for high-intensity uses containing a variety of land uses including office, commercial, recreational, industrial and housing. Residential uses were meant to meet the needs of the employees of the non-residential land uses within the activity center. This development 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



To: Mr. Mike Holmes
Planning Director
City of DeLand

Date: 5/27/2022



Memorandum

Project #: 64054.01

From: Sergio Narea, P.E.
Transportation Engineer
VHB
225 E. Robinson St., Suite 300
Orlando, FL 32801

Re: Longleaf Four, LLC – DeLand Tech Park, DeLand
Comprehensive Plan Trip Comparison

CC: Harry "Mac" McNaught
Kendall Story (City of DeLand)
Mark Watts (Cobb Cole)
Kok Wan Mah, P.E. (VHB)
John Prowell P.E. (VHB)

The purpose of this document is to provide a comparison of the allotted Southwest Activity Center (SWAC) trips in the City's Comprehensive Plan to the projected trips from the developments that will comprise the SWAC. The SWAC consists of 3 different districts: West Center; Commerce; and Community. As shown in **Table 1** below, Policy f13.6.4 sw of the SWAC Local Plan allows a maximum permitted number of trips for each of the districts that comprise the SWAC.

Table 1 – Maximum Permitted Trips per District

DeLand - Southwest Activity Center (Maximum Permitted Trips per District)	
District	Trips
West Center	19,600
Commerce	13,700
Community	4,700
Policy f13.6.4 sw	

Table 2 below then compares the maximum permitted trips per district to the number of projected project trips for each of the developments. The development and corresponding district(s) are as follows:

1. DeLand Tech Park – West Central District and Commerce District
2. Christopher Todd Communities (CTC) DeLand – West Central District
3. Advent Parcel – Commerce District
4. Canopy Terrace – Community District

The daily development project trips for the CTC DeLand and Canopy Terrace developments shown in **Table 2** were obtained from the Traffic Impact Analysis (TIA) for each development as provided by the City of DeLand. The project trips for the CTC DeLand development were developed based on 238 multifamily residential dwelling units, per the TIA. The project trips for the Canopy Terrace development were developed based on 140 single family residential dwelling units, per the TIA. The project trips for the DeLand Tech Park were developed based on the most recent development program consisting of 1,500 KSF of Industrial Park, 240 KSF of General Retail, and a 16 fueling position Gas Station with Convenience Store. Lastly, the project trips for the Advent Parcel were developed based on the target

building program entitlement yield (cumulative per acre) for Commerce district per the SWAC Local Plan. The Advent Parcel has a total land area of 28.62 acres; therefore, with a target building program entitlement yield of 6,800 square feet per acre of office use, a total of 194,616 square feet of office space was used to determine the daily project trips for the Advent Parcel.

Table 2 – Comprehensive Plan SWAC Trip Comparison

District	Development	Maximum Permitted Trips Per District	Development Project Trips (Daily)	District Project Trips (Daily)	% of Permitted District Trips
West Central District	DeLand Tech Park	19,600	12,440	14,041	71.6%
	CTC DeLand		1,601		
Commerce	DeLand Tech Park	13,700	5,055	13,310	97.2%
	Advent Parcel		8,255		
Community	Canopy Terrace	4,700	1,417	1,417	30.1%
Total: West Center, Commerce, and Community		38,000		28,768	75.7%

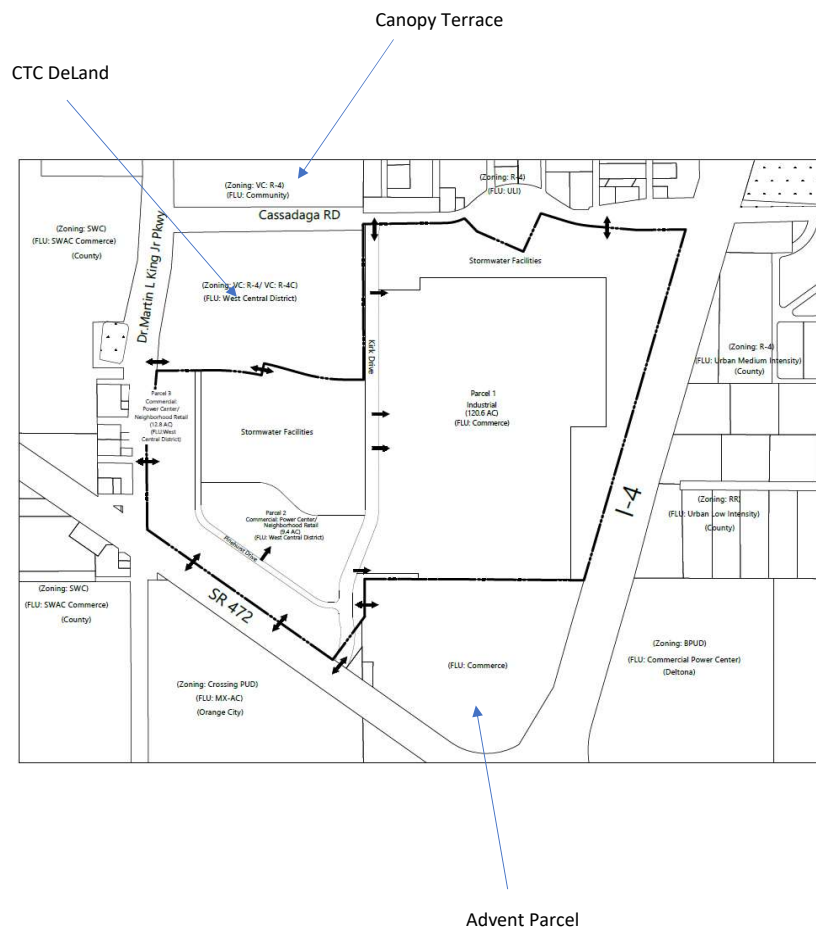
As shown in **Table 2**, none of the districts are shown to exceed the maximum permitted trips and the overall combined development trips are well below the permitted 38,000 trips for the SWAC. It should be noted that although the Commerce district is shown to be near the permitted number of daily trips, the blending allowed by Section C(iv) of the Descriptions of SWAC Future Land Use Designations essentially allows the trips to be considered as a collective pool. Additionally, it should be noted that daily pass-by trips are expected to be significantly greater than what would be shown for the AM and PM peak hour (since there is no percentage for daily pass-by trips, daily pass-by trips are calculated conservatively by adding pass-by for the AM and PM peak hours). It would therefore be expected that the actual number of project trips for the Commerce district will be significantly lower than 13,310 trips due to the expected higher number of daily pass-by trips.

If you have any questions, please do not hesitate to contact us.

Sincerely,



Sergio Narea, P.E.
Transportation Engineer
VHB
snarea@vhb.com
407.965.0533



Advent Parcel

size of parcel = 28.62 acres

(ii) **Commerce** – The intent of this district is to provide a mix of office and light industrial, with ancillary support uses. Specific uses allowed:

Industrial/Business Park

Office/Office Park

Commercial: Activity Center Support/Ancillary Uses

Public/Semi-public

Target Building Program Entitlement Yield (Cumulative Per Acre):

Commercial/Retail 706 sq. ft.

Office 6,800 sq. ft.

Light Industrial 6,900 sq. ft.

Hotel 1 unit

total allowed square footage

194,616 office space

Summary of Trip Generation

Land Use	ITE Code	Intensity	Daily Trip Ends	AM Peak Period			PM Peak Period		
				In Trips	Out Trips	Total	In Trips	Out Trips	Total
Medical Office	720	195 KSF	8,255	347	92	439	237	552	789
		Sub Total	8,255	347	92	439	237	552	789

2.0 PROJECT TRAFFIC

2.1 Trip Generation

The trip generation of the proposed development was calculated using the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10th Edition*. The trip generation for the project is summarized in **Table 1** and the ITE charts are provided in **Appendix C**.

CANOPY TERRACE

Table 1
Trip Generation Analysis

ITE Code	Land Use	Size	Daily		AM Peak Hour				PM Peak Hour			
			Rate	Trips	Rate	Total	Enter	Exit	Rate	Total	Enter	Exit
210	Single Family Residential	140 DU	10.12	1,417	0.74	104	26	78	1.00	140	88	52

ITE Trip Generation Manual, 10th Edition

Regression Equation used to calculate rates when R^2 is greater than 0.75 and has more than 20 studies

The proposed development is projected to generate 1,417 new daily trips, of which 104 trips will occur during the AM peak hour and 140 trips will occur during the PM peak hour.

2.2 Trip Distribution

A preliminary trip distribution pattern was developed using the Central Florida Regional Planning Model (CFRPM). The adopted model was modified to include a project specific Traffic Analysis Zone (TAZ) with the corresponding socio-economic data to reflect the proposed development. A Select Zone Analysis was executed for the project TAZ to determine the resultant trip distribution pattern on the surrounding transportation network. Manual adjustments of the model generated distribution pattern were applied to better reflect the local transportation network and prevailing travel patterns. The resulting trip distribution pattern is illustrated in **Figure 2** and the model output plots are included **Appendix D**.



MEMORANDUM

February 8, 2022

Re: Kirk Property BTR
Traffic Impact Analysis Methodology
City of Deland, Volusia County, Florida
Project № 22012

This is an outline of the methodology for the Traffic Impact Analysis (TIA) for the above referenced project. In general, the TIA will conform to the methodology requirements and guidelines documented by the River to Sea Transportation Planning Organization (R2CTPO).

Project Description

The proposed development consists of 238 single-family attached units (horizontal apartments) with anticipated buildout year 2025. The site consists of parcel 810600000124, located on the southeast corner of the intersection of Cassadega Road and Dr. Martin Luther King Jr Beltway, in the City of Deland, Florida, as shown in **Figure 1**. The proposed development will be accessed via two (2) access driveways; one (1) on Cassadega Road and one (1) connecting to Dr. Martin Luther King Jr Beltway. A copy of the development plan is provided in the **Attachments**.

Trip Generation

The trip generation analysis for the proposed development was conducted using the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11th Edition*. The trip generation calculation for the project is summarized in **Table 1**. Detailed trip generation sheets are provided in the **Attachments**.

CTC DELAND

Table 1
Trip Generation Calculation

ITE Code	Land Use	Size	Daily		AM Peak Hour				PM Peak Hour			
			Rate	Trips	Rate	Total	Enter	Exit	Rate	Total	Enter	Exit
220	Multifamily Residential	238 DU	6.73	1,601	0.41	97	23	74	0.52	123	77	46

Trip Generation analysis based on ITE Trip Generation Manual, 11th Edition.

The proposed development is projected to generate 1,601 new daily trips of which 97 trips occur during the AM peak hour and 123 trips occur during the PM peak hour. Per the R2CTPO traffic study guidelines, the proposed development is anticipated to generate more than 1,000 daily new trips; therefore, requires a TIA.

3. Development Traffic Conditions

The project is proposed to be evaluated for the existing year of 2022 and for future project build out year of 2027. The development traffic conditions are to be developed by adding the development traffic (project traffic) to the future background traffic. The background traffic volumes are proposed to be generated for the year of 2027 by using historical traffic growth rates obtained from the latest Volusia County AADT spreadsheet for the study roadways.

In addition, any approved or committed developments will be incorporated into this analysis as background traffic. VHB is respectfully requesting that the any committed development programs be provided by the City and/or County as part of the pre-application process.

4. Trip Generation Estimate

The proposed development will include 1,500 KSF of Industrial Park, ITE Code 130, 240 KSF of General Retail, ITE Code 820, and a 16 fueling position Gas Station with Convenience Store, ITE Code 945. The project traffic volumes for the proposed development will be generated using the trip generation rates and formulas outlined in the *Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition)*. Pass-by trips were calculated using the pass-by rate, given as 34% (PM) for General Retail land use, and 62% (AM) and 56% (PM) for Convenience Store/Gas Station land use. **Table 1** is an estimation of the daily, AM peak-hour, and PM peak-hour volumes.

DELAND TECH PARK

Table 1: Summary of Trip Generation

Land Use	ITE Code	Intensity	Daily Trip Ends	AM Peak Period			PM Peak Period			Passby %	
				In Trips	Out Trips	Total	In Trips	Out Trips	Total	AM	PM
Industrial Park	130	1,500 KSF	5,055	413	97	510	112	398	510	0%	0%
Shopping Center (>150 KSF)	820	240 KSF	8,882	125	77	202	509	551	1,060	0%	34%
Gas/Conv	945	16 Pumps	4,242	129	128	257	148	147	295	62%	56%
		Sub Total	18,179	667	302	969	769	1,096	1,865		
		Internal Capture	0	0	0	0	0	0	0		
		Total Passby	684	80	80	159	263	263	525		
Total			17,495	588	223	810	507	834	1,340		

5. Primary Impact Area

Consistent with R2CTPO TIA Guidelines, impacted segments will include all roadway segments to which the site has direct connections, that are impacted by the proposed project to within three percent or greater of the peak-hour two-way adopted level of service (LOS) capacity, major intersections along the significant segments, and roadway segments that have been designated as "critical" or "near critical" within the site traffic influenced segments. Critical and near critical roadways are defined by Volusia County as roadways with a volume to capacity (v/c) ratio that is equal to or greater than 1.0 and 0.90, respectively. The 3-mile critical and near critical roadway segments within the area are shown in the Critical/Near-Critical Roadway Map provided in the **Appendix**. The test for segments that are significantly impacted is shown in **Table 2**.

CITY OF DELAND
Request for Commission Action
June 20, 2022

SUBJECT: First Reading of Ordinance Changing the Zoning of 1.1 Acres of Property, Located on the West Side of North Woodland Boulevard, to Allow a Car Wash as a Permitted Use "Woodland Crossings PD."

DEPARTMENT: Planning

PREPARED BY: Mike Holmes, Planning Director

ATTACHMENTS: Ordinance, Exhibit A - Legal Description, Exhibit B-PD Amendment - Woodland Crossings, Exhibit A - Concept Plan - Woodland Crossings, Z22-057 Staff Report - Woodland Crossings, Z22-057 Survey, Z22-057 Zoning & Location Map, Z22-057 Aerial Map

APPROVED BY: Michael Grebosz, Asst. City Manager, June 16, 2022

SUMMARY/HIGHLIGHT:

First reading of the Ordinance requesting to amend the Woodland Crossings PD and concept plan to allow for an automobile service station, including, but not limited to, drive-thru services such as cleaning or detailing, on Lot 2 of Woodland Crossings Planned Development.

At the May 18, 2022 meeting, the Planning Board recommended approval with the following comments:

1. Revise agreement to allow for access from either north or south, but not both, to be able to address potential FDOT driveway requirements;
2. State hours of operation to be 8AM to 8PM;
3. Extend easement west to serve Lot 4; and
4. A replat will be required to address changes to the Tree Protection Area.

Prior to second reading, the applicant will revise the development agreement to address items 1 through 3 and any additional conditions requested by the City Commission. The Tree Protection Area change must be completed prior to any construction commencing to allow the northern driveway.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

The priorities for 2021-22 include:

Improve our gateways.

Bringing new businesses to DeLand.

Strategic Focus Area: Regional high value job creation

New Business Development (business recruitment and site development).

Action Step: 3. Provide assistance to fill vacant industrial/commercial sites.

Strategic Focus Area: Creating the Connected Community

Design and Appearance

Action Step: 3. Maintain and improve the aesthetic appearance throughout the City and along its gateways.

Strategic Focus Area: Institute Smart Growth Principles

Community Consistent Growth

Action Step: 4. Encourage use of Planned Development Agreements in zonings.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

Commercial development of this property will generate increased funding for City services.

RECOMMENDATION:

It is recommended that the City Commission approve on first reading the zoning amendment to the Woodland Crossings Planned Development for the subject property on N. Woodland Blvd. The agreement will be brought back to the Commission for second reading upon receiving a final document with the applicants' signatures.

BACKGROUND/DISCUSSION:

Please refer to staff report.

ORDINANCE NO. 2022 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE WOODLAND CROSSINGS PLANNED DEVELOPMENT (PD), ON PROPERTY LOCATED ON THE WEST SIDE OF NORTH WOODLAND BOULEVARD, NORTH OF VIOLETWOOD ROAD; APPROVING AN AMENDMENT TO A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 1.1 +/- ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Applicant, Nika Hosseini, Esq., on behalf of the owners, has filed for an amendment to the Woodland Crossings Planned Development (PD) of approximately 1.1 +/- acres of land located on west side of North Woodland Boulevard, north of Violetwood Road, which is more particularly described in the legal description attached hereto as Exhibit “A” and by this reference made a part hereof; and

WHEREAS, the Woodland Crossings PD was approved by City Commission on July 26, 2006, City of DeLand’s Ordinance No. 2006-35; and

WHEREAS, the applicant desires to amend the Woodland Crossings PD to allow for an automobile service station, including but not limited to, drive-thru services such as cleaning or detailing as a permitted use; and

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

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

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

WHEREAS, the proposed development plan is consistent with the Business Retail future land use designation.

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

Section 1. The City Commission has held a public hearing to approve the change of zoning to amend the Woodland Crossings PD, Planned Development Agreement of approximately 1.1 +/- acres of land located on the west side of North Woodland Boulevard, north of Violetwood Road.

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

Section 3. The zoning of the Property as PD, Planned Development District, is made pursuant to Section 33-32 of the Code and the development of the Property shall take place in accordance with that Section and in substantial compliance with the Development Plan Agreement, Maps and other supporting documentation which were previously submitted for the Woodland Crossings PD, Planned

Development District, as well as the documentation submitted along with the current application, all of which has been filed and will be retained for public inspection in the office of the City Planning Department and constitute a supplement to the official Zoning Map of the City.

Section 4. The approved Development Plan and Development Agreement for Woodland Crossings, PD, Planned Development District, shall be amended as per the attached Exhibit “B” which by this reference made a part hereof.

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

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

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

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

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

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

PASSED AND DULY ADOPTED this ____ day of _____, 2022.

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

"EXHIBIT A"

LEGAL DESCRIPTION

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.

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 ~~striketrough~~/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 ~~striketrough~~/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 ~~striketrough~~/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 ~~striketrough~~/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

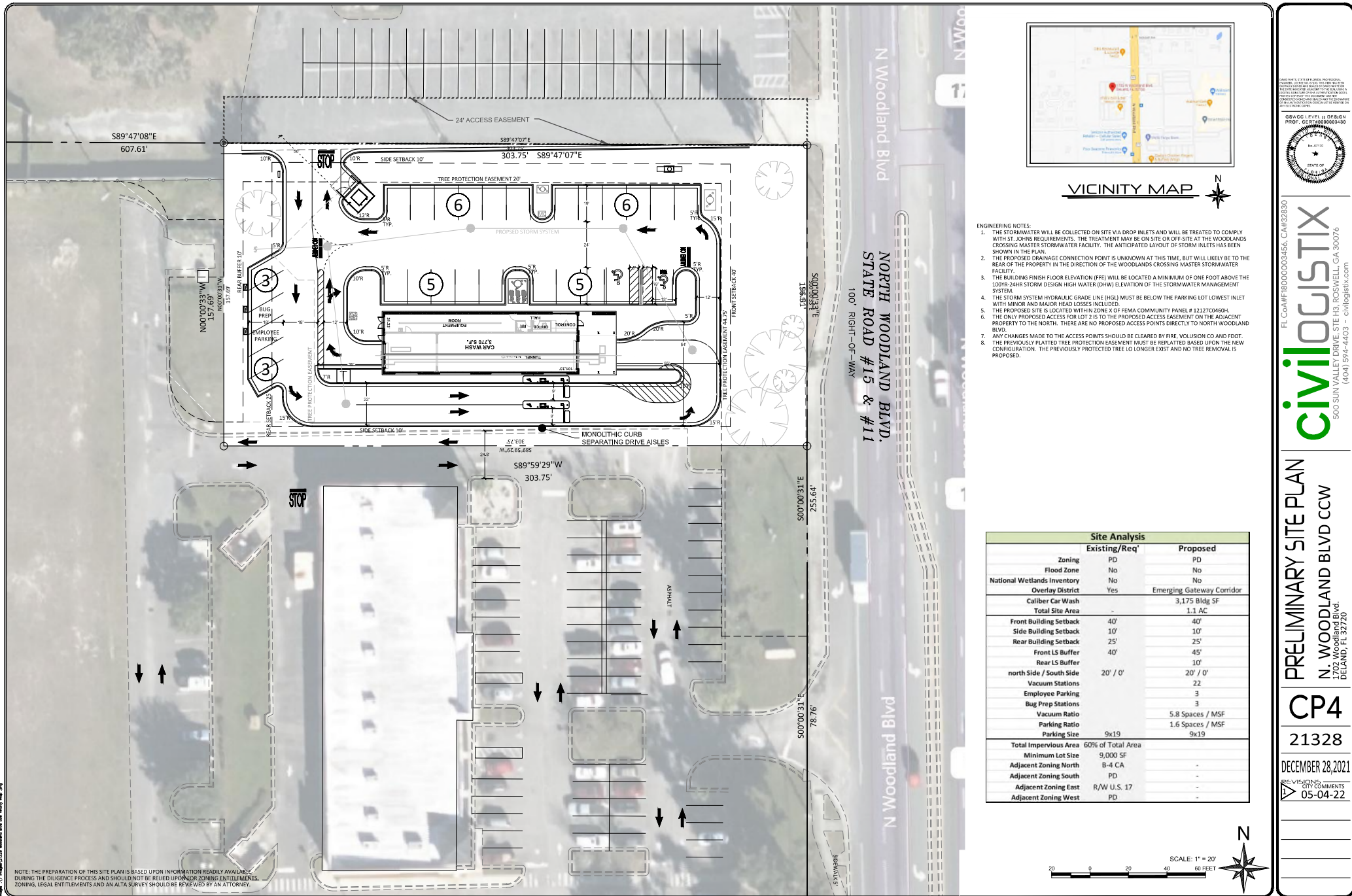
Notary Public

Type or Print Name: _____

Commission No. _____

My Commission Expires: _____

Attachment A
Amended Planned Development Plan for Lot 2



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	B-4 CA	-
Adjacent Zoning South	PD	-
Adjacent Zoning East	R/W U.S. 17	-
Adjacent Zoning West	PD	-

PRELIMINARY SITE PLAN
N. WOODLAND BLVD CCW
1702 WOODLAND BLVD.
DELAND, FL 32720

CP4
21328
DECEMBER 28, 2021

REVISIONS
05-04-22

FL COAH#18000003456; CA#22630

civilogistix
500 SUN VALLEY DRIVE, STE 103, ROSWELL, GA 30076
(404) 594-4403 - civilogistix.com



- 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 # 12127C0450H.
 6. 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.
 7. ANY CHANGES MADE TO THE ACCESS POINTS SHOULD BE CLEARED BY FIRE, VOLUNTARY CO AND FOOT.
 8. THE PREVIOUSLY PLATTED TREE PROTECTION EASEMENT MUST BE REPLATTED BASED UPON THE NEW CONFIGURATION. THE PREVIOUSLY PROTECTED TREE NO LONGER EXIST AND NO TREE REMOVAL IS PROPOSED.

**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

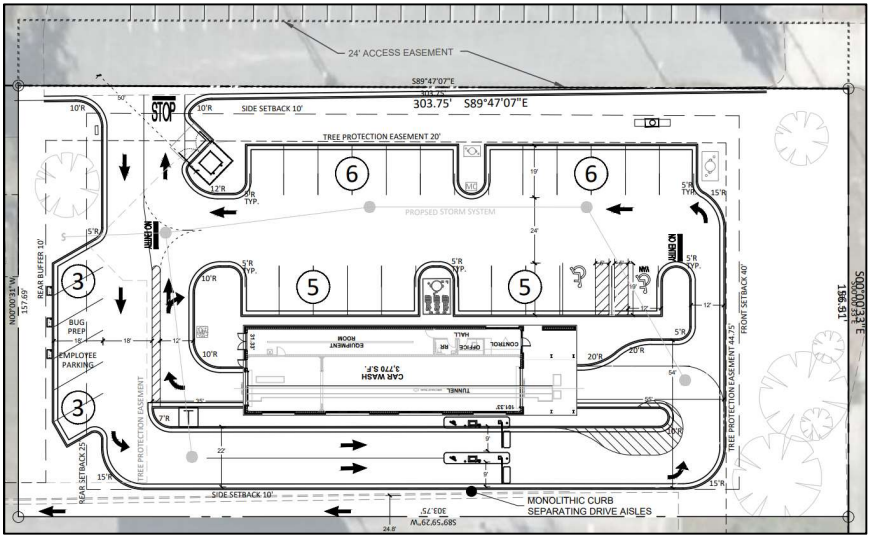
	SURROUNDING USE:	SURROUNDING ZONING:
North:	VC: Rural Community; VC: Commercial	R-1B
South:	VC: Rural Community; VC: Commercial; Highway Commercial	C-2; VC: A-3A; VC: B-4CA
East:	Highway Commercial	C-2
West:	VC: Rural Community	VC: RRA

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.

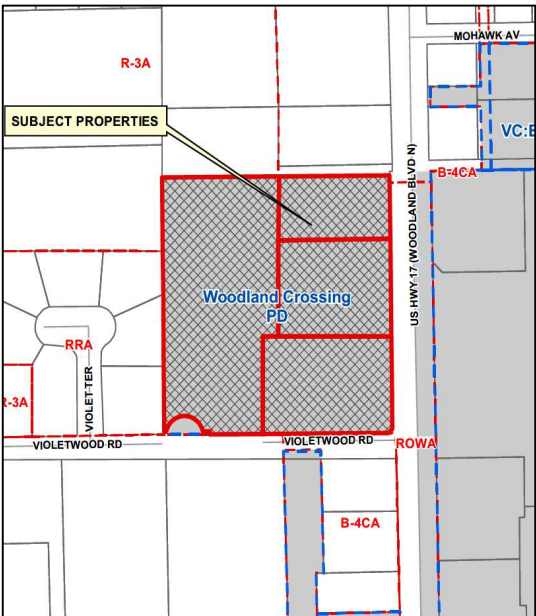
CONCEPT PLAN:



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.

UNPLATTED

This survey is made for the benefit of

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

(b) shows that there are no (i) encroachments upon the subject property by improvements on adjacent property, (ii) encroachments on adjacent property, streets, or alleys by any improvements on the subject property, (iii) party walls, (iv) conflicts or protrusions, (v) overlaps or boundary line disputes, or (vi) easements above ground or below ground which are in use and not of record;

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

(d) shows adequate ingress to and egress from the subject property is provided by N. WOODLAND BOULEVARD, the same being a paved private road.

(e) meets all requirements for servers established by Florida law

(f) shows that the property is located in a flood plain or a flood prone area, and the flood map number from which this information was obtained; and

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

By: LARRY R. EFIRD, JR.

Nex: 5823
STATE OF FLORIDA
11/6/2012

DESCRIPTION: (SEE TITLE COMMENT FILE NO. 4107004)

LOTS 1, 2, 4, TRACT "A" AND "B", WOODLAND CROSSINGS, A SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 65, PAGES 112 THRU 116, INCLUSIVE, IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

NOTE:

PER TITLE COMMITMENT SCHEDULE B-II ITEM 23

PROGRESS ENERGY EXEMPTION (PER O.R. BOOK 6163, PAGE 3163)

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.

NOTE

THIS PLAN AND/OR SKEETCH 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 INFORMATION AND DATA AVAILABLE TO THE SURVEYOR. THE SURVEYOR'S OBLIGATION TO THE WHOMSOEVER 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. THE SURVEYOR OR DELINEATOR TO SURVEY, MAP OR SKEETCH OF SURVEY, THE SURVEYOR'S SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES, FROM PROVIDING ANY INFORMATION, INCLUDING BUT NOT LIMITED TO, THE NAME AND FIRM, WHICH WAS PREPARED UTILIZING THE BEST AVAILABLE INFORMATION AND AS SUCH DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. THE SURVEYOR, THEREFORE, ASSUMES NO LIABILITY FOR ANY DAMAGES THAT MAY BE HELD LIABLE FOR CLAIMS ARISING FROM ERRONEOUS OR INCORRECT INFORMATION FURNISHED TO ANY OTHER PARTY.

NOTES

1. NO INSTRUMENTS RECORD REFLECTING EASMENTS, RIGHT OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN.
2. NO VALUABLE IMPROVEMENTS OR IMPROVEMENTS ON PLOTS OR INTERIOR AREAS OF THE TRACTS WERE LOCATED, EXCEPT AS SHOWN, AS PER THE REQUEST OF THE CLIENT.
3. LEGAL DESCRIPTION FURNISHED BY THE CLIENT.
4. WHERE APPLICABLE, MONUMENT DATA, ETC. AND/OR L.S. OR L.S. NUMBERS ARE SHOWN.
5. BEARINGS ASSUMED FROM PLAT, DEED, LEGAL DESCRIPTION.
6. UNLESS SHOWN, ONLY THOSE VISIBLE FEATURES IN THE IMMEDIATE VICINITY OF THE ABOVE DESCRIBED TRACTS ARE SHOWN.

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. SKOPPER, P.L.
AKERMAN SENTERFITT, LLP

REVISED 11/6/12
TO ADD SYMBOL LEGEND

475 S. BLUE LAKE AVENUE
DELAND, FLORIDA 32724
PHONE: (386) 740-4144 FAX: (386) 740-4155
e-mail: lefird@bellsouth.net
Certificate Of Authorization Licensed Business Number 7230

Survey Date 10/10/2012	Drawing Number 12-0426-B	Scale: 1"=40' Drawn By: J.E. JB/J
---------------------------	-----------------------------	--------------------------------------

Survey Date 10/10/2012	Drawing Number 12-0426-B	Scale: 1"=40' Drawn By: J.E. JB/J
---------------------------	-----------------------------	--------------------------------------

[illegible]

CERTIFICATIONS ABOVE

132-001

I HEREBY CERTIFY THIS SURVEY DRAWING TO BE
CORRECT TO THE BEST OF MY KNOWLEDGE AND
BELIEF, AND THAT I AM A LICENSED PROFESSIONAL
TECHNICAL SURVEYOR IN THE STATE OF FLORIDA
FLORIDA BOARD OF SURVEYING AND MAPPING
SECTION 2-2022, FLORIDA STATUTES

STATE OF FLORIDA

LARRY R. EYERSON
Professional Surveyor No. 50825

10/16/2012

LAUREY H. EYRE
Professional Surveyor & Mapper No. 0003

NOTES, SCHEDULE B EXCEPTIONS

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

21. OFFICIAL RECORDS BOOK 6042, PAGE 2943, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, PERTAINS TO RIGHT OF WAY OF VOLLENDROF ROAD AND IS NOTED ON SURVEY.

22. OFFICIAL RECORDS BOOK 6042, PAGE 3050, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, IS THE ZONING CHANGE TO PG.

23. PROGRESS EASEMENT (ENTRY CROSS) THROUGH PLAT 4163, PAGE 11831 A 10 FOOT EASEMENT AREA DEFINED AS LYING 5 FEET ON EACH SIDE OF GRANVILLE'S FACILITIES TO BE INSTALLED AT NATURALLY ACCESSIBLE LOCATIONS OTHER ACROSS AND THROUGH THE AREAS, DESCRIBED PREVIOUSLY, FOR LANDSCAPE, PESTS AND FUTURE DEVELOPMENT.

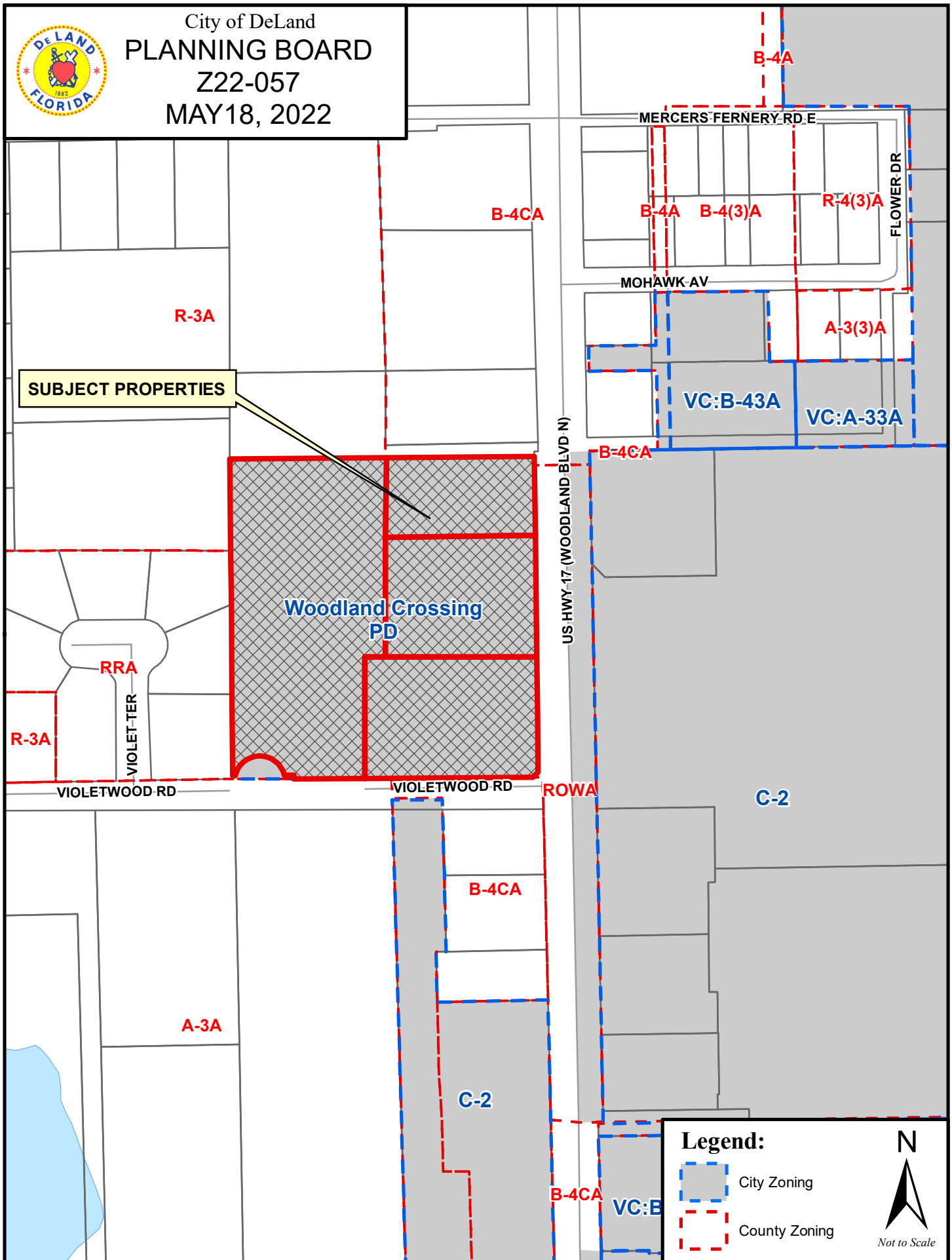
24. OFFICIAL RECORDS BOOK 6184, PAGE 3183, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, IS THE ZONING CHANGE TO PG.

25. OFFICIAL RECORDS BOOK 6286, PAGE 329, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, PERTAINS TO DRIVEWAY EASEMENTS AND ARE SHOWN ON SURVEY.

26. MATTERS CONTAINED ON THE PLAT OF WOODLANE RECORDINGS, RECORDED IN PLAT BOOK 55, PAGES 112 THROUGH 116, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, ARE SHOWN.

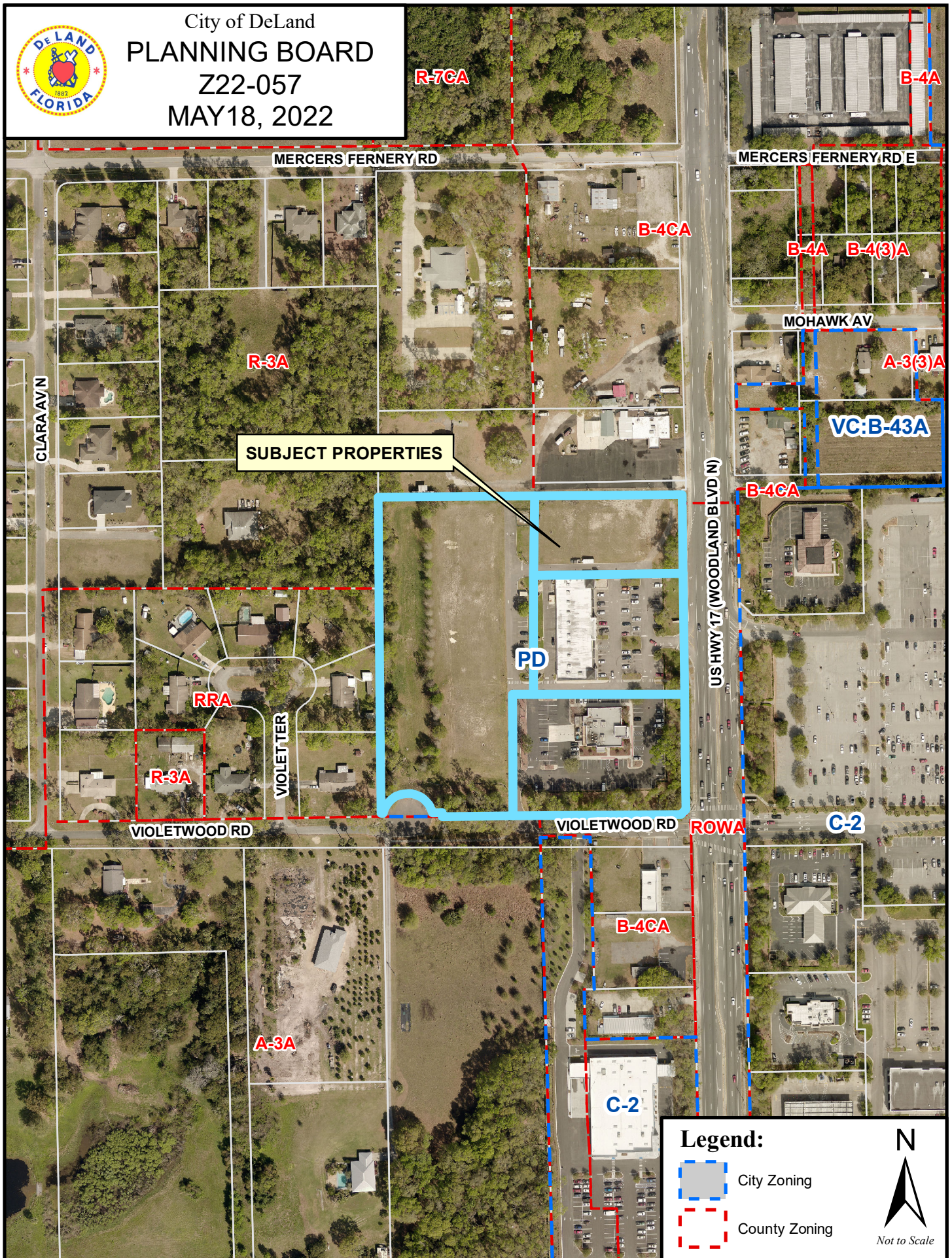


City of DeLand
PLANNING BOARD
Z22-057
MAY18, 2022





City of DeLand
PLANNING BOARD
Z22-057
MAY18, 2022



CITY OF DELAND
Request for Commission Action
June 20, 2022

SUBJECT: First Reading of Ordinance Changing the Land Use for 1.45 Acres of Property, Located at 306 West Wisconsin Avenue from Low Density Residential & Institutional Overlay to Mixed Commercial.

DEPARTMENT: Planning

PREPARED BY: Mike Holmes, Planning Director

ATTACHMENTS: Ordinance, Exhibit A, SMLU22-061 Staff Report 306 W. Wisconsin, SMLU22-061 Proposed Land Use Map, SMLU22-061 Zoning and Location Map, SMLU22-061 Aerial Map, SMLU22-061 Current Land Use Map

APPROVED BY: Michael Grebosz, Asst. City Manager, June 16, 2022

SUMMARY/HIGHLIGHT:

First Reading of Ordinance for a Comprehensive Plan Amendment, changing the Land Use from Low Density Residential & Institutional Overlay to Mixed Commercial, for approximately 1.45 acres of property, located at 306 W. Wisconsin Ave. The applicant, Mark Watts of Cobb Cole has submitted the application on behalf of the Trinity Methodist Church. 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 in order to convert the complex into a mixed-use facility. The building is 63,118 square feet in size and sits on a 1.45 acre parcel.

Because the property currently has an Institutional overlay, the potential intensity of uses is greater than under normal properties designated as Low Density Residential. Therefore, the overall impact when comparing the two land uses should not be significant.

The land use application is being processed in conjunction with the PD rezoning application, Z22-060. If the request is approved on first reading, the application will be transmitted to the Volusia Growth Management Commission (VGMC). The application will be brought back to the City Commission for second reading after VGMC has reviewed the application.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Strategic Focus Area: Institute Smart Growth principles: Strategies: Community consistent growth
Action Steps: Promote mixed use development that localizes traffic trips.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The conversion of a tax-exempt property to taxed property will provide new revenue to the City.

RECOMMENDATION:

Staff recommends that the City Commission approve the application to change the land use to Mixed Commercial on first reading and direct staff to transmit the amendment to VGMC.

BACKGROUND/DISCUSSION:

Refer to staff report.

ORDINANCE NO. 2022 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF DELAND, BY CHANGING THE LAND USE DESIGNATION OF CERTAIN PROPERTY LOCATED AT 306 WEST WISCONSIN; FROM LOW DENSITY RESIDENTIAL AND INSTITUTIONAL OVERLAY FUTURE LAND USE DESIGNATIONS TO MIXED COMMERCIAL FUTURE LAND USE DESIGNATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, F.S. §163.3161, et seq., creates the Community Planning Act (hereinafter the "Act"); and

WHEREAS, the Act allows each local government to approve comprehensive plan amendments related to small scale development activities at any time during the year under certain conditions; and

WHEREAS, the Act permits small area amendments to be approved without regard to statutory limits on the frequency of comprehensive plan amendments as long as:

1. The proposed amendment is a land use of 50 acres or less; and
2. The cumulative effect of the above condition does not exceed 120 acres annually; and

WHEREAS, the City Commission adopted a comprehensive plan for the future growth and development of the City pursuant to Ordinance No. 90-4, as amended, (hereinafter the "Comprehensive Plan"); and

WHEREAS, the City Commission has received a request to amend the Comprehensive Plan by changing the land use designation of approximately 1.45 +/- acres of land located at 306 West Wisconsin Avenue from Low Density Residential and Institutional Overlay future land use designations to Mixed Commercial future land use designation; and

WHEREAS, the Planning Board held a public hearing, after due public notice, for the purpose of recommending the adoption of the proposed Comprehensive Plan amendment; and

WHEREAS, the City Commission held a public hearing after due public notice, in accordance with F.S. §163.3184(11), for the purpose of transmitting the proposed Comprehensive Plan amendment to the Volusia Growth Management Commission and the Florida Department of Economic Opportunity.

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

Section 1. The City Commission hereby amends the Future Land Use Map for the incorporated area by changing the land use designation of that certain parcel of land located at 306 West Wisconsin Avenue; consisting of approximately 1.45 +/- acres of land from Low Density Residential and Institutional Overlay Future Land Use designations to Mixed Commercial Future Land Use designation, as more particularly described in the Exhibit "A" attached hereto and by this reference made a part hereof.

Section 2. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 3. The effective date of this Ordinance shall be the later date of the following events: (1) the date of issuance of a certificate of consistency or conditional certificate of consistency with regard to the land use designation of the subject property by the Volusia Growth Management Commission; (2) thirty-one (31) days after its adoption by the City Commission; or (3) if properly challenged by an affected person, after the state land planning agency or the Administration Commission, respectively, issues a final order determining this adopted small scale development amendment to be in compliance. No development orders, development permits or land uses dependent on this Ordinance may be issued or commence before it has become effective.

PASSED AND DULY ADOPTED this ____ day of _____, 2022.

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

EXHIBIT "A"
Legal Description

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

**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

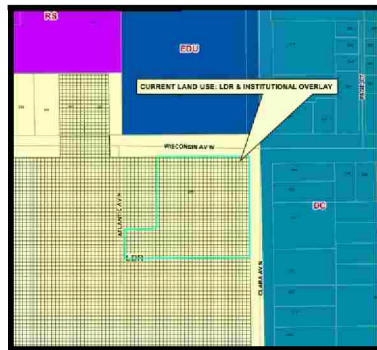
Land Use: Low Density Residential & Institutional Overlay

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 du/a to 10 du/a, 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:

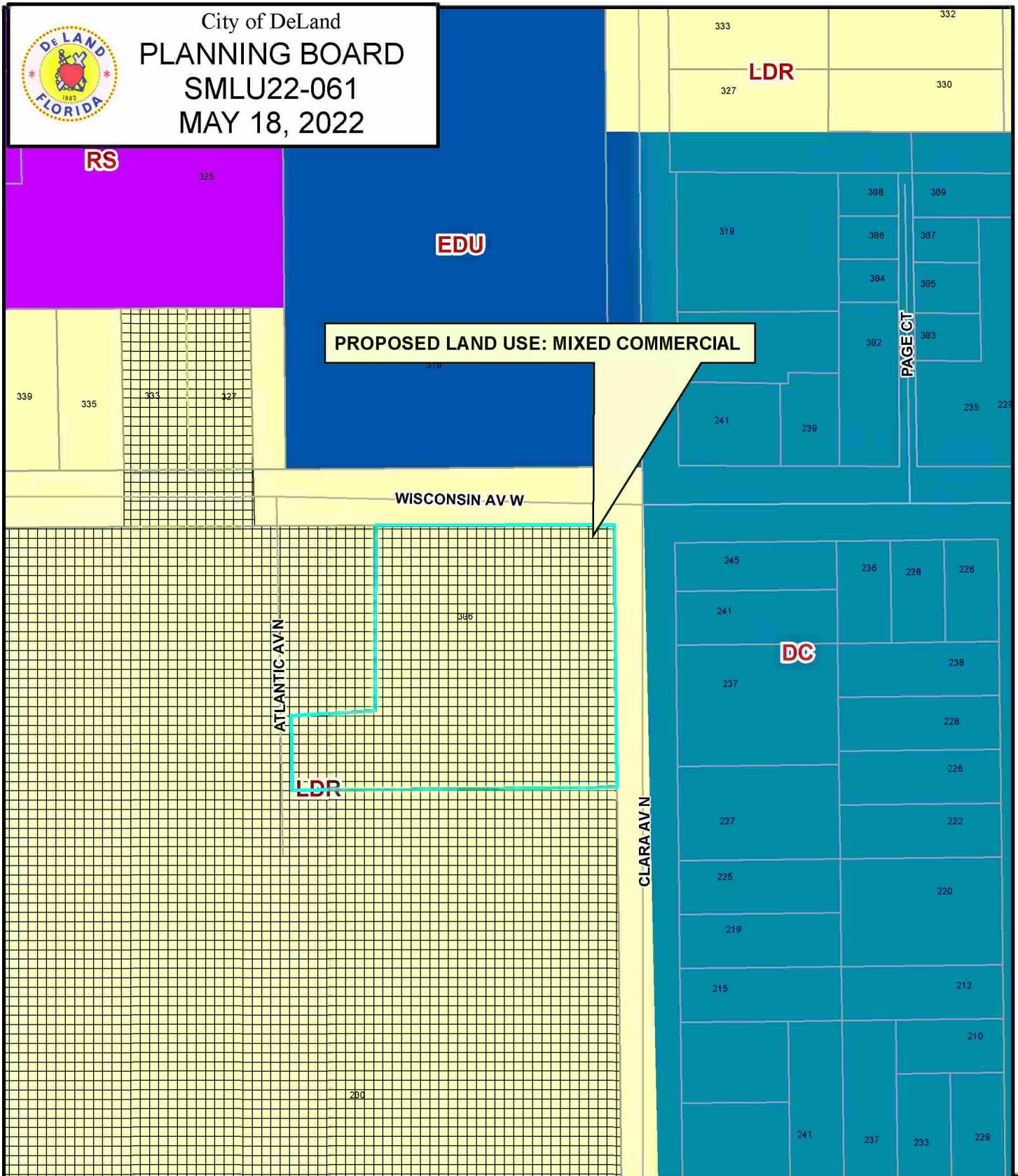
- | | |
|-------------------------|---|
| 1. Population: | 2.25 persons per household (per 2010 Census) |
| 2. Transportation: | ITE Trip Generation Manual, 8th Edition: 0.62 PM peak hour trips per unit and 6.65 daily trips per unit, Apartments - Low-rise (220) |
| 3. Sanitary Sewer: | 160 gallons per 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.



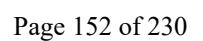
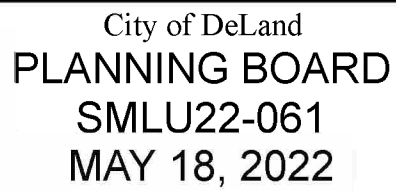
City of DeLand
PLANNING BOARD
SMLU22-061
MAY 18, 2022



DeLand Future Land Use:

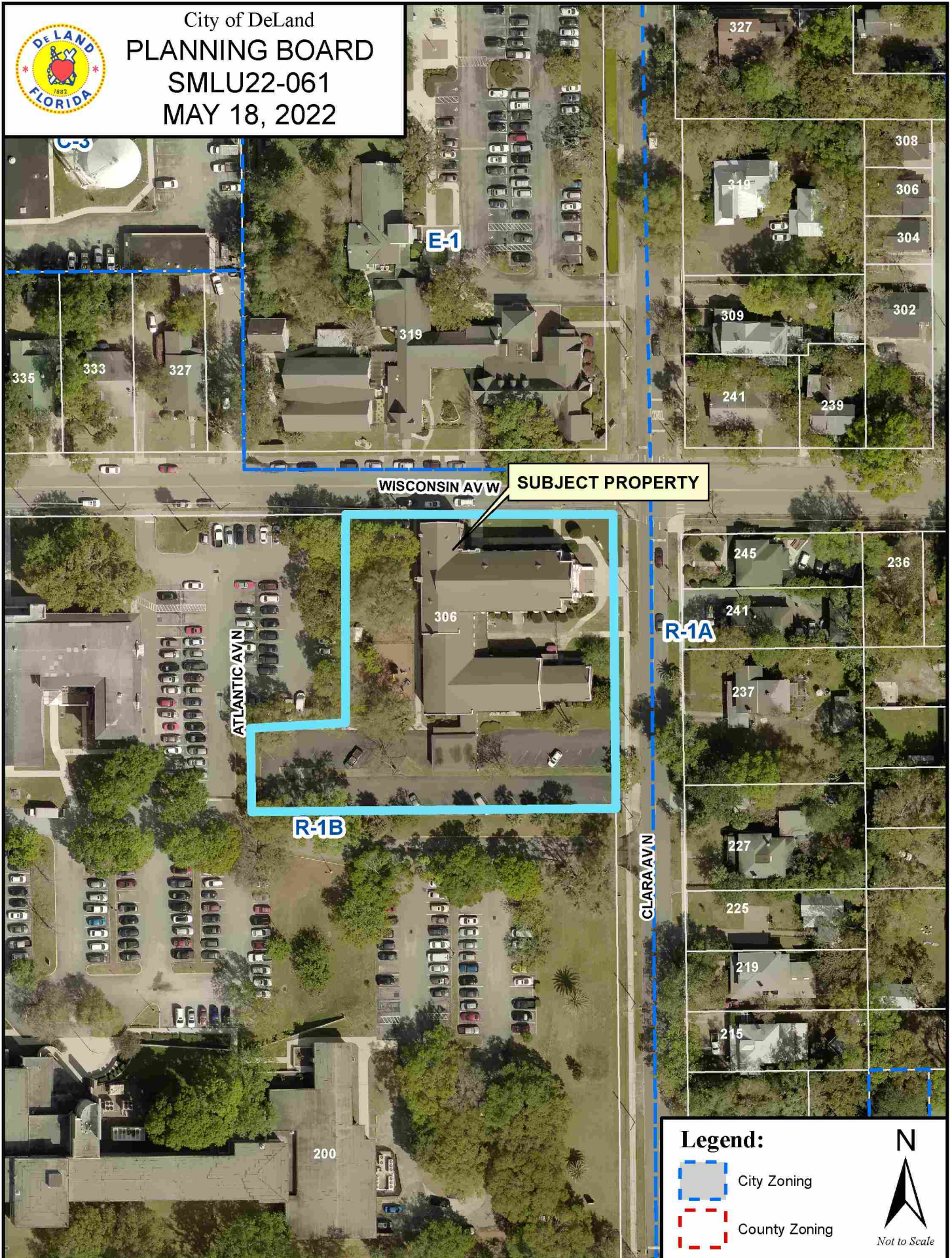
Agricultural Conservation	Educational	Downtown Commercial	New Community Development
Urban Low Intensity	Mixed Office - Residential	Redevelopment	Community
Low Density Residential	Mixed Commercial	Gateway	Commerce
Medium Density Residential	Business Retail	Rail Spur	West Central District
High Density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





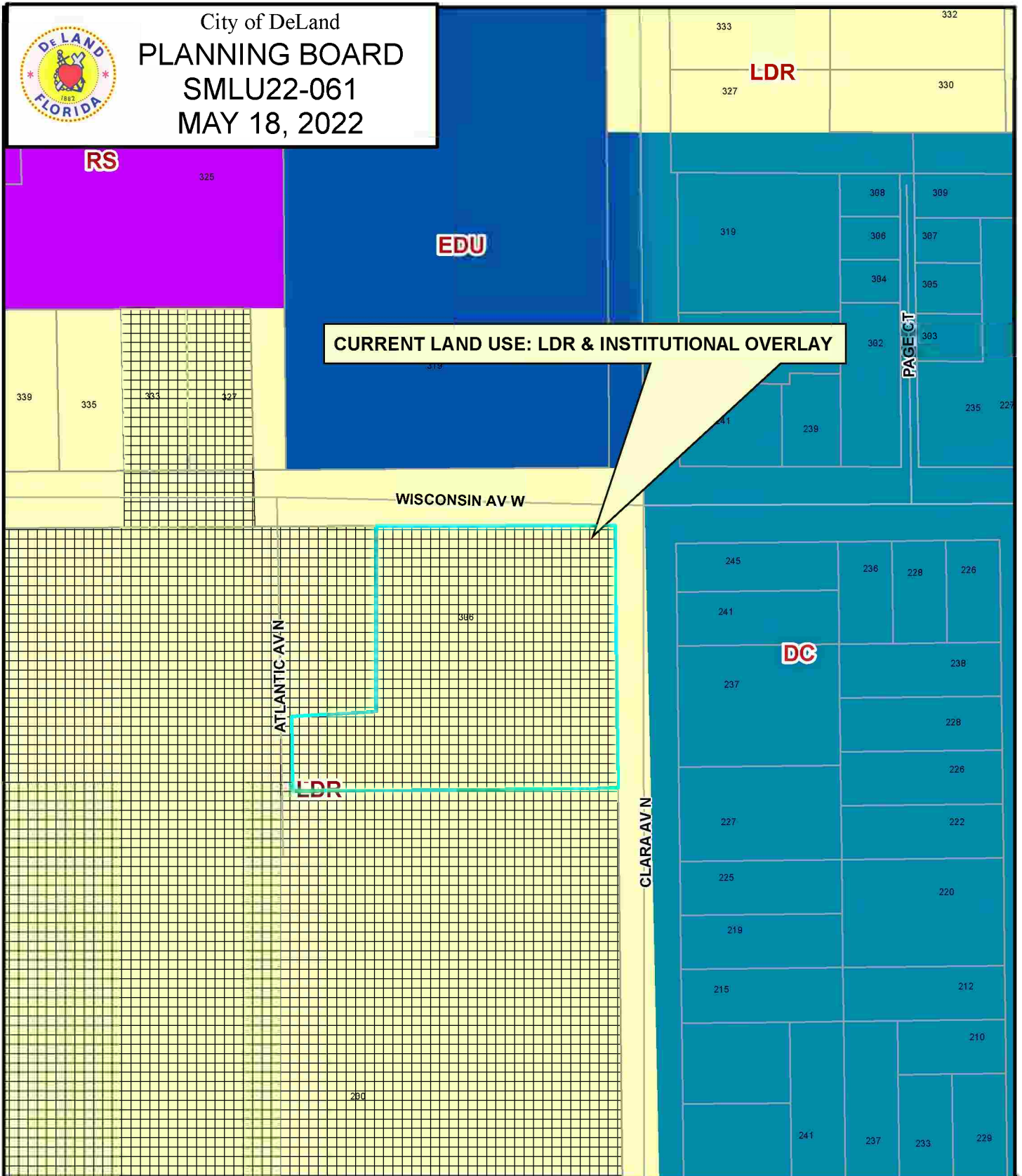


City of DeLand
PLANNING BOARD
SMLU22-061
MAY 18, 2022





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
Request for Commission Action
June 20, 2022

SUBJECT: First Reading of Ordinance Changing the Zoning from R-1B to North West Square PD, of Approximately 1.45 Acres of Property, Located at 306 West Wisconsin Avenue.

DEPARTMENT: Planning

PREPARED BY: Mike Holmes, Planning Director

ATTACHMENTS: Ordinance, Exhibit A, Exhibit B-North West Square PD Agreement with Exhibits, Exhibit B- to PD, Z22-060 Staff Report North West Square PD, Z22-060 Zoning and Location Map, Z22-060 Aerial

APPROVED BY: Michael Grebosz, Asst. City Manager, June 16, 2022

SUMMARY/HIGHLIGHT:

First Reading of Ordinance for rezoning from R-1B to North West Square Planned Development. The subject property is located at 306 W. Wisconsin Ave. and contains approximately 1.45 acres. 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 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 Building and Fire 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 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.

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 and the adjoining administrative offices of Volusia County Schools.

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.

This rezoning application is to be reviewed concurrently with the land use amendment to Mixed Commercial heard with the previous agenda item.

At the May 18, 2022 Planning Board meeting, they recommended approval subject to the applicant addressing the following comments: (responses in parenthesis)

- Delete reference to flea market; (completed)
- Existing exterior of building to be preserved to extent practical (explain if accessible apartment is a new structure and if so need to comment on design of accessible residential unit)
- Liquor licenses are limited to SRX and 2COP, but catered events can have alcohol served by the caterer; (completed)
- Hours of operation to be 7AM — 11PM; (completed)

- No subdivision of the property, applicant will maintain unified ownership and preserve the right to "condominiumize" the residential units; (completed)
- Minimum standards will be modified to identify that existing building will maintain a minimum of 15 residential units; (completed)
- Remove reference to loft in the residential definition; (completed)
- Plaque or monument to identify the history of building (being considered by applicant, needs details from the city);
- Provide parking comparison of required vs provided (working with staff to prepare comparison);
- Describe landscaping to be maintained as currently on site; (completed) and
- Verify amount of impervious surface and actual height of buildings. (completed)

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Institute Smart Growth Principals; Preserving "Sense of Community"

SUSTAINABILITY:

NA

FISCAL IMPACT:

Reuse of the structure for a mixed commercial/residential use will bring a currently tax-exempt use on to the tax rolls.

RECOMMENDATION:

Staff recommends that the City Commission approve the rezoning to North West Square PD on first reading subject to addressing any comments from City Commission.

BACKGROUND/DISCUSSION:

Refer to staff report.

ORDINANCE NO. 2022 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM R-1B, SINGLE FAMILY TO CITY'S PLANNED DEVELOPMENT, NORTH WEST SQUARE PD, ON PROPERTY LOCATED AT 306 WEST WISCONSIN AVENUE; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 1.45 +/- ACRES OF PROPERTY MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the applicant, Mark Watt, Esq., (hereinafter referred to as "Applicant"), on behalf of the owner, Trinity Methodist Church, owns approximately 1.45 +/- acres of land located at 306 West Wisconsin Avenue, which is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, the Applicant has applied for a change of zoning designations from R-1B, Single Family, to North West Square PD, Planned Development; and

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

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

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

WHEREAS, the proposed development plan is consistent with the Mixed Commercial future land use designation.

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

Section 1. The City Commission has held a public hearing to approve the change of zoning from R1-B, Single Family to North West Square Planned Development (PD), on property located at 306 West Wisconsin Avenue, consisting of approximately 1.45 +/- acres of property.

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

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

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

Section 5. The failure of the approved Development Plan to address a particular permit, condition, term or restriction shall not relieve the Applicant of the necessity of complying with any law governing said

permitting requirements, conditions, terms or restrictions, as same may be amended or enacted from time to time in the future. All current land development regulations of the City are applicable to the PD District except to the extent that they conflict with a specific provision of the approved Development Plan.

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

Section 7. The City Commission may rezone any portion of the Project which has not obtained a site plan approval within five years from the date of adoption of this Ordinance.

Section 8. Prior to the issuance of a building permit, Applicant shall submit an easement document, acceptable to the City of DeLand, permitting additions to shared access, parking, utilities, and stormwater.

Section 9. Pursuant to Article 5 of the City's Land Development Regulations, the Applicant shall comply with all applicable infrastructure regulations.

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

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

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

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

PASSED AND DULY ADOPTED this _____ day of _____, 2022.

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

EXHIBIT "A"
Legal Description

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

PLANNED DEVELOPMENT AGREEMENT

IN THE CITY COMMISSION OF THE

CITY OF DELAND, FLORIDA

IN RE: Case #Z22-__ Application of

NORTHWESTSQUARE LLC

ORDINANCE # _____

ORDER AND RESOLUTION

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

NORTH WEST SQUARE PD

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

GENERAL FINDINGS

A. That the application of Northwestsquare 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.

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-

1 11, as amended, and does promote the public health, safety, morals, general welfare and
2 orderly growth of the area affected by the rezoning request.

3
4 NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF
5 DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY
6 COMMISSION CHAMBERS, 121 WEST RICH AVENUE, DELAND, FLORIDA, THIS
7 _____ DAY OF _____, A.D., _____, AS FOLLOWS:

8
9 A. That the Application of Northwestsquare LLC for the rezoning of the subject
10 parcel is hereby granted.

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

16
17 C. That the Official Zoning Map of the City of DeLand is hereby amended to
18 show the rezoning of said parcel to North West Square PD.

19
20 D. That the City of DeLand Land Development Regulations Ordinance No.
21 2013-11, as amended, is consistent with the provisions of the "Development Agreement"
22 as hereinafter set forth in this Ordinance and with respect to any conflict between Land
23 Development Regulations Ordinance No. 2013-11, as amended, and the "Development
24 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.

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

2. Amendments. All amendments of the Planned Development Plan, those deemed by the Planning Department to be minor amendments as set forth 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 Planned Development for the parcel.

3. Final Site Plan Approval. After the Planned Development Plan is approved by the Planning Commission and the City Council, and prior to issuance of any permits for construction, including clearing and grading permits, a final site plan, as applicable, shall be prepared and submitted for review and approval by the City Council in the manner required by Article XII of the City of DeLand, Land Development Ordinance No. 2013-11, as amended.

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

ownership of the subject parcel until after issuance of the final site plan development order. Condominium ownership is permitted.

C. Phases of Development. The project may be developed in one or more phases. The existing exterior of the building shall be preserved to the extent applicable.

D. Land Uses Within the PD. The development of the parcel shall be consistent with the uses prescribed for each area within the proposed North West Square PD. The location and size of said land use areas are shown on the Development Plan, Exhibit "B". The hours of operation for the non-residential portion of the project shall be Monday through Sunday, 7:00AM to 11:00PM.

Permitted Uses:

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

Bed and breakfast homestay.

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

Day care facilities.

Family day care home.

General/Professional Offices.

Grocery.

Mini and neighborhood parks.

Multiple-family dwellings.

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

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

2 Restaurants and establishments serving alcohol requiring a DBPR 2COP or SRX
3 license.

4 Special events may include alcohol with a licensed caterer requiring a 3PS or
5 4COP license.

6 Retail sales, including merchandising barns.

7 Theatres and assembly halls.

8
9 E Development Standards for Residential.

10 1. Minimum Floor Area:

11 Efficiency (no separate bedroom)	275 square feet
12 One bedroom	525 square feet
13 Two + bedroom	725 square feet plus
14	150 square feet for
15 each additional	
16 bedroom	

17
18 2. Minimum yard size (building): As is existing.

19 3. Maximum building height: 65 ft.

20 4. Maximum Dwelling Units (Existing Building): 15 du

21 5. Impervious surface: 60%

22 6. Off-street parking requirements: The Property shall consist of a total
23 40 parking spaces and an additional 4 handicap spaces.

24 7. Signage requirements: Signage provided per the Land Development
25 Regulations.

26 8. Landscape buffer requirements: As is existing on the Property.

27 Development Standards for Non-Residential.

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

29 2. Minimum yard size (building): As is existing.

3. Maximum building height: 65 ft.

4. Off-street parking requirements: The Property shall consist of a total 40 parking spaces and an additional 4 handicap spaces. Large events may require shuttles or other modes of transportation to and from remote parking lots to provide for additional parking.

5. Landscape buffer requirements: As is existing on the Property.

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 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

1 developed in substantial accordance with the following access and transportation system
2 improvements:

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

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

9
10 J. Reverter Provision: The City Commission may rezone any portion of the
11 project which has not secured a final development order on or before 10 years from the
12 effective date of this ordinance as may be necessary or appropriate to protect adjoining
13 properties or the public health, safety and welfare, unless the City Commission, for good
14 cause shown, shall extend the time period indicated in this paragraph.

15
16 K. 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
18 of the Applicant and his successor in title or interest. The North West Square PD zoning,
19 provisions of the "Development Agreement," and all approved plans shall run with the
20 land and shall be administered in a manner consistent with Article 12 of the City of DeLand
21 Land Development Regulations Ordinance No. 2013-11, as amended.

22
23 This Ordinance and all subsequent amendments shall be filed with the Clerk of the
24 Court and recorded within forty-five (45) days following execution of the document by the

1 City Commission, in the Official Records of Volusia County, Florida. One copy of the
2 document, bearing the book and page number of the Official Record in which the
3 document was recorded, shall be submitted to the Planning Department for placement in
4 the public file. The date of recording of this document shall constitute the effective date
5 of the North West Square PD or its subsequent amendments. The applicant shall pay all
6 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 NOTARY PUBLIC, STATE OF FLORIDA

23 Type or Print Name:

24 _____
25 Commission No.: _____

26 My Commission Expires: _____
27

1 WITNESSES:
2
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4 _____
5 _____
6 Christopher Levings, Manager
7 Northwestsquare, LLC
8

9 STATE OF FLORIDA

10 CITY OF DELAND
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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: _____
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1 WITNESSES:
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_____ , *Trinity Methodist Church*

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: _____
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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

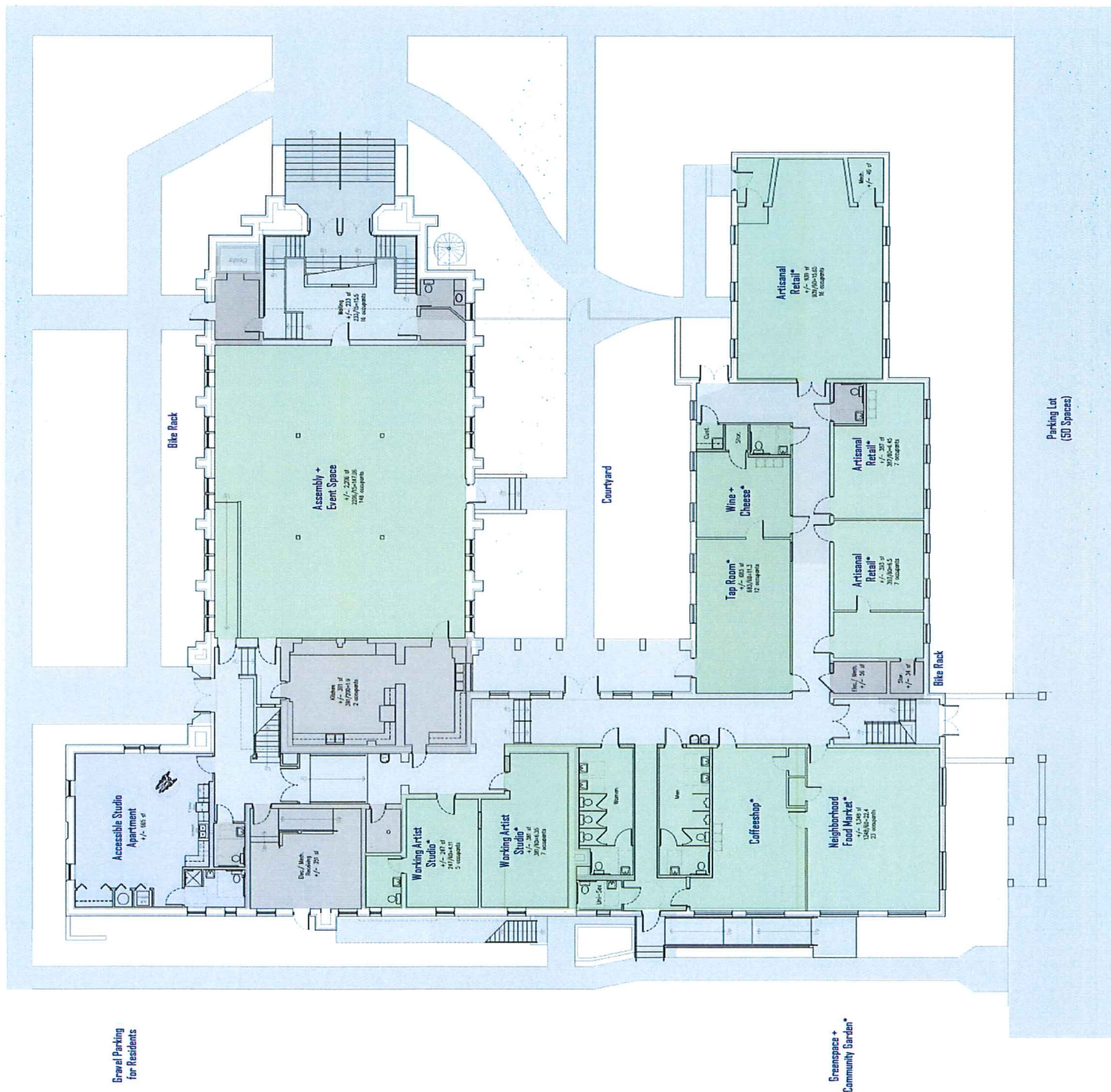
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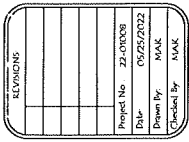
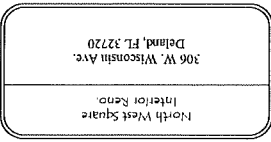
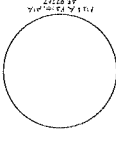
EXHIBIT "B"
DEVELOPMENT PLAN

EXHIBIT

B

tabbies®





Project Development Documents

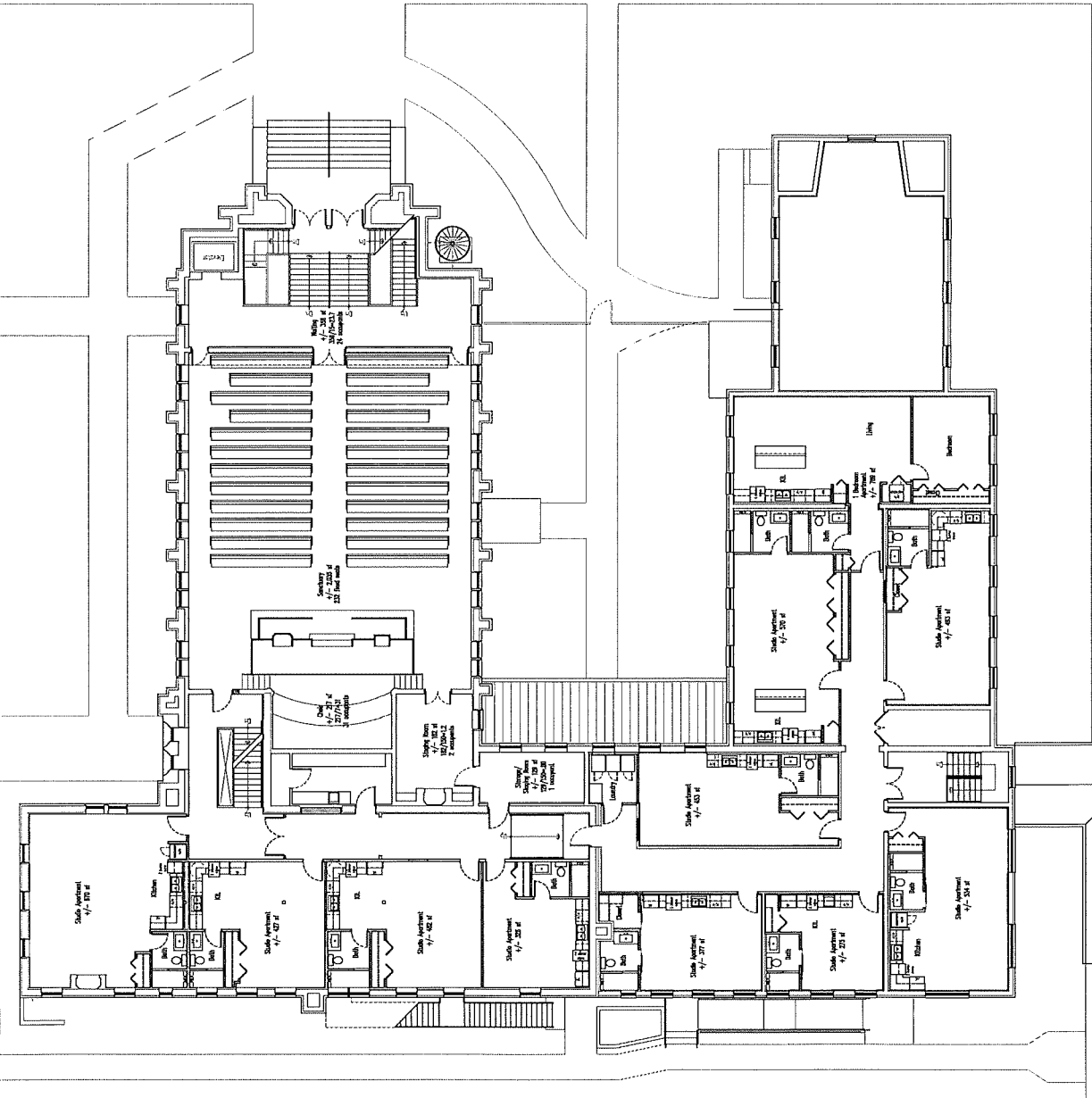


KEY PLAN

Second Floor - Renovation Floor Plan

1 ASD

SCALE: 1/8" = 1'-0"





**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

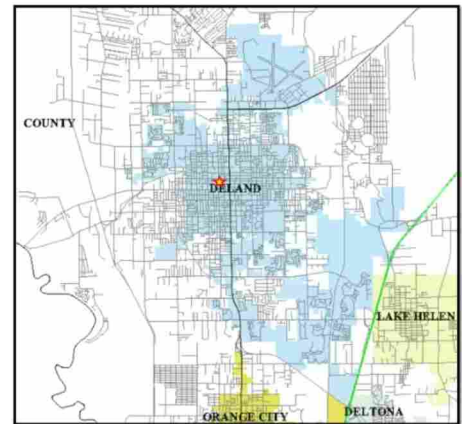
Location: 306 W. Wisconsin Ave.

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:

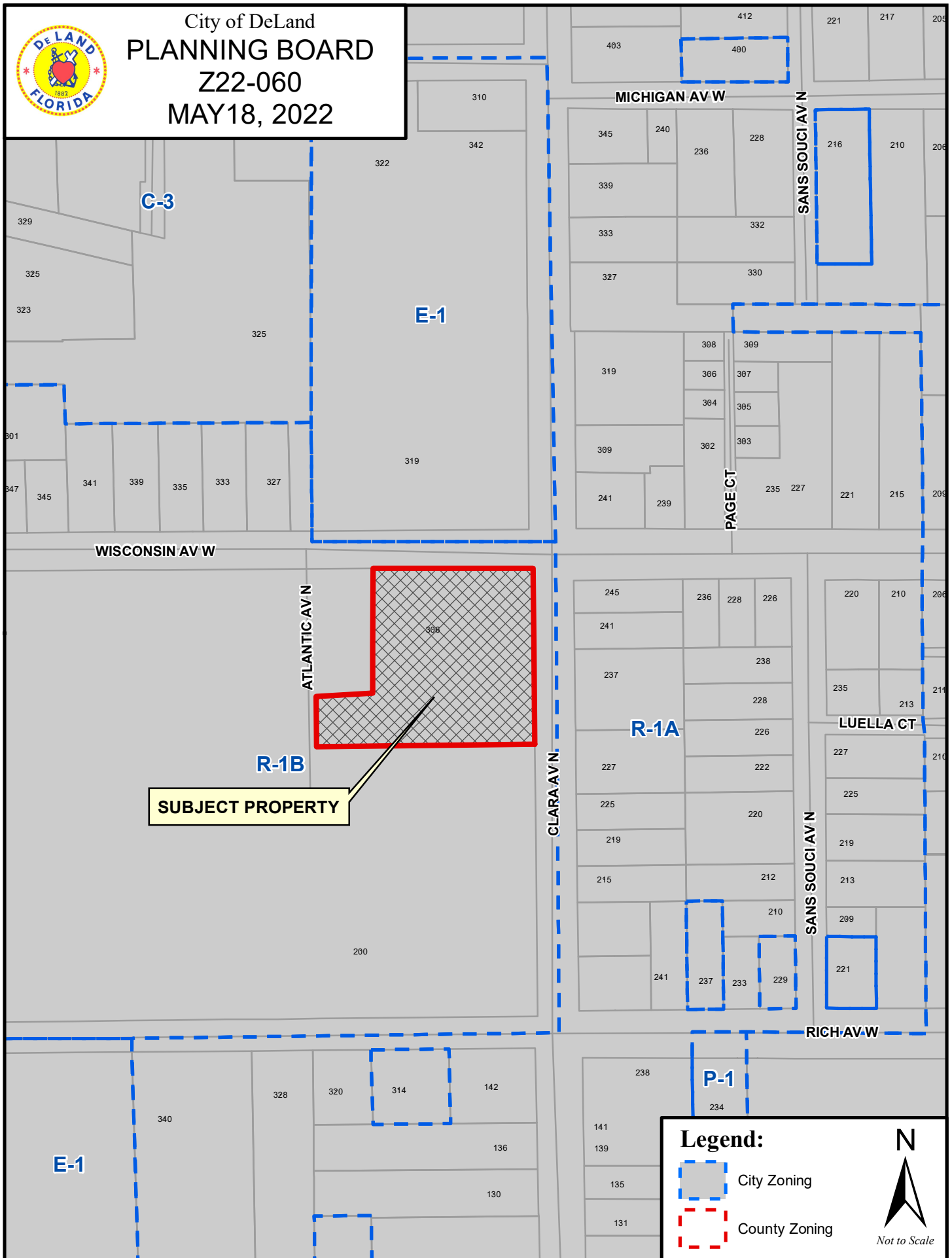
This rezoning request generally aligns with the pattern of development in the surrounding area owing largely to the fact that it is an existing structure. Reuse of the historic building is an acceptable use for the property and owing to the fact that the area is listed on the National Register of historic 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
MAY18, 2022





City of DeLand
PLANNING BOARD
Z22-060
MAY18, 2022



CITY OF DELAND
Request for Commission Action
June 20, 2022

SUBJECT: First Reading of Ordinance Changing the Zoning of a 10,000 Square Feet Parcel off of Clara Avenue from R-1A to C-2A, Downtown Commercial and to be Combined with the Putnam parcel, Located at 225 West New York Avenue "Putnam Hotel ."

DEPARTMENT: Planning

PREPARED BY: Mike Holmes, Planning Director

ATTACHMENTS: Ordinance, Exhibit A, Z22-070 Staff Report 125 N. Clara - Putnam , Z22-070 Zoning and Location Map, Z22-070 Aerial Map

APPROVED BY: Michael Grebosz, Asst. City Manager, June 16, 2022

SUMMARY/HIGHLIGHT:

First Reading of Ordinance to rezone 10,000 square feet from R-1A to C-2A, Downtown Commercial to be combined with the main Putnam Hotel parcel, located at 225 W. New York Ave. The subject property is currently designated Downtown Commercial on the Future Land Use map, making this request consistent with the Comprehensive Plan. The applicant, Axia Putnam LLC, is in the process of renovating the Putnam Hotel 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 totals 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 with the Putnam parcel and will be used for additional parking spaces.

At the May 18, 2022 Planning Board meeting, they recommended the rezoning to C-2A be approved by the City Commission.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Strategic Focus Area: Institute Smart Growth Principles:

Strategies: Redevelopment

Action Steps:

1. Pursue downtown residential redevelopment.

SUSTAINABILITY:

NA

FISCAL IMPACT:

NA

RECOMMENDATION:

Staff recommends that the rezoning ordinance to C-2A, Downtown Commercial be approved on first reading.

BACKGROUND/DISCUSSION:

Refer to staff report.

ORDINANCE NO. 2022 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM R-1A, SINGLE FAMILY RESIDENTIAL TO C-2A, DOWNTOWN COMMERCIAL ON PROPERTY LOCATED AT NORTH CLARA AVENUE; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT ORDERS ON A DETERMINATION OF CAPACITY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the property located at N. Clara Avenue and more particularly described in the attached Exhibit “A”, is currently zoned as R-1A, Single Family Residential, pursuant to City of DeLand’s Zoning Ordinances; and

WHEREAS, the property currently has a Land Use Designation of Downtown Commercial pursuant to the City of DeLand’s Land Use Plan; and

WHEREAS, a proper and complete application has been received requesting that the zoning be changed to C-2A, Downtown Commercial; and

WHEREAS, the C-2A, Downtown Commercial zoning designation is consistent with the Comprehensive Plan of the City of DeLand.

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

Section 1. The City Commission has held a public hearing on the application for a change of zoning from R-1A, Single Family Residential to C-2A, Downtown Commercial zoning designation, on the following described property:

See legal description attached hereto as Exhibit “A”

Tax Parcel Identification No. 700962000087

Section 2. The City Commission hereby finds that the C-2A, Downtown Commercial zoning designation is consistent with the property’s Downtown Commercial future land use designation.

Section 3. Pursuant to the determination made at public hearing, the City Commission hereby amends the Comprehensive Zoning Map of the City of DeLand and changes the zoning from R-1A, Single Family Residential to C-2A, Commercial zoning designation on the parcel described in Section 1.

Section 4. The Planning Director is hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

Section 5. No rights to obtain final development orders nor any rights to develop the property have been granted or implied by this Ordinance. Final development orders for the property including, but not limited to building permits and site plan approval shall be subject to a determination of capacity.

Section 6. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 7. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this ____ day of _____, 2022.

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

EXHIBIT "A"

PARENT PARCEL: THE SOUTH 100 FEET OF THE WEST 237.5 FEET OF LOT 8, ASSESSOR'S SUBDIVISION OF BLOCK 1, ROGER'S DELAND, ACCORDING TO THE MAP THEREOF RECORDED IN MAP BOOK 16, PAGE 40, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. (NOTE: MAP BOOK 16, PAGE 40 WAS FORMERLY NUMBERED AS MAP BOOK 3, PAGE 48)

CONTAINS: 23,640 SQUARE FEET OR 0.5427 ACRES MORE OR LESS.

PARCEL A: THE SOUTH 100 FEET OF THE WEST 237.5 FEET OF LOT 8, ASSESSOR'S SUBDIVISION OF BLOCK 1, ROGER'S DELAND, ACCORDING TO THE MAP THEREOF RECORDED IN MAP BOOK 16, PAGE 40, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LESS THE EAST 100.00 FEET THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 8, BLOCK 1; RUN THENCE S89°44'45"W, ALONG THE SOUTH LINE OF SAID LOT 8, BLOCK 1, A DISTANCE OF 100.00 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S89°44'45"W, ALONG SAID SOUTH LINE, A DISTANCE OF 136.50 FEET TO THE EAST RIGHT OF WAY LINE OF CLARA AVENUE; THENCE N00°39'16"W, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 100.00 FEET TO THE NORTH LINE OF THE SOUTH 100 FEET OF SAID LOT 8; THENCE N89°44'45"E, ALONG SAID NORTH LINE, A DISTANCE OF 136.31 FEET; THENCE S00°45'34"E A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: 13,640 SQUARE FEET OR 0.3131 ACRES MORE OR LESS.

PARCEL B: THE EAST 100.00 FEET OF THE SOUTH 100 FEET OF THE WEST 237.5 FEET OF LOT 8, ASSESSOR'S SUBDIVISION OF BLOCK 1, ROGER'S DELAND, ACCORDING TO THE MAP THEREOF RECORDED IN MAP BOOK 16, PAGE 40, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 8, BLOCK 1; RUN THENCE S89°44'45"W, ALONG THE SOUTH LINE OF SAID LOT 8, A DISTANCE OF 100.00 FEET; THENCE N00°45'34"W A DISTANCE OF 100.00 FEET TO THE NORTH LINE OF THE SOUTH 100 FEET OF SAID LOT 8; THENCE N89°44'45"E ALONG SAID NORTH LINE, A DISTANCE OF 100.00 FEET TO THE EAST LINE OF SAID LOT 8; THENCE S00°45'34"E, ALONG SAID EAST LINE, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: 10,000 SQUARE FEET OR 0.2296 ACRES MORE OR LESS.

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

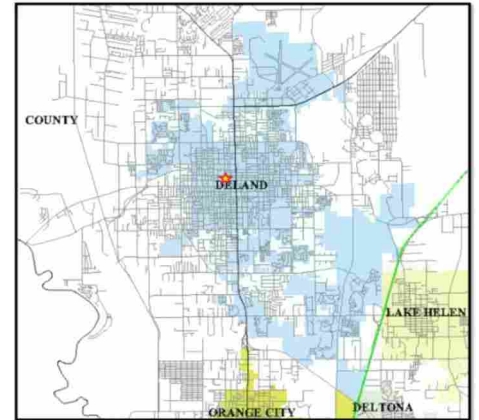
CONTAINS 61,214 SQUARE FEET OR 1.4053 ACRES MORE OR LESS.

**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

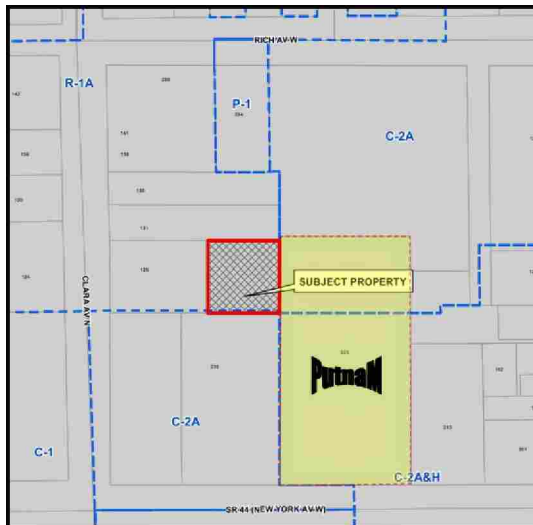
ADMINISTRATION AND ENFORCEMENT

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:

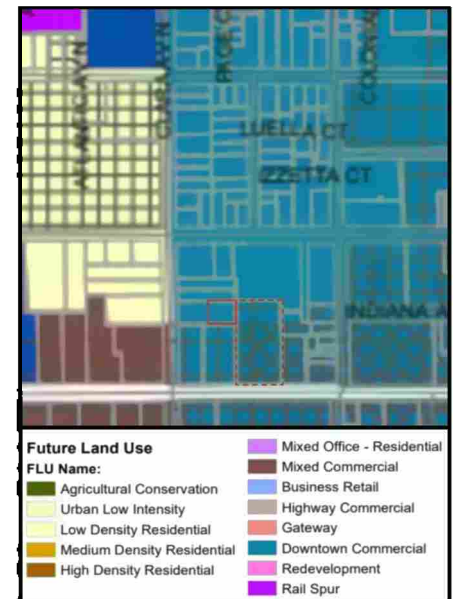
33-17.031. R-1A—Single-Family Dwelling District.

- (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:

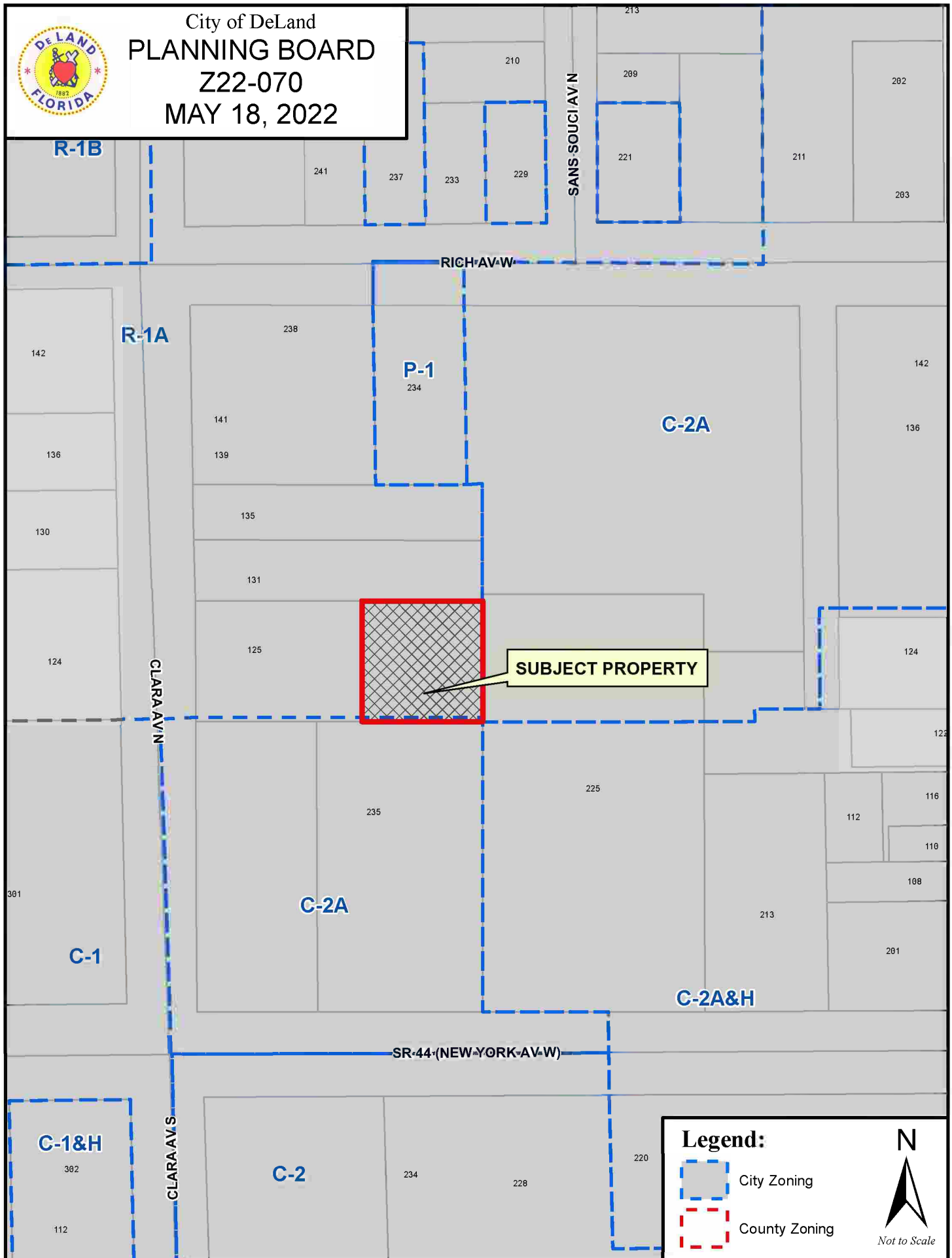
This rezoning request will bring the property into compliance with the land use designation and enable the Putnam to use the property for its intended purpose - parking.

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





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



CITY OF DELAND
Request for Commission Action
June 20, 2022

SUBJECT: First Reading of Ordinance Changing the Zoning from Royal Oaks Planned Development PD to City of DeLand's E-1, Educational District on Property Located on the West Side of North Summit Avenue, Across from Daytona State College for an Administrative Rezone of 1.45 Acres of Property.

DEPARTMENT: Planning

PREPARED BY: Mike Holmes, Planning Director

ATTACHMENTS: Ordinance, Exhibit A - Legal Description & Sketch of Survey , SR-Z22-075 Staff Report, Z22-075 Zoning and Location Map, Z22-075 Aerial Map

APPROVED BY: Michael Grebosz, Asst. City Manager, June 16, 2022

SUMMARY/HIGHLIGHT:

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 owned by the City along Kepler Road/Martin L. King Boulevard. The intent is to facilitate construction of the future Beresford Avenue Extension to SR 44. The E-1, Educational zoning classification is permitted under all Land Use categories, allowing this zoning change without a Comprehensive Plan amendment.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Priorities for 2021-2022 include:

Improve our gateways

Increase our investment in infrastructure

Strategic Focus Area: Institute Smart Growth Principles

Community Consistent Growth

Action Step 9: Review land development regulations and policies and incorporate principles that encourage smart growth and redevelopment.

Action Step 10: Develop transportation mobility strategy which may include traffic congestion management approach.

SUSTAINABILITY:

City of DeLand Sustainability Action Plan

Strategic Hypothesis #2: Mobility

Communities which can move people, goods and information faster and cheaper will have a competitive advantage.

Strategy: Efficient transportation

FISCAL IMPACT:

N/A

RECOMMENDATION:

It is recommended that the City Commission approve on first reading the administrative rezone of the subject property from Royal Oaks Planned Development, to E-1, Education. Second reading should be delayed until the closing of both properties has taken place.

BACKGROUND/DISCUSSION:

Please refer to staff report.

ORDINANCE NO. 2022 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM ROYAL OAKS PLANNED DEVELOPMENT (PD) TO CITY OF DELAND'S E-1, EDUCATIONAL DISTRICT ON PROPERTY LOCATED ON THE WEST SIDE OF NORTH SUMMIT AVENUE ACROSS FROM DAYTONA STATE COLLEGE; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT ORDERS ON A DETERMINATION OF CAPACITY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the property located on the west side of North Summit Avenue across from Daytona State College and more particularly described in the attached Exhibit "A", is currently zoned as Royals Oaks Planned Development (PD), pursuant to City of DeLand's Zoning Ordinances; and

WHEREAS, the property currently has a Land Use Designation of Lake Winnemisset Gateway Corridor pursuant to the City of DeLand's Land Use Plan; and

WHEREAS, a proper and complete application has been received requesting that the zoning be changed to E-1, Educational District; and

WHEREAS, the E-1, Educational District zoning designation is consistent with the Comprehensive Plan of the City of DeLand.

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

Section 1. The City Commission has held a public hearing on the application for a change of zoning from Royal Oaks Planned Development (PD) to E-1, Educational District, zoning designation, on the following described property:

See legal description attached hereto as Exhibit "A"

Tax Parcel Identification No. 702400000024

Section 2. The City Commission hereby finds that the City of DeLand's E-1 Educational District zoning designation is consistent with the property's Lake Winnemisset Gateway Corridor future land use designation.

Section 3. Pursuant to the determination made at public hearing, the City Commission hereby amends the Comprehensive Zoning Map of the City of DeLand and changes the zoning from Royal Oaks Planned Development (PD) to City of DeLand's E-1, Educational District, zoning designation on the parcel described in Section 1.

Section 4. The Planning Director is hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

Section 5. No rights to obtain final development orders nor any rights to develop the property have been granted or implied by this Ordinance. Final development orders for the property including, but not limited to building permits and site plan approval shall be subject to a determination of capacity.

Section 6. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 7. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this ____ day of _____, 2022.

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION:

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

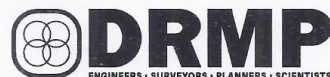
DATE: 12/07/05 SCALE: 1"=60'

PROJECT #: 05-0714.000

DESIGN: WJD CHECKED: ALQ

DATE

REVISIONS



ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS

Phone: (407) 896-0594

L.B. #2648

1505 East Colonial Drive - Orlando, Florida 32803

LEGEND & ABBREVIATIONS:

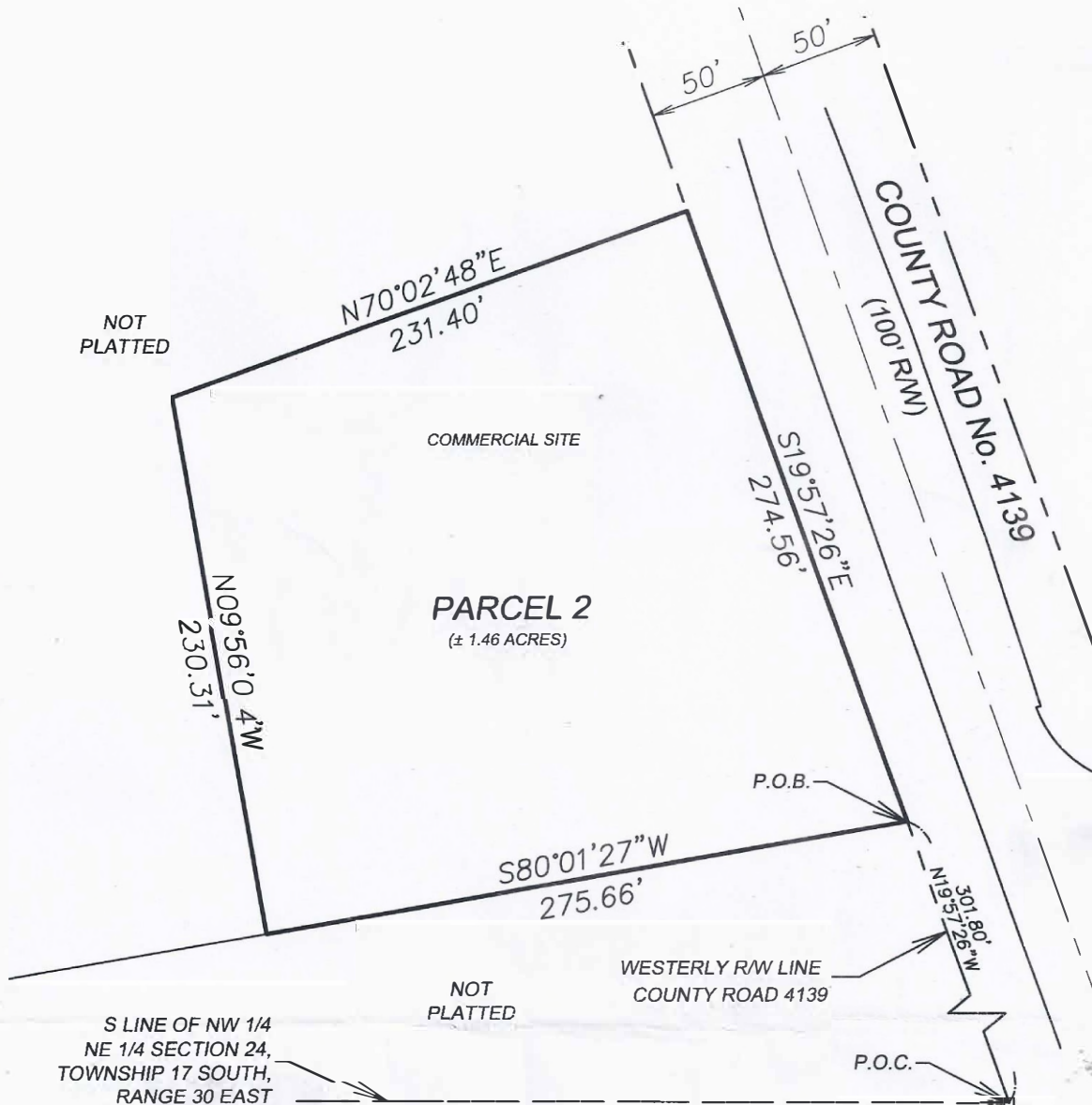
RCP	=	REINFORCED CONCRETE PIPE
CMP	=	CORRUGATED METAL PIPE
No.	=	NUMBER
P.O.C.	=	POINT OF COMMENCEMENT
P.O.B.	=	POINT OF BEGINNING
WBF	=	WOOD BOARD FENCE
HWF	=	HOG WIRE FENCE
CLF	=	CHAIN LINK FENCE
R/W	=	RIGHT OF WAY
I.P.	=	IRON PIPE
I.R.	=	IRON ROD
C.C.R.	=	CURB CUT RAMP
SEC.	=	SECTION
I.D.	=	IDENTIFICATION
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

SHEET 1 OF 2

THIS IS NOT A SURVEY**DESCRIPTION ON SHEET 2 OF 2**PREPARED FOR:
DELTA INVESTMENT PROPERTIES

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

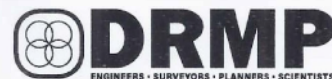
PROJECT #: 05-0714.000

DESIGN: WJD CHECKED: ALQ

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

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

DATE



Phone: (407) 896-0594

L.B. #2648

1505 East Colonial Drive • Orlando, Florida 32803

**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.

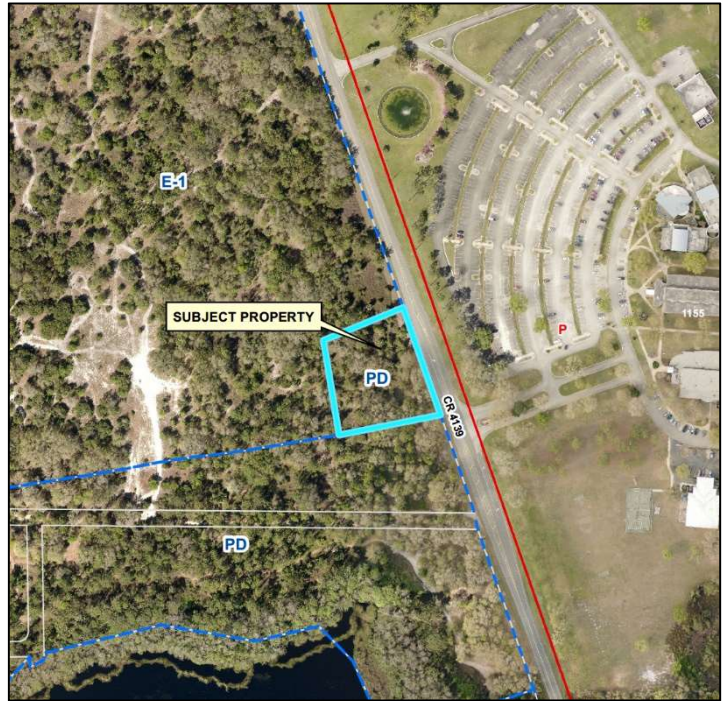
The transaction will transfer ownership of the subject property from Deprop LLC to the City of DeLand, while at the same time transferring ownership of the City-owned parcel to Deprop LLC. The parcel that will be transferred to Deprop LLC is ±1.3 acres and is generally located on the east side of Dr. 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:

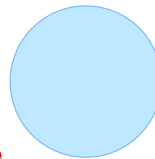
The request is to rezone the subject property to E-1 (Education) as part of a land swap between Deprop LLC and the City of DeLand.

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
City Commission
Z22-075
JUNE 20, 2022



E-1

SUBJECT PROPERTY

P

Royal Oaks
PD

CR 4139

Park Lake Estates
PD

Summit Place
PD

Legend:

-  City Zoning
-  County Zoning





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



CITY OF DELAND
Request for Commission Action
June 20, 2022

SUBJECT: First Reading of Ordinance Changing the Land Use of Approximately 0.949 Acre of Property, Located at the Southeast Corner of Dr. Martin Luther King, Jr. Beltway and Beresford Avenue Extension; from Low Density Residential to Commercial Highway.

DEPARTMENT: Planning

PREPARED BY:

ATTACHMENTS: Ordinance, Exhibit A - Legal Description & Sketch of Survey, SMLU22-076 Staff Report, SMLU22-076 Current Land Use Map, SMLU22-076 Proposed Land Use Map, SMLU22-076 Zoning and Location Map, SMLU22-076 Aerial Map

APPROVED BY: Michael Grebosz, Asst. City Manager, June 16, 2022

SUMMARY/HIGHLIGHT:

This is the first reading of Ordinance for an administrative Comprehensive Plan Amendment, changing the land use from Low Density Residential, to Highway Commercial, for approximately 1.3 acres of property, located at the SE corner of Dr. Martin Luther King Jr. Btwy. & Beresford Ave. Extension. This land use amendment is needed to facilitate the City's plan to construct the future Beresford Extension to SR 44. As part of the plan, the City has negotiated an agreement to exchange this U-shaped City-owned property with the intention of combining the subject property with the adjacent property to create a larger commercial parcel. This action will help facilitate the construction of the future Beresford Avenue Extension eastward to SR 44.

At their May 18, 2022 meeting, the Planning Board recommended approval. Second reading will be delayed until the application is approved by the Volusia Growth Management Commission (VGMC).

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Priorities for 2021-2022 include:

- Improve our gateways
- Increase our investment in infrastructure

Strategic Focus Area: Institute Smart Growth Principles

Community Consistent Growth

Action Step 9: Review land development regulations and policies and incorporate principles that encourage smart growth and redevelopment.

Action Step 10: Develop transportation mobility strategy which may include traffic congestion management approach.

SUSTAINABILITY:

City of DeLand Sustainability Action Plan
Strategic Hypothesis #2: Mobility

Communities which can move people, goods and information faster and cheaper will have a competitive advantage.

Strategy: Efficient transportation

FISCAL IMPACT:

N/A

RECOMMENDATION:

It is recommended that the City Commission approve on first reading the administrative comprehensive plan amendment, changing the land use of the subject property from Low Density Residential, to Highway Commercial and direct staff to transmit the land use application to the VGMC for its review and approval.

BACKGROUND/DISCUSSION:

Please see staff report.

ORDINANCE NO. 2022 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF DELAND, BY CHANGING THE LAND USE DESIGNATION OF CERTAIN PROPERTY LOCATED AT THE SOUTHEAST CORNER OF DR. MARTIN LUTHER KING, JR., BELTWAY AND BERESFORD AVENUE EXTENSION; FROM LOW DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION TO HIGHWAY COMMERCIAL FUTURE LAND USE DESIGNATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, F.S. §163.3161, et seq., creates the Community Planning Act (hereinafter the "Act"); and

WHEREAS, the Act allows each local government to approve comprehensive plan amendments related to small scale development activities at any time during the year under certain conditions; and

WHEREAS, the Act permits small area amendments to be approved without regard to statutory limits on the frequency of comprehensive plan amendments as long as:

1. The proposed amendment is a land use of 50 acres or less; and
2. The cumulative effect of the above condition does not exceed 120 acres annually; and

WHEREAS, the City Commission adopted a comprehensive plan for the future growth and development of the City pursuant to Ordinance No. 90-4, as amended, (hereinafter the "Comprehensive Plan"); and

WHEREAS, the City Commission has received a request to amend the Comprehensive Plan by changing the land use designation of approximately 0.949 +/- acres of land located at the southeast corner of Dr. Martin Luther King, Jr., Beltway and Beresford Avenue Extension from Low Density Residential future land use designation to Highway Commercial future land use designation; and

WHEREAS, the Planning Board held a public hearing, after due public notice, for the purpose of recommending the adoption of the proposed Comprehensive Plan amendment; and

WHEREAS, the City Commission held a public hearing after due public notice, in accordance with F.S. §163.3184(11), for the purpose of transmitting the proposed Comprehensive Plan amendment to the Volusia Growth Management Commission and the Florida Department of Economic Opportunity.

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

Section 1. The City Commission hereby amends the Future Land Use Map for the incorporated area by changing the land use designation of that certain parcel of land located on the at the southeast corner of Dr. Martin Luther King, Jr., Beltway and Beresford Avenue Extension; consisting of approximately 0.949 +/- acres of land from Low Density Residential Future Land Use designation to Highway Commercial Future Land Use designation, as more

particularly described in the Exhibit "A" attached hereto and by this reference made a part hereof.

Section 2. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 3. The effective date of this Ordinance shall be the later date of the following events: (1) the date of issuance of a certificate of consistency or conditional certificate of consistency with regard to the land use designation of the subject property by the Volusia Growth Management Commission; (2) thirty-one (31) days after its adoption by the City Commission; or (3) if properly challenged by an affected person, after the state land planning agency or the Administration Commission, respectively, issues a final order determining this adopted small scale development amendment to be in compliance. No development orders, development permits or land uses dependent on this Ordinance may be issued or commence before it has become effective.

PASSED AND DULY ADOPTED this ____ day of _____, 2022.

Robert F. Apgar
Mayor - Commissioner

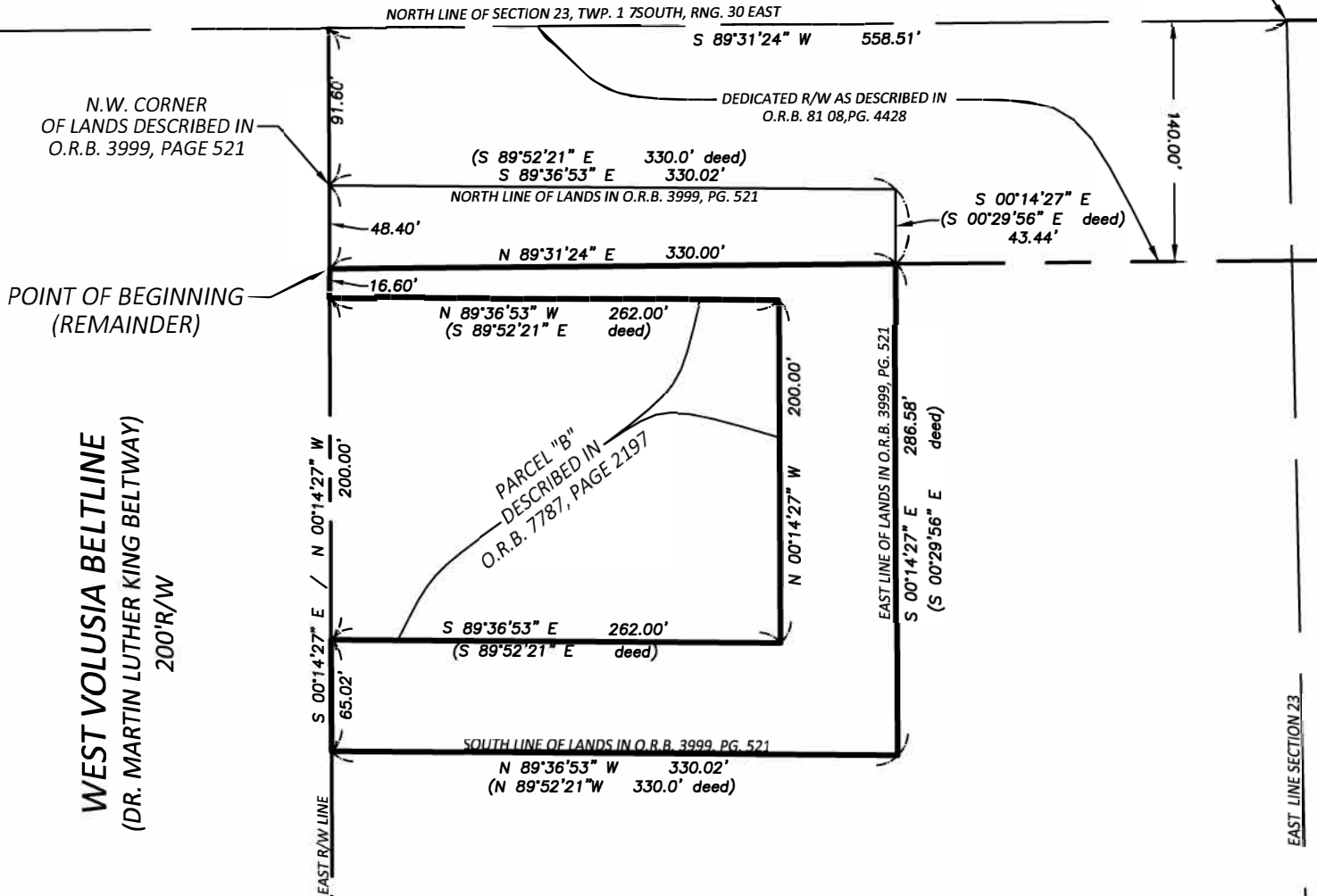
ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

EXHIBIT
APOINT OF COMMENCEMENT
N.E. CORNER OF SECTION 23LEGEND & ABBREVIATIONS
(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	SCALE:
CHECKED	EAB	1/22	x
PROJECT #	5779	FIELD BOOK	SHEET #
		N/A	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
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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
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

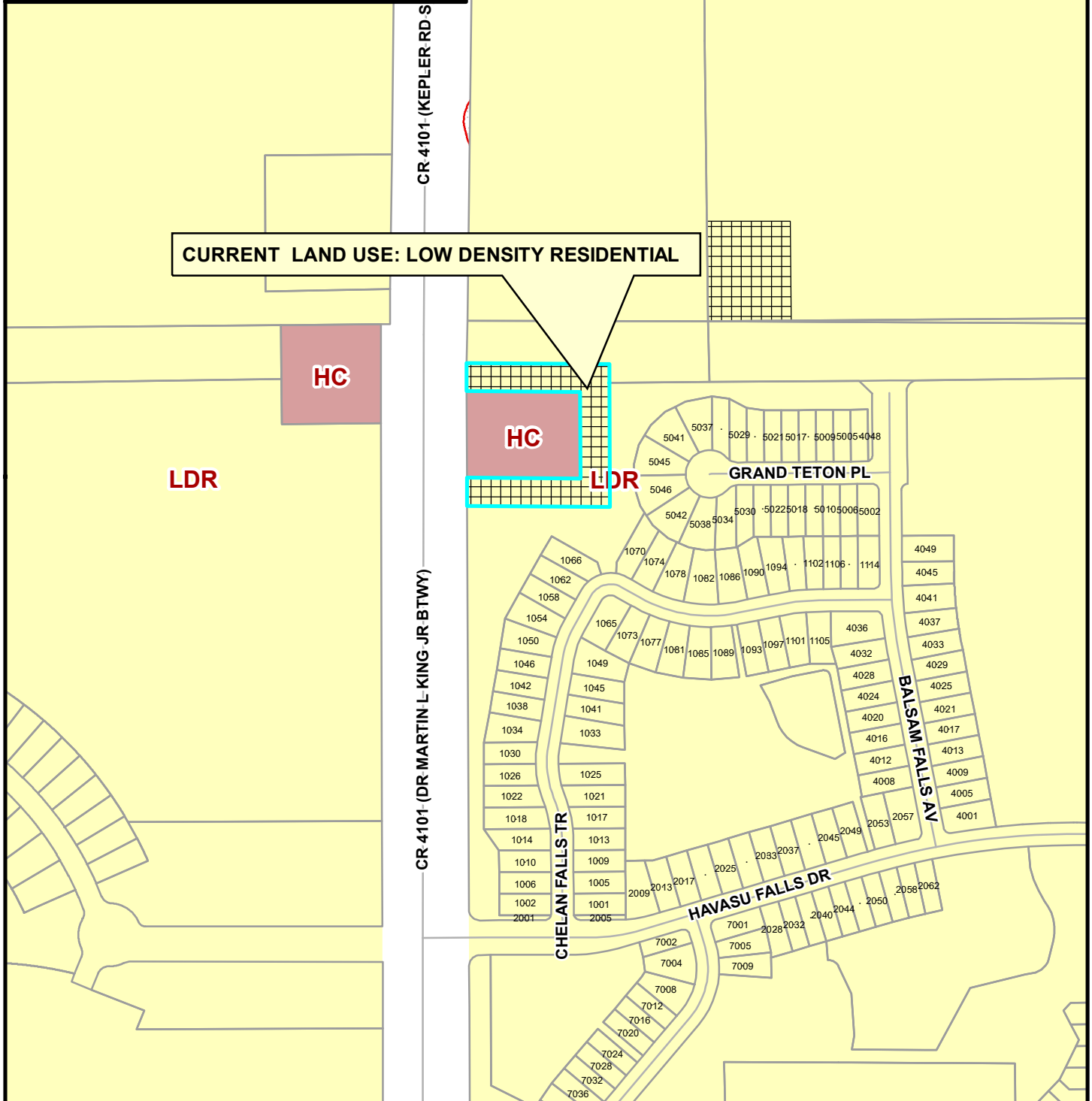
Notes:

- | | |
|-------------------------|---|
| 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



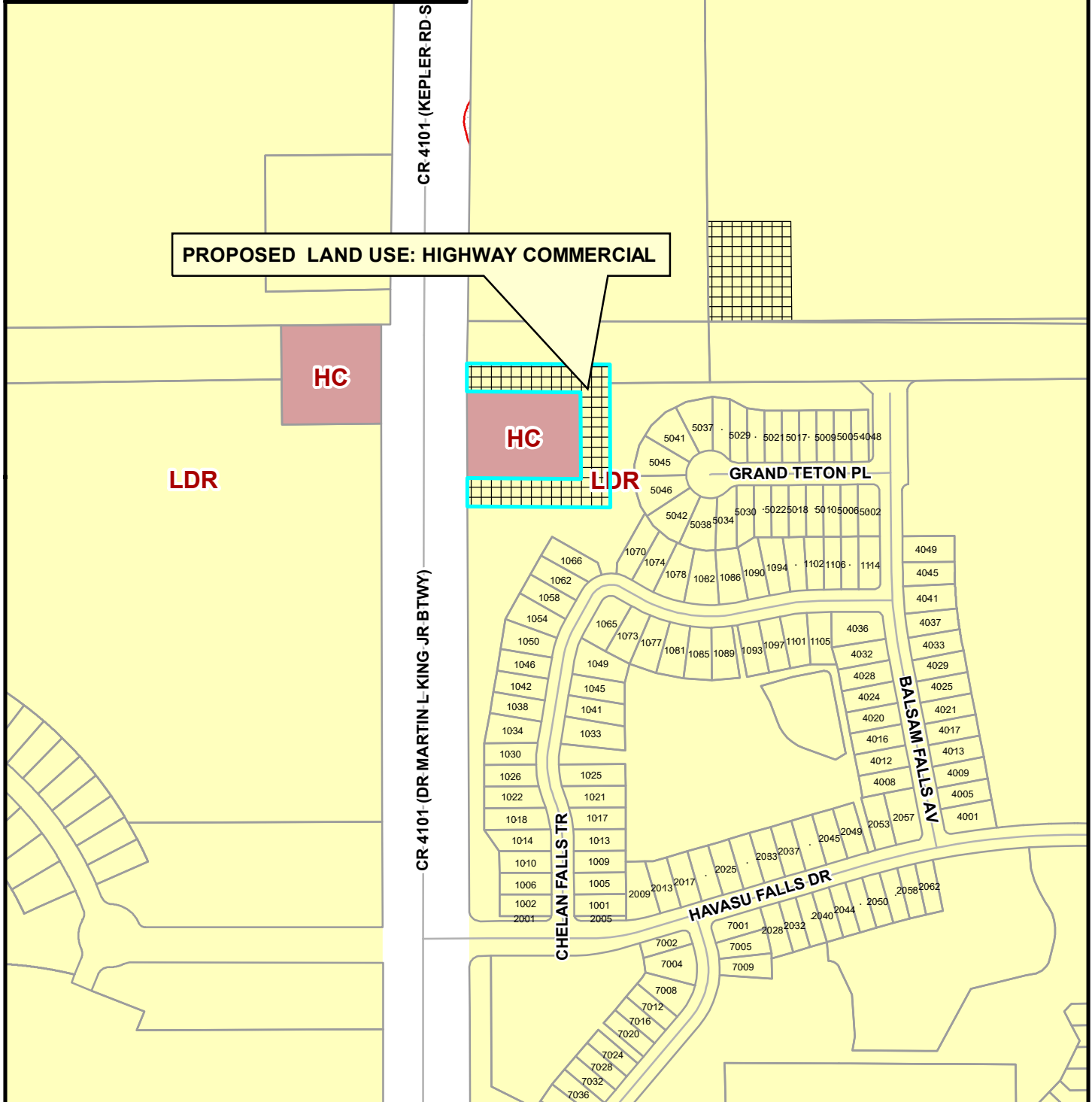
DeLand Future Land Use:

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





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



CITY OF DELAND
Request for Commission Action
June 20, 2022

SUBJECT: First Reading of Ordinance Changing the Zoning from Royal Oaks PD, to C-2, General Commercial, for Approximately 1.3 Acres of Property, Located at the South East Corner of Dr. Martin Luther King Jr. Beltway and Beresford Avenue Extension.

DEPARTMENT: Planning

PREPARED BY: Mike Holmes, Planning Director

ATTACHMENTS: Ordinance, Exhibit A - Legal Description & Sketch of Survey, Z22-077 Staff Report, Z22-077 Zoning and Location Map, Z22-077 Aerial Map

APPROVED BY: Michael Grebosz, Asst. City Manager, June 16, 2022

SUMMARY/HIGHLIGHT:

The City of DeLand has negotiated an agreement with the owner of the adjacent 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 Avenue Extension to SR 44. The transaction will transfer ownership of the subject property from the City of DeLand to Deprop LLC, while at the same time transferring ownership of the Deprop LLC parcel (along CR 4139) to the City of DeLand. 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.

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.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Priorities for 2021-2022 include:

Improve our gateways

Increase our investment in infrastructure

Strategic Focus Area: Institute Smart Growth Principles

Community Consistent Growth

Action Step 9: Review land development regulations and policies and incorporate principles that encourage smart growth and redevelopment.

Action Step 10: Develop transportation mobility strategy which may include traffic congestion management approach.

SUSTAINABILITY:

City of DeLand Sustainability Action Plan Strategic Hypothesis #2: Mobility Communities which can move people, goods and information faster and cheaper will have a competitive advantage. Strategy: Efficient transportation

FISCAL IMPACT:

This transaction will be an even exchange between the City of DeLand and Deprop LLC, and will not require the exchange of City funds.

RECOMMENDATION:

It is recommended that the City Commission approve on first reading the administrative rezone of the subject property from Royal Oaks Planned Development, to C-2, General Commercial. Second reading will be delayed until the corresponding land use amendment is adopted after VGMC review.

BACKGROUND/DISCUSSION:

Please refer to staff report.

ORDINANCE NO. 2022 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM ROYAL OAKS PLANNED DEVELOPMENT (PD) TO CITY OF DELAND'S C-2, GENERAL COMMERCIAL ON PROPERTY LOCATED ON THE SOUTHEAST CORNER OF DR. MARTIN LUTHER KING, JR., BELTWAY AND BERESFORD AVENUE EXTENSION; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT ORDERS ON A DETERMINATION OF CAPACITY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the property located on the southeast corner of Dr. Martin Luther King, Jr., Beltway and Beresford Avenue Extension and more particularly described in the attached Exhibit "A", is currently zoned as Royals Oaks Planned Development (PD), pursuant to City of DeLand's Zoning Ordinances; and

WHEREAS, the property currently has a Land Use Designation of Highway Commercial pursuant to the City of DeLand's Land Use Plan; and

WHEREAS, a proper and complete application has been received requesting that the zoning be changed to C-2, General Commercial; and

WHEREAS, the C-2, General Commercial zoning designation is consistent with the Comprehensive Plan of the City of DeLand.

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

Section 1. The City Commission has held a public hearing on the application for a change of zoning from Royal Oaks Planned Development (PD) to City of DeLand's C-2, General Commercial zoning designation, on the following described property:

See legal description attached hereto as Exhibit "A"

Tax Parcel Identification No. 702300000013

Section 2. The City Commission hereby finds that the City of DeLand's C-2, General Commercial zoning designation is consistent with the property's Highway Commercial future land use designation.

Section 3. Pursuant to the determination made at public hearing, the City Commission hereby amends the Comprehensive Zoning Map of the City of DeLand and changes the zoning from Royal Oaks Planned Development (PD) to City of DeLand's C-2, General Commercial zoning designation on the parcel described in Section 1.

Section 4. The Planning Director is hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

Section 5. No rights to obtain final development orders nor any rights to develop the property have been granted or implied by this Ordinance. Final development orders for the

property including, but not limited to building permits and site plan approval shall be subject to a determination of capacity.

Section 6. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 7. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this ____ day of _____, 2022.

Robert F. Apgar
Mayor - Commissioner

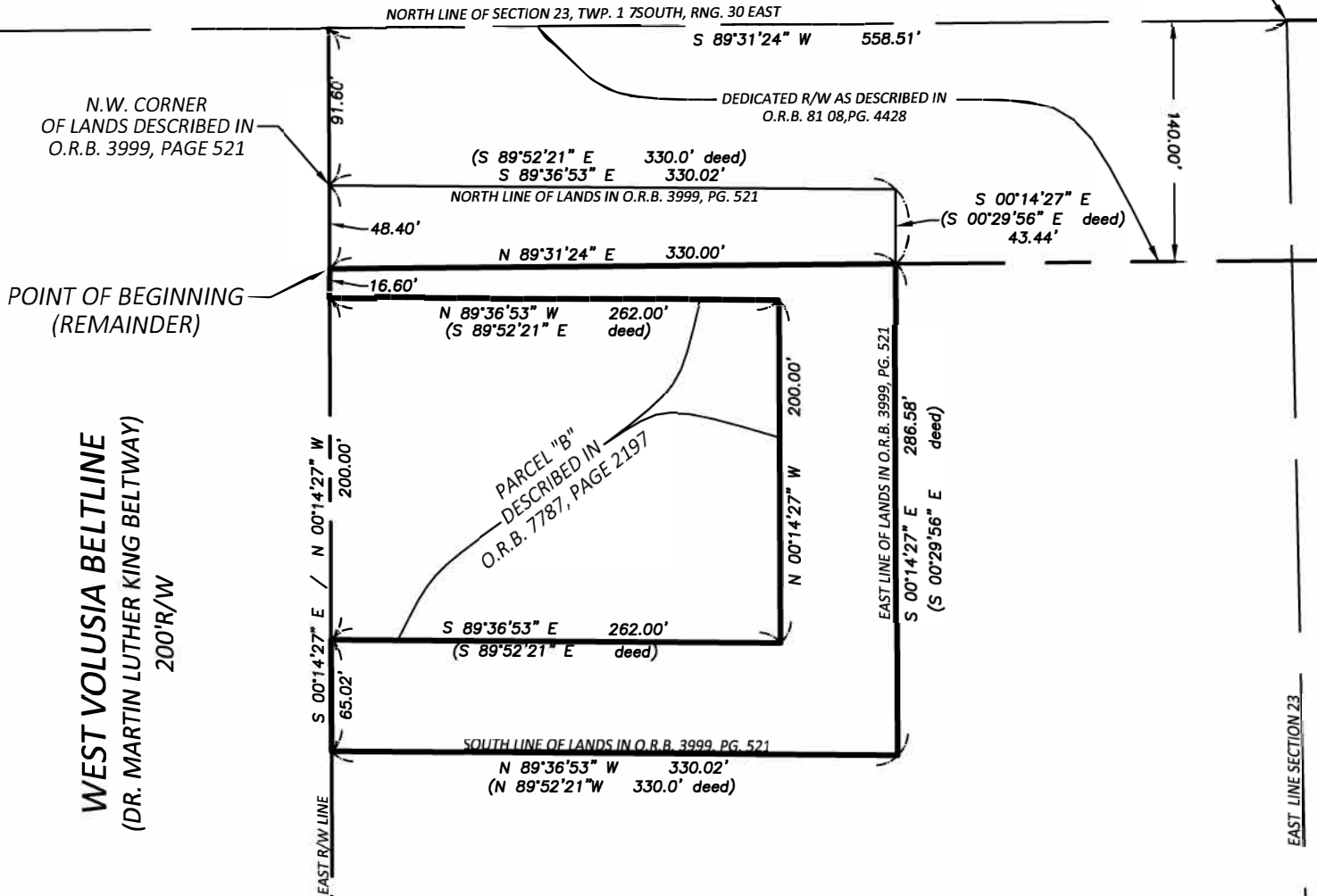
ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

EXHIBIT
APOINT OF COMMENCEMENT
N.E. CORNER OF SECTION 23LEGEND & ABBREVIATIONS
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REVISED:

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 CITY OF DELAND PARCEL (EAST OF MLK BLVD)

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NAME	DATE	PLOT DATE:	DRAWING #
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SURVEY DATE	N/A	N/A	SCALE:
CHECKED	EAB	1/22	x
PROJECT #	5779	FIELD BOOK	SHEET #
		N/A	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 (known 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
City Commission
Z22-077
JUNE 20, 2022

R-R

CR 4101 (KEP

C-2

SUBJECT PROPERTY

C-2

Royal Oaks
PD

Park Lake Estates
PD

CR 4101 (DR MARTIN L KING JR BTWY)

CHELAN FALLS TR

Legend:

-  City Zoning
-  County Zoning





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

