



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

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

VERBAL REPORT ON CITY COMMISSION MEETINGS

MINUTES

1. Approval of the minutes from the June 15, 2022 meeting.

VARIANCE OLD BUSINESS

1. CONT'D -
Applicant Name: Jarod Stubbs
Project Number: V22-095
Project Location: 1601 N. Woodland Blvd.
Project Description: Variance to: Reduce required landscape buffers: (1) along N Woodland Blvd from 40' to 10'; (2) along Old Daytona Rd from 30' to 10'; and (3) along the eastern local access road from 30' to 10'.

VARIANCE NEW BUSINESS

PUBLIC PARTICIPATION PROCEEDINGS

PLANNING - OLD BUSINESS

1. Applicant Name: Frank Ford, Jr.
Project Number: Z21-186 – Rezoning for Glasshouse Square PD
Project Location: 130 W. New York Ave.
Project Description: Rezone 0.868 acres from C-2A to Planned Development
2. Applicant Name: Mark Watts
Project Number: Z22-063 – Rezoning for DeLand Tech Park PD
Project Location: 1465 Cassadaga Road
Project Description: Rezone 143.2 acres from County R-4C, R-4, A-1C, A-1, I-1C & I-1 to DeLand Tech Park Planned Development
3. Applicant Name: Mark Watts
Project Number: Z22-073 –Rezoning for DeLand Commons (to be heard in conjunction with

SMLU22-116)

Project Location: Southeast corner of S. Clake Street and Voorhis Avenue

Project Description: Rezone 1.47 acres from Palm Garden Cottages PD to C-2A, Downtown Commercial

PLANNING - NEW BUSINESS

1. Applicant Name: Lee Munizzi
Project Number: Z22-080 – Rezoning for LAM Development
Project Location: 425 S. Woodland Blvd.
Project Description: Amendment to 425 South PD
2. Applicant Name: Mark Watts
Project Number: SMLU22-116 – Comprehensive Plan Amendment
Project Location: Southeast corner of S. Clake Street and Voorhis Avenue
Project Description: Land use change for 1.47 acres from Medium Density Residential to Downtown Commercial

OTHER BUSINESS

ADJOURNMENT



**CITY OF DELAND
PLANNING BOARD REGULAR MEETING
MINUTES
WEDNESDAY, JUNE 15, 2022 -5:00 P.M.
CITY HALL**

CALL TO ORDER

The meeting began at 5:01 p.m.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance – Mr. Owens, Vice Chairperson

ROLL CALL

Nora Lewis	Present
Don Liska	Absent
Buz Nesbit	Present
Dan Reed	Present
Albert Neumann	Present, Arrived 5:39 p.m.
Jeremy Owens, <i>Vice Chairperson</i>	Present
Virginia Comella, <i>Chairperson</i>	Absent

Quorum: Yes

Present – Mike Holmes, Planning Director; Darren Elkind, City Attorney; Kendall Story, Senior Planner; Danevsky Joseph, Planner; MarLa Ivey, Community Development Coordinator; Vivian Ford, Administrative Coordinator; applicants; and members of the public.

VERBAL REPORT ON CITY COMMISSION MEETINGS

None.

MINUTES

1. Ms. Lewis moved to approve the May 18, 2022 Meeting Minutes. Mr. Reed seconded the motion. The motion passed unanimously, Mr. Neumann was not yet present.

VARIANCE OLD BUSINESS

None.

VARIANCE NEW BUSINESS

1. Applicant Name: Jarod Stubbs
Project Number: V22-095
Project Location: 1601 N. Woodland Blvd.
Project Description: Variance to: Reduce required landscape buffers: (1) along N Woodland Blvd from 40' to 10'; (2) along Old Daytona Rd from 30' to 10'; and (3) along the eastern local access road from 30' to 10'.

Public Participation: Jarod Stubbs, applicant, spoke and answered questions from the Board.

Mr. Nesbit moved to recommend continuance until a survey can be presented that shows the current conditions. Ms. Lewis seconded the motion. The motion passed unanimously.

2. Applicant Name: Rudolph Valentine
Project Number: V22-098
Project Location: 748 Mystic Oaks Ln.
Project Description: Variance to: Reduce setback to 6' along rear property line for already existing shed.

Public Participation: Rudolph Valentine, applicant, spoke and answered questions from the Board. Brande Callis, neighbor, spoke against the request and said the structure went up less than 6 months ago. Edward Morehouse, HOA president and neighbor, spoke against and stated the permit application contained inaccuracies. Lawrence Peter Jr. submitted a speaker card but did not speak. Margo Meta spoke against, stating there has been no need demonstrated for the shed and it goes against the HOA rules. Marguerite Peter spoke against, stating it goes against HOA rules.

Ms. Lewis moved to recommend approval with the condition that the building is brought up to City code and contingent on HOA approval being obtained within 6 months. Mr. Reed seconded the motion. The motion passed unanimously.

PUBLIC PARTICIPATION PROCEEDINGS

Mr. Owens read the Public Participation procedures.

PLANNING – OLD BUSINESS

1. Applicant Name: Frank Ford, Jr.
Project Number: Z21-186 – Rezoning for Glasshouse Square PD
Project Location: 130 W. New York Ave.
Project Description: Rezone 0.868 acres from C-2A to Planned Development

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

Public Participation: Alex Ford, of Landis Graham French and on behalf of the applicant, spoke and answered questions from the Board about the proposed PD agreement.

Ken Goldberg spoke against the request stating the application is not for what was approved, stating that the design was reduced 30-40% of what was proposed in response to the RFP, as well as concerns of damage to surrounding buildings. Astrid De Parry spoke against and stated concerns regarding parking. Barb Shepherd spoke against and stated concerns of potential significant damage to surrounding structures if the proposed application is approved. Daniel Reed recused himself for this application, and spoke against, also expressing concerns to surrounding structures. Jeff Shepherd spoke against and expressed concerns regarding access and the need for an easement. Mark Watts of Cobb Cole spoke on behalf of Conrad Realty Corporation regarding mitigation of risk to surrounding structures and adding language for same to the PD. Sidney Johnston spoke against demolition.

Ms. Lewis moved to continue to July 20, 2022 meeting with the following recommendations, less item f. Mr. Nesbit seconded the motion. The motion tied 2-2 with Members Neumann and Owens voting against.

Mr. Neumann moved to recommend approval with the following recommendations. None of the members seconded the motion.

Ms. Lewis moved to reconsider her motion to continue to July 20, 2022 meeting with the following recommendations. Mr. Nesbit seconded the motion. The motion passed unanimously.

Recommendations:

- a) Revise PD to include Mitigation of Risk to Surrounding Structures language;
- b) Provide for maintenance easement along the east property line;
- c) Review if project creates opportunity to improve surrounding stormwater challenges;
- d) Mandate public pedestrian walkway;
- e) Insure design compatibility with downtown historic architecture by presenting to Historic Preservation Board;
- f) Identify a parking plan specifying where/when additional parking spaces will be available;
- g) Provide comparison between RFP and current plan;
- h) Include noise ordinance clarity; and
- i) Work toward continuity with Artisan Alley.

2. Applicant Name: Mark Watts

Project Number: Z22-063 – Rezoning for DeLand Tech Park PD

Project Location: 1465 Cassadaga Road

Project Description: Rezone 142.8 acres from County R-4C, R-4, A-1C, A-1, I-1C & I-1 to DeLand Tech Park Planned Development

Public Participation: Staff and applicant agree to continue to the July 20, 2022 meeting.

Ms. Lewis moved to continue to July 20, 2022 meeting. Mr. Reed seconded the motion. The motion passed unanimously.

3. Applicant Name: Mark Watts

Project Number: Z22-073 –Rezoning for DeLand Commons

Project Location: North side of Voorhis Avenue at S. Clake Street

Project Description: Rezone 1.45 acres from DeLand Commons PD to C-2A, Downtown Commercial

Public Participation: Staff and applicant agree to continue to the July 20, 2022 meeting.

Ms. Lewis moved to continue to July 20, 2022 meeting. Mr. Reed seconded the motion. The motion passed unanimously.

PLANNING – NEW BUSINESS

1. Applicant Name: David Cooke
Project Number: PSB22-038 – Preliminary Plat and Construction Plan for Oak Hammock Reserve
Project Location: 37.66 acres located at the NW corner of W. Beresford Rd. and S. Spring Garden Ave.
Project Description: 110 Lot Residential Subdivision

Public Participation: Joey Posey, introduced himself as attorney for the applicant.

Ms. Lewis moved to recommend approval to City Commission, subject to addressing any staff comments to recent resubmittal. Mr. Reed seconded the motion. The motion passed 5-1 with Member Nesbit dissenting.

2. Applicant Name: Steven Campisi
Project Number: SMLU22-074 – Comprehensive Plan Amendment
Project Location: N. Spring Garden Road, south of Clear Lake Drive
Project Description: Land use change for 14.16 acres from Mixed Office-Residential to High Density Residential

Public Participation: Mark Watts, of Cobb Cole and on behalf of the applicant, spoke and answered questions from the Board. Linda DeShaw expressed access concerns about high density development.

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

3. Applicant Name: Nick Everly
Project Number: Z22-046 – Rezoning for Pointe Grand Apartments PD
Project Location: N. Spring Garden Road, south of Clear Lake Drive
Project Description: Rezone 14.16 acres from The Cascades PD to Pointe Grand Apartments PD to develop a multi-family residential project

Public Participation: Mark Watts, of Cobb Cole and on behalf of the applicant, spoke and answered questions from the Board.

Ms. Lewis moved to recommend approval to City Commission with the following recommendations. Mr. Neumann seconded the motion. The motion passed 5-1 with Member Nesbit dissenting.

Recommendations:

- a) Consideration of elevator access for all units; and
- b) Remove internal roadway language.

OTHER BUSINESS

Board discussed Planning Board membership terms and City Commission's recruitment for new members.

ADJOURNMENT

The meeting ended at 9:30 p.m.

Vivian Ford

From: Danevsky Joseph
Sent: Monday, July 11, 2022 10:35 AM
To: Vivian Ford
Cc: Mike Holmes
Subject: FW: EZ DeLand Carwash Landscape Variance (V22-095)

From: Parks, Ethan <Ethan.Parks@kimley-horn.com>
Sent: Monday, July 11, 2022 10:10 AM
To: Danevsky Joseph <josephd@deland.org>
Cc: Stubbs, Jarod <Jarod.Stubbs@kimley-horn.com>
Subject: EZ DeLand Carwash Landscape Variance (V22-095)

Good Morning Joseph,

I would like to know if it is possible to push the variance hearing for the EZ Carwash project (landscape buffer reduction) to the August meeting? The client would like to attend and is unable to make it on July 20th for this month's meeting.

Thank you,

Ethan Parks

Kimley-Horn | 189 S. Orange Ave, Ste 1000, Orlando, FL 32801

Direct: 689-206-9023 | Main: 407-898-1511

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Verification: This message sent from josephd@deland.org

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

July 20, 2022

Continued from June 15, 2022

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

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

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

To: Glass House Square PD

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

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

APPLICABLE ORDINANCES:

Article XII

ADMINISTRATION AND ENFORCEMENT

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

Location: 130 W. New York Ave.

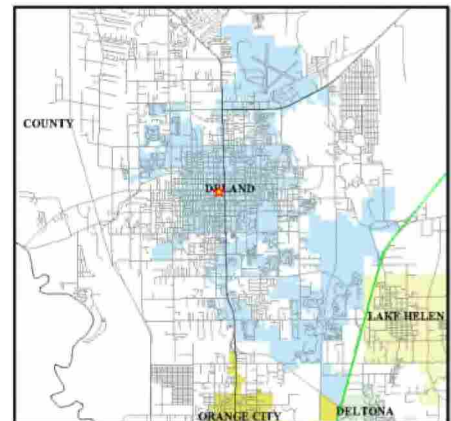
Downtown Support Design District

Parcel Size: 0.868± acres

Existing Use: Vacant

B. ANALYSIS:

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



The development of the property will be guided by the development agreement provided and includes the provision of on-site and offsite parking, will follow the sign plan that is provided, will include a green square/water feature and comply with architectural standards that maintain consistency with the character of the historic downtown area. The property is currently subject to the Downtown Historic Overlay and will remain so

Z21-186 (BC)

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despite the request to rezone the property to a planned development. Section 33-135 provides the following criteria, which the City Commission shall utilize in reviewing a rezoning request:

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

The Land use designation for this property is Downtown Commercial. As outlined in the city's comprehensive plan, the policy guidelines state:

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

The existing zoning designations are described as follows:

City of DeLand: C-2A Downtown Commercial

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

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

City of DeLand: H Historic

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

3-34.01. Generally.

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

2. Developing a process to designate individual properties (buildings, structures, sites, objects) and groups of properties (districts) as historically significant.
3. Protecting the integrity of designated historic resources by requiring a review of proposals to add to, demolish or in any way alter the exterior historic fabric of such resources.
4. Encouraging historic preservation by providing technical assistance and financial incentives.
5. Obtaining certified local government status as provided for in the National Historic Preservation Act of 1966, as amended in 1980 (P.L. 96-515) and as procedures dictate in 36 C.F.R. 61 (1987).

The proposed zoning designation is generally described as follows:

Glasshouse Square PD – Planned Development

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

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

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

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

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

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

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

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

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

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

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

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

6. Was there a mistake in the original classification?

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

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

The proposed rezoning will permit virtually the same uses that the existing zoning with a few nuances as shown in the attached comparative list. New proposed uses are in keeping with uses that are permitted within the general area. Below is a table comparing the downtown commercial uses with the ones proposed under the PD development agreement.

C-2A	Type	GH Square PD
General/Professional Offices	P	General/Professional Offices
Financial Institutions	C20	Financial Institutions, but without drive through service
Medical office	P	Medical office
Drugstores and pharmacies	P	Drugstores and pharmacies, but without drive through service
Laboratories, hospitals and clinics	P	
Medical clinics over 5,000 square feet	P	
Nursing homes and adult congregate living facilities	P	
Veterinary clinics and pet grooming shops with overnight and/or outdoor boarding facilities and runs	C	
Mailbox and shipping shops	P	Mailbox and shipping shops
Copying, printing and lithography	P	Copying, printing and lithography
		Showroom commercial
Beauty salons, barbershops and day spas	P	Beauty salons, barbershops and day spas
Day care facilities, adult or child	P	Day care facilities, adult or child
Dry cleaning and laundry, retail	P	Dry cleaning and laundry, retail
Dry cleaning and laundry, self-service	P	
Mortuary, funeral homes and crematoriums	P	
Pet shops and pet grooming with no overnight boarding of animals	C	
Tailor shops and shoe repair	P	Tailor shops and shoe repair
Banquet facilities, catering services	P	Banquet facilities, catering services
		Event hosting
		Outdoor entertainment
		Outdoor consumption of alcohol
		Outdoor events including, without limitation, weddings, receptions, parties, farmers' markets, food trucks, outdoor markets, temporary vendor booths, concerts and festivals. These events may be open to the public or may be private.
Bed and breakfast inn	P	
Hotels or motels and associated accessory uses including restaurant and conference facilities	P	
Uses requiring a DBPR 3PS liquor license (package sales) or 4COP liquor license (bars, lounges, etc.)	E17	Uses requiring a DBPR 3PS liquor license (package sales) or 4COP liquor license (bars, lounges, etc.)
Package sales where beer and/or wine (no liquor) are sold for consumption off premises with DBPR 2APS license	C	Package sales where beer and/or wine (no liquor) are sold for consumption off premises with DBPR 2APS license
Restaurants including fast food and/or drive through facilities	C20	Restaurants including except fast food and/or drive through facilities
Restaurants and establishments serving alcohol requiring a DBPR 2COP, 3PS or 4COP license with special class	C	Restaurants and establishments serving alcohol requiring a DBPR 2COP, 3PS or 4COP license with special class
Bakery, pastry, gourmet, coffee and specialty beverage shops (retail)	P	Bakery, pastry, gourmet, coffee and specialty beverage shops (retail)
Bakeries wholesale, up to 1,000 square feet of floor area	C	
Convenience stores without gas pumps	P	Convenience stores without gas pumps
Furniture, appliances retail	P	Furniture, appliances retail
Furniture, appliances wholesale	P	
Grocery	P	Grocery
Retail sales	P	Retail sales
Used materials, sales or thrift shops; not including junk yards	P	Used materials, sales or thrift shops; not including junk yards
Multiple-family dwellings on the first floor	C*	
Residential dwelling units above the first floor or one residential	C	Residential dwelling units above the first floor (In Building 2, only)
Business colleges, professional or commercial schools	P	Business colleges, professional or commercial schools
Churches, houses of worship and religious institutions with	E8	
Government and public land uses and buildings	P	Government and public land uses and buildings
Private clubs and lodges	C9	
Museums	P	Museums
		Gallery (commercial)
discotheques	P	Music, dance, gymnasium, art school or studio, excluding discotheques
Parks, community and regional	E8	
Parks, mini and neighborhood	P	Parks, mini and neighborhood
Theatres and assembly halls	P	Theatres and assembly halls
		Research and Development facilities
		Pet supply store
Pest control and exterminating services	P	Craft beverage and food sales and production
		Craftsmen shops
Upholstering and reupholstering	P	
transmission towers	E8	
Commercial parking lots	P	
		All permitted uses within the C2-AH zoning district
		Other uses and structures of an accessory nature to the permitted uses listed above but not limited to shade structures, fixed awnings and porticos.

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

City utilities are available for this property and new development is required to utilize the available water and water systems that are in place helping to maintain public health and the

Z21-186 (BC)

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area is served by police and fire. The rezone request will not adversely impact health, safety or welfare, however staff is still concerned about the location of the solid waste container and how it will be operated. Appears to be utilizing New York Avenue which is a heavily used roadway. The property is located within the developed urban core and the property is compatible with commercial/retail uses. This request is consistent with the area and not anticipated to adversely impact the area in that regard.

C. CONCLUSION:

This rezoning request aligns with the pattern of development in the surrounding area and will enhance the overall goals established for the downtown area including the provision of housing and the appropriate commercial use of the property.

The following comments were asked to be addressed by the Planning Board at their June meeting. The revisions are noted in bold **text** after each comment.

- Use engineering controls to mitigate risk during construction, in particular the impact from vibrations, for surrounding structures. Note: *the City will be including similar language in the agreement with the company that will be performing the demolition for the City.*

Suggested language is below for a new Section E(18) of Development Agreement:

E. 18. Mitigation of Risk to Surrounding Historic Structures. Construction of the Planned Development will occur in close proximity to several historic buildings. In order to mitigate the risk of damage to surrounding structures, the following strategies will be employed in connection with any construction activity undertaken on the Property.

1. Prior to commencement of any construction or demolition activities on the Property, a complete preconstruction survey of nearby historic buildings are required to document all existing conditions and possible concerns. This survey would include photographs, videos and engineering documentation all areas of the building (walls, foundations, roofing, plaster ceiling, etc.).

2. Methods of demolition and construction shall be used to limit vibratory action that could damage adjacent buildings. Pile driving and vibratory compaction shall be specifically prohibited.

3. During all phases of construction vibration monitoring shall be maintained at the edges of the Property adjacent to any historic structures.

4. The Developer shall permit independent review of the engineered construction documents, geotechnical investigation and utility reports by adjacent property owners in order to allow for collaboration aimed at limiting any potential damage to adjacent historic structures. **(Substitute Language has been added and will be reviewed by City Engineer and City Attorney prior to review by the City Commission)**

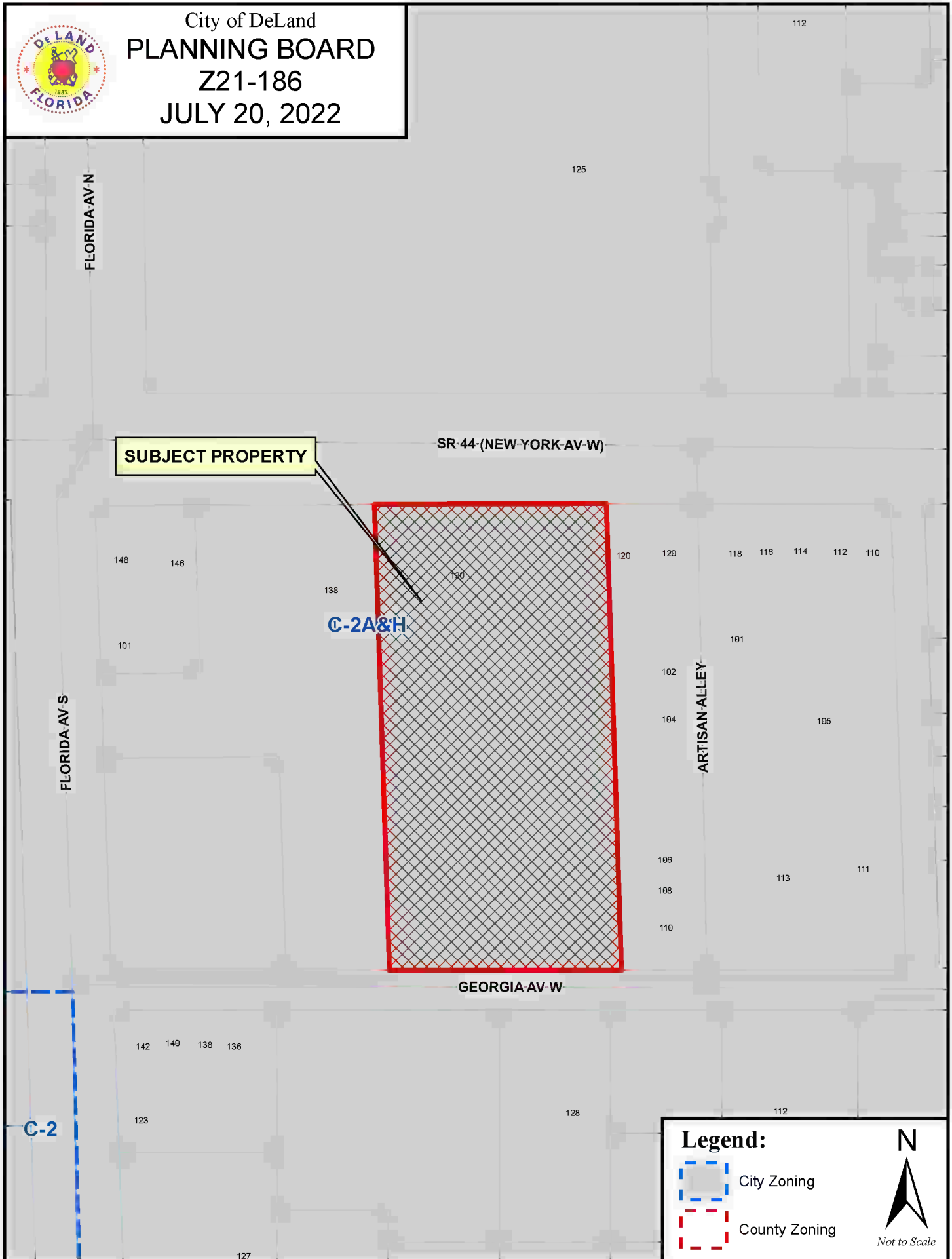
- Provide for maintenance easement along the east property line; **(Language has not been added)**
- Review if project creates opportunity to improve surrounding stormwater challenges; **(Proposed language allows for the city to provide additional storage above what may be required by SJRWMD)**
- Mandate public pedestrian walkway; **(walkway will be open 8AM to midnight, except during special events through separate agreement)**
- Insure design compatibility with downtown historic architecture by presenting to Historic Preservation Board; **(will be presented to the Historic Preservation Board in August for comments prior to Commission review, added prohibition of reflective glass on the first floor)**
- Identify a parking plan specifying where/when additional parking spaces will be available; **(parking to be decided through discussions with Commission)**
- Provide comparison between RFP and current plan; **(has not been provided, but development must be consistent with acquisition agreement)**
- Include noise ordinance clarity; **(noise attenuation will be provided for any residential units and unless specifically differentiated the residential portion of the building will use the residential noise level and not commercial, per Chapter 20-3. Noise limitations, Code of Ordinances)** and
- Work toward continuity with Artisan Alley. **(Language has been added to allow, but not to mandate as it must be between both parties, nothing in development agreement prohibits the interaction between the two properties)**

D. STAFF RECOMMENDATION:

Staff recommends that the Planning Board forward to the City Commission a recommendation of approval for the rezoning request, subject to revising the Development Agreement to addressing above comments.

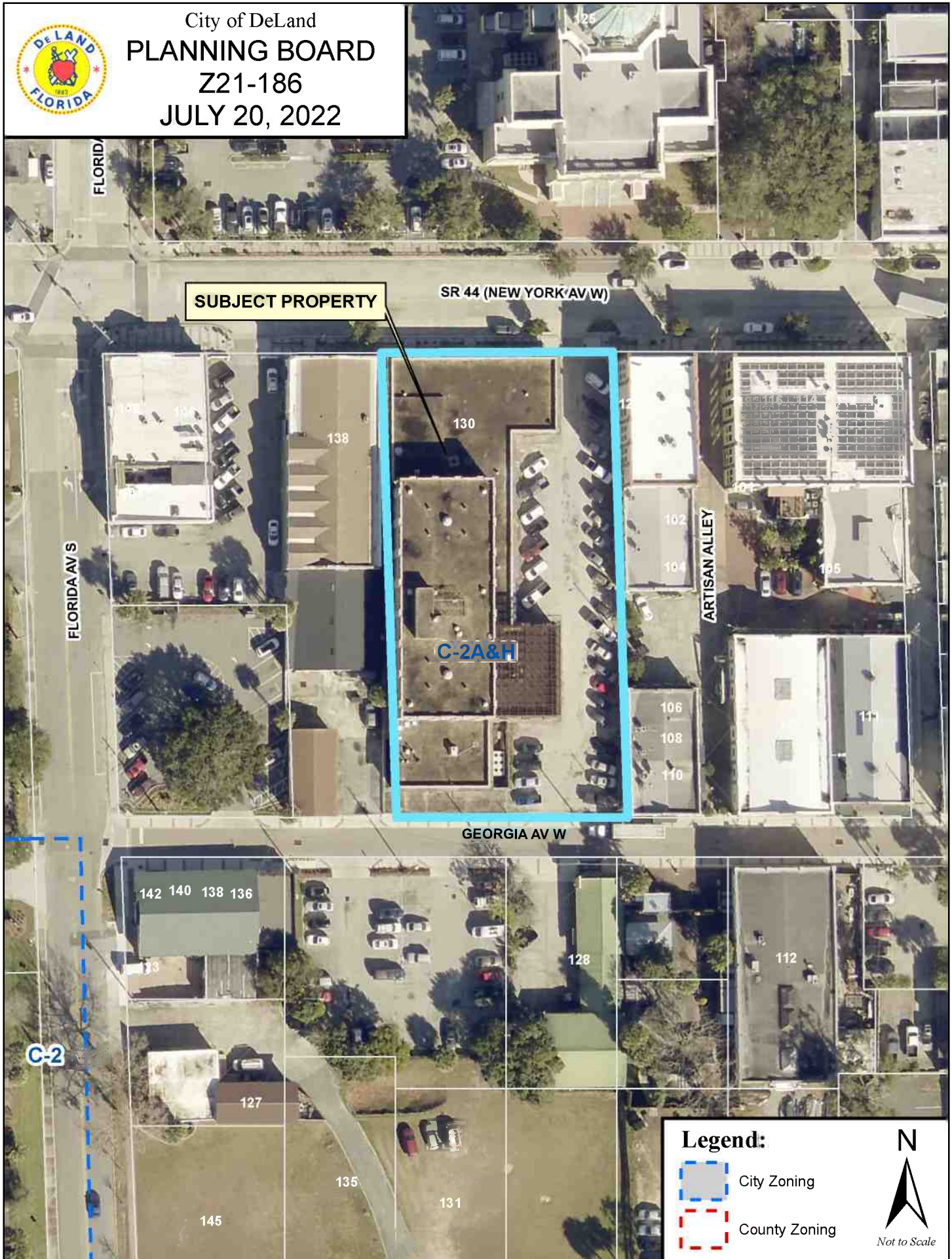


City of DeLand
PLANNING BOARD
Z21-186
JULY 20, 2022





City of DeLand
PLANNING BOARD
Z21-186
JULY 20, 2022



1 GLASSHOUSE SQUARE PLANNED DEVELOPMENT AGREEMENT

2 CITY COMMISSION OF THE

3 CITY OF DELAND, FLORIDA

4 IN RE: (Case #), Application of

5 GLASSHOUSE SQUARE, LLC

6 ORDINANCE # _____

7
8 ORDER AND RESOLUTION

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

10 (C2 – AH) TO

11 GLASSHOUSE SQUARE PD (PLANNED DEVELOPMENT)

12
13 The application of GlassHouse Square, LLC, (together with its successors and
14 assigns, "Applicant") for rezoning was heard by and before the City Commission, DeLand
15 Florida, on _____, 2022. Based upon the verified Application and other supporting
16 documents, maps, charts, overlays, other evidence and instruments; the advice, report,
17 and recommendations of the Community Development Department, and other City
18 departments and agencies of DeLand, Florida; and the testimony adduced and evidence
19 received at the Public Hearing on this Application by the Planning Board on _____, __,
20 2022, and otherwise being fully advised, the City Commission does hereby find and
21 determine as follows:

22 GENERAL FINDINGS

23 A. The application of GlassHouse Square, LLC was duly and properly filed
24 herein on October 4th, 2021 as required by law.

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

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

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

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

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

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

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

24 FINDINGS REGARDING REZONING

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

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

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

2 NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF
3 DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY
4 COMMISSION CHAMBERS, 120 SOUTH FLORIDA AVENUE, DELAND, FLORIDA,
5 THIS (public hearing date) DAY OF _____, A.D., 2022, AS
6 FOLLOWS:

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

9 B. The zoning classification of the Property is hereby amended from C-2A
10 Historic Overlay (C2 – AH) to GlassHouse Square Planned Development (PD) as
11 described in Article VII of the City of DeLand, Land Development Regulations Ordinance
12 # 2013-11, as amended.

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

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

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

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

1 provided herein.

2 DEVELOPMENT AGREEMENT

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

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

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

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

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

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

1 C. Phases of Development. Applicant may, in its sole discretion, develop the
2 Property in two (2) phases and, if Applicant so elects, the order of the phases for
3 development shall be sequential (i.e., Phase 1 shall precede Phase 2). Applicant may
4 commence development of Phase 2 prior to completion of Phase 1, but the Certificate of
5 Occupancy for Phase 2 shall not be issued until Phase 1 is substantially completed.

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

12 1. All permitted uses, conditional uses, and special exceptions within the C2
13 – AH zoning district, subject to the following restrictions:

14 a. Financial Institutions, are permitted only without drive through
15 service

16 b. Drugstore and pharmacies, are permitted only without drive through
17 service

18 c. Uses requiring a DBPR 3PS liquor license (package sales) may be
19 permitted as a special exception.

20 2. Outdoor entertainment

21 3. Outdoor events including, without limitation, weddings, receptions, parties,
22 farmers' markets, food trucks, outdoor markets, temporary vendor booths,
23 concerts, and festivals. These events may be open to the public or may be private,
24 and may include outdoor consumption of alcohol.

25 4. Gallery (commercial)

26 5. Research and Development facilities

27 6. Pet Supply store

28 7. Craft beverage and food sales and production

29 8. Craftsmen shops

30 9. Structures associated with the uses listed, such as shade structures, fixed
31 awnings, and porticos.

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

1. Minimum lot area - no minimum
2. Minimum lot width and/or depth - no minimum
3. Minimum yard size (building) - no minimum
4. Maximum front yard – 10 feet along New York Avenue and Georgia Avenue.
5. Minimum stories and floor area:
 - a. Building 1 as shown on the Development Plan Map (“Building 1”) - Not less than two (2) stories and not less than 20,000 gross square feet.
 - b. Building 2 as shown on the Development Plan Map (“Building 2”) - Not less than two (2) stories and not less than 7,000 gross square feet.
6. Maximum stories and building height:
 - a. Building 1 - Maximum of two (2) stories, plus rooftop space. The top of all enclosures shall be not more than sixty (60') feet above the finished floor elevation of the first floor of the building.
 - b. Building 2 –Maximum of two stories and forty (40) feet above the finished floor elevation of the first floor of the building.
7. Maximum lot coverage:
100%
8. Landscape requirements - No perimeter landscape buffer or other landscaping is required.
9. Perimeter building setbacks:
5 foot minimum setback on the entire east property line. There is no setback required on the north, south or west property lines.
10. Minimum building separation –
None.
11. Off-street parking requirements. Applicant contemplates developing the Property in phases and shall provide a minimum of forty (40) parking spaces for Phase 1 and ten (10) parking spaces for Phase 2, for a total parking requirement of not less than fifty (50) spaces. Parking may be located onsite and/or in offsite parking lot(s). If applicant

elects to have onsite parking for Phase 1 the general location and configuration of that parking are shown on Exhibit C. The exact size, location and configuration will be determined at site plan approval. Any such parking area may be secured or controlled by gates or other access limitations. Development of onsite parking with permeable pavers or similar materials is permitted. In lieu of standard code dimensional requirements, Applicant may elect to provide standard parking space dimensions of no smaller than 9' by 18' and drive aisle widths of 20' or more. Handicapped accessible parking space dimensions shall be in accordance with code. No parking islands are required for onsite parking. It is anticipated that the Applicant or its successors may seek variances or other accommodations from City related to the design of its offsite parking lot(s), to the extent reasonably necessary to make efficient use of space in the downtown area. Offsite parking, if any, shall be within 800 feet of the Property in order to count for purposes of the minimum parking requirements. For the sake of clarity, this means that the nearest point on any parcel of property upon which offsite parking is located shall be within 800 feet of any point on the boundary of the Property. Except as otherwise provided herein, the exact location, number of spaces, phasing of construction, and other issues involving the parking on site shall be addressed in the site plan and parking shall otherwise be provided in accordance with the Land Development Regulations Ordinance No. 2013-11, as amended.

12. Signage requirements. Notwithstanding Section 33-73.02, market lights (i.e., strands of lights) are permitted in the Pedestrian Walkway and onsite parking area (Phase 1)/Amenity Area (Phase 2) without staff approval, subject to Applicant complying with Section 33-73.02 (f) 2. And 3. The Pedestrian Walkway and (in Phase 2) Amenity Area may be treated as additional street frontages, and each building may be treated as a separate parcel, to the extent doing so allows Applicant greater allowance in the height, dimensions, location or number of signs, or otherwise allows Applicant greater flexibility in regard to signage. For purposes of determining permitted signage on Building 1, Building 2 shall not be considered a residential land use. Except as otherwise provided herein, signs shall comply with applicable requirements of the Land Development Regulations Ordinance No. 2013-11, as amended, Article VII, Signs, as applicable to the C2- AH district.

1 13. Open Space/Common Area. Open Space and/or Common Area
2 requirements for the Property shall be satisfied in development of Phase 1 by the
3 pedestrian walkway ("Pedestrian Walkway") shown on the Development Plan Map,
4 notwithstanding the requirements of the City's Land Development Code. In Phase 2, the
5 Green Square/water feature area/gathering space shown on the Development Plan
6 ("Amenity Area") satisfies such requirements.

7 14. Architectural Design Standards: The Architectural standard for the
8 Property shall be consistent with the aesthetic qualities of downtown DeLand and
9 complementary to the brick architecture which currently exists along Georgia Avenue.
10 The general architectural standards, elevations and concepts set forth on Exhibit D shall
11 apply to the Property, and are deemed consistent and complementary with said aesthetic
12 qualities and architecture along Georgia Avenue.

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

16 16. Residential units – The maximum number of residential units on the
17 Property is five (5). Residential units shall be permitted only in Building 2.

18 17. Pedestrian Walkway – The pedestrian walkway, as shown on the
19 Development Plan Map ("Pedestrian Walkway"), will be generally left open to the public
20 during the hours of 8:00 a.m. until midnight. However, it is contemplated Applicant may
21 close it for private events and may leave it open to the public for longer hours than stated
22 above. At times it may be used for vehicular access. Outdoor seating for restaurants is
23 also contemplated for the Pedestrian Walkway. It is contemplated that there will be a
24 separate agreement entered into between Applicant, or its successors or assigns, and
25 the City, consistent with this Development Agreement, regulating specific parameters
26 related to the public use of the Pedestrian Walkway, the adoption or future amendment
27 of which shall not be deemed a zoning of the Property. Either or both buildings shall be
28 permitted to overhang the Pedestrian Walkway provided a ground clearance of at least
29 14 feet shall be maintained for permanent structures.

30 F. Environmental Considerations. The Property is currently covered by
31 structures and hardscape and contains no trees and no green space. Although trees and

1 landscaping are not required under current code (Section 33-57.07), even if such code
2 provisions change in the future, no tree protection area or landscaping shall be required.

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

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

17 I. Access and Transportation System Improvements. All access and
18 transportation system improvements shall be provided in accordance with the Land
19 Development Regulations, Ord. 2013-11, as amended. The Property shall be developed
20 in substantial accordance with the following access and transportation system
21 improvements. Vehicular access may be provided to the Property from New York Avenue
22 on the Pedestrian Walkway, and from Georgia Avenue. The Applicant may restrict or
23 prohibit public vehicular access to the Property.

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

25 K. Building or Property Owners Association. It is not the current intent of the
26 Applicant to subdivide the Property and therefore no building or property owner's
27 association would be required. However, if the Applicant or its successors or assigns later
28 subdivide the Property, then an owners association shall be required. With respect to the
29 enforcement of agreements, covenants, easements, or restrictions entered into between
30 the Applicant and the owners' or occupiers of property within the GlassHouse Square
31 Planned Development, the City of DeLand shall only enforce the provisions of the

"Development Agreement" and City of DeLand Land Development Regulations Ordinance # 2013-11, as amended, whichever is applicable, and not the private agreements entered into between the aforementioned parties.

L. Other:

1. Minimizing Disruption of Public Parking. Development of the Property:

a. Building 1 shall be designed to reasonably minimize the disruption to the existing public parking on the City's parcel, Tax Parcel No. 7016-01-03-0070, without unreasonably interfering with construction of the project(s) on the Property.

b. The site plan for each phase shall include measures to mitigate disruption to such existing public parking, which shall be part of the City's review process and shall be depicted on the site plan for each respective phase. Such mitigation measures may include, without limitation, the Applicant maintaining its laydown area and all construction staging operations on the Property or on the City's lot located at 224 South Florida Avenue, or other measures to avoid impacts to Georgia Avenue.

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

a. Building 1 (Shall be Phase 1, if development occurs in phases.)	FIRST FLOOR *Not to exceed 10,500 GSF provided, however, allowable area (not to exceed an additional 2,000 GSF) may be permitted upon Applicant addressing any additional demand for parking, as may be reasonably determined by City staff. *No more than 30% of 1 st floor space to be for general, professional, medical or government offices. *No residential use.
	SECOND FLOOR *Not to exceed 10,500 GSF provided, however, allowable area (not to exceed an additional 2,000 GSF) may be permitted upon Applicant addressing any additional demand for parking,

	as may be reasonably determined by City staff. *No residential use.
	ROOFTOP *Not to exceed 10,500 GSF. *Rooftop space enclosures including, without limitation, enclosures for stairways, elevator landing, enclosed restroom, and other enclosures, shall not exceed 1,500 GSF. * All enclosures except for stairway enclosures, elevator shafts and landings, and mechanical rooms shall be set back at least 10 feet from the edge of the roof. *No residential use.

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

2

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

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

7 M. Reverter Provision: (i) Provided the Applicant has commenced
8 development of the project within five (5) years from the Effective Date (as defined below)
9 and has completed development or has continued to actively develop ongoing phases as
10 demonstrated by issuance of development permits and building permits, or actual
11 construction activities, then no rezoning by the City shall occur unless otherwise
12 requested by the then owner. (ii) If the Applicant does not meet the guidelines under
13 subsection (i) above, the City Commission may rezone any portion of the Property which
14 has not secured a final development order on or before 5 years from the Effective Date
15 of this ordinance as may be necessary or appropriate to protect adjoining properties or
16 the public health, safety, and welfare, unless the City Commission shall extend the time
17 indicated in this paragraph.

18 N. Binding Effect of Plans; Recording; and Effective Date. The Planned
19 Development Plan, including any and all amendments, shall bind and inure to the benefit
20 of the Applicant. The PD zoning, provisions of the "Development Agreement," and all
21 approved plans shall run with the land and shall be administered in a manner consistent
22 with Article 12 of the City of DeLand Land Development Regulations Ordinance # 2013-
23 11, as amended.

24 This Ordinance and all subsequent amendments shall be filed with the Clerk of the
25 Court and recorded within forty-five (45) days following execution of the document by the
26 City Commission, in the Public Records of Volusia County, Florida. One copy of the
27 document, bearing the book and page number of the Official Record in which the
28 document was recorded, shall be submitted to the Planning Department for placement in
29 the public file. The date of recording of this document shall constitute the effective date
30 of the PD or its subsequent amendments. The Applicant shall pay all filing costs for
31 recording documents.

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

ATTEST:

City Commission of DeLand Florida

Michael Pleus
City Manager

Robert Apgar
Mayor

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this ____ day of _____, 2022 by Michael Pleus and Robert Apgar, as City Manager and Mayor, City of DeLand, respectively, on behalf of the City of DeLand, and who are personally known to me.

NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:

Commission No.: _____
My Commission Expires: _____

1
2 WITNESSES:

GLASSHOUSE SQUARE, LLC, a
Florida limited liability company

3
4
5
6 By: _____

Michael Prelec, Manager

7
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14
15 STATE OF FLORIDA
16 COUNTY OF VOLUSIA
17

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

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

29
30 Commission No.: _____
31 My Commission Expires: _____
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EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION

PARCEL A:

The West 73 feet of Lot 3, Block 3 and the East 64.84 feet of Lot 4, Block 3, Map of Howry's Addition to DeLand, according to the map or plat thereof as recorded in Deed Book G, PAGE 701, Public Records of Volusia County, Florida, Less any portion within the Rights of Way of New York Avenue and Georgia Avenue (F/K/A Short Street).

Also described as:

That portion of Lot 3, Block 3, Howry's Addition to DeLand, as recorded in Deed Book "G", Page 701, Public Records of Volusia County, Florida, lying West of the Westerly line of Miller Hardware Company's Re-Subdivision Map Book 5, Page 156 of aforesaid Public Records, Less any portion lying within the Rights of Way of New York Avenue, a 66 foot wide R/W, and Georgia Avenue (F.K.A. Short Street).

Together with that portion of Lot 4, Block 3, Howry's Addition to DeLand, as recorded in Deed Book "G", Page 701, Public Records of Volusia County, Florida, lying East of the following described line;

Beginning at a point on the South line of West New York Avenue, as now laid out 66 feet wide, said point being 191.9 feet East of the center line of S. Florida Avenue, said point also being 57 feet East of the established and recognized Northwest corner of said Lot 4, Block 3, Howry's Addition to DeLand, thence South at right angles to West New York Avenue 274.7 feet, more or less, to a point on the North side of Shore Street sometimes called Georgia Avenue, which point is 184.45 feet East of the center line of S. Florida Avenue, and 57 feet East of the Southwest corner of said Lot 4, Block 3, Howry's Addition as established and recognized and marked by an iron pipe.

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EXHIBIT B
DEVELOPMENT PLAN MAP

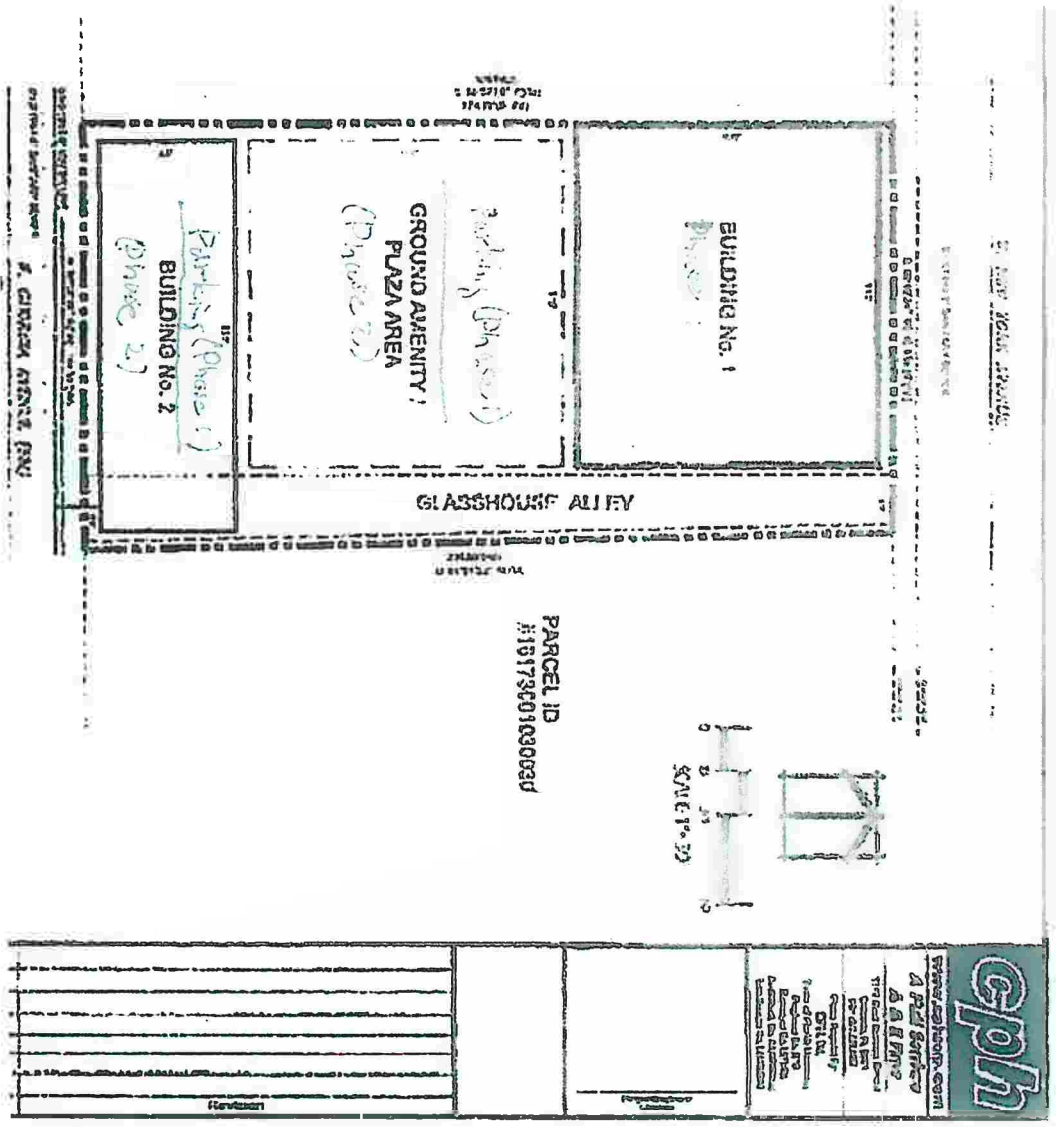
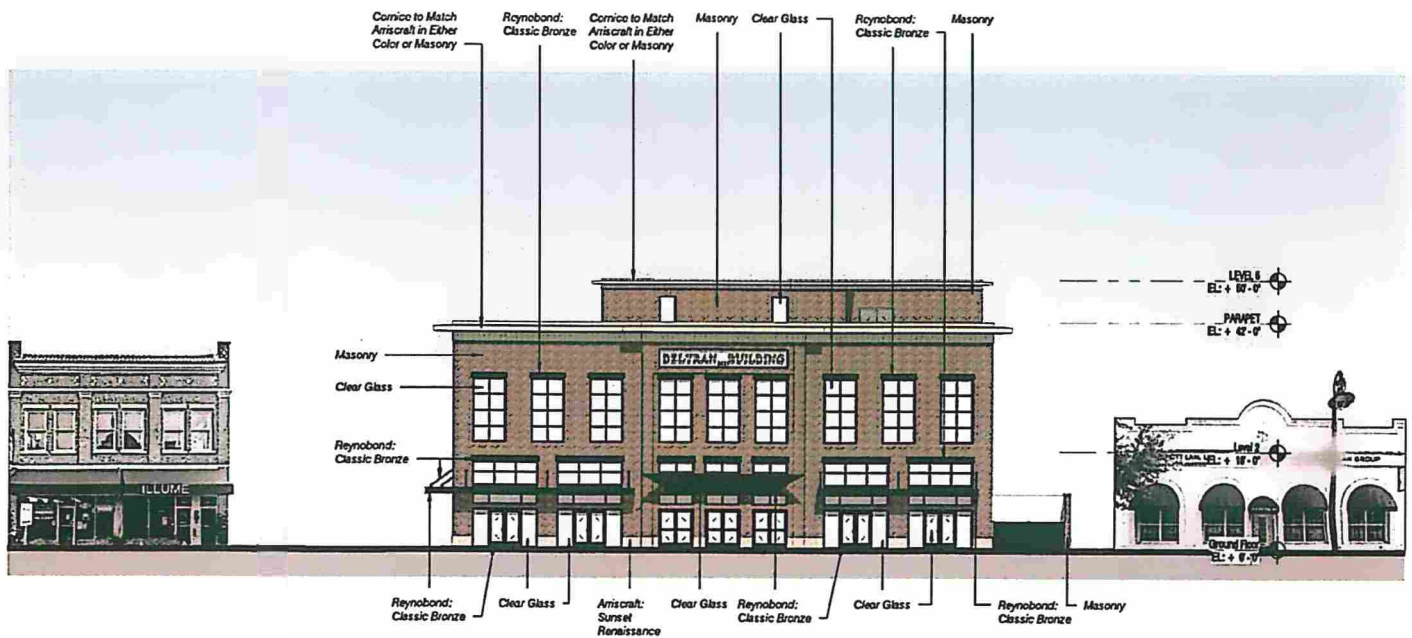


EXHIBIT C
PARKING PLAN

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- 1
- 2
- 3

EXHIBIT D
ARCHITECTURAL STANDARDS



All measurements are subject to change. Not for construction.

GLASSHOUSE SQUARE - Schematic Design - PD Submittal

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NORTH ELEVATION - A

1/16" = 1'-0"

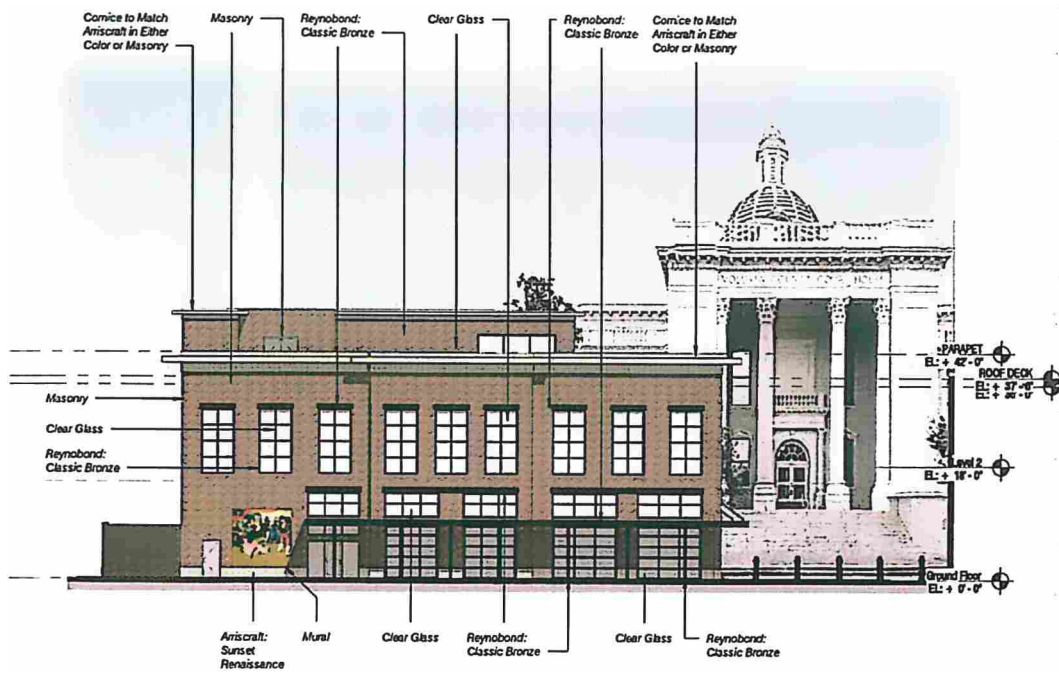
July 20, 2021

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10



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SOUTH ELEVATION - A

1/16" = 1'-0"

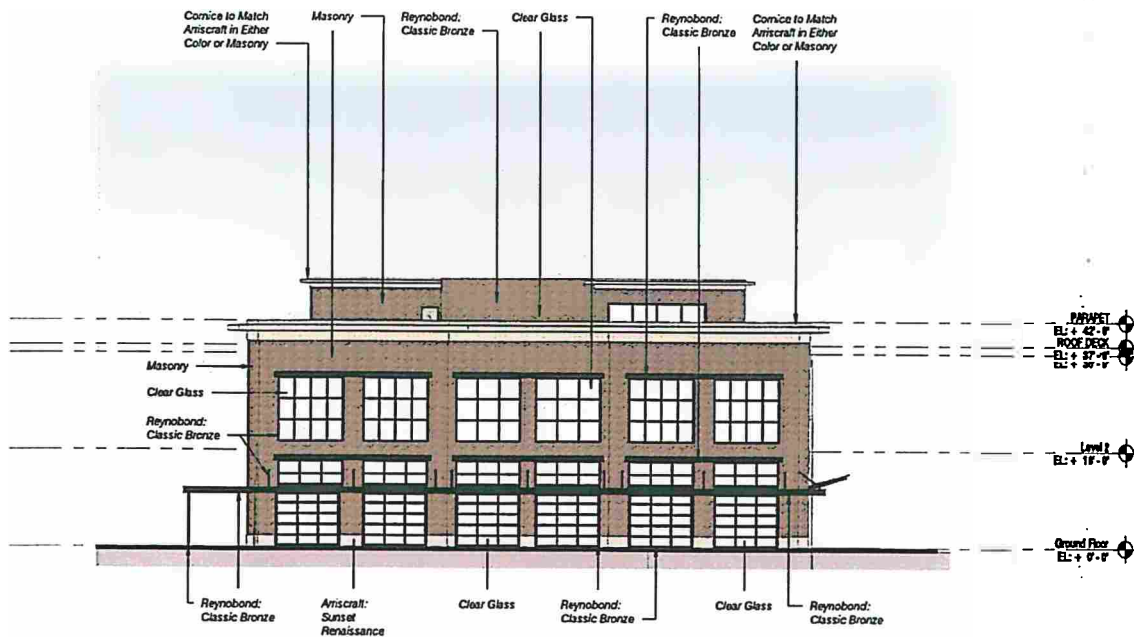
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EAST ELEVATION - A

1/16" = 1'-0"

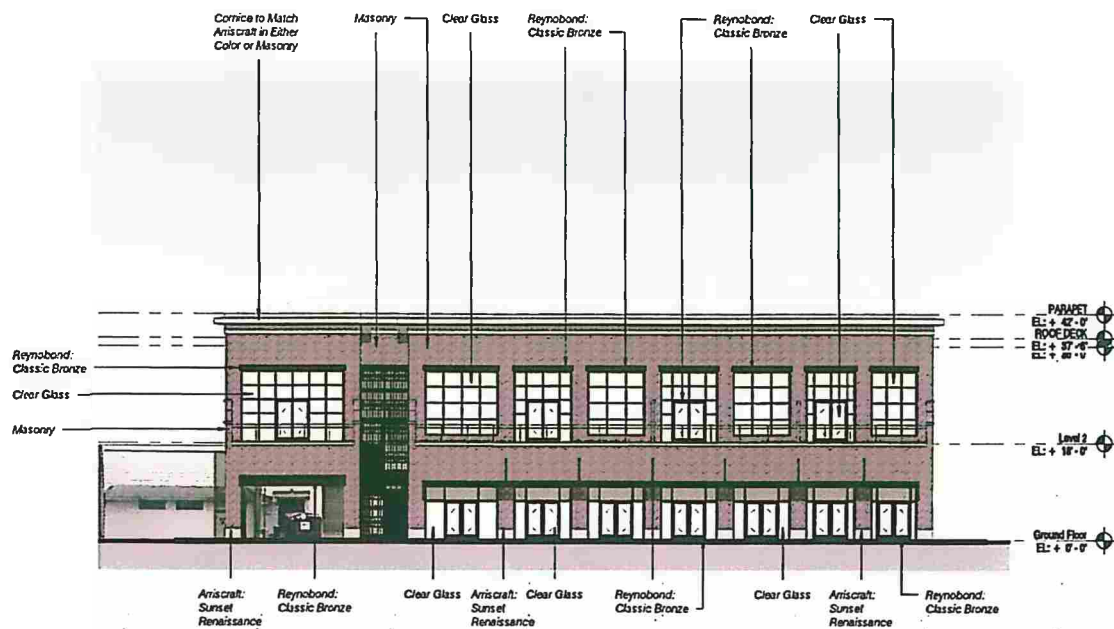
July 20, 2021

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NORTH ELEVATION - B

1/16" = 1'-0"

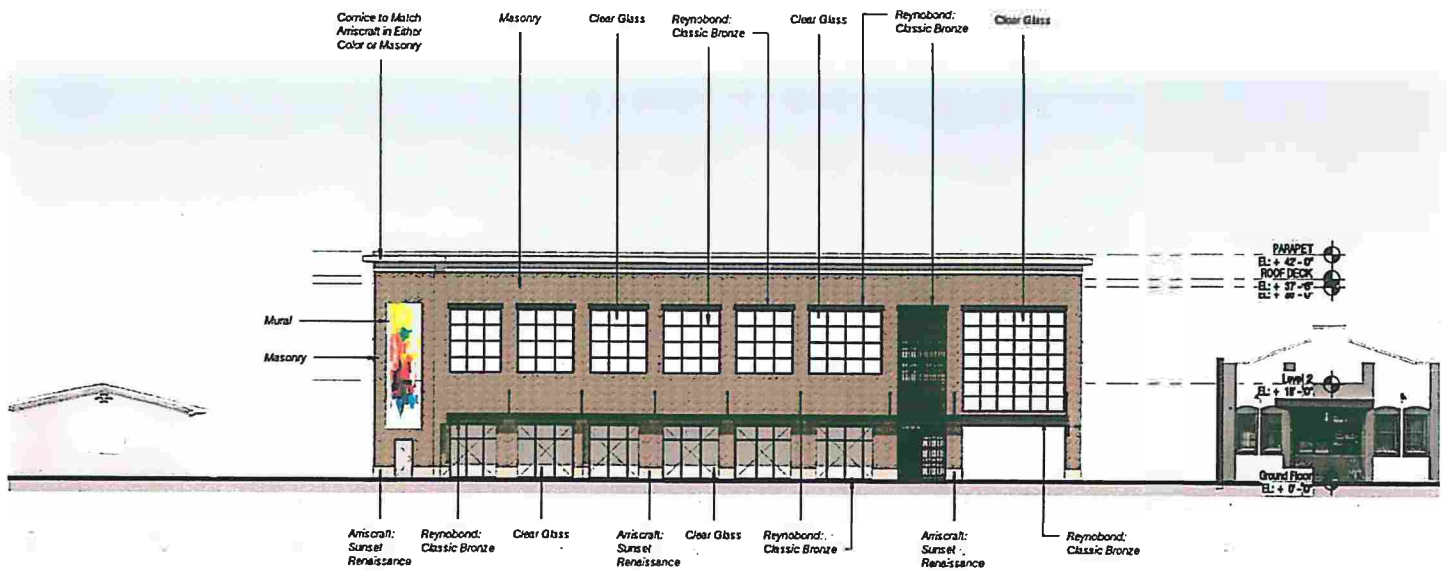
July 20, 2021

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SOUTH ELEVATION - B

1/16" = 1'-0"

July 20, 2021

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VIEW 1

July 20, 2021

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VIEW 2

July 20, 2021

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17



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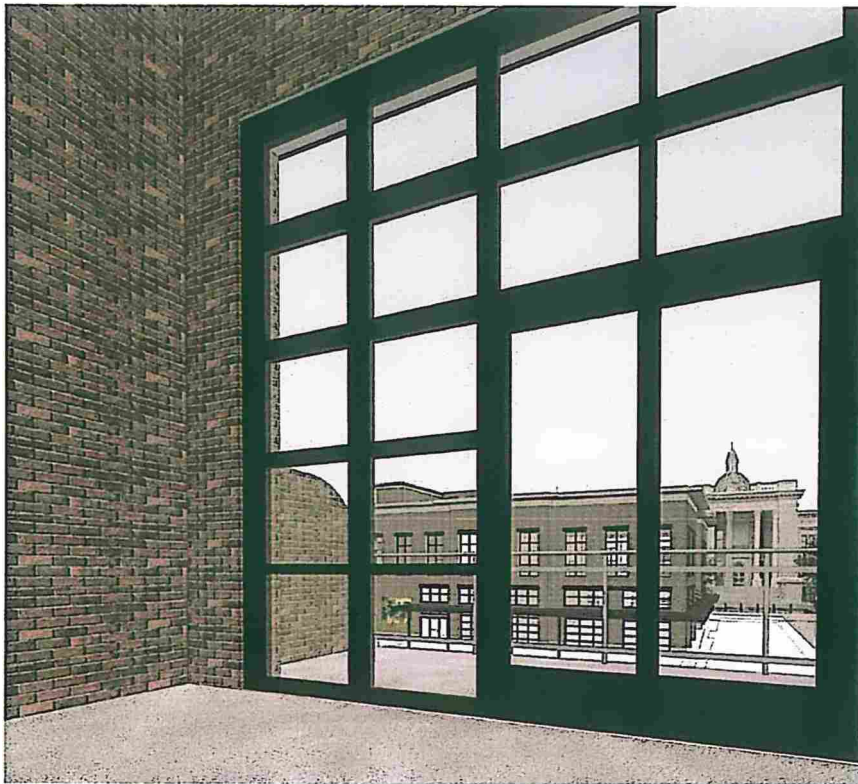
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TOTAL SIGN / COPY AREA = 0.5 SF PER 1 LINEAR FT OF BUILDING FRONTAGE
 114.54 LIN FT X 0.5 SF = 57.27 SF OF COPY AREA
 DELTRAN BUILDING SIGN = 26.99 SF
 (4) FUTURE SIGNS = 7 SF EACH = 28 SF



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North Elevation Copy Area

1/16" = 1'-0"

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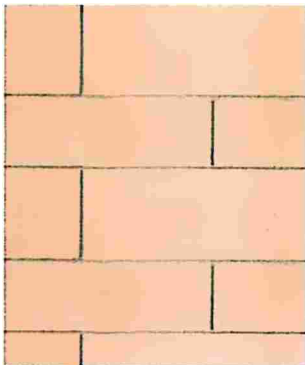
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GLASSHOUSE

MATERIALS



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



CLASSIC BRONZE REYNOBOND
(STOREFRONTS AND CANOPIES)



ELDORADO STONE: BRACCIANO
ROMABRICK



COLOMBUS BRICK COMPANY:
BURLINGTON QUEEN

GROUT: AMERIMIX, DANDELION

VIRACON
800.533.2080 / viracon.com

V17	91%
Int. Reflectance	8%
Winter U-Value	1.02
Summer U-Value	.93
SC	1.03
SHGC	.90
LSG	1.01

See also 20-10-10

CLEAR GLASS: VIRACON

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EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION

PARCEL A:

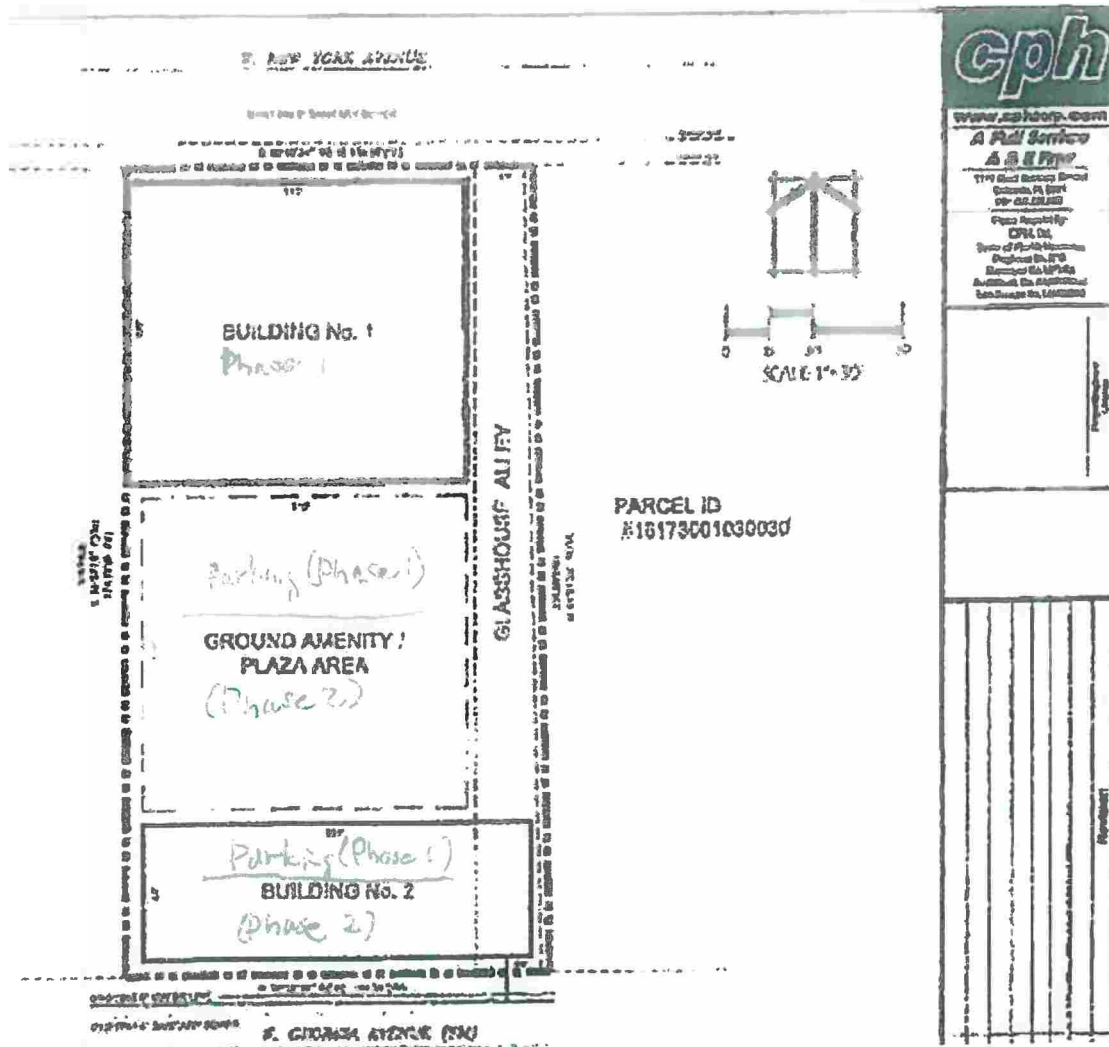
The West 73 feet of Lot 3, Block 3 and the East 64.84 feet of Lot 4, Block 3, Map of Howry's Addition to DeLand, according to the map or plat thereof as recorded in Deed Book G, PAGE 701, Public Records of Volusia County, Florida, Less any portion within the Rights of Way of New York Avenue and Georgia Avenue (F/K/A Short Street).

Also described as:

That portion of Lot 3, Block 3, Howry's Addition to DeLand, as recorded in Deed Book "G", Page 701, Public Records of Volusia County, Florida, lying West of the Westerly line of Miller Hardware Company's Re-Subdivision Map Book 5, Page 156 of aforesaid Public Records, Less any portion lying within the Rights of Way of New York Avenue, a 66 foot wide R/W, and Georgia Avenue (F.K.A. Short Street). Together with that portion of Lot 4, Block 3, Howry's Addition to DeLand, as recorded in Deed Book "G", Page 701, Public Records of Volusia County, Florida, lying East of the following described line; Beginning at a point on the South line of West New York Avenue, as now laid out 66 feetwide, said point being 191.9 feet East of the center line of S. Florida Avenue, said point also being 57 feet East of the established and recognized Northwest corner of said Lot 4, Block 3, Howry's Addition to DeLand, thence South at right angles to West New York Avenue 274.7 feet, more or less, to a point on the North side of Shore Street sometimes called Georgia Avenue, which point is 184.45 feet East of the center line of S. Florida Avenue, and 57 feet East of the Southwest corner of said Lot 4, Block 3, Howry's Addition as established and recognized and marked by an iron pipe.

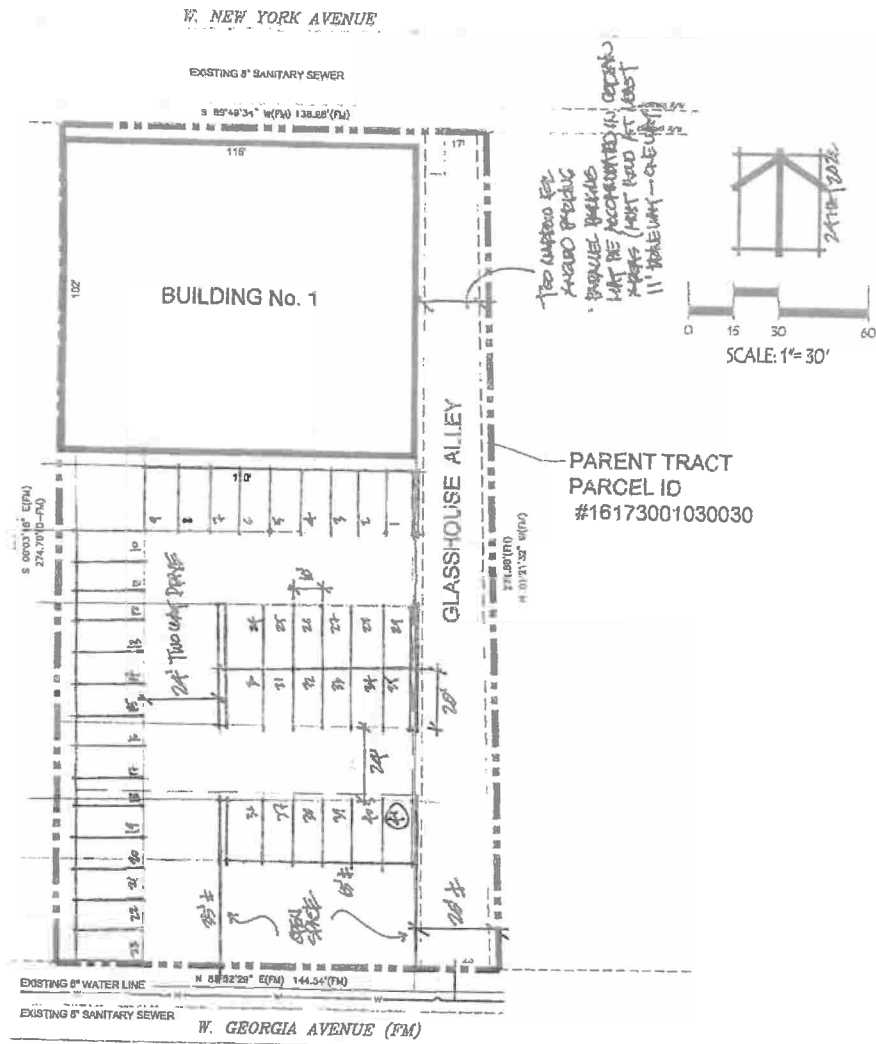
1
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EXHIBIT B
DEVELOPMENT PLAN MAP



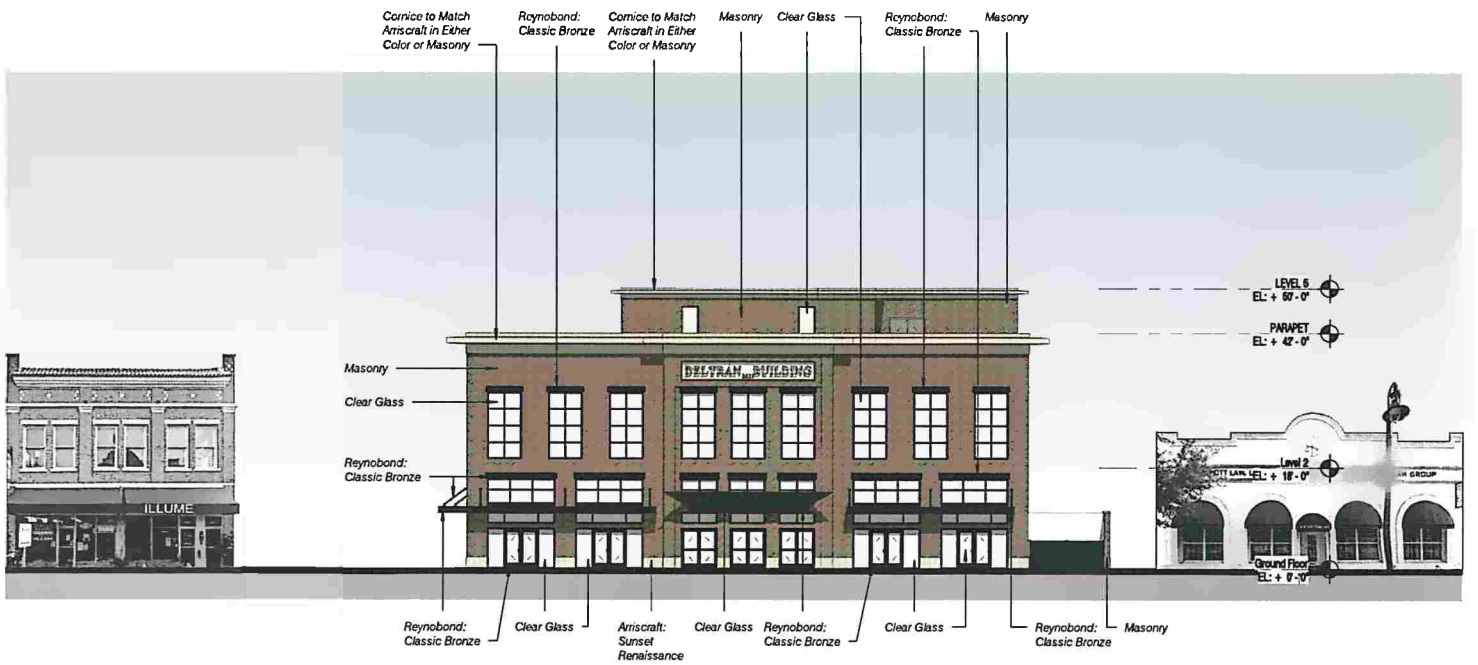
1
2
3

EXHIBIT C
PARKING PLAN



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EXHIBIT D
ARCHITECTURAL STANDARDS



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NORTH ELEVATION - A

1/16" = 1'-0"

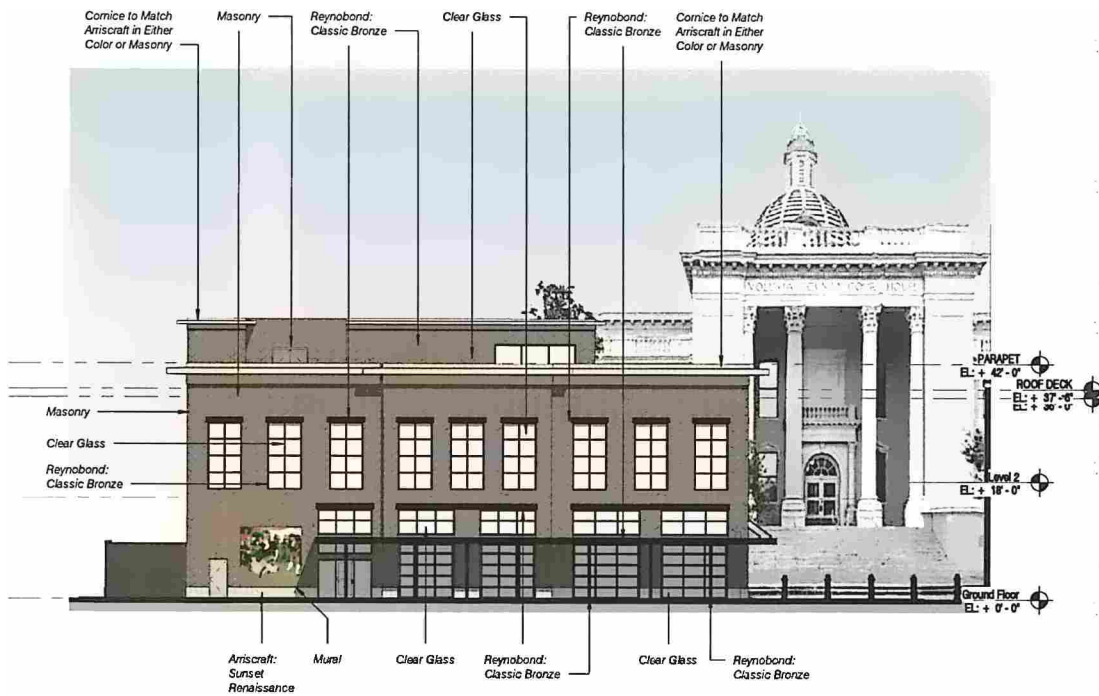
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SOUTH ELEVATION - A

1/16" = 1'-0"

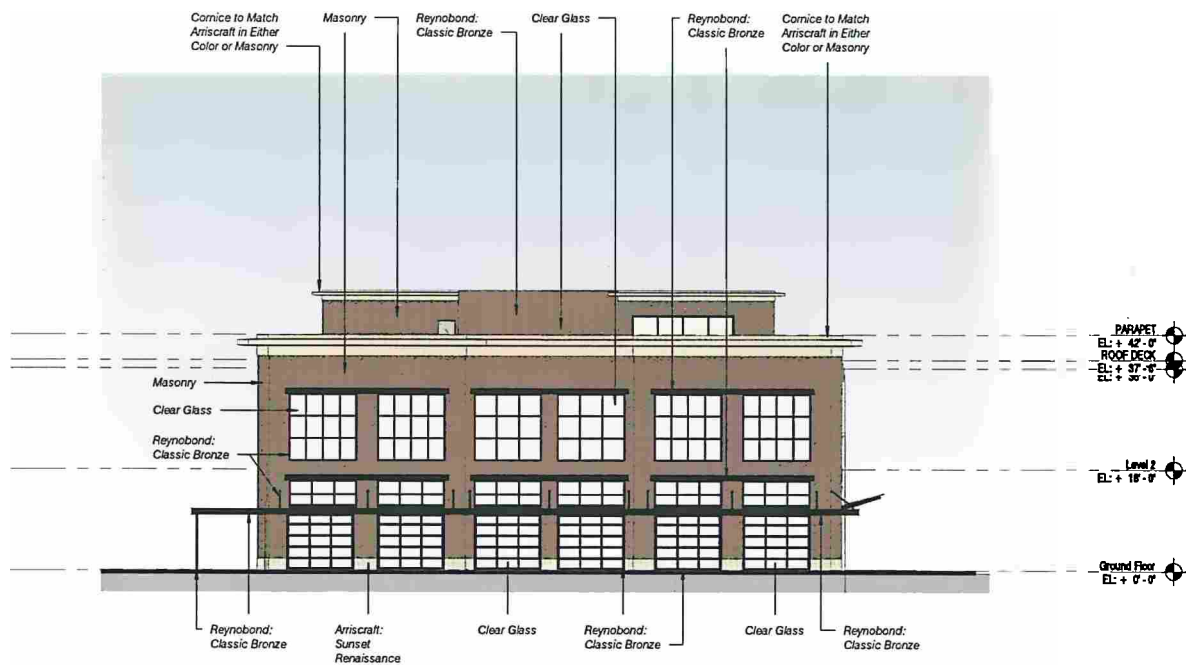
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EAST ELEVATION - A

1/16" = 1'-0"

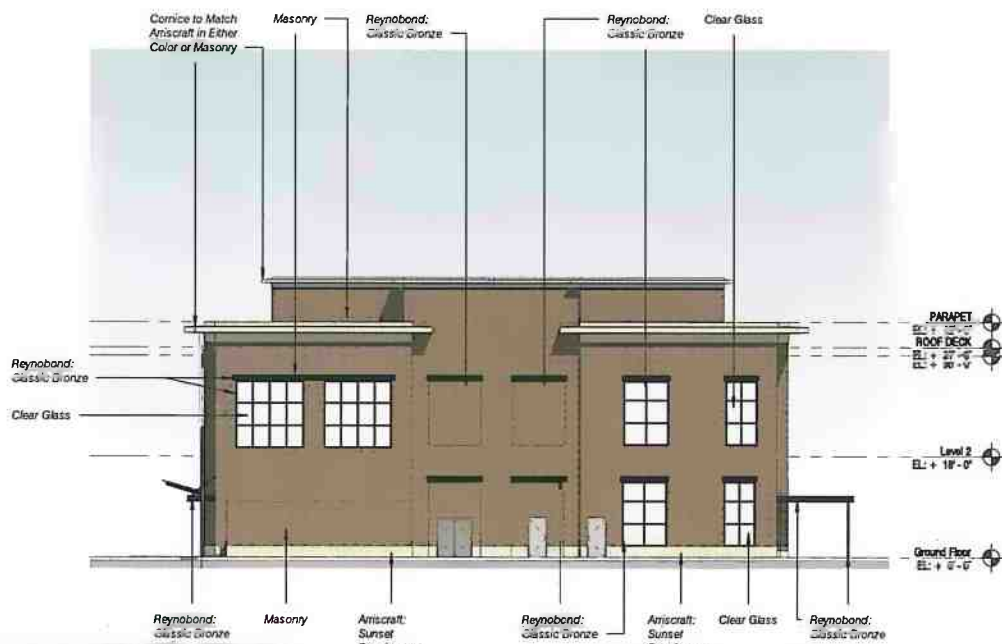
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WEST ELEVATION

1/16" = 1'-0"

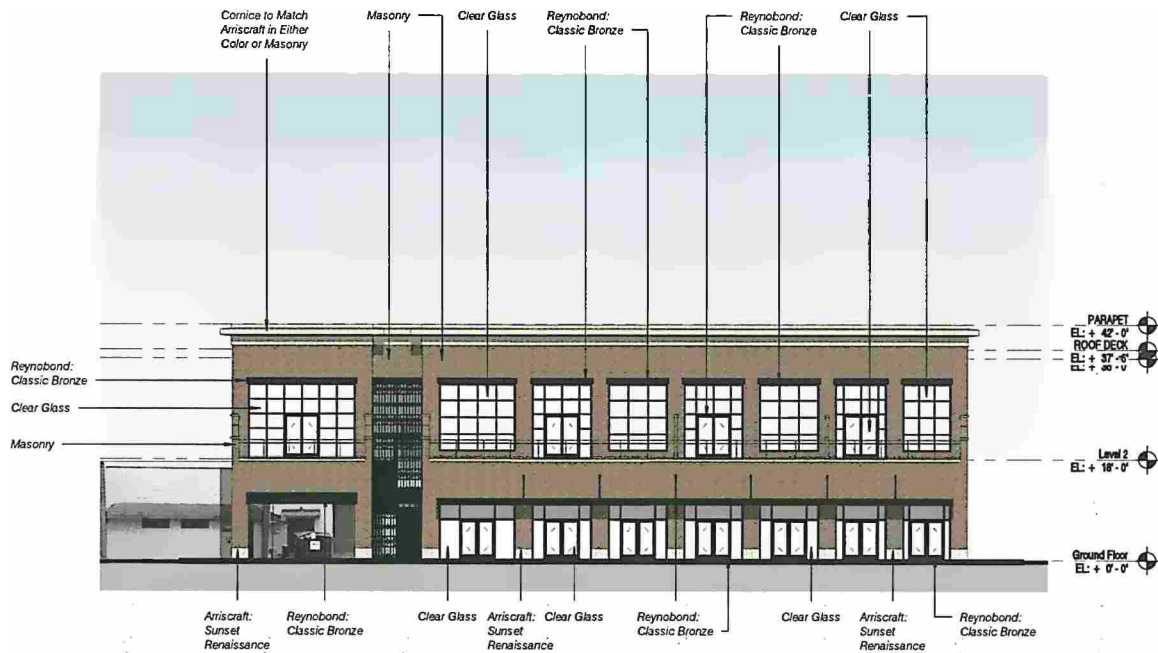
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NORTH ELEVATION - B

1/16" = 1'-0"

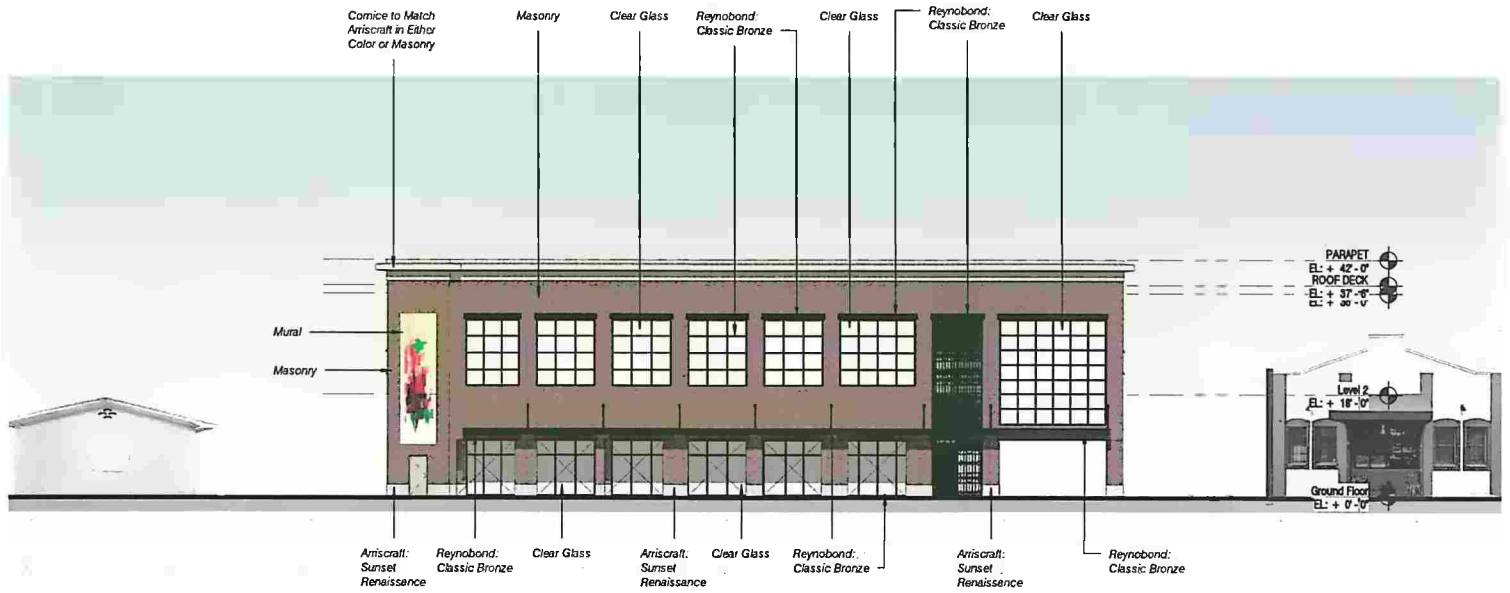
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SOUTH ELEVATION - B

1/16" = 1'-0"

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

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



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North Elevation Copy Area

1/16" = 1'-0"

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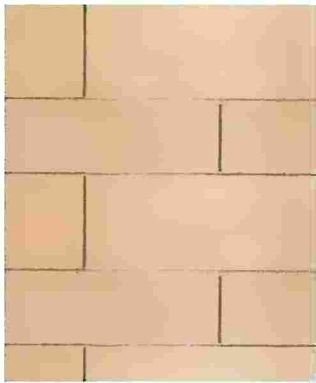
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CLASSIC BRONZE REYNOBOND
(STOREFRONTS AND CANOPIES)



ELDORADO STONE: BRACCIANO
ROMABRICK



COLOMBUS BRICK COMPANY:
BURLINGTON QUEEN

GROUT: AMERIMIX. DANDELION

VT	91%
Est. Reflectance	8%
Winter U-Value	1.02
Summer U-Value	.53
SC	1.63
SHGC	.90
LSG	1.01

Clear Glass: VIRACON

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26

Chapter 20 NOISE¹

Sec. 20-1. Legislative findings; declaration of necessity.

It is found and declared that:

- (1) The making and creating of excessive, unnecessary or unusually loud noises within the limits of the City of DeLand is a condition which has existed for some time and the amount and intensity of such noises is increasing;
- (2) The making, creation or maintenance of such excessive unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the citizens of the City of DeLand;
- (3) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the City of DeLand and its inhabitants.

(Ord. No. 75-7, § 1, 7-7-75)

Sec. 20-2. Prohibitions.

It shall be unlawful, except as expressly permitted herein, to make, cause, or allow the making of any noise or sound which exceeds the limits set forth in this chapter.

(Ord. No. 75-7, § 1, 7-7-75)

Sec. 20-3. Noise limitations.

- (a) *Definitions.* For the purpose of this section of this chapter, certain words and phrases used herein are defined as follows:
 - (1) A *band level* is the total sound level of all noise as measured with a sound level meter using the "A" weighting network. The unit of measurement is the dB(A).
 - (2) *Decibel* is a unit of level equal to ten times the logarithm (base 10) of the ratio of any two quantities proportional to power.

¹Editor's note(s)—Sections 20-1—20-4 "Noise," adopted with the original codification, were deleted by the adoption on July 7, 1975, of § 1 of Ord. No. 75-7, which deleted the entire ch. 20 and substituted in lieu thereof ch. 20, §§ 20-1—20-7, "Noise."

Charter reference(s)—Authority of city to abate nuisances generally, § 21.

Cross reference(s)—Mechanical musical devices, § 8-6, et seq.; noise constituting disorderly conduct, § 21-8.

-
- (3) *Sound pressure level*, in decibels, of sound is 20 times the logarithm to the base ten of the ratio of the pressure of this sound to the reference pressure, which reference pressure must be explicitly stated.
 - (4) *Sound-level meter* is an instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a specified manner.
 - (5) *Noise level* is the sound pressure level as measured in dB(A) by a sound level meter.
 - (6) *Person* is any person, person's firm, association, copartnership, joint venture, corporation or any entity public or private in nature.
 - (7) *Emergency work* is work made necessary to protect persons or property from exposure to danger.
 - (8) All *time* referred to in this chapter shall be the then current legal time in the City of DeLand, Florida.
 - (9) *Daytime* is defined as 7:00 a.m. to 11:00 p.m. and "nighttime" from 11:00 p.m. to 7:00 a.m. in commercial and manufacturing use occupancies. "Daytime" is defined as 7:00 a.m. to 10:00 p.m. and "nighttime" from 10:00 p.m. to 7:00 a.m. in residential use occupancies.
 - (10) All technical definitions are in accordance with American Standard S1. 1-1960 entitled "Acoustical Terminology".
 - (11) Plainly audible shall mean any noise produced by any source, or reproduced by a radio, audio equipment, musical instrument, sound amplifier or other mechanical or electronic sound making device that can be clearly heard by a person using his or her normal hearing faculties, at a distance as defined in subsection 20-4(c) from the property line or right-of-way line of the source of the noise. The detection of a rhythmic bass reverberating type of noise disturbance is sufficient to constitute a plainly audible sound or noise.
- (b) *Classification of use occupancies.*
- (1) *Classification.* For purposes of defining the "use occupancy", all premises containing habitually occupied sleeping quarters shall be considered in residential use. All premises containing businesses where sales, professional, or other commercial use is legally permitted shall be considered commercial use. All premises where manufacturing is legally permitted shall be considered manufacturing use. In cases of multiple use, the more restrictive use category shall prevail. Hospitals, schools, church areas, and Stetson University are considered residential. Any area not otherwise classified shall conform to commercial standards.
 - (2) Reserved.
- Editor's note(s)—Former § 20-3(b)(2), concerning projection of noise, was repealed by Ord. No. 88-41, § 1, adopted Nov. 21, 1988.
- (c) *Measurement of noise.*
- (1) The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute, S1.4 American National Standard Specifications for Sound Level Meters. The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used at all times.
 - (2) The slow meter response of the sound level meter shall be used in order to best determine the average amplitude.

- (3) The measurement shall be made at any point on the property into which the noise is being transmitted and shall be made at least three feet away from any ground, wall, floor, ceiling, roof and other plane surface.
- (4) In case of multiple occupancy of a property, the measurement may be made at any point inside the premises to which any complainant has right of legal private occupancy; provided, that the measurement shall not be made within three feet of any ground, wall, floor, ceiling, roof, or other plane surface.
- (5) All noise measurements provided for in this chapter will be made by designated officials of the city who are qualified to operate the apparatus used to make the measurements as provided for in this chapter.
- (6) Noise in violation of subsection 20-4(c) shall be confirmed by a police officer. The police officer who hears a noise that may be plainly audible shall assess the noise by measuring the distance from the property line or right-of-way line of the source of the noise according to the following standards:
 - a. The primary means of detection shall be the investigating officer's normal hearing faculties, provided the investigating officer's hearing is not enhanced by any mechanical or medical device, such as a hearing aid.
 - b. The investigating officer shall have a direct line of sight and hearing to the real property that is the source of the noise so that the investigating officer can identify the offending source of such noise and the distance involved.

(d) *Tables of noise level limits.*

- (1) *Table I.* Table I specifies noise level limits in dB(A) which if exceeded will have a high probability of producing permanent hearing loss in anyone in the area where the noise levels are being exceeded. No noise shall be permitted within the city which exceeds in duration or noise level that as stated in Table I as follows:

TABLE I
PERMISSIBLE NOISE EXPOSURES*

Duration per day, continuous hours	Noise level dB(A)
8	90
6	92
4	95
3	97
2	100
1 ½	102
1	105
½	110
¼ or less	115

*When the daily noise exposure is composed of two or more periods of noise exposure at different levels, their combined effect should be considered, rather than the individual effect of each. If the sum of the following fractions: $C_1/T_1 + C_2/T_2 \dots C_n/T_n$ exceeds unity, then, the mixed exposure should be considered to exceed the noise level limit value. C_n indicates the total time of exposure at a specified noise level, and T_n indicates the total time of exposure permitted at that level.

If the device producing the noise whose noise levels are in excess of Table I cannot be toned down so that the noise levels are less than those in Table I, then protection should be provided for those in the

area of the noise. The protection must reduce the noise level to below the limits of Table I and must not, itself, produce a safety hazard. Procedures must exist which guarantee that the people in the area of the noise will use the protection.

- (2) *Table II.* Table II specifies noise level which represent limits which if exceeded interfere with the peace, quiet, and general welfare of the city and its inhabitants. No noise shall be permitted within the city which exceeds the noise level limits of Table II, except as expressly authorized by this chapter.

TABLE II
MAXIMUM ALLOWABLE NOISE LEVEL LIMITS IN dB(A) FOR
RESIDENTIAL, COMMERCIAL AND MANUFACTURING OCCUPANCIES

These levels may not be exceeded for more than three cumulative minutes out of any continuous 60 minute period.

District	Day (7:00 a.m. to 10:00 p.m.)	Night (10:00 p.m. to 7:00 a.m.)
Residential	61	55
	Day (7:00 a.m. to 11:00 p.m.)	Night (11:00 p.m. to 7:00 a.m.)
Commercial	66	60
Manufacturing	71	65

- (e) *Motor vehicles.* It shall be unlawful to operate a motor vehicle, or combination of vehicles towed by such motor vehicle which creates a noise or sound which exceeds the noise level limits in Table II except when said vehicle(s) are traveling on public streets, highways, driveways, parking lots and ways open to vehicle travel. It shall be unlawful to operate a motor vehicle in such manner as to exceed the noise level limits of Table III when the vehicle is operating on public streets, highways, driveways, parking lots, and ways open to vehicle travel. Normal operation includes normal acceleration, deceleration and operation at maximum normal speeds in all gears and ranges up to the speed limits currently effective on those streets of the city over which the vehicles may be operated.

TABLE III
NOISE LEVEL LIMITS FOR MOTOR VEHICLES*

- (1) *Trucks and buses.* Eighty-five dB(A) measured 50 feet from the source.
- (2) *Passenger cars, motorcycles and other motor vehicles.* Seventy-nine dB(A) measured at 50 feet from the source.

*The measurement is made as the vehicle drives past. If the reading is above that listed in (1) or (2) of Table III at any time, the vehicle is in violation of the chapter. All distances are measured from center of vehicle or center of driving lane in which the vehicle is being driven.

- (f) *Enclosed places of public entertainment.* It shall be unlawful to sustain in any enclosed place of entertainment to which the public is invited, including but not limited to, a restaurant, bar, cafe, discotheque or dance hall, any noise level equal to or in excess of the standards listed in Table I.
- (g) *Exemptions.* The following uses and activities shall be exempt from noise level regulations except as listed in Table I:
- (1) Air conditioners and lawn mowers are exempt from provisions of Table II of this chapter when this equipment is functioning in accord with the manufacturer's specifications and with all manufacturers' mufflers and noise reducing equipment in use and in proper operating condition.
- (2) Nonamplified crowd noises resulting from the activities such as those planned by student, governmental or community groups.

-
- (3) Construction operations for which building permits have been issued, or construction operations not requiring permits due to ownership to the project by an agency of government; providing such equipment is operated in accord with the manufacturer's specifications and with all manufacturers' mufflers and noise reducing equipment in use and in proper operating condition.
 - (4) Noises of safety signals, warning devices, and emergency pressure relief valves.
 - (5) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
 - (6) Noises resulting from emergency work as defined in section 20-3(A)(7).
 - (7) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the city in accordance with section 20-3(A). Regulation of noises emanating from operations under permit shall be according to the conditions and limits stated on the permit and contained in section 20-3(A).
 - (8) Noises made by persons having obtained a permit to use the streets are exempt from Table II.
 - (9) Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations, and air traffic control instruction used pursuant to and within the duly adopted federal air regulations shall be exempt from the provisions of section 20-3 as well as the other regulations of this chapter. Any aircraft operating under technical difficulties in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations are also exempt.
 - (10) All noises coming from the normal operations of railroad trains are exempt from Table II.
- (h) *Special permits.* Applications for a permit for relief from the maximum allowable noise level limits designated in this chapter except from Table I may be made in writing to the city manager or his duly authorized representative. Any permit granted by the city manager hereunder must be in writing and shall contain all conditions upon which said permit shall be effective. The city manager, or his duly authorized representative may grant the relief as applied for under the following conditions:
- (1) The city manager may prescribe any reasonable conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood, including use of mufflers, screens or other sound attenuating devices.
 - (2) *Permits for entertainment.* Permits may be granted for the purposes of entertainment under the following conditions:
 - a. The function must be open to the public (admission may be charged).
 - b. The function must take place on public property.
 - c. The permit will be given for only four hours in one 24-hour day.
 - d. The function must be staged between the hours of 9:00 a.m. and 12:00 midnight.
 - (3) *Other.* Special permits for nonentertainment special purposes may be issued under the following conditions:
 - a. i. If the special purpose related to the operation of a trade or business that the special purpose not be in the ordinary course of that trade or business; or
 - ii. If the special purpose does not relate to the operation of a trade or business, that the special purpose not be an ordinary event in the affairs of the applicant; and
 - b. If the special purpose be a recurring purpose, that it not recur more often than four times each calendar year; and

- c. i. That the special purpose be absolutely necessary to the operation of the applicant's trade or business; or
 - ii. If the special purpose does not relate to the operation of a trade or business, that the special purpose be compatible with the ordinary activities of the neighborhood in which the special purpose is to occur; and
 - d. Except in emergency situations, as determined by the city manager, the special permit may be issued only for hours between 7:00 a.m. and 11:00 p.m. on weekdays; and
 - e. Special permits may be issued for no longer than one week, renewable by further application to the city manager.
- (4) No permit may be issued to permit the use of any loudspeaker or sound device on the exterior of any building which at any time exceeds the noise level limits in Table II except those used for emergency warnings.

(Ord. No. 75-7, § 1, 7-7-75; Ord. No. 2019-41, §§ 1, 2, 12-2-19)

Cross reference(s)—Streets, sidewalks and other public places, Ch. 26.

Sec. 20-4. Noises prohibited; unnecessary noise standard; statement of intent; sworn complaint required.

- (a) Some sounds may be such that they are not measurable by the sound pressure level meter or may not exceed the limits of Table I, II, or III, but they may be excessive, unnatural, prolonged, unusual and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the City of DeLand.

Noises prohibited by this section 20-4 are unlawful notwithstanding the fact that no violation of section 20-3 is involved, and notwithstanding the fact that the activity complained about is exempt in section 20-3(g).

Thus, the following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exclusive, namely:

- (1) The sounding of any horn or signalling device on any automobile or other vehicle, except as a danger warning; the creation by means of any signaling device of any unreasonably loud or harsh sound; the sounding of any signaling device for any unnecessary and unreasonable period of time; and the unreasonable use of any signaling device.
 - (2) The using, operating, or permitting to be played, used or operated any radio, television, tape or record player, amplifier, musical instrument, or other machine or device used for the production, reproduction or emission of sound, any prolonged sounds made by people, and the keeping of any animal or bird which by causing frequent or long continuous noise in such manner as to disturb the public peace, quiet and comfort of the neighboring inhabitants or at any time with greater intensity than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which such sound emitter is operated and who are voluntary listeners thereto. Quieter standards are expected during the nighttime hours.
- (b) Any person making a complaint under this section shall be required to sign a sworn complaint either prior to or immediately after an arrest is made, otherwise no such complaint will be honored.
- (c) No person shall create on residentially zoned property a sound that is plainly audible at the time and distance requirements set forth in the following table:

Time of Day	Distance
-------------	----------

7:00 a.m.—10:00 p.m.	300 feet or more
10:01 p.m.—6:59 a.m.	150 feet or more

(Ord. No. 75-7, § 1, 7-7-75; Ord. No. 2019-41, § 3, 12-2-19)

Sec. 20-5. Violations, warnings and penalties.

- (a) (1) When a designated official of the city determines in compliance with subsection 20-3(c) that there is a violation of the noise level limits contained herein, he shall issue an official warning to the person or persons responsible for the noise. The warning shall advise the person or persons of the violation of the allowable noise limits, and of the possible penalty if they fail to reduce or eliminate the noise to such allowable limits.
- (2) After the person or persons responsible for the noise are given such warning, a reasonable time to comply with the same shall be given. If the limits of Table I in subsection 20-3(d)(1) are exceeded a "reasonable time" is instanter. Absent special circumstances "reasonable time" (where Table I limits are not exceeded) as used herein is considered 15 minutes in the case of nonvehicular noise emitters and two calendar days for vehicular noise emitters.
- (3) For the purposes of this section, it is sufficient warning for all prohibited noises if the person or persons responsible for any succeeding noises are warned of one offending noise of the same type per 24-hour period.
- (b) (1) If the noise level is not reduced or eliminated to allowable limits within a "reasonable time" after the warning as prescribed in subsection 20-5(a), the person or persons so warned and not complying shall be arrested for a violation of this chapter and upon conviction shall be subject to the penalties designated in section 1-6 of the DeLand Code of Ordinances. Each day that such violation continues shall be considered a separate offense.
- (2) Any person or persons responsible for an unlawful noise shall be subject to the loss of the noise emitter or emitters if they are convicted three times hereunder within a 12-month period and if the convictions were for noises created by the same or same type of noise emitter. Upon their third conviction the appropriate court shall confiscate said noise emitter or emitters and deposit them with the city manager until such time as the offender can positively demonstrate to the court his willingness and ability to operate the emitter within the limits prescribed by this chapter. Any further conviction shall result in permanent confiscation by the appropriate court.
- (3) The city manager shall notify the operator of any device which produces noise in excess of the limits set by Table I, subsection 20-3(d)(1) that it is a health hazard. The city manager shall have the power and authority to have such devices removed or toned down instanter until such time as they can be otherwise operated in compliance with this chapter.
- (c) The owner, tenant or lessee of property, or a manager, overseer or agent, or any other person or persons lawfully entitled to possess the property from which the offending noise is emitted and at which time the offending noise is emitted shall be responsible for compliance with this chapter, and each may be punished for violations of this chapter. It shall not be a lawful defense to assert that some other person caused such noise, but the lawful possessor of the premises shall be responsible for operating or maintaining such premises in compliance with this chapter and shall be punished whether or not the person actually causing such noise is also punished.
- (d) (1) When a police officer determines in compliance with subsection 20-4(c) that there is a violation of the noise level limits contained therein, the officer shall issue a warning to the person or persons responsible for the noise. The warning shall advise the person or persons of the violation of the allowable noise limits, and of the possible penalty if they fail to reduce or eliminate the noise to such allowable limits. The officer shall

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document the warning in writing, recording the date, time, property address, and name or identity of the person given the warning.

- (2) After the person or persons responsible for the noise are given such warning, a reasonable time to comply with the same shall be given. A reasonable time shall generally be deemed immediately or so long as it would take a reasonably diligent person to reduce the noise level.
- (3) If the noise level is not reduced or eliminated to allowable limits within a "reasonable time" after the warning as prescribed in subsection 20-5(d)(2), or if the person or persons so warned comply with the warning, but violate subsection 20-4(c) again within four hours of the first warning, the person or persons so warned and not complying shall either be arrested or the officer shall forward a criminal complaint to the office of the city attorney for a violation of this chapter and upon conviction shall be subject to the penalties designated in section 1-6 of the DeLand Code of Ordinances.
- (4) The following penalties apply to violations of subsection 20-4(c):
 - a. First violation: warning (unless the warning is not complied with in which case arrest may be made pursuant subsection 20-5(d)(3);
 - b. Second violation within 12 months of initial warning: \$250.00 civil citation;
 - c. Third violation within 12 months of initial warning: \$500.00 civil citation with mandatory court appearance;
 - d. Fourth violation within 12 months of initial warning: constitutes a misdemeanor criminal violation of this chapter subject to the penalties designated in section 1-6 of the DeLand Code of Ordinances.

(Ord. No. 75-7, § 1, 7-7-75; Ord. No. 2019-41, § 4, 12-2-19)

Sec. 20-6. Additional remedy; injunction.

The operation or maintenance of any device, instrument, vehicle or machinery in violation of any provisions hereof which endangers the comfort, repose, health and peace of residents in the area is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

(Ord. No. 75-7, § 1, 7-7-75)

Sec. 20-7. Manner of construction.

It is the intention of the city commission that each separate provision of this chapter shall be deemed independent of all other provisions herein, and it is further the intention of the city commission that if any provisions of this chapter be declared to be invalid, all other provisions thereof shall remain valid and enforceable.

(Ord. No. 75-7, § 1, 7-7-75)

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Planning for new building projects should consider the impacts of demolition, excavation, dewatering, and construction on adjacent buildings.

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An Overview of Risks in Adjacent Demolition and Construction

With effective planning and communication, the risks of demolition and construction next to existing buildings can be evaluated and managed, reducing the likelihood of damage and disputes between adjacent property owners. Many of the same physical risks also apply where a building is demolished or constructed next to an existing one with the same owner.

Construction activities next to existing buildings are a common occurrence, not only in urban environments where buildings adjoin property lines or share party walls, but also in many projects involving building additions. Demolition, excavation, dewatering, and construction carry greater risk of causing damage when performed close to existing buildings (Figure 1), especially if the new building is taller or extends deeper into the ground than its predecessor. New buildings can also move differently in response to wind or earthquake loading, redirect the flow of water from precipitation, or alter the pattern of snow drift formation, creating new demands that existing buildings might not have the capacity to accommodate.

The Need for Communication

The risk of damage to existing buildings is typically lower on projects where adjacent property owners proactively communicate, where experienced design professionals are engaged to evaluate risks and develop mitigation strategies, and where qualified contractors are hired to implement them. A peer review of the proposed adjacent design can identify potential risks to the adjacent property. Mitigation strategies often include monitoring of building movement and/or ground vibration, which could be performed by a design professional, subcontractor, or

third-party consultant. It is recommended that owners of existing buildings retain their own consultants for an independent review of the risk mitigation strategies proposed by the new building design team and any issues that arise during project execution.

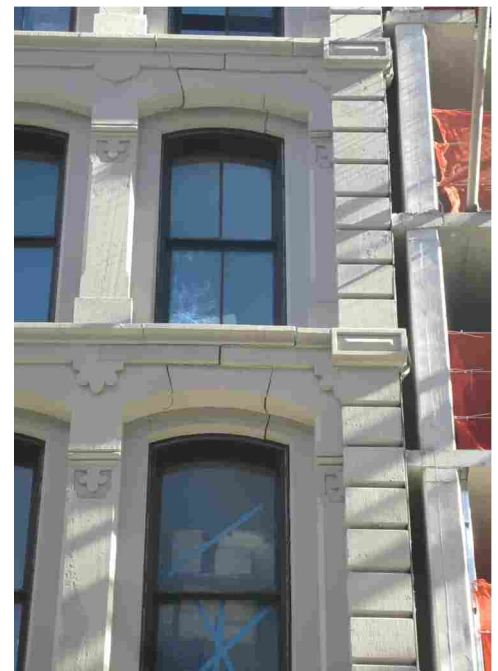


Figure 1. Cracking and displacement of existing stone arches due to foundation settlement associated with adjacent construction. New floor slabs also extend into a required seismic gap, where they can apply damaging earthquake loads to the existing building.

An Overview of Risks in Adjacent Demolition and Construction (CONTINUED)



Figure 2. Inadequately secured sheets of plywood, intended for roof protection, can be dislodged by wind. This city's building code requires the plywood to be fastened over a layer of scaffold plank.



Figure 3. Installation of seismograph (at right) and monitoring data logger (at left) in progress at foundation wall of existing building.

The property owner and design team for the new building should be aware of the vulnerabilities of existing buildings and minimum building code requirements for protection of adjacent properties (Figure 2). Experienced consultants and knowledgeable attorneys can help inform existing building owners about their rights to protection and their duties to provide access for installing monitoring and protection measures. These rights and duties are established in the building code and can be further defined through legal contracts such as a license or access agreement between adjacent property

owners. In some instances, these agreements include payment of a license fee by the developer for use of an adjacent property.

Although consultants and attorneys should remain involved throughout the duration of a project, it is critical to engage them during the planning phase to help set expectations, limit miscommunication, and mitigate risks posed by demolition, excavation, dewatering, and construction.¹ Negotiating an access agreement requires adjacent property owners to achieve compromise on the scope of monitoring and protection measures, which may increase project cost but reduce the risk of even greater expenditures in the event of damage or collapse. Access agreements should include provisions for independent review of all proposed construction details affecting the existing building, including those discussed in the following sections. Failure to reach an agreement may result in litigation, with the new building project proceeding without communication between parties. In some cities, failure to reach an agreement can result in the responsibility for underpinning and other protections being assigned to the owners of existing adjacent buildings.

If the opportunity for communication is missed during project planning, e.g., due to adversarial relationships or limited knowledge of building code requirements, schedule and budget pressures may discourage consideration of risk mitigation measures, or make them more challenging or costly to implement, once work is under way. Also, the rising new building can obstruct access to existing walls along property lines, making it significantly more difficult and expensive to perform needed bracing or weatherproofing work. Although

it may still be possible to mitigate risks to existing buildings later in the project, this often comes at an increased cost due to litigation, work stoppage or delay, and inefficient out-of-sequence work.

Typical Risks and Mitigation Strategies

Project plans should anticipate how the new building could impact adjacent properties, not only during demolition, excavation, and construction, but also in its completed state. Typical risks and mitigation strategies to be considered by the new building design team, and the adjacent property owners and consultants reviewing their work, include the following:

Preparation: Before starting work, monitoring of background (ambient) vibrations, pre-construction condition assessments of existing buildings, installation of crack width gauges or monitors, and optical surveying or laser scanning can identify vulnerabilities and set a baseline for evaluation of any subsequent reports of adjacent building movement or damage. Some building codes include limits on building movement and vibration. For existing buildings of exceptional sensitivity or significance, preemptive stabilization or bracing, temporary removal of fragile contents, or lower-than-typical movement and vibration limits may be appropriate.² Access should be arranged for installing monitoring and protection measures before work begins (Figure 3).

Demolition: Where demolition is necessary to clear the site for the new building, plans should consider limiting vibration from demolition equipment and falling material, protecting lower roof surfaces and adjacent areas from uncontrolled debris, carefully removing joists from party walls and filling the resulting pockets, and preventing collapse due to structural instability

An Overview of Risks in Adjacent Demolition and Construction (CONTINUED)



Figure 4. Timber sheeting at underpinning approach pit with adjacent areas improperly excavated alongside the existing foundation, increasing the risk of soil movement.

as bracing elements are removed. If temporary backfill of the basement or cellar is required after demolition, existing adjacent foundation walls should be evaluated and braced as necessary to resist lateral earth pressure imposed by the backfill. Water management measures, such as pumps with backup power, should be considered to prevent water from precipitation, dust control, or other construction operations from collecting in open cellars and infiltrating through foundation walls of adjacent buildings. Existing wall surfaces and roof edges exposed by demolition should be assessed for air and water penetration resistance and weatherproofed, at least for the duration of temporary exposure, if not also to provide a continuous weathertight building envelope for each adjacent building.

Excavation and Foundations: Removal of soil from beneath an existing foundation (undermining) is generally unacceptable, except in controlled underpinning operations. Excavating vertically downward alongside an existing foundation (Figure 4) should also be avoided, as it removes lateral support provided by the soil beneath or adjacent to the foundation, which may slide downward or buckle outward into the excavation. Excavation support systems (e.g., sequential underpinning with concrete piers, soldier piles with timber lagging, secant piles, and soil berms or benches) and associated dewatering schemes should be selected to keep vertical and lateral soil movement within acceptable limits. Equipment for installing excavation support systems, drilling or driving deep foundation elements, and removing rock should be selected to prevent excessive vibrations from damaging adjacent buildings. Water management measures should be considered to prevent precipitation, groundwater, drilling fluids, and water leaking from utility lines from infiltrating through foundation walls of adjacent buildings, promoting settlement of supporting soil, or causing erosion of soil berms or benches within the excavation.

Superstructure Construction: The risks of adjacent building movement and damage due to foundation settlement or lateral displacement may decrease once the new building's foundation walls are braced by the permanent structure of the first floor, allowing monitoring to be reduced or discontinued. However, it may be prudent to continue some monitoring until after the new building is "topped out," as the increasing dead load on its foundations may cause additional settlement of soil supporting the foundations of adjacent buildings. Building code may also require horizontal separations, also called seismic

gaps, to allow new and existing buildings to displace independently in response to wind and earthquake forces without impacting each other or transferring loads between lateral force-resisting systems. Required separations may be filled with compressible material but should be clear of rigid protrusions that reduce their width. As in the demolition phase, the need to protect lower roof surfaces and adjacent areas from falling material should be considered.

Building Interfaces: Vertical and skyward-facing interfaces between new and existing buildings should be detailed to exclude water and vermin. Where the new building rises above adjacent buildings, existing roof drainage systems should be evaluated for additional flow from precipitation running down rising walls onto lower roof surfaces (Figure 5). Existing roof structures should be evaluated for the additional weight of snow sliding from higher roof surfaces or forming drifts against rising walls. The need for extending or redirecting existing chimney flues, exhaust ducts, plumbing vents, fire escapes, means of egress, and similar items should also be evaluated. Openings in walls covered by the new building typically require infill; fire resistance considerations may apply to the detailing of infill or to the protection of existing openings in adjacent walls.



Figure 5. This interface between a rising wall and an existing roof will require careful detailing to exclude water. Any active chimney flues will also need to be extended above the new, higher roof line.

An Overview of Risks in Adjacent Demolition and Construction (CONTINUED)



Figure 6. Former shared wall following demolition of existing building, with short lengths of steel channel attached to anchors bracing the masonry to floor structure at each level.

Additional Considerations for Party Walls

Party walls, also known as shared walls, are located along property lines and provide support shared by the buildings on either side. If the building on one side is demolished, the party wall must be maintained in good condition to provide continuing support to the adjacent building (Figure 6). Responsibilities related to party walls may be defined in the building code, property easements, and/or access agreements.

Party walls are common in rows of homes or small commercial buildings that were built concurrently and intended to function together as one structure. As with many structures constructed prior to the development of modern building codes, row structures were not designed to resist wind pressure and other lateral loads. Instead, designers or builders chose wall thicknesses and floor and roof joist sizes and spacings based on empirical rules, which would allow relatively slender party

walls with as little as two wythes (vertical layers) of brick masonry between adjacent buildings in a row.

In row structures, party walls carry primarily gravity loads, are not exposed to wind pressure, and are braced against buckling by the floor and roof joists on both sides. The combined length of the front and rear facades helps compensate for the lateral resistance lost to door and window openings and gives the group a greater lateral resistance than the sum of its parts, which is known as the “bookend effect.”

The demolition of one or more buildings in a row structure can have several negative impacts on structural stability.³ The removal of floor and roof joists from one side of a party wall often means that the wall is no longer effectively braced against buckling in that direction, unless joist-to-wall anchors are installed as demolition proceeds. The resulting discontinuity in the front and rear facades disrupts the “bookend effect,” reducing the overall lateral resistance of the buildings that remain.

Disruption of the “bookend effect” can occur even when a building is removed from the end of a row structure, as the connections between front and rear facades and party walls at the interior of a row are typically not as strong as the exterior wall corners of end units. Disturbance of masonry at facade-to-party wall intersections during demolition can also reduce the bracing of party walls against buckling. Given that party walls were typically built of lower-quality materials not intended for exposure to weather, exposure by demolition can result in rapid deterioration of masonry, deterioration of wood framing embedded in masonry, moisture infiltration, and damage to interior finishes.

Bracing and waterproofing are typically recommended when existing party walls are exposed, especially if the new building is structurally independent and separated from adjacent buildings. If a former party wall is not properly anchored to the remaining floor and roof joists after the corresponding joists are removed from the opposite side, it could buckle into the gap between the buildings and/or collapse. While it may be less disruptive to install joist-to-wall anchors from the exposed face of a former party wall, they can also be installed from the interior, even after the exposed face is obstructed by the new building. Connections between front and rear facades and exposed party walls should also be reviewed and reinforced if necessary. If waterproofing of the exposed face is either temporary or omitted, it will be particularly critical to ensure that interfaces between new and existing buildings are properly sealed in accordance with details developed and reviewed by qualified design professionals.

Conclusions

Planning for new building projects should consider the impacts of demolition, excavation, dewatering, and construction on adjacent buildings. New buildings that rise above or extend below adjacent ones present additional risks and increase the need for evaluation. Where a new building replaces a demolished portion of a row structure, there are additional considerations related to bracing and weatherproofing of former party walls. In all cases, communication between adjacent property owners and independent review of proposed monitoring and protection measures by a qualified consultant can help limit the risk of damage to existing buildings.

An Overview of Risks in Adjacent Demolition and Construction (CONTINUED)

¹ For a more detailed discussion focused on historic buildings, see Chad Randl, *Preservation Tech Note 3: Protecting a Historic Structure During Adjacent Construction* (Washington, D.C.: National Park Service, 2001), <https://www.nps.gov/tps/how-to-preserve/tech-notes/Tech-Notes-Protection03.pdf>

² See Arne P. Johnson and W. Robert Hannen, "Vibration Limits for Historic Buildings and Art Collections," *APT Bulletin* 46:2-3 (2015), pp. 66-74, https://www.apti.org/assets/docs/Johnson-HannenHiRes_SampleArt_46.2-3.pdf

³ See Dan Eschenasy, "Cases of Failure of Unreinforced Brick Walls Due to Out-of-Plane Loads," *Structure* (May 2011), pp. 14-17, <https://www.structuremag.org/wp-content/uploads/2014/08/C-StrucForensics-Eschenasy-May111.pdf> ; Dan Eschenasy, "Development Along Old Party Walls," *Structure* (June 2017), pp. 12-15, <https://www.structuremag.org/wp-content/uploads/2017/05/C-StrucPractices-Eschenasy-Jun17.pdf>

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IDENTIFYING AND AVOIDING RISKS FROM ADJACENT CONSTRUCTION

Valued for their ability to convey the past through existing materials and features, historic buildings must also survive in an ever-changing present. That change is often characterized by new building construction and demolition activities on neighboring sites. Whether it is the modest renovation of an existing building or the demolition of an existing structure and construction of a new high rise, physical damage to an adjacent historic building may occur. It is important for both the historic property owner and those responsible for the neighboring work to give careful consideration to the potential risks. Early planning offers the opportunity to identify these risks and to determine successful ways to avoid them.

Problem

The forces that contribute to the deterioration of a historic building, from atmospheric pollutants to the footsteps of visitors, often take decades and even centuries to exact their toll. Demolition activities and new construction on neighboring sites, however, can cause immediate harm to the physical integrity of a historic structure. In the instant it takes an improperly planned excavation blast to crack the foundation of an adjacent historic structure, or for a

steel beam to be dropped from a construction crane onto its roof, significant damage may occur. Additionally, adjacent construction work can expose the neighboring historic building to concentrations of dust, vibration and fire hazards that would normally be experienced only over the course of many years.

These concerns are often overlooked when a project is undertaken next to historic resources. In some situations, the historic property manager may be unaware of the nature and extent of work at an neighboring site. In other cases, the new construction team is not familiar with the particularly fragile character of the neighboring historic structure or decides to repair any damage after the fact rather than avoiding it from the beginning.

Solution

Effective planning and protective measures initiated before construction takes place can prevent most of the damage that may occur to adjacent historic buildings. Depending upon the nature of the project, protective measures may be limited to documenting and monitoring the historic structure or may encompass a broader plan that includes encasing windows, indepen-



TEMPORARY PROTECTION

NUMBER 3

Protecting a Historic Structure during Adjacent Construction

Chad Randl

Technical Preservation Services
National Park Service

When historic structures are exposed to adjacent construction or demolition work, a protective plan including documentation, monitoring and specific safeguards should be implemented to prevent damage and loss of historic fabric.

dent review of excavation procedures and a range of other precautions. Cooperation between all parties can help to ensure that construction activity continues without interruption and that the neighboring historic building is preserved unharmed.

The information provided in this *Tech Note* can serve as a basis for discussions between the historic property manager and the developer of the adjacent site aimed at ensuring the protection of the historic building in a cost-effective manner. This guidance is also applicable where new construction is undertaken on the same site as the historic structure.

Although adjacent construction work often poses a more immediate threat than the incremental impacts of weather or pollution, the best defense for both situations is that buildings be in good condition. A well maintained structure with tight mortar joints, strong connections between interior and exterior walls, solid foundations and sound plaster is at less risk from neighboring activity than a neglected structure.

Providing adequate protection involves the following steps: 1. consultation between the historic building owner and development team to identify potential risks, negotiate changes and agree upon protective measures; 2. documentation of the condition of the historic building prior to adjacent work; 3. implementation of protective measures at both the construction site and the historic site; and 4. regular monitoring during construction to identify damage, to evaluate the efficacy of protective measures already in place, and to identify and implement additional corrective steps.

Consultation

Early consultation between the historic property owner and the developer of the neighboring construction site is the first and often most important step. Establishing such contact has many advantages. Consultation provides the foundation for a mutually beneficial relationship that is cooperative rather than adversarial. The process gives the historic site owner an opportunity to become familiar with the scope of the impending project and for the development team to understand the historic structure's vulnerabilities. Consultation permits all parties a chance to propose, discuss, and negotiate changes to the construction plan that reduce the risk of damaging adjacent historic

resources. The ultimate goal is to draft a protection plan acceptable to both parties.

Resolving concerns before construction is underway can save time and money, as well as the need to repair damaged historic fabric. It is crucial that such discussions take place during the paper stage of the project, before final decisions are made. If not, the developer may conclude that changes would be cost prohibitive and that it is preferable to repair damage after it takes place. Early consultation also provides information that can be used to assess whether the level of insurance coverage is sufficient to meet the specific project risks.

The owner of a historic property cannot in most cases compel the support and cooperation of the development team. If, after consultation has been attempted, the level of protection provided is not sufficient, the aid of local building officials should be sought. Local building officials, through the permitting process, can often insist that changes be made to development plans to ensure that adjacent properties are protected. Local building codes may also provide safeguards by establishing certain conditions such as maximum vibration levels.

Other parties can also participate in and contribute to the consultation

process. The support of neighborhood committees, local non-profit preservation organizations, independent engineers and the historic district commission (if applicable) may be enlisted to ensure that protection concerns are fully addressed. The developer will benefit from the assembly of a team, including or representing the general contractor, architect, structural engineer, construction manager, and subcontractors, who can be present at consultation meetings and play a continuing role in balancing protection efforts with development interests.

Preconstruction meetings should address several issues. Most important, the parties should reach an understanding about what steps will be taken to protect the historic structure (see figure 1). Responsibility for implementing the agreed upon protections should be established among the developer, the general contractor and relevant subcontractors, and the historic property owner. Such decisions should be listed in performance specifications that accompany agreements between the contractor and the developer. A walk-through of the historic building by the development team is also advisable. Finally, schedules for major work such as excavation, and requirements for materials delivery, site storage, and other use of the premises by the con-

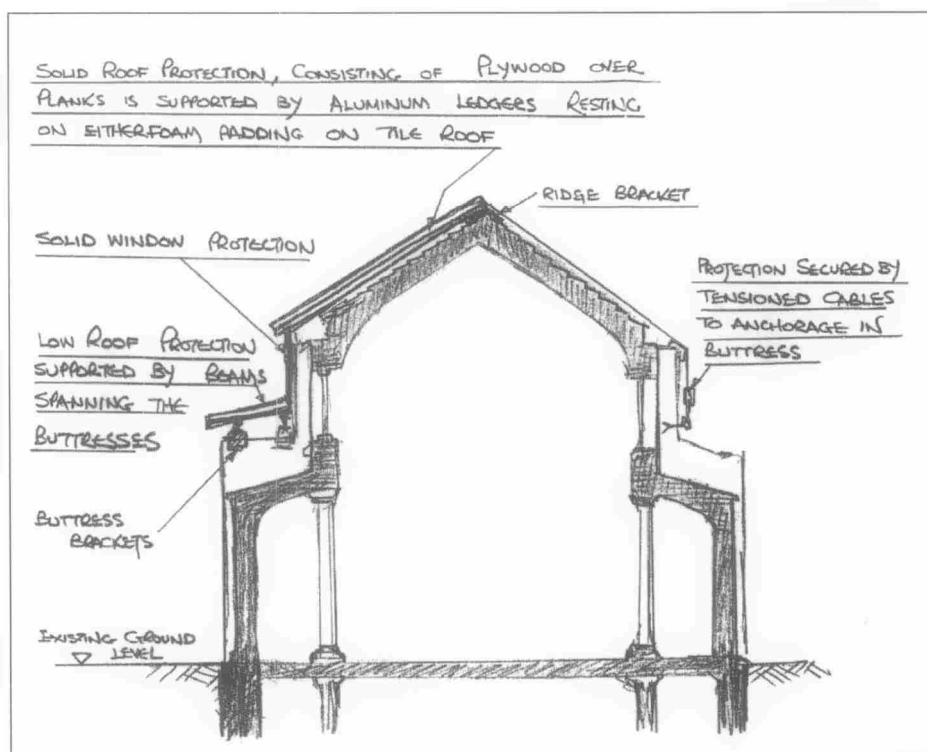


Figure 1. Before new construction was undertaken to the left of this church, a subcontractor was hired to design a protective system for the tile roof and clerestory windows. Drawing: Alan Shalders, Universal Builders Supply, Inc.

tractor should be discussed and arranged to minimize disruptions to the historic site.

Documentation

A crucial step following consultation with the developer is to document the existing condition of the historic structure. Such an investigation provides a "baseline" from which changes to the building during the adjacent construction can be identified, monitored and assessed. Like the consultation process, thorough documentation benefits both the historic property owner and the developer. For the former, it may be used to substantiate claims that damage occurred as a result of the neighboring construction work by illustrating the previously sound condition of the historic building. If the damage existed prior to construction work, the record can show that it was not caused by the developer's negligence. In the case of future litigation, the documentation record can serve as evidence along with the testimony of the professional who undertook the assessment.

Both parties should ensure that the documentation is objective and accurate. Joint surveys, in which both the developer and the historic property owner participate or sign off on noted conditions, are most likely to ensure that the resulting data are not in dispute. When the developer pays for the assessment, it is advisable that an independent professional be hired and that the survey results be accessible.

Information obtained through documentation can also be used in formulating a protection plan for the historic building. By characterizing existing damage and exposing potential weaknesses, the documentation process identifies areas of the structure that may require additional protection as well as appropriate locations for monitoring equipment. Features that should receive particular attention during visual inspections would also be highlighted. Although a formal building condition survey including analysis, repair proposals and cost estimates is not necessary, the property owner may find that the disruptive period during adjacent work provides an opportune time for a thorough survey program.

Documentation of existing conditions should take the form of written descriptions, 35mm color photographs and/or a videotape recording. Photographs should show both the interior and exterior of the building, with

close-up images of cracks, staining, indications of settlement or other fragile conditions. A complete interior and exterior crack survey should be undertaken to identify and characterize existing cracks (see figure 2). Their locations can then be plotted on a drawing of each wall or ceiling surface. While identifying every hairline crack may be impractical in a large building or one that exhibits a great deal of preexisting damage, the more thorough the documented record, the better. The condition of features such as arches, chimney stacks and parapet walls determined by the engineer to be particularly susceptible to distress should also be recorded even when no damage is apparent.

Common Risks and Protective Measures

Each instance of new construction or demolition next to an existing historic structure will involve varying risks to that structure. The proximity of the historic site to the project and the scope of the project are two of the most significant variables. Construction of a high rise building with deep foundations is more likely to affect a neighboring structure than the rehabilitation of a nearby rowhouse. However, the converse may be true if the rowhouse is

directly adjacent to and sharing a wall with the historic structure. Other factors influencing the degree of likely impact include the age, construction type and structural integrity of the historic building, as well as the depth and makeup of its foundation and its surrounding soil types.

Owners should also anticipate the effect increased dust, vibration and fire risk will have upon interior architectural features and furnishings. For the most sensitive objects, such as chandeliers, paintings and glassware, temporary removal to an off-site location may be the safest course. Those features that cannot be easily removed, including plaster ceiling medallions and cornices, can be cushioned and buttressed by padded wood supports. Additional information concerning the safeguarding of interior features can be found in the preceding *Tech Note* in this series, "Temporary Protection, Number 2. Specifying Temporary Protection of Historic Interiors During Construction and Repair."

The remainder of this section addresses some of the more common dangers to historic structures when new construction or demolition activities occur nearby. The description of each potential impact is accompanied by suggested approaches for reducing or eliminating those risks.

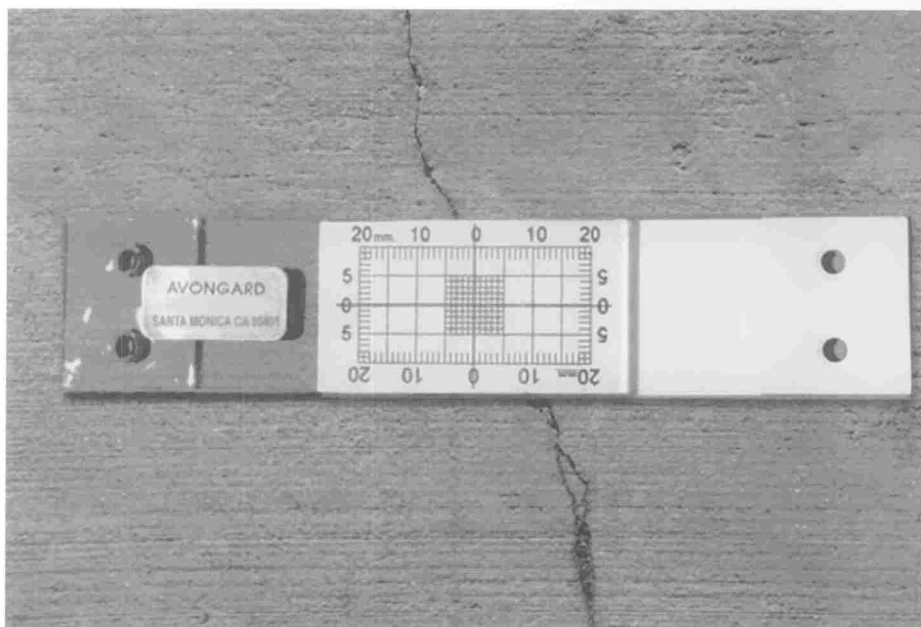


Figure 2. With advanced notice of adjacent construction activity, a crack monitor can be used to determine whether existing cracks in the historic building are stable or still experiencing movement. Compared with measurements taken during the monitoring phase, such information can help determine if subsequent movement resulted from work on the neighboring site. Photo: Avongard Products U.S.A., Ltd.

Vibration

Demolition and new foundation work are common sources of vibrations that can affect adjacent structures. The tools and methods used in demolition, such as impact hammers, wrecking balls, pavement breakers and implosion blasting, produce vibrations that may be transmitted to the historic structure. Similarly, techniques used to prepare new foundations (pile driving and blasting) create potentially dangerous vibrations. Vibrations may also be caused by increased truck traffic accompanying new construction or demolition work. In all cases, the force of the vibrations reaching the adjacent historic structure depends upon the activity generating the vibrations, the distance between the source and the existing structure, and the type of soil or pavement found between the two.

Historic structures may be particularly vulnerable to the effects of vibrations generated at an adjacent site. Deferred maintenance and past alterations may have produced structural weak points that are susceptible to damage. Historic finishes, such as plaster walls and ceilings, lack the flexibility to accommodate abnormal movement, while shallow foundations (common in historic buildings) may lack the rigidity to resist vibration induced movement.

Mitigating the effects of vibrations should begin during the consultation process when acceptable levels can be set and alternative processes explored. Hand demolition is an appropriate substitute when conventional demolition activities may cause excessive vibrations. If pile driving is likely to damage adjacent structures, the contractor may be able to employ non-displacement piles that are inserted in bored holes rather than driven. Lower vibration levels can also be achieved by "jacking-in" or pressing the piles into the ground. Locating delivery entry and exit points farther from the historic site may reduce vibrations caused by increased vehicular traffic. Once construction is under way, continual crack and vibration monitoring provides an effective warning system, indicating that established safe thresholds have been crossed.

Movement

Excavation and foundation work can also cause ground displacement and movement of an adjacent historic

building. New construction almost invariably calls for digging a foundation that is much deeper than the foundations of neighboring historic buildings. This is especially true for projects that include underground parking facilities. A historic structure, with a shallow masonry or stone foundation and wall footings, may experience corresponding displacement that can result in major structural damage.

Efforts to control movement should begin during the consultation phase. Whether the developer's engineer selects underpinning or strengthened excavation walls with tie backs as the means to resist movement of the adjacent structure, the historic building team should retain its own engineer to review the plans (*see figure 3*). The consulting engineer should ensure that the selected approach addresses the unique characteristics and vulnerabilities of the historic structure and that even incidental movement is restricted.

Water

A well functioning water drainage system is essential to the protection of any historic structure. This system can easily be rendered ineffective by neighboring construction or demolition work. Debris originating at the construction site often finds its way to the gutters, downspouts and drains of an

adjacent building. Drainage mechanisms may also become inoperable when excavation workers inadvertently seal off or collapse old pipes running from neighboring buildings. If blocked pipes cannot remove water from both above and below the surface of an historic site, excessive moisture levels or flooding may result.

Regular visual inspections (part of the monitoring program described later) are one of the best means of thwarting increased moisture levels. The inspection procedure should include checking gutters, valleys and exposed drains for any obstructions. Also, indications of dampness or water damage in the basement and where gutters and downspouts meet other building surfaces should be noted.

Construction site runoff from cement mixing and cleaning and dust suppression activities should not flow toward the historic property. Although placing screens and wire cages over exposed areas of the drainage system may provide some protection from obstructions, such installations need to be inspected just as frequently. Low-pressure water washes can occasionally be used to flush the system of dirt and debris. To reduce the possibility that drainpipes will be blocked at the adjacent construction site, all concealed pipes should be traced from their origins at the historic structure and the



Figure 3. Concrete pier underpinning to an existing building may be necessary when adjacent construction occurs. In this example, pits are hand dug beneath the foundation of the historic building to provide space for wood forms. After concrete is poured into the forms, the space between the top of the pier and the bottom of the original foundation is packed with a quicksetting grout. The historic building owner should retain an independent engineer to ensure that the underpinning plan adequately protects the historic structure. Photo: Professor Arpad Horvath, Department of Civil and Environmental Engineering, University of California, Berkeley.

information passed on to the appropriate contractors. Final landscaping and grading patterns on adjacent construction sites should be examined to ensure that rainwater is not routed towards the historic building.

In some cases, the lack of water beneath an historic structure can lead to damage. Buildings located in areas with a high water table were often constructed upon timber piles. When groundwater or storm water is removed from a neighboring site during foundation excavations (a process known as "dewatering"), the groundwater level beneath the historic site may also drop. Previously submerged timber piles that are exposed to air can quickly begin to undergo dryrot. If there is reason to suspect that the structure was built on such a foundation, the property manager should work with the neighboring construction team to maintain the existing water table. This can be done using watertight excavation support systems such as slurry walls which ensure that most of the water pumped out of the construction site does not come from adjacent properties. Dewatering of soft clay ground may also result in settlement of a neighboring building, as ground water pressure is reduced and the soil consolidates.

Fire and Security Concerns

The heightened possibility of fire accompanies many demolition and new construction activities. Temporary heating devices, torches, sparks, molten metal and undersized electrical utility panels are some of the most common sources of fire at construction sites. Additionally, the improper storage of fuels, cloth rags and brushes also presents opportunities for fire to ignite and spread. The *Tech Note*, "Specifying Temporary Protection of Historic Interiors during Construction and Repair," provides detailed information on reducing the likelihood of fire in situations involving work near historic structures.

The security of a historic building can be threatened when adjacent construction provides opportunities for illegal entry. Newly constructed floor levels at the building site may make the neighboring historic structure's ledges, windows and rooftops accessible to trespassers. Window openings on the historic building should be fastened and all doors from the roof to the interior should be locked. Where a historic structure is protected by an intruder

alarm system, that system should be upgraded to protect rooms that are rendered accessible from the outside. In cases where the historic structure does not directly abut new construction or demolition activity, attention should still be paid to the possibility that incidents of vandalism and theft will carry over to the historic site.

Physical Impact

Construction or demolition can cause direct physical damage to neighboring historic features and materials. Cranes, hoists and workers on upper floors of a construction site can drop building supplies and tools onto an adjacent historic structure. Misdirected debris chutes and backing vehicles may also leave their mark.

Generally, to counter these occurrences, protective barriers are placed over any area of the historic structure deemed at risk. If the new construction will rise above the historic building, plywood sheets should be placed over the roof to distribute the force of dropped materials (*see figure 4*). Plywood covers should also be placed over decorative roof embellishments such as finials and balustrades. Alternately, horizontal netting can be rigged to shield vulnerable rooftop features.

Facades that are directly exposed to adjacent construction sites should receive close attention. To avoid dam-

age, windows should be covered with plywood. Layers of cushioning materials can be placed between the plywood covering and particularly fragile windows, such as stained glass. If entire wall surfaces are vulnerable, scaffolding should be erected against the facade and debris netting placed on the outside of the scaffolding. Plastic sheeting can provide added protection in areas where acidic cleaning solutions may splash onto historic facades, windows and other surfaces.

The best means of protecting a historic structure from physical impact, however, is often to have adequate horizontal and vertical netting and barriers in place at the construction site. When adjacent buildings are adequately considered in the construction site netting and scaffolding plans, protective measures at the historic site can be less intrusive, and the likelihood of damage reduced even further.

Additional Dangers

Other byproducts of new construction and demolition, such as dirt and dust, can also pose threats to an adjacent historic structure. Dust suppression measures including the installation of fabric enclosure systems should first be employed at the building site (*see figure 5*). Despite these efforts, historic building owners will undoubtedly have to deal with raised levels of dust infiltration. Accordingly, vulnerable interi-



Figure 4. Dropped equipment, tools, and materials all present risks when new construction rises above neighboring historic structures. In this case, the historic slate roof was completely covered with sheets of exterior grade plywood. Photo: National Park Service files.



Figure 5. The historic building on the left is partially protected from debris and dust generated by the renovation of the structure to the right. Such temporary enclosure systems consist of a polyethylene or other fabric shell stretched between an aluminum frame. Photo: Walton Technology, Inc.

or objects and artifacts should be covered or temporarily moved to another location. Windows can be taped shut or temporarily sealed with clear polyethylene sheets. Additional mats or carpets near entrances can help reduce the amount of dirt tracked inside. An accelerated maintenance program that includes thorough and frequent cleaning and HVAC filter replacement, is an effective means of addressing the degraded environment surrounding a construction site. To lessen the chance of airborne asbestos infiltration, the exhaust from sealed work areas must be properly filtered and vented away from historic buildings.

The owner of a historic property should anticipate the increased rodent and pest presence that accompanies major demolition activity. Newly opened holes in old foundations are easy escape routes that should be promptly sealed. The construction or demolition site rodent control plan should include provisions for protecting adjacent historic resources. Concurrently, the historic property owner should consider securing a contract with an independent extermination company. Plans should include both preventive measures to reduce conditions favorable to infestation as well as a system of eradication such as rodenticide and traps.

Monitoring

A monitoring program should be established during the consultation and documentation phases and continued until adjacent work is finished. It is undertaken to detect, gauge, record and interpret structural movement, the effects of vibration and other changes to the historic building that result from neighboring construction or demolition work. Data collected during the monitoring program can serve as a baseline for any subsequent movement or changes to site drainage patterns that arise within the first years after construction is completed. Ultimately, monitoring shows the degree to which steps taken to protect an historic structure from adjacent construction are sufficient and successful.

Because of liability concerns, those responsible for a new development will often arrange to monitor an adjacent structure. As with a documentation program, the historic property owner may want to hire an independent engineer to review both the monitoring process and the measurements that result.

The extent of the monitoring program and the tools used will depend upon the scope of the adjacent activity. A basic plan to address concerns over vibration levels may include a single seismograph placed on the structure's

basement floor. More comprehensive measurements can be obtained by locating sensors at several points throughout the structure and the ground immediately adjacent to the historic building foundation (*see figure 6*).

Whether acceptable vibration levels are mandated by law or left to the discretion of a project engineer, thresholds should take into account surrounding soils, the makeup and condition of the adjacent foundation and the particular vulnerabilities of the historic resource. Construction projects that involve major excavation work next to historic structures should include a program of test blasting before work begins. Testing various charges, delays and blast design configurations will aid in developing a controlled program that limits blast induced damage to a neighboring property.

Structural movement as described in the preceding section is detected and recorded using a number of different tools. Electronic monitors that feed precise movement measurements to laptop computers can be placed across existing cracks (*see figure 7*). When budgets are tight or a large number of cracks are involved, inexpensive tell-tales made from two sheets of overlaid plastic with a grid can be used to track changes.

Optical survey instruments provide another means of detecting vertical and lateral movement within a historic building. Control points are established and marked by targets or reflectors on the historic structure facade and interior walls before adjacent construction begins. The location of each of these markers is precisely measured at regular intervals. Engineers then use the resulting information to determine whether the markers have shifted from their original positions and, if so, the rate and direction of movement.

A program of visual inspections undertaken by a qualified conservator or engineer is an important adjunct to technical monitoring procedures. Inspectors should look for newly opened cracks, other signs of settlement and movement, and evidence of increased dampness or water infiltration. Additionally, visual inspections should ensure that temporary protective coverings are secure, that dust and dirt are not accumulating in the historic building, and that fire and hazardous material protection provisions are being upheld. A checklist can be drawn up during the consulting and documentation phases for use during



Figure 6. A seismograph records vibrations transmitted at the ground level of an historic building. The instrument is wired to a light and siren designed to warn the excavation crew that vibration levels are approaching preset limits. Additional sensors are often installed in the basement and on sensitive features such as stained glass windows. Photo: Wilson, Ihrig & Associates, Inc.

each visual inspection. Such a systematic written record may also prove useful if disputes arise over the timing of and responsibility for damage.

Conclusion

Protecting a historic building from adjacent construction or demolition activity requires thoughtful planning and cooperation between the developer and the historic property owner. Thorough pre-construction documentation of the historic structure ensures a common understanding of present conditions and suggests appropriate damage prevention measures that can be taken at both the historic site and the construction site. A routine program of visual inspection and vibration and movement monitoring helps insure early detection of the effects neighboring construction work is having on the historic building. Early consideration of these issues, before damage takes place or worsens, can allow for the adoption of safeguards that protect the developer's schedule and budget and the physical integrity of the historic structure.



Figure 7. Electronic crack monitor and survey targets are shown installed on an existing wall. The crack monitor feeds movement data to a laptop computer. The targets are aligned and measured with optical survey equipment to determine the degree and direction of movement. Photo: McMullan and Associates, Inc.

Checklist for Historic Property Owner and Historic Site

- ☐ Consult with developer, and other parties to determine extent of work and identify necessary protective measures
- ☐ Conduct survey of existing conditions, including 35 mm photographs, crack inventory and description of other damage
- ☐ Include historic building in construction site fire plan
- ☐ Secure windows and rooftop doors that are made accessible by new construction
- ☐ Remove particularly fragile interior objects and furnishings from site
- ☐ Install temporary supports beneath fragile features that are not moved
- ☐ Place plywood coverings on openings that face construction area
- ☐ If adjacent construction rises above historic site, protect roof with plywood covering, encase rooftop embellishments
- ☐ If construction is directly adjacent, cover historic facade to protect against mortar and acidic cleaning solution
- ☐ Install temporary floor coverings at entrance and seal windows facing construction site to limit dust infiltration
- ☐ Remove dust from interior surfaces on accelerated schedule
- ☐ Clean HVAC system & filters on accelerated schedule
- ☐ Clear obstructions from gutters and drainage system regularly
- ☐ Establish monitoring program, including:
 - 1) Seismographs to ensure that effects of blasting, pile driving and other work are at acceptable levels
 - 2) Crack monitors and optical survey methods to detect movement
 - 3) Schedule of regular visual inspection

Checklist for Development Team and Construction Site

- ☐ Consult with historic property owner and other relevant parties to identify necessary protective measures
- ☐ Review and sign off on pre-construction condition survey of adjacent property
- ☐ Arrange delivery locations and times to limit disruption and possible damage to neighboring historic structure
- ☐ Explore excavation and demolition methods that produce low vibration levels
- ☐ Limit movement of adjacent building with sufficient underpinning or reinforced excavation walls
- ☐ Reduce changes to adjacent ground water level during dewatering
- ☐ Ensure water runoff is not directed toward historic structure
- ☐ Install appropriate debris nets to prevent dropped materials from impacting historic building
- ☐ Direct debris chutes away from historic structure
- ☐ Install fabric enclosure system to reduce spread of construction dust
- ☐ Include adjacent historic building fire plan and ensure fuels, rags and brushes are stored appropriately and not directly adjacent to historic site
- ☐ If asbestos or lead remediation is involved, ensure exhaust from sealed building is filtered and vented away from historic site and that lead chips are gathered and removed
- ☐ Include adjacent historic structure in rodent control program and seal openings in demolished foundation
- ☐ Participate in monitoring program at historic site to ensure that vibration levels or indications of movement are within established thresholds

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PRESERVATION TECH NOTES are designed to provide practical information on traditional practices and innovative techniques for successfully maintaining and preserving cultural resources. All techniques and practices described herein conform to established National Park Service policies, procedures and standards. This Tech Note was prepared pursuant to the National Historic Preservation Act which direct the Secretary of the Interior to develop and make available to government agencies and individuals information concerning professional methods and techniques for the preservation of historic properties.

Comments on the usefulness of this information are welcomed and should be addressed to PRESERVATION TECH NOTES, Technical Preservation Services NC200, National Center for Cultural Resources, National Park Service, 1849 C Street, NW, Washington, DC 20240.

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PTN 42

July 2001

**PLANNING DEPARTMENT STAFF REPORT
TO
PLANNING BOARD**

July 20, 2022

APPLICATION NO.: Z22-063 (*continued from June 15, 2022 Planning Board*)

APPLICANT: Mr. Mark Watts, Cobb Cole

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

APPLICABLE REGULATIONS:

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

A. SITE FACTORS:

Location:	Northwest quadrant of SR 472 and Interstate 4
Parcel Size:	± 143.2 acres
Land Use:	Southwest Activity Center (Commerce District/West Central District)
Existing Zoning:	Volusia County R-4, A-1, A-1C, I-1, I-1C
Existing Use:	Mostly undeveloped

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

B. ANALYSIS:

The proposed development consists of ± 143.2 acres of vacant, wooded land, located at the northwest quadrant of SR 472 and Interstate 4. The property appears to be mostly wooded and lies outside of the 100-year floodplain and is clear of any wetlands. The applicant is requesting to rezone the subject property from Volusia County's R-4, A-1, A-1C, I-1, I-1C, to DeLand Tech Park Planned Development.

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

THE FOLLOWING TRC COMMENTS REMAIN:

Planning Revised Comments:

PD Agreement

1. Pinehurst Drive is not to be a public road, as it does not benefit the public.

Forestry Revised Comments:

1. Please modify both drawings to show smaller trees in the median and remove trees between the street and sidewalk. These trees should be 5' to 15' back from the right-of-way.

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

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

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

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

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

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

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

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

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

The SWAC has trip allowances based on the uses and the district (Commerce/West Central/Community). According to the SWAC plan, the maximum allowable trips for the Commerce district is 13,700 average daily trips; for the West Central District the allowable

trips totals to 19,600 average daily trips; and for the Community district, the maximum allowable average daily trips per day is 4,700 trips.

In a Trip Comparison Memo provided by the applicant dated May 27, 2022, the three land use categories for the SWAC are compared. In this memo, trip data for upcoming projects within the SWAC are compared with the maximum trip threshold for the entirety of the SWAC, if fully developed. The comparison includes not only the DeLand Tech Park PD, but it also includes data from the proposed DeLand CTC development, Canopy Terrace and a trip projection for the Advent Health parcel. The provided trip comparison demonstrates how the proposed DeLand Tech Park PD will not cause the maximum number of trips allotted in the SWAC plan to be exceeded, accounting for build-out of the SWAC.

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

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

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

6. Was there a mistake in the original classification?

There was no mistake in the original classification.

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

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

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

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

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

C. CONCLUSION:

The original SWAC designation was designed for high intensity uses including office, commercial, industrial and recreational uses. With this application, the applicant is proposing a rezoning from Volusia County's R-4, A-1, A-1C, I-1, I-1C, to DeLand Tech Park PD in order to develop the subject property for a range of commercial and industrial uses located within the Southwest Activity Center (SWAC).

D. PLANNING BOARD MEETING JUNE 15, 2022:

At the Planning Board meeting held on June 15, 2022, the board voted to **continue** the application until the next meeting (July 20, 2022). The board provided the following comments:

- a. Correct acreage discrepancy;
- b. Provide traffic analysis that is consistent with Comprehensive Plan; include trips for CTC DeLand project and Advent Parcel. May be trips from Company Terrace project (Community District) can be utilized for remainder of Activity Center;
- c. Revise list of uses to clearly identify which ones are allowed in industrial and commercial sections. Also state that truck stops are not permitted;
- d. Indicate which roadways will be public/private and timing of construction;
- e. Provide design standards for commercial area that will be compatible with the industrial area;
- f. If property is to be subdivided, add section to PD agreement; and
- g. Consider providing structure or signage that identifies which part of the interchange is in DeLand.

E. STAFF RECOMMENDATION:

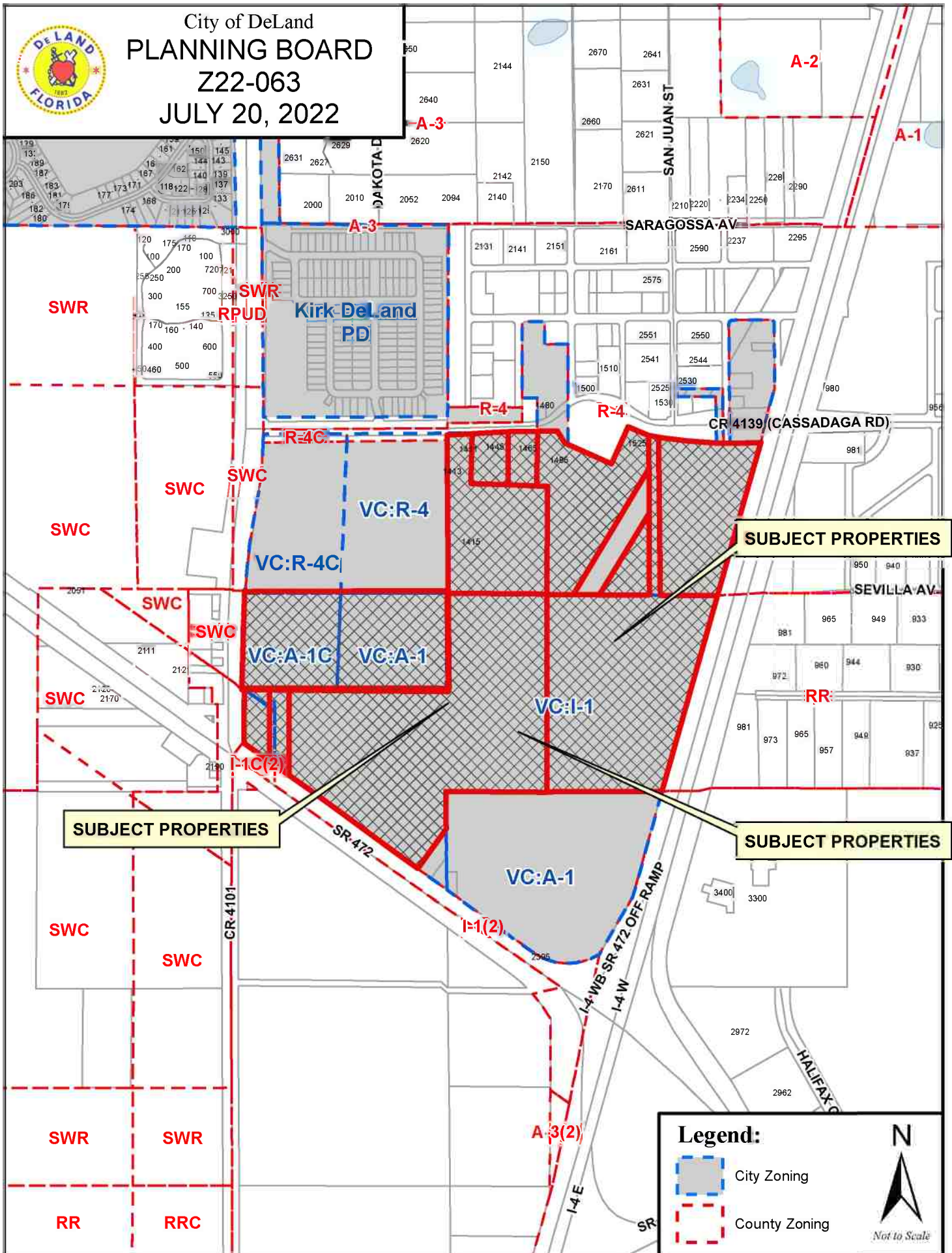
The applicant has addressed Planning Board comments as well as the TRC comments from the latest review, with only 2 minor comments remaining. Staff recommends that the Planning Board forward to the City Commission recommending approval for the rezoning request, subject to the outstanding comments being resolved.

Remaining Comments

1. Pinehurst Drive is not to be a public road, as it does not benefit the public.(Planning)
2. Please modify both drawings to show smaller trees in the median and remove trees between the street and sidewalk. These trees should be 5' to 15' back from the right-of-way. (Forestry)

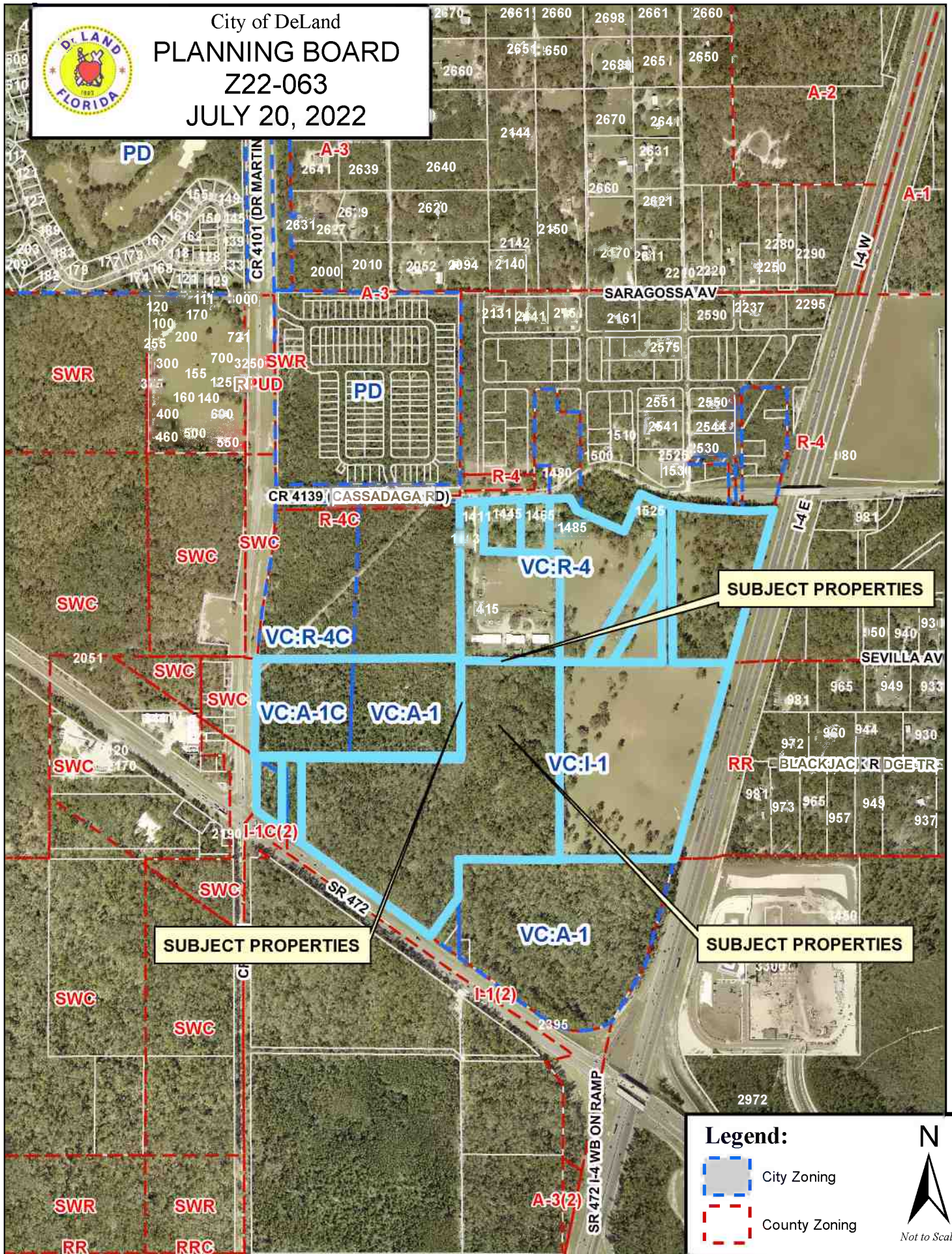


City of DeLand
PLANNING BOARD
Z22-063
JULY 20, 2022





City of DeLand
PLANNING BOARD
Z22-063
JULY 20, 2022



1 PLANNED DEVELOPMENT AGREEMENT

2 IN THE CITY COMMISSION OF THE

3 CITY OF DELAND, FLORIDA

4 IN RE: Case # _____, Application of

5 LONGLEAF FOUR LLC

6 ORDINANCE # _____
7

8 ORDER AND RESOLUTION

9 GRANTING A REQUEST FOR CHANGE OF ZONING FROM Volusia County (VC) I-1,

10 I-1C, A-1, A-1C, R-4, and R-4C TO

11 DELAND TECH PARK PD PLANNED UNIT DEVELOPMENT ("DeLand Tech Park PD")
12

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

GENERAL FINDINGS

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

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

C. That the applicant is the contract purchaser of a 143.24 +/- acre parcel of land which is situated in DeLand, Florida. These parcel of land are described more particularly in the survey and legal description, a true copy of which is attached hereto as Exhibit "A".

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

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

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

FINDINGS REGARDING REZONING

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

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

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

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

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

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

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

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

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

DEVELOPMENT AGREEMENT

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

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

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

3. Subdivision Approval. After the Planned Development Plan is recorded, and prior to any construction, including clearing and fill, a final plat 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.

4. Site Plan Approval. After the Planned Development Plan is recorded, and prior to any construction, including clearing and fill, a preliminary and/or a final site

1 plan, as applicable, shall be submitted for review and approval in the manner required by
2 Article 13 of the City of DeLand Land Development Regulations, Ordinance No. 2013-11,
3 as amended.

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

7
8 C. Phases of Development. The project may be developed in one or more than
9 one phase, as more specifically detailed on the phasing plan attached hereto as Exhibit "C"
10 and the phases may occur in any order. Grading may occur per phase. No burning shall be
11 permitted on site.

12
13 D. Land Uses Within the PD. The development of the parcel shall be consistent
14 with the uses prescribed for each area within the proposed DELAND TECH PARK PD. The
15 location and size of said land use areas are shown on the Development Plan Map, Exhibit
16 "B". The land uses within the Planned Development Plan may expand or contract
17 depending on the final development plan as long as the number of trips do not exceed the
18 applicable trip cap listed herein. The following land uses shall be allowed as permitted
19 principal uses and structures along with their customary accessory uses and structures.

20 Permitted Uses within the PD:

21 1. Commercial Uses

22 General/Professional Offices.

23 Medical Office.

24 Drugstores and pharmacies.

25 Laboratories, hospitals and clinics.

1 Medical clinics over 5,000 sq. ft.

2 Veterinary clinics allowing overnight boarding for clinical care, no outside

3 runs or kennels.

4 Copying, printing and lithography.

5 Showroom commercial.

6 Day care facilities, adult or child.

7 Hotels or motels and associated accessory uses including restaurant and

8 conference facilities, without extended stays.

9 Package sales where beer and/or wine are sold for consumption off-premises

10 with DBPR 2APS license.

11 Restaurants, including fast food and/or drive through facilities, including

12 establishments serving alcohol requiring a DBPR 2COP, 3PS or 4COP

13 license with special class.

14 Convenience stores with or without gas pumps.

15 Grocery.

16 Retail sales.

17 Retail and service land uses.

18 Colleges or schools.

19 Government and public land uses and buildings.

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

21 Outdoor recreation land use.

22 Parks, mini and neighborhood.

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

24

25

1 2. Industrial Uses

2 Laboratories, research, testing and development – Pharmaceutical products,
3 drugs compounding only.

4 Manufacturing – limited, including assembly and fabrication operations.

5 Research and development facilities.

6 Food products manufacturing or wholesale.

7 Grain blending and packaging, but not milling.

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

9 Automobile service station and repair.

10 Marine manufacturing, sales, and service.

11 Utilities.

12 Warehousing and commercial storage.

13 Wholesale commercial activities.

14 Communication towers, Cell Towers, 5G Towers.

15 EV charging stations.

16 Outdoor storage screened from view.

17
18 3. Uses Not Permitted within PD:

19 Truck stops.

20 Outdoor storage visible from public right of way.

21
22 E. Development Standards.

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

25 a. Maximum building height: 65 feet

b. Minimum perimeter building setbacks:

(a) Side, Street: 30 ft.

Side, Interior: 10 ft.

(b) Front: 35 ft.

(c) Rear: 25 ft.

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

d. Parking standards shall be in accordance with Section 33-91 of the City of DeLand Land Development Regulations.

e. Trip generation for the development is provided as Exhibit D.

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

a. Maximum building height: 80 feet

b. Minimum perimeter building setbacks:

(a) Side, Street: 20 ft.

Side, Interior: 10 ft.

Side, abutting residential: 25 ft.

(b) Front: 20 ft.

(c) Rear: 10 ft.

Rear, abutting residential: 25 ft.

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

d. Parking standards shall be in accordance with Section 33-91 of the City of DeLand Land Development Regulations.

e. Trip generation for the development is provided as Exhibit D.

1 Site:

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

12 2. Signage: Signage shall be provided per the City's Land Development
13 Regulations. The two existing billboards on the property shall be permitted to
14 remain or may be consolidated into one electronic billboard. The developer is
15 willing to partner with the City to provide a community designation sign on the
16 property.

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

19
20 F. Environmental Considerations. The development shall comply with the
21 requirements for preservation of environmental resources as set forth in the Land
22 Development Regulations Ordinance No. 2013-11, as amended. All landscaping, including
23 buffers, shall predominantly utilize Florida-Friendly Landscaping, as defined by the
24 University of Florida/Institute of Food and Agricultural Sciences ("UF/IFAS") Center for
25 Landscape Conservation and Ecology, native, or low-water plant material. The

1 Development Plan Map encourages environmental preservation and sustainable
2 development through the provision of substantial perimeter buffers, natural areas, open
3 space, the incorporation of Low Impact Development (“LID”) stormwater strategies, as
4 developed by the UF/IFAS, Center for Landscape Conservation and Ecology, and use of
5 Florida-Friendly Landscaping. The proposed buffers will add Florida-Friendly vegetation
6 where needed to screen adjoining residential properties. The development shall include
7 landscape designs such that plants will serve environmentally friendly functions including,
8 but not limited to, cooling, privacy screening, shade, aesthetics, wildlife habitat, runoff
9 pollution prevention, and directing traffic flow onto and within the community. All mulching
10 will be conducted in accordance with the most current version of the Florida Green
11 Industries Best Management Practices (BMPs) handbook guidelines. To the extent
12 practicable, mowing shall be done in accordance with the most current version of the
13 Florida Green Industries BMPs handbook and by certified landscaping contractors. Mowing
14 adjacent to swales shall be performed such that no clippings are deposited into any swales
15 or water bodies. All clippings that may have been deposited on impervious surfaces will be
16 swept back into the vegetated area. All pesticide applications shall be done by a certified
17 professional in accordance with the most current version of the Florida Green Industries
18 BMPs handbook. Additional LID options are provided as part of the Development Plan
19 Map.

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

1 H. Stormwater Drainage. Provision for stormwater retention shall be in
2 accordance with the Land Development Regulations Ordinance No. 2013-11, as amended.
3 General locations of the stormwater retention areas are shown on the Development Plan
4 Map but the location and sizes of the same may be modified during engineering.

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

11 1. Access. Access to the site will be in accordance with the Development
12 Plan Map. The Development Plan Map indicates the anticipated connection locations,
13 which includes full access on Martin Luther King Jr. Beltway, right in, right out and full
14 access on S.R. 472 and full access on Cassadaga Road; however, the final locations and
15 types of access may vary due to final engineering design and permitting considerations.
16 Developer shall provide signage specifying that trucks shall not travel east along
17 Cassadaga Road.

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

20
21 J. Internal Roadways. Kirk Drive and Pinehurst Drive will be public roadways,
22 designed to meet City of DeLand standards. The City of DeLand shall own and maintain
23 these roadways as public right of way. The City shall not require connector frontage roads.
24 The location and design of the roadways are subject to final design and permitting.

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

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

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

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

ATTEST:

City Commission of DeLand Florida

Michael Pleus
City Manager

Robert Apgar
Mayor

STATE OF FLORIDA

CITY OF DELAND

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

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

Commission No.: _____

My Commission Expires: _____

1
2 WITNESSES:
3
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9

Developer:
LONGLEAF FOUR, LLC

Harry F. McNaught, Manager
LONGLEAF FOUR LLC

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

20 NOTARY PUBLIC, STATE OF FLORIDA

21 Type or Print Name:

22 _____
23 Commission No.: _____

24 My Commission Expires: _____
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27

1 WITNESSES:

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

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

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

23 Type or Print Name:

24 _____
25 Commission No.: _____

26 My Commission Expires: _____
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1 WITNESSES:

Owners:

**Pieter C. Ambachtsheer and Shannon
Leigh Rottach**

2
3
4
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6 _____

_____ Pieter C. Ambachtsheer

7
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10
11
12 _____ Shannon Leigh Rottach

13
14
15 _____

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

23
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25 NOTARY PUBLIC, STATE OF FLORIDA

26 Type or Print Name:

27 _____
28 Commission No.: _____

29 My Commission Expires: _____
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1 WITNESSES:

Owner:
A-Z Poultry Farm, Inc.

6 _____
7 _____
8 Print: _____
9 _____

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

19
20
21 NOTARY PUBLIC, STATE OF FLORIDA

22 Type or Print Name:

23 _____
24 Commission No.: _____

25 My Commission Expires: _____
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1 WITNESSES:

Owner:
Stonekirk Ventures, LLC

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Print: _____

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

20 NOTARY PUBLIC, STATE OF FLORIDA

21 Type or Print Name:

22 _____
23 Commission No.: _____

24 My Commission Expires: _____
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1 WITNESSES:

Owners:

W. L. Kirk Jr. Trustees and Scott Kirk

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5 _____

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7 Print: _____

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9
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11 _____
12 Scott Kirk
13 _____

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

23 NOTARY PUBLIC, STATE OF FLORIDA

24 Type or Print Name:

25 _____

26 Commission No.: _____

27 My Commission Expires: _____
28
29

1 WITNESSES:

Owner:

WILLIAM H. BAKER TR

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Print: _____

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

20 NOTARY PUBLIC, STATE OF FLORIDA

21 Type or Print Name:

22 _____

23 Commission No.: _____

24 My Commission Expires: _____

1 WITNESSES:

Owner:
W.L. KIRK, JR.

Print: _____

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

19 NOTARY PUBLIC, STATE OF FLORIDA

20 Type or Print Name:

21 _____
22 Commission No.: _____

23 My Commission Expires: _____
24

1 WITNESSES:

Owner:
SIEG & AMBACHTSHEER, INC.

Print: _____

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12 The foregoing instrument was acknowledged before me by means of ☐
13 physical presence or ☐ online notarization this _____ day of
14 _____ (mo/yr), by _____, who is
15 _____ of Sieg & Ambachtsheer, Inc. and who is
16 personally known to me or who has produced
17 _____ as identification.
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20 NOTARY PUBLIC, STATE OF FLORIDA

21 Type or Print Name:

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23 Commission No.: _____

24 My Commission Expires: _____
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EXHIBIT "B"

PD PLAN

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EXHIBIT "C"
PHASING PLAN

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EXHIBIT "D"

TRIP EQUIVALENCY MATRIX

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EXHIBIT "E"
EXAMPLE OF DESIGN PLAN

1 EXHIBIT "A"

2 LEGAL DESCRIPTION

3
4 All that tract or parcel of land situate in Section 6, Township 18 South, Range 31 East,
5 Volusia County, Florida, being more particularly described as follows:
6

7 Commence at the Northwest corner of said Section 6, thence proceed North 89°53'22" East, along
8 said Northerly line, a distance of 312.84' to the Southwest corner of Section 36 of Township 17
9 South, Range 31 East; thence continue along said Northerly line, North 89°54'31" East, a distance
10 of 1088.49'; thence departing said Northerly line, South 00°14'12" East, a distance of 1392.56' to the
11 Southerly monumented Right of Way line of Cassadaga Road (County Road 4139) and the **Point of**
12 **Beginning**; thence North 89°19'39" East, along said Southerly Right of Way line, a distance of
13 527.85' to the beginning of a curve concave to the Northwest, having a Radius of 300.00', a Central
14 Angle of 25°44'19", a Chord Bearing of North 76°27'29" East, a Chord Distance of 133.64', and an
15 Arc Length of 134.77' to a Point of Cusp of said curve; thence departing said curve, continue along
16 said monumented Southerly Right of Way line, South 42°48'57" East, a distance of 117.98'; thence
17 continue, South 65°48'52" East, a distance of 328.72'; thence continue, North 24°09'13" East, a
18 distance of 279.20'; thence continue, South 72°13'09" East, a distance of 170.39' to the Point of
19 Curvature of a curve concave to the Northeast, having a Radius of 763.41', a Central Angle of
20 12°48'53", a Chord Bearing of South 78°37'35" East, a Chord Distance of 170.39', and an Arc
21 Length of 170.74' to the Point of Tangency; thence continue, South 85°02'02" East, a distance of
22 296.20'; thence continue North 89°17'02' East, a distance of 313.15' to the intersection of said
23 monumented southerly Right of Way line of said Cassadaga Road and the Westerly Limited Access
24 Right of Way line of Interstate 4 (State Road 400) as shown on Florida Department of
25 Transportation Right of Way Map, Section 79110, Financial Project 242655-1; thence departing said
26 Southerly Right of Way line, thence South 15°45'27' West, along said Westerly limited Access Right
27 of Way line, a distance of 2,426.29' to the intersection of said Westerly Limited access Right of Way
28 line and the Southerly line of the North one-half of Government Lot 7 of said Section 6; thence
29 departing said Westerly Limited Access Right of Way line, North 89°30'27" West, along said
30 southerly lines of said Government Lot 7 and Government Lot 6, a distance of 802.87' to the
31 Southeast corner of Lot 19 of Yourlando Farms and Groves, according to the Map of Plat recorded
32 in Map Book 10, Pages 227-228, Public Records of Volusia County, Florida; thence North 89°50'30"
33 West, along the South lines of Lots 19 and 20 of said Plat, a distance of 617.69 feet to the
34 Southwest corner of said Lot 20, also being the Northeast corner of Lot 27 of said Plat; thence
35 South 00°14'50" East, along the Easterly line of Lot 27, a distance of 250.09' thence departing said
36 Easterly line, South 35°50'28' West, a distance of 354.28' to the Northerly Right of Way line of State
37 Road 472, as shown on said Florida Department of Transportation Right of Way Map, thence North
38 54°12'12" West, along said Northerly Right of Way line, a distance of 1,481.04' to the intersection of
39 said Northerly Right of Way line, and the Easterly Right of Way line of Dr. Martin Luther King, Jr
40 Beltway as shown on Volusia County, Florida Right of Way Map, Project 1113-3; thence departing
41 said Northerly Right of Way line, North 00°27'52" West, along said Easterly Right of Way line, a
42 distance of 703.97' to the Point of Curvature of a curve concave to the Southeast, having a Radius
43 of 98.00', a Central Angle of 45°56'03', a Chord Bearing of North 22°30'10" East, a Chord Distance
44 of 76.55' and an Arc length of 78.64' to the Point of Tangency; thence continue North 45°28'12"
45 East, a distance of 26.79' to a Point of Cusp on a curve concave to the East, having a Radius of
46 5,629.58', a Central Angle of 02°41'25", a Chord Bearing of North 04°08'35" East, a Chord Distance
47 of 264.31' and an Arc Length of 264.33'; thence departing said curve and said Easterly Right of
48 Way, North 89°29'37" East, a distance of 361.47' to the Point of Curvature of a curve concave to the
49 South, having a Radius of 1,440.00', a Central Angle of 12°42'11", a Chord Bearing of South
50 84°07'35" East, a Chord distance of 318.61', and an Arc Length of 319.26' to the end of said Curve;
51 thence North 12°13'31" East, a distance of 80.00' to the beginning of a non-tangent curve concave
52 to the Southwest, having a Radius of 1520.00', a Central Angle of 03°39'55", a Chord Bearing of

1 South 75°56'32" East, a Chord Distance of 97.22', and an Arc Length of 97.24' to the end of said
2 curve; thence South 74°06'34" East, a distance of 169.10' to the Point of Curvature of a curve
3 concave to the North, having a Radius of 1,000.00', a Central Angle of 15°36'56", a Chord Bearing
4 of South 81°55'02" East, a Chord Distance of 271.70', and an Arc Length of 272.54 feet to the Point
5 of Tangency being on Southerly line of said Government Lot 4; thence South 89°43'30" East, along
6 said Southerly line, a distance of 118.80' to the Northwest corner of said Lot 17, also being the
7 Southeast corner of said Government Lot 4; thence North 00°14'21" West, along the Easterly line of
8 said Government Lot 4, a distance of 1,036.68' to the **Point of Beginning**.
9

10 Said tract or parcel contains 143.24 Acres, More or Less.
11
12
13
14
15
16
17
18

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LEGEND

PROJECT BOUNDARY

PHASE 1

PHASE 2

PHASE 3

DeLand Tech Park PD

City of DeLand, Florida

Pre	Number	Date	Notes

Prepared by	Checked by	Date
		March 21, 2022

Vertical Datum NAVD 1988

Scale: 1" = 100'

PHASING PLAN

Drawing Number

Scale

DATE: Jun, 20, 2022

Project Number
64054.00

Equivalency Matrix
Deland Tech Park

	To:	Industrial Park	Manufacturing	Mini Warehouse	Warehouse	High Cube Warehouse	Hotel	Health/ Fitness Club	Office (0-49 KSF)	Office (50-99 KSF)	Office (100-149 KSF)	Medical Office (0-24 KSF)	Medical Office (25-49 KSF)
From:													
Industrial Park	KSF	1.000 KSF	0.459 KSF	2.267 KSF	3.400 KSF	2.125 KSF	1.438 Rms	0.099 KSF	0.160 KSF	0.195 KSF	0.213 KSF	0.089 KSF	0.086 KSF
Manufacturing	KSF	2.176 KSF	1.000 KSF	4.933 KSF	7.400 KSF	4.625 KSF	3.131 Rms	0.214 KSF	0.349 KSF	0.424 KSF	0.463 KSF	0.193 KSF	0.186 KSF
Mini Warehouse	KSF	0.441 KSF	0.203 KSF	1.000 KSF	1.500 KSF	0.938 KSF	0.635 Rms	0.043 KSF	0.071 KSF	0.086 KSF	0.094 KSF	0.039 KSF	0.038 KSF
Warehouse	KSF	0.294 KSF	0.135 KSF	0.667 KSF	1.000 KSF	0.625 KSF	0.423 Rms	0.029 KSF	0.047 KSF	0.057 KSF	0.063 KSF	0.026 KSF	0.025 KSF
High Cube Warehouse	KSF	0.471 KSF	0.216 KSF	1.067 KSF	1.600 KSF	1.000 KSF	0.677 Rms	0.046 KSF	0.075 KSF	0.092 KSF	0.100 KSF	0.042 KSF	0.040 KSF
Hotel	Rms	0.695 KSF	0.319 KSF	1.576 KSF	2.364 KSF	1.477 KSF	1.000 Rms	0.069 KSF	0.111 KSF	0.135 KSF	0.148 KSF	0.062 KSF	0.059 KSF
Health/ Fitness Club	KSF	10.147 KSF	4.662 KSF	23.000 KSF	34.500 KSF	21.563 KSF	14.596 Rms	1.000 KSF	1.627 KSF	1.975 KSF	2.156 KSF	0.900 KSF	0.868 KSF
Office (0-49 KSF)	KSF	6.235 KSF	2.865 KSF	14.133 KSF	21.200 KSF	13.250 KSF	8.969 Rms	0.614 KSF	1.000 KSF	1.214 KSF	1.325 KSF	0.553 KSF	0.534 KSF
Office (50-99 KSF)	KSF	5.137 KSF	2.360 KSF	11.644 KSF	17.467 KSF	10.917 KSF	7.390 Rms	0.506 KSF	0.824 KSF	1.000 KSF	1.092 KSF	0.456 KSF	0.440 KSF
Office (100-149 KSF)	KSF	4.706 KSF	2.162 KSF	10.667 KSF	16.000 KSF	10.000 KSF	6.769 Rms	0.464 KSF	0.755 KSF	0.916 KSF	1.000 KSF	0.417 KSF	0.403 KSF
Medical Office (0-24 KSF)	KSF	11.275 KSF	5.180 KSF	25.556 KSF	38.333 KSF	23.958 KSF	16.218 Rms	1.111 KSF	1.808 KSF	2.195 KSF	2.396 KSF	1.000 KSF	0.965 KSF
Medical Office (25-49 KSF)	KSF	11.685 KSF	5.369 KSF	26.486 KSF	39.730 KSF	24.831 KSF	16.809 Rms	1.152 KSF	1.874 KSF	2.275 KSF	2.483 KSF	1.036 KSF	1.000 KSF
Shopping Center (0-49 KSF)	KSF	24.471 KSF	11.243 KSF	55.467 KSF	83.200 KSF	52.000 KSF	35.200 Rms	2.412 KSF	3.925 KSF	4.763 KSF	5.200 KSF	2.170 KSF	2.094 KSF
Shopping Center (50-99 KSF)	KSF	18.000 KSF	8.270 KSF	40.800 KSF	61.200 KSF	38.250 KSF	25.892 Rms	1.774 KSF	2.887 KSF	3.504 KSF	3.825 KSF	1.597 KSF	1.540 KSF
Shopping Center (100-149 KSF)	KSF	15.600 KSF	7.168 KSF	35.360 KSF	53.040 KSF	33.150 KSF	22.440 Rms	1.537 KSF	2.502 KSF	3.037 KSF	3.315 KSF	1.384 KSF	1.335 KSF
Shopping Center (150-249 KSF)	KSF	13.676 KSF	6.284 KSF	31.000 KSF	46.500 KSF	29.063 KSF	19.673 Rms	1.348 KSF	2.193 KSF	2.662 KSF	2.906 KSF	1.213 KSF	1.170 KSF
Drive-In Bank	KSF	61.794 KSF	28.392 KSF	140.067 KSF	210.100 KSF	131.313 KSF	88.888 Rms	6.090 KSF	9.910 KSF	12.029 KSF	13.131 KSF	5.481 KSF	5.288 KSF
Fast Casual Restaurant	KSF	35.912 KSF	16.959 KSF	83.667 KSF	125.500 KSF	78.438 KSF	53.096 Rms	3.638 KSF	5.920 KSF	7.185 KSF	7.844 KSF	3.274 KSF	3.159 KSF
High Turnover Sit-Down Restaurant	KSF	26.618 KSF	12.230 KSF	60.333 KSF	90.500 KSF	56.563 KSF	38.288 Rms	2.623 KSF	4.269 KSF	5.181 KSF	5.656 KSF	2.361 KSF	2.278 KSF
Fast Food Restaurant with Drive-In	KSF	97.147 KSF	44.635 KSF	220.200 KSF	330.300 KSF	206.438 KSF	139.742 Rms	9.574 KSF	15.580 KSF	18.910 KSF	20.644 KSF	8.617 KSF	8.314 KSF
Coffee/Donut Shop with Drive-In	KSF	114.676 KSF	52.689 KSF	259.933 KSF	389.900 KSF	243.688 KSF	164.958 Rms	11.301 KSF	18.392 KSF	22.323 KSF	24.369 KSF	10.171 KSF	9.814 KSF
Gas w/Conv	Pumps	54.176 KSF	24.892 KSF	122.800 KSF	184.200 KSF	115.125 KSF	77.931 Rms	5.339 KSF	8.689 KSF	10.546 KSF	11.513 KSF	4.805 KSF	4.636 KSF

ITE Code	Land Use	PM Peak-Hour Peak Direction
130	Industrial Park	0.3400
140	Manufacturing	0.7400
151	Mini Warehouse	0.1500
154	Warehouse	0.1000
155	High Cube Warehouse	0.1600
310	Hotel	0.2364
492	Health/ Fitness Club	3.4500
710	Office (0-49 KSF)	2.1200
710	Office (50-99 KSF)	1.7467
710	Office (100-149 KSF)	1.6000
720	Medical Office (0-24 KSF)	3.8333
720	Medical Office (25-49 KSF)	3.9730
820	Shopping Center (0-49 KSF)	8.3200

ITE Code	Land Use	PM Peak-Hour Peak Direction
820	Shopping Center (50-99 KSF)	6.1200
820	Shopping Center (100-149 KSF)	5.3040
820	Shopping Center (150-249 KSF)	4.6500
912	Drive-In Bank	21.0100
930	Fast Casual Restaurant	12.5500
932	High Turnover Sit-Down Restaurant	9.0500
934	Fast Food Restaurant with Drive-In	33.0300
937	Coffee/Donut Shop with Drive-In	38.9900
945	Gas w/Conv	18.4200

	To:	Shopping Center (0-49 KSF)	Shopping Center (50-99 KSF)	Shopping Center (100- 149 KSF)	Shopping Center (150- 249 KSF)			High Turnover Sit-Down Restaurant	Fast Food Restaurant with Drive-In	Coffee/Donut Shop with Drive- In	Gas w/Conv
From:						Drive-in Bank	Fast Casual Restaurant				
Industrial Park	KSF	0.041 KSF	0.056 KSF	0.064 KSF	0.073 KSF	0.016 KSF	0.027 KSF	0.038 KSF	0.010 KSF	0.009 KSF	0.018 Pumps
Manufacturing	KSF	0.089 KSF	0.121 KSF	0.140 KSF	0.159 KSF	0.035 KSF	0.059 KSF	0.082 KSF	0.022 KSF	0.019 KSF	0.040 Pumps
Mini Warehouse	KSF	0.018 KSF	0.025 KSF	0.028 KSF	0.032 KSF	0.007 KSF	0.012 KSF	0.017 KSF	0.005 KSF	0.004 KSF	0.008 Pumps
Warehouse	KSF	0.012 KSF	0.016 KSF	0.019 KSF	0.022 KSF	0.005 KSF	0.008 KSF	0.011 KSF	0.003 KSF	0.003 KSF	0.005 Pumps
High Cube Warehouse	KSF	0.019 KSF	0.026 KSF	0.030 KSF	0.034 KSF	0.008 KSF	0.013 KSF	0.018 KSF	0.005 KSF	0.004 KSF	0.009 Pumps
Hotel	Rms	0.028 KSF	0.039 KSF	0.045 KSF	0.051 KSF	0.011 KSF	0.019 KSF	0.026 KSF	0.007 KSF	0.006 KSF	0.013 Pumps
Health/ Fitness Club	KSF	0.415 KSF	0.564 KSF	0.650 KSF	0.742 KSF	0.164 KSF	0.275 KSF	0.381 KSF	0.104 KSF	0.088 KSF	0.187 Pumps
Office (0-49 KSF)	KSF	0.255 KSF	0.346 KSF	0.400 KSF	0.456 KSF	0.101 KSF	0.169 KSF	0.234 KSF	0.064 KSF	0.054 KSF	0.115 Pumps
Office (50-99 KSF)	KSF	0.210 KSF	0.285 KSF	0.329 KSF	0.376 KSF	0.083 KSF	0.139 KSF	0.193 KSF	0.053 KSF	0.045 KSF	0.095 Pumps
Office (100-149 KSF)	KSF	0.192 KSF	0.261 KSF	0.302 KSF	0.344 KSF	0.076 KSF	0.127 KSF	0.177 KSF	0.048 KSF	0.041 KSF	0.087 Pumps
Medical Office (0-24 KSF)	KSF	0.461 KSF	0.626 KSF	0.723 KSF	0.824 KSF	0.182 KSF	0.305 KSF	0.424 KSF	0.116 KSF	0.098 KSF	0.208 Pumps
Medical Office (25-49 KSF)	KSF	0.478 KSF	0.649 KSF	0.749 KSF	0.854 KSF	0.189 KSF	0.317 KSF	0.439 KSF	0.120 KSF	0.102 KSF	0.216 Pumps
Shopping Center (0-49 KSF)	KSF	1.000 KSF	1.359 KSF	1.569 KSF	1.789 KSF	0.396 KSF	0.663 KSF	0.919 KSF	0.252 KSF	0.213 KSF	0.452 Pumps
Shopping Center (50-99 KSF)	KSF	0.736 KSF	1.000 KSF	1.154 KSF	1.316 KSF	0.291 KSF	0.488 KSF	0.676 KSF	0.185 KSF	0.157 KSF	0.332 Pumps
Shopping Center (100-149 KSF)	KSF	0.638 KSF	0.867 KSF	1.000 KSF	1.141 KSF	0.252 KSF	0.423 KSF	0.586 KSF	0.161 KSF	0.136 KSF	0.288 Pumps
Shopping Center (150-249 KSF)	KSF	0.559 KSF	0.760 KSF	0.877 KSF	1.000 KSF	0.221 KSF	0.371 KSF	0.514 KSF	0.141 KSF	0.119 KSF	0.252 Pumps
Drive-In Bank	KSF	2.525 KSF	3.433 KSF	3.961 KSF	4.518 KSF	1.000 KSF	1.674 KSF	2.322 KSF	0.636 KSF	0.539 KSF	1.141 Pumps
Fast Casual Restaurant	KSF	1.508 KSF	2.051 KSF	2.366 KSF	2.699 KSF	0.597 KSF	1.000 KSF	1.387 KSF	0.380 KSF	0.322 KSF	0.681 Pumps
High Turnover Sit-Down Restaurant	KSF	1.088 KSF	1.479 KSF	1.706 KSF	1.946 KSF	0.431 KSF	0.721 KSF	1.000 KSF	0.274 KSF	0.232 KSF	0.491 Pumps
Fast Food Restaurant with Drive-In	KSF	3.970 KSF	5.397 KSF	6.227 KSF	7.103 KSF	1.572 KSF	2.632 KSF	3.650 KSF	1.000 KSF	0.847 KSF	1.793 Pumps
Coffee/Donut Shop with Drive-In	KSF	4.686 KSF	6.371 KSF	7.351 KSF	8.385 KSF	1.856 KSF	3.107 KSF	4.308 KSF	1.180 KSF	1.000 KSF	2.117 Pumps
Gas w/Conv	Pumps	2.214 KSF	3.010 KSF	3.473 KSF	3.961 KSF	0.877 KSF	1.468 KSF	2.035 KSF	0.558 KSF	0.472 KSF	1.000 Pumps



THE LANDSCAPE DESIGN GOAL FOR THE DELAND TECH PARK IS TO CREATE A UNIFYING LANDSCAPE CHARACTER AND SETTING WITH THE SURROUNDING ENVIRONMENT THAT IS INVITING, SAFE, AND COMPLEMENTS THE EXISTING LANDSCAPE. CONSISTENCY IN LANDSCAPE MATERIALS, FORM, AND ORGANIZATION WILL COLLECTIVELY RESULT IN A COHERENT HIGH-QUALITY ENVIRONMENT ENCOURAGING CONSISTENT SITE DESIGNS FOR FUTURE BUILDING EXPANSIONS IN THIS PLANNED DEVELOPMENT AS WELL AS CREATE A STRONG "SENSE OF PLACE".

- ENHANCE PEDESTRIAN CONNECTIONS- REINFORCING LINKS FROM OUTSIDE THE PLANNED DEVELOPMENT TO THE COMMERCIAL AND INDUSTRIAL DEVELOPMENTS.
- MAINTAIN VIEWS INTO THE PLANNED DEVELOPMENT
- MAXIMIZE OPPORTUNITIES TO INTEGRATE THE EXISTING CANOPY TREES.
- CELEBRATE BUILDING ENTRANCES TO A SHADE THAT IS AN INVITING, SOFT GATHERING AREA SURROUNDED BY GREEN SPACE, SEATING AND ACCENT PAVING.
- MAXIMIZE THE USE OF CANOPY TREES TO CREATE SHADE AND FRAME WALKWAY EDGES, PARKING AND OPEN SPACES. REPLACE LOST CANOPY WITH NEW SHADE TREES WITHIN LANDSCAPE APPROVED PALETTE.
- USE PEDESTRIAN PAVEMENTS THAT MEET THE RECOMMENDED STANDARDS AND FIND WAYS TO REINFORCE BUILDING ENTRANCES WITH DECORATIVE PAVEMENT MATERIALS OR PATTERNS.
- EXPLORE LIGHTING SOURCES THAT ARE DIMMABLE AND MEET THE FULL CUTOFF CLASSIFICATION.
- PLAN FOR HIGH-EFFICIENCY IRRIGATION USING RECLAIMED WATER AS POSSIBLE TO REDUCE POTABLE WATER CONSUMPTION.
- DESIGN UTILIZING WATER EFFICIENT LANDSCAPING TO HELP SATISFY LEED REQUIREMENTS

• PRESERVE EXISTING MAJOR CANOPY TREES WHERE POSSIBLE AND INCORPORATE INTO PLANTING DESIGN. PLANTINGS REINFORCE THE BASIC SITE PLAN STRUCTURE, PROVIDES SHADE, DEFINES AND UNIFIES PATHWAYS, PLANTINGS ALLOW FOR DISTINGUISHING VISUAL IDENTITY AT ENTRIES AND CREATE AN ATMOSPHERE CONFORMING TO THE STYLING AND FEELING OF THE INTERIOR.

• APPROPRIATELY SCALED TREES, SHRUB, AND HEDGE PLANTINGS ENHANCE THE USE AND MICROCLIMATE OF THE SITE. NATIVE PLANTS WITHIN NATURAL COMMUNITY ASSOCIATIONS ARE THE HIGHEST PLANTING PRIORITY FOR PROVIDING ATTRACTIVE AND SUSTAINABLE PLANTINGS.

• IN ORDER FOR ORNAMENTAL TREES AND PALM PALETTE IS AUGMENTED WITH COLORFUL, FLORIDA FRIENDLY NON-NATIVES – SPECIES THAT ARE NON-INVASIVE, DROUGHT TOLERANT AND HISTORICALLY ASSOCIATED WITH A FLORIDA LANDSCAPE.

• COLORFUL ORNAMENTAL TREES AND PALMS IN A SIMPLE GROUNDCOVER, MULCHED OR NATIVE LANDSCAPE TERRACE MAKES UP THE BUILDING AND PLANTATION PLANTINGS. PLANT MATERIALS AT ENTRANCES WILL BE SELECTED FOR YEAR-ROUND ATTRACTIVENESS.

- WALKWAYS SHOULD BE CONSTRUCTED OF LIGHT-COLORED PAVEMENTS WITH ACCENT PAVING AT NODES AS WAYFINDING ELEMENTS AND SHOULD BE CONSISTENT THROUGHOUT THE DEVELOPMENT.
- WALKWAY SIZE SHOULD ACCOMMODATE PEDESTRIAN AND BICYCLE FLOWS
- PEDESTRIAN WALKS SHOULD HAVE A MINIMUM WIDTH OF FIVE TO EIGHT FEET.
- COMBINED PEDESTRIAN/BICYCLE WALKS SHOULD HAVE A MINIMUM WIDTH OF TWELVE FEET.

• BICYCLE RACKS - BICYCLE PARKING SHOULD BE LOCATED NEAR BUILDING ENTRANCES WITH GOOD VISIBILITY ON PAVED SURFACES AND CONFIGURED INTO THE LANDSCAPE WITH SUFFICIENT RACKS PROPORTIONAL TO WHAT IS REQUIRED BY THE CITY'S LAND DEVELOPMENT REGULATIONS.

• SEATING - BENCHES AT ENTRIES AND NODES ARE TO HAVE RAISED BACK AND SEAT STYLES TO MEET THE ESTABLISHED CAMPUS STANDARD. SEAT WALLS MAY BE USED WHERE APPROPRIATE AND ARE TO COMPLEMENT BUILDING MATERIALS AND FINISHES.

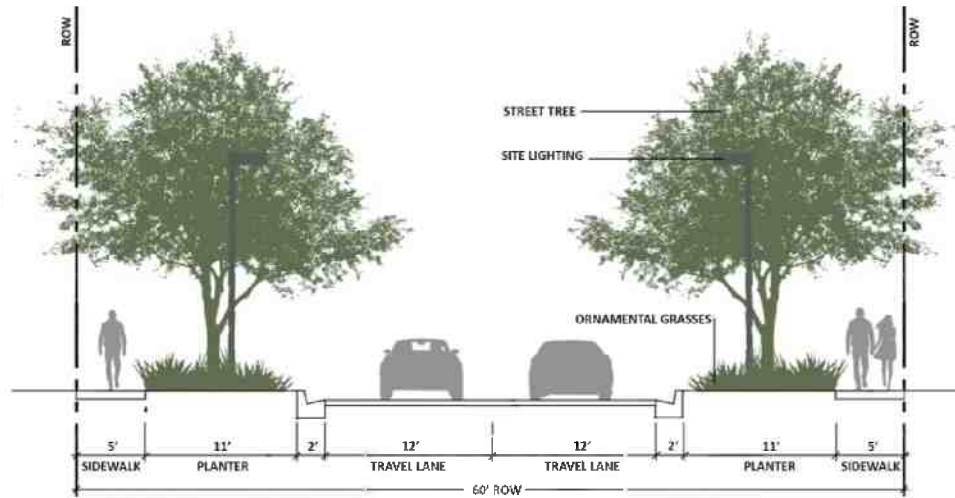
- PRIMARY WALKWAYS ARE TO BE ILLUMINATED BY VISIBLE SOURCE LED LIGHT FIXTURES INSTALLED ON PEDESTRIAN LIGHT POLES, 12 TO 15 FEET IN HEIGHT WITH SPACING TO MEET THE RECOMMENDED FOOT CANDLE REQUIREMENT.
- SPECIALTY LIGHTING SHOULD BE PROVIDED FOR BUILDING FACADES AND PLAZA ENTRY SPACE. EXTERIOR LIGHTING OF BUILDINGS COMPLEMENTS WALKWAY FIXTURES.

THE DESIGN INTENT OF THE LANDSCAPE IRRIGATION SYSTEM(S) IS TO CREATE THE MOST EFFICIENT IRRIGATION SYSTEM POSSIBLE WHILE MAINTAINING FLEXIBILITY TO ADAPT TO A NUMBER OF SEASONAL AND REGULATORY REQUIREMENTS. THE IRRIGATION SYSTEM IS DESIGNED USING VARIOUS HYDRO-ZONES WITH PLANT MATERIALS OF SIMILAR WATERING REQUIREMENTS TO REDUCE THE AMOUNT OF WATER REQUIRED. IT SHOULD ALSO HAS THE ABILITY TO DRAW FROM SEVERAL WATER SOURCES (POTABLE, RECLAIMED AND/OR RECYCLED WATER) DEPENDING ON VARIOUS SITUATIONS TO ENSURE THAT ADEQUATE WATER IS AVAILABLE AT ALL TIMES WHILE REDUCING POTABLE WATER USE.

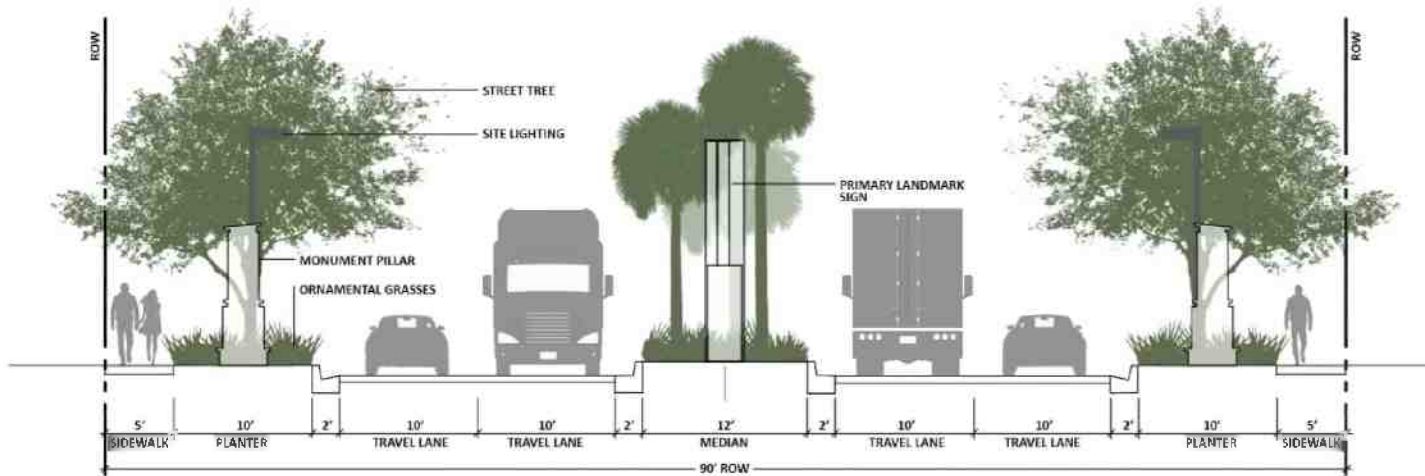
- IRRIGATION SYSTEMS MUST BE DESIGNED TO CONFORM TO CITY OF DELAND'S LAND DEVELOPMENT REGULATIONS AND MEET VOLUSIA COUNTY'S WATERWISE LANDSCAPE IRRIGATION ORDINANCE.
- UNDERSTAND THE POTENTIAL FOR WATER AVAILABILITY AND STRICT WATER RESTRICTIONS AND ACCOMMODATE FOR BOTH.
- DESIGN A SYSTEM THAT HAS THE ABILITY OF WATERING TWICE PER WEEK AT A RATE OF 1-3" (UP TO 3" OF WATER PER IRRIGATION ZONE CAN BE APPLIED ON THE DESIGNATED DAY), AND IS CAPABLE ENOUGH TO WATER THAT SAME AMOUNT 1X PER WEEK WHEN TIGHT WATER RESTRICTIONS ARE IN EFFECT.
- DIFFERENTIATE HYDRO ZONES AREAS THAT REQUIRE LITTLE TO NO WATER FROM AREAS REQUIRING AVERAGE AMOUNTS OF WATER.
- DESIGN A PC-BASED SPRAY HEAD IRRIGATION FOR SHRUBS AND GROUNDCOVERS AND BUBBLERS FOR TREES LARGER THAN 3-3/4" CALIPER.
- UTILIZE SPRAY HEADS FOR ALL SMALL TURF GRASS AREAS AND BIO-SWALES.
- UTILIZE ROTOR HEADS FOR LARGE TURF AREAS.
- INCORPORATE PC-BASED CENTRAL CONTROLLER TECHNOLOGY FOR MONITORING AND MANAGEMENT OF THE IRRIGATION SYSTEM.
- PROVIDE A FLEXIBLE SYSTEM, ALLOWING SPRAY HEADS TO BE TURNED OFF OR DOWN WHEN NOT NEEDED, PARTICULARLY WITHIN BIO-SWALES.

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TYPICAL ROADWAY CROSS-SECTIONS



LOCAL STREET TYPICAL ROAD SECTION



NEIGHBORHOOD CONNECTOR TYPICAL ROAD SECTION

DeLand Tech Park PD

City of DeLand, Florida

Project No. 64054.00 Date 03/21/22

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Project No. 64054.00 Date 03/21/22

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Project No. 64054.00 Date 03/21/22

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Project No. 64054.00 Date 03/21/22

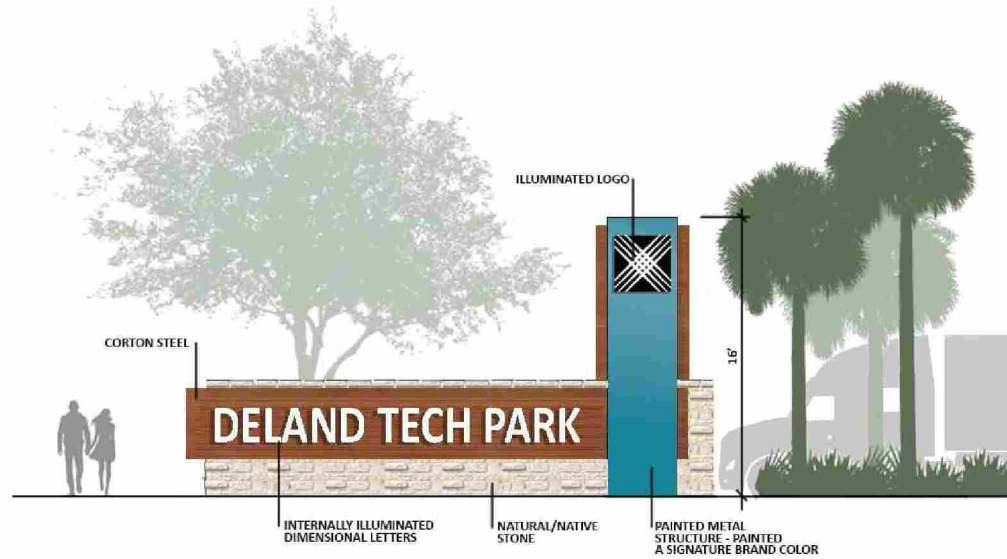
L1.01

DATE: Mar. 21, 2022 64054.00

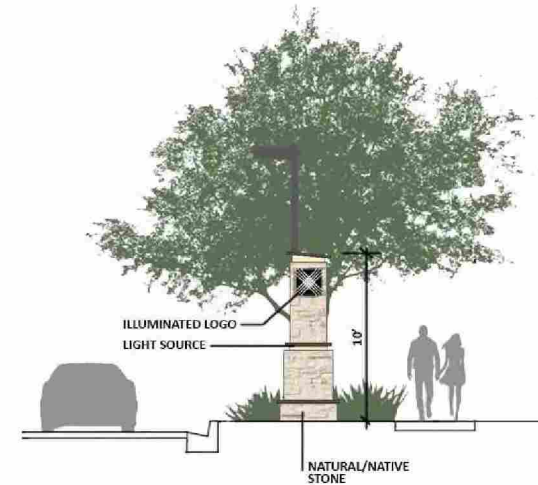
**POSSIBLE BRAND
COLOR PALETTE**



NATURAL STONE



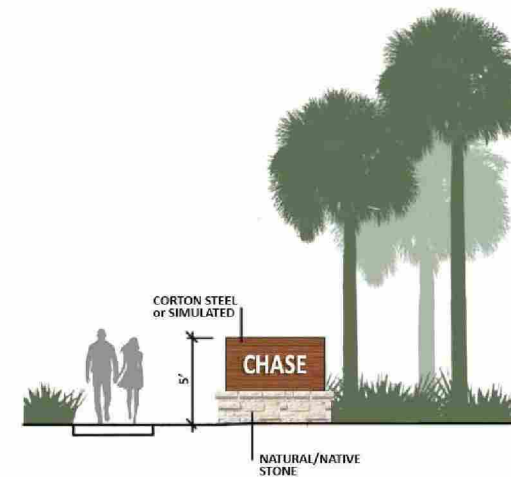
PRIMARY LANDMARK SIGN



MONUMENT PILLAR



COMMERCIAL MULTI-TENANT SIGN



COMMERCIAL SINGLE TENANT SIGN

DeLand Tech Park PD

City of DeLand, Florida

[illegible]Vertical Datum NAVD 1988
Drawing Title

Conceptual Sign Elevations

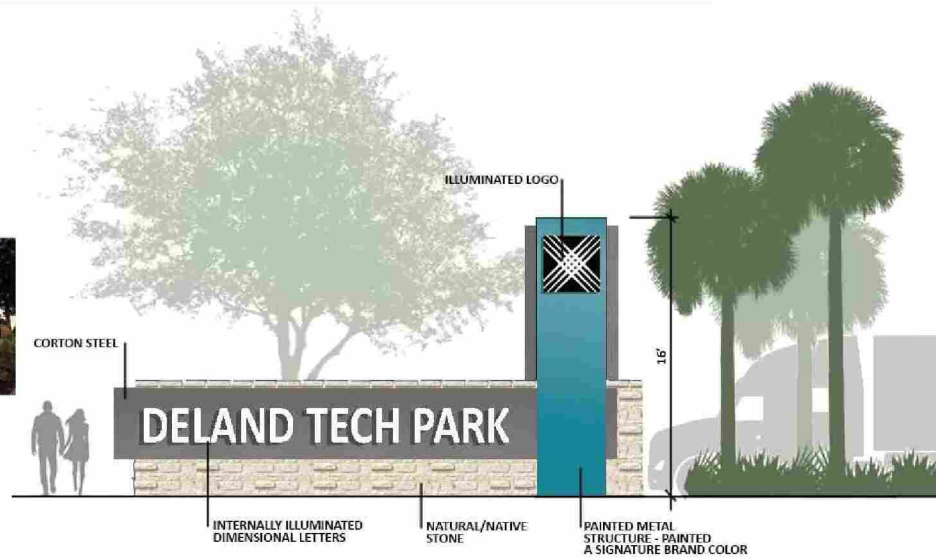
L1.02

DATE: Mar. 21, 2022 Project Number 64054.00

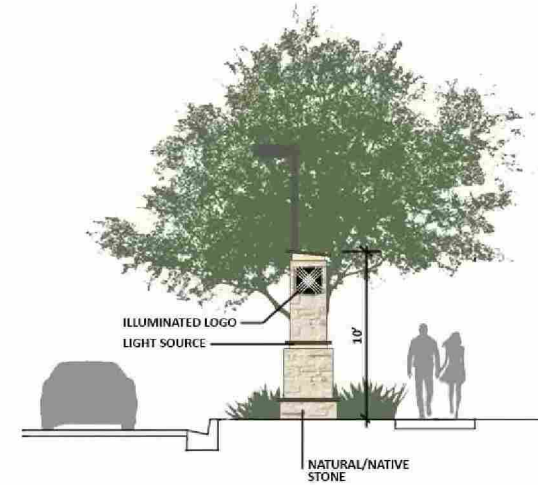
POSSIBLE BRAND
COLOR PALETTE



GUN METAL
GREY PANEL



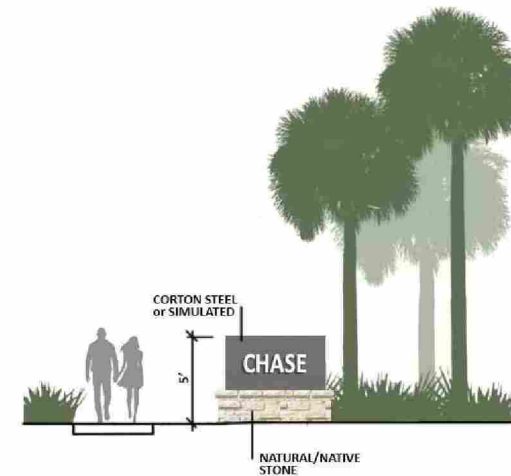
PRIMARY LANDMARK SIGN



MONUMENT PILLAR



COMMERCIAL MULTI-TENANT SIGN



COMMERCIAL SINGLE TENANT SIGN

DeLand Tech Park PD

City of DeLand, Florida

[illegible]

March 21, 2022

Vertical Datum NAVD 1988
Drawing Title

Conceptual Sign Elevations

L1.02B

DATE: Mar. 21, 2022 Project Number 64054.00

The first photograph on the left shows a street sign for 'SUNSET' and 'SALTGRASS' above a red octagonal 'STOP' sign. The background features palm trees and a clear sky.

The middle photograph shows a street sign for 'SUNSET' and 'WILD INDIGO' above a red octagonal 'STOP' sign. The background shows a large, modern house with a green roof and palm trees.

The third photograph on the right shows a street sign for 'SUNRISE' above a red octagonal 'STOP' sign. The background shows a grassy field and a clear sky.

Page 145 of 172

- **WALKWAYS SHOULD BE CONSTRUCTED OF LIGHT-COLORED PAVEMENTS WITH ACCENT PAVING AT NODES AS WAYFINDING ELEMENTS AND SHOULD BE CONSISTENT THROUGHOUT THE DEVELOPMENT.**
- **WALKWAY SIZE SHOULD ACCOMMODATE PEDESTRIAN AND BICYCLE FLOWS**
- **PEDESTRIAN WALKS SHOULD HAVE A MINIMUM WIDTH OF FIVE TO EIGHT FEET.**
- **COMBINED PEDESTRIAN/BICYCLE WALKS SHOULD HAVE A MINIMUM WIDTH OF TWELVE FEET.**



SITE FURNISHINGS



A photograph of three large, dark, curved metal sculptures in a courtyard. The sculptures are made of a dark, possibly bronze or black-painted, metal. They are arranged in a row, each with a thick, curved body that starts from a flat base on the ground and curves upwards and outwards. The courtyard has a light-colored stone wall in the background and a paved floor. There are some outdoor chairs and tables visible in the distance.

SITE FURNISHINGS

- BICYCLE RACKS - BICYCLE PARKING SHOULD BE LOCATED NEAR BUILDING ENTRANCES WITH GOOD VISION ON PAVED SURFACES AND CONFIGURED INTO THE LANDSCAPE WITH SUFFICIENT RACKS PROPORTIONAL TO WHAT IS REQUIRED BY THE CITY'S LAND DEVELOPMENT REGULATIONS.
- SEATING - BENCHES AT ENTRIES AND NICHES ARE TO HAVE RAISED BACK AND SEAT STYLES TO MEET THE ESTABLISHED CAMPUS STANDARD. SEAT WALLS MAY BE USED WHERE APPROPRIATE AND ARE TO COMPLEMENT BUILDING MATERIALS AND FINISHES.

Page 146 of 172

A photograph showing two tall, black, modern streetlights in a park-like setting. The lights have a curved, modern design. They are surrounded by green trees and a clear blue sky. The ground appears to be a paved area, possibly a parking lot or a walkway.

A black, modern-style lamp post with a multi-armed top, situated in a landscaped area with a paved path and trees in the background.

- PRIMARY WALKWAYS ARE TO BE ILLUMINATED BY VISIBLE SOURCE LED LIGHT FIXTURES INSTALLED ON PEDESTRIAN LIGHT POLES, 12 TO 15 FEET IN HEIGHT WITH SPACING TO MEET THE RECOMMENDED FOOT CANDLE REQUIREMENT.
- SPECIALTY LIGHTING SHOULD BE PROVIDED FOR BUILDING FACADES AND PLAZA ENTRY SPACE, EXTERIOR LIGHTING OF BUILDINGS COMPLEMENTS WALKWAY FIXTURES.

DATE: Mar. 21, 2022 64054.00

A tall, slender black street lamp with a modern, rounded top, standing on a sidewalk next to a row of palm trees and a body of water. The lamp is positioned on a light-colored concrete path, with a row of palm trees and a body of water in the background. The sky is blue with some clouds.

- SOLAR PANELS USED TO OFFSET ENERGY COSTS
- REDUCES THE ENVIRONMENTAL IMPACT OF THE DEVELOPMENT
- RENEWABLE ENERGY ALSO IMPROVES PUBLIC HEALTH

The image displays a collection of 12 native plants and trees, arranged in a 4x3 grid. Each plant is shown in a separate photograph with a green label overlaid at the bottom center of the image.

- LIVE OAK**: A large, mature tree with a thick trunk and dense, dark green foliage.
- SYCAMORE**: A large tree with a thick trunk and dense, green foliage.
- SOUTHERN MAGNOLIA**: A tree with large, dark green leaves and clusters of white flowers.
- SLASH PINE**: A tall, slender tree with a thin trunk and a dense canopy of green needles.
- SABAL PALM**: A palm tree with a thick, textured trunk and a crown of long, feathery fronds.
- WAX MYRTLE**: A shrub with dense, green foliage and small, white flowers.
- WALTER VIBURNUM**: A shrub with dense, green foliage and clusters of small, white flowers.
- HOLLY FERN**: A fern with large, green, deeply lobed fronds.
- FIREBUSH**: A shrub with dense, green foliage and clusters of small, red flowers.
- CORDGRASS**: A grass with long, thin, green blades.
- MUHLY GRASS**: A grass with long, thin, green blades and a reddish-pink tinge.
- FAKAHATCHEE GRASS**: A grass with long, thin, green blades.
- SWORD FERN**: A fern with long, green, sword-shaped fronds.
- BLANKET FLOWER**: A flower with bright yellow and orange petals.
- RUSTY LYONIA**: A shrub with dense, green foliage and small, white flowers.
- YAUPON HOLLY**: A shrub with dense, green foliage and small, white flowers.
- SAW PALMETTO**: A palm-like plant with long, green, fan-shaped fronds.
- COONTIE FERN**: A fern with long, green, feathery fronds.

Page 148 of 172

NUTTALLII OAK

CHINESE ELM

SILVER TRUMPET

JAPANESE BLUEBERRY

CRAPPE MYRTLE

LIGUSTRUM

BOTANICAL NAME	COMMON NAME
<i>CANOPY TREE</i> <i>Quercus nuttallii</i>	Nuttall Oak

<i>Callistemon viminalis</i>	Bottlebrush
<i>Elaeocarpus decipiens</i>	Japanese Blueberry.
<i>Eriobotrya japonica</i>	Loquat
<i>Lagerstroemia indica</i>	Crape Myrtle
<i>Ligustrum japonicum</i>	Japanese Privet
<i>Salix babylonica</i>	Weeping Willow
<i>Tabebuia caribba</i>	Silver Trumpet Tree
<i>Tabebuia impetiginosa</i>	Purple Trumpet Tree
<i>Tabebuia umbellata</i>	Yellow Trumpet Tree
<i>Ulmus parvifolia</i>	Chinese Elm

	Arenga engleri	Sugar Palm
	Bismarckia nobilis 'Silver Select'	Bismarck Palm
	Livistona chinensis	Chinese Fan Palm
	Phoenix canariensis	Canary Island Date Palm
	Phoenix dactylifera 'Medjool'	Medjool Date Palm
	Phoenix roebelenii	Pigmy Date Palm

Agapanthus africanus	Blue Lily of the Nile
Allamanda cathartica	Yellow Allamanda
Alpinia zerumbet	Shell Ginger
Arborea 'Trinette'	Shofflers arborea 'Trinette'
Aspidistra elatior	Cast Iron Plant
Codiaeum variegatum	Croton
Dianella tasmanica 'Variegata'	Variegated Flax Lily
Furcraea foetida	False Agave
Galphimia glauca	Thryallis



City of DeLand, Florida

[illegible]Vertical Datum NAVD 1988
Channel Type

Florida-Friendly Landscape Palette

L1.07

DATE: Mar. 21, 2022 Project Number 64054.00

PLANTINGS

- APPROPRIATELY SCALED TREE, SHRUB, AND HEDGE PLANTINGS ENHANCE THE USE AND MICROCLIMATE OF THE SPACE. NATIVE PLANTS ARE BEST IN NATURAL COMMUNITY ASSOCIATIONS ARE THE HIGHEST PLANTING PRIORITY PROVIDING ATTRACTIVE AND SUSTAINABLE PLANTINGS.
- IN MORE FORMAL ENTRY AREAS, THE NATIVE PLANT PALETTE IS AUGMENTED WITH COLORFUL FLORIDA FRIENDLY NON-NATIVES – SPECIES THAT ARE NON-INVASIVE, DROUGHT TOLERANT AND HISTORICALLY ASSOCIATED WITH A FLORIDIAN LANDSCAPE.
- COLORFUL ORNAMENTAL TREES AND PALMS IN A SIMPLE GROUNDCOVER, MULCHED OR NATIVE LANDSCAPE "TERRACE" MAKES UP THE BUILDING FOUNDATION PLANTINGS. PLANT MATERIALS AT ENTRANCES WILL BE SELECTED FOR YEAR-ROUND ATTRACTIVENESS.

ARROWHEAD

GOLDEN CANNA

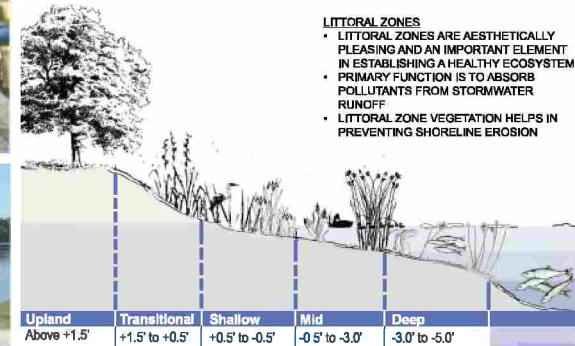
PICKERELWEED

SOFT RUSH

AMERICAN WHITE WATER LILY

Nymphaea odorata	American white water lily
Sagittaria latifolia	Arrowhead
Iris hexagona	Blue flag iris
Sagittaria lancifolia	Duck potato
Scirpus californicus	Giant bullrush
Canna flaccida	Garden canna
Elaeoccharia cellulosa	Gulf Coast spikerush
Pontederica cordata	Pickersweed
Sagittaria stagnorum	Pondweed
Juncus effusus	Soft rush
Scirpus tabernaemontani	Softstem bullrush
Hypericum perforatum	St. John's wort
Vallisneria spiralis	Tape or eelgrass
Scirpus cyperinus	Wood grass bullrush

- LITTORAL ZONES ARE AESTHETICALLY PLEASING AND AN IMPORTANT ELEMENT IN ESTABLISHING A HEALTHY ECOSYSTEM
- PRIMARY FUNCTION IS TO ABSORB POLLUTANTS FROM STORMWATER RUNOFF
- LITTORAL ZONE VEGETATION HELPS IN PREVENTING SHORELINE EROSION



REC PATH AROUND STORMWATER PONDS AS AMENITY

CORDGRASS

MUHLY GRASS

BUTTERFLY AFRICAN IRIS

SWAMP SUNFLOWER

BLUE FLAG IRIS

Anthericum liliago	St. Bernard's Lily
Dietsa indicoides	Butterfly African Iris
Iris versicolor	Blue Flag Iris
Helianthus angustifolius	Swamp Sunflower
Muhlenbergia capillaris	Muhly Grass
Spartina	Cord Grass

[illegible]

Typical Stormwater Pond and Bioswale Amenity

- USE OF BIOSWALES ARE HELPFUL IN THE COLLECTION CONVEYANCE, FILTRATION, AND INFILTRATION OF STORMWATER.
- LOCATE BIOSWALES ALONG ROADWAYS, AND LARGE PARKING LOTS WITHIN INDUSTRIAL PARCELS.

L1.08

ENCOURAGE RAINGARDENS / BIOSWALES IN LARGE PARKING LOTS

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

July 20, 2022

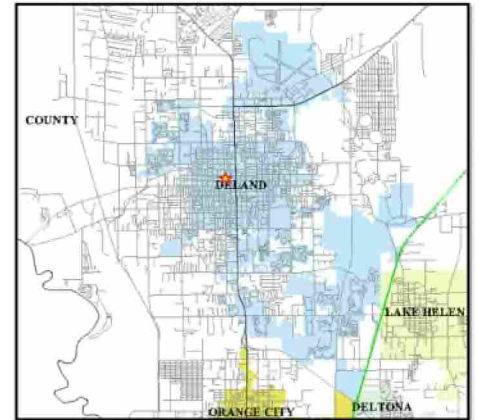
A. APPLICATION NO.: Z22-073 DeLand Commons

APPLICANT: Mark Watts, Cobb Cole

REQUEST: The applicant is requesting to amend the zoning of property located at S. Clake St.

From: Palm Gardens Cottages PD
(Planned Development)

To: C-2A (Downtown Commercial)



APPLICABLE ORDINANCES:

Article XII

ADMINISTRATION AND ENFORCEMENT

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

Location: S. Clake St.

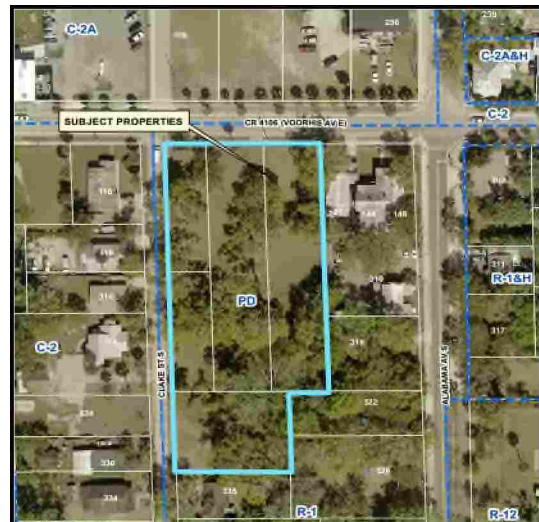
Parcel Size: 1.47 ± acres

Existing Use: Vacant

B. ANALYSIS:

The applicant states that they are “seeking rezoning from PUD to C-2A to allow for the redevelopment of the property as part of a coordinated redevelopment project north of Voorhis Avenue. The majority of the property included in the redevelopment project is already zoned C-2A, so including the subject property in the same zoning classification will permit the implementation of a consolidated redevelopment plan under one zoning classification.”

The purpose of the amendment is to rezone the properties from Palm Gardens Cottages PD to C-2A for development of residential townhomes. The Palm Gardens Cottages PD currently allows for 13 townhomes and 4 attached single family dwellings.



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:

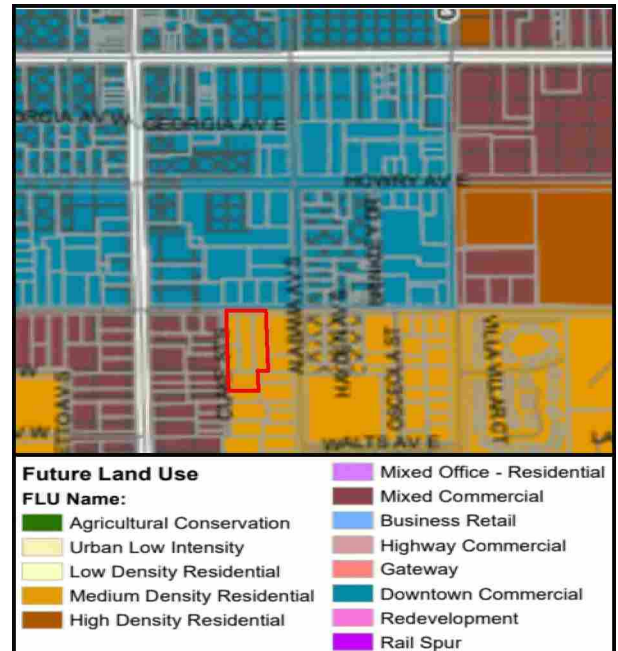
33-17.22. PD—Planned Development District.

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.

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 currently has a Medium Density Residential land use designation. The proposed zoning designation is not consistent with the existing land use, however, the redevelopment project to the north has a Downtown Commercial designation which is compatible with the proposed zoning. It can be expected that the land use designation for this site would be amended to create consistency between the land use and the zoning designation.

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 site in question. 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 was anticipated to be developed as residential use. The rezoning action will have no additional impact upon the economy than what currently exists and the property will add more to the tax base once it has been developed.

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 available for when site plan actions take place. No new services are 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?

The redevelopment of this site as originally desired by the previous owner was not accomplished, however, infill development of property around the downtown seems to be increasing and the demand for property to develop continues to grow.

6. Was there a mistake in the original classification?

The property currently has a residential land use designation which is consistent with other property in the area. There does not appear to be any mistake in the designation.

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

The proposed rezoning will permit the larger redevelopment of property to the north to occur and be consistent with the designation of that property. There is anticipated to be no adverse impact to the larger area, in fact, it will bring uniformity to the area as residential use.

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 create consistency with the associated property that is to be developed in conjunction with this site directly to the north. A small scale land use amendment has been submitted for this property and once the designation has been updated for this site, it will bring the property into compliance with that designation.

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
Z22-073
JULY 20, 2022

C-2A

CR 4106 (VOORHIS AV-E)

SUBJECT PROPERTY

Palm Garden Cottages
PD

C-2

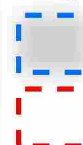
R-1

CLAKE ST-S

C-2&H

C-1

Legend:



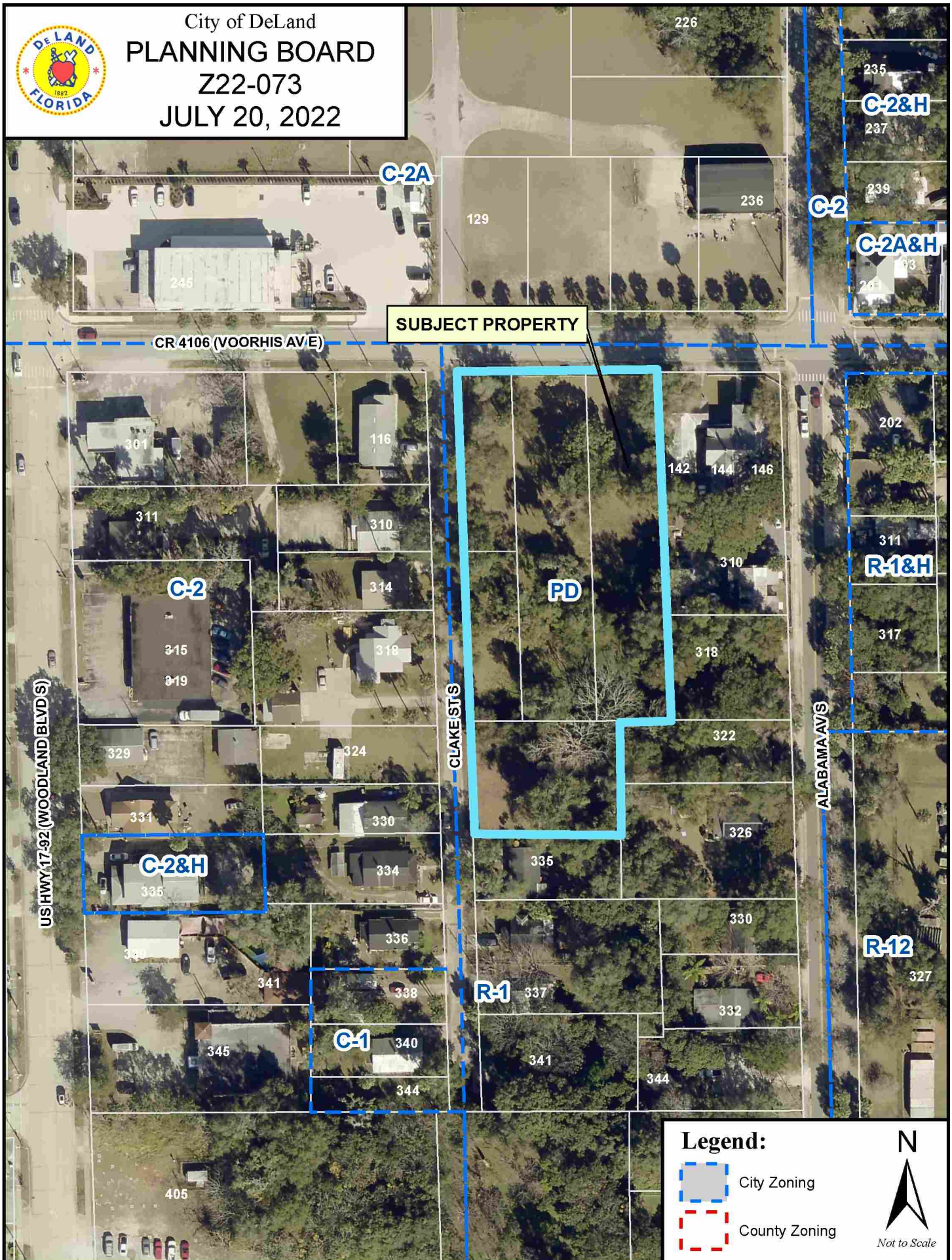
City Zoning

County Zoning





City of DeLand
PLANNING BOARD
Z22-073
JULY 20, 2022



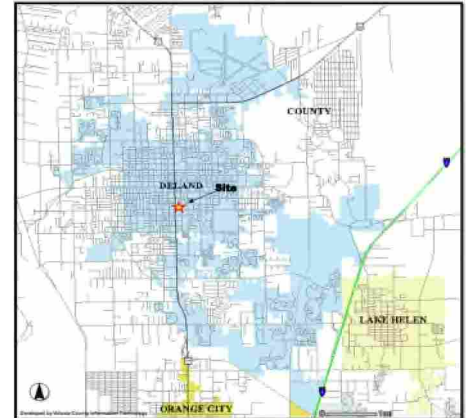
**PLANNING DEPARTMENT STAFF REPORT
TO
THE CITY OF DELAND PLANNING BOARD**

July 20, 2021

A. APPLICATION NO.: Z22-080 425 S. Woodland,
LAM Development

APPLICANT: Lee Munizzi, LAM Development

REQUEST: The applicant is requesting to amend the 425
South PD agreement



APPLICABLE ORDINANCES:

Article XII

ADMINISTRATION AND ENFORCEMENT

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

Location: 425 S. Woodland Blvd. (parcel id. 701601190070)

Parcel Size: 2.09 ± acres

Existing Use: Vacant, undeveloped

B. ANALYSIS:

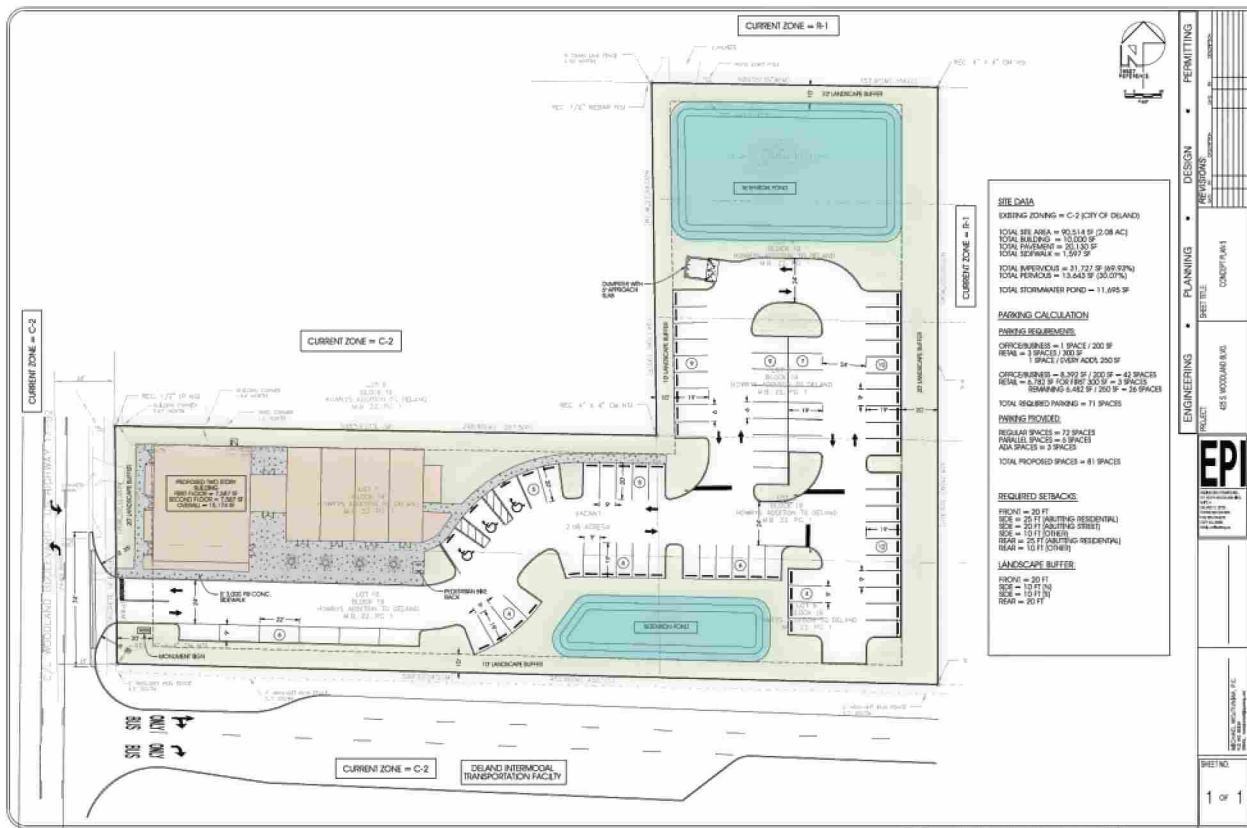
At the July 21, 2021 Planning Board meeting the applicant requested to rezone this parcel from C-2 (General Commercial) and R-1 (Single Family Residential) to 425 South PD. The applicant proposes to develop a 2-story office/business building and the associated parking, stormwater retention and open space on the property. The development will take place in a single phase of construction. As outlined in the development agreement the permitted uses for this site are as follows:

1. Commercial building to include condominiums for retail, professional offices and related business uses;
2. Parking area for guest, employees and vendors;
3. Common area and sidewalks.

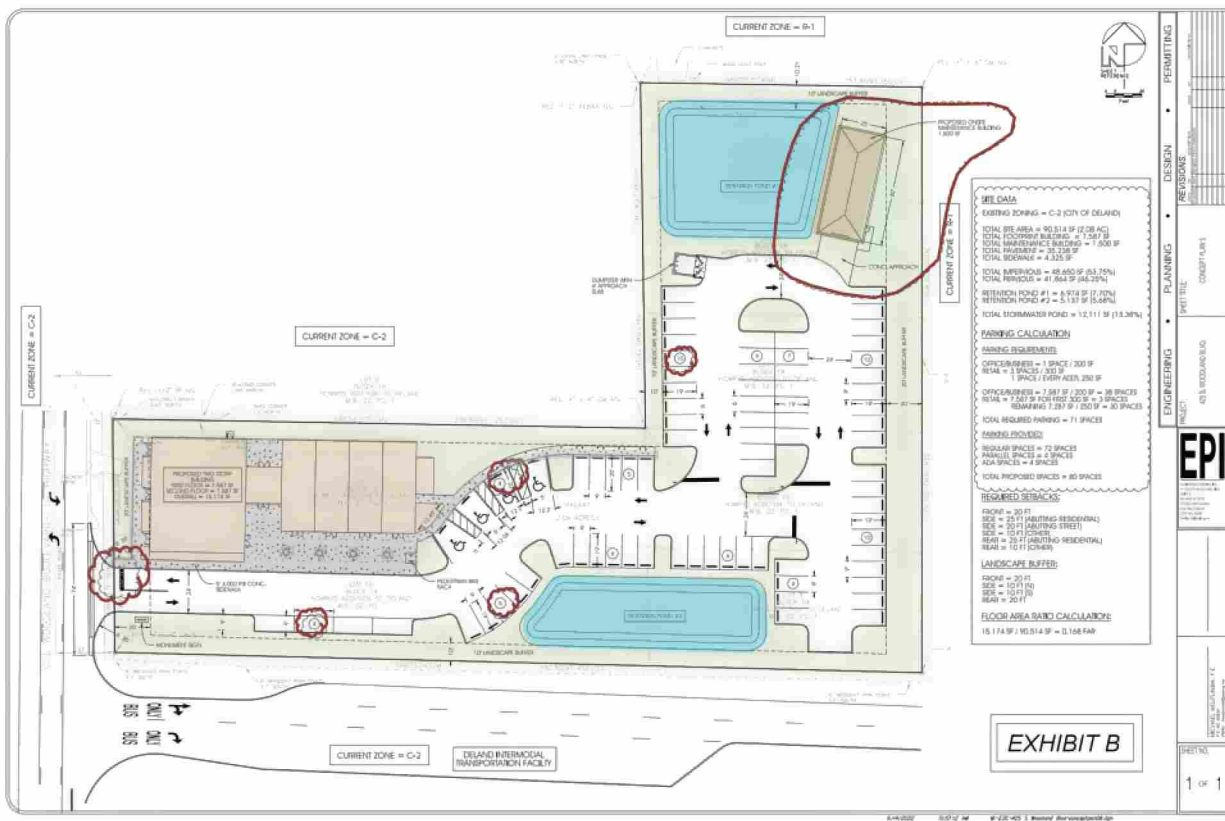
The City Commission granted final approval on April 4, 2022.

Since that time the site plan has been amended slightly and includes the addition of a building to be used for storage which has resulted in a change to the size of the adjacent stormwater pond. The original parking count was 81 spaces and the updated plan contains a total of 80 spaces resulting in a decrease of 1 space. As a result of the total building area being increased on the site, the impervious surface area has increased to 69.9% which is still within the established limit of 72%.





Previously approved site layout



Proposed site layout



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?

It was established during the original review that the proposed PD zoning designation is consistent with and permitted within all the established Land use designations for the City of DeLand and a land use amendment would not be necessary.

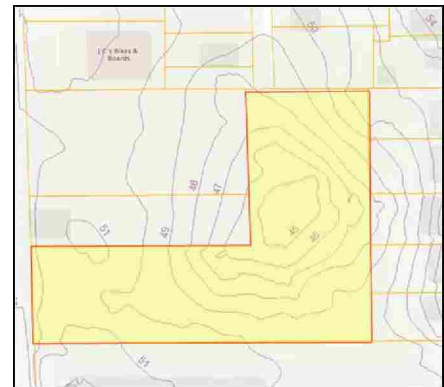
The additional rezoning request was required because of the change to the site layout. As stated in the development agreement and required by the land development regulations, changes to an approved PD are required to go through a full rezoning process. The development agreement has been amended to reflect the changes proposed.

As shown in the following table, the development parameters have remained unchanged since approval of the original PD.

	Original PD	Updated PD
Min. lot area	90,605 sf	90,605 sf
Min. width	130 (452)	130 (452)
Setbacks:		
Front	20	20
Rear	25 ft (resid.)	25 ft (resid.)
Side	10 ft (resid.)	10 ft (resid.)
Side-St.	n/a	n/a
Max. lot coverage	72%	72%
Max. bldg. height	35 ft	35 ft

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 by permitting additional building area, however 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 addition of the building will not impact the economy in that it will be used to store items owned by the property owner and not available for general public use.

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

No new services are anticipated to be required because of this 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?

The downtown area is experiencing growth and development of this property is a response to the overall changes in the area.

6. Was there a mistake in the original classification?

There was no mistake in the classification of this property as a planned development. The applicant simply wished to add the storage building which required the rezoning action.

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

The proposal will not affect the value of the area.

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. As stated previously, the impervious surface area has increased, but it remains within the acceptable limits.

C. CONCLUSION:

The change made to the approved development agreement was enough to warrant review by the Planning Board and approval by the City Commission. It is also in keeping with the original agreement and will not adversely impact the overall development.

D. STAFF RECOMMENDATION:

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

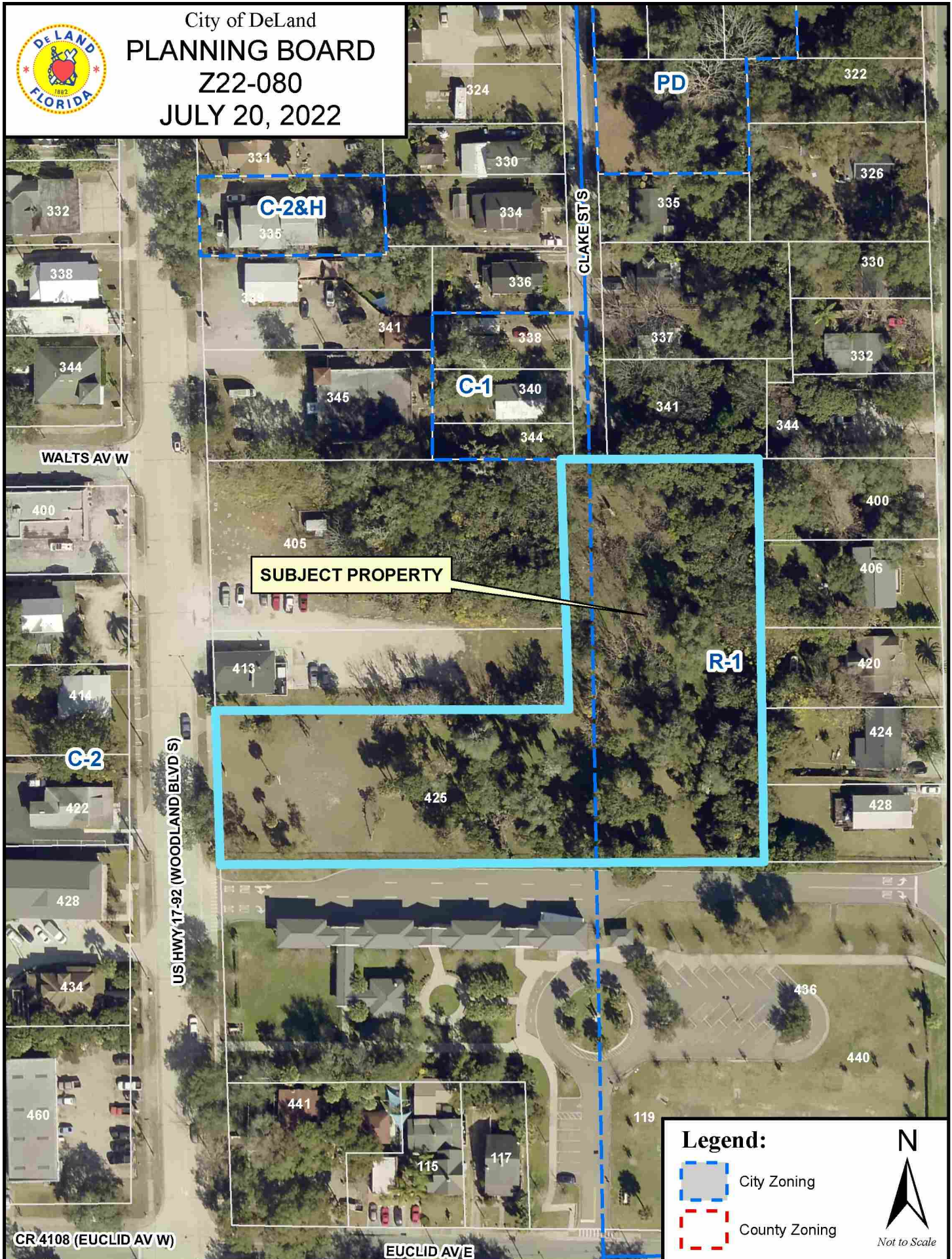


City of DeLand
PLANNING BOARD
Z22-080
JULY 20, 2022





City of DeLand
PLANNING BOARD
Z22-080
JULY 20, 2022



**PLANNING DEPARTMENT STAFF REPORT
TO
THE CITY OF DELAND PLANNING BOARD
July 20, 2022**

- A. APPLICATION NO.:** SMLU22-116
- APPLICANT:** Mark Watts, Cobb Cole
- REQUEST:** To amend the land use designation for property.
From: Medium Density Residential
To: Downtown Commercial

B. SITE FACTORS

Location: O S. Clake St., DeLand, Fl 32724
Parcel ID #: 701612000020
Parcel Size: 1.47± acres
Land Use: Medium Density Residential
Existing Use: undeveloped

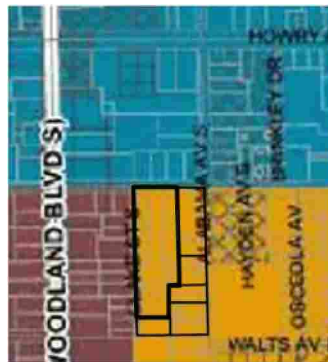
SURROUNDING USE:

North:	Downtown Commercial	Ace Hardware, Commercial
South:	Medium Density Residential	Single family residential
East:	Medium Density Residential	Single/Multi-family residential
West:	Mixed Commercial	Single family residential

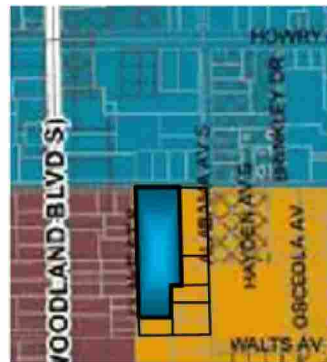
C. REQUESTED ACTION AND HISTORY:

1. **REQUEST:** The site is currently vacant and the applicant requests that the property be amended from a Medium Density Residential land use designation to the Downtown Commercial future land use designation. *The Applicant has also submitted applications for rezoning of the property.*

LAND USE



Existing designation



Proposed designation

2. **CHRONOLOGY OF PAST EVENTS:** The land use designation of the subject property has not recently been changed. The property is the subject of a rezoning from the Palm Gardens

Cottages PD designation to C-2A (Downtown Commercial) to be consistent with the other DeLand Commons property located to the north.

- 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 are provided through existing city lines.
- The existing roadway adjacent to this site, Voorhis, to the north, identified as a collector road and with an established LOS C. (per the City of DeLand Comprehensive Plan).
- Because the site is currently a residential land use category, additional demand for recreational facilities is not anticipated and has already been factored into future needs.
- 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. The proposed land use designation is the same as that of the property located immediately to the north. This parcel is being developed in conjunction with the property to the north and this land use amendment will make the properties consistent.

The land uses in this part of the city are primarily residential in nature along the east, south and west, however the property to the north has the land use established that is being sought for this property. Many of the residential uses in the area remain in use as residences even though the land use is designated as commercial. The proposed land use is considered to be compatible for this core area of the city.

EXISTING:

MEDIUM DENSITY RESIDENTIAL DESIGNATION

Description: Medium Density residential designation allows detached and attached moderate density housing types. Maximum density for this land use category shall be 12 dwelling units per gross acre.

General Type of Development:

- o Single-family, attached or detached
- o Patio homes
- o Townhomes
- o Duplexes
- o Multifamily units

- o *Manufactured housing units, as defined by the Florida Manufactured Building Act of 1979*
- o *Elementary and middle schools*
- o *Mixed-use developments*

Policy Guidelines: This land use should serve as a transitional area between nonresidential or high-density residential and low-density residential land uses. Medium density subdivision shall be encouraged to provide recreation and open space through the clustering of dwelling units. Adequate safe access should be provided from either a collector level or arterial level roadway to minimize the impact to local streets to the extent that the access does not adversely affect roadway operations. On-site amenities such as, but not limited to, recreational facilities, open space, and pedestrian walkways shall be required, as per guidelines established in the Land Development Regulations. Zoning districts will further delineate between low-medium and medium density use.

Mixed-use developments give residents the opportunity to live near the places where they work and shop. They also provide close proximity to available modes of transit; permit increases in density where City utilities and services are already available; and allow smart use of land resources. Mixed-use developments consisting of residential, office, and commercial retail and services, may be permitted in this land use designation through the PD process. Non-residential uses shall be located within the same building(s) as the residential. Non-residential intensity shall be determined based on a trip exchange rate for residential density, as specified in the equivalency matrix under Policy f2.3.3. Overall residential density for the development is not to exceed 12 dwelling units per acre.

The proposed City of DeLand land use designation is described below:

PROPOSED:

DOWNTOWN COMMERCIAL DESIGNATION

Description: The Downtown designation is a generalized land use plan, which promotes the desirable development patterns outlined in the Downtown DeLand Redevelopment Plan (2005) and the Public Space and Parking Needs Analysis (2008). A map of the Downtown Designation is attached as a part of the Future Land Use Map. The principal land use characteristics include retail and office, the historic sector of Downtown, government complexes, and residential.

General Type of Development:

- o *Central Business District (CBD) - principal commercial/retail area, restaurants, office, and free standing multifamily residential and multifamily residential above the first floor of nonresidential land uses up to 20 DU/A, residential units on the first floor of nonresidential land uses as an accessory use, but no single family residential. Includes the historic downtown sector.*
- o *Government Complex - institutional and office, for City and County services.*
- o *Mixed use of commercial and office, high-density residential, and public spaces (parks).*

Policy Guidelines: Land uses shall be mixed whenever possible to provide diversity. Major categories should include institutional/governmental office, commercial and retail, cultural, and residential. New developments shall be coordinated, even among separate developers, in order to develop a

site/structure unity. In general, retail commercial uses shall be encouraged on the ground floors that front on to streets. Offices and residential should be encouraged to locate above the active ground floor. Uses on the boundary of the downtown district shall be compatible with adjacent uses, and shall be developed in a manner which complements each other. Other plans and principles regarding circulation, public services, and open space/landscape of the Downtown Development Plan shall be utilized as policy guidelines for the downtown.

In an effort to increase density in the Downtown, residential density within the DeLand Downtown boundary shall be calculated based on gross acreage for the entire district and not on an individual property basis. Total number of dwelling units within said district shall not exceed a total of 2,777 units, which is the amount permitted under the 2008 City of DeLand Comprehensive Plan land use designations.

Non-residential growth within the Downtown shall be regulated in phases, and maximum intensity shall be calculated for the district as a whole, not on an individual property basis. The first phase of growth shall be limited to the amount of non-residential intensity currently permitted under the 2008 City of DeLand Comprehensive Plan land use designations: 6,204,065 square feet.

3. **Future Land Use Map:** The proposed change in the land use designation to Downtown Commercial will be shown on the revised Future Land Use Map.
4. **Location of Lakes, Floodplains, and Wetlands:** The site contains no bodies of water nor any known wetlands.
5. **Analysis of Natural Resources:**
 - a. Soil type: Generally, the soil type is 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 – There are no known species on this site. If determined to be necessary, a site review to determine the existence of any such species will be conducted in conjunction with site plan development.
6. **Existing and Future Impact upon Infrastructure Capacity:**
 - a. *Water* – The City’s utility department supplies water to the site.
 - 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.
 - d. *Solid Waste* – Solid waste services are available for the property.
 - e. *Transportation* – The type of use that could be anticipated for this site is expected to generate additional traffic primarily because the site is currently vacant. 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 additional traffic is

handled so as not to cause the impacted roadway segment to fail once an actual site plan is submitted.

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 that will allow residential development; any impacts to the recreational needs of the city as a result of the development of this site will be investigated.
8. **New Public Facilities Needed to Serve Land Use:** Because this site is 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 existing city facilities and no deficiencies 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 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:** The existing zoning designation (Palm Gardens Cottages PD) will be amended upon approval of the land use amendment and a rezoning request. The proposed designation is compatible with the proposed land use designation.
13. **Will the proposed land use change impact schools?** The proposed project will include residential dwelling units and an estimate of anticipated student population will be estimated by the school board to address concurrency.
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:

Concentrate development towards the Urban Core with appropriate density or intensity.
Create housing opportunities and choices by providing quality housing for people of all income levels and age groups.

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.)

DeLand Commons - SMLU22-116					
Development Variable			Existing land use	Proposed I.u	Net Change
			<i>MDR</i>	<i>Downtown Commercial</i>	
	Permitted Density		<i>12</i>	<i>20</i>	
			Theoretical Maximum		
Property Acreage	<i>1.47</i>				
Dwelling units			17.64	29.4	12
Non-residential (retail, sq. ft.)					0
1. Population	2.25	persons/hh	19	66	47
2. PM Peak Hour Trips/Daily Trips	0.62	PM peak/unit	11	18	7
	6.65	trips/unit	117	196	78
3. Sanitary Sewer	160	gal/unit	2822.4	4704	1882
4. Potable water (gal/day)	180	gal/unit	3175.2	5292	2117
5. Solid waste (pounds/person)	3.21	lb/person	61	212	151
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, however none of the facilities will exceed the adopted LOS.

F. CONCLUSION: The facility analysis presented in the above sections suggests the proposed land use should not cause any of the City's facilities to degrade below the adopted or current operational LOS. The proposed designation is consistent with the surrounding properties to the north and the proposed future use of the property is consistent with the uses in the immediate vicinity of the site.

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



City of DeLand
PLANNING BOARD
SMLU22-116
JULY 20, 2022

C-2A

C-2

CR 4106 (VOORHIS AV E)

SUBJECT PROPERTY

Palm Garden Cottages
PD

C-2

R-1

ALABAMA AV S

CLAKE ST S

Legend:

-  City Zoning
-  County Zoning



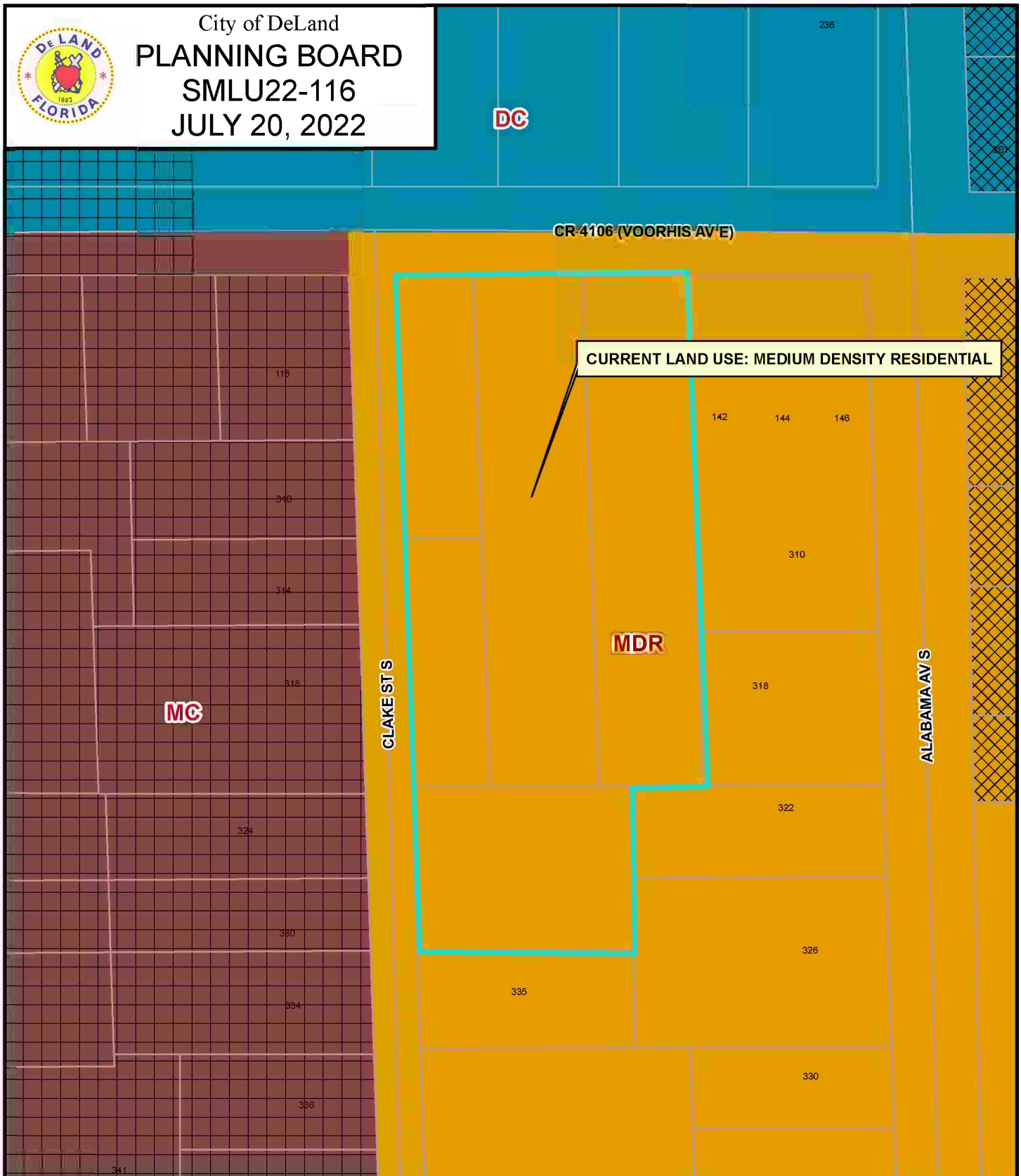


City of DeLand
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City of DeLand
PLANNING BOARD
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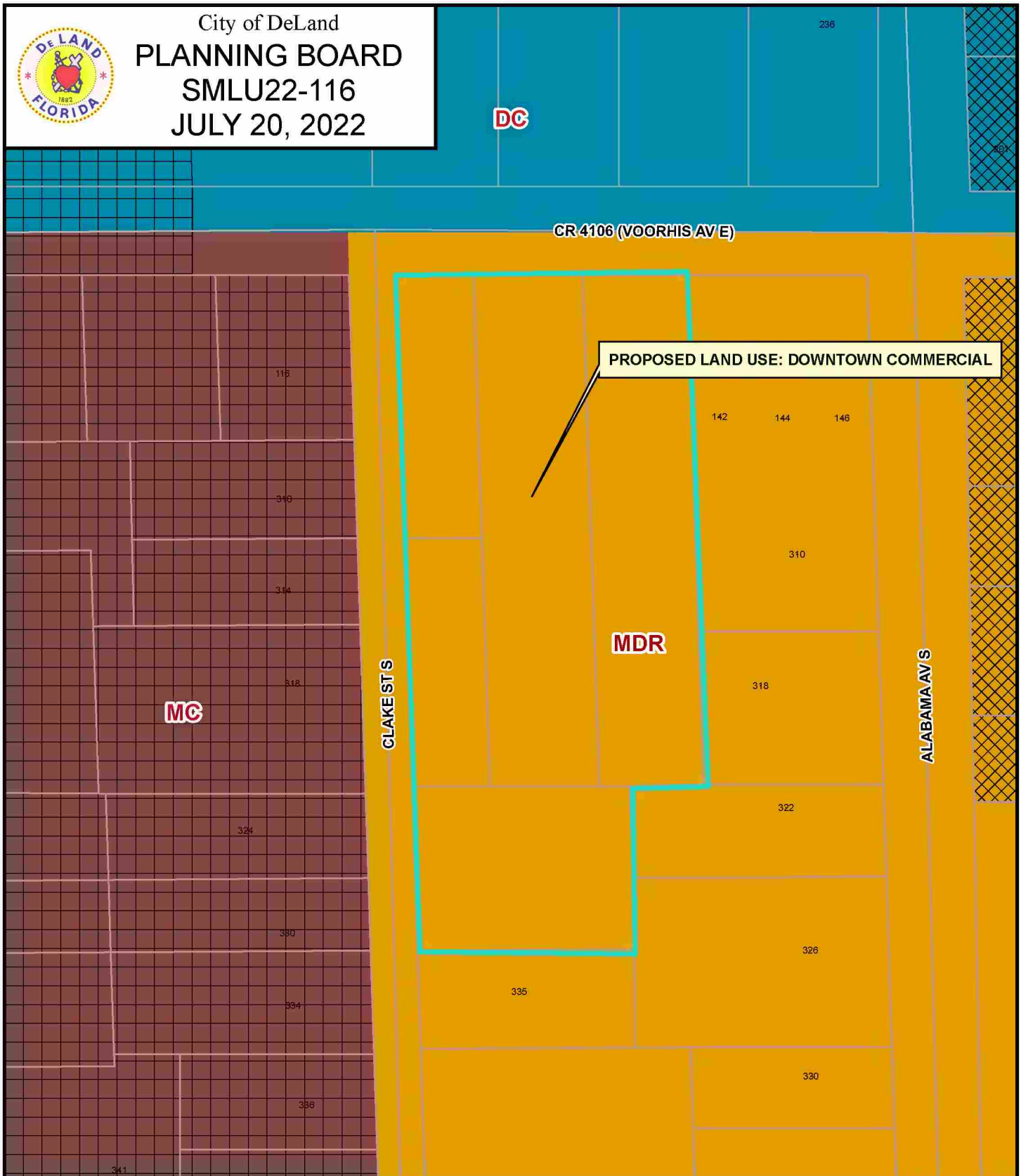
DeLand Future Land Use:

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
SMLU22-116
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