



CITY OF DELAND
REGULAR MEETING OF THE CITY COMMISSION
AUGUST 15, 2022 AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

AGENDA

CALL TO ORDER

INVOCATION-Pastor Kevin Caine, St. Paul's Missionary Baptist Church

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATIONS

1. Introduction of Fire Fighters: Julen Fernandez, Morgan Fambrough, Malik Alexander- Dunham.
2. Certificate of Recognition Presented to Mia Rhodes.
3. Certificate of Recognition Presented to Deandre Weston.
4. Certificate of Recognition Presented to Chelden Williams.
5. Presentation re Quarterly Financial Report for the Period Ending June 30, 2022.

CONSENT AGENDA

1. Resolution Approving the Sole Source Purchase and Installation of a Simulated Brick Paver Crosswalk at the Intersection of Florida Avenue and New York Avenue.

It is recommended that the City Commission approve the resolution authorizing the sole source purchase and installation of the simulated brick paver crosswalk from McShea Contracting, in the amount of \$49,503.00.

2. Consideration re County of Volusia Standard Interlocal Agreement for Municipal Services.

It is recommended that the City Commission approve the execution of the interlocal agreement with Volusia County for municipal services.

3. Consideration re Change Order No. 1, Melching Field.

Staff recommends that the City Commission approve Change Order # 1, in the amount of \$42,019.50, for the Melching Field – Field Improvements Contract.

4. Consideration re Amendment to Revised Cost Share Agreement with St. Johns River Water Management District for Alabama Avenue Reclaimed Water Main Extension.

Staff recommends that the City Commission approve the amendment addressing technical administrative matters to the Revised Cost Share Agreement with the St. Johns River Water Management District for the Alabama Avenue Reclaimed Water Main Extension.

5. Consideration re Change Order No. 1 to the Alabama Avenue Reclaimed Water Main Extension.

Staff recommends that the City Commission approve Change Order No. 1 to cover the additional expense for the Amelia Avenue road crossing for the Alabama Avenue Reclaim Project in the amount of \$42,519.39.

6. Consideration re Change Order # 1, Woodland Boulevard Lighting Improvements.

Staff recommends that the City Commission approve Change Order No. 1, in the amount of \$4,625.60, for Woodland Blvd. Lighting Improvements project.

7. Resolution Approving FDOT Joint Participation Agreement Supplemental Amendment # 2, Woodland Boulevard Lighting Improvements.

It is recommended the Commission approve the Resolution and Joint Participation Agreement Supplemental Amendment # 2 between the State of Florida Department of Transportation and the City of DeLand.

8. Consideration re Letter of Support For Volusia County Justice Assistance Grant (JAG) Nonprofit Agencies.

Consideration of approval of letter of support for the County JAG grant non-profit applications.

9. Resolution Authorizing Sole Source Purchase, Ferguson Water Works, Inc., FY 2022-2023.

Staff is seeking City Commission approval of a resolution to authorize the sole source purchase of Neptune meters, software, and parts from Ferguson Water Works, Inc.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

OLD BUSINESS

1. Second Reading of Ordinance No. 2022-14, Changing the Land Use for 1.45 Acres of Property, Located at 306 West Wisconsin Avenue from Low Density Residential & Institutional Overlay to Mixed Commercial.

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

2. Second Reading of Ordinance No. 2022-15, Changing the Zoning from R-1B to North West Square PD, of Approximately 1.45 Acres of Property, Located at 306 West Wisconsin Avenue.

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

3. Second Reading of Ordinance No. 2022-16, Changing the Zoning from Royal Oaks Planned Development PD to City of DeLand's E-1, Educational District on Property Located on the West Side of North Summit Avenue, Across from Daytona State College for an Administrative Rezone of 1.45 Acres of Property.

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

4. Second Reading of Ordinance No. 2022-17, Changing the Land Use of Approximately 0.949 Acre of Property, Located at the Southeast Corner of Dr. Martin Luther King, Jr. Beltway and Beresford Avenue Extension; from Low Density Residential to Commercial Highway.

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

5. Second Reading of Ordinance No. 2022-18, Changing the Zoning from Royal Oaks PD, to C-2, General Commercial, for Approximately 0.949 Acre of Property, Located at the Southeast Corner of Dr. Martin Luther King Jr. Beltway and Beresford Avenue Extension.

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

NEW BUSINESS

1. First Reading of Ordinance Relating to Gas System Franchise for Florida Public Utilities Company.

Ordinance relating to gas utility system franchise for Florida Public Utilities Company.

2. First Reading of Ordinance Amending Chapter 15 of the Code of Ordinances re Solid Waste Rates.

Based on the negotiated pricing discussed herein, Staff recommends the City Commission conceptually agree to amend the current rates and adopt the new Ordinance with a new contract with GFL for a period of 7 years (October 1, 2022 – September 30, 2029) for residential solid waste, yard waste, recyclable collection services and commercial solid waste collection.

3. First Reading of Ordinance Amending Chapter 12; Chapter 15, Section 15-15; and Chapter 33, Section 33-12; of the Code of Ordinances Relating to Open Burning.

City staff recommends that the City Commission approve the proposed Ordinance relating to open burning.

4. First Reading of Ordinance Amending Article II, Chapter 2A of the Code of Ordinances Relating to the City's Economic Development Committee and Brownfield Advisory Committees.

Ordinance relating to the City's Economic Development Committee and Brownfield Advisory Committees.

5. CONTINUATION of First Reading of Ordinance Changing the Zoning of Approximately 28.64 Acres of Property, Located at the Southeast Corner of Martin Luther King Boulevard and Cassadaga Road, from County R-4C & R-4 to CTC DeLand PD to Develop a Multi-Family Residential Project (1st Rdg. 6/20/22 - CONT'D).

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

6. First Reading of Ordinance Changing the Zoning from The Cascades PD to Pointe Grand Apartments PD to Develop a Multi-Family Residential Project, on Approximately 14.57 Acres of Property, Located on North Spring Garden Avenue, South of Clear Lake Drive.

This is a request to approve the rezoning of the subject property to the Pointe Grand Apartments PD, for the development of a 204-unit apartment complex, which will include amenities such as a pool, fitness center and walking trails.

7. First Reading of Ordinance Changing the Zoning from Volusia County R-4C, R-4, A-1C, A-1, I-1C & I-1 to DeLand Tech Park PD, Located in the Northwest Quadrant of SR 472 and Interstate 4, for Approximately 143.2 Acres of Property,

The applicant, Mark Watts, from Cobb Cole, is requesting to rezone the subject property to better align with the vision of the South West Activity Center (SWAC) land use, and to develop the property into the DeLand Tech Park PD.

8. First Reading of Ordinance Changing the Land Use for Approximately 1.47 Acres of Property, Located on the Southeast Corner of South Clake Street and Voorhis Avenue, from Medium Density Residential to Downtown Commercial (Palm Garden Cottages PD).

The site is currently vacant and the applicant, Mark Watts, attorney for the owner, requests that the property be amended from a Medium Density Residential land use designation to the Downtown Commercial future land use designation. The property contains approximately 1.47 acres and is located at the Southeast Corner of Voorhis Avenue and Clake Street.

9. First Reading of Ordinance Changing the Zoning from Palm Garden Cottages PD to C-2A, Downtown Commercial, on Approximately 1.47 Acres of Property, Located on the Southeast Corner of South Clake Street and Voorhis Avenue.

The applicant is requesting a rezoning from Palm Garden Cottages PD to C-2A, (Downtown Commercial), to allow for the redevelopment of the property as part of a coordinated redevelopment project north of Voorhis Avenue. The subject property is located at the Southeast Corner of Voorhis Avenue and Clake Street and contains 1.47 acres.

10. First Reading of Ordinance Amending 425 South PD for LAM Development, on Approximately 2.09 Acres of Property, Located at 425 South Woodland Boulevard.

First Reading of Ordinance Amending 425 South PD for LAM Development, on Approximately 2.09 Acres of Property, Located at 425 S. Woodland Blvd. to allow for an accessory storage building.

11. Resolution Approving Lakewood Park Subdivision, Phase 2 Final Plat.

The Lakewood Park, Phase 2 subdivision has been submitted as a final plat for the purpose of recording the plat in order to commence the sale of the individual lots. Phase 2 contains 124 lots on 41.64 acres.

CITY COMMISSION REPORTS

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

CITY MANAGER REPORT

CITY ATTORNEY REPORT

CITY CLERK REPORT

CITY COMMISSION

ADJOURNMENT

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

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

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

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

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

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

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

626-7132.

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

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



The CITY OF DELAND
Volusia County, Florida

Certificate of Recognition
Presented to Mia Rhodes

Whereas, Mia Rhodes competed in the International Weightlifting Federation's Youth World Championships in León, Mexico where she earned the Gold medal and now holds the title of the Best in the World in her division; and

Whereas, Mia placed third in snatch and fifth in total at the same event held in Jeddah, Saudi Arabia in 2021; and

Whereas, Mia has been very athletic her entire life, with gymnastics, swimming, tennis and CrossFit but when she started lifting weights with her teenage brother Coby, something clicked and she found her passion in weightlifting; and

Whereas, Brian Secrest, Mia's club coach for Vero Beach Weightlifting Club said Mia possesses a unique, unstoppable blend of athleticism, technical acumen and maturity; and

Whereas, Mia has not competed with the DeLand Bulldogs in an effort to focus her attention on her club meets and education and has set a long-term goal to compete in the 2028 Olympics and a short-term goal to be crowned FHSAA State Champion as a senior.

Now, therefore, I, Robert F. Apgar, Mayor of the City of DeLand, and on behalf of the City Commission and all our citizens do hereby tender this Certificate of Recognition to Mia Rhodes and commend her for her accomplishments and wish her continued success in her future.

Done and proclaimed this 15th day of August 2022.

Robert F. Apgar, Mayor

Attest

Julie A. Hennessy, City Clerk - Auditor



The CITY OF DELAND
Volusia County, Florida

***Certificate of Recognition
Presented to Deandre Weston***

Whereas, Deandre Weston is a 13-year-old honor roll student and athlete; and

Whereas, Deandre is very active in his church and serves as a Junior Usher and believes in community outreach; and

Whereas, Deandre was ranked in the top 100 for the Class of 2027 for football; and

Whereas, Deandre placed sixth at the Amateur Athletes Union (AAU) Club Nationals and Deandre placed 14th in shot put at the AAU Club Nationals and ranked in the top 25 in the State of Florida for shot put and discus; and

Whereas, Deandre played baseball for Team USA and was the 2016 Florida Elite Heisman runner up; and

Whereas, in 2020 he had a video on ESPN for pitching and catching 2 long drives to win a game; and

Whereas, Deandre played football for the DeLand Dawgs for 5 consecutive years before joining the SEC Chargers.

Now, therefore, I, Robert F. Apgar, Mayor of the City of DeLand, and on behalf of the City Commission and all our citizens do hereby tender this Certificate of Recognition to Deandre Weston on his sports achievements while maintaining high academic standards.

Done and proclaimed this 15th day of August 2022.

Robert F. Apgar, Mayor

Attest

Julie A. Hennessy, City Clerk - Auditor



The CITY OF DELAND
Volusia County, Florida

***Certificate of Recognition
Presented to Chelden Williams***

Whereas, Chelden Williams is a 12-year-old honor roll student and athlete; and

Whereas, Chelden is very active in his church and serves as a Junior Usher and believes in community outreach; and

Whereas, Chelden is a 9-time Amateur Athletic Union (AAU) All American and is currently ranked #1 in the 200, running the fastest time in the USA; and

Whereas, Chelden placed second in the 100m, 200m and shot put in the AAU National Championship; and

Whereas, Chelden ran the fastest time for 12-year-olds in the US AAU and second fastest in the AAU World; and

Whereas, Chelden played football for the DeLand Dawgs for 5 consecutive years before joining to the SEC Chargers.

Now, therefore, I, Robert F. Apgar, Mayor of the City of DeLand, and on behalf of the City Commission and all our citizens do hereby tender this Certificate of Recognition to Chelden Williams on his sports achievements while maintaining high academic standards.

Done and proclaimed this 15th day of August 2022.

Robert F. Apgar, Mayor

Attest

Julie A. Hennessy, City Clerk - Auditor

The City of DeLand, Florida

QUARTERLY FINANCIAL REPORT



FOR THE PERIOD ENDING
June 30, 2022

MEMORANDUM

August 15, 2022

TO: HONORABLE MAYOR, CITY COMMISSIONERS AND CITY MANAGER

FROM: FINANCE DIRECTOR

SUBJECT: FINANCIAL REPORT, QUARTER ENDING JUNE 30, 2022

The Financial Report for quarter ending June 30, 2022, for the City of DeLand is submitted herewith. The Quarterly Financial Report is a supplemental report intended to provide information regarding the financial position of each fund and includes a review of balance sheets and schedules on revenues and expenditures.

The quarterly financial report is an attempt to bring to you a concise and readable interim report, and is not a substitute for the Annual Comprehensive Financial Report issued at the end of each fiscal year after the independent audit of the City's financial records. This quarterly report covers nine months of the fiscal year, a representation of seventy-five percent of the year.

To provide a more comparable and consistent presentation of fund balance reporting, the Governmental Accounting Standards Board Statement Number 54 – *Fund Balance Reporting and Government Fund Type Definitions* (Statement 54) has been implemented. Previously, fund balance for governmental funds was displayed in two broad components – Reserved and Unreserved. GASB 54 established five classifications comprising a hierarchy based primarily on the extent to which the government is bound to honor constraints for which monies can be spent. The classifications are: Non-spendable, Restricted, Committed, Assigned and Unassigned. This presentation only applies to Governmental Funds. The Proprietary Funds are presented in compliance with the GASB 34 balance sheet format: assets plus deferred outflows of resources equal liabilities plus deferred inflows of resources plus net investment in capital assets where net assets are displayed as Invested in Capital Assets – net of related liabilities, Restricted and Unrestricted.

Non-spendable Fund Balance includes amounts that cannot be spent because they are either not in a spendable form or contractually must be maintained intact. Inventories, prepaid amounts, property acquired for resale, and the principal of a permanent fund are all examples of this type of classification.

Restricted Fund Balance reflects amounts that have externally or legally imposed constraints on their use. This category naturally would include resources subject to externally imposed restrictions (creditors, grantors, contributors, laws/regulations of other governments, constitutional provisions). It also would normally, but not always, include resources resulting from enabling legislation (i.e., legislation authorizing the raising of resources for a specific purpose).

Committed Fund Balance consists of amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the City Commission, the highest level of decision making in the City. These committed amounts cannot be used for any other purpose unless the government removes or changes the specified use.

Assigned Fund Balance includes amounts that are constrained by the government's intent, but are neither restricted nor committed. The assignment conveys that the intended use of those amounts is for a specific purpose that is narrower than the general purposes of the governmental fund. Intent is not imposed by a formal commission action. Unassigned Fund Balance is the residual classification for the general fund. The General Fund should be the only fund that reports a positive unassigned fund balance, since expenditures associated with other funds are incurred for the specific activity for which the fund is reporting.

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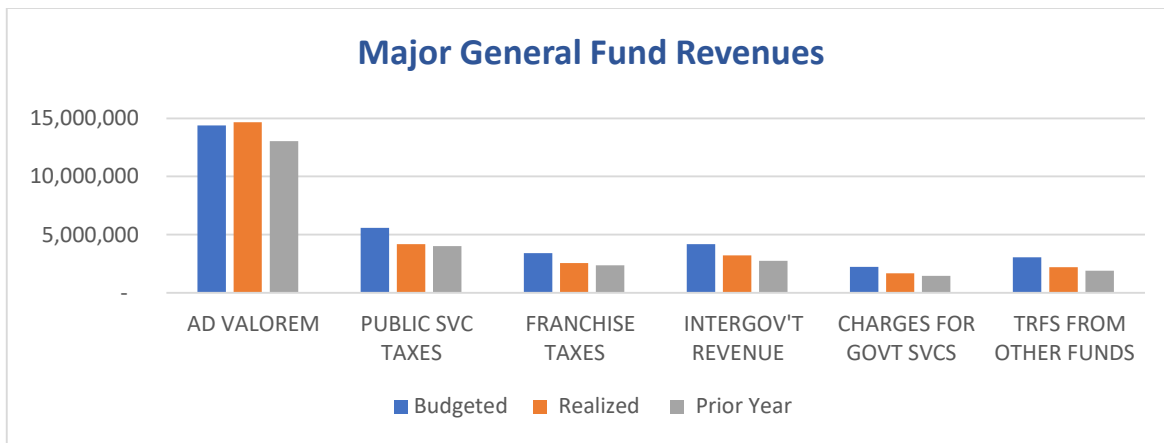
GENERAL FUND

REVENUES DISCUSSION REGARDING BUDGET VARIATIONS

Revenues of the General Fund are \$34,425,006 as of June 30, 2022 and represent 88% of revenues budgeted this fiscal year. Charges for government services represents allocated administrative costs charged out to other funds for governmental services provided. Transfers from other funds include transfers from the GIFT Fund for repayment of Hurricane Reserves, transfers from the Airport Fund for the repayment of debt and 10% PILOT transfers from the Water & Sewer Fund.

REVENUES BY CATEGORY	2021-22 AMENDED BUDGET	YTD QTR BALANCE 06/30/2022	% BDGT USED	YTD QTR BALANCE 06/30/2021
Fund 001 - GENERAL FUND				
AD VALOREM	14,391,648	14,655,107	101.83	13,046,223
OTHER TAXES	754,152	286,318	37.97	267,906
PUBLIC SERVICE TAXES	5,574,644	4,187,371	75.11	4,022,601
PERMITS, FEES, & SPECIAL ASSESSMENTS	319,220	276,265	86.54	175,078
FRANCHISE TAXES	3,411,575	2,557,604	74.97	2,375,181
OPERATING GRANTS	3,549,362	3,501,000	98.64	202,039
INTERGOVERNMENTAL REVENUE	4,180,517	3,229,233	77.24	2,758,441
TRANSFERS FROM OTHER FUNDS	3,065,798	2,207,032	71.99	1,907,200
CHARGES FOR SERVICES	781,415	1,423,698	182.19	1,014,119
FINES & FORFEITS	91,000	101,669	111.72	71,752
MISCELLANEOUS REVENUES	435,333	53,907	12.38	293,976
INTEREST REVENUES	60,000	63,912	106.52	52,477
RENTAL INCOME	97,176	190,508	196.04	71,972
CHARGES FOR GOVT SERVICES	2,225,177	1,691,383	76.01	1,470,774
	38,937,017	34,425,006	88.41	27,729,740
USE OF RESERVES	7,105,086	-		-
TOTAL REVENUES	46,042,103	34,425,006	74.77	27,729,740

- Property taxes are 102% realized due to the majority of property owners that take advantage of discounts associated with paying their property taxes before the due date. This same quarter last year was 101% realized.
- Other Taxes are at 38% realized mainly due to fire and casualty insurance premium taxes which are at 0% realized due to timing of collections which is expected in September each year. 1st local option gas taxes are at 83% realized this quarter.
- Operating grants include \$3,480,766 of ARPA funds received this fiscal year.
- Charges for Services are at 182% realized mainly due to \$787,530 of tree replacement revenues received which greatly exceed budget. Other charges for services are at 82% realized for the quarter.
- Miscellaneous Revenues are 12% realized mainly due to (\$526,699) unrealized net loss on investments.
- Rental Income is higher than budget mainly due to Sanborn Facility Rentals which have moved from Activity Fees under Charges from Services to Rental Income.



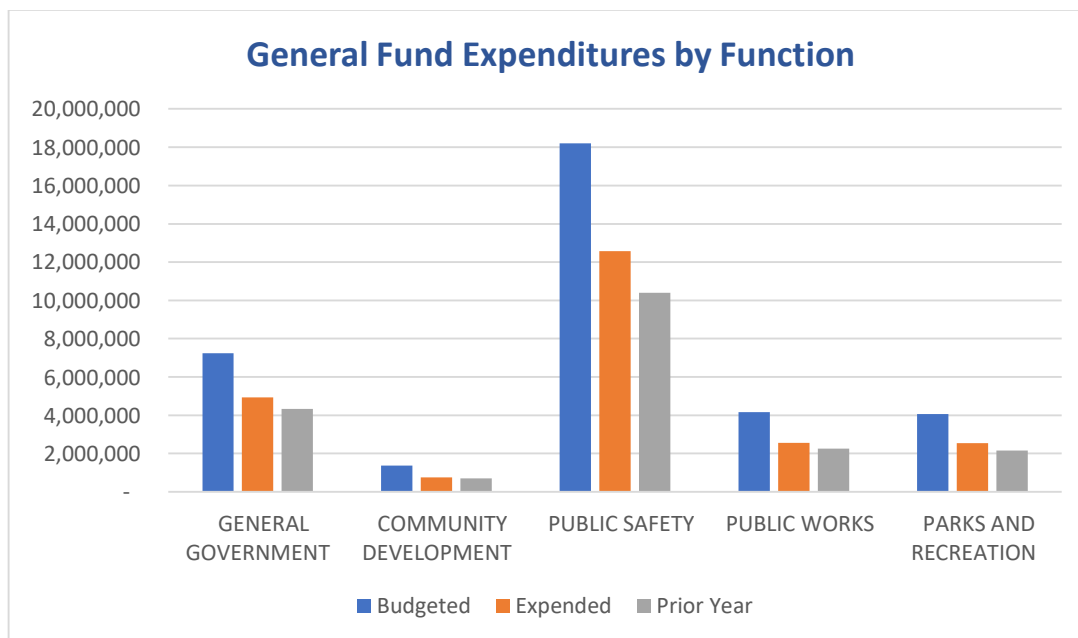
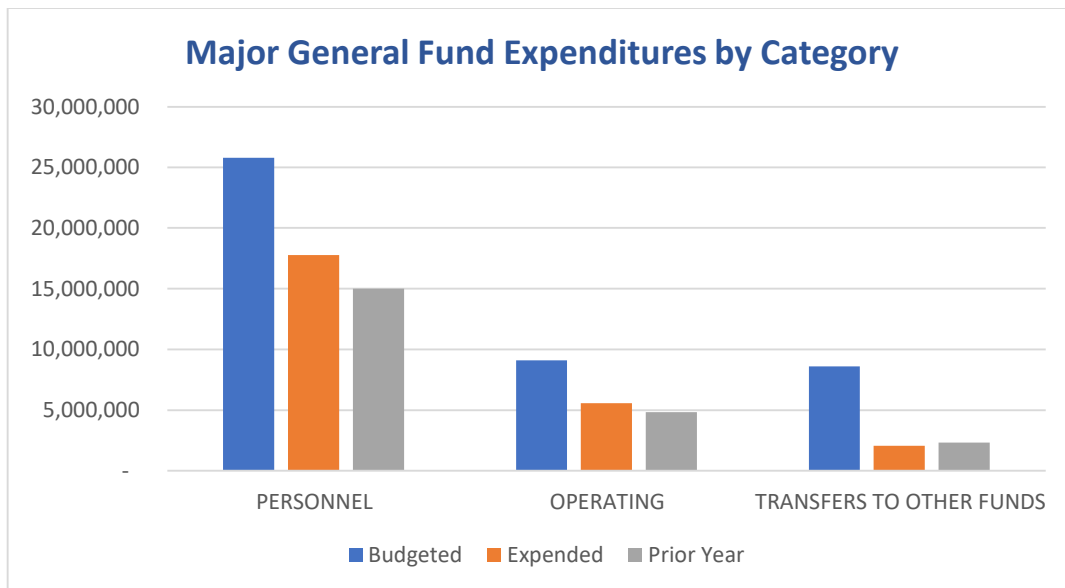
EXPENDITURES DISCUSSION REGARDING BUDGET VARIATIONS

General Fund expenditures are at \$25,420,949 or 55% of budgeted funds as of June 30, 2022. Expenditures by category as a percent of appropriated funds are personnel 69%, operating 61%, grants and aid 0%, contingencies 0%, and transfers to other funds 24%.

EXPENDITURES BY CATEGORY	2021-22 AMENDED BUDGET	YTD QTR BALANCE 06/30/2022	% BDGT USED	YTD QTR BALANCE 06/30/2021
Fund 001 - GENERAL FUND				
PERSONNEL	25,793,162	17,781,119	68.94	15,003,120
OPERATING	9,110,654	5,571,936	61.16	4,837,485
GRANTS & AID	110,000	-	0.00	-
CONTINGENCY	2,438,252	-	0.00	-
TRANSFERS TO OTHER FUNDS	8,590,035	2,067,894	24.07	2,314,301
TOTAL EXPENDITURES	46,042,103	25,420,949	55.21	22,154,906

EXPENDITURES BY FUNCTION	2021-22 AMENDED BUDGET	YTD QTR BALANCE 06/30/2022	% BDGT USED	YTD QTR BALANCE 06/30/2021
Fund 001 - GENERAL FUND				
GENERAL GOVERNMENT	7,234,880	4,928,318	68.12	4,321,891
COMMUNITY DEVELOPMENT	1,363,411	761,015	55.82	701,802
PUBLIC SAFETY	18,203,333	12,568,560	69.05	10,403,939
PUBLIC WORKS	4,156,218	2,550,241	61.36	2,255,265
PARKS AND RECREATION	4,055,974	2,544,920	62.74	2,157,707
CONTINGENCY	2,438,252	-	0.00	-
TRANSFERS	8,590,035	2,067,894	24.07	2,314,301
Fund 001 - GENERAL FUND: TOTAL EXPENDITURES	46,042,103	25,420,949	55.21	22,154,906

- Contingency budget includes planned savings for the fiscal year for the Hurricane Reserve (\$200,000), Sanborn Center Reserve (\$12,500), and ARPA funds (\$1,968,966) to be appropriated at a later date.
- All general fund departmental expenditures are within expected budget ranges at the end of the third quarter.
- Budgeted transfers to other funds include transfers to Homelessness Fund (\$50,000), transfers to Grants & Special Revenue Fund (\$3,997,320), transfers to Debt Service Fund (\$1,191,696), transfers to Capital Projects Fund (\$2,685,500) and transfers to the Airport Fund of (\$665,519).



GENERAL FUND CAPITAL PROJECTS

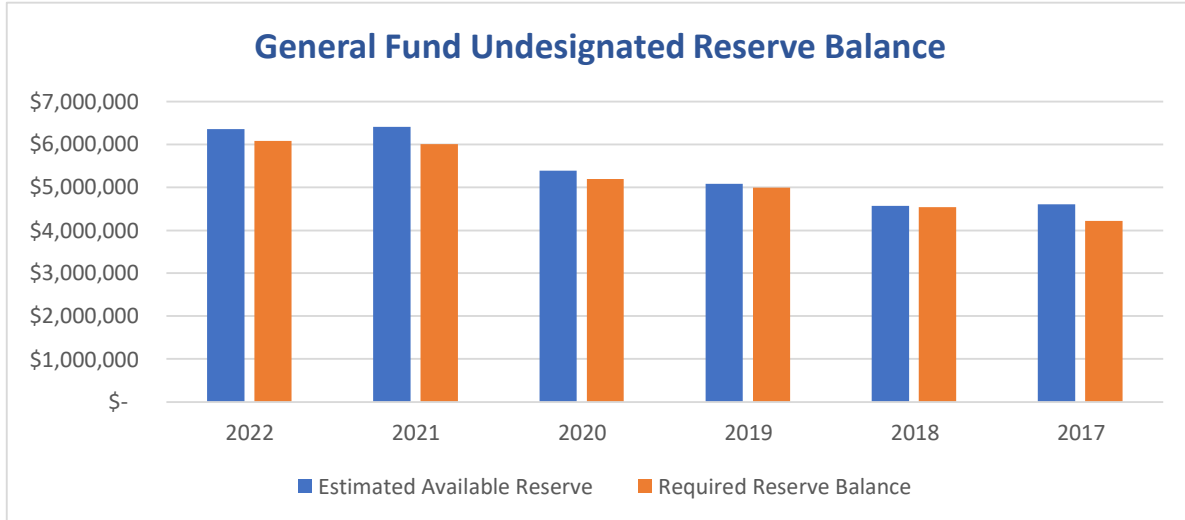
The capital projects for the General Fund are recorded in the Grants & Special Revenues Fund and the Capital Projects Fund which are included in a separate section of this report.

GENERAL FUND RESERVE ANALYSIS

According to City policy, the City will manage its fiscal resources to ensure funding for City operations is not disrupted. A reserve equivalent to two month's operating needs shall be maintained in the General Fund. The funds available for this reserve are estimated to be \$6,360,766 which represents a reserve balance of \$275,383 above the two-month required Undesignated Reserve of \$6,085,383 at June 30, 2022.

Fiscal Year 2022 Undesignated Reserve Analysis

	1st QTR	2nd QTR	3rd QTR	4th QTR
Estimated Available Reserve Funds	\$ 6,366,906	\$ 6,355,341	\$ 6,360,766	
Required 2 Month Undesignated Reserve	6,042,488	6,062,867	6,085,383	
Surplus/Deficit	\$ 324,418	\$ 292,474	\$ 275,383	\$ -



CONFISCATED TRUST FUND

REVENUES DISCUSSION REGARDING BUDGET VARIATIONS

Confiscated Trust Fund revenues are \$110 or 4% of total revenues budgeted this fiscal year. The fund has adequate reserves of \$88,877 to cover budgeted expenses this year.

EXPENDITURES DISCUSSION REGARDING BUDGET VARIATIONS

Confiscated Trust Fund operating expenditures are at \$78,195 or 99% of the total budget this fiscal year. Budgeted expenses include funding for a TI Training Recon Simulation Environment and a dual-purpose German Shepherd K9.

HOMELESS SHELTER FUND

REVENUES DISCUSSION REGARDING BUDGET VARIATIONS

The Homeless Shelter Fund operating revenues are at \$196,010 or 52% of total revenues budgeted this fiscal year. Operating revenues are comprised of private donations totaling \$157,613 and interest income of \$897. Transfers from the general fund total \$37,500 or 75% of budgeted funds which will be used towards operations of the facility.

EXPENDITURES DISCUSSION REGARDING BUDGET VARIATIONS

The Homeless Shelter Operating Expenditures are at \$367,791 or 60% of total expenses budgeted this fiscal year. Expenses include payments to the West Volusia Neighborhood Center for operation of the shelter, property insurance and building maintenance for the facility.

SPRING HILL COMMUNITY REDEVELOPMENT FUND

REVENUES DISCUSSION REGARDING BUDGET VARIATIONS

Spring Hill Community Redevelopment Fund revenues realized at June 30, 2022 are \$339,689 or 75% of budgeted revenues. CRA revenues are comprised of ad valorem taxes, federal, state and local grants, donations from private sources and miscellaneous revenues.

REVENUES BY CATEGORY	2021-22 AMENDED BUDGET	YTD QTR BALANCE 06/30/2022	% BDGT USED	YTD QTR BALANCE 06/30/2021
Fund 160 - SPRING HILL CRA FUND				
AD VALOREM	320,310	325,492	101.62	292,067
OPERATING GRANTS	33,457	12,325	36.84	-
CAPITAL GRANTS	100,000	-	0.00	-
MISCELLANEOUS REVENUES	1,200	1,000	83.33	7,700
INTEREST REVENUES	-	872	100.00	582
	<u>454,967</u>	<u>339,689</u>	<u>74.66</u>	<u>300,348</u>
USE OF RESERVES	7,331	-		-
TOTAL REVENUES	<u>462,298</u>	<u>339,689</u>	<u>73.48</u>	<u>300,348</u>

- Ad Valorem Property taxes are at 102% realization due to revenues from all taxing agencies billed in the first quarter.
- Budgeted grants include CDBG funds for personnel expenses (\$33,457) and FDEP Spring Shed initiative funds (\$100,000). Grant funding is recorded when received during the fiscal year and will not always follow normal benchmarks each quarter.

EXPENDITURES DISCUSSION REGARDING BUDGET VARIATIONS

Spring Hill Community Redevelopment Fund expenditures as of June 30, 2022 are \$148,234 or 32% of budget. Expenditures by category as a percent of appropriated funds are personnel 66%, operating 60%, grants & aid 0%, contingency 0%, transfers to other funds 82%, and capital outlay 68%.

EXPENDITURES BY CATEGORY	2021-22 AMENDED BUDGET	YTD QTR BALANCE 06/30/2022	% BDGT USED	YTD QTR BALANCE 06/30/2021
Fund 160 - SPRING HILL CRA FUND				
PERSONNEL	118,454	78,257	66.07	75,057
OPERATING	42,800	25,527	59.64	38,954
GRANTS & AID	110,000	-	0.00	5,779
CONTINGENCY	135,388	-	0.00	-
TRANSFERS TO OTHER FUNDS	48,475	39,572	81.63	36,631
CAPITAL OUTLAY	7,181	4,878	67.93	57,018
TOTAL EXPENDITURES	<u>462,298</u>	<u>148,234</u>	<u>32.06</u>	<u>213,439</u>

- Grants & Aid are at 0% of budget mainly due to the FDEP funded Spring Shed Initiative for \$100,000 which is at 0% expended this quarter. The Spring Shed Initiative will allow twenty single family residences and approximately three commercial properties to connect to the central sewer system and lawfully abandon their septic tanks.
- Budgeted transfers to other funds include transfers to the debt service fund (\$36,386), transfers to the capital project fund for shared costs of Information Technology projects (\$11,954) and transfers to the general fund for shared cost of operating costs expensed in the general fund (\$135).
- Capital Outlay expenses include Furniture, Fixtures and Equipment expenses for the Spring Hill Resource Center.

SPRING HILL COMMUNITY REDEVELOPMENT FUND CAPITAL PROJECTS

PROJECT DESCRIPTION	2021-22 AMEND BUDGET	QTR BALANCE 06/30/2022	ENCUMBERED YEAR-TO-DATE	UNENCUMBERED BALANCE	% BDGT REMAIN
SPRING HILL RESOURCE CENTER	7,181	4,878	-	2,303	32.07
	7,181	4,878	-	2,303	32.07

GOVERNMENTAL IMPACT FEES TRUST FUND

REVENUES DISCUSSION REGARDING BUDGET VARIATIONS

Governmental Impact Fees Trust Fund revenues realized at June 30, 2022 are \$1,500,235 or 152% of budgeted funds. The Governmental Impact Fees Trust Fund was established to budget and account for projects using revenue collected from Police, Fire, Parks and Recreation, and General Government Building Impact Fees paid by new customers. Revenues are budgeted to match expenses and do not reflect planned savings for the fiscal year.

REVENUES BY CATEGORY	2021-22 AMENDED BUDGET	YTD QTR BALANCE 06/30/2022	% BDGT USED	YTD QTR BALANCE 06/30/2021
Fund 170 - GIFT FUND				
PERMITS, FEES, & SPECIAL ASSESSMENTS				
IMPACT FEES - POLICE RESIDENTIAL	109,135.00	317,874.00	291.27	295,485.57
IMPACT FEES - FIRE RESIDENTIAL	170,000.00	152,790.14	89.88	144,067.18
IMPACT FEES - POLICE COMMERCIAL	0.00	15,834.74	100.00	9,614.48
IMPACT FEES - FIRE COMMERCIAL	0.00	7,642.95	100.00	4,665.67
IMPACT FEES - RECREATION RESIDENTIAL	496,402.00	714,330.00	143.90	661,696.00
IMPACT FEES - GEN GOVT RESIDENTIAL	211,000.00	275,003.00	130.33	252,971.57
IMPACT FEES - GEN GOV'T COMMERCIAL	0.00	13,720.73	100.00	8,588.54
INTEREST REVENUES	-	3,039	100.00	2,027
	986,537	1,500,235	152.07	1,379,116
USE OF RESERVES	637,585	-		-
TOTAL REVENUES	1,624,122	1,500,235	92.37	1,379,116

EXPENDITURES DISCUSSION REGARDING BUDGET VARIATIONS

Governmental Impact Fees Trust Fund expenses as of June 30, 2022 are \$1,128,387 or 69% of budgeted funds.

EXPENDITURES BY CATEGORY	2021-22 AMENDED BUDGET	YTD QTR BALANCE 06/30/2022	% BDGT USED	YTD QTR BALANCE 06/30/2021
Fund 170 - GIFT FUND				
OPERATING	43,651	13,684	31.35	-
TRANSFERS TO OTHER FUNDS:				
TRANSFER TO GENERAL FUND	411,000	308,250	75.00	150,000
TRANSFER TO GRANTS & SPEC REV	200,000	-	0.00	-
TRANSFER TO DEBT SERVICE FUND	508,156	508,157	100.00	622,157
TRANSFER TO CAPITAL PROJECT FUND	364,230	209,722	57.58	114,344
CAPITAL OUTLAY	97,085	88,575	91.23	-
TOTAL EXPENDITURES	1,624,122	1,128,387	69.48	886,501

- Budgeted transfers to the General Fund include \$200,000 to repay the Hurricane Reserve and \$211,000 to repay the early repayment of Revenue Notes 2004A & B.
- Budgeted transfers to the Grants & Special Revenue Fund include \$200,000 for renovations at Melching Field.
- Budgeted transfers to the Debt Service Fund pay for debt funded impact projects such as Earl Brown Park, Sperling Sports Complex, construction of Fire Station #81 and Police Evidence Building. A detailed report of the Debt Service Fund is included in this report.

- Budgeted transfers to the Capital Projects Fund include \$205,500 for Lights at Sperling Sports Complex, \$135,000 for Fire Station 81 Reserve Garage and \$23,730 for the PD Evidence Building. Transfers are recorded when expenses are incurred and will not follow normal benchmarks each quarter.

GOVERNMENTAL IMPACT FEES TRUST FUND CAPITAL PROJECTS

PROJECT DESCRIPTION	2021-22 AMEND BUDGET	QTR BALANCE 06/30/2022	ENCUMBERED YEAR-TO-DATE	UNENCUMBERED BALANCE	% BDGT REMAIN
GREENWAY TRAIL EXTENSION DESIGN	97,085	88,575	-	8,510	8.77
	97,085	88,575	-	8,510	8.77

DOWNTOWN COMMUNITY REDEVELOPMENT FUND

REVENUES DISCUSSION REGARDING BUDGET VARIATIONS

Downtown Community Redevelopment Fund revenues are at \$595,273 or 99% of budgeted revenues this quarter. Revenues from all taxing agencies have been received which makes up most of the revenue totals. Charges for Services is 89% realized due to rent collections exceeding budget.

REVENUES BY CATEGORY	2021-22 AMENDED BUDGET	YTD QTR BALANCE 06/30/2022	% BDGT USED	YTD QTR BALANCE 06/30/2021
Fund 180 - DOWNTOWN CRA FUND				
AD VALOREM	526,940	528,729	100.34	529,055
CHARGES FOR SERVICES	58,105	51,804	89.16	49,908
MISCELLANEOUS REVENUES	14,604	12,331	84.44	12,181
INTEREST REVENUES	-	2,409	100.00	2,076
RENTAL INCOME	-	-	0.00	94
	599,649	595,273	99.27	593,314
USE OF RESERVES	797,674	-		-
TOTAL REVENUES	1,397,323	595,273	42.60	593,314

EXPENDITURES DISCUSSION REGARDING BUDGET VARIATIONS

Downtown Community Redevelopment Fund expenditures are \$507,836 or 36% of total budgeted funds. Expenses by category as a percent of appropriated funds is operating expenses 74%, grants and aid 0%, contingencies 0%, transfers to other funds 98%, and capital outlay 23%.

EXPENDITURES BY CATEGORY	2021-22 AMENDED BUDGET	YTD QTR BALANCE 06/30/2022	% BDGT USED	YTD QTR BALANCE 06/30/2021
Fund 180 - DOWNTOWN CRA FUND				
OPERATING	363,417	267,458	73.60	167,946
GRANTS & AID	67,500	-	0.00	850
CONTINGENCY	40,238	-	0.00	-
TRANSFERS TO OTHER FUNDS	41,434	40,796	98.46	38,435
CAPITAL OUTLAY	884,734	199,582	22.56	153,629
TOTAL EXPENDITURES	1,397,323	507,836	36.34	360,860

- Contingency represents planned savings to the Downtown Redevelopment Fund this fiscal year.
- Budgeted transfers to other funds include transfers to the debt service fund to cover loan payments for downtown parking improvements (\$38,434) and transfers to capital projects fund for shared costs of IT projects (\$3,000).
- Capital Outlay is at 23% of budget due to timing of capital project expenditures and will not follow normal benchmarks each quarter.

DOWNTOWN COMMUNITY REDEVELOPMENT FUND CAPITAL PROJECTS

PROJECT DESCRIPTION	2021-22 AMEND BUDGET	QTR BALANCE 06/30/2022	ENCUMBERED YEAR-TO-DATE	UNENCUMBERED BALANCE	% BDGT REMAIN
FISH BUILDING ROOF	125,560	125,560	-	-	0.00
WAYFINDING SIGNS	51,095	32,262	-	18,833	36.86
PARKING LOT - 201 W. HOWRY AVE	498,250	-	-	498,250	100.00
RICH/CHURCH PARKING LOT	146,800	-	-	146,800	100.00
W. VOORHIS AVE STREETScape	44,469	26,671	17,800	-	0.00
PAINTERS POND PARK DESIGN	10,390	9,082	1,308	-	0.00
SUNFLOWER PARK DESIGN	8,170	6,008	2,162	-	0.00
	884,734	199,582	21,270	663,882	75.04

GRANTS & SPECIAL REVENUES FUND

REVENUES DISCUSSION REGARDING BUDGET VARIATIONS

Grants and Special Revenues Fund revenues realized at June 30, 2022 are \$344,356 or 4% of total budgeted revenues. The Grants and Special Revenues Fund was established to budget and account for all capital projects and expenditures relating to grants and other specific revenues that fund non-payroll operating expenses. Revenues in this fund are based on timing of projects and will not always follow the normal benchmarks for each quarter.

REVENUES BY CATEGORY	2021-22 AMENDED BUDGET	YTD QTR BALANCE 06/30/2022	% BDGT USED	YTD QTR BALANCE 06/30/2021
Fund 190 - GRANT & SPECIAL REVENUE FUND				
OTHER TAXES	284,357	207,341	72.92	196,006
CAPITAL GRANTS	961,481	(6,558)	(0.68)	225,536
TRANSFERS FROM OTHER FUNDS	4,197,320	143,082	3.41	168,183
DONATIONS FROM PRIVATE SOURCES	3,316,839	-	0.00	-
INTEREST REVENUES	-	491	100.00	1,059
	8,759,997	344,356	3.93	590,784
USE OF RESERVES	50,731	-		-
TOTAL REVENUES	8,810,728	344,356	3.91	590,784

- Budgeted transfers include transfers from the General Fund \$3,997,320 (1% of pilot \$240,367 and an additional \$475,276 for paving expenses, \$14,603 match funds for the shade structure at Chisholm playground, \$150,000 match funds for the playground at Jackson Lee Park, and \$3,116,839 for improvements at Melching Field) and transfers from the GIFT Fund of \$200,000 for Melching Field improvements. Transfers are recorded when expenses are incurred.
- Federal grant revenue is 0% realized this quarter. The federal grant projects budgeted this year include CDBG funds for ADA Right of Way Improvements and shade structure at Chisholm Center and EPA funds for the Brownfield Environmental projects.
- State grant revenue is 3% realized this quarter. State grant projects budgeted this year include an FDOT grant for Woodland Blvd Lighting Improvements.
- Local grant projects budgeted this year include ECHO grant funds for Melching Field Renovations and playground equipment at Jackson Lane Park. Local grant revenue is negative this period due to FY 2021 requested funds that were deemed ineligible by ECHO.

- Grant revenues are billed quarterly when expenses are incurred and will not follow normal benchmarks for any given quarter.

EXPENDITURES DISCUSSION REGARDING BUDGET VARIATIONS

Grants and Special Revenues Fund expenditures as of June 30, 2022 are \$528,009 or 6% of total budgeted funds. Expenditures in this fund are based on timing of projects and will not always follow the normal benchmarks for a given quarter.

GRANTS & SPECIAL REVENUES FUND CAPITAL PROJECTS

PROJECT DESCRIPTION	2021-22 AMEND BUDGET	QTR BALANCE 06/30/2022	ENCUMBERED YEAR-TO-DATE	UNENCUMBERED BALANCE	% BDGT REMAIN
ROW ADA IMPROV (2020 CDBG)	91,072	70,000	21,071	1	0.00
ROW ADA IMPROV (2021 CDBG)	189,594	150	123,959	65,485	34.54
WOODLAND BLVD LIGHTING IMPROV	249,925	9,850	240,013	62	0.02
STONE STREET - RIGHT OF WAY & ADA IMPROV	120,000	-	-	120,000	100.00
SPERLING SPORTS COMPLEX	9,941	9,939	-	2	0.02
MELCHING FIELD RENOVATION & EXPANSION	6,633,678	173,780	4,788,911	1,670,987	25.19
SHADE STRUCTURE AT CHISHOLM CENTER	42,668	-	42,668	0	0.00
PLAYGROUND EQUIP - JACKSON LANE PARK	300,000	-	-	300,000	100.00
	7,636,878	263,719	5,216,621	2,156,538	28.24

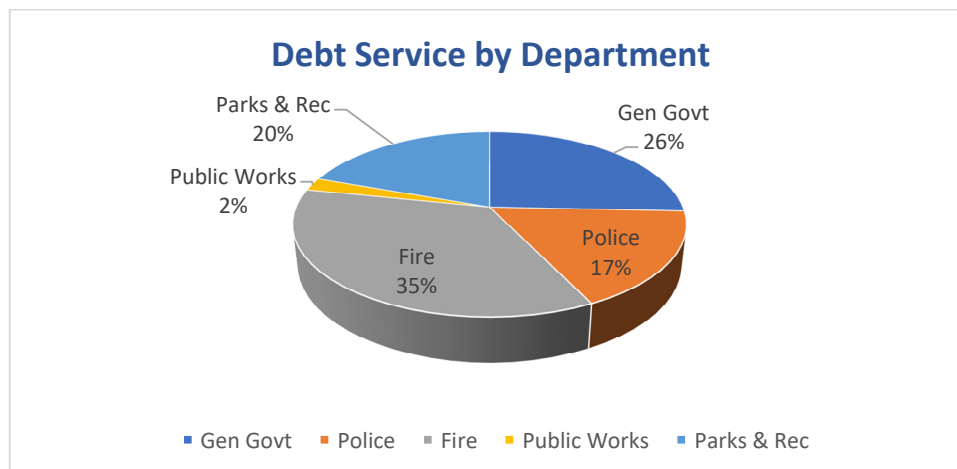
DEBT SERVICE FUND

REVENUES DISCUSSION REGARDING BUDGET VARIATIONS

Revenues for the Debt Service Fund consists of transfers from other funds which are used to pay debt payments for the current fiscal year. As of June 30, 2022, \$1,577,231 or 88% of budget was transferred from other funds to cover debt payments made by the end of the third quarter.

EXPENDITURES DISCUSSION REGARDING BUDGET VARIATIONS

Debt Service Fund expenditures are \$1,577,231 or 88% of budgeted funds at the end of the third quarter. Expenditures by department for governmental related debt payments include General Government (412,134), Fire (\$555,266), Police (\$267,187), Public Works (\$35,382), and Parks and Recreation (\$307,262). Timing of debt payments are based on predetermined amortization schedules and will vary from quarterly benchmarks throughout the year.



Annual Debt Service Schedule – FY 2022

FY 2022				
From Amortization Schedules				
Debt Instrument	Principal Payments	Interest Payments	Total Payment Due	Principal Bal Due
2013A Note BB&T - EB Park	123,626	56,217	179,843	1,580,157
2013B Note BB&T - EB Park	46,800	21,282	68,082	598,190
2018A Revenue Note BB&T - Non-taxable	376,792	86,015	462,807	2,439,388
2018B Revenue Note BB&T - Taxable	61,538	37,023	98,561	867,985
2019 Revenue Note - Chase Bank	592,631	145,609	738,240	8,391,038
	<u>1,201,387</u>	<u>346,146</u>	<u>1,547,533</u>	<u>13,876,757</u>

From Amortization Schedules				
Capital Leases	Principal Payments	Interest Payments	Total Payment Due	Principal Bal Due
2020 Truist Bank Lease - Ladder Truck	187,882	16,345	204,227	979,611
2020 Printer/Copiers - DEX Imaging	39,597	-	39,597	122,116
	<u>227,480</u>	<u>16,345</u>	<u>243,825</u>	<u>1,101,727</u>

CAPITAL PROJECTS FUND

REVENUES DISCUSSION REGARDING BUDGET VARIATIONS

Revenues for the Capital Projects Fund total \$1,279,874 or 35% of budgeted funds. Revenues include transfers from other funds which are recognized when expenses are incurred for each project and will not always follow normal benchmarks each quarter.

EXPENDITURES DISCUSSION REGARDING BUDGET VARIATIONS

Capital fund expenditures total \$1,593,138 or 40% of budgeted expenses. All expenses in this fund are for capital projects which are detailed in the section below.

CAPITAL PROJECTS FUND CAPITAL PROJECTS

PROJECT DESCRIPTION	2021-22 AMEND BUDGET	QTR BALANCE 06/30/2022	ENCUMBERED YEAR-TO-DATE	UNENCUMBERED BALANCE	% BDGT REMAIN
CIVIC PLAZA PAVER LEVELING	5,200	3,210	-	1,990	38.27
CITY HALL MEETING ROOM CHAIRS	30,480	29,415	-	1,065	3.49
IT ROOM AC REPLACEMENT	13,738	13,737	-	1	0.01
REPLACE ERP SYSTEM	139,731	21,518	39,000	79,213	56.69
RECORD MGMT PLAN SERVICES	36,750	-	-	36,750	100.00
PANASONIC ARBITRATOR SYSTEM	19,900	-	-	19,900	100.00
ACCELA PLATFORM ENHANCEMENTS	101,063	6,290	11,008	83,766	82.88
CLOSED CAPTIONING	15,000	-	-	15,000	100.00
FIREHOUSE INSPECTOR	12,600	-	8,939	3,661	29.06
FORTIGATE ENTERPRISE BUNDLE SERVICE PACK	43,696	17,603	-	26,093	59.72
DATA CENTER MICROSOFT SERVER TO 2019	43,057	43,057	-	-	0.00
SPERLING COMPLEX OPTICAL NETWORK PROJECT	20,181	20,180	-	1	0.00
CELLEBRITE MOBILE FORENSIC	17,500	17,290	-	210	1.20
LIVE SCANNER SYSTEM	8,725	8,725	-	-	0.00

LEXIPOL ONLINE POLICY/PROCEDURE MAINT	29,500	29,318	-	182	0.62
LASERFICHE PROFESSIONAL AND WORKFLOW	80,000	-	-	80,000	100.00
ACCELA CIVIC PLATFORM ENHANCEMENTS	75,000	-	-	75,000	100.00
CLEARGOV BUDGET SOFTWARE	12,400	-	7,400	5,000	40.32
CITY WEBSITE REDEVELOPMENT	60,344	47,512	12,832	-	0.00
SANBORN CENTER AVI	11,111	-	-	11,111	100.00
CUSTOMER SERVICE PAYMENT KIOSK	76,438	43,944	32,494	-	0.00
WW POLE BARN CAMERAS (401)	10,760	10,759	-	1	0.01
SERVER REFRESH	72,000	71,358	-	642	0.89
COPIER FOR PUBLIC SERVICES	14,154	-	-	14,154	100.00
LARGE FORMAT PLOTTER	5,000	-	-	5,000	100.00
NEW FIRE STATION {81}	334,670	241,759	18,181	74,730	22.33
FIRE STATION #81 RESERVE GARAGE	410,000	30,860	359,480	19,659	4.79
FIRE STATION #81 FFE	125,001	119,224	-	5,777	4.62
NEW EVIDENCE BUILDING	191,265	177,810	13,455	1	0.00
PD PERIMETER SECURITY FENCING AND WALL	181,000	-	-	181,000	100.00
DOOR ACCESS CONTROL SYSTEM	8,565	8,564	-	2	0.02
FORD EXPLORER FOR NEW CAPTAIN	49,764	38,833	3,459	7,472	15.01
FORD EXPLORER REPLACING PD46	63,082	5,544	54,107	3,431	5.44
FORD EXPLORER REPLACING PD65A	63,082	5,544	54,107	3,431	5.44
FORD EXPLORER REPLACING PD49	63,082	46,312	13,339	3,431	5.44
FORD EXPLORER REPLACING PD51	63,082	46,312	13,339	3,431	5.44
FORD EXPLORER FOR CSA/CHAPLAIN	48,992	38,833	3,459	6,700	13.68
NEW K-9 PURCHASE	12,500	12,500	-	-	0.00
CITY ENTRY FEATURE - DESIGN	16,730	9,030	7,700	-	0.00
NEW SIDEWALKS	103,000	-	-	103,000	100.00
HYDRAULIC TRUCK POST PULLER	6,650	-	-	6,650	100.00
REPLACE MOWER 132-5512	9,400	-	8,304	1,096	11.65
FORD F-150 REPLACE 1320141	30,866	-	30,319	547	1.77
KUBOTA EXCAVATOR KX040	58,178	46,464	-	11,714	20.13
TRAILER FOR EXCAVATOR KX040	6,692	6,692	-	0	0.00
UTILITY TRACTOR/MOWER REPLACE 1320115	34,504	33,805	-	699	2.03
UTILITY TRAILER 132-TL-007	6,242	6,241	-	1	0.01
CAT DOZER REPLACE 1320130	161,157	-	153,129	8,028	4.98
132INM-021 ZTURN	8,996	-	8,604	392	4.36
TRUCK MOUNTED PAINT SPRAYER	53,200	39,952	-	13,248	24.90
NEW PROPAGATION GREENHOUSE	26,636	11,220	-	15,416	57.88
BUCKET TRUCK 1330145	250,344	-	222,859	27,485	10.98
NISSAN ROGUE NEW ARBORIST TECH	23,905	-	22,824	1,081	4.52
FORD ESCAPE 1330113	23,905	22,179	-	1,726	7.22
SCAG ZTURN 48' REPLACE 133-MO-27	9,038	-	-	9,038	100.00
54" ZTURN REPLACE 134-MOW-28	9,458	-	8,304	1,154	12.20
REPLACE ROOF MAIN ADMIN PARKS & REC DEPT	80,000	-	-	80,000	100.00
DELAND HOUSE FOUNDATION AND ROOF IMPROVE	65,000	-	42,500	22,500	34.62
LIGHTS AT SPERLING SOFTBALL FIELDS	205,500	177,500	-	28,000	13.63
SPEC MARTIN FACILITY IMPROVEMENTS	75,000	-	-	75,000	100.00
STADIUM SEATS - MELCHING FIELD	12,750	-	-	12,750	100.00
REPLACE A/C UNIT AT CHISHOLM GYMNASIUM	15,150	15,150	-	-	0.00
REPLACE A/C UNIT AT BURGESS BUILDING	7,225	7,225	-	-	0.00
REPLACE A/C UNIT AT DREGGORS PARK ADMIN	24,400	24,400	-	-	0.00
REPLACE SODCUTTER AT MELCHING FIELD	6,150	-	-	6,150	100.00
REPLACE 2003 JOHN DEER GATOR #61	11,073	-	11,072	1	0.01
REPLACE 2013 JOHN DEERE 150-MOW-002	9,092	9,091	-	1	0.01
TORO ELECTRIC SCOOTER 143-SCT-001	11,073	-	11,072	1	0.01
SCAGG CHEETAH MOWER #143-MOW-006	9,092	9,091	-	1	0.01
JOHN DEERE 4400 TRACTOR 143-TRA-002	19,086	19,086	-	-	0.00
FORD RANGER #143-22	30,898	-	30,319	579	1.87
	3,988,803	1,593,138	1,201,607	1,194,057	29.94

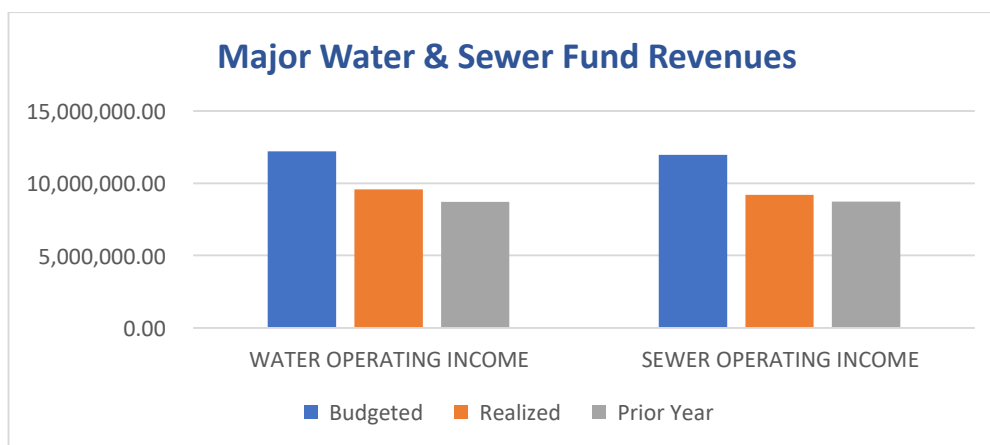
WATER & SEWER FUND

REVENUES DISCUSSION REGARDING BUDGET VARIATIONS

Water & Sewer revenues as of June 30, 2022 are \$19,468,055 or 72% of budget for the year. Revenue by category as a percent of budget realized is capital grants 55%, charges for services 78%, miscellaneous revenues -145%, interest revenues 105%, and charges for governmental services 75%. Water sales are 78% realized at \$8,224,033 and sewer sales are 77% realized at \$8,764,528.

REVENUES BY CATEGORY	2021-22 AMENDED BUDGET	YTD QTR BALANCE 06/30/2022	% BDGT USED	YTD QTR BALANCE 06/30/2021
Fund 401 - WATER & SEWER FUND				
CAPITAL GRANTS	1,535,677	841,021	54.77	31,200
CHARGES FOR SERVICES	24,832,147	19,426,488	78.23	17,992,449
MISCELLANEOUS REVENUES	648,357	(936,980)	(144.52)	(13,271)
INTEREST REVENUES	120,000	125,526	104.60	105,434
CHARGES FOR GOVT SERVICES	16,000	12,000	75.00	82,972
	27,152,181	19,468,055	71.70	18,198,785
USE OF RESERVES	22,357,479	-		-
TOTAL REVENUES	49,509,660	19,468,055	39.32	18,198,785

- Capital grant revenues includes funding from federal, state and local agencies for approved grant funded projects. Reimbursements are requested when project expenses are incurred and will not always follow normal benchmarks for any given quarter.
- Miscellaneous revenues are -145% realized at the end of the third quarter mainly due to the unrealized loss on investments for (\$1,398,811). Investments are recorded at market value and fluctuate with changes in market conditions.



As of June 30, 2022, there are 24,977 water customers and 16,628 sewer customers billed each month. As reclaim lines are installed, irrigation accounts will decrease while reclaim accounts increase. There was 1,526 irrigation meters one year ago compared to 1,507 this quarter. Meter counts and consumption data are presented below for the third quarter for the last two years.

Meter Count and Consumption June 2022			Meter Count and Consumption June 2021		
Water Meters:	Potable	22,164	Water Meters:	Potable	21,461
	Irrigation	1,507		Irrigation	1,526
	Reclaim	1,291		Reclaim	1,281
	Hydrant	15		Hydrant	12
	Total Meters	24,977		Total Meters	24,280
Sewer:	Sewer	16,628	Sewer:	Sewer	16,048
	Total W & S	41,605		Total W & S	40,328
Consumption:	Water (Potable)	147,491,180	Consumption:	Water (Potable)	151,048,000
	Water (Reclaim)	108,400,000		Water (Reclaim)	94,125,000
	Total Water	255,891,180		Total Water	245,173,000
	Sewer	102,901,180		Sewer	101,317,000
	Total Consumption	358,792,360		Total Consumption	346,490,000

A Water, Wastewater, and Reclaimed Water Rate & Development Fee Study was performed during fiscal year 2021 by Raftelis Financial Consultants to determine the necessary water and sewer rate adjustments needed over the next five years in order to fund future capital projects including alternative water supply projects. Findings from the rate study were presented to the City Commission on 8/16/2021.

EXPENDITURES DISCUSSION REGARDING BUDGET VARIATIONS

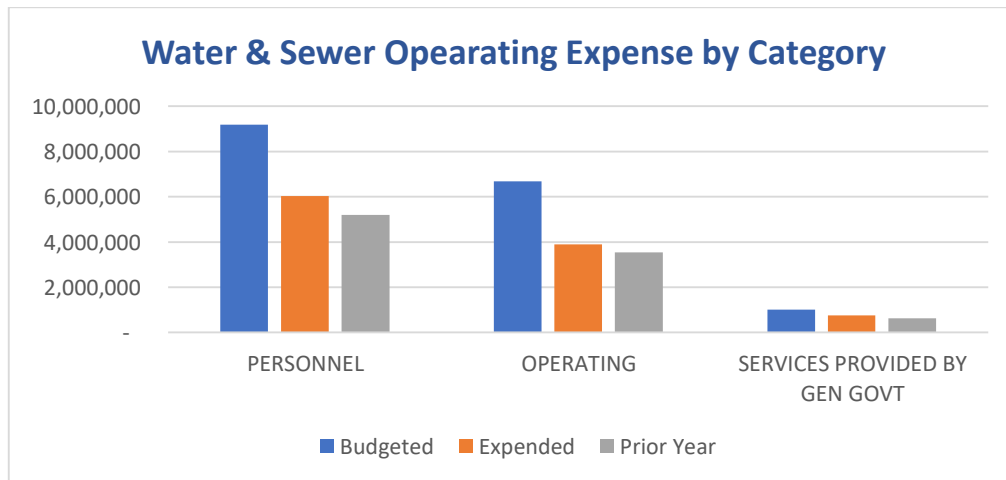
Water and Sewer Fund expenditures are at \$17,894,848 or 36% of budgeted expenses as of June 30, 2022. Expenditures by category as a percent of appropriated funds are personnel 66%, operating 58%, contingency 0%, transfers to other funds 72%, capital outlay 18%, and services provided by general government 75%.

EXPENDITURES BY CATEGORY	2021-22 AMENDED BUDGET	YTD QTR BALANCE 06/30/2022	% BDGT USED	YTD QTR BALANCE 06/30/2021
Fund 401 - WATER & SEWER FUND				
PERSONNEL	9,177,440	6,029,296	65.70	5,200,438
OPERATING	6,684,320	3,892,796	58.24	3,539,747
CONTINGENCY	219,156	-	0.00	-
TRANSFERS TO OTHER FUNDS	2,712,709	1,943,133	71.63	1,920,591
CAPITAL OUTLAY	29,694,816	5,263,710	17.73	1,830,717
SERVICES PROVIDED BY GEN GOVT	1,021,219	765,914	75.00	627,336
TOTAL EXPENDITURES	49,509,660	17,894,848	36.14	13,118,829

- Operating expenses are at 58% of budget mainly due to meter operating supplies at 60% expended and professional services at 20% expended through the end of the third quarter
- Capital Outlay is at 17% of budget due to timing of project related expenses and will not follow normal benchmarks for each quarter.
- Services provided by general government represents allocated administrative costs charged out by other funds for governmental services provided to the water utility.

EXPENDITURES BY DEPARTMENT	2021-22 AMENDED BUDGET	YTD QUARTER BALANCE 06/30/2022	% BDGT USED	YTD BALANCE 06/30/2021
4201 - UTILITIES ADMIN	15,158,588	3,122,085	20.60	2,771,561
4202 - ENGINEERING	998,690	647,310	64.82	566,135
4203 - WATER PRODUCTION	5,999,079	1,105,172	18.42	1,070,788
4204 - WATER DISTRIBUTION	6,508,804	2,819,072	43.31	2,154,298
4205 - WASTEWATER TREATMENT	12,208,516	5,012,607	41.06	1,618,578
4206 - UTILITIES MAINTENANCE	2,544,081	1,526,969	60.02	1,427,796
4208 - FACILITIES MAINTENANCE	1,109,362	542,463	48.90	514,680
4209 - CUSTOMER SERVICE	1,743,522	949,921	54.48	871,314
4210 - WASTEWATER COLLECTION	1,689,602	1,262,953	74.75	1,257,582
9990 - CONTINGENCY	219,156	-	0.00	-
9998 - CONTRIBUTIONS	1,021,219	765,914	75.00	627,336
9999 - TRANSFERS	309,041	140,382	45.43	238,761
TOTAL EXPENDITURES - FUND 401	49,509,660	17,894,848	36.14	13,118,829

- Expenses by department are lower than budget mainly due to the timing of capital project and professional service expenses included in each departmental budget. Project expenses often cross several years and will not be fully expensed during one fiscal year.
- Contributions are budgeted annually and are based on an allocation of administrative and other shared operating cost of services provided by other departments to the fund.
- Budgeted transfers include transfers to the debt service fund for printer lease payments (\$7,680), transfers to the capital projects fund (\$287,203) and transfers to the general fund for shared expenses of operating capital (\$14,158) which are recorded when expenses are incurred and will not follow normal benchmarks each quarter.



WATER & SEWER FUND CAPITAL PROJECTS

PROJECT DESCRIPTION	2021-22 AMEND BUDGET	QTR BALANCE 06/30/2022	ENCUMBERED YEAR-TO-DATE	UNENCUMBERED BALANCE	% BDGT REMAIN
UT ADMIN COMPLEX LAND ACQUISITIONS	185,000	30,672	-	154,328	83.42
UTILITIES ADMIN BLDG DESIGN	442,709	210,485	224,000	8,224	1.86
UTILITIES ADMIN BUILDING CONSTRUCTION	10,090,000	7,025	-	10,082,975	99.93
DOWNTOWN DEVELOPMENT FLOW STUDY	55,752	55,752	-	-	0.00
2022 NISSAN PATHFINDER, REPLACE #2020116	36,460	32,390	-	4,070	11.16
WTP #10 PROJECT A WELL SITE	568,370	800	9,974	557,596	98.10
WTP#10 SUPPLY WELLS FG1-2	1,419,125	9,205	185,261	1,224,659	86.30
WP#10 DESIGN	2,158,858	-	-	2,158,858	100.00
WATER PLANT #12 CROM TANK REHABILITATION	48,300	48,300	-	-	0.00
WATER PLANT #6 GENERATOR ENCLOSURE	9,875	9,875	-	-	0.00
WP#4 HIGH SVC PUMP REPLACEMENT	29,448	29,448	-	-	0.00
WP#9 SUBMERSIBLE MIXING SYSTEM	41,550	-	-	41,550	100.00
WP#9 VFD REPLACEMENT	27,165	-	-	27,165	100.00
WATER PLANT #2 PUMP & PIPING REPLACEMENT	106,271	-	105,545	726	0.68
WATER PLANT #12 VFD REPLACEMENT (3 UNITS	20,720	225	17,270	3,225	15.56
WTP #4 WELL 6 MOTOR REPLACEMENT	50	49	-	1	1.80
WATER PLANT #1 SUBMERSIBLE MIXING UNIT	13,876	11,650	-	2,226	16.04
WATER PLANT #3 SUBMERSIBLE MIXING UNIT	14,115	11,674	-	2,441	17.29
WATER PLANT #12 SUBMERSIBLE MIXING UNIT	14,115	11,746	-	2,369	16.79
WATER FLUORIDATION SYSTEM	75,551	35,849	-	39,702	52.55
SHED#1 POLE BARN ENCLOSURE	50,200	-	-	50,200	100.00
SR44 BRIDGE UTILITY RELOCATION	66,140	1,296	93	64,751	97.90
WATER MAIN RELOCATION SR44	28,768	-	28,767	1	0.00
AWNING FOR OUTSIDE SUPPLIES	15,300	-	-	15,300	100.00
EDISON WATER MAIN	662,000	206,251	455,749	-	0.00
WOODLAND & MANDARIN WATER MAIN	60,282	-	-	60,282	100.00
W SR 44 UTILITY RELOCATION	457,356	-	-	457,356	100.00
AMELIA AVE ROUNDABOUT UTILITY RELOCATION	40,000	-	-	40,000	100.00
NEW VALVE FOR 15A	38,150	17,000	21,150	-	0.00
GRUNDOMAT BORING TOOL	5,900	-	-	5,900	100.00
METER REPLACEMENT	480,000	-	-	480,000	100.00
21-22 WATER METER REPLACEMENTS - EQUIP	480,000	-	-	480,000	100.00
21-22 WATER METER REPLACE- METER BOXES	40,000	2,213	-	37,787	94.47
21-22 VALVE MAINTENANCE TRAILER	80,650	76,680	-	3,970	4.92
3" WHEEL MOUNTED DIAPHRAGM	5,950	-	5,641	309	5.19
F-250 REPLACEMENT FOR 204-5417; 204-94	44,000	-	40,157	3,843	8.73
NEW F-150 4X4 FOR UTILITY INSPECTOR	36,000	33,080	-	2,920	8.11
NASH WRF S. RECLAIM STATION CONSTRUCTION	2,788,503	6,297	2,782,205	1	0.00
NASH WRF ENG, PLANNING & CONSTRUCTION	2,582,450	378,139	2,204,311	-	0.00
DIGESTER UPGRADES AND IMPR	1,816,364	935,297	881,026	41	0.00
RECLAIM ADELLE AVE LOOP	35,404	11,153	24,250	1	0.00
US92 RECLAIM STORAGE AND REPUM	2,409,755	2,097,468	36,405	275,882	11.45
AUTOCLAVE42	15,627	-	-	15,627	100.00
NORTH AMELIA GATE REPLACEMENT	45,000	37,870	-	7,130	15.85
TURBIDITY AND SUSPENDED SOLIDS ANALYZER	9,424	-	9,423	1	0.01
WWTP ADMIN BUILD ROOF A/C REPLACEMENT #1	14,000	-	-	14,000	100.00
SLUDGE BUILDING #2 A/C REPLACEMENT	22,796	-	-	22,796	100.00
WWTP ADMIN BUILD ROOF A/C REPLACEMENT #2	12,000	-	-	12,000	100.00
PISTA GRIT CONCENTRATOR	5,830	5,300	-	530	9.09
LAB FIELD ANALYZER	7,965	-	-	7,965	100.00
L/S#47 PUMP & CONTROL PANEL REPLACEMENT	44,149	1,379	39,647	3,123	7.07
L/S#55 PUMP & CONTROL PANEL REPLACEMENT	55,256	55,256	-	0	0.00
L/S#75 PUMP & CONTROL PANEL REPLACEMENT	57,312	8,318	45,203	3,791	6.62
L/S#76 PUMP & CONTROL PANEL REPLACEMENT	65,976	7,604	58,372	0	0.00
L/S#81 PUMP & CONTROL PANEL REPLACEMENT	65,879	1,070	56,071	8,738	13.26
L/S#75 GENERATOR	42,115	37,433	4,320	362	0.86
FORD TRANSIT T-250 FOR NEW ELECTRICIAN	41,500	-	37,714	3,786	9.12
VIVAX METROTECH LOCATORS (3)	20,875	19,643	-	1,232	5.90
OPEN MOWING TRAILER	5,950	5,941	-	9	0.15
F150 4X4 TO PULL VACTRON	36,000	33,226	-	2,774	7.71
MULTI-TANK FUEL TRAILER	46,729	-	46,729	0	0.00
L/S#54 STANDBY GENERATOR - 492 MATHIS	41,530	-	41,350	180	0.43
GENIE 3- SINGLE MAN LIFT FOR GENIE AWP30	8,327	-	7,589	738	8.86
CATERPILLAR 2CC40004 TIRE LIFT TRUCK	35,979	-	35,979	-	0.00
FORD TRANSIT T-350 CARGO VAN	59,801	-	59,801	-	0.00
NEW FORD F-150	30,319	-	30,319	-	0.00
NEPTUNE AMI PILOT	300,000	-	-	300,000	100.00

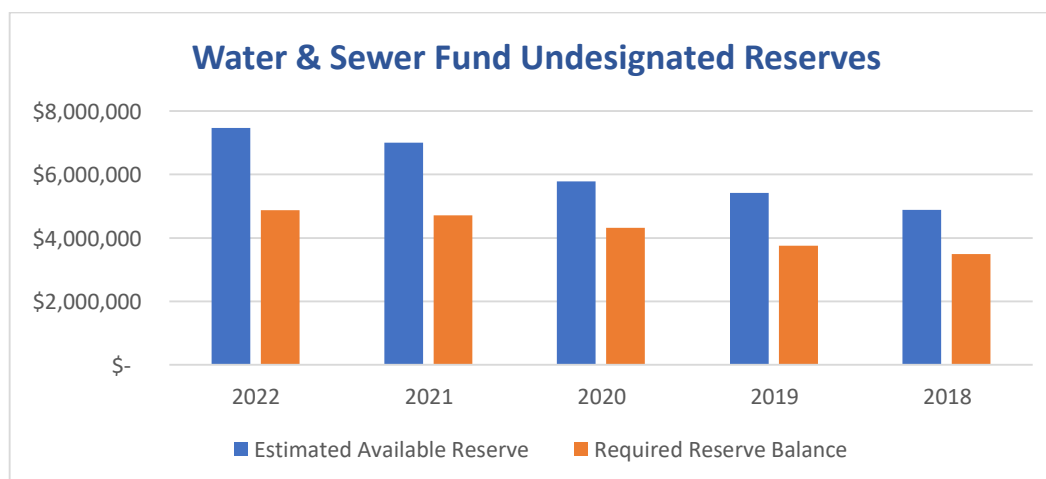
SPRING HILL SANITARY SEWER PH3	127,028	2,980	-	124,048	97.65
UTILITY RELOCATION ORANGE CAMP	164,293	70,800	6,092	87,401	53.20
MANHOLE REHAB (35-50)	15,245	-	15,146	99	0.65
SEWER LINE REHABILITATION	52,310	52,306	-	4	0.01
21/22 SEWER LINE REHABILITATION	150,000	141,716	4,459	3,825	2.55
21/22 MANHOLE REHABILITATION	60,000	57,730	-	2,270	3.78
SEWER JET TRUCK	455,119	455,118	-	1	0.00
	29,694,816	5,263,710	7,520,018	16,911,088	56.95

WATER & SEWER FUND RESERVE ANALYSIS

According to city policy, the city will manage its fiscal resources to ensure funding for city operations is not disrupted. A reserve equivalent to three month's operating needs shall be maintained in the Water & Sewer Fund. The funds available for this reserve are estimated to be \$7,464,589 which represents a reserve balance of \$2,586,218 above the three-month required Undesignated Reserve of \$4,878,371 at June 30, 2022.

Water & Sewer Fund Fiscal Year 2022 Undesignated Reserve Analysis

	1st QTR	2nd QTR	3rd QTR	4th QTR
Estimated Available Reserve Funds	\$ 7,438,948	\$ 7,438,948	\$ 7,464,589	
Required 3 Month Undesignated Reserve	4,798,065	4,767,262	4,878,371	
Surplus/Deficit	\$ 2,640,883	\$ 2,671,687	\$ 2,586,218	



WATER & WASTEWATER TRUST FUND

REVENUES DISCUSSION REGARDING BUDGET VARIATIONS

Water & Wastewater Trust Fund revenues realized are \$3,569,277 or 83% of budget as of June 30, 2022. Revenue by category as a percent of budgeted funds are permits, fees and special assessments 115%, capital grants 34%, miscellaneous revenue 0%, and interest earnings 100%.

REVENUES BY CATEGORY	2021-22 AMENDED BUDGET	YTD QTR BALANCE 06/30/2022	% BDGT USED	YTD QTR BALANCE 06/30/2021
Fund 404 - WASTEWATER TRUST FUND				
PERMITS, FEES, & SPECIAL ASSESSMENTS	3,000,000	3,463,833	115.46	2,565,515
CAPITAL GRANTS	1,317,033	449,886	34.16	227,723
MISCELLANEOUS REVENUES	-	(371,292)	0.00	(34,557)
INTEREST REVENUES	-	26,850	100.00	25,171
	<u>4,317,033</u>	<u>3,569,277</u>	82.68	<u>2,783,852</u>
USE OF RESERVES	8,950,234	-		-
TOTAL REVENUES	<u>13,267,267</u>	<u>3,569,277</u>	26.90	<u>2,783,852</u>

- Permits, fees & special assessments are 115% realized mainly due to fair share and supplemental agreements totaling \$400,055 which are more than budget this quarter.
- Miscellaneous Revenues are negative due to the unrealized loss on investments (\$371,292) through the end of the third quarter. Investments are recorded at fair value which fluctuates with changes in market conditions.
- Capital Grants revenues are requested when corresponding project expenses are incurred and will not follow normal benchmarks each quarter.

EXPENDITURES DISCUSSION REGARDING BUDGET VARIATIONS

Water & Wastewater Trust Fund expenditures are \$4,897,324 or 37% of budget as of June 30, 2022. All budgeted expenses in this fund are for capital outlay which is detailed in the Capital Project section below.

WATER & WASTEWATER TRUST FUND CAPITAL PROJECTS

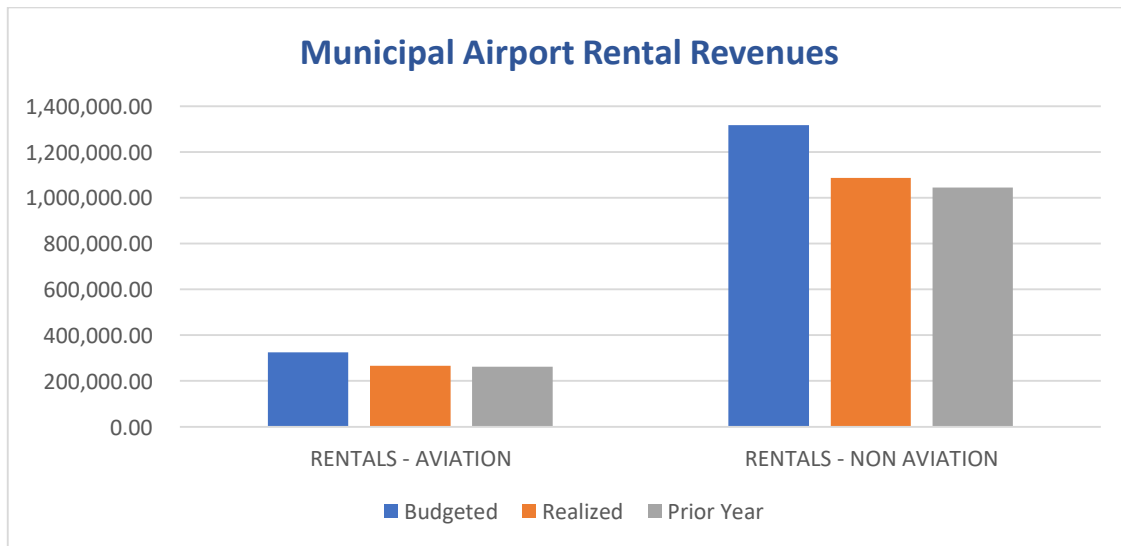
PROJECT DESCRIPTION	2021-22 AMEND BUDGET	QTR BALANCE 06/30/2022	ENCUMBERED YEAR-TO-DATE	UNENCUMBERED BALANCE	% BDGT REMAIN
RECLAIM EXP PHASE #4 - DESIGN	54,166	-	49,505	4,661	8.60
2020 WATER MAIN IMPROVEMENT	102,998	63,018	8,437	31,544	30.63
SPRING HILL SANITARY SEWER PH	44,802	(16,855)	42,456	19,201	42.86
2021 WATER MAIN IMPROVEMENTS	1,631,359	796,515	515,908	318,937	19.55
ALABAMA/AMELIA RECLAIM EXT	1,194,884	758,966	435,522	396	0.03
RECLAIM WATER EXP 4A & ADELLE	3,776,428	3,015,218	538,050	223,160	5.91
WRF SOUTH REUSE PUMP STATION	59,222	47,633	11,588	0	0.00
NORTHFIELD WELLFIELD ACQUISITION	1,000,000	1,900	-	998,100	99.81
2022 WATER MAIN IMPROVEMENTS	2,642,186	37,458	170,472	2,434,256	92.13
2022 DELEON SPRINGS WATER MAIN IMPROV	2,000,000	688	-	1,999,313	99.97
RECLAIM WATER EXPANSION PHASE #5 DESIGN	237,622	106,684	130,938	-	0.00
EAST REGIONAL FORCE MAIN SEWER DESIGN	323,600	86,099	237,501	-	0.00
SPRING HILL PHASE #4 SEWER DESIGN	200,000	-	-	200,000	100.00
	<u>13,267,267</u>	<u>4,897,324</u>	<u>2,140,377</u>	<u>6,229,566</u>	<u>46.95</u>

MUNICIPAL AIRPORT FUND

REVENUES DISCUSSION REGARDING BUDGET VARIATIONS

Municipal Airport Fund revenues realized as of June 30, 2022 are \$1,467,082 or 17% of total revenues budgeted this fiscal year. Revenues by category are grant revenues 1%, transfers from other funds 0%, charges for services 100%, miscellaneous revenues 29%, interest revenues 73% and rental revenues 82%.

REVENUES BY CATEGORY	2021-22 AMENDED BUDGET	YTD QTR BALANCE 06/30/2022	% BDGT USED	YTD QTR BALANCE 06/30/2021
Fund 430 - AIRPORT FUND				
CAPITAL GRANTS	6,094,945	51,867	0.85	105,986
TRANSFERS FROM OTHER FUNDS	665,519	-	0.00	-
CHARGES FOR SERVICES	56,155	56,154	100.00	25,800
MISCELLANEOUS REVENUES	5,000	1,467	29.34	1,843
INTEREST REVENUES	4,990	3,632	72.79	3,167
RENTAL INCOME	1,642,329	1,353,962	82.44	1,308,373
	8,468,938	1,467,082	17.32	1,445,169
USE OF RESERVES	1,119,249	-		-
TOTAL REVENUES	9,588,187	1,467,082	15.30	1,445,169

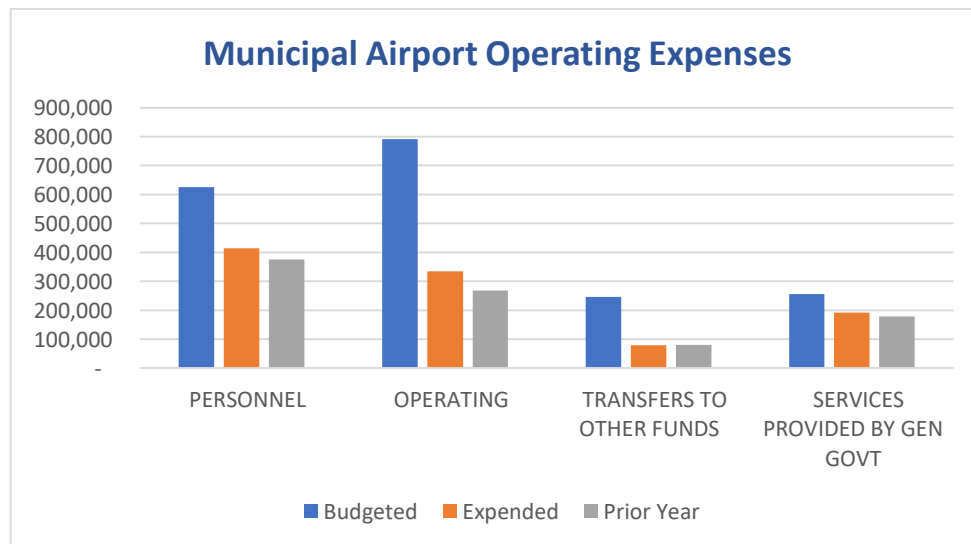


- Charges for Services includes Airport Showcase revenues which are 100% realized for the 2021 Showcase which took place in November.
- Federal and State grant revenues are 1% realized due to the timing of grant funded revenues collected throughout the year. All airport grants are reimbursement grants and revenues are collected after expenses are incurred and eligible for reimbursement.
- Budgeted transfers from the General Fund of \$665,519 for the Airport Access Road are recorded when project expenses are incurred.

EXPENDITURES DISCUSSION REGARDING BUDGET VARIATIONS

Municipal Airport Fund expenditures are \$1,261,548 or 13% of budget for fiscal year ending June 30, 2022. Expenditures by category are personnel 66%, operating expenses 42%, contingency 0%, transfers to other funds 32%, capital outlay 3%, and services provided by general government 75%.

EXPENDITURES BY CATEGORY	2021-22 AMENDED BUDGET	YTD QTR BALANCE 06/30/2022	% BDGT USED	YTD QTR BALANCE 06/30/2021
Fund 430 - AIRPORT FUND				
PERSONNEL	625,773	414,334	66.21	375,352
OPERATING	790,893	334,360	42.28	268,384
CONTINGENCY	33,285	-	0.00	-
TRANSFERS TO OTHER FUNDS	246,252	79,121	32.13	80,682
CAPITAL OUTLAY	7,635,710	241,527	3.16	190,954
SERVICES PROVIDED BY GEN GOVT	256,274	192,206	75.00	179,404
TOTAL EXPENDITURES	9,588,187	1,261,548	13.16	1,094,776



- Operating expenses are at 42% of budget mainly due to professional services for the EPA Brownfield projects which are not spent to date.
- Budgeted transfers to other funds include transfers to the general fund for repayment of debt (\$225,635), transfer to debt service fund for copier lease (\$3,060) and transfer to capital project fund for shared project cost for IT projects (\$17,557).
- Capital outlay is at 3% of budget due to timing of capital projects planned for the airport.

MUNICIPAL AIRPORT FUND CAPITAL PROJECTS

PROJECT DESCRIPTION	2021-22 AMEND BUDGET	QTR BALANCE 06/30/2022	ENCUMBERED YEAR-TO-DATE	UNENCUMBERED BALANCE	% BDGT REMAIN
T-HANGARS & ELEC GATE	2,444,447	8,405	20,267	2,415,776	98.83
REHAB E&W APRON & ELEC HOMERUN	3,105,243	4,565	-	3,100,678	99.85
NW INDUSTRIAL BUS PK ACCESS RD	2,021,547	164,285	1,762,959	94,303	4.66
3-1200 GALLON FUEL FARM	24,181	24,181	-	0	0.00
WILDLIFE MANAGEMENT PLAN	40,292	40,092	200	-	0.00
	7,635,710	241,527	1,783,425	5,610,757	73.48

REFUSE COLLECTION FUND

REVENUES DISCUSSION REGARDING BUDGET VARIATIONS

Refuse Collection Fund revenues realized on June 30, 2022 are \$3,137,958 or 77% of budgeted revenues for the fiscal year. Solicitations were requested this quarter for solid waste collection services. Contract negotiations are currently in progress with GFL Corporation for the upcoming fiscal year. New garbage rates will be implemented on 10/01/22.

EXPENDITURES DISCUSSION REGARDING BUDGET VARIATIONS

Refuse Collection Fund expended funds are \$2,758,305 or 68% of budgeted expenses for the fiscal year. Operating expenses are paid when invoices are received and timing of payments does not always correlate to quarter benchmarks.

STORMWATER FUND

REVENUES DISCUSSION REGARDING BUDGET VARIATIONS

Stormwater Fund revenues are \$1,706,644 or 84% of budgeted revenues for the fiscal year ending June 30, 2022. An annual stormwater fee is billed each year for property within the City limits to owners of property that is leased or developed parcels that do not have separate water/sewer accounts. Stormwater fees are typically billed at the end of the calendar year. A rate study was performed during FY 2020 to determine the necessary rate adjustment needed over the next five years to fund future capital projects. Beginning in FY 2022, stormwater rates will increase 4% annually through fiscal year 2026.

REVENUES BY CATEGORY	2021-22 AMENDED BUDGET	YTD QTR BALANCE 06/30/2022	% BDGT USED	YTD QTR BALANCE 06/30/2021
Fund 450 - STORMWATER FUND				
CHARGES FOR SERVICES	2,010,612	1,777,729	88.42	1,640,850
MISCELLANEOUS REVENUES	2,500	(78,730)	(3,149.20)	37,472
INTEREST REVENUES	8,000	7,645	95.56	6,623
	<u>2,021,112</u>	<u>1,706,644</u>	84.44	<u>1,684,946</u>
USE OF RESERVES	1,649,149	-		-
TOTAL REVENUES	<u>3,670,261</u>	<u>1,706,644</u>	46.50	<u>1,684,946</u>

- Charges for services is higher than third quarter benchmarks due to annual billings of stormwater fees for property owners which occurs in October.
- Miscellaneous revenue is negative due to the unrealized loss on investments (\$89,384) through the end of the third quarter. Investments are recorded at fair value which fluctuates with current market conditions.

EXPENDITURES DISCUSSION REGARDING BUDGET VARIATIONS

Stormwater Fund expenditures are \$1,670,387 or 46% of total budgeted funds for the year. Expenses by category are personnel 62%, operating 44%, transfers to other funds 40%, capital outlay 36%, and services provided by general government 75%.

EXPENDITURES BY CATEGORY	2021-22 AMENDED BUDGET	YTD QTR BALANCE 06/30/2022	% BDGT USED	YTD QTR BALANCE 06/30/2021
Fund 450 - STORMWATER FUND				
PERSONNEL	791,475	493,798	62.39	321,886
OPERATING	365,130	159,666	43.73	131,709
TRANSFERS TO OTHER FUNDS	19,522	7,852	40.22	4,439
CAPITAL OUTLAY	2,229,017	810,232	36.35	432,256
SERVICES PROVIDED BY GEN GOVT	265,117	198,838	75.00	192,793
TOTAL EXPENDITURES	<u>3,670,261</u>	<u>1,670,387</u>	45.51	<u>1,083,083</u>

- Operating expenses are lower than the third quarter benchmark mainly due to contractual services which includes funding for prison work crews which have been unavailable this year. Rentals & leases, building maintenance and operating supplies/capital are also below budget this quarter.
- Budgeted transfers to other funds include \$17,155 for shared costs of capital expenses in the Capital Fund, \$1,896 for copier lease payments in the debt service fund and \$471 for shared costs of IT maintenance expenses in the General Fund. Transfers are recorded when expenses are incurred and will not follow normal benchmarks each quarter.

STORMWATER FUND CAPITAL PROJECTS

PROJECT DESCRIPTION	2021-22 AMEND BUDGET	QTR BALANCE 06/30/2022	ENCUMBERED YEAR-TO-DATE	UNENCUMBERED BALANCE	% BDGT REMAIN
NEW POLE BARN FOR SW DEPT	245,000	4,005	187,772	53,223	21.72
REPLACE K-MART PUMP STATION	700,297	385,003	7,350	307,944	43.97
CITY HALL DRAINAGE PIPE 24"	111,090	-	-	111,090	100.00
NEW HAMPSHIRE AVE POND ADDITION	61,043	5,275	21,325	34,443	56.42
BOSTON/RICH AVE DRAINAGE IMPROV	65,019	-	-	65,019	100.00
WATERFORD LAKES SW PIPE LINING	13,813	-	5,000	8,813	63.80
980 PENNSYLVANIA AVE DRAINAGE	72,000	-	6,018	65,982	91.64
HUBBARD AVE & HIGH ST DRAINAGE	100,000	-	-	100,000	100.00
MISC STORMWATER IMPROVS (NEIGHBORHOOD)	100,000	83,797	13,830	2,373	2.37
MISC STORMWATER IMPROVEMENTS (PONDS)	20,000	-	-	20,000	100.00
BROOM ATTACH FOR NEW SKID STEER SLV95-2S	5,770	5,019	-	751	13.02
MOW HEAD ATTACH NEW SKID STEER SLV95-2S	10,905	10,904	-	1	0.01
DITCH BANK MOWER 450TR-1	201,715	201,460	-	255	0.13
SKID STEER REPLACE 4500171	71,266	66,049	-	5,217	7.32
STERLING TRACTOR REPLACE 4500168	199,951	-	125,760	74,191	37.10
MOWER REPLACE 450-INM-513	9,479	-	9,091	388	4.09
6" MOBILE PUMP REPLACE 450-PP-04	49,333	48,720	-	613	1.24
FULLY BUILT CAMERA INSPECTION VEHICLE	192,336	-	192,335	1	0.00
	<u>2,229,017</u>	<u>810,232</u>	<u>568,482</u>	<u>850,302</u>	<u>38.15</u>

PERMITS & INSPECTIONS FUND

REVENUES DISCUSSION REGARDING BUDGET VARIATIONS

Permits & Inspections Fund revenue as of June 30, 2022 is \$1,909,756 or 95% of revenues budgeted this fiscal year.

REVENUES BY CATEGORY	2021-22 AMENDED BUDGET	YTD QTR BALANCE 06/30/2022	% BDGT USED	YTD QTR BALANCE 06/30/2021
Fund 480 - PERMITS & INSPECTIONS FUND				
PERMITS, FEES, & SPECIAL ASSESSMENTS	1,799,607	1,759,850	97.79	1,530,762
CHARGES FOR SERVICES	201,624	275,397	136.59	226,888
MISCELLANEOUS REVENUES	3,000	(135,512)	(4,517.08)	(10,782)
INTEREST REVENUES	10,000	10,022	100.22	8,524
	<u>2,014,231</u>	<u>1,909,756</u>	94.81	<u>1,755,393</u>
USE OF RESERVES	1,586,090	-		-
TOTAL REVENUES	<u>3,600,321</u>	<u>1,909,756</u>	53.04	<u>1,755,393</u>

- Building permit fees are up \$231,215 or 15% compared to this same quarter one year ago.
- Charges for services are higher than budget mainly due to building plan reviews and submittal fees which are significantly over budget at the end of the third quarter.
- Miscellaneous revenues are negative due to the unrealized loss on investments (\$138,862) this quarter. Investments are reported at fair value which fluctuates with changing market conditions each quarter.

EXPENDITURES DISCUSSION REGARDING BUDGET VARIATIONS

Permits & Inspections Fund expenditures are \$1,959,945 or 54% of budgeted funds at the end of the third quarter. Expenditures by category as a percentage of appropriated funds are personnel 65%, operating expenses 27%, transfers to other funds 16%, capital outlay 50%, and services provided by general government 79%.

EXPENDITURES BY CATEGORY	2021-22 AMENDED BUDGET	YTD QTR BALANCE 06/30/2022	% BDGT USED	YTD QTR BALANCE 06/30/2021
Fund 480 - PERMITS & INSPECTIONS FUND				
PERSONNEL	1,716,929	1,112,298	64.78	920,493
OPERATING	820,000	223,435	27.25	47,614
TRANSFERS TO OTHER FUNDS	237,905	38,813	16.31	67,856
CAPITAL OUTLAY	223,125	111,127	49.80	48,586
SERVICES PROVIDED BY GEN GOVT	602,362	474,271	78.74	411,087
TOTAL EXPENDITURES	<u>3,600,321</u>	<u>1,959,945</u>	54.44	<u>1,495,637</u>

- Operating expenses are at 27% of budget mainly due to \$440,000 budgeted for condemnations which are at 0% of budget this quarter.
- Budgeted transfers to other funds include \$223,118 for shared costs of capital expenses in the Capital Fund, \$4,056 for copier lease payments in the debt service fund and \$10,731 for shared costs of IT maintenance expenses in the General Fund. Transfers are recorded when expenses are incurred and will not follow normal benchmarks each quarter.

PERMITS & INSPECTIONS FUND CAPITAL PROJECTS

PROJECT DESCRIPTION	2021-22 AMEND BUDGET	QTR BALANCE 06/30/2022	ENCUMBERED YEAR-TO-DATE	UNENCUMBERED BALANCE	% BDGT REMAIN
P&I OFFICE RENNOVATIONS	90,000	46,002	6,922	37,076	41.20
2021 FORD F-150 CREW CAB	31,442	31,442	-	-	0.00
2021 FORD F-150 SUPER CAB TRUCK	33,683	33,683	-	-	0.00
NEW BUILDING INSPECTOR TRUCK 1 OF 2	34,000	-	-	34,000	100.00
NEW BUILDING INSPECTOR TRUCK 2 OF 2	34,000	-	-	34,000	100.00
	223,125	111,127	6,922	105,076	47.09

HEALTH INSURANCE COST CONTAINMENT FUND

The Health Insurance Cost Containment Fund (HICC) was created to account for the operation of a health center in an attempt to defray the rising costs of health insurance. The center provides free health care to all employees and the dependents of employees who are currently insured through the City's health plan. The HICC Fund results in reduced costs compared to regular health provider services and benefits employees by minimizing the annual increase in health insurance. The majority of revenue reflected in this fund represents transfers made from all other funds and totals \$420,725 or 69% of budget as of June 30, 2022. This fund has a budgeted Use of Reserves totaling \$50,000 to offset expenses this fiscal year.

Expended funds are \$409,175 or 67% at the end of the third quarter. Expenditures by category as a percentage of appropriated funds are operating expenses 67% and services provided by general government 75%.

WORKERS' COMPENSATION SELF-INSURANCE FUND

Worker's Comp Revenue as of June 30, 2022 total \$669,782. Premium revenues reflected in the Workers' Compensation Self-Insurance Fund represent transfers made from all other funds and totals \$611,375 or 75% at the end of the third quarter. Miscellaneous revenues total \$51,136 and represents recovery checks for \$136,027 deposited in the fund and unearned loss on investments (\$84,891) for the quarter. Interest earnings total \$7,271.

Expended funds are \$557,636 for the quarter. Expenditures by category as a percentage of appropriated funds are operating 68% and services provided by general government 75%.

During the quarter ending September 30, 2021, the City received an updated actuarial report which decreased the necessary reserve amount for FY-2022 to \$850,000 to maintain a confidence level of 75% at a \$150,000 deductible, as determined by the City's actuary, Cornerstone Actuarial Solutions. As of June 30, 2022, the fund had a recorded liability in the amount of \$448,188 for claims incurred but not reported, and a liability for reported losses of \$401,812. Currently, the City has exceeded its goal to reserve enough funds to meet the 85% confidence level of \$1,819,000 with a \$300,000 deductible.

CASH MANAGEMENT

The primary objectives of the City's investment activities are defined in the Investment Policy adopted by the City Commission. Those objectives are safety of principal, diversification to avoid incurring unreasonable risks and maintaining a portfolio sufficiently liquid to enable the City to meet all operating requirements, which may be reasonably anticipated.

The City's cash balance is \$72,926,743 which is 67% of the total cash and investment portfolio. The investments held by the City as of this reporting period have a par value of \$38,500,000, a book value of \$38,493,000 and a fair value of \$35,649,670. The blended rate of return at the end of this reporting period was .70% with a weighted average maturity

for the portfolio of 3.32. The Investment Policy sets a performance measurement for the City's portfolio with the objective of exceeding the average return on three-month US Treasury Bills or the average rate on federal funds, whichever is higher. The average three-month Treasury bill rate was 1.49% and the average rate on federal funds was 1.21%.

The City's investment portfolio is managed by Morgan Stanley. The primary liquid investments of the City are the Wells Fargo pooled cash account, money market accounts at Seaside Bank and Seacoast Bank, and a money market account at Morgan Stanley.

Governmental Accounting Standards Board (GASB) Statement No. 31 Accounting and Financial Reporting for Certain Investments and for External Investment Pools establish the accounting and financial reporting standards for governmental investments. Investments should be reported at fair value in the balance sheet and changes in the fair value of investments should be reported in the operating statement. As of June 30, 2022, the City has an unrealized loss of (\$2,843,330). An unrealized loss is defined as the decrease in fair value of investments under the book value. The investment policy requires investments be structured within portfolio percentage limitations. Below are those limitations, along with comparisons of investments held in the City's portfolio at June 30, 2022:

	Policy Limitations	Investment Percentages	Market Value of Investments
Us Treasuries & Agencies	70 - 80%	0%	-
Step Up / Callable Notes & Bonds	60 - 70%	33%	35,649,670
Single Index Variable Rate	20 - 30%	0%	-
Banker's Acceptances	15 - 25%	0%	-
Commercial Paper	15 - 25%	0%	-
CD's, CDARS and Other Time Deposits	60 - 70%	67%	72,926,743
Mutual Funds	20 - 30%	0%	-
Local Government Surplus Fund (SBA)	65 - 75%	0%	-
		100%	\$ 108,576,413

A list of the City's investment portfolio as of June 30, 2022 is included in this report.

CONCLUSION

The attached Financial Report is a presentation of the City's financial position and results of operation through June 30, 2022. Revenues for all funds are within an acceptable range for this reporting period except for those where concern was specifically expressed in this report. Expenditures for all funds are in line with what we would anticipate for this reporting period except for those where concern was specifically expressed in this report.

Please contact Daniel Stauffer, Finance Director, at 386-626-7079 or staufferd@deland.org should you have any questions or comments regarding this memorandum or the enclosed financial report.

City of DeLand
Cash & Investments Portfolio Summary
June 2022

Investment	Type	Callable Date	Maturity Date	Current Yield to Maturity	Par Value/ Face Value	Book Value	Fair Value	Market Adjustment	Interest Receivable	
General Investments:										
Pooled Interest Bearing Checking Account			Next Day	0.170%	60,705,342	60,705,342	60,705,342	-	-	
Money Market - Seaside			Next Day	0.100%	5,618,150	5,618,150	5,618,150	-	-	
Money Market - Seacoast			Next Day	0.050%	5,104,954	5,104,954	5,104,954	-	-	
Money Market - Morgan Stanley			Next Day	3.75%	1,498,297	1,498,297	1,498,297	-	-	
Total General Investments					72,926,743	72,926,743	72,926,743	-	-	
Short Term Operating Investments:										
FHLB	Call	09/30/22	3130AMX49	12/30/24	0.634%	2,000,000.00	2,000,000.00	1,893,700.00	(106,300.00)	-
FFCB	Call	07/05/22	3133EMZ70	02/10/25	0.513%	2,000,000.00	1,998,000.00	1,871,880.00	(126,120.00)	3,733.32
FNMA	Call	09/28/22	3130AP4L6	03/28/25	0.640%	2,000,000.00	1,998,000.00	1,873,620.00	(124,380.00)	3,066.66
FNMA	Call	07/30/22	3136G4ZP1	07/30/25	0.699%	2,000,000.00	2,000,000.00	1,860,480.00	(139,520.00)	5,416.66
FFCB	Call	07/05/22	3133EL2S2	08/04/25	0.722%	2,000,000.00	2,000,000.00	1,856,560.00	(143,440.00)	5,434.44
FFCB	Call	07/05/22	3133EL2U7	08/04/25	0.734%	2,000,000.00	2,000,000.00	1,852,920.00	(147,080.00)	5,515.54
FFCB	Call	07/05/22	3133EL4W1	08/25/25	0.660%	2,000,000.00	1,999,500.00	1,848,780.00	(150,720.00)	4,236.10
FNMA	Call	08/27/22	3136G4S87	08/27/25	0.700%	2,000,000.00	2,000,000.00	1,857,420.00	(142,580.00)	4,441.66
FHLB	Call	07/05/22	3130AKA55	09/24/25	0.562%	2,000,000.00	2,000,000.00	1,850,520.00	(149,480.00)	2,773.32
FNMA	Call	07/27/22	3136G45P4	10/27/25	0.603%	2,000,000.00	2,000,000.00	1,824,040.00	(175,960.00)	1,925.00
FHLB	Call	07/05/22	3130AKC95	10/29/25	0.597%	2,000,000.00	2,000,000.00	1,843,980.00	(156,020.00)	1,863.88
FFCB	Call	11/17/22	3133ENDV9	11/17/25	1.098%	500,000.00	498,000.00	469,000.00	(29,000.00)	615.14
FNMA	Call	11/25/22	3135GA4V0	11/25/25	0.678%	2,000,000.00	2,000,000.00	1,844,540.00	(155,460.00)	1,215.26
FFCB	Call	07/05/22	3133EMPU0	02/04/26	0.548%	2,000,000.00	2,000,000.00	1,825,880.00	(174,120.00)	4,055.54
FFCB	Call	07/05/22	3133EMSK9	03/02/26	0.911%	2,000,000.00	1,999,500.00	1,843,960.00	(155,540.00)	5,506.66
FHLB	Call	07/29/22	3130ALZA5	04/29/26	0.796%	2,000,000.00	2,000,000.00	1,885,300.00	(114,700.00)	2,541.66
FHLB	Call	09/17/22	3130ANRU6	09/17/26	1.119%	1,000,000.00	1,000,000.00	911,780.00	(88,220.00)	2,918.33
Total Short Term Operating Investments				0.688%	31,500,000.00	31,493,000.00	29,214,360.00	(2,278,640.00)	55,259.17	
Long Term Operating Reserve Investments:										
FNMA	Call	09/30/22	3136G4XV0	06/30/25	0.781%	1,000,000.00	1,000,000.00	934,230.00	(65,770.00)	-
FFCB	Call	07/05/22	3133EL4W1	08/25/25	0.660%	2,000,000.00	2,000,000.00	1,848,780.00	(151,220.00)	4,236.10
FFCB	Call	07/05/22	3133EL7D0	09/11/26	0.809%	2,000,000.00	2,000,000.00	1,829,080.00	(170,920.00)	4,481.10
FHLB	Call	07/05/22	3130AKC46	10/19/26	0.790%	2,000,000.00	2,000,000.00	1,823,220.00	(176,780.00)	2,839.98
Total Long Term Operating Reserve Investments				0.757%	7,000,000.00	7,000,000.00	6,435,310.00	(564,690.00)	11,557.18	
Total Investments including cash & paper					111,426,743.27	111,419,743.27	108,576,413.27	(2,843,330.00)	66,816.35	
Total L/T & S/T Investments Only					38,500,000.00	38,493,000.00	35,649,670.00	(2,843,330.00)	66,816.35	
Total Value - Morgan Stanley Assets							37,214,783.30			
Average Call/Maturity:				0.11					-	
Blended Investment Portfolio Rate of Return				0.70%						
3 Mnth T Bill				1.49%						
Fed Funds				1.21%						

GOVERNMENTAL FUND TYPES

GENERAL FUND

The General Fund serves as the primary reporting vehicle for current government operations. The General Fund, by definition, accounts for all current financial resources not required by law or administrative action to be accounted for in another fund.

User: vanettenh

DB: Deland

Fund 001 GENERAL FUND

GL Number	Description	PERIOD ENDED 06/30/2021	PERIOD ENDED 06/30/2022
*** Assets ***			
101.000	CASH IN BANK	3,370,526.25	2,512,638.04
102.000	CASH ON HAND	5,025.00	5,525.00
104.000	EQUITY IN POOLED CASH	17,570,617.27	22,587,161.00
105.000	TAXES RECEIVABLE	8,122.21	8,119.13
107.000	DELINQUENT TAXES RECEIVABLE	41,536.06	57,563.00
115.100	ACCOUNTS RECEIVABLE	1,081,518.52	1,141,906.80
117.000	ALLOWANCE FOR UNCOLLECTIBLE AR	(15,524.71)	(39,844.44)
121.000	ASSESSMENTS RECEIVABLE	39,390.53	45,130.60
131.000	DUE FROM OTHER FUNDS	0.00	0.00
132.000	ADVANCES TO OTHER FUNDS	1,998,516.40	1,843,417.19
133.000	DUE FROM OTHER GOVERNMENTS	538,734.34	632,414.23
135.000	INTEREST & DIVIDENDS REC	7,426.24	9,335.61
141.000	INVENTORIES	56,594.67	58,083.41
142.000	INVENTORIES - FOR SALE	614.74	614.74
151.900	INVESTMENTS - NON-CURRENT	7,580,578.02	8,137,679.87
155.000	PREPAID ITEMS	623,549.15	760,861.11
Total Assets		32,907,224.69	37,760,605.29
*** Liabilities ***			
115.100	ACCOUNTS RECEIVABLE	(195.00)	0.00
201.000	VOUCHERS PAYABLE	597.15	597.15
202.000	ACCOUNTS PAYABLE	540,701.45	770,488.64
205.000	CONTRACTS PAYABLE	0.00	0.00
207.000	DUE TO OTHER FUNDS	0.00	0.00
208.000	DUE TO OTHER GOVERNMENTS	619.15	2,628.32
216.000	ACCRUED SALARIES & WAGES	0.00	0.00
220.000	DEPOSITS	148,676.00	160,908.59
223.000	DEFERRED REVENUE	3,136,148.73	103,406.73
229.000	OTHER CURRENT LIABILITIES	1,964.70	1,921.04
Total Liabilities		3,828,512.18	1,039,950.47
*** Fund Balance ***			
251.000	PRIOR PERIOD ADJUSTMENT	0.00	0.00
280.000	FUND BALANCE - NONSPENDABLE	2,204,127.31	2,070,526.33
281.000	FUND BALANCE - RESTRICTED	881,505.26	1,043,938.92
282.000	FUND BALANCE - COMMITTED	958,019.25	1,707,824.70
283.000	FUND BALANCE - ASSIGNED	14,114,525.80	16,728,798.94
284.000	FUND BALANCE - UNASSIGNED	5,345,700.38	6,165,508.70
Total Fund Balance		23,503,878.00	27,716,597.59
Beginning Fund Balance		23,503,878.00	27,716,597.59
Net of Revenues VS Expenditures		5,574,834.51	9,004,057.23
Ending Fund Balance		29,078,712.51	36,720,654.82
Total Liabilities And Fund Balance		32,907,224.69	37,760,605.29

Required Supplementary Information
City of DeLand, Florida
General Fund

Schedule of Revenue, Expenditures, and Changes in Fund Balances - Comparison with Budget and FY-2021 Actual

	2021-22	2021-22	YTD QUARTER	AVAILABLE	YTD QUARTER
	ORIGINAL BUDGET	AMENDED BUDGET	BALANCE 06/30/2022	BALANCE	BALANCE 06/30/2021
Fund 001 - GENERAL FUND					
REVENUES					
AD VALOREM	14,391,648	14,391,648	14,655,107	(263,459)	13,046,223
OTHER TAXES	754,152	754,152	286,318	467,834	267,906
PUBLIC SERVICE TAXES	5,574,644	5,574,644	4,187,371	1,387,273	4,022,601
PERMITS, FEES, & SPECIAL ASSESSMENTS	319,220	319,220	276,265	42,955	175,078
FRANCHISE TAXES	3,411,575	3,411,575	2,557,604	853,971	2,375,181
OPERATING GRANTS	606,576	3,549,362	3,501,000	48,362	202,039
INTERGOVERNMENTAL REVENUE	3,970,912	4,180,517	3,229,233	951,284	2,758,441
TRANSFERS FROM OTHER FUNDS	2,403,668	2,403,668	1,802,751	600,917	1,681,829
CHARGES FOR SERVICES	781,415	781,415	1,423,698	(642,283)	1,014,119
CHARGES FOR GOVT SERVICES	2,255,177	2,225,177	1,691,383	533,794	1,470,774
FINES & FORFEITS	91,000	91,000	101,669	(10,669)	71,752
MISCELLANEOUS REVENUES	423,340	435,333	53,907	381,426	293,976
INTEREST REVENUES	60,000	60,000	63,912	(3,912)	52,477
RENTAL INCOME	92,526	97,176	190,508	(93,332)	71,972
TRANSFERS FROM OTHER FUNDS	636,164	662,130	404,281	257,849	225,371
USE OF RESERVES	4,743,857	7,105,086	-	7,105,086	-
TOTAL REVENUES	<u>40,515,874</u>	<u>46,042,103</u>	<u>34,425,006</u>	<u>11,617,097</u>	<u>27,729,740</u>
EXPENDITURES					
PERSONNEL	70,108	70,108	50,192	19,916	49,998
OPERATING	<u>48,217</u>	<u>50,821</u>	<u>27,395</u>	<u>23,426</u>	<u>16,082</u>
0100 - CITY COMMISSION	<u>118,325</u>	<u>120,929</u>	<u>77,587</u>	<u>43,342</u>	<u>66,080</u>
PERSONNEL	329,461	329,461	234,093	95,368	225,072
OPERATING	<u>19,154</u>	<u>19,154</u>	<u>10,768</u>	<u>8,386</u>	<u>8,659</u>
0101 - CITY MANAGER	<u>348,615</u>	<u>348,615</u>	<u>244,862</u>	<u>103,753</u>	<u>233,732</u>
PERSONNEL	377,005	377,005	226,151	150,854	152,114
OPERATING	<u>58,344</u>	<u>93,344</u>	<u>51,617</u>	<u>41,727</u>	<u>17,076</u>
0102 - CITY CLERK	<u>435,349</u>	<u>470,349</u>	<u>277,767</u>	<u>192,582</u>	<u>169,189</u>
PERSONNEL	833,965	833,965	601,844	232,121	570,733
OPERATING	<u>93,478</u>	<u>101,378</u>	<u>70,151</u>	<u>31,227</u>	<u>60,461</u>
0103 - FINANCE	<u>927,443</u>	<u>935,343</u>	<u>671,995</u>	<u>263,348</u>	<u>631,194</u>
PERSONNEL	83,008	83,008	58,643	24,365	53,914
OPERATING	<u>363,450</u>	<u>364,950</u>	<u>251,264</u>	<u>113,686</u>	<u>277,343</u>
0104 - LEGAL	<u>446,458</u>	<u>447,958</u>	<u>309,907</u>	<u>138,051</u>	<u>331,257</u>
PERSONNEL	616,126	616,126	418,081	198,045	277,962
OPERATING	<u>890,260</u>	<u>914,260</u>	<u>576,178</u>	<u>338,082</u>	<u>613,472</u>
0106 - ADMINISTRATIVE SERVICES	<u>1,506,386</u>	<u>1,530,386</u>	<u>994,259</u>	<u>536,127</u>	<u>891,434</u>
PERSONNEL	689,280	689,280	461,570	227,710	384,920
OPERATING	<u>1,973,860</u>	<u>2,123,930</u>	<u>1,465,574</u>	<u>658,356</u>	<u>1,264,136</u>
0110 - INFORMATION TECHNOLOGY	<u>2,663,140</u>	<u>2,813,210</u>	<u>1,927,144</u>	<u>886,066</u>	<u>1,649,056</u>
PERSONNEL	443,250	443,250	349,493	93,757	286,438
OPERATING	<u>124,840</u>	<u>124,840</u>	<u>75,304</u>	<u>49,536</u>	<u>63,510</u>
0115 - HUMAN RESOURCES	<u>568,090</u>	<u>568,090</u>	<u>424,798</u>	<u>143,292</u>	<u>349,948</u>
PERSONNEL	346,717	346,717	203,588	143,129	188,092
OPERATING	<u>93,605</u>	<u>97,293</u>	<u>65,385</u>	<u>31,908</u>	<u>53,727</u>
GRANTS & AID	<u>100,000</u>	<u>100,000</u>	<u>-</u>	<u>100,000</u>	<u>-</u>
1117 - COMMUNITY DEVELOPMENT	<u>540,322</u>	<u>544,010</u>	<u>268,973</u>	<u>275,037</u>	<u>241,819</u>
PERSONNEL	615,048	615,048	397,795	217,253	398,389
OPERATING	<u>106,470</u>	<u>106,470</u>	<u>36,485</u>	<u>69,985</u>	<u>15,166</u>
1118 - PLANNING	<u>721,518</u>	<u>721,518</u>	<u>434,280</u>	<u>287,238</u>	<u>413,556</u>
PERSONNEL	68,067	68,067	49,244	18,823	40,857
OPERATING	<u>29,816</u>	<u>29,816</u>	<u>8,518</u>	<u>21,298</u>	<u>5,571</u>
1119 - LICENCES & ENFORCEMENT	<u>97,883</u>	<u>97,883</u>	<u>57,762</u>	<u>40,121</u>	<u>46,428</u>
PERSONNEL	6,444,322	6,401,608	4,694,241	1,707,367	3,709,394
OPERATING	<u>670,751</u>	<u>694,865</u>	<u>426,026</u>	<u>268,839</u>	<u>272,021</u>
1222 - FIRE	<u>7,115,073</u>	<u>7,096,473</u>	<u>5,120,267</u>	<u>1,976,206</u>	<u>3,981,416</u>
PERSONNEL	9,511,721	9,511,721	6,502,668	3,009,053	5,669,047
OPERATING	<u>1,348,206</u>	<u>1,518,175</u>	<u>895,648</u>	<u>622,527</u>	<u>718,564</u>
1226 - POLICE	<u>10,859,927</u>	<u>11,029,896</u>	<u>7,398,316</u>	<u>3,631,580</u>	<u>6,387,611</u>

Required Supplementary Information
City of DeLand, Florida
General Fund

Schedule of Revenue, Expenditures, and Changes in Fund Balances - Comparison with Budget and FY-2021 Actual

	2021-22	2021-22	YTD QUARTER	AVAILABLE	YTD QUARTER
	ORIGINAL BUDGET	AMENDED BUDGET	BALANCE	BALANCE	BALANCE
			06/30/2022		06/30/2021
PERSONNEL	57,824	57,824	43,350	14,474	34,898
OPERATING	1,140	19,140	6,628	12,512	14
1228 - PARKING SERVICES	58,964	76,964	49,978	26,986	34,912
PERSONNEL	314,144	314,144	218,989	95,155	227,082
OPERATING	85,560	85,560	45,842	39,718	49,704
1301 - PUBLIC WORKS ADMIN	399,704	399,704	264,831	134,873	276,785
PERSONNEL	794,594	794,594	460,718	333,876	373,964
OPERATING	947,663	976,863	613,728	363,135	557,334
1302 - STREETS	1,742,257	1,771,457	1,074,445	697,012	931,298
PERSONNEL	484,728	484,728	264,490	220,238	229,139
OPERATING	152,480	172,480	59,178	113,302	51,577
1303 - TREES	637,208	657,208	323,668	333,540	280,716
PERSONNEL	620,562	620,562	421,874	198,688	334,689
OPERATING	130,174	133,274	77,791	55,483	70,481
1304 - URBAN BEAUTIFICATION	750,736	753,836	499,665	254,171	405,170
PERSONNEL	512,147	512,147	355,501	156,646	326,331
OPERATING	61,266	61,866	32,131	29,735	34,966
1306 - VEHICLE MAINTENANCE	573,413	574,013	387,632	186,381	361,297
PERSONNEL	298,360	298,360	225,127	73,233	200,536
OPERATING	43,871	48,521	16,980	31,541	13,208
1401 - PARKS & REC ADMIN	342,231	346,881	242,106	104,775	213,743
PERSONNEL	254,082	254,082	182,830	71,252	151,715
OPERATING	104,560	103,410	70,627	32,783	43,321
1402 - RECREATION	358,642	357,492	253,457	104,035	195,036
PERSONNEL	1,483,457	1,483,457	969,151	514,306	805,930
OPERATING	563,046	575,046	410,488	164,558	350,071
1403 - PARKS	2,046,503	2,058,503	1,379,639	678,864	1,156,000
OPERATING	21,863	16,449	8,493	7,956	11,000
1404 - INTERMODAL TRANSPORTATION	21,863	16,449	8,493	7,956	11,000
OPERATING	16,119	16,119	10,599	5,520	13,861
1405 - TRAILER PARK	16,119	16,119	10,599	5,520	13,861
OPERATING	17,484	127,484	6,741	120,743	11,391
GRANTS & AID	10,000	10,000	-	10,000	-
1406 - DELAND HOUSE	27,484	137,484	6,741	130,743	11,391
PERSONNEL	303,514	303,514	207,762	95,752	145,367
OPERATING	123,544	133,374	87,727	45,647	76,675
1407 - SANBORN ACTIVITY CENTER	427,058	436,888	295,489	141,399	222,042
OPERATING	116,479	231,279	67,112	164,167	77,280
1408 - STADIUM	116,479	231,279	67,112	164,167	77,280
PERSONNEL	12,918	12,918	1,729	11,189	3,372
OPERATING	48,000	49,150	15,522	33,628	9,820
1409 - SPECIAL EVENTS	60,918	62,068	17,251	44,817	13,192
PERSONNEL	271,468	271,468	181,995	89,473	163,166
OPERATING	121,343	121,343	82,038	39,305	80,995
1410 - CHISHOLM CENTER	392,811	392,811	264,033	128,778	244,161
CONTINGENCY	711,361	2,438,252	-	2,438,252	-
TRANSFERS TO OTHER FUNDS	5,483,594	8,590,035	2,067,894	6,522,141	2,314,301
TOTAL EXPENDITURES	40,515,874	46,042,103	25,420,949	20,621,154	22,154,906
Fund 001 - GENERAL FUND:					
TOTAL REVENUES	40,515,874	46,042,103	34,425,006	11,617,097	27,729,740
TOTAL EXPENDITURES	40,515,874	46,042,103	25,420,949	20,621,154	22,154,906
NET OF REVENUES & EXPENDITURES	-	-	9,004,057	(9,004,057)	5,574,835

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GOVERNMENTAL FUND TYPES

SPECIAL REVENUE FUNDS

A special revenue fund is used when legal requirements restrict specific resources to be expended for specified purposes, with the exception of trust, capital projects or debt service. The confiscated Fund accounts for the receipts and disbursements of forfeited funds for law enforcement purposes. The Spring Hill Community Redevelopment Fund accounts for the revenues and expenditures of the Spring Hill Tax Increment District. The Downtown Community Redevelopment Fund accounts for the revenues and expenditures of the Downtown Tax Increment District. The Governmental Impact Fees Trust Fund accounts for projects using revenue collected from Police, Fire, Parks & Recreation and General Government Building Impact Fees paid by new construction. The Grant & Other Special Revenues Fund accounts for all capital projects and expenditures relating to grants which fund non-payroll operating expenses.

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Fund 109 CONFISCATED FUND

GL Number	Description	PERIOD ENDED 06/30/2021	PERIOD ENDED 06/30/2022
*** Assets ***			
104.000	EQUITY IN POOLED CASH	88,828.76	10,791.90
135.000	INTEREST & DIVIDENDS REC	0.00	0.00
156.900	OTHER ASSETS - CURRENT	0.00	0.00
Total Assets		88,828.76	10,791.90
*** Liabilities ***			
202.000	ACCOUNTS PAYABLE	0.00	0.00
Total Liabilities		0.00	0.00
*** Fund Balance ***			
281.000	FUND BALANCE - RESTRICTED	81,108.04	88,876.85
Total Fund Balance		81,108.04	88,876.85
Beginning Fund Balance		81,108.04	88,876.85
Net of Revenues VS Expenditures		7,720.72	(78,084.95)
Ending Fund Balance		88,828.76	59,941.90
Total Liabilities And Fund Balance		88,828.76	10,791.90

Required Supplementary Information
City of DeLand, Florida
Fund 109 - CONFISCATED FUND

Schedule of Revenue, Expenditures, and Changes in Fund Balances - Comparison with Budget and FY 2021 Actual

	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD QUARTER BALANCE 6/30/2022	AVAILABLE BALANCE	YTD QUARTER BALANCE 6/30/2021
Fund 109 - CONFISCATED FUND					
REVENUES					
FINES & FORFEITS	3,000	3,000	-	3,000	7,688
INTEREST REVENUES	-	-	110	(110)	129
USE OF RESERVES	-	75,400	-	75,400	-
TOTAL REVENUES	<u>3,000</u>	<u>78,400</u>	<u>110</u>	<u>78,290</u>	<u>7,817</u>
EXPENDITURES					
OPERATING	3,000	18,000	17,795	205	96
CAPITAL OUTLAY	-	60,400	60,400	-	-
TOTAL EXPENDITURES	<u>3,000</u>	<u>78,400</u>	<u>78,195</u>	<u>205</u>	<u>96</u>
Fund 109 - CONFISCATED FUND:					
TOTAL REVENUES	3,000	78,400	110	78,290	7,817
TOTAL EXPENDITURES	<u>3,000</u>	<u>78,400</u>	<u>78,195</u>	<u>205</u>	<u>96</u>
NET OF REVENUES & EXPENDITURES	<u>-</u>	<u>-</u>	<u>(78,085)</u>	<u>78,085</u>	<u>7,721</u>

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Fund 120 HOMELESSNESS FUND

GL Number	Description	PERIOD ENDED 06/30/2021	PERIOD ENDED 06/30/2022
*** Assets ***			
104.000	EQUITY IN POOLED CASH	714,007.36	455,431.46
115.100	ACCOUNTS RECEIVABLE	0.00	0.00
	Total Assets	714,007.36	455,431.46
*** Liabilities ***			
202.000	ACCOUNTS PAYABLE	0.00	(221.09)
	Total Liabilities	0.00	(221.09)
*** Fund Balance ***			
281.000	FUND BALANCE - RESTRICTED	654,253.12	627,433.88
	Total Fund Balance	654,253.12	627,433.88
	Beginning Fund Balance	654,253.12	627,433.88
	Net of Revenues VS Expenditures	59,754.24	(171,781.33)
	Ending Fund Balance	714,007.36	455,652.55
	Total Liabilities And Fund Balance	714,007.36	455,431.46

Required Supplementary Information

City of DeLand, Florida

Fund 120 - HOMELESSNESS FUND

Schedule of Revenue, Expenditures, and Changes in Fund Balances - Comparison with Budget and FY 2021 Actual

	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD QUARTER BALANCE 6/30/2022	AVAILABLE BALANCE	YTD QUARTER BALANCE 6/30/2021
Fund 120 - HOMELESSNESS FUND					
REVENUES					
INTEREST REVENUES	-	-	897	(897)	1,017
CAPITAL GRANTS	-	-	-	-	125,000
MISCELLANEOUS REVENUES	325,000	325,000	157,613	167,387	213,705
TRANSFERS FROM OTHER FUNDS	50,000	50,000	37,500	12,500	37,500
USE OF RESERVES	176,677	236,822	-	236,822	-
TOTAL REVENUES	<u>551,677</u>	<u>611,822</u>	<u>196,010</u>	<u>415,812</u>	<u>377,222</u>
EXPENDITURES					
OPERATING	<u>551,677</u>	<u>611,822</u>	<u>367,791</u>	<u>244,031</u>	<u>317,467</u>
TOTAL EXPENDITURES	<u>551,677</u>	<u>611,822</u>	<u>367,791</u>	<u>244,031</u>	<u>317,467</u>
Fund 120 - HOMELESSNESS FUND:					
TOTAL REVENUES	551,677	611,822	196,010	415,812	377,222
TOTAL EXPENDITURES	<u>551,677</u>	<u>611,822</u>	<u>367,791</u>	<u>244,031</u>	<u>317,467</u>
NET OF REVENUES & EXPENDITURES	<u>-</u>	<u>-</u>	<u>(171,781)</u>	<u>171,781</u>	<u>59,754</u>

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Fund 160 SPRING HILL CRA FUND

GL Number	Description	PERIOD ENDED 06/30/2021	PERIOD ENDED 06/30/2022
*** Assets ***			
104.000	EQUITY IN POOLED CASH	418,880.97	583,778.94
115.100	ACCOUNTS RECEIVABLE	106.50	106.50
133.000	DUE FROM OTHER GOVERNMENTS	0.00	57.28
135.000	INTEREST & DIVIDENDS REC	0.00	0.00
151.900	INVESTMENTS - NON-CURRENT	0.00	0.00
155.000	PREPAID ITEMS	0.00	0.00
Total Assets		418,987.47	583,942.72
*** Liabilities ***			
202.000	ACCOUNTS PAYABLE	12,258.95	3,277.22
205.000	CONTRACTS PAYABLE	0.00	0.00
208.000	DUE TO OTHER GOVERNMENTS	6.70	6.68
216.000	ACCRUED SALARIES & WAGES	0.00	0.00
236.900	ADVANCES FROM OTHER FUNDS	0.00	0.00
Total Liabilities		12,265.65	3,283.90
*** Fund Balance ***			
281.000	FUND BALANCE - RESTRICTED	319,812.00	389,203.36
Total Fund Balance		319,812.00	389,203.36
Beginning Fund Balance		319,812.00	389,203.36
Net of Revenues VS Expenditures		86,909.82	191,455.46
Ending Fund Balance		406,721.82	580,658.82
Total Liabilities And Fund Balance		418,987.47	583,942.72

Required Supplementary Information

City of DeLand, Florida

Fund 160 - SPRING HILL CRA FUND

Schedule of Revenue, Expenditures, and Changes in Fund Balances - Comparison with Budget and FY 2021 Actual

	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD QUARTER BALANCE 6/30/2022	AVAILABLE BALANCE	YTD QUARTER BALANCE 6/30/2021
Fund 160 - SPRING HILL CRA FUND					
REVENUES					
AD VALOREM	320,310	320,310	325,492	(5,182)	292,067
MISCELLANEOUS REVENUES	1,200	1,200	1,000	200	7,700
INTEREST REVENUES	-	-	872	(872)	582
OPERATING GRANTS	-	-	57	(57)	-
CAPITAL GRANTS	33,457	133,457	12,267	121,190	-
USE OF RESERVES	-	7,331	-	7,331	-
TOTAL REVENUES	<u>354,967</u>	<u>462,298</u>	<u>339,689</u>	<u>122,609</u>	<u>300,348</u>
EXPENDITURES					
PERSONNEL	118,454	118,454	78,257	40,197	75,057
OPERATING	41,484	42,800	25,527	17,273	38,954
GRANTS & AID	110,000	110,000	-	110,000	5,779
CONTINGENCY	39,839	135,388	-	135,388	-
CAPITAL OUTLAY	-	7,181	4,878	2,303	57,018
TRANSFERS TO OTHER FUNDS	45,190	48,475	39,572	8,903	36,631
TOTAL EXPENDITURES	<u>354,967</u>	<u>462,298</u>	<u>148,234</u>	<u>314,064</u>	<u>213,439</u>
Fund 160 - SPRING HILL CRA FUND:					
TOTAL REVENUES	354,967	462,298	339,689	122,609	300,348
TOTAL EXPENDITURES	<u>354,967</u>	<u>462,298</u>	<u>148,234</u>	<u>314,064</u>	<u>213,439</u>
NET OF REVENUES & EXPENDITURES	<u>-</u>	<u>-</u>	<u>191,455</u>	<u>(191,455)</u>	<u>86,910</u>

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Fund 170 GIFT FUND

GL Number	Description	PERIOD ENDED 06/30/2021	PERIOD ENDED 06/30/2022
*** Assets ***			
104.000	EQUITY IN POOLED CASH	1,693,233.27	2,209,440.79
131.000	DUE FROM OTHER FUNDS	0.00	0.00
135.000	INTEREST & DIVIDENDS REC	0.00	0.00
155.000	PREPAID ITEMS	0.00	0.00
Total Assets		1,693,233.27	2,209,440.79
*** Liabilities ***			
202.000	ACCOUNTS PAYABLE	0.00	6,926.22
207.000	DUE TO OTHER FUNDS	0.00	0.00
Total Liabilities		0.00	6,926.22
*** Fund Balance ***			
281.000	FUND BALANCE - RESTRICTED	1,200,617.91	1,830,666.78
Total Fund Balance		1,200,617.91	1,830,666.78
Beginning Fund Balance		1,199,864.91	1,830,666.78
Net of Revenues VS Expenditures		492,615.36	371,847.79
Fund Balance Adjustments		753.00	0.00
Ending Fund Balance		1,693,233.27	2,202,514.57
Total Liabilities And Fund Balance		1,693,233.27	2,209,440.79

Required Supplementary Information
City of DeLand, Florida
Fund 170 - GIFT FUND

Schedule of Revenue, Expenditures, and Changes in Fund Balances - Comparison with Budget and FY 2021 Actual

	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD QUARTER BALANCE 6/30/2022	AVAILABLE BALANCE	YTD QUARTER BALANCE 6/30/2021
Fund 170 - GIFT FUND					
REVENUES					
PERMITS, FEES, & SPECIAL ASSESSMENTS	962,807	986,537	1,497,196	(510,659)	1,377,089
INTEREST REVENUES	-	-	3,039	(3,039)	2,027
USE OF RESERVES	335,000	637,585	-	637,585	-
TOTAL REVENUES	<u>1,297,807</u>	<u>1,624,122</u>	<u>1,500,235</u>	<u>123,887</u>	<u>1,379,116</u>
EXPENDITURES					
OPERATING	43,651	43,651	13,684	29,967	-
CAPITAL OUTLAY	-	97,085	88,575	8,510	-
TRANSFERS TO OTHER FUNDS	1,254,156	1,483,386	1,026,129	457,257	886,501
TOTAL EXPENDITURES	<u>1,297,807</u>	<u>1,624,122</u>	<u>1,128,387</u>	<u>495,735</u>	<u>886,501</u>
Fund 170 - GIFT FUND:					
TOTAL REVENUES	1,297,807	1,624,122	1,500,235	123,887	1,379,116
TOTAL EXPENDITURES	<u>1,297,807</u>	<u>1,624,122</u>	<u>1,128,387</u>	<u>495,735</u>	<u>886,501</u>
NET OF REVENUES & EXPENDITURES	<u>-</u>	<u>-</u>	<u>371,848</u>	<u>(371,848)</u>	<u>492,615</u>

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Fund 180 DOWNTOWN CRA FUND

GL Number	Description	PERIOD ENDED 06/30/2021	PERIOD ENDED 06/30/2022
*** Assets ***			
101.000	CASH IN BANK	0.00	0.00
104.000	EQUITY IN POOLED CASH	1,299,941.91	1,358,022.78
115.100	ACCOUNTS RECEIVABLE	9,870.13	5,503.61
133.000	DUE FROM OTHER GOVERNMENTS	0.00	0.00
135.000	INTEREST & DIVIDENDS REC	0.00	0.00
151.900	INVESTMENTS - NON-CURRENT	0.00	0.00
Total Assets		1,309,812.04	1,363,526.39
*** Liabilities ***			
202.000	ACCOUNTS PAYABLE	6,893.29	3,568.79
205.000	CONTRACTS PAYABLE	0.00	0.00
208.000	DUE TO OTHER GOVERNMENTS	0.14	0.00
216.000	ACCRUED SALARIES & WAGES	0.00	0.00
220.000	DEPOSITS	0.00	0.00
223.000	DEFERRED REVENUE	0.00	0.00
Total Liabilities		6,893.43	3,568.79
*** Fund Balance ***			
281.000	FUND BALANCE - RESTRICTED	1,070,465.09	1,272,520.05
Total Fund Balance		1,070,465.09	1,272,520.05
Beginning Fund Balance		1,070,465.09	1,272,520.05
Net of Revenues VS Expenditures		232,453.52	87,437.55
Ending Fund Balance		1,302,918.61	1,359,957.60
Total Liabilities And Fund Balance		1,309,812.04	1,363,526.39

Required Supplementary Information

City of DeLand, Florida

Fund 180 - DOWNTOWN CRA FUND

Schedule of Revenue, Expenditures, and Changes in Fund Balances - Comparison with Budget and FY 2021 Actual

	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD QUARTER BALANCE 6/30/2022	AVAILABLE BALANCE	YTD QUARTER BALANCE 6/30/2021
Fund 180 - DOWNTOWN CRA FUND					
REVENUES					
AD VALOREM	526,940	526,940	528,729	(1,789)	529,055
CHARGES FOR SERVICES	58,105	58,105	51,804	6,301	49,908
INTEREST REVENUES	-	-	2,409	(2,409)	2,076
MISCELLANEOUS REVENUES	14,604	14,604	12,331	2,273	12,181
RENTAL INCOME	-	-	-	-	94
USE OF RESERVES	-	797,674	-	797,674	-
TOTAL REVENUES	<u>599,649</u>	<u>1,397,323</u>	<u>595,273</u>	<u>802,050</u>	<u>593,314</u>
EXPENDITURES					
OPERATING	334,429	363,417	267,458	95,959	167,946
GRANTS & AID	27,500	67,500	-	67,500	850
CAPITAL OUTLAY	127,000	884,734	199,582	685,152	153,629
CONTINGENCY	72,286	40,238	-	40,238	-
TRANSFERS TO OTHER FUNDS	38,434	41,434	40,796	638	38,435
TOTAL EXPENDITURES	<u>599,649</u>	<u>1,397,323</u>	<u>507,836</u>	<u>889,487</u>	<u>360,860</u>
Fund 180 - DOWNTOWN CRA FUND:					
TOTAL REVENUES	599,649	1,397,323	595,273	802,050	593,314
TOTAL EXPENDITURES	<u>599,649</u>	<u>1,397,323</u>	<u>507,836</u>	<u>889,487</u>	<u>360,860</u>
NET OF REVENUES & EXPENDITURES	<u>-</u>	<u>-</u>	<u>87,438</u>	<u>(87,438)</u>	<u>232,454</u>

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Fund 190 GRANT & SPECIAL REVENUE FUND

GL Number	Description	PERIOD ENDED 06/30/2021	PERIOD ENDED 06/30/2022
*** Assets ***			
101.000	CASH IN BANK	0.00	0.00
104.000	EQUITY IN POOLED CASH	654,143.94	323,077.33
115.100	ACCOUNTS RECEIVABLE	0.00	0.00
128.900	NOTES RECEIVABLE - NON-CURRENT	0.00	0.00
133.000	DUE FROM OTHER GOVERNMENTS	79,349.46	52,150.88
Total Assets		733,493.40	375,228.21
*** Liabilities ***			
202.000	ACCOUNTS PAYABLE	32,671.27	488.60
205.000	CONTRACTS PAYABLE	0.00	3,500.00
207.000	DUE TO OTHER FUNDS	0.00	0.00
223.000	DEFERRED REVENUE	5,222.07	0.00
Total Liabilities		37,893.34	3,988.60
*** Fund Balance ***			
251.000	PRIOR PERIOD ADJUSTMENT	0.00	0.00
281.000	FUND BALANCE - RESTRICTED	1,108,768.41	554,892.35
Total Fund Balance		1,108,768.41	554,892.35
Beginning Fund Balance		1,108,768.41	554,892.35
Net of Revenues VS Expenditures		(413,168.35)	(183,652.74)
Ending Fund Balance		695,600.06	371,239.61
Total Liabilities And Fund Balance		733,493.40	375,228.21

Required Supplementary Information
City of DeLand, Florida
Fund 190 - GRANT & SPECIAL REVENUE FUND

Schedule of Revenue, Expenditures, and Changes in Fund Balances - Comparison with Budget and FY 2021 Actual

	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD QUARTER BALANCE 6/30/2022	AVAILABLE BALANCE	YTD QUARTER BALANCE 6/30/2021
Fund 190 - GRANT & SPECIAL REVENUE FUND					
REVENUES					
OTHER TAXES	284,357	284,357	207,341	77,016	196,006
CAPITAL GRANTS	1,512,237	961,481	(6,558)	968,039	225,536
INTEREST REVENUES	-	-	491	(491)	1,059
MISCELLANEOUS REVENUES	2,899,272	3,316,839	-	3,316,839	-
TRANSFERS FROM OTHER FUNDS	2,463,023	4,197,320	143,082	4,054,238	168,183
USE OF RESERVES	-	50,731	-	50,731	-
TOTAL REVENUES	<u>7,158,889</u>	<u>8,810,728</u>	<u>344,356</u>	<u>8,466,372</u>	<u>590,784</u>
EXPENDITURES					
OPERATING	1,000,000	1,173,850	264,290	909,560	34,349
CAPITAL OUTLAY	6,158,889	7,636,878	263,719	7,373,159	969,602
TOTAL EXPENDITURES	<u>7,158,889</u>	<u>8,810,728</u>	<u>528,009</u>	<u>8,282,719</u>	<u>1,003,952</u>
Fund 190 - GRANT & SPECIAL REVENUE FUND:					
TOTAL REVENUES	7,158,889	8,810,728	344,356	8,466,372	590,784
TOTAL EXPENDITURES	<u>7,158,889</u>	<u>8,810,728</u>	<u>528,009</u>	<u>8,282,719</u>	<u>1,003,952</u>
NET OF REVENUES & EXPENDITURES	<u>-</u>	<u>-</u>	<u>(183,653)</u>	<u>183,653</u>	<u>(413,168)</u>

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GOVERNMENTAL FUND TYPES

DEBT SERVICE FUND

A debt service fund is used to account for the accumulation of financial resources to be used the payment of general long-term debt principal and interest. The Debt Service Fund accounts for the revenues and expenditures for all Governmental Fund payments on long-term debt and is funded through transfers from other funds.

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Fund 200 DEBT SERVICE FUND

GL Number	Description	PERIOD ENDED 06/30/2021	PERIOD ENDED 06/30/2022
*** Assets ***			
104.000	EQUITY IN POOLED CASH	3,299.78	3,299.78
	Total Assets	3,299.78	3,299.78
*** Liabilities ***			
202.000	ACCOUNTS PAYABLE	3,299.78	3,299.78
	Total Liabilities	3,299.78	3,299.78
*** Fund Balance ***			
281.000	FUND BALANCE - RESTRICTED	0.00	0.00
	Total Fund Balance	0.00	0.00
	Beginning Fund Balance	0.00	0.00
	Net of Revenues VS Expenditures	0.00	0.00
	Ending Fund Balance	0.00	0.00
	Total Liabilities And Fund Balance	3,299.78	3,299.78

Required Supplementary Information

City of DeLand, Florida

Fund 200 - DEBT SERVICE FUND

Schedule of Revenue, Expenditures, and Changes in Fund Balances - Comparison with Budget and FY 2021 Actual

	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD QUARTER BALANCE 6/30/2022	AVAILABLE BALANCE	YTD QUARTER BALANCE 6/30/2021
Fund 200 - DEBT SERVICE FUND					
REVENUES					
TRANSFERS FROM OTHER FUNDS	1,791,364	1,791,364	1,577,231	214,133	2,251,917
TOTAL REVENUES	<u>1,791,364</u>	<u>1,791,364</u>	<u>1,577,231</u>	<u>214,133</u>	<u>2,251,917</u>
EXPENDITURES					
PRINCIPAL & INTEREST	1,791,364	1,791,364	1,577,231	214,133	2,251,917
TOTAL EXPENDITURES	<u>1,791,364</u>	<u>1,791,364</u>	<u>1,577,231</u>	<u>214,133</u>	<u>2,251,917</u>
Fund 200 - DEBT SERVICE FUND:					
TOTAL REVENUES	1,791,364	1,791,364	1,577,231	214,133	2,251,917
TOTAL EXPENDITURES	<u>1,791,364</u>	<u>1,791,364</u>	<u>1,577,231</u>	<u>214,133</u>	<u>2,251,917</u>
NET OF REVENUES & EXPENDITURES	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

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GOVERNMENTAL FUND TYPES

CAPITAL PROJECTS FUNDS

A capital projects fund is used to account for financial resources to be used for the acquisition or construction of major capital facilities other than those financed by proprietary funds or trust funds. The Capital Projects Fund accounts for the revenues and expenditures for all General Fund capital projects.

User: vanettenh

DB: Deland

Fund 300 CAPITAL PROJECTS FUND

GL Number	Description	PERIOD ENDED 06/30/2021	PERIOD ENDED 06/30/2022
*** Assets ***			
101.000	CASH IN BANK	0.00	0.00
104.000	EQUITY IN POOLED CASH	2,724,614.72	446,809.52
131.000	DUE FROM OTHER FUNDS	0.00	0.00
133.000	DUE FROM OTHER GOVERNMENTS	0.00	0.00
Total Assets		2,724,614.72	446,809.52
*** Liabilities ***			
202.000	ACCOUNTS PAYABLE	58,148.71	266,962.26
205.000	CONTRACTS PAYABLE	441,480.60	67,155.78
207.000	DUE TO OTHER FUNDS	0.00	0.00
Total Liabilities		499,629.31	334,118.04
*** Fund Balance ***			
281.000	FUND BALANCE - RESTRICTED	7,506,909.38	425,955.88
283.000	FUND BALANCE - ASSIGNED	0.00	0.00
Total Fund Balance		7,506,909.38	425,955.88
Beginning Fund Balance		7,506,909.38	425,955.88
Net of Revenues VS Expenditures		(5,281,923.97)	(313,264.40)
Ending Fund Balance		2,224,985.41	112,691.48
Total Liabilities And Fund Balance		2,724,614.72	446,809.52

Required Supplementary Information

City of DeLand, Florida

Fund 300 - CAPITAL PROJECTS FUND

Schedule of Revenue, Expenditures, and Changes in Fund Balances - Comparison with Budget and FY 2021 Actual

	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD QUARTER BALANCE 6/30/2022	AVAILABLE BALANCE	YTD QUARTER BALANCE 6/30/2021
Fund 300 - CAPITAL PROJECTS FUND					
REVENUES					
AD VALOREM	-	-	-	-	407,051
INTEREST REVENUES	-	-	1,409	(1,409)	7,182
TRANSFERS FROM OTHER FUNDS	2,311,835	3,609,751	1,278,465	2,331,286	984,636
USE OF RESERVES	-	387,347	-	387,347	-
TOTAL REVENUES	<u>2,311,835</u>	<u>3,997,098</u>	<u>1,279,874</u>	<u>2,717,224</u>	<u>1,398,868</u>
EXPENDITURES					
OPERATING	-	-	-	-	3,694
CAPITAL OUTLAY	<u>2,311,835</u>	<u>3,997,098</u>	<u>1,593,138</u>	<u>2,403,960</u>	<u>6,677,098</u>
TOTAL EXPENDITURES	<u>2,311,835</u>	<u>3,997,098</u>	<u>1,593,138</u>	<u>2,403,960</u>	<u>6,680,792</u>
Fund 300 - CAPITAL PROJECTS FUND:					
TOTAL REVENUES	2,311,835	3,997,098	1,279,874	2,717,224	1,398,868
TOTAL EXPENDITURES	<u>2,311,835</u>	<u>3,997,098</u>	<u>1,593,138</u>	<u>2,403,960</u>	<u>6,680,792</u>
NET OF REVENUES & EXPENDITURES	<u>-</u>	<u>-</u>	<u>(313,264)</u>	<u>313,264</u>	<u>(5,281,924)</u>

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PROPRIETARY FUND TYPES

ENTERPRISE FUNDS

Enterprise funds are used to account for operations that are financed and operated in a manner similar to private business enterprises, where the intent is that the costs of providing goods or services to the general public on a continuing basis should be financed or recovered through user charges. Currently there are five enterprise funds which consist of the Water & Sewer Revenue Fund, Municipal Airport Fund, Refuse Collection Fund, Stormwater Revenue Fund and Permits & Inspections Fund.

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Fund 401 WATER & SEWER FUND

GL Number	Description	PERIOD ENDED 06/30/2021	PERIOD ENDED 06/30/2022
*** Assets ***			
101.000	CASH IN BANK	7,755,776.80	5,070,779.16
104.000	EQUITY IN POOLED CASH	21,019,940.36	24,942,112.57
115.100	ACCOUNTS RECEIVABLE	3,027,277.54	2,941,738.38
117.000	ALLOWANCE FOR UNCOLLECTIBLE AR	(193,414.35)	(358,306.42)
128.900	NOTES RECEIVABLE - NON-CURRENT	0.00	0.00
131.000	DUE FROM OTHER FUNDS	0.00	0.00
133.000	DUE FROM OTHER GOVERNMENTS	0.00	0.00
135.000	INTEREST & DIVIDENDS REC	21,242.14	24,130.29
151.900	INVESTMENTS - NON-CURRENT	17,614,635.91	19,059,186.82
155.000	PREPAID ITEMS	65,188.39	78,073.38
161.900	LAND	1,678,336.32	1,678,336.32
162.900	BUILDINGS	10,006,710.16	10,006,710.16
163.900	ACCUM DEPREC - BUILDINGS	(7,800,406.24)	(7,874,547.41)
164.900	INFRASTRUCTURE	114,821,105.45	112,244,939.98
165.900	ACCUM DEPREC - INFRASTRUCTURE	(29,705,335.59)	(32,375,833.52)
166.900	EQUIPMENT & FURNITURE	18,737,424.31	18,725,390.61
167.900	ACCUM DEPREC - EQUIPMENT	(11,118,123.41)	(12,211,457.03)
169.900	CONSTRUCTION WORK IN PROGRESS	7,785,809.18	12,456,489.14
190.000	DEFERRED OUTFLOW	309,432.00	229,454.00
Total Assets		154,025,598.97	154,637,196.43
*** Liabilities ***			
202.000	ACCOUNTS PAYABLE	205,243.65	607,136.74
203.900	NOTES & LOANS PAYABLE - LT	0.00	0.00
205.000	CONTRACTS PAYABLE	3,748.25	171,397.61
207.000	DUE TO OTHER FUNDS	0.00	0.00
215.000	ACCRUED INTEREST PAYABLE	0.00	0.00
216.000	ACCRUED SALARIES & WAGES	576,962.38	603,173.26
220.000	DEPOSITS	0.00	0.00
223.000	DEFERRED REVENUE	324,379.00	76,678.34
229.000	OTHER CURRENT LIABILITIES	2,436,475.00	2,335,479.00
290.000	DEFERRED INFLOW	40,535.00	33,809.00
Total Liabilities		3,587,343.28	3,827,673.95
*** Fund Balance ***			
274.000	NET ASSETS, INVEST IN CAPITAL	104,405,520.18	109,190,070.39
275.000	NET ASSETS, RESTRICTED	0.00	0.00
276.000	NET ASSETS, UNRESTRICTED	40,952,779.70	40,046,245.35
Total Fund Balance		145,358,299.88	149,236,315.74
Beginning Fund Balance		137,369,697.20	149,236,315.74
Net of Revenues VS Expenditures		5,079,955.81	1,573,206.74
Fund Balance Adjustments		7,988,602.68	0.00
Ending Fund Balance		150,438,255.69	150,840,194.59
Total Liabilities And Fund Balance		154,025,598.97	154,637,196.43

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Fund 402 METER DEPOSIT FUND

GL Number	Description	PERIOD ENDED 06/30/2021	PERIOD ENDED 06/30/2022
*** Assets ***			
104.000	EQUITY IN POOLED CASH	556,381.36	727,430.15
115.100	ACCOUNTS RECEIVABLE	(1,198.28)	(1,558.04)
135.000	INTEREST & DIVIDENDS REC	0.00	0.00
151.900	INVESTMENTS - NON-CURRENT	0.00	0.00
Total Assets		555,183.08	725,872.11
*** Liabilities ***			
202.000	ACCOUNTS PAYABLE	0.00	0.00
215.000	ACCRUED INTEREST PAYABLE	(21,518.91)	811.54
220.000	DEPOSITS	576,701.99	725,060.57
Total Liabilities		555,183.08	725,872.11
*** Fund Balance ***			
275.000	NET ASSETS, RESTRICTED	0.00	0.00
Total Fund Balance		0.00	0.00
Beginning Fund Balance		0.00	0.00
Net of Revenues VS Expenditures		0.00	0.00
Ending Fund Balance		0.00	0.00
Total Liabilities And Fund Balance		555,183.08	725,872.11

Required Supplementary Information
City of DeLand, Florida
Water & Sewer Fund

Schedule of Revenue, Expenditures, and Changes in Fund Balances - Comparison with Budget and 2021 Actual

	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD QUARTER BALANCE 6/30/2022	AVAILABLE BALANCE	YTD QUARTER BALANCE 6/30/2021
Fund 401 - WATER & SEWER FUND					
REVENUES					
CAPITAL GRANTS	41,530	1,535,677	841,021	694,656	31,200
CHARGES FOR SERVICES	23,371,423	24,832,147	19,426,488	5,405,659	17,992,449
MISCELLANEOUS REVENUES	424,857	648,357	(936,980)	1,585,337	(13,271)
INTEREST REVENUES	120,000	120,000	125,526	(5,526)	105,434
USE OF RESERVES	11,785,116	22,357,479	-	22,357,479	-
CHARGES FOR GOVT SERVICES	120,400	16,000	12,000	4,000	82,972
TOTAL REVENUES	35,863,326	49,509,660	19,468,055	30,041,605	18,198,785
EXPENDITURES					
PERSONNEL	878,064	878,064	626,663	251,401	627,925
OPERATING	662,415	1,103,395	388,737	714,658	428,741
TRANSFERS TO OTHER FUNDS	2,403,668	2,403,668	1,802,751	600,917	1,681,829
CAPITAL OUTLAY	10,090,000	10,773,461	303,934	10,469,527	33,066
4201 - UTILITIES ADMIN	14,034,147	15,158,588	3,122,085	12,036,503	2,771,561
PERSONNEL	849,464	849,464	519,844	329,620	464,995
OPERATING	58,755	112,766	95,076	17,690	74,943
CAPITAL OUTLAY	-	36,460	32,390	4,070	26,197
4202 - ENGINEERING	908,219	998,690	647,310	351,380	566,135
PERSONNEL	552,014	552,014	364,710	187,304	280,787
OPERATING	824,461	899,676	571,641	328,035	502,949
CAPITAL OUTLAY	226,322	4,547,389	168,821	4,378,568	287,053
4203 - WATER PRODUCTION	1,602,797	5,999,079	1,105,172	4,893,907	1,070,788
PERSONNEL	1,826,484	1,826,484	1,261,587	564,897	1,056,791
OPERATING	2,027,793	2,091,624	1,220,965	870,659	1,014,903
CAPITAL OUTLAY	726,600	2,590,696	336,521	2,254,175	82,603
4204 - WATER DISTRIBUTION	4,580,877	6,508,804	2,819,072	3,689,732	2,154,298
PERSONNEL	1,068,291	1,068,291	668,703	399,588	611,873
OPERATING	1,293,217	1,375,107	872,381	502,726	810,609
CAPITAL OUTLAY	4,271,968	9,765,118	3,471,524	6,293,595	196,096
4205 - WASTEWATER TREATMENT	6,633,476	12,208,516	5,012,607	7,195,909	1,618,578
PERSONNEL	1,505,473	1,505,473	1,012,270	493,203	829,350
OPERATING	446,456	515,337	344,830	170,507	287,526
CAPITAL OUTLAY	514,475	523,271	169,870	353,401	310,919
4206 - UTILITIES MAINTENANCE	2,466,404	2,544,081	1,526,969	1,017,112	1,427,796
PERSONNEL	892,146	892,146	498,027	394,119	417,540
OPERATING	65,223	82,790	44,435	38,355	45,281
CAPITAL OUTLAY	134,347	134,426	-	134,426	51,859
4208 - FACILITIES MAINTENANCE	1,091,716	1,109,362	542,463	566,899	514,680
PERSONNEL	1,108,077	1,108,077	720,131	387,946	590,001
OPERATING	330,445	335,445	229,790	105,655	281,313
CAPITAL OUTLAY	300,000	300,000	-	300,000	-
4209 - CUSTOMER SERVICE	1,738,522	1,743,522	949,921	793,601	871,314
PERSONNEL	497,427	497,427	357,361	140,066	321,175
OPERATING	134,725	168,180	124,941	43,239	93,483
CAPITAL OUTLAY	664,894	1,023,995	780,651	243,344	842,924
4210 - WASTEWATER COLLECTION	1,297,046	1,689,602	1,262,953	426,649	1,257,582
CONTINGENCY	400,000	219,156	-	219,156	-
SERVICES PROVIDED BY GEN GOVT	1,021,219	1,021,219	765,914	255,305	627,336
TRANSFERS TO OTHER FUNDS	88,903	309,041	140,382	168,659	238,761
TOTAL EXPENDITURES	35,863,326	49,509,660	17,894,848	31,614,812	13,118,829
Fund 401 - WATER & SEWER FUND:					
TOTAL REVENUES	35,863,326	49,509,660	19,468,055	30,041,605	18,198,785
TOTAL EXPENDITURES	35,863,326	49,509,660	17,894,848	31,614,812	13,118,829
NET OF REVENUES & EXPENDITURES	-	-	1,573,207	(1,573,207)	5,079,956

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Fund 404 WASTEWATER TRUST FUND

GL Number	Description	PERIOD ENDED 06/30/2021	PERIOD ENDED 06/30/2022
*** Assets ***			
101.000	CASH IN BANK	3,301,276.80	2,367,946.02
104.000	EQUITY IN POOLED CASH	3,336,249.15	1,442,691.04
115.100	ACCOUNTS RECEIVABLE	195,377.50	140,360.20
133.000	DUE FROM OTHER GOVERNMENTS	0.00	0.00
135.000	INTEREST & DIVIDENDS REC	6,469.37	6,042.23
151.900	INVESTMENTS - NON-CURRENT	4,535,389.48	5,135,604.79
Total Assets		11,374,762.30	9,092,644.28
*** Liabilities ***			
115.100	ACCOUNTS RECEIVABLE	0.00	0.00
202.000	ACCOUNTS PAYABLE	0.00	117,406.28
205.000	CONTRACTS PAYABLE	186,604.64	243,606.22
Total Liabilities		186,604.64	361,012.50
*** Fund Balance ***			
274.000	NET ASSETS, INVEST IN CAPITAL	0.00	(6,540,042.14)
275.000	NET ASSETS, RESTRICTED	11,030,592.67	10,052,403.69
276.000	NET ASSETS, UNRESTRICTED	(201,377.00)	6,547,316.36
Total Fund Balance		10,829,215.67	10,059,677.91
Beginning Fund Balance		10,829,215.67	10,059,677.91
Net of Revenues VS Expenditures		358,941.99	(1,328,046.13)
Ending Fund Balance		11,188,157.66	8,731,631.78
Total Liabilities And Fund Balance		11,374,762.30	9,092,644.28

Required Supplementary Information
City of DeLand, Florida
Fund 404 - WASTEWATER TRUST FUND

Schedule of Revenue, Expenditures, and Changes in Fund Balances - Comparison with Budget and FY 2021 Actual

	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD QUARTER BALANCE 6/30/2022	AVAILABLE BALANCE	YTD QUARTER BALANCE 6/30/2021
Fund 404 - WASTEWATER TRUST FUND					
REVENUES					
PERMITS, FEES, & SPECIAL ASSESSMENTS	3,000,000	3,000,000	3,463,833	(463,833)	2,565,515
CAPITAL GRANTS	-	1,317,033	449,886	867,147	227,723
INTEREST REVENUES	-	-	26,850	(26,850)	25,171
MISCELLANEOUS REVENUES	-	-	(371,292)	371,292	(34,557)
USE OF RESERVES	3,358,186	8,950,234	-	8,950,234	-
TOTAL REVENUES	<u>6,358,186</u>	<u>13,267,267</u>	<u>3,569,277</u>	<u>9,697,990</u>	<u>2,783,852</u>
EXPENDITURES					
CAPITAL OUTLAY	6,358,186	13,267,267	4,897,324	8,369,943	2,424,910
TOTAL EXPENDITURES	<u>6,358,186</u>	<u>13,267,267</u>	<u>4,897,324</u>	<u>8,369,943</u>	<u>2,424,910</u>
Fund 404 - WASTEWATER TRUST FUND:					
TOTAL REVENUES	6,358,186	13,267,267	3,569,277	9,697,990	2,783,852
TOTAL EXPENDITURES	<u>6,358,186</u>	<u>13,267,267</u>	<u>4,897,324</u>	<u>8,369,943</u>	<u>2,424,910</u>
NET OF REVENUES & EXPENDITURES	<u>-</u>	<u>-</u>	<u>(1,328,046)</u>	<u>1,328,046</u>	<u>358,942</u>

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DB: Deland

Fund 430 AIRPORT FUND

GL Number	Description	PERIOD ENDED 06/30/2021	PERIOD ENDED 06/30/2022
*** Assets ***			
101.000	CASH IN BANK	0.00	0.00
102.000	CASH ON HAND	0.00	2,000.00
104.000	EQUITY IN POOLED CASH	2,122,022.81	2,204,450.10
115.100	ACCOUNTS RECEIVABLE	108,608.86	90,544.36
117.000	ALLOWANCE FOR UNCOLLECTIBLE AR	(850.00)	(3,546.33)
128.900	NOTES RECEIVABLE - NON-CURRENT	0.00	0.00
133.000	DUE FROM OTHER GOVERNMENTS	19,247.01	10,830.84
135.000	INTEREST & DIVIDENDS REC	0.00	0.00
141.000	INVENTORIES	1,048.34	1,232.05
151.900	INVESTMENTS - NON-CURRENT	0.00	0.00
155.000	PREPAID ITEMS	8,536.54	9,503.72
161.900	LAND	3,935,210.59	3,935,210.59
162.900	BUILDINGS	6,406,841.41	6,372,050.59
163.900	ACCUM DEPREC - BUILDINGS	(1,724,401.41)	(1,872,120.30)
164.900	INFRASTRUCTURE	36,479,002.69	36,443,371.22
165.900	ACCUM DEPREC - INFRASTRUCTURE	(11,034,551.80)	(11,723,455.83)
166.900	EQUIPMENT & FURNITURE	700,470.19	684,785.67
167.900	ACCUM DEPREC - EQUIPMENT	(512,009.19)	(580,943.97)
169.900	CONSTRUCTION WORK IN PROGRESS	1,824,073.81	504,055.20
Total Assets		38,333,249.85	36,077,967.91
*** Liabilities ***			
115.100	ACCOUNTS RECEIVABLE	0.00	0.00
201.000	VOUCHERS PAYABLE	0.00	0.00
202.000	ACCOUNTS PAYABLE	10,761.65	40,099.81
203.900	NOTES & LOANS PAYABLE - LT	0.00	0.00
205.000	CONTRACTS PAYABLE	14,525.49	43,601.92
207.000	DUE TO OTHER FUNDS	0.00	0.00
208.000	DUE TO OTHER GOVERNMENTS	7,665.68	7,877.56
215.000	ACCRUED INTEREST PAYABLE	0.00	0.00
216.000	ACCRUED SALARIES & WAGES	56,186.59	65,436.86
220.000	DEPOSITS	76,243.66	81,073.59
223.000	DEFERRED REVENUE	0.00	0.00
225.900	CAPITAL LEASES - LONG TERM	0.00	0.00
236.900	ADVANCES FROM OTHER FUNDS	1,998,516.40	1,843,417.19
Total Liabilities		2,163,899.47	2,081,506.93
*** Fund Balance ***			
273.000	DEBT USED TO ACQUIRE FA	0.00	0.00
274.000	NET ASSETS, INVEST IN CAPITAL	36,087,298.88	33,762,953.17
275.000	NET ASSETS, RESTRICTED	18,555.14	18,555.14
276.000	NET ASSETS, UNRESTRICTED	(286,896.93)	9,417.91
Total Fund Balance		35,818,957.09	33,790,926.22
Beginning Fund Balance		34,077,446.43	33,790,926.22
Net of Revenues VS Expenditures		350,393.29	205,534.76
Fund Balance Adjustments		1,741,510.66	0.00
Ending Fund Balance		36,169,350.38	33,996,460.98
Total Liabilities And Fund Balance		38,333,249.85	36,077,967.91

Required Supplementary Information
City of DeLand, Florida
Fund 430 - AIRPORT FUND

Schedule of Revenue, Expenditures, and Changes in Fund Balances - Comparison with Budget and FY 2021 Actual

	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD QUARTER BALANCE 6/30/2022	AVAILABLE BALANCE	YTD QUARTER BALANCE 6/30/2021
Fund 430 - AIRPORT FUND					
REVENUES					
CAPITAL GRANTS	652,600	6,094,945	51,867	6,043,078	105,986
CHARGES FOR SERVICES	98,149	56,155	56,154	1	25,800
RENTAL INCOME	1,642,329	1,642,329	1,353,962	288,367	1,308,373
INTEREST REVENUES	4,990	4,990	3,632	1,358	3,167
MISCELLANEOUS REVENUES	5,000	5,000	1,467	3,533	1,843
TRANSFERS FROM OTHER FUNDS	-	665,519	-	665,519	-
USE OF RESERVES	51,994	1,119,249	-	1,119,249	-
TOTAL REVENUES	<u>2,455,062</u>	<u>9,588,187</u>	<u>1,467,082</u>	<u>8,121,105</u>	<u>1,445,169</u>
EXPENDITURES					
PERSONNEL	625,773	625,773	414,334	211,439	375,352
OPERATING	611,183	790,893	334,360	456,533	268,384
SERVICES PROVIDED BY GEN GOVT	256,274	256,274	192,206	64,068	179,404
CAPITAL OUTLAY	724,000	7,635,710	241,527	7,394,183	190,954
CONTINGENCY	-	33,285	-	33,285	-
TRANSFERS TO OTHER FUNDS	237,832	246,252	79,121	167,131	80,682
TOTAL EXPENDITURES	<u>2,455,062</u>	<u>9,588,187</u>	<u>1,261,548</u>	<u>8,326,639</u>	<u>1,094,776</u>
Fund 430 - AIRPORT FUND:					
TOTAL REVENUES	2,455,062	9,588,187	1,467,082	8,121,105	1,445,169
TOTAL EXPENDITURES	<u>2,455,062</u>	<u>9,588,187</u>	<u>1,261,548</u>	<u>8,326,639</u>	<u>1,094,776</u>
NET OF REVENUES & EXPENDITURES	<u>-</u>	<u>-</u>	<u>205,535</u>	<u>(205,535)</u>	<u>350,393</u>

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Fund 440 REFUSE COLLECTION FUND

GL Number	Description	PERIOD ENDED 06/30/2021	PERIOD ENDED 06/30/2022
*** Assets ***			
104.000	EQUITY IN POOLED CASH	173,668.23	205,535.96
115.100	ACCOUNTS RECEIVABLE	496,900.81	450,674.39
117.000	ALLOWANCE FOR UNCOLLECTIBLE AR	(39,953.28)	(62,185.04)
135.000	INTEREST & DIVIDENDS REC	0.00	0.00
151.900	INVESTMENTS - NON-CURRENT	0.00	0.00
Total Assets		630,615.76	594,025.31
*** Liabilities ***			
202.000	ACCOUNTS PAYABLE	212,612.87	213,195.96
207.000	DUE TO OTHER FUNDS	0.00	0.00
220.000	DEPOSITS	75,395.03	0.00
Total Liabilities		288,007.90	213,195.96
*** Fund Balance ***			
276.000	NET ASSETS, UNRESTRICTED	6,798.67	1,176.22
Total Fund Balance		6,798.67	1,176.22
Beginning Fund Balance		6,798.67	1,176.22
Net of Revenues VS Expenditures		335,809.19	379,653.13
Ending Fund Balance		342,607.86	380,829.35
Total Liabilities And Fund Balance		630,615.76	594,025.31

Required Supplementary Information
City of DeLand, Florida
Fund 440 - REFUSE COLLECTION FUND

Schedule of Revenue, Expenditures, and Changes in Fund Balances - Comparison with Budget and FY 2021 Actual

	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD QUARTER BALANCE 6/30/2022	AVAILABLE BALANCE	YTD QUARTER BALANCE 6/30/2021
Fund 440 - REFUSE COLLECTION FUND					
REVENUES					
CHARGES FOR SERVICES	4,065,500	4,065,500	3,137,711	927,789	3,045,942
INTEREST REVENUES	-	-	247	(247)	278
MISCELLANEOUS REVENUES	-	-	-	-	1
TOTAL REVENUES	<u>4,065,500</u>	<u>4,065,500</u>	<u>3,137,958</u>	<u>927,542</u>	<u>3,046,221</u>
EXPENDITURES					
OPERATING	3,961,100	4,065,500	2,758,305	1,307,195	2,639,440
SERVICES PROVIDED BY GEN GOVT	104,400	-	-	-	70,972
TOTAL EXPENDITURES	<u>4,065,500</u>	<u>4,065,500</u>	<u>2,758,305</u>	<u>1,307,195</u>	<u>2,710,412</u>
Fund 440 - REFUSE COLLECTION FUND:					
TOTAL REVENUES	4,065,500	4,065,500	3,137,958	927,542	3,046,221
TOTAL EXPENDITURES	<u>4,065,500</u>	<u>4,065,500</u>	<u>2,758,305</u>	<u>1,307,195</u>	<u>2,710,412</u>
NET OF REVENUES & EXPENDITURES	<u>-</u>	<u>-</u>	<u>379,653</u>	<u>(379,653)</u>	<u>335,809</u>

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DB: Deland

Fund 450 STORMWATER FUND

GL Number	Description	PERIOD ENDED 06/30/2021	PERIOD ENDED 06/30/2022
*** Assets ***			
101.000	CASH IN BANK	267,554.85	42,583.08
104.000	EQUITY IN POOLED CASH	1,370,269.16	1,124,282.98
115.100	ACCOUNTS RECEIVABLE	358,424.78	325,662.56
117.000	ALLOWANCE FOR UNCOLLECTIBLE AR	(34,105.95)	(62,083.30)
128.900	NOTES RECEIVABLE - NON-CURRENT	0.00	0.00
132.000	ADVANCES TO OTHER FUNDS	0.00	0.00
133.000	DUE FROM OTHER GOVERNMENTS	0.00	0.00
135.000	INTEREST & DIVIDENDS REC	42,686.41	41,472.74
151.900	INVESTMENTS - NON-CURRENT	1,091,843.67	1,236,338.72
155.000	PREPAID ITEMS	2,335.22	7,098.24
161.900	LAND	1,076,393.39	1,076,393.39
162.900	BUILDINGS	124,414.48	124,414.48
163.900	ACCUM DEPREC - BUILDINGS	(19,704.37)	(22,814.73)
164.900	INFRASTRUCTURE	4,391,149.05	4,121,357.85
165.900	ACCUM DEPREC - INFRASTRUCTURE	(808,566.07)	(883,822.44)
166.900	EQUIPMENT & FURNITURE	2,962,992.45	2,962,992.45
167.900	ACCUM DEPREC - EQUIPMENT	(1,557,180.26)	(1,834,421.05)
169.900	CONSTRUCTION WORK IN PROGRESS	84,629.89	570,559.93
190.000	DEFERRED OUTFLOW	15,836.00	18,144.00
Total Assets		9,368,972.70	8,848,158.90
*** Liabilities ***			
202.000	ACCOUNTS PAYABLE	163,545.28	9,562.67
203.900	NOTES & LOANS PAYABLE - LT	0.00	0.00
205.000	CONTRACTS PAYABLE	1,895.00	0.00
207.000	DUE TO OTHER FUNDS	0.00	0.00
215.000	ACCRUED INTEREST PAYABLE	0.00	0.00
216.000	ACCRUED SALARIES & WAGES	16,832.45	24,979.48
220.000	DEPOSITS	25,005.67	0.00
223.000	DEFERRED REVENUE	0.00	0.00
225.900	CAPITAL LEASES - LONG TERM	0.00	0.00
229.000	OTHER CURRENT LIABILITIES	112,369.00	184,326.00
236.900	ADVANCES FROM OTHER FUNDS	0.00	0.00
290.000	DEFERRED INFLOW	3,235.00	2,723.00
Total Liabilities		322,882.40	221,591.15
*** Fund Balance ***			
274.000	NET ASSETS, INVEST IN CAPITAL	6,254,128.56	6,114,659.88
276.000	NET ASSETS, UNRESTRICTED	2,190,099.08	2,475,651.04
Total Fund Balance		8,444,227.64	8,590,310.92
Beginning Fund Balance		8,025,982.80	8,590,310.92
Net of Revenues VS Expenditures		601,862.66	36,256.83
Fund Balance Adjustments		418,244.84	0.00
Ending Fund Balance		9,046,090.30	8,626,567.75
Total Liabilities And Fund Balance		9,368,972.70	8,848,158.90

Required Supplementary Information
City of DeLand, Florida
Fund 450 - STORMWATER FUND

Schedule of Revenue, Expenditures, and Changes in Fund Balances - Comparison with Budget and FY 2021 Actual

	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD QUARTER BALANCE 6/30/2022	AVAILABLE BALANCE	YTD QUARTER BALANCE 6/30/2021
Fund 450 - STORMWATER FUND					
REVENUES					
CHARGES FOR SERVICES	2,010,612	2,010,612	1,777,729	232,883	1,640,850
INTEREST REVENUES	8,000	8,000	7,645	355	6,623
MISCELLANEOUS REVENUES	2,500	2,500	(78,730)	81,230	37,472
USE OF RESERVES	606,925	1,649,149	-	1,649,149	-
TOTAL REVENUES	<u>2,628,037</u>	<u>3,670,261</u>	<u>1,706,644</u>	<u>1,963,617</u>	<u>1,684,946</u>
EXPENDITURES					
PERSONNEL	791,475	791,475	493,798	297,677	321,886
OPERATING	343,229	365,130	159,666	205,464	131,709
SERVICES PROVIDED BY GEN GOVT	265,117	265,117	198,838	66,279	192,793
TRANSFERS TO OTHER FUNDS	11,102	19,522	7,852	11,670	4,439
CAPITAL OUTLAY	1,217,114	2,229,017	810,232	1,418,785	432,256
TOTAL EXPENDITURES	<u>2,628,037</u>	<u>3,670,261</u>	<u>1,670,387</u>	<u>1,999,874</u>	<u>1,083,083</u>
Fund 450 - STORMWATER FUND:					
TOTAL REVENUES	2,628,037	3,670,261	1,706,644	1,963,617	1,684,946
TOTAL EXPENDITURES	<u>2,628,037</u>	<u>3,670,261</u>	<u>1,670,387</u>	<u>1,999,874</u>	<u>1,083,083</u>
NET OF REVENUES & EXPENDITURES	<u>-</u>	<u>-</u>	<u>36,257</u>	<u>(36,257)</u>	<u>601,863</u>

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Fund 480 PERMITS & INSPECTIONS FUND

GL Number	Description	PERIOD ENDED 06/30/2021	PERIOD ENDED 06/30/2022
*** Assets ***			
101.000	CASH IN BANK	1,912,280.28	1,563,770.43
102.000	CASH ON HAND	100.00	100.00
104.000	EQUITY IN POOLED CASH	604,772.31	738,351.81
133.000	DUE FROM OTHER GOVERNMENTS	0.00	0.00
135.000	INTEREST & DIVIDENDS REC	2,419.52	2,259.77
151.900	INVESTMENTS - NON-CURRENT	1,696,220.97	1,920,699.55
155.000	PREPAID ITEMS	0.00	0.00
164.900	INFRASTRUCTURE	983,973.27	983,973.27
165.900	ACCUM DEPREC - INFRASTRUCTURE	(82,410.50)	(263,869.24)
166.900	EQUIPMENT & FURNITURE	208,601.19	208,601.19
167.900	ACCUM DEPREC - EQUIPMENT	(106,523.11)	(137,703.12)
169.900	CONSTRUCTION WORK IN PROGRESS	853,013.71	0.00
190.000	DEFERRED OUTFLOW	16,558.00	11,590.00
Total Assets		6,089,005.64	5,027,773.66
*** Liabilities ***			
202.000	ACCOUNTS PAYABLE	13,175.96	19,570.19
205.000	CONTRACTS PAYABLE	0.00	0.00
208.000	DUE TO OTHER GOVERNMENTS	18,858.06	21,207.73
216.000	ACCRUED SALARIES & WAGES	64,445.75	67,470.49
229.000	OTHER CURRENT LIABILITIES	87,418.00	91,595.00
290.000	DEFERRED INFLOW	6,215.00	5,429.00
Total Liabilities		190,112.77	205,272.41
*** Fund Balance ***			
274.000	NET ASSETS, INVEST IN CAPITAL	1,856,654.56	791,002.10
275.000	NET ASSETS, RESTRICTED	37,265.18	43,210.82
276.000	NET ASSETS, UNRESTRICTED	3,745,217.09	4,038,476.70
Total Fund Balance		5,639,136.83	4,872,689.62
Beginning Fund Balance		4,737,537.12	4,872,689.62
Net of Revenues VS Expenditures		259,756.04	(50,188.37)
Fund Balance Adjustments		901,599.71	0.00
Ending Fund Balance		5,898,892.87	4,822,501.25
Total Liabilities And Fund Balance		6,089,005.64	5,027,773.66

Required Supplementary Information
City of DeLand, Florida
Fund 480 - PERMITS & INSPECTIONS FUND

Schedule of Revenue, Expenditures, and Changes in Fund Balances - Comparison with Budget and FY 2021 Actual

	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD QUARTER BALANCE 6/30/2022	AVAILABLE BALANCE	YTD QUARTER BALANCE 6/30/2021
Fund 480 - PERMITS & INSPECTIONS FUND					
REVENUES					
PERMITS. FEES, & SPECIAL ASSESSMENTS	1,496,873	1,799,607	1,759,850	39,757	1,530,762
CHARGES FOR SERVICES	172,500	201,624	275,397	(73,773)	226,888
INTEREST REVENUES	10,000	10,000	10,022	(22)	8,524
MISCELLANEOUS REVENUES	3,000	3,000	(135,512)	138,512	(10,782)
USE OF RESERVES	781,152	1,586,090	-	1,586,090	-
TOTAL REVENUES	<u>2,463,525</u>	<u>3,600,321</u>	<u>1,909,756</u>	<u>1,690,565</u>	<u>1,755,393</u>
EXPENDITURES					
PERSONNEL	1,614,996	1,716,929	1,112,298	604,631	920,493
OPERATING	122,992	820,000	223,435	596,565	47,614
SERVICES PROVIDED BY GEN GOVT	632,362	602,362	474,271	128,091	411,087
CAPITAL OUTLAY	-	223,125	111,127	111,998	48,586
TRANSFERS TO OTHER FUNDS	93,175	237,905	38,813	199,092	67,856
TOTAL EXPENDITURES	<u>2,463,525</u>	<u>3,600,321</u>	<u>1,959,945</u>	<u>1,640,376</u>	<u>1,495,637</u>
Fund 480 - PERMITS & INSPECTIONS FUND:					
TOTAL REVENUES	2,463,525	3,600,321	1,909,756	1,690,565	1,755,393
TOTAL EXPENDITURES	<u>2,463,525</u>	<u>3,600,321</u>	<u>1,959,945</u>	<u>1,640,376</u>	<u>1,495,637</u>
NET OF REVENUES & EXPENDITURES	<u>-</u>	<u>-</u>	<u>(50,188)</u>	<u>50,188</u>	<u>259,756</u>

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PROPRIETARY FUND TYPES

INTERNAL SERVICE FUNDS

Internal service funds are used to account for the financing of goods or services provided by one department or agency to other departments or agencies of the governmental unit, or to other governmental units, on a cost reimbursement basis. Currently there are two internal service funds which consists of the Health Insurance Cost Containment Fund and the Workers' Compensation Self-Insurance Fund.

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Fund 500 HEALTH INSUR COST CONTAINMENT

GL Number	Description	PERIOD ENDED 06/30/2021	PERIOD ENDED 06/30/2022
*** Assets ***			
104.000	EQUITY IN POOLED CASH	153,163.22	147,610.20
115.100	ACCOUNTS RECEIVABLE	0.00	0.00
135.000	INTEREST & DIVIDENDS REC	0.00	0.00
166.900	EQUIPMENT & FURNITURE	9,542.00	9,542.00
167.900	ACCUM DEPREC - EQUIPMENT	(9,542.00)	(9,542.00)
Total Assets		153,163.22	147,610.20
*** Liabilities ***			
202.000	ACCOUNTS PAYABLE	1,226.82	33,618.79
Total Liabilities		1,226.82	33,618.79
*** Fund Balance ***			
274.000	NET ASSETS, INVEST IN CAPITAL	0.00	0.00
284.000	FUND BALANCE - UNASSIGNED	86,312.66	102,441.83
Total Fund Balance		86,312.66	102,441.83
Beginning Fund Balance		86,312.66	102,441.83
Net of Revenues VS Expenditures		65,623.74	11,549.58
Ending Fund Balance		151,936.40	113,991.41
Total Liabilities And Fund Balance		153,163.22	147,610.20

Required Supplementary Information
City of DeLand, Florida
Fund 500 - HEALTH INSUR COST CONTAINMENT

Schedule of Revenue, Expenditures, and Changes in Fund Balances - Comparison with Budget and FY 2021 Actual

	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD QUARTER BALANCE 6/30/2022	AVAILABLE BALANCE	YTD QUARTER BALANCE 6/30/2021
Fund 500 - HEALTH INSUR COST CONTAINMENT					
REVENUES					
CHARGES FOR GOVT SERVICES	560,670	560,670	420,503	140,168	447,739
INTEREST REVENUES	-	-	222	(222)	218
USE OF RESERVES	50,000	50,000	-	50,000	-
TOTAL REVENUES	<u>610,670</u>	<u>610,670</u>	<u>420,725</u>	<u>189,945</u>	<u>447,957</u>
EXPENDITURES					
OPERATING	578,465	578,465	385,022	193,443	358,179
SERVICES PROVIDED BY GEN GOVT	32,205	32,205	24,154	8,051	24,154
TOTAL EXPENDITURES	<u>610,670</u>	<u>610,670</u>	<u>409,175</u>	<u>201,495</u>	<u>382,333</u>
Fund 500 - HEALTH INSUR COST CONTAINMENT:					
TOTAL REVENUES	610,670	610,670	420,725	189,945	447,957
TOTAL EXPENDITURES	<u>610,670</u>	<u>610,670</u>	<u>409,175</u>	<u>201,495</u>	<u>382,333</u>
NET OF REVENUES & EXPENDITURES	<u>-</u>	<u>-</u>	<u>11,550</u>	<u>(11,550)</u>	<u>65,624</u>

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Fund 510 WORK COMP SELF INS FUND

GL Number	Description	PERIOD ENDED 06/30/2021	PERIOD ENDED 06/30/2022
*** Assets ***			
101.000	CASH IN BANK	901,899.89	689,669.23
104.000	EQUITY IN POOLED CASH	980,664.19	1,195,063.98
115.100	ACCOUNTS RECEIVABLE	0.00	0.00
135.000	INTEREST & DIVIDENDS REC	1,479.14	1,381.48
151.900	INVESTMENTS - NON-CURRENT	1,036,961.92	1,174,193.88
155.000	PREPAID ITEMS	0.00	0.00
Total Assets		2,921,005.14	3,060,308.57
*** Liabilities ***			
202.000	ACCOUNTS PAYABLE	2,878.43	0.00
205.000	CONTRACTS PAYABLE	0.00	71,521.07
229.000	OTHER CURRENT LIABILITIES	934,000.00	850,000.00
Total Liabilities		936,878.43	921,521.07
*** Fund Balance ***			
282.000	FUND BALANCE - COMMITTED	300,000.00	300,000.00
284.000	FUND BALANCE - UNASSIGNED	1,553,400.25	1,726,641.29
Total Fund Balance		1,853,400.25	2,026,641.29
Beginning Fund Balance		1,853,400.25	2,026,641.29
Net of Revenues VS Expenditures		130,726.46	112,146.21
Ending Fund Balance		1,984,126.71	2,138,787.50
Total Liabilities And Fund Balance		2,921,005.14	3,060,308.57

Required Supplementary Information
City of DeLand, Florida
Fund 510 - WORK COMP SELF INS FUND

Schedule of Revenue, Expenditures, and Changes in Fund Balances - Comparison with Budget and FY 2021 Actual

	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD QUARTER BALANCE 6/30/2022	AVAILABLE BALANCE	YTD QUARTER BALANCE 6/30/2021
Fund 510 - WORK COMP SELF INS FUND					
REVENUES					
CHARGES FOR GOVT SERVICES	815,167	815,167	611,375	203,792	595,699
INTEREST REVENUES	-	-	7,271	(7,271)	6,278
MISCELLANEOUS REVENUES	-	-	51,136	(51,136)	(7,320)
TOTAL REVENUES	<u>815,167</u>	<u>815,167</u>	<u>669,782</u>	<u>145,385</u>	<u>594,657</u>
EXPENDITURES					
PERSONNEL	671,432	671,432	478,519	192,913	388,883
OPERATING	79,735	79,735	31,117	48,618	27,048
SERVICES PROVIDED BY GEN GOVT	64,000	64,000	48,000	16,000	48,000
TOTAL EXPENDITURES	<u>815,167</u>	<u>815,167</u>	<u>557,636</u>	<u>257,531</u>	<u>463,930</u>
Fund 510 - WORK COMP SELF INS FUND:					
TOTAL REVENUES	815,167	815,167	669,782	145,385	594,657
TOTAL EXPENDITURES	<u>815,167</u>	<u>815,167</u>	<u>557,636</u>	<u>257,531</u>	<u>463,930</u>
NET OF REVENUES & EXPENDITURES	<u>-</u>	<u>-</u>	<u>112,146</u>	<u>(112,146)</u>	<u>130,726</u>

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CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: Resolution Approving the Sole Source Purchase and Installation of a Simulated Brick Paver Crosswalk at the Intersection of Florida Avenue and New York Avenue.

DEPARTMENT: Public Works

PREPARED BY: Ray Underwood, Public Works Director

ATTACHMENTS: Resolution , Proposal

APPROVED BY: Michael Pleus, City Manager, August 10, 2022

SUMMARY/HIGHLIGHT:

The purpose of this RCA is to request the Commission adopt a resolution to approve the sole source purchase for the removal and installation of a simulated brick paver crosswalk at the intersection of Florida Ave and New York Ave. McShea Contracting is the exclusive installer in Florida for Endurablend products which will provide the same quality and appearance of the original crosswalk.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Sense of Community

SUSTAINABILITY:

Health and Wellness

FISCAL IMPACT:

This item has a fiscal impact of \$49,503.00 for the Sole Source purchase and installation of the crosswalk. There are sufficient funds in the budget to cover this request.

RECOMMENDATION:

It is recommended that the City Commission approve the attached resolution authorizing the sole source purchase and installation of the simulated brick paver crosswalk from McShea Contracting, in the amount of \$49,503.00.

BACKGROUND/DISCUSSION:

This crosswalk was originally installed during the New York Streetscape Project in 2013. Small repairs have been performed over the course of nearly 10 years but a complete replacement is warranted for pedestrian safety and to maintain the original appearance.

RESOLUTION NO. 2022-

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, RELATING TO PURCHASING BY THE CITY UNDER THE PROVISIONS OF ARTICLE VIII, SECTION 63 OF THE CODE OF ORDINANCES OF THE CITY OF DELAND RELATING TO AN EXCEPTION TO COMPETITIVE BIDDING PERTAINING PURCHASES WITHOUT COMPETITIVE BIDDING WHEN AVAILABLE ONLY FROM A SINGLE SOURCE; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR AN EXHIBIT PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 63 of the Code of Ordinances of the City of DeLand provides for an exception to the general competitive bidding requirements of the City as states, in pertinent part, that:

The City Commission may also authorize by resolution the purchase of equipment, materials or supplies without competitive bidding when these are available only from a single source . . .
; and

WHEREAS, the City of DeLand is in the process of replacing the simulated brick crosswalk at the intersection of Florida Avenue and New York Avenue that was completed during the New York Streetscape project in 2013-2014; and

WHEREAS, McShea Contracting is the exclusive installer in the State of Florida for Endurablend products which will match the appearance and quality as what's existing at this intersection; and

WHEREAS, the simulated brick crosswalk installed by McShea Contracting is necessary for the safety and security of crossing pedestrians and keeps up with the original appearance and design approved by FDOT; and

WHEREAS, the costs of the new crosswalk includes all mobilization, removal and installation of the entire crosswalk on all 4 sides of the intersection; and

WHEREAS, the City of DeLand desires to use public funds in the most prudent and beneficial manner; and

WHEREAS, the City Commission hereby determines that the adoption of this Resolution is in the best interests of the health, safety and welfare of the citizens of the City of DeLand.

W a g e

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

Section 1. Legislative Findings and Intent.

(a). The City Commission of the City of DeLand hereby adopts and incorporates into this Resolution the recitals (whereas clauses) to this Resolution.

(b). The City Commission of the City of DeLand hereby determines that the adoption of this Resolution and taking the actions set forth herein would be in the public interest and serve a public purpose.

(c). The sole source justification standards applicable to this matter have been met and adhered to and the subject vendor is deemed the only capable provider of the subject goods and the sole source procurement activity authorized herein is in the best interest of the City.

(d). The City of DeLand has complied with all requirements and procedures of Florida law in processing and adopting this Resolution.

Section 2. Sole Source Procurement.

(a). The City Commission hereby waives the City's competitive bidding requirement for the removal and installation of the simulated brick crosswalk at the intersection of Florida Avenue and New York Avenue.

(b). The City Commission hereby authorizes the necessary purchase of the removal and installation of the simulated brick crosswalk at the intersection of Florida Avenue and New York Avenue by McShea Contracting.

(c). The City Commission hereby declares that the purchase herein authorized is clearly and legitimately limited to a single source of supply and that the sole source of that supply for the crosswalk is McShea Contracting.

(d). The attached invoice relating to the removal and installation of the crosswalk needed for Florida Avenue and New York Avenue as issued by McShea Contracting is hereby incorporated herein as a substantive part of this Resolution and approved for payment.

Section 3. Implementing administrative actions.

The City Manager, City Clerk and City Attorney are hereby generally authorized to take any and all actions necessary and appropriate to implement the provisions of this Resolution to include, but not be limited to, the approval and execution of procurement documents relating to the removal and installation of the simulated brick crosswalk needed for the intersection of Florida Ave and New York Ave.

Section 4. Savings.

All prior actions of the City Commission relating to City procurement and purchasing matters, and any and all related activities, are hereby ratified and affirmed.

Section 5. Conflicts.

All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed.

Section 6. Severability.

If any section, sentence, phrase, word, or portion of this Resolution is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Resolution not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 7. Effective Date.

This Resolution shall become effective immediately upon enactment.

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

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk — Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney



Date: 06/08/2022

DELAND DECORATIVE BRICK CROSSWALK MARKINGS CITY OF DELAND

LOCATION: Intersection of North Florida Ave and SR44 in Deland, FL

LINE #	ITEM #	ITEM DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
		PAVEMENT MARKINGS				
		Mobilization	1	LS	3,500.00	\$ 3,500.00
		Removal of Existing Decorative Crosswalk	1790	SF	2.90	\$ 5,191.00
		Endurablend Decorative Crosswalk	1790	SF	22.80	\$ 40,812.00

TOTAL \$ 49,503.00

NOTES

- A) QUOTE IS BASED ON PERFORMING THE WORK OVER MULTIPLE CONSECUTIVE NIGHTS IN ORDER ALWAYS ALLOW TRAFFIC TO FLOW THROUGH THE INTERSECTION.
- B) QUOTE IS BASED ON USING ENDURABLEND POLYMER CEMENT SURFACING FOR THE DECORATIVE CROSSWALK.

SINCERELY,
MCSHEA CONTRACTING

DAN MCWILLIAMS

CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: Consideration re County of Volusia Standard Interlocal Agreement for Municipal Services.

DEPARTMENT: Public Works

PREPARED BY: Ray Underwood, Public Works Director

ATTACHMENTS: Interlocal Aggrement

APPROVED BY: Michael Pleus, City Manager, August 10, 2022

SUMMARY/HIGHLIGHT:

This Interlocal Agreement with the County of Volusia is presented to the Commission to continue miscellaneous services currently provided to the City by the County under an interlocal agreement which expires on September 30, 2022. These services include traffic engineering (primarily signal maintenance and repairs), mosquito control and road and bridge services on an as-needed basis. The contract services provided to the City are further described in the attached Interlocal Agreement.

In the past, there have been several instances where the County has made emergency repairs to signal cabinets, signals, and other equipment in response to vehicle collisions. In these cases, the County must make extensive repairs on an emergency basis without authorization from the City. As is included in our current agreement, the subject document allows the County to make these repairs on an emergency basis with notification to the City "as soon as possible." It also requires that the County submit a request of authorization only for repairs which can be deferred and which are expected to cost more than \$5,000.

One change that must be noted is that FDOT signals in the CITY currently required to be maintained by the CITY shall become the COUNTY's responsibility per FDOT requirements beginning in either July 2023 or 2024. As such, those signals identified as FDOT ownership in Exhibit "B" will transition to the COUNTY and be removed from this agreement in July 2023 or 2024.

Other terms and conditions of the proposed agreement remain unchanged from the current agreement.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government

SUSTAINABILITY:

Maintaining a higher level of service/Safety and Security

FISCAL IMPACT:

Fees reflected in the interlocal agreement for services are unit prices for labor and equipment. These fees have

remained at the same levels for the last three years. With the exception of traffic signal emergency repairs, service is provided only by City direction. Actual cost will be dependent on the volume of service we request.

RECOMMENDATION:

It is recommended that the City Commission approve the execution of the interlocal agreement with Volusia County for municipal services.

BACKGROUND/DISCUSSION:

The current agreement is set to expire on September 30, 2022. The new agreement would extend to September 30, 2025.

**COUNTY OF VOLUSIA INTERLOCAL
AGREEMENT FOR PROVISION OF MUNICIPAL
SERVICES TO THE CITY OF DELAND, FLORIDA**

THIS AGREEMENT is entered into by and between the County of Volusia, a political subdivision of the State of Florida, with administrative offices at 123 West Indiana Avenue, DeLand, Florida 32720-4613, hereinafter referred to as **COUNTY**, and the City of DeLand, a municipal corporation duly incorporated pursuant to the laws of the State of Florida, with administrative offices at 120 South Florida Avenue, DeLand, Florida 32720, hereinafter referred to as **CITY**.

RECITALS

1. The COUNTY is authorized by Section 125.01(1)(p), Florida Statutes, to enter into agreements with other governmental agencies within or outside the boundaries of the county for the joint performance, or performance by one unit on behalf of the other, of any of either agency's authorized functions.
2. Public agencies (including COUNTY and CITY) are authorized by Section 163.01(14), Florida Statutes, to enter into contracts for the performance of service functions of such public agencies, but shall not be deemed to authorize the delegation of the constitutional or statutory duties of county or city officers. The parties expressly deny any intent, expressed or implied, in this Agreement to provide for a delegation by CITY of such constitutional or statutory duties to COUNTY.
3. The foregoing authorization for such agreements is granted to counties and cities for the purpose of permitting local governments to make the *most efficient use* of their powers by enabling them to cooperate with the other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities as set forth in Section 163.01(2), Florida Statutes.
4. Pursuant to Section 768.28, Florida Statutes, neither the COUNTY nor the CITY waives any defense of sovereign immunity, or increases the limits of its liability, upon entering into this Agreement. This Agreement does not contain any provision that requires one party to indemnify or insure the other party for the other party's negligence, or to assume any liability for the other party's negligence.
5. The City Commission of CITY, after evaluation of options for the provision to its residents of the municipal services enumerated herein, has made a legislative determination that the interests of its residents will be best served by contracting with COUNTY for provision of such services, which services will be performed by COUNTY personnel.

6. COUNTY certifies that it has qualified personnel or subcontractors to perform the services enumerated herein.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

PART I. GENERAL PROVISIONS

7. The foregoing representations are hereby adopted as a material part of this Agreement.

8. **PURPOSE.** The purpose of this Agreement is for the COUNTY to provide specified *municipal* services and equipment to the CITY (hereinafter, the Contract Services), at an agreed upon level of service (LOS) herein specified, in lieu of the CITY using its own personnel and equipment therefor.

9. **COUNTY DEPARTMENTS.** COUNTY shall manage the delivery of the Contract Services by allocating service task responsibilities along the organization lines of the COUNTY'S DEPARTMENTS (hereinafter, Departments). The Director of the applicable Department (or his or her designee) shall be the COUNTY'S liaison to CITY for purposes of performance, interpretation and implementation of this Agreement.

10. **MUNICIPAL SERVICES.** The Contract Services purchased by CITY herein are *municipal* level of services as described in the attached Addendum. Such Contract Services shall be provided by COUNTY resources distinct from the level of services that are funded by county-wide ad valorem and other county-wide revenues (hereinafter, "County Services"), which services COUNTY would provide irrespective of this Agreement, and which services COUNTY will continue to provide notwithstanding this Agreement. The CITY government shall pay COUNTY for the Contract Services provided for herein.

11. **NO PLEDGE OF AD VALOREM TAXES.** The parties agree that this Agreement does not constitute a general indebtedness of the CITY within the meaning of any constitutional, statutory, or charter provision or limitation and it is expressly agreed by the parties that the COUNTY shall not have the right to require or compel the exercise of ad valorem taxing power of CITY, or taxation of any real or personal property therein for payment of any monetary obligations due under the terms of this Agreement. It is further agreed that this Agreement and any funds called for to be paid hereunder shall not constitute a lien upon any real or personal property of CITY, any part thereof, and that the obligation for monetary payments called for to be made hereunder shall be deemed to exist for less than a year at any point in time and shall be entirely subject to the legislative budgetary discretion of the CITY and the COUNTY.

12. **DIVISION OF MANAGEMENT RESPONSIBILITIES.** The Contract Services specified in this Agreement reflect the general managerial and policy decisions of the CITY. The CITY may identify specific tasks within the Services described in Article 21 of this Agreement to be performed by COUNTY, and the portion of the relevant budget to be allocated thereto, including, but not limited to the location, and nature of specific projects. Except as set forth below,

the COUNTY shall have the responsibility for the operational management of the provision of the actual service. It is the intent of the CITY that the CITY'S general management decisions referenced above are to be the exercise of a legislative, planning level function of the CITY, and that the CITY shall not undertake to exercise specific operational control over the provision of the Contract Services except as set forth below in this Article 12 or specifically set forth in the Addendum referenced in Article 21. Should the CITY direct or exercise operational control in fact and there be liability to third parties and/or to the COUNTY that flows therefrom, then the CITY shall have responsibility for all liability arising therefrom subject to the provisions in recital number 4 and Article 13 of this Agreement. For all other services provided by the COUNTY where specific professional standards are applicable to the performance of service tasks, the COUNTY'S designated officer in charge (OIC), or his or her designee, shall have the authority for decision making within that realm. The relevant COUNTY Department Director, or the OIC, shall be available on a regular basis to the City Manager to provide consultation and recommendations to the City Manager in his or her general management decisions as contemplated herein. The CITY shall make no claim against the COUNTY predicated upon the theory that the failure to provide services at a given time caused damages to the CITY or a third party complainant.

13. **SOVEREIGN IMMUNITY.** Each party to this Agreement expressly retains all rights, benefits and immunities of sovereign immunity that they presently enjoy under the Constitution and Statutes of the State of Florida, and particularly with respect to Chapter 768, Florida Statutes. Notwithstanding anything set forth in any article of this Agreement to the contrary, nothing in this Agreement shall be deemed as a waiver of immunity or limits of liability of either party beyond any statutory limited waiver of immunity or limits of liability which may have been adopted or may be adopted by the Florida Legislature, and any liability of either party for damages shall not exceed the statutory limits of liability for tort, regardless of the number or nature of any claim which may arise, including but not limited to, a claim sounding in tort, equity, or contract. Nothing in this Agreement shall inure to the benefit of any third party for the purpose of allowing any claim against any party, which would otherwise be barred under the doctrine of sovereign immunity or by operation of law.

14. **PERSONNEL MATTERS.** COUNTY shall allocate manpower and equipment for the performance of the Contract Services on an as needed basis. This Agreement shall not require any particular COUNTY employee to be dedicated full time to the Contract Services. All COUNTY personnel assigned to perform Contract Services shall remain subject to the COUNTY Merit System of Rules and Regulations for all purposes contemplated thereunder, including, but not limited to initial appointment and probation, training and assignment, promotions, merit and cost-of-living raises, annual leave and sick leave, and disciplinary actions. Any claim of a disciplinary nature by CITY regarding a COUNTY employee shall be referred to the Department Director, who shall remain the appointment authority for such employee, for all purposes designated under the COUNTY Merit System of Rules and Regulations. Such COUNTY employees shall have no right to elect or choose any procedures available to CITY employees.

15. **TERM.** This Agreement shall commence on **October 1st, 2022** and shall terminate at midnight on **September 30th, 2025** unless terminated pursuant to the provisions of Article 16.

16. **TERMINATION.** Either party may terminate this Agreement without cause or further liability to the other, upon written notice to the party representative specified in Article 17, given no less than **90** days prior to the requested termination date. Such notice shall be delivered by certified mail, return receipt requested, and the date of the notice shall be the date the receipt therefor is signed by an employee, official, or representative of the other party.

17. **NOTICE.** Notice as required to be given in this Agreement shall be provided to the following persons:

- a. **COUNTY:** County Manager, George Recktenwald, Thomas C. Kelly Administration Center, 123 W. Indiana Avenue, DeLand, Florida 32720.
- b. **CITY:** City Manager, Michael Pleus, 120 South Florida Avenue, DeLand, Florida 32720.

18. **THIRD PARTIES.** In no event shall any of the terms of this Agreement confer upon any third person, corporation, or entity other than the parties hereto any right or cause of action for damages claimed against any of the parties to this Agreement arising from the performance of the obligations and responsibilities of the parties herein or for any other reason.

19. **DISPUTE RESOLUTION.** Any disputes concerning non-performance, or other aspects of this agreement for which either party initiates litigation to enforce its rights hereunder, shall be subject to the provisions of Chapter 164, Florida Statutes, the “Florida Governmental Conflict Resolution Act.”

20. **SEVERABILITY.** If any provision of this Agreement is found to be unconstitutional, illegal, or otherwise unenforceable by judgment of a court of competent jurisdiction, such judgment shall not invalidate the remainder of this Agreement, unless such judgment renders the purpose or performance of this Agreement no longer practical for either party.

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PART II. SPECIFIC SERVICES

21. **LEVEL OF SERVICE.** COUNTY agrees to provide the personnel and equipment at the level of service specified in the *The Delivery of Municipal Services to the City of DeLand Fiscal Years 2022-23, 2023-24 and 2024-25* which is hereby attached as the thirteen page Addendum to this Agreement and is incorporated in this Agreement by this reference. Should the CITY desire the COUNTY provide services either different in kind, or at a service level different than that contemplated herein, the City Manager shall make written request therefor to the County Manager or his designee and such notice shall be sent in accordance with Article 17. Any mutually agreed-upon modification to the kind of service and/or level of service to be provided by the COUNTY shall be reduced to writing and approved by the appropriate officials of both parties. Any reduction in level of service desired by the CITY shall only be effective at the beginning of a new contract year unless both parties agree otherwise. Upon the written agreement of the COUNTY to provide a change to services which increases the level of service, the new level of service shall commence within sixty days following the date of execution of the written agreement by the COUNTY or the beginning of a new contract year whichever shall first occur. The foregoing shall not be construed as requiring the COUNTY to agree to make a change to the kind of service and/or increase to the level of service to be provided by the COUNTY. Upon a change in kind of service and/or increase in the level of service to be provided by the COUNTY compensation to the COUNTY shall be immediately adjusted to conform to the new service provided.

22. **COMPENSATION.** CITY shall pay the COUNTY in accordance with the compensation set forth in the Addendum. CITY shall pay the sum invoiced within thirty (30) days of receipt of the bill from COUNTY.

23. **ENTIRE AGREEMENT.** This Agreement reflects the full and complete understanding of the parties and may be modified or amended only by a document in writing executed by all the parties, with the same formalities as this Agreement.

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IN WITNESS WHEREOF, the parties to this County of Volusia Interlocal Agreement for Provision of Municipal Services to the City of DeLand have caused the same to be signed by their duly authorized representatives on the dates indicated below.

ATTEST:

COUNTY OF VOLUSIA

By: _____
Name: George Recktenwald
Title: County Manager
Dated: _____

By: _____
Name: Jeffrey S. Brower
Title: County Chair
Dated: _____

ATTEST:

CITY OF DELAND

By: _____
Name: Julie Hennessy
Title: City Clerk
Dated: _____

By: _____
Name: Robert F. Apgar
Title: Mayor
Dated: _____

By: _____
Name: Michael Pleus
Title: City Manager
Dated: _____

ADDENDUM

COUNTY OF VOLUSIA, FLORIDA

**The Delivery of Municipal Services
to the
City of DeLand**

Fiscal Years 2022-23, 2023-24 and 2024-25

**DEPARTMENT OF PUBLIC WORKS SERVICES
CITY OF DELAND
FY 2022-23, 2023-24 AND 2024-25**

Services	Annual Cost
Mosquito Control	As Needed
Road and Bridge	As Needed
Traffic Engineering	As Needed

Public Works Services Overview

The City of DeLand (CITY) contracts with the County of Volusia (COUNTY) to provide services from the Department of Public Works Divisions of Mosquito Control, Road & Bridge (including Signs and Markings) and Traffic Engineering.

Compensation

Compensation will account for actual services provided and will be charged in accordance with the following unless otherwise specified in the below description of services:

- a. **Labor (First 40 hrs of work week)**: Work hours x current hourly wage rate x current overhead rate at the time of service. Labor will be charged to the nearest one-quarter hour.
- b. **Overtime Labor (Hours over 40 for work week)**: Work hours x current hourly wage rate at time of service x 1.5 x current overtime overhead rate at the time of service. Overtime labor will be charged to the nearest one-quarter hour.
- c. **Parts, Materials and Chemicals**: All parts, materials and chemicals that are used will be billed at actual cost.
- d. **Equipment**: All equipment will be billed at the Public Works equipment rate at the time of service.

After hours work shall be work that was performed during those hours other than regular time and shall include holidays. Holidays are defined as those days officially designated as holidays by the Volusia County Council. After hours work shall be compensated based on both work time and travel time. There is a minimum two (2) hour after-hours call-out charge.

Billing

The COUNTY shall send the CITY a monthly invoice with documentation. The CITY shall pay all charges made in accordance with this Agreement within 30 days of receipt of the invoice, regardless of whether one or multiple CITY departments/divisions received services under this Agreement.

Mosquito Control Division

The COUNTY will perform mosquito surveillance, larviciding, and adulticiding for the CITY on an “as needed” basis within the CITY boundaries. An “as needed” basis shall be defined and interpreted to mean that the need for surveillance, larviciding and adulticiding shall be determined by COUNTY Mosquito Control personnel upon the request of the CITY or the Florida Department of Health - Volusia County. Mosquito Control services will be coordinated through a designated CITY liaison. Service shall be initiated upon the written request of the CITY or the Florida Department of Health - Volusia County, whether provided to the COUNTY physically or electronically. Prior to providing service pursuant to this paragraph, the COUNTY shall provide to the CITY’s liaison a good-faith, written estimate of the services to be performed, and, if the CITY agrees to such estimate, the COUNTY shall perform the requested mosquito control services. It is understood by both parties that the final amount invoiced by and due to the COUNTY pursuant to this paragraph will be based on actual costs for the services provided and that full reimbursement for such costs is required pursuant to §§ 388.381 and 388.391, Florida Statutes (2018), and that the COUNTY may employ subcontractors for aerial services when required. Mosquito control activities are hereby authorized pursuant to § 388.381, Florida Statutes, as evidenced by the letter agreement issued by the Florida Department of Agriculture and Consumer Services attached hereto and incorporated herein as **Exhibit “A”**.

Road and Bridge Division

The COUNTY may perform general maintenance and repair work on an “as available” basis for CITY maintained roadway and drainage infrastructure. For all requested work, the COUNTY will provide the CITY with a written cost estimate. The CITY manager or designee must then provide the COUNTY written authorization prior to commencement of the work, with the COUNTY’s cost estimate as an attachment referenced in the authorization.

All Road and Bridge services are subject to the availability of personnel and equipment at the sole discretion and determination of the COUNTY.

Traffic Engineering Division

A. Maintenance and Operation of Traffic Control Devices

The CITY is responsible for the maintenance and operation of the Traffic Control Devices identified in Exhibit "B". The COUNTY, at the request of the CITY, shall maintain and operate these traffic control devices to ensure uniform traffic control of the road network. The coordination of the CITY'S traffic control devices with the COUNTY will promote an integrated and balanced traffic network in Volusia County to the benefit of all residents.

The COUNTY shall also maintain and operate auxiliary equipment such as overhead internally illuminated street name signs, fire preemption devices, transit priority devices, audible pedestrian signals, high intensity LED signs, and other devices associated with those identified in Exhibit "B" as requested by the CITY. The CITY will reimburse the COUNTY for all operational work performed on auxiliary equipment at the CITY's request regardless of whether the signal is a City, County or State signal.

The CITY and COUNTY may modify Exhibit "B" throughout the life of this Agreement to account for new or removed Traffic Control Devices by written notification from the CITY'S Public Works Director to the Volusia County Traffic Engineering Director. CITY is aware that the Florida Department of Transportation (FDOT) is revising their signal maintenance agreements so that FDOT signals in the CITY currently required to be maintained by the CITY shall become the COUNTY's responsibility per FDOT requirements beginning in either July 2023 or 2024. As such, those signals identified as FDOT ownership in Exhibit "B" will transition to the COUNTY and be removed from this agreement in July 2023 or 2024.

Service requests for the maintenance and operation of traffic control devices covered by this agreement shall be satisfied by the COUNTY when personnel and equipment are available.

1. Preventative (Routine) Maintenance

Preventive (routine) maintenance is a program to inspect and perform a set of standard actions to reduce the chance of a traffic control device failure. This maintenance also includes the repair and/or replacement of components as necessary to ensure continued proper operation of the devices.

a. Traffic Signal Preventive Maintenance

The COUNTY shall perform a minimum of two (2) preventive maintenances per year on each Traffic Signal, Traffic Signal with Pedestrian Features, and Emergency Traffic Signal as identified in Exhibit "B". The preventive maintenance will be done to current COUNTY standards, which are consistent with Florida DOT standards. The COUNTY's current standard for mast arms is galvanized steel. If the CITY requests painted mast arms, the CITY shall be responsible for maintaining the paint and will notify the COUNTY at least one week prior to performing preventative painting maintenance.

b. Traffic Signal Rebuild

Traffic Signal overheads should be rebuilt every 5 – 10 years due to the impact of the environment on the electronic components. The COUNTY will recommend a traffic signal rebuild when multiple failures requiring immediate repair occur in the same year. The COUNTY will submit a recommendation and a cost estimate to the CITY for the rebuild and the work will not be completed without the written approval of the CITY.

c. Flasher Inspection and Timing (School Flashers, RRFBs, Warning Flashers, etc.)

- i. The COUNTY shall perform a minimum of one (1) flasher inspection per year, including the verification or new programming of each school flasher timing.
- ii. The COUNTY shall perform an initial (one-time) assessment and inventory of all school flashers, if none is available. This is a separate task from the annual inspection.

d. Painted Mast Arm Structures

Maintenance of the paint finish for mast arm structures that were painted at the direction of the CITY is not included as part of this agreement. Paint maintenance shall be the responsibility of the CITY and shall be performed in accordance with FDOT specifications. Any mast arm paint finish agreements executed between the CITY and FDOT will continue to govern painted mast arm structures in the event that Exhibit “B” is modified.

2. Response (Emergency) Maintenance

Response (emergency) maintenance is the immediate repair of a failed traffic control device to restore the device to normal operation. Response maintenance repairs can be either a Final Repair or a Temporary Repair as defined below:

Final Repair – The traffic control device is returned to normal operation.

Temporary Repair – The traffic control device is set into a mode of safe operation (such as on flash) until a final repair can be made. If the device is not able to be placed into a mode of safe operation, alternative traffic control methods (i.e. stop signs) will be implemented by the City.

During business hours (7:00AM - 3:30 PM, Monday through Friday), the CITY shall contact Volusia County Traffic Engineering (386-736-5968) to request response maintenance repairs. At all other times, the CITY shall contact the County Central Dispatch Center (Sheriff Operations Center) (386-736-5999).

The CITY shall identify three (3) City employees and provide contact information for each to the COUNTY for the purpose of providing emergency follow up information. Any call for response maintenance repairs from either the CITY or from the County Central

Dispatch Center (Sheriff's Office Dispatch) will be responded to by the COUNTY and the services performed will be paid for by the CITY.

The COUNTY shall establish the priority of each response maintenance call based on the number of calls, the resources available and the nature of each call. If the COUNTY estimates that the cost of providing response maintenance repairs will exceed \$5,000, the COUNTY will make the necessary repair and notify the CITY of the repair as set forth herein. COUNTY will provide notification to the CITY of such repairs as soon as practicable, accounting for other attendant factors that may have caused the damage warranting response maintenance repairs (*e.g.*, communications failures caused by floods, storms, hurricanes, tornadoes, or other emergency circumstances). If the COUNTY completes the repair during normal business hours, COUNTY shall endeavor to provide same-day notification of such repair to the CITY, and if the COUNTY completes the repair outside of business hours, the COUNTY shall endeavor to provide notification of the repair to the CITY on the following business day. For the purposes of this section, "business hours" shall mean those normal business hours of CITY's City Hall offices, excepting holidays, and "business day" shall mean Monday through Friday, excepting holidays recognized by the CITY. It is the CITY'S responsibility to collect insurance or other compensation from the parties that damaged the city equipment.

If COUNTY personnel cannot complete a response maintenance repair, COUNTY personnel will complete a Temporary Repair. The COUNTY will contact the CITY for written authorization to issue a Notice to Proceed to one of the COUNTY'S contractors to complete the repair. Upon request, the COUNTY will provide the CITY a cost estimate from the Contractor.

3. Operational Maintenance – Traffic Signal Timing

Traffic signal retiming may be required every few years due to changes in traffic flow. Controllers will be inventoried and brought up to COUNTY standards.

Requests received by the COUNTY from the Public or the CITY regarding traffic signal malfunctioning, signals not operating correctly or signals needing retiming shall be handled as Response Maintenance to ensure all equipment and controller timings are functioning correctly.

The CITY can request that the COUNTY complete a study to retime an intersection. Upon request, the COUNTY will provide the CITY with a cost estimate. If CITY approves the retiming effort, then the COUNTY will conduct the study and implement any necessary retiming.

4. Design Modifications

Design modifications are changes to the approved design and operation of an existing traffic control device/signal. Design modifications can include changes in signal locations, configuration or displays among other design aspects.

The COUNTY will not begin work on any design modifications without an engineering study signed and sealed by a Professional Engineer licensed in the State of Florida. The COUNTY can provide the CITY with a cost estimate to complete the modification upon request.

The COUNTY can provide the CITY left-turn warrants and left-turn display (protected versus protected-permitted or Flashing Yellow Arrow conversion) studies upon request. If the study recommends a change, which is approved by the CITY, the COUNTY can then implement the modification. Cost estimates for the COUNTY to complete the above work can be provided to the CITY as requested.

5. Maintenance of Traffic

During preventive maintenance, the COUNTY or its contractor shall be responsible for maintaining safe traffic flow. During response (emergency) maintenance when law enforcement personnel are necessary to maintain safe traffic flow or worker safety, the COUNTY or its contractor shall notify local police to arrange for law enforcement.

In case of an Act of God emergency situation (e.g., hurricane, summer thunder or winter storm, tornado) that causes the loss of power to multiple traffic signals or major damage to traffic signals, the CITY shall arrange for any necessary law enforcement or placement of temporary traffic control devices (e.g., stop signs) at all appropriate traffic signal locations. Where the CITY has made previous modifications for emergency service generator hook-ups, the COUNTY will coordinate with the CITY on the need to place said generators. It will be the CITY'S responsibility to ensure the emergency service generator(s) are fueled and operational.

6. Equipment and Stock

The COUNTY will provide all equipment, parts and materials for work done for the CITY. The COUNTY shall maintain standard signal equipment in stock. The COUNTY may not stock auxiliary items such as emergency preemption devices, audible pedestrian signals and transit priority devices, but will order on an as-needed basis.

7. Electrical and Communication Costs

The CITY shall retain the responsibility to pay all related traffic control device power and communication costs. The CITY shall be responsible for the installation of any necessary communication devices in any master cabinet and shall pay the monthly charges for such communications.

8. Red Light Running Cameras and License Tag Readers

Red Light Running cameras and License Tag Readers are typically maintained and operated through a separate agreement between the CITY and a Vendor. The COUNTY will not provide any services related to Red Light Running cameras and License Tag Readers. If the CITY desires to install Red Light Running cameras or License Tag Readers on Traffic Control Devices maintained by the COUNTY along state or county roads, the CITY agrees to (1) install and pay for any separate power service hook-ups, (2) reimburse the COUNTY for any power or lightning damage repairs if any device is installed within the controller cabinet to monitor the red indication output, and (3) the CITY will hold harmless the COUNTY for any power or lightning damage emanating from the COUNTY Traffic Control Device infrastructure and power service.

9. Emergency Vehicle Preemption

Emergency vehicle preemption devices on CITY (or COUNTY) emergency vehicles improve the safety of first responders and motorists on Volusia County's roadways while also reducing response times to life-threatening emergencies. If the CITY elects to utilize emergency vehicle preemption, the following Standard Operating Procedure shall be implemented to ensure the technology is used effectively and efficiently:

a. Use of only Opticom GPS vehicle kits

Commitment to Opticom GPS ensures that an emergency vehicle that comes to a stop on approach to an intersection will not lock up the intersection in an extended preemption. The CITY will upgrade any Opticom Infrared vehicle kits within 12 months. If the CITY requires more than 12 months to complete the upgrades, the CITY will notify the COUNTY and provided an estimated completion date.

b. Use of Opticom GPS only when traveling in the emergency mode

The CITY shall establish a directive that allows for the use of Opticom emergency vehicle preemption equipment only when responding or transporting in the emergency mode. The CITY shall ensure Opticom GPS units will not be used when the vehicle's emergency lighting is not activated.

c. Passive installation design

Opticom GPS vehicle kits will be wired to only activate when the vehicle's primary emergency lighting is activated. This design will prevent the potential for inappropriate use of the emergency vehicle preemption system.

d. Information sharing with employees

The CITY shall disseminate a directive to its employees explaining the functions and limitations of emergency vehicle preemption. This document will specifically instruct employees not to presume that a green light will be guaranteed and clearly asserts that Opticom preemption devices will only be used in the emergency mode.

e. Potential for Future Requirements from the Florida Department of Transportation

The Florida Department of Transportation (DOT) required each local jurisdiction in Seminole, Orange and Osceola counties to activate the license key and enter into an annual maintenance agreement with Opticom, to assign a unique identity number for each vehicle, and to monitor the usage of emergency vehicles to minimize any potential misuse of Opticom. If the Florida DOT requires this in Volusia County, the local jurisdictions will need to budget for the additional expense. The license key is approximately \$750 per intersection and there will be an ongoing annual maintenance agreement fee with Opticom.

10. Florida DOT Requirements for State Roads

If the CITY has entered into the Florida DOT Signal Maintenance Agreement (750-010-22 4/15), the COUNTY shall also maintain the following devices identified in Exhibit "B": emergency fire signal, pedestrian flashing beacon, speed activated warning displays, traffic warning beacons, travel time detector, UPSW/battery backup and traffic signal interconnected and maintained (TSIM) locations.

a. Preventative (Routine) Maintenance

This maintenance includes locates and preventative maintenance of all electronic signal equipment with the exception that the COUNTY will not structurally maintain any mast arms. Furthermore, for new mast arms, or mast arm structures subject to a separate agreement with the Florida DOT regarding painted mast arm structures, the COUNTY is unable to perform Periodic Maintenance and recommends that the CITY procure the services of a Traffic Signal Contractor to perform periodic maintenance.

b. Response (Emergency) Maintenance

If restoration of services is delayed and stop signs or other methods to maintain traffic (e.g., law enforcement personnel) are required, the COUNTY shall notify the CITY to provide the appropriate response. In addition, the COUNTY shall coordinate with the CITY on how to respond to critical detection device malfunctions. The COUNTY shall notify the CITY if 8% of all critical detection devices are malfunctioning at any one time.

c. Performance Measures and Reporting

The County shall submit to the Florida DOT an Annual Report prior to June 30 of each year detailing critical detection device malfunctions, traffic signal preventative maintenance inspections, annual conflict monitoring testing, and personnel (and location) overseeing interconnected signals. The COUNTY will identify the number of critical detection devices for each location on Exhibit "B."

d. Retainage

The CITY shall indemnify and hold harmless the COUNTY for any retainage held back by the Florida DOT due to the CITY's failure to comply with the requirements of the Florida DOT Agreement based upon the CITY's failure to act once notified by the Florida DOT or COUNTY.

e. Florida DOT Agreement Cancellation

If the CITY notifies the Florida DOT of the CITY's intent to cancel the Florida DOT Agreement, the CITY shall also notify the COUNTY. If COUNTY notifies the Florida DOT of COUNTY's intent to cancel the Florida DOT Agreement, the COUNTY shall also notify the CITY.

B. Other Services

Other traffic engineering services not identified in this agreement can be requested by the CITY in writing. The services are subject to the availability of personnel and equipment at the sole discretion and determination of the COUNTY. These services include:

1. Administrative Services

Administrative Services involving new or replacement signal design or COUNTY staff appearance or attendance before CITY meetings per CITY Staff request.

2. Traffic Counts and Studies

Traffic Counts and Studies involving annual daily traffic counts on city roads and unique traffic studies responding to and resolving traffic related complaints from the public or elected officials. Such studies could include, but not limited to: Spot Speed, Multi-Way Stop, Signal Warrant, Vehicle Classification and Turning Movement Count.

3. Other Services

Other services include, but are not limited to, additional on-call personnel, traffic control for special events (parades, festivals), house moving, etc.

Natural and Manmade Disaster Emergency Response Services Department of Public Works

The COUNTY can provide Emergency Response Services for state and federally declared disasters as requested by the CITY for the above listed services. The emergency response services are subject to the availability of personnel and equipment at the sole discretion and determination of the COUNTY. Emergency services provided by the COUNTY will be billed to the CITY in accordance with this Agreement. In the event that services are provided under any provision of this Agreement by the COUNTY to the CITY which services relate to or result in expenses for actions that could be subject to reimbursement requests or applications submitted by the CITY

to a Federal or State agency such as, by way of example and not limitation only, the Federal Emergency Management Agency or the Florida Department of Economic Opportunity, the COUNTY will provide the CITY with all available records and documentation to support such requests or applications.

EXHIBIT A

DIVISION OF AGRICULTURAL
ENVIRONMENTAL SERVICES
BUREAU OF SCIENTIFIC EVALUATION
AND TECHNICAL ASSISTANCE
(850) 617-7917
(850) 617-7949 FAX



THE CONNER BUILDING, No. 6
3125 CONNER BOULEVARD
TALLAHASSEE, FLORIDA 32399-1650

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER NICOLE "NIKKI" FRIED

July 1, 2022

Mr. Marcus McDonough, Director
Volusia County Mosquito Control District
801 South Street
New Smyrna Beach, Florida 32168

Dear Mr. McDonough:

I am responding to your request for Department approval to renew contractual agreements Volusia County Mosquito Control has with the city of Deland, Florida in Volusia County to provide mosquito control services. This interlocal agreement is for mosquito surveillance, larviciding, and adulticiding services.

Section 388.381, Florida Statutes provides for cooperation between county programs where assistance is needed to control biting arthropods if reimbursement is made for services provided and the Department approves such an arrangement between two County or District programs.

Your request to renew the mosquito surveillance, larviciding, and adulticiding services agreement with the city of Deland, Florida is hereby approved for the three fiscal year term, October 1, 2022, through September 30, 2025, under the following conditions:

1. Proper notification of its citizens via electronic or local media regarding dates, times and locations of aerial spray operations occurs within 24 hours of spraying.
2. All label requirements and restrictions on products used are followed, particularly those that apply to applications over and near water.
3. Pretreatment and post-treatment surveillance records are maintained which demonstrate a quantifiable increase in mosquito and other arthropod populations as required in s. 5E-13.036, Florida Administrative Code.
4. Where appropriate, an Arthropod Control Plan is submitted to the Department for any lands that have been deemed environmentally sensitive and biologically highly productive and may be affected by this agreement.
5. Accurate records of all applications within the city of DeBary, Florida are maintained and made available to the Department upon request.
6. All parties agree to follow the requirements for the NPDES permitting including submittal of the NOI, maintaining a Pesticide Discharge Management Plan and follow up monitoring for any incidents that may occur.

Please contact me at (850) 617-7918 if you have additional questions.

Sincerely,

Marah Clark
Environmental Administrator
Bureau of Scientific Evaluation and Technical Assistance
Agricultural Environmental Services

CC: Ms. Amy Brown, Chief, AES, FDACS
Mr. Neil Richmond, Chief, AES, FDACS
Mr. George Hayslip, Program Planning Coordinator, AES, FDACS
Ms. Rachel Matthews, Government Analyst I, AES, FDACS

EXHIBIT B **CITY OF DELAND - TRAFFIC CONTROL DEVICES**

As of 5/10/2022

WITHIN COASTAL ZONE
 FDOT ADDENDUM APPLICABLE

☐ YES ☒ NO
☒ YES ☐ NO

Asset #	Location	TS	IMTS	ICB	PFB	FDS	SAWD BOS	TWB	UPS	OPT	Mast Arm	Painted	Ownership
039E	N AMELIA AV @ E ARIZONA AV				RRFB								CITY
039W	N AMELIA AV @ E ARIZONA AV				RRFB								CITY
053E	N AMELIA AV @ MICHIGAN AV				RRFB								CITY
053W	N AMELIA AV @ MICHIGAN AV				RRFB								CITY
090W	S WOODLAND BLVD @ WALMART ROUNDABOUT				RRFB								FDOT
090E	S WOODLAND BLVD @ WALMART ROUNDABOUT				RRFB								FDOT
092E	S WOODLAND BLVD @ WALMART ROUNDABOUT				RRFB								FDOT
091E	S WOODLAND BLVD @ WALMART ROUNDABOUT				RRFB								FDOT
091W	S WOODLAND BLVD @ WALMART ROUNDABOUT				RRFB								FDOT
092W	S WOODLAND BLVD @ WALMART ROUNDABOUT				RRFB								FDOT
093E	S WOODLAND BLVD @ WALMART ROUNDABOUT				RRFB								FDOT
093W	S WOODLAND BLVD @ WALMART ROUNDABOUT				RRFB								FDOT
623E	BLUE LAKE AV @ WEST VICTORIA TRAILS BLVD				LE LED								CITY

623W	BLUE LAKE AV @ WEST VICTORIA TRAILS BLVD				LE LED								CITY
107	US 17-92 @ PLYMOUTH AV		✓										FDOT
109	US 17-92 @ WISCONSIN AV		✓							✓	✓		FDOT
110	US 17-92 @ SR 44/NEW YORK AV		✓							✓	✓		FDOT
158	US 17-92 @ BERESFORD AV		✓										FDOT
174	US 17-92 @ PENNSYLVANIA AV		✓										FDOT
181	SR 44/NEW YORK AV @ HILL AV		✓										FDOT
182	SR 44/NEW YORK AV @ AMELIA AV		✓							✓			FDOT
189	US 17-92 @ RICH AV		✓							✓	✓		FDOT
195	US 17-92 @ VOORHIS AV		✓										FDOT
197	US 17-92 @ HOWRY AV		✓							✓	✓		FDOT
198	US 17-92 @ MINNESOTA AV		✓										FDOT
199	US 17-92 @ INDIANA AV		✓							✓	✓		FDOT
200	SR 44/NEW YORK AV @ CLARA AV		✓							✓			FDOT
214	SR 44/NEW YORK AV @ FLORIDA AV		✓							✓			FDOT
218	SR 44/NEW YORK AV @ STONE ST		✓							✓			FDOT
219	FLORIDA AV @ RICH AV		✓										CITY
330	CLARA AV @ VOORHIS AV	✓											CITY
366	SR 44 @ ALABAMA AV		✓							✓	✓		FDOT
381	US 17 @ VIOLETWOOD RD		✓										FDOT
395	US 92/INTL SPDY BL @ GARFIELD AV		✓										FDOT
419	SR 15A/SPRING GARDEN AV @ MINNESOTA AV		✓										FDOT

TS - Traffic Signal

IMTS – Traffic Signal Interconnected & Monitored

ICB – Intersection Control Beacon

PFB - Pedestrian Flashing Beacon (SZ) - School Zones & (RRFB) - Rectangular Rapid Flashing Beacon

FDS - Emergency Fire Dept Signal

SAWD/BOS – Speed Activated Warning Display or Blank Out Sign

TWB - Traffic Warning Beacon LE LED - Leading Edge LED

UPS - Uninterruptible Power Supply/Battery Backup

OPT - Opticom (F) – Fire (B) – Bus Priority

CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: Consideration re Change Order No. 1, Melching Field.

DEPARTMENT: Public Service

PREPARED BY: Chad Gamble, Public Services Director

ATTACHMENTS: Burke Change Order #1 FINAL

APPROVED BY: Michael Pleus, City Manager, August 10, 2022

SUMMARY/HIGHLIGHT:

At their April 4, 2022 the Commission awarded a contract for Melching Field – Field Improvements in the amount of \$1,309,803 via Bid 22-08. At the onset of construction there were unanticipated construction issues that were encountered that are required to be addressed in order for the overall construction to be delivered successfully and with the quality that is required for this environment. There are multiple components of this change order that will be listed below along with a brief description of the required changes. The detailed description and support are attached as well. Change Order #1 Submittal 1 - Conduit removal - during field sod and sub-surface removal multiple conduit lines were encountered in the middle of the playing field. A decision was made to remove these conduits so as to avoid possible failures in the playing area. (Submittal #1 Cost: \$ 8,400.00) Submittal 2 - Booster pump for irrigation line – A decision was made to install a booster pump on the new reclaim line to ensure pressure regulation that is paramount in delivering even coverage of water over the irrigated playing surface. (Submittal #2 Cost: \$ 5,698.25) Submittal 4 - New warning track material – At the onset of the project it was programmed to recycle and incorporate the existing warning track material into the new field/warning track. Upon its removal an analysis it was found to have broken down too much and must be replaced to allow for proper drainage. (Submittal #4 Cost: \$16,829.23) Submittal 5 - Increase curbing width along 1st/3rd base lines to 12” - As part of the original design of the synthetic turf improvements, Burke Construction programmed a 6” wide curb to form the outside perimeter of the turf area. Upon coordination with the Melching Field design build contractor, Wharton Smith, it was decided to incorporate the fence line into the curb line. In order to prevent failure of the concrete curb it was required to increase the width to 12”. (Submittal #5 Cost: \$5,520.00) Submittal 6 - Stetson “S” logo for synthetic turf – At the onset of the project a decision was not made at the number and locations of the installation of a synthetic logo for Stetson University in the synthetic turf area. It was decided to only install one logo. (Submittal #6 Cost: \$ 8,165.00) Total Change order Costs: Increase in contract cost of \$44,612.48

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Preserving “Sense of Community”, High Value Government.

SUSTAINABILITY:

n/a

FISCAL IMPACT:

The programming for the overall Melching Field Project incorporated a contingency fund for change orders. There is money available in the project budget to cover change order #1 of \$44,612.48.

RECOMMENDATION:

Staff recommends that the City Commission approve Change Order # 1, in the amount of \$42,019.50, for the Melching Field – Field Improvements Contract.

BACKGROUND/DISCUSSION:

n/a

CHANGE ORDER

AIA Document G710

OWNER ☒
ARCHITECT ☒
CONTRACTOR ☒
FIELD ☐
SUBCONTRACTOR ☐



PROJECT: **Melching Stadium Field**

CHANGE ORDER NUMBER: **#001**
DATE: **7/5/2022**
CONTRACTOR PROJECT #: **PO 22-000689**

CONTRACTOR: **Burke Construction Group, Inc.**
10145 NW 19th Street
Doral, Florida 33172

The Contract is changed as follows:

Remove Existing Conduit Runs inside Stadium Field, dispose offsite. Re-compact Trenches. Estimated at 2.5 days of work to include 4 men and the following equipment ; 150 Excavator, 3 Yd Wheel Loader, 650 Bulldozer, Single Drum Roller, and Tracked Skidsteer.

1	2.5 days of equipment, labor and fuel @ \$3000 per day	\$7,500.00
2	1 dumpster for debris	\$900.00

The Parties reserve all legal, contractual rights and defenses, with regard to compensation for delay

Subtotal -----	\$8,400.00
Contractor Fee - 10%	\$ -
Contractor OH - 2.5%	\$ -
GL Insurance 1%	\$ -
Total -----	\$8,400.00

Not valid until signed by the Owner and Contractor.

The original (Contract Sum) (Guaranteed Maximum Price) was.....	\$	1,309,802.73
Net change by previously authorized Change Orders.....	\$	-
The (Contract Sum) (Guaranteed Maximum Price) prior to this Change Order was.....	\$	1,309,802.73
The (Contract Sum) (Guaranteed Maximum Price) will be (increased) (decreased) (unchanged) by this Change Order in the amount of.....	\$	8,400.00
The new (Contract Sum) (Guaranteed Maximum Price) including this Change Order will be.....	\$	1,318,202.73
The Contract Time will be (increased) (decreased) (unchanged) by		0 Added Calendar Days
The date of Substantial Completion as of the date of this Change Order therefore is		
Master Permit Issue Date: 00/00/0000	Contract Base Days: 0	Added Time Above:

Reservations: This proposal is based solely on the usual cost elements such as labor material and normal markups, and does not include any amount for additional changes in the sequence of work, delays, disruptions, rescheduling, lost productivity, extended or unabsorbed overhead, overtime, acceleration and or impact costs, unless specifically stated. The right is expressly reserved to amend and make claim for any and all of these related items prior to final settlement of this contract.

ARCHITECT	Burke Construction Group, Inc.	City of Deland
Address	CONTRACTOR 10145 NW 19th Street Doral FL 33172	OWNER Melching Field Improvements Stetson University - Deland FL
BY	BY Authorized Signature	BY
DATE	DATE 7/6/22	DATE

CHANGE ORDER

AIA Document G710

OWNER
ARCHITECT
CONTRACTOR
FIELD
SUBCONTRACTOR



PROJECT: **Melching Stadium Field**

CHANGE ORDER NUMBER: **#002**

DATE: **7/5/2022**

CONTRACTOR PROJECT #: **PO 22-000689**

CONTRACTOR: **Burke Construction Group, Inc.**

10145 NW 19th Street

Doral, Florida 33172

The Contract is changed as follows:

Provide and Install a 3 HP Booster Pump with Gate Vales and Bypass Wye. 4' x 4' concrete slab. Electrical Service to Booster Pump location is EXCLUDED. BY OWNER. Hookup of Booster Pump is BY OWNER.

1	Booster Pump - 3 HP "Pentair" Centrifugal Pump. 230/ 460 V. Misc Fittings.	\$2,109.00
2	Hunter Pump Start Relay	\$125.00
3	(2) Two Gate Valves for Bypass Line and Pump Line, Wyes and Tees	\$625.00
4	4' x 4' concrete Slab with no reinforcement	\$96.00
5	Installation of Components as described above	\$2,000.00

The Parties reserve all legal, contractual rights and defenses, with regard to compensation for delay

Subtotal	\$4,955.00
Contractor Fee - 10%	\$ 495.50
Contractor OH - 2.5%	\$ 123.88
GL Insurance 1%	\$ 49.55
Bond Fee @ 1.5%	\$ 74.33
Total	\$5,698.25

Not valid until signed by the Owner and Contractor.

The original (Contract Sum) (Guaranteed Maximum Price) was.....	\$	1,309,802.73
Net change by previously authorized Change Orders.....	\$	8,400.00
The (Contract Sum) (Guaranteed Maximum Price) prior to this Change Order was.....	\$	1,318,202.73
The (Contract Sum) (Guaranteed Maximum Price) will be (increased) (decreased) (unchanged) by this Change Order in the amount of.....	\$	5,698.25
The new (Contract Sum) (Guaranteed Maximum Price) including this Change Order will be.....	\$	1,323,900.98
The Contract Time will be (increased) (decreased) (unchanged) by		1 Added Calendar Days
The date of Substantial Completion as of the date of this Change Order therefore is		
Master Permit Issue Date: 00/00/0000	Contract Base Days: 1	Added Time Above:

Reservations: This proposal is based solely on the usual cost elements such as labor material and normal markups, and does not include any amount for additional changes in the sequence of work, delays, disruptions, rescheduling, lost productivity, extended or unabsorbed overhead, overtime, acceleration and or impact costs, unless specifically stated. The right is expressly reserved to amend and make claim for any and all of these related items prior to final settlement of this contract.

	Burke Construction Group, Inc.	City of Deland
ARCHITECT	CONTRACTOR	OWNER
	10145 NW 19th Street	Melching Field Improvements
Address	Address	Address
	Doral FL 33172	Stetson University - Deland FL
BY	BY	BY
Architect	Authorized Signature	Authorized Signature
DATE	DATE	DATE
	7.18.22	



FIS OUTDOOR - ORMOND BEACH
1136 N US HIGHWAY 1
ORMOND BEACH, FL 32174
FAX: (386)-673-6445
Phone: (386)-673-8899

QUOTE**0007257672**

Account: BUR27446 0001
Branch: FISORBE
Phone: (305)-468-6604
Fax: () - -

Bill To: BURKE SPORTS CONSTRUCTION GROU
DBA: BURKE SPORTS CONSTRUCTION
DORAL, FL 33172

Ship To: BURKE SPORTS CONSTRUCTION GROU
10145 NW 19TH ST
DORAL, FL 33172

Page 1 of 1

PO: STETSON PUMP STA		Ref: STETSON BF PUMP		Job: STETSON BALL FIELD PUMP	
Exp Delv Date: 07/07/22		Sales B WALKER		Type: whse	
Activation Date: 07/07/22		Agents J JESSO		Quoted For:	
Close Date: 08/06/22		J VANN		Quoted By: JV200593	
Ship Via: OUR TRUCK					
QUANTITY	UOM	ITEM/DESCRIPTION		PRICE/UOM	AMOUNT
1	EA	QESTIMATING QUOTE ONLY ESTIMATING		0.00/EA	0.00
1	EA	PENDHH3169 3HP PENTAIR CENT PUMP 3HP 230/460 Supp#: DHH3-169		1,585.35/EA	1,585.35
1	EA	HTRPSR52 HUNTER PUMP START RELAY DP TO 7.5HP B PUMP START RELAY DP TO 7.5HP BX10 Supp#: PSR52		103.74/EA	103.74
1	EA	QFITTINGS QUOTE ONLY ESTIMATED PUMP FITTINGS		250.00/EA	250.00
		Subtotal			1,939.09
		FUEL CHARGE			10.54
		Sales Tax 7.0%			135.73

Payment Terms:
NET 30 DAYS

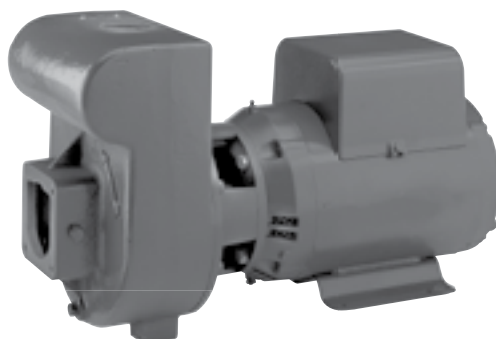
Total: **\$2,085.36**

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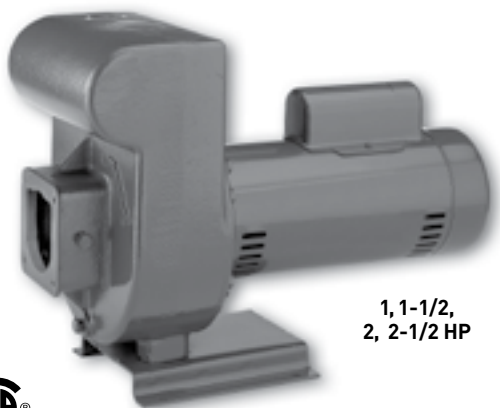
Page 118 of 533

STA-RITE® D Series

Self-Priming Centrifugal Pumps



3 and 5 HP



1, 1-1/2,
2, 2-1/2 HP



Order suction flange with
flapper check separately.

Some of the fastest priming pumps on the market. Available in high head or medium head series. Features mechanical seals, easy service design, heavy-duty motors, rugged construction. Available in 1 through 5 HP.

Optional 6" and 8" Trap Packages are available.

APPLICATIONS

Lawn Sprinkling...operate from 1 to 30 or more heads. Can be safely operated by timer or other automatic device.

Contractors...for dewatering excavation, jetting, water transfer and supply operations.

Agriculture...seed bed and plot irrigation, stock watering, fire protection.

Industrial...sump drainage, fire protection, marine pumping, liquid transfer and supply operations.

SPECIFICATIONS

Body and Base: Close-grained cast iron

Impeller: Noryl® on 1 through 2-1/2 HP, bronze on 3 and 5 HP

Diffuser: Cast iron

Shaft: 1 through 2-1/2 HP: 416 stainless steel; 3 and 5 HP: Carbon steel inside removable shaft sleeve of stainless steel.

Max Inlet Pressure: 20 PSI

Max Discharge Pressure: 100 PSI

Max Liquid Temperature: 60°C/140°F

Max Ambient Air Temperature: 40°C/104°F

FEATURES

1 through 5 HP: Both high head and medium head models offer heavy-duty motors, easy service design, and air volume control tapping.

Drain Port: Provided for easy winterizing.

Medium Head Models: Deliver up to 115' of head with capacities to 159 GPM.

High Head Models: Deliver up to 138' of head with capacities to 162 GPM.

Easy Serviceability: Normal wearing parts are easily accessible for service and replacement, without disturbing piping or mounting.

Heavy-Duty Motors: Designed for continuous operation. Capacitor start, will not cause electrical interference with TV or other appliances. Nationally known motors have ball bearing, stainless steel shaft. For single- and three-phase operation, 3450 RPM.

Noryl® is a registered trademark of General Electric Co.
All other brand or product names are trademarks or registered trademarks of Pentair Ltd.

STA-RITE® D Series

Self-Priming Centrifugal Pumps

ORDERING INFORMATION

Catalog Number	HP	Pipe Tapping Sizes			Motor Voltage	Phase	Approx. Wt. Lbs.
		Suction Flanges*	Top Discharge	Side Discharge**			
DHE	1	PKG 53	1-1/2"	1-1/2"	115/230	1	65
DHE3	1	PKG 53	1-1/2"	1-1/2"	208-230/460	3	65
DHF	1-1/2	PKG 53	1-1/2"	1-1/2"	115/230	1	72
DHF3	1-1/2	PKG 53	1-1/2"	1-1/2"	208-230/460	3	72
DHG	2	PKG 72	2"	-	115/230	1	113
DHG3	2	PKG 72	2"	-	208-230/460	3	113
DHHG	2-1/2	PKG 72	2"	-	115/230	1	120
DHHG3	2-1/2	PKG 72	2"	-	208-230/460	3	120
DH2H	3	PKG 53	2"	-	200	1	144
DHH	3	PKG 53	1-1/2"	-	230	1	144
DH2H3	3	PKG 53	2"	-	200	3	144
DHH3	3	PKG 53	1-1/2"	-	208-230/460	3	144
DH2J	5	PKG 72	2"	-	200	1	184
DHJ	5	PKG 72	2"	-	230	1	184
DH2J3	5	PKG 72	2"	-	200	3	184
DHJ3	5	PKG 72	2"	-	208-230/460	3	184

MEDIUM HEAD							
DMG	2	PKG 53	1-1/2"	1-1/2"	115/230	1	86
DMG3	2	PKG 53	1-1/2"	1-1/2"	208-230/460	3	86
DMMG	2-1/2	PKG 72	2"	1-1/2"	115/230	1	93
DMMG3	2-1/2	PKG 72	2"	1-1/2"	208-230/460	3	93
DM2H	3	PKG 72	2-1/2"	-	200	1	127
DMH	3	PKG 72	2"	-	230	1	137
DM2H3	3	PKG 72	2-1/2"	-	200	3	137
DMH3	3	PKG 72	2"	-	208-230/460	3	137
DM2J	5	PKG 73	3"	-	200	3	184
DMJ	5	PKG 73	2-1/2"	-	230	1	184
DM2J3	5	PKG 73	3"	-	200	3	184
DMJ3	5	PKG 73	2-1/2"	-	230/460	3	184

*Suction flanges must be ordered separately. See chart below.

**Pumps with Side discharge Tap of 1-1/2" are shipped with a 1-1/2" Square Head Pipe Plug in tap.

SUCTION FLANGES (Order separately – required for suction tap sizes)

Package 52 -	Package 53 -	Package 72 -	Package 73 -
1-1/2"	2"	2-1/2"	3"



PKG 52
1-1/2"



PKG 53
2" NPT



PKG 72
2-1/2"



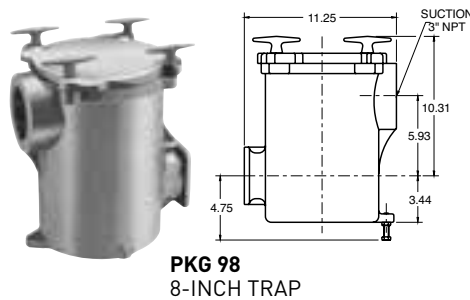
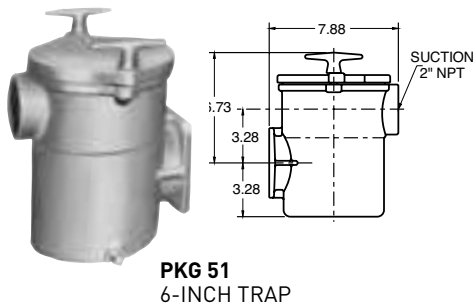
PKG 73
3" NPT

STA-RITE® D Series

Self-Priming Centrifugal Pumps

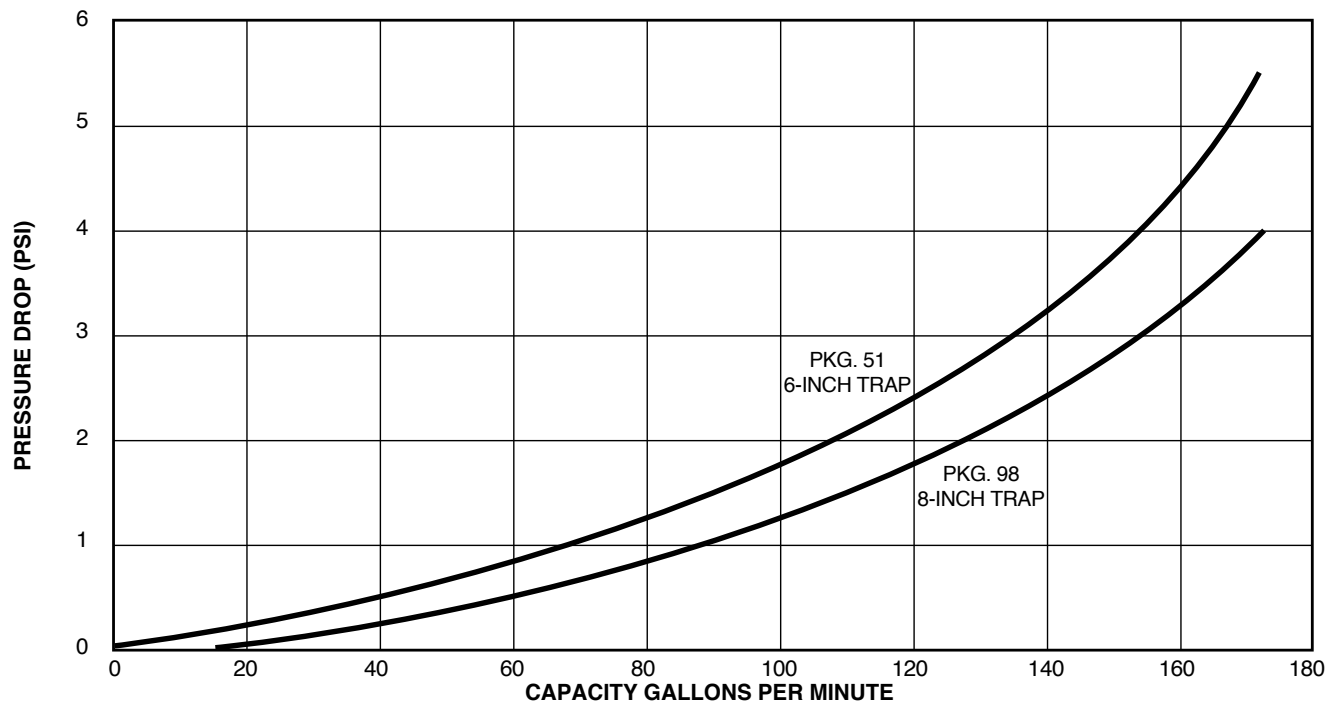
6" AND 8" TRAP PACKAGES

Catalog Number	Description	Suction Port Size	Approx. Wt. Lbs.
PKG 51	6" Cast Iron Trap with Basket (For C, CC, and D Series Pumps)	2" NPT	20
PKG 76	Cast Iron Flange for Remote Installation	3" NPT	4
PKG 98	8" Cast Iron Trap with Basket (For C, CC, and D Series Pumps)	3" NPT	40



PKG 76

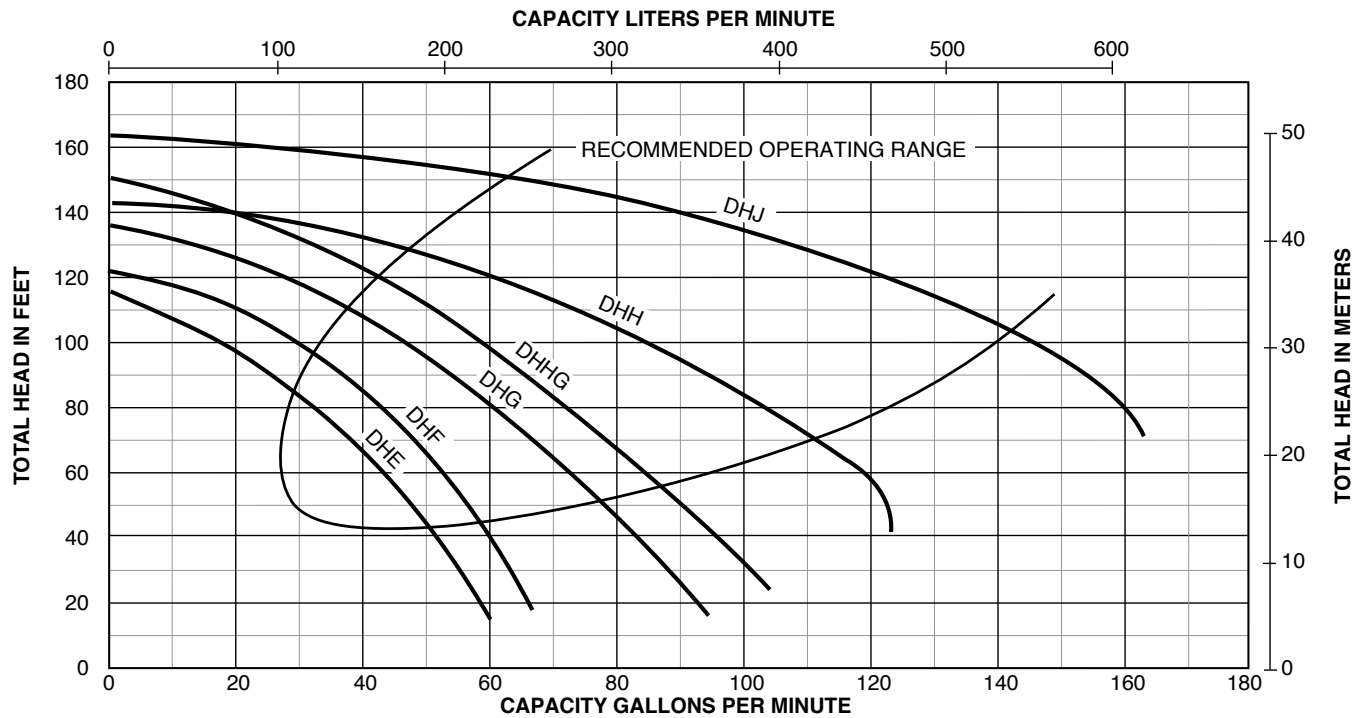
SUCTION TRAP PSI LOSS CURVE



STA-RITE® D Series

Self-Priming Centrifugal Pumps

PUMP PERFORMANCE: HIGH HEAD



PUMP PERFORMANCE (CAPACITY IN GALLONS PER MINUTE)

HIGH HEAD

Cat. No.	HP	Discharge		Suction Lift in Feet				
		PSI	Feet Head	5'	10'	15'	20'	25'
DHE	1	20	46.2	46	43	41	40	38
		30	69.3	35	32	29	25	21
		40	92.4	19	15	-	-	-
		50	115.5	-	-	-	-	-
		60	138.6	-	-	-	-	-
DHF	1-1/2	20	46.2	55	53	51	49	48
		30	69.3	45	42	39	36	32
		40	92.4	31	27	22	15	-
		50	115.5	-	-	-	-	-
		60	138.6	-	-	-	-	-
DHG	2	20	46.2	77	74	71	68	65
		30	69.3	63	60	56	53	49
		40	92.4	48	44	40	36	30
		50	115.5	30	20	13	-	-
		60	138.6	-	-	-	-	-

PUMP PERFORMANCE (CAPACITY IN GALLONS PER MINUTE)

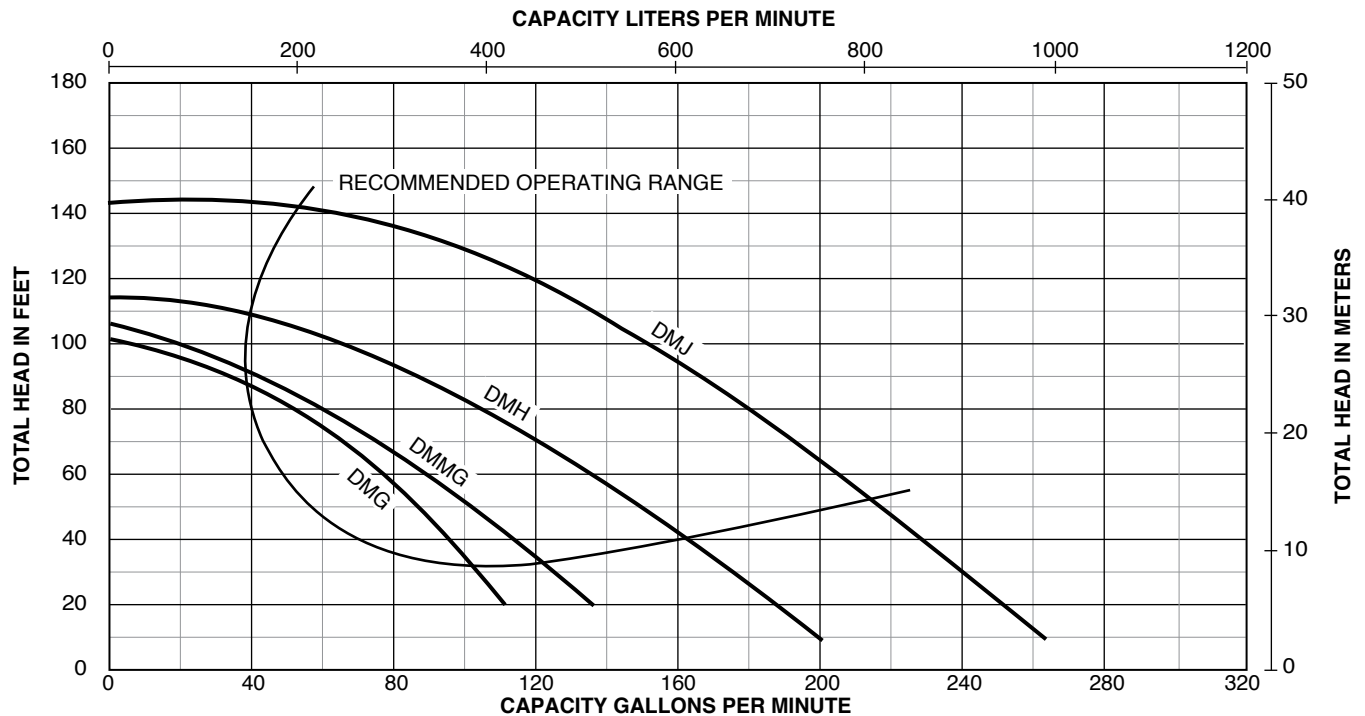
HIGH HEAD

Cat. No.	HP	Discharge		Suction Lift in Feet				
		PSI	Feet Head	5'	10'	15'	20'	25'
DHHG	2-1/2	20	46.2	89	85	82	80	76
		30	69.3	75	72	68	64	60
		40	92.4	60	57	51	49	42
		50	115.5	42	37	31	25	20
		60	138.6	14	-	-	-	-
DHH	3	20	46.2	-	-	-	112	109
		30	69.3	109	103	98	92	89
		40	92.4	90	75	74	69	62
		50	115.5	62	51	42	32	20
		60	138.6	-	-	-	-	-
DHJ	5	20	46.2	-	-	-	-	-
		30	69.3	-	-	-	-	-
		40	92.4	146	141	136	130	122
		50	115.5	122	114	105	99	85
		60	138.6	81	70	50	30	-

STA-RITE® D Series

Self-Priming Centrifugal Pumps

PUMP PERFORMANCE: MEDIUM HEAD



PUMP PERFORMANCE (CAPACITY IN GALLONS PER MINUTE)

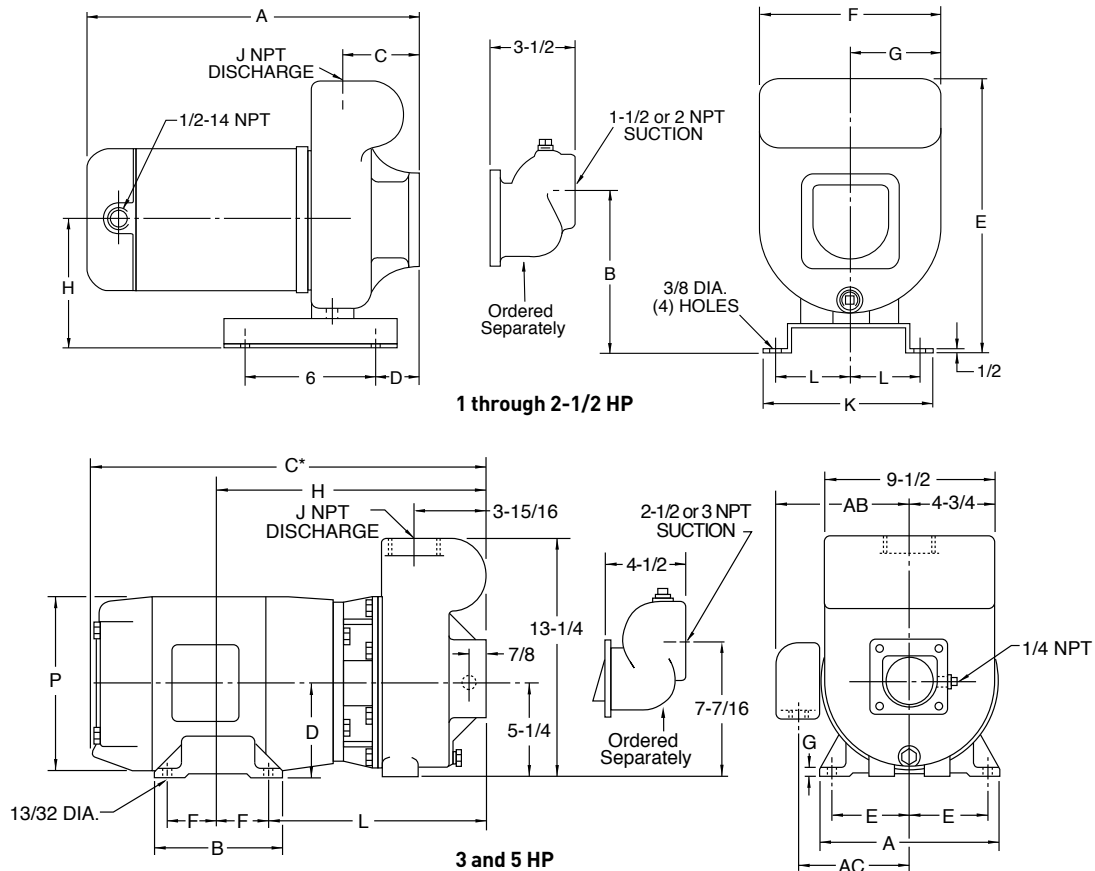
MEDIUM HEAD

DMG	2	20	46.2	84	79	74	69	63
		30	69.3	60	53	46	35	20
		40	92.4	22	-	-	-	-
		50	115.5	-	-	-	-	-
DMMG	2-1/2	20	46.2	103	96	90	80	70
		30	69.3	70	60	50	46	30
		40	92.4	30	18	5	-	-
		50	115.5	-	-	-	-	-
DMH	3	20	46.2	149	140	136	124	119
		30	69.3	116	108	99	85	76
		40	92.4	75	65	51	26	-
		50	115.5	-	-	-	-	-
DMJ	5	20	46.2	214	209	202	194	182
		30	69.3	185	179	172	165	158
		40	92.4	153	146	139	130	120
		50	115.5	119	107	95	80	50

STA-RITE® D Series

Self-priming centrifugal pumps

OUTLINE DIMENSIONS



Dimensions (in inches) are for estimating purposes only.

DIMENSIONS IN INCHES: 1 THROUGH 2-1/2 HP

Catalog Number	HP	A	B	C	D	E	F	G	H	J	K	L
DHE**	1	14-13/16	7-1/16	3-1/2	4	11-7/8	7-7/8	3-15/16	5-13/16	1-1/2	7-1/2	3-3/8
DHF**	1-1/2	15-11/16	7-1/16	3-1/2	4	11-7/8	7-7/8	3-15/16	5-13/16	1-1/2	7-1/2	3-3/8
DHG	2	17-11/16	7-13/16	3-15/16	3-13/16	14-3/8	9-1/2	4-3/4	6-9/16	2	7-1/2	3-3/8
DHHG	2-1/2	18-11/16	7-13/16	3-15/16	3-13/16	14-3/8	9-1/2	4-3/4	6-9/16	2	7-1/2	3-3/8
DMG**	2	16-15/16	7-1/16	3-1/2	4	11-7/8	7-7/8	3-15/16	5-13/16	1-1/2	7-1/2	3-3/8
DMMG**	2-1/2	17-15/16	7-1/16	3-1/2	4	11-7/8	7-7/8	3-15/16	5-13/16	2	7-1/2	3-3/8

DIMENSIONS IN INCHES: 3 AND 5 HP

Catalog Number	HP	A	B	C*	D	E	F	G	H	J	L	P	AB	AC
DHH	3	9	6	20-3/4	4-1/2	3-3/4	2-1/4	1/2	15	1 - 1/2"	12-3/4	9-3/4	8-1/8	6-1/2
DHJ	5	9	7	21-3/4	4-1/2	3-3/4	2-3/4	1/2	15-1/2	2"	12-3/4	9-3/4	9	7
DMH	3	9	6	20-3/4	4-1/2	3-3/4	2-1/4	1/2	15	2"	12-3/4	9-3/4	8-1/8	6-1/2
DMJ	5	9	7	21-3/4	4-1/2	3-3/4	2-3/4	1/2	15-1/2	2 - 1/2"	12-3/4	9-3/4	9	7

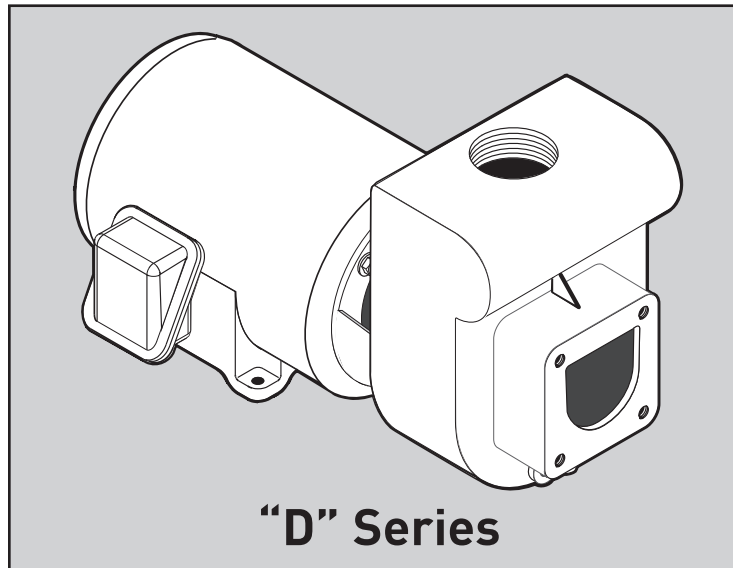
*Overall length (C) is shown for single-phase motors. Three-phase motors are slightly smaller. Dimensions are for estimating purposes only.

**Pump body has additional built in 1-1/2" NPT side discharge tap.



293 WRIGHT STREET, DELAVAN, WI 53115 WWW.STA-RITE.COM PH: 888-782-7483 ORDERS FAX: 800-426-9446
Because we are continuously improving our products and services, Pentair reserves the right to change specifications without prior notice.

STA-RITE®



Installation/Operation/Parts

For further operating, installation,
or maintenance assistance:

Call 1-888-782-7483

READ AND FOLLOW SAFETY INSTRUCTIONS!

⚠ This is the safety alert symbol. When you see this symbol on your pump or in this manual, look for one of the following signal words and be alert to the potential for personal injury:

⚠ DANGER warns about hazards that **will** cause serious personal injury, death or major property damage if ignored.

⚠ WARNING warns about hazards that **can** cause serious personal injury, death or major property damage if ignored.

⚠ CAUTION warns about hazards that **will** or **can** cause minor personal injury or property damage if ignored.

The label **NOTICE** indicates special instructions which are important but not related to hazards.

Carefully read and follow all safety instructions in this manual and on pump.

Keep safety labels in good condition.

Replace missing or damaged safety labels.

Make workshops childproof; use padlocks and master switches; remove keys.

California Proposition 65 Warning

⚠ WARNING This product and related accessories contain chemicals known to the State of California to cause cancer, birth defects or other reproductive harm.

GENERAL SAFETY

⚠ CAUTION **Do not touch an operating motor.** Modern motors are designed to operate at high temperatures. To avoid burns when servicing pump, allow it to cool for 20 minutes after shut-down before handling.

Do not allow pump or any system component to freeze. To do so will void warranty.

Pump water only with this pump.

Periodically inspect pump and system components.

Wear safety glasses at all times when working on pumps.

Keep work area clean, uncluttered and properly lighted; store properly all unused tools and equipment.

Keep visitors at a safe distance from the work areas.

⚠ WARNING **Pump body may explode if used as a booster pump unless relief valve capable of passing full pump flow at 75 psi is installed.**

⚠ WARNING



Hazardous voltage.
Can shock, burn, or cause death.

Ground pump before connecting to power supply. Disconnect power before working on pump, motor or tank.



Wire motor for correct voltage. See "Electrical" section of this manual and motor nameplate.



Ground motor before connecting to power supply.



Meet National Electrical Code, Canadian Electrical Code, and local codes for all wiring.



Follow wiring instructions in this manual when connecting motor to power lines.



⚠ WARNING

Hazardous pressure!
Install pressure relief valve in discharge pipe.

Release all pressure on system before working on any component.

Thank you for purchasing a top quality, factory tested pump.

	Page
General Safety	2
Warranty.....	3
Installation	4-5
Electrical.....	6-7
Service	8-10
Repair Parts	11-12

Limited Warranty

STA-RITE warrants to the original consumer purchaser ("Purchaser" or "You") of the products listed below, that they will be free from defects in material and workmanship for the Warranty Period shown below.

Product	Warranty Period
Water Systems Products — jet pumps, small centrifugal pumps, submersible pumps and related accessories	<i>whichever occurs first:</i> 12 months from date of original installation, or 18 months from date of manufacture
Pro-Source® Composite Tanks	5 years from date of original installation
Pro-Source® Steel Pressure Tanks	5 years from date of original installation
Pro-Source® Epoxy-Lined Tanks	3 years from date of original installation
Sump/Sewage/Effluent Products	12 months from date of original installation, or 18 months from date of manufacture

Our warranty will not apply to any product that, in our sole judgement, has been subject to negligence, misapplication, improper installation, or improper maintenance. Without limiting the foregoing, operating a three phase motor with single phase power through a phase converter will void the warranty. Note also that three phase motors must be protected by three-leg, ambient compensated, extra-quick trip overload relays of the recommended size or the warranty is void.

Your only remedy, and STA-RITE's only duty, is that STA-RITE repair or replace defective products (at STA-RITE's choice). You must pay all labor and shipping charges associated with this warranty and must request warranty service through the installing dealer as soon as a problem is discovered. No request for service will be accepted if received after the Warranty Period has expired. This warranty is not transferable.

STA-RITE SHALL NOT BE LIABLE FOR ANY CONSEQUENTIAL, INCIDENTAL, OR CONTINGENT DAMAGES WHATSOEVER. THE FOREGOING WARRANTIES ARE EXCLUSIVE AND IN LIEU OF ALL OTHER EXPRESS AND IMPLIED WARRANTIES, INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. THE FOREGOING WARRANTIES SHALL NOT EXTEND BEYOND THE DURATION EXPRESSLY PROVIDED HEREIN. Some states do not allow the exclusion or limitation of incidental or consequential damages or limitations on the duration of an implied warranty, so the above limitations or exclusions may not apply to You. This warranty gives You specific legal rights and You may also have other rights which vary from state to state.

This Limited Warranty is effective June 1, 2011 and replaces all undated warranties and warranties dated before June 1, 2011.

STA-RITE INDUSTRIES

293 Wright Street • Delavan, WI U.S.A. 53115

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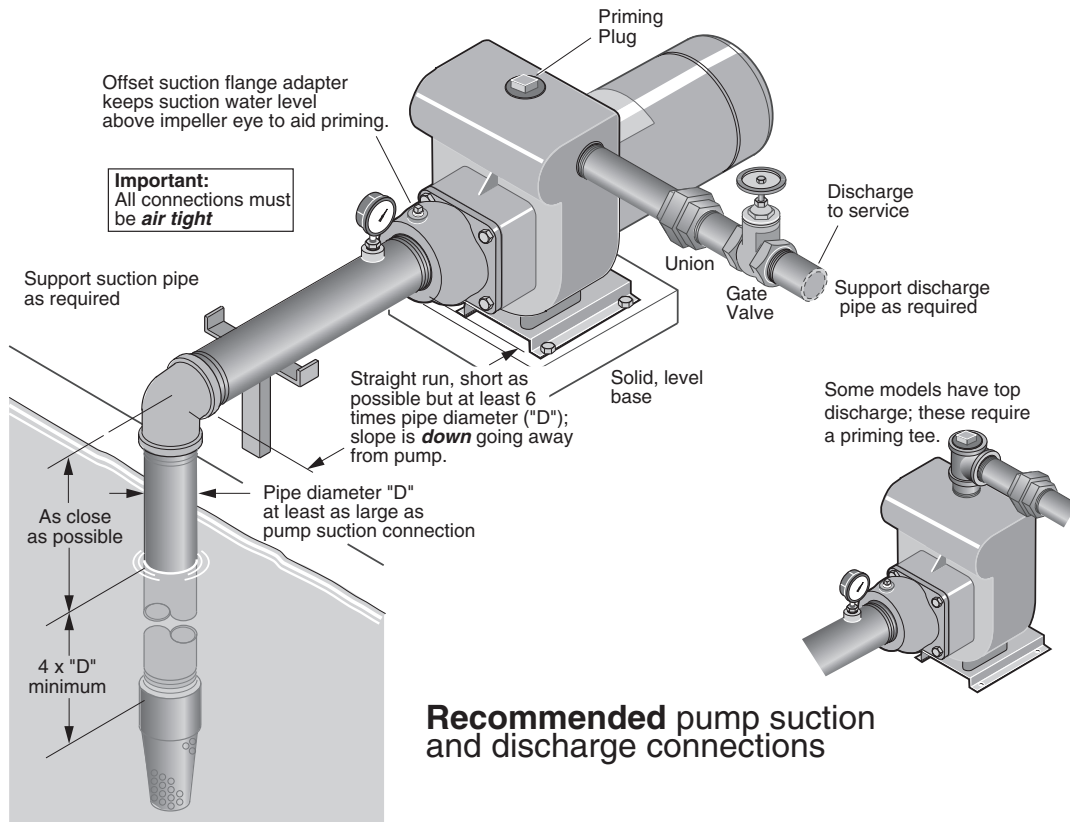


Figure 1

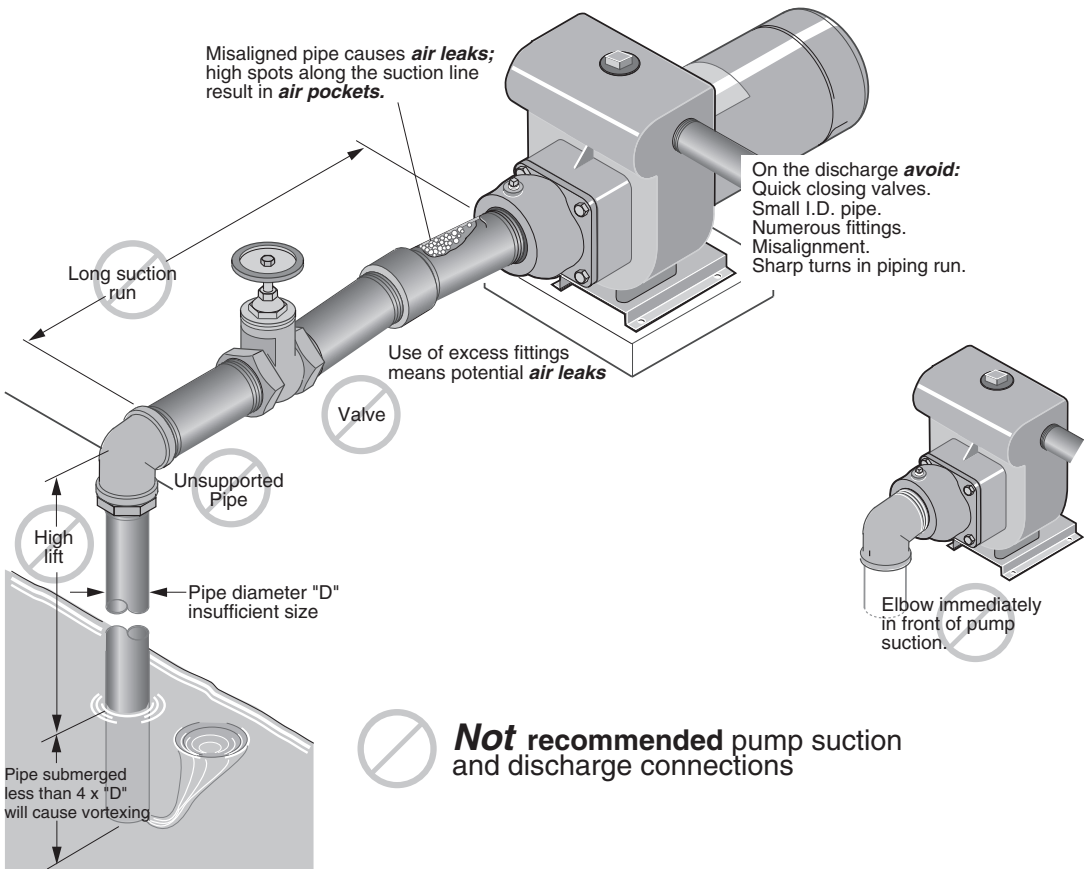


Figure 2

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LOCATION OF UNIT

Locate the pump as near the liquid source as possible, using a short, direct suction pipe. Keep the static suction lift (vertical distance between the center line of the pump and the liquid level) to a minimum. Mount the pump on a solid, level foundation, which provides a rigid and vibration-free support. It should be located where the unit is readily accessible for service and maintenance. The pump should be protected against flooding and excessive moisture.

PIPING

Both suction and discharge piping should be independently supported at a point near the pump to avoid strains being placed on the pump. Start all piping at pump to avoid strains left by a gap at last connection.

SUCTION PIPING

The suction pipe must be kept free of leaks. The suction pipe must have a gradual slope upward to the pump. Avoid any fittings which may cause an air trap. On units that have a suction fitting, a check valve is a built-in feature and no foot valve is required.

DISCHARGE PIPING

A gate valve and union should be installed in the discharge line. For removal of the pump for service, close the gate valve, and disconnect at union.



⚠ WARNING Disconnect power at service panel before connecting motor. Single phase motors come factory wired for 230 volt operation. Do not alter wiring in single phase motors. Match motor voltage to power supply voltage. Do not connect three phase motors to single phase power supply or single phase motors to three phase power supply.

- ⚠** Ground motor before connecting to electrical power supply.
- ⚠** Failure to ground motor can cause severe or fatal electrical shock hazard.
- ⚠** Do not ground to a gas supply line.
- ⚠** To avoid dangerous or fatal electrical shock, turn OFF power to motor before working on electrical connections.
- ⚠** Supply voltage must be within $\pm 10\%$ of nameplate voltage. Incorrect voltage can cause fire or seriously damage motor and voids warranty. If in doubt consult a licensed electrician.
- ⚠** Use wire size specified in Wiring Chart. If possible, connect pump to a separate branch circuit with no other appliances on it.

WIRING

Step 1. Install, ground, wire and maintain this pump in accordance with your local electrical code and all other codes and ordinances that apply. Consult your local building inspector for local code information.

Step 2. Ground the pump permanently using a wire of size and type specified by local or National Electrical Code.

⚠ Do not ground to a gas supply line.

Step 3. Connect ground wire first. Connect to ground first, then to green grounding terminal provided (identified as GRD or $\oplus$). Make ground connection to this terminal. **Do not** connect motor to electrical power supply until unit is permanently grounded; otherwise serious or fatal electrical shock hazard may be caused.

Step 4. For best ground connection, connect to a grounded lead in the service panel or to a metal underground water pipe or well casing at least 10 ft. long. If plastic pipe or insulated fittings are used, run ground wire directly to the metal well casing or use ground electrode furnished by the power company.

⚠ CAUTION Before using pump, check your motor nameplate for voltage. Your electric supply voltage and the stamped nameplate voltage **must agree**. Motors stamped 200 volts only or 230 volts only, **must be used with that voltage only**. Motors stamped with two voltages (for example 230/460 volts), may be used with either supply voltage. For these motors check connections against wiring diagram on motor nameplate and make any changes necessary to agree with your supply voltage. If in doubt, call a licensed electrician. Incorrect voltage will cause serious damage to the motor.

Some models are equipped with three phase motors. Three phase motors require magnetic starters.

To check motors for proper rotation: The shaft can be seen through the motor - pump adapter bracket. A mark can be made on the shaft to make it easier to notice rotation. Jog the motor (start it briefly) and note the rotation. It should rotate clockwise when viewed from the motor-end. If rotation is not clockwise, see motor nameplate for hookup information. BE SURE power is off to the motor when working on electrical connections.

⚠ CAUTION Motor normally operates at high temperature and will be too hot to touch. Before handling pump or motor, stop motor and allow it to cool for 20 minutes.

TABLE I – Recommended Wire and Fuse Sizes

MOTOR HP	PHASE	VOLTS	MAX. LOAD AMPS	BRANCH FUSE* RATING AMPS	DIAMETER IN FEET FROM MOTOR TO METER					
					0' TO 50'	51' TO 100'	101' TO 200'	201' TO 300'	301' TO 400'	401' TO 500'
					WIRE SIZE					
3	1	230	17.0	25	12	12	12	10	8	8
3	1	200	19.6	30	10	10	10	10	8	8
3	3	200	11.0	15	14	14	14	12	10	10
3	3	230	9.6	15	14	14	14	12	12	10
3	3	460	4.8	15	14	14	14	14	14	14
5	1	230	28.0	40	8	8	8	8	6	6
5	1	200	32.2	50	8	8	8	8	6	6
5	3	200	17.5	25	10	10	10	10	8	8
5	3	230	15.2	20	12	12	12	10	10	8
5	3	460	7.6	15	14	14	14	14	14	14

* Time delay fuse or circuit breakers are recommended in any motor circuit.

IMPORTANT: BE SURE lead wire opening on end of motor is fully sealed when conduit or a pressure switch is not used. Failure to seal it properly will allow dirt, rain, bugs, etc. to enter back compartment of motor through conduit opening and cause switch malfunction.

⚠ CAUTION **Never run pump dry.** Running pump without water may cause pump to overheat, damaging seal and possibly causing burns to persons handling pump. Fill pump with water before starting.

⚠ WARNING **Never run pump against closed discharge. To do so can boil water inside pump,** causing hazardous pressure in unit, risk of explosion and possibly scalding persons handling pump.

PRIMING THE PUMP

A tee installed in the discharge opening of the pump, and provided with a priming plug at the top position, will enable you to fill the pump with liquid. Once filled and the priming plug replaced, the pump will prime. The pump should prime itself time after time, as long as the built-in check valve functions.

MAINTENANCE

Little or no maintenance to pump is required other than possible replacement of shaft seal after a reasonable period of operation (see Page 10).

Lubricate motor according to motor manufacturer's instructions. Periodic greasing is required for most motors.

PUMP STORAGE

Drain pump to prevent freezing.

Keep motor dry and loosely covered. Do not wrap with plastic sheeting; trapped moisture could cause corrosion or insulation deterioration.

NOTICE: A good rust inhibitor in the liquid end of cast iron pumps is recommended to prevent excessive corrosion.

PUMP START-UP AFTER STORAGE

Replace all drain plugs and close all drain valves in system.

Be sure all connections are tightly sealed.

After initial check is made, fill pump according to "Priming the Pump," above.

SHAFT SEAL REPLACEMENT

IMPORTANT: The highly polished and lapped faces of the seal are easily damaged. **Follow instructions and handle the seal with care.**

⚠ WARNING Hazardous voltage	Be sure unit is grounded and power disconnected before attempting any work on pump or motor.
--	---

REMOVAL OF OLD SEAL

Refer to Figure 3 for Mechanical Seal parts identification.

- Step 1. Disconnect all power to pump.
- Step 2. Close isolation valves to cut pump off from system.
- Step 3. Drain pump; be sure to vent pump.
- Step 4. Remove motor hold down bolts and bolts holding adapter/seal plate (Key No. 6, Page 11) to pump body (Key No. 20). Slide motor, adapter/ seal plate and impeller (Key No. 12) backward to clear pump body.
- Step 5. Remove impeller screw and washer from end of shaft and slide impeller off of shaft.
- Step 6. Unbolt adapter/seal plate from motor.
- Step 7. Use two screwdrivers (Figure 4) or bearing puller to carefully separate motor from adapter/seal plate, bringing rotating half of seal (Key No. 10) off with adapter/seal plate. Shaft sleeve (Key No. 2A) may come off with seal.
- Step 8. Use hammer, if necessary, to drive shaft sleeve out of seal. Clean up shaft sleeve with emery paper if necessary.
- Step 9. Place adapter/seal plate face down on bench and drive old stationary half of seal out of adapter/seal plate by carefully tapping with screwdriver and hammer (Figure 5).
- Step 10. Use a wire brush to thoroughly clean adapter/seal plate cavity. Be sure all dust and grime are out of seal cavity before installing new seal.

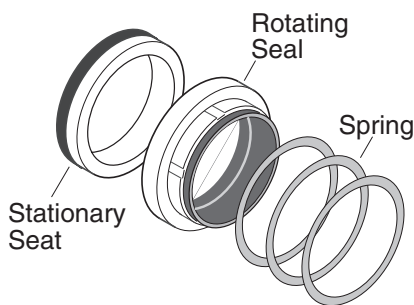


Figure 3

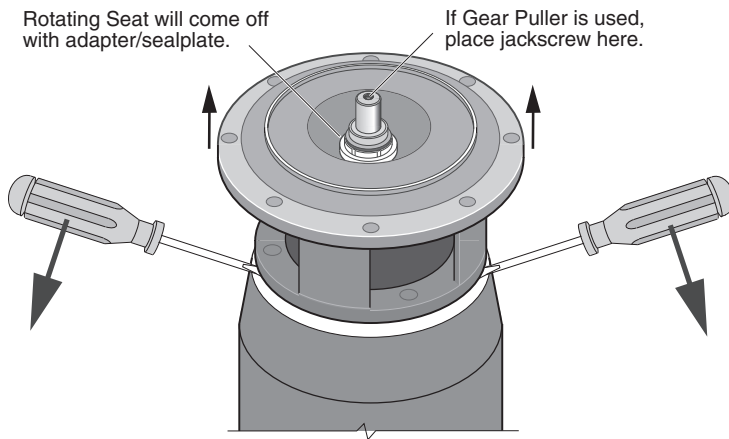


Figure 4

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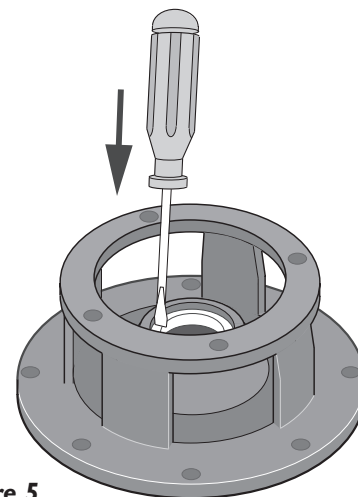


Figure 5

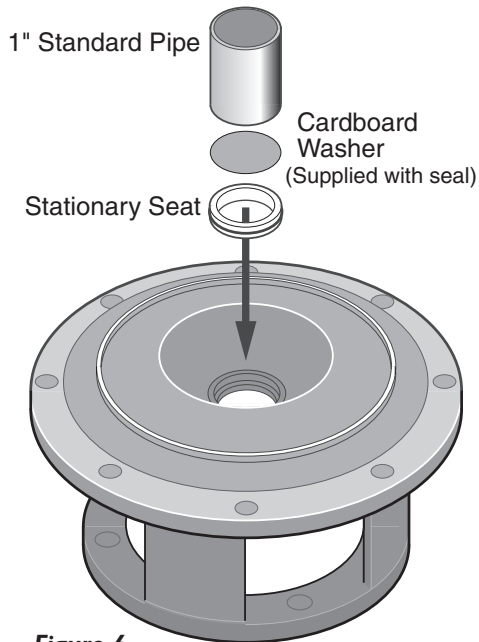
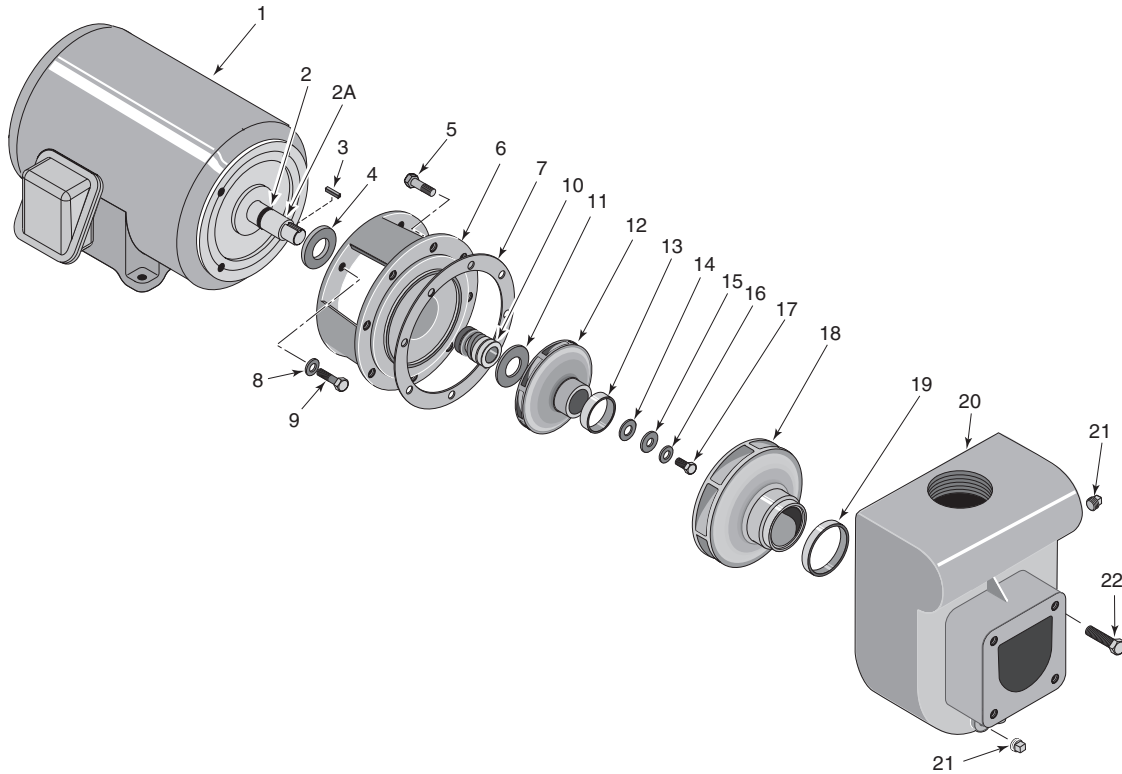


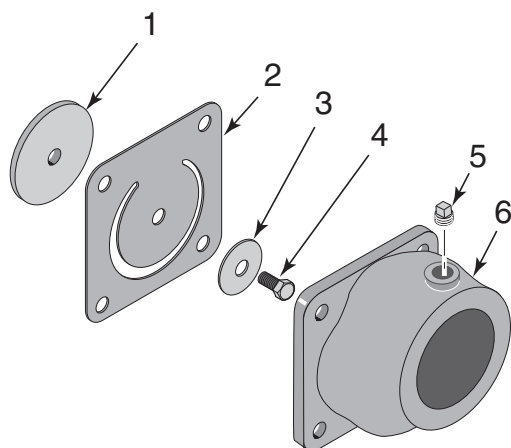
Figure 6

INSTALLING NEW SEAL

- Step 1. **IMPORTANT:** Seal faces are highly polished and lapped. **Handle with care.** Any mar, nick or scratch on seal face will cause it to leak. **BE SURE** to install with polished faces toward each other.
- Step 2. Clean polished surface of ceramic seat with clean cloth.
- Step 3. Wet O-Ring around ceramic seat with liquid soap.
- Step 4. Press stationary (ceramic) half of seal into cavity firmly and squarely with thumb pressure. If it does not seal properly, remove and place **face up** on bench. Re-clean adapter/seal plate cavity. Seal should now seat correctly.
- Step 5. If seal does not seat after recleaning adapter/seal plate cavity, place a cardboard washer over polished face of seal and **carefully** press into place using a piece of 1" standard pipe as a press. (Figure 6). **NOTICE: BE SURE** you do not scratch seal face.
- Step 6. Dispose of cardboard washer and recheck seal face to be sure it is free of dirt, foreign particles, scratches and grease.
7. Inspect shaft and shaft sleeve to be sure they are clean.
8. Re-install O-Ring, shaft sleeve and slinger (Key No. 4) on shaft. **NOTICE:** A small amount of grease or Never-Seez under shaft sleeve will help prevent shaft and sleeve from freezing together when pump is in service.
9. Remount adapter/seal plate to motor, being careful not to scratch seal face.
- Step 10. Apply liquid soap to inside diameter and outside face of rubber drive ring on rotating half of seal.
- Step 11. Slide seal assembly onto shaft sleeve (sealing face first) far enough so that seal spring is located on shaft sleeve. **NOTE: Be careful not to nick carbon seal face when passing it over end of shaft sleeve.**
- Step 12. Slide impeller and gaskets (Key Nos. 12 and 11) onto shaft with key (Key No. 3) in position. Be sure to maintain proper order as shown in Exploded View, Page 11.
- Step 13. Install washer, gaskets, and impeller screw (Key Nos. 14, 15, 16, 17) on end of shaft and tighten screw until it is snug. This should locate seal in place and bring seal faces together.
- Step 14. Re-install motor, adapter and impeller assembly on volute, using new gasket (Key No. 7).
- Step 15. Re-install motor hold-down bolts.
- Step 16. Check all bolts for tightness.
- Step 17. Pumps below water level: Close drains; open isolation valves to fill pump. Pumps above water level: Prime pump. Open isolation valves if they were closed at disassembly.
- Step 18. When pump is full, close air vents.
- Step 19. Reconnect power to pump and system is ready for operation.



Key No.	Part Description	No. Used	3 HP DMH-171 DMH3-171 DM2H-171 DM2H3-110 DM2H3-171	5 HP DMJ-172 DMJ3-172 DM2J-172 DM2J3-172	3 HP DHH-169 DHH3-169 DH2H-112 DH2H3-112 DH2H3-169	5 HP DHJ-170 DHJ3-170 DH2J-113 DH2J3-170
1	Motor - 60 Cycle - 230V, Single Phase	1	C218-177	C218-180	C218-177	C218-180
1	Motor - 60 Cycle - 230/460V, Three Phase	1	C218-179	C218-182	C218-179	C218-182
1	Motor - 60 Cycle - 200V, Single Phase	1	C218-191	C218-192	C218-191	C218-192
1	Motor - 60 Cycle - 200V, Three Phase	1	C218-178	C218-181	C218-178	C218-181
2	O-Ring	1	U9-265	U9-265	U9-265	U9-265
2A	Sleeve	1	C23-58	C23-58	C23-58	C23-58
3	Key - Square	1	U65-42A	U65-42A	U65-42A	U65-42A
4	Water Slinger - Single Phase	1	C69-15	C69-15	C69-15	C69-15
4	Water Slinger - 230/460V, Three Phase	1	C69-16	C69-15	C69-16	C69-15
4	Water Slinger - 200 V, Three Phase	1	C69-15	C69-15	C69-15	C69-15
5	Capscrew - 3/8 - 16 x 7/8" Lg.	8	U30-73ZP	U30-73ZP	U30-73ZP	U30-73ZP
6	Adapter	1	C2-66	C2-66	C2-66	C2-66
7	Gasket - Adapter	1	C20-46	C20-46	C20-46	C20-46
8	Lockwasher - 3/8"	4	U43-12ZP	U43-12ZP	U43-12ZP	U43-12ZP
9	Capscrew - 3/8 - 16 x 7/8" Lg.	4	U30-73ZP	U30-73ZP	U30-73ZP	U30-73ZP
10	Shaft Seal	1	U109-220	U109-220	U109-220	U109-220
11	Gasket - Seal	1	C20-101	C20-101	C20-101	C20-101
12	Impeller	1	C5-246	C5-247	C5-248	C5-249
13	Wear Ring	1	J23-5	C23-14	J23-5	J23-5
14	Gasket	1	C20-100	C20-100	C20-100	C20-100
15	Washer - Impeller	1	C43-45SS	C43-45SS	C43-45SS	C43-45SS
16	Gasket	1	C43-46	C43-46	C43-46	C43-46
17	Screw - Impeller - 3/8 - 16 x 3/4" Lg.	1	U30-72SS	U30-72SS	U30-72SS	U30-72SS
18	Volute Diffuser (w/Wear Ring, Key No. 13)	1	C101-126	C101-126B	C101-132	C101-132
19	Diffuser Ring	1	C21-2	C21-2	C21-2	C21-2
20	Pump Body	1	C76-12	C76-12C	C76-12B	C76-12
21	Pipe Plug - 1/4" NPT	2	U78-941ZPV	U78-941ZPV	U78-941ZPV	U78-941ZPV
22	Capscrew - 5/16 - 18 x 3/4" Lg.	4	U30-60ZP	U30-60ZP	U30-60ZP	U30-60ZP



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SUCTION FLANGE ASSEMBLY

Key No.	Part Description	No. Used	Part Symbol
1	Valve Plate	1	C61-5SS
2	Gasket - Flange	1	C20-15
3	Valve Washer	1	C43-15SS
4	Machine Screw 1/4-20 x 1/2"	1	U30-50SS
5	Pipe Plug - 1/4" NPT Sq. Hd.	1	U78-57SSS
6	Suction Flange 2" NPT	1	C3-22A
6	Suction Flange 2-1/2" NPT	1	C3-74
6	Suction Flange 3" NPT	1	C3-74B
•	Nut, 1/4-20, Hex	1	BC120-15
	Suction Flange Assembly- Complete 1-1/2" NPT		C203-22
	Suction Flange Assembly- Complete 2" NPT		C203-22A

CHANGE ORDER

AIA Document G710

OWNER ☐
ARCHITECT ☐
CONTRACTOR ☒
FIELD ☐
SUBCONTRACTOR ☐



PROJECT: **Melching Stadium Field**

CHANGE ORDER NUMBER: **#004**

DATE: **7/5/2022**

CONTRACTOR PROJECT #: **PO 22-000689**

CONTRACTOR: **Burke Construction Group, Inc.**
10145 NW 19th Street
Doral, Florida 33172

The Contract is changed as follows:

Provide and Install 4 loads of Warning Track Materials. Installation was previously provided in our Base Contract. Charging for Materials and Freight ONLY.

1	4 loads of Crushed Southern Red Rock Warning Track Material as per quote from Ewing. 96 tons @ \$49 per tc	\$4,704.00
2	Sales Taxes	\$329.28
3	Estimated Freight	\$9,600.83
4		
5		

The Parties reserve all legal, contractual rights and defenses, with regard to compensation for delay

Subtotal -----	\$14,634.11
Contractor Fee - 10%	\$ 1,463.41
Contractor OH - 2.5%	\$ 365.85
GL Insurance 1%	\$ 146.34
Bond Fee @ 1.5%	\$ 219.51
Total -----	\$16,829.23

Not valid until signed by the Owner and Contractor.

The original (Contract Sum) (Guaranteed Maximum Price) was.....	\$	1,309,802.73
Net change by previously authorized Change Orders.....	\$	42,435.40
The (Contract Sum) (Guaranteed Maximum Price) prior to this Change Order was.....	\$	1,352,238.13
The (Contract Sum) (Guaranteed Maximum Price) will be (increased) (decreased) (unchanged) by this Change Order in the amount of.....	\$	16,829.23
The new (Contract Sum) (Guaranteed Maximum Price) including this Change Order will be.....	\$	1,369,067.36
The Contract Time will be (increased) (decreased) (unchanged) by		1 Added Calendar Days
The date of Substantial Completion as of the date of this Change Order therefore is		
Master Permit Issue Date: 00/00/0000	Contract Base Days: 1	Added Time Above:

Reservations: This proposal is based solely on the usual cost elements such as labor material and normal markups, and does not include any amount for additional changes in the sequence of work, delays, disruptions, rescheduling, lost productivity, extended or unabsorbed overhead, overtime, acceleration and or impact costs, unless specifically stated. The right is expressly reserved to amend and make claim for any and all of these related items prior to final settlement of this contract.

	Burke Construction Group, Inc.	City of Deland
ARCHITECT	CONTRACTOR	OWNER
	10145 NW 19th Street	Melching Field Improvements
Address	Address	Address
	Doral FL 33172	Stetson University - Deland FL
BY	BY	BY
Architect	Authorized Signature	Authorized Signature
DATE	DATE	DATE
	7.18.22	



Home Office
3441 E. Harbour Drive, Phoenix, AZ 85034
602.437.9530
EwingIrrigation.com



QUOTATION

CHARGE ACCT
* 1073989 *

189 Ewing Sanford
300 Hickman Dr
Sanford, FL 32771
PHN 4073302112 FAX 4073302119

QUOTE # 10748184
PAGE 1 of 1
ORDERED 7/12/2022
QUOTE EXPIRES ON 8/11/2022

SOLD TO: BURKE SPORTS CONST GROUP INC
3085952 10145 NW 19TH ST
DORAL, FL 33172-2529
PH 3054686604

SHIP TO: Stetson Baseball
PH

DELIVERY INSTRUCTIONS:

PO#: _____ BUYER: BRADLEY MORETTI PH: _____
P21 JOB: _____ EIP#: _____ BY: KEVIN S QUOTE#: _____
EWING JOB: _____ JOB REF: Stetson Warning Track

QTY ORDER	ITEM DESCRIPTION	NET	EXTENDED
PRICES AND FREIGHT ARE ESTIMATES ONLY AND WILL NEED TO BE QUOTED AT TIME OF PURCHASE.			
96	55014202 ESF PREMIUM TRACK PRO BULK	49.0000	4,704.00

(4) TRUCKLOADS ~ 24 TONS/TRUCK = 96 TONS

Quotes do not include estimated tax. Once invoiced and local tax location is identified,
applicable taxes will be calculated and applied.

SUB-TOTAL: 4,704.00
TAX: 0.00
SHIPPING & HANDLING: 9,600.83
AMOUNT DUE: 14,304.83

No recommendation has been made by, or provided to, the seller concerning the use of the pesticide covered by this invoice.

PROPOSITION 65 WARNING: Some of the products on your order may expose you to chemicals that are known to the State of California to cause cancer, birth defects and reproductive harm. Learn more at <https://www.p65warnings.ca.gov/>

CHANGE ORDER

ALA Document G710

OWNER ☒
ARCHITECT ☒
CONTRACTOR ☒
FIELD ☐
SUBCONTRACTOR ☐



PROJECT: **Melching Stadium Field**

CHANGE ORDER NUMBER: **#005**

DATE: **7/5/2022**

CONTRACTOR PROJECT #: **PO 22-000689**

CONTRACTOR: **Burke Construction Group, Inc.**

10145 NW 19th Street

Doral, Florida 33172

The Contract is changed as follows:

Changing the previous design of a 6" wide by 12" deep concrete curbing with the fenceposts set behind the curbing (fencing BY OTHERS) to a 12" wide by 12" deep curbing with (4) #5 rebars set. Fenceposts to be set BY OTHERS in their own footers below our intended 12" depth of curbing. Delays by Fencing Contractor and his procuring of materials is not included.

1	600 LF of 12" curbing in lieu of 6" curbing	\$4,800.00
2		
3		
4		
5		

The Parties reserve all legal, contractual rights and defenses, with regard to compensation for delay

Subtotal	\$4,800.00
Contractor Fee - 10%	\$ 480.00
Contractor OH - 2.5%	\$ 120.00
GL Insurance 1%	\$ 48.00
Bond Fee @ 1.5%	\$ 72.00
Total	\$5,520.00

Not valid until signed by the Owner and Contractor.

The original (Contract Sum) (Guaranteed Maximum Price) was.....	\$	1,309,802.73
Net change by previously authorized Change Orders.....	\$	59,264.63
The (Contract Sum) (Guaranteed Maximum Price) prior to this Change Order was.....	\$	1,369,067.36
The (Contract Sum) (Guaranteed Maximum Price) will be (increased) (decreased) (unchanged) by this Change Order in the amount of.....	\$	5,520.00
The new (Contract Sum) (Guaranteed Maximum Price) including this Change Order will be.....	\$	1,374,587.36
The Contract Time will be (increased) (decreased) (unchanged) by		1 Added Calendar Days
The date of Substantial Completion as of the date of this Change Order therefore is		
Master Permit Issue Date: 00/00/0000	Contract Base Days: 1	Added Time Above:

Reservations: This proposal is based solely on the usual cost elements such as labor material and normal markups, and does not include any amount for additional changes in the sequence of work, delays, disruptions, rescheduling, lost productivity, extended or unabsorbed overhead, overtime, acceleration and or impact costs, unless specifically stated. The right is expressly reserved to amend and make claim for any and all of these related items prior to final settlement of this contract.

Burke Construction Group, Inc.	City of Deland
ARCHITECT	CONTRACTOR
	10145 NW 19th Street
Address	Address
	Doral FL 33172
	Stetson University - Deland FL
BY	BY
Architect	Authorized Signature
DATE	DATE
	7.18.22

CHANGE ORDER

AIA Document G710

OWNER ☒
ARCHITECT ☐
CONTRACTOR ☒
FIELD ☐
SUBCONTRACTOR ☐



PROJECT: **Melching Stadium Field**

CHANGE ORDER NUMBER: **#006**

DATE: **7/5/2022**

CONTRACTOR PROJECT #: **PO 22-000689**

CONTRACTOR: **Burke Construction Group, Inc.**
10145 NW 19th Street
Doral, Florida 33172

The Contract is changed as follows:

Stetson Logo "S" as per rendering. Using standard AstroTurf colors of Field Green, Lime Green and White.

1	Logo Materials, Logo Manufacturing and freight	\$6,200.00
2	Logo Installation	\$900.00
3		
4		
5		

The Parties reserve all legal, contractual rights and defenses, with regard to compensation for delay

Subtotal	\$7,100.00
Contractor Fee - 10%	\$ 710.00
Contractor OH - 2.5%	\$ 177.50
GL Insurance 1%	\$ 71.00
Bond Fee @ 1.5%	\$ 106.50
Total	\$8,165.00

Not valid until signed by the Owner and Contractor.

The original (Contract Sum) (Guaranteed Maximum Price) was.....	\$	1,309,802.73
Net change by previously authorized Change Orders.....	\$	64,784.63
The (Contract Sum) (Guaranteed Maximum Price) prior to this Change Order was.....	\$	1,374,587.36
The (Contract Sum) (Guaranteed Maximum Price) will be (increased) (decreased) (unchanged) by this Change Order in the amount of.....	\$	8,165.00
The new (Contract Sum) (Guaranteed Maximum Price) including this Change Order will be.....	\$	1,382,752.36
The Contract Time will be (increased) (decreased) (unchanged) by		1 Added Calendar Days
The date of Substantial Completion as of the date of this Change Order therefore is		
Master Permit Issue Date: 00/00/0000	Contract Base Days: 1	Added Time Above:

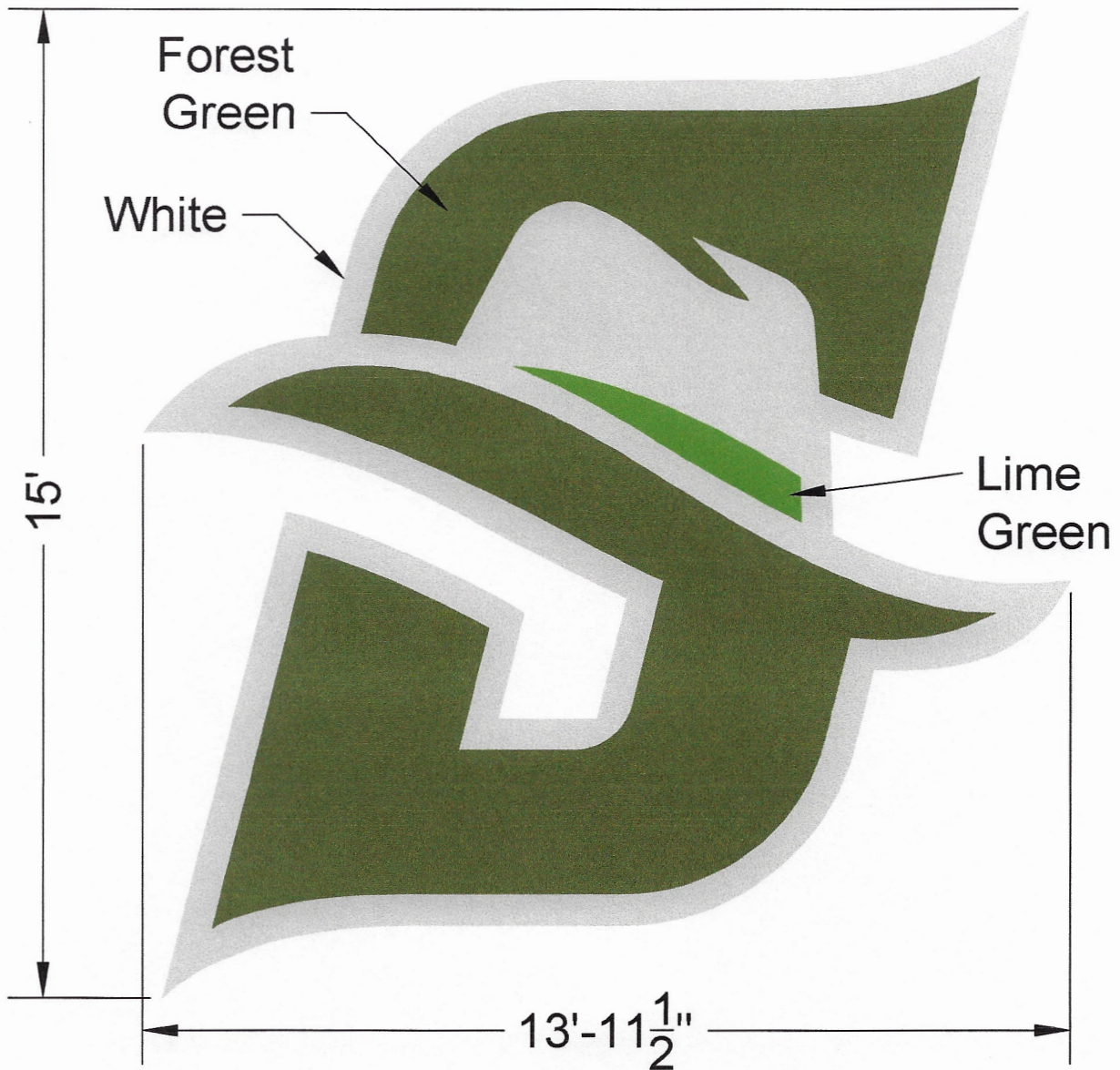
Reservations: This proposal is based solely on the usual cost elements such as labor material and normal markups, and does not include any amount for additional changes in the sequence of work, delays, disruptions, rescheduling, lost productivity, extended or unabsorbed overhead, overtime, acceleration and or impact costs, unless specifically stated. The right is expressly reserved to amend and make claim for any and all of these related items prior to final settlement of this contract.

ARCHITECT	Burke Construction Group, Inc.	City of Deland
Address	CONTRACTOR 10145 NW 19th Street Doral FL 33172	OWNER Melching Field Improvements Stetson University - Deland FL
BY	BY	BY
Architect	Authorized Signature	Authorized Signature
DATE	DATE 7/18/22	DATE



CUSTOMER CONFIRMATION 7.15.22

Pile Direction
↓



* Please carefully review the graphics on this confirmation. Once approved graphics will be manufactured exactly as they appear on this document.

PJ Job Number: TOA-14613	Material:	Approved By:
Job Name: Stetson Hatter	Colors Used: Forest Green, Light Green & White	Print Name:
Submittal Number: #1		Date:

CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: Consideration re Amendment to Revised Cost Share Agreement with St. Johns River Water Management District for Alabama Avenue Reclaimed Water Main Extension.

DEPARTMENT: Utilities

PREPARED BY: Jim Ailes, Deputy Public Serv. Director/Utilities Director

ATTACHMENTS: Amendment #1 Cost Share Agreement Contract #36923

APPROVED BY: Michael Pleus, City Manager, August 10, 2022

SUMMARY/HIGHLIGHT:

Approval of an amendment addressing technical administrative matters to the Revised Cost Share Agreement with the St. Johns River Water Management District for the Alabama Avenue Reclaimed Water Main Extension is requested.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The proposed amendment only revises the funding language, not the funding amount or contract expiration date and merely provides the required State funding (contractual) language of a technical/administrative nature. Thus, there is no fiscal impact to the City.

RECOMMENDATION:

City staff recommends that the City Commission approve the amendment addressing technical administrative matters to the Revised Cost Share Agreement with the St. Johns River Water Management District for the Alabama Avenue Reclaimed Water Main Extension.

BACKGROUND/DISCUSSION:

The City Commission previously approved an agreement providing for a grant to the City from the St. Johns River Water Management District for the construction of a reclaimed water main extension on Alabama Avenue and Amelia Avenue. The agreement was later amended to correct several technical errors in document that had been submitted to the City.

Ms. Wendy L. Cox, CPPO, Procurement Director within the Office of Financial Services of the St. Johns River Water Management District contacted the City with regard to the new proposed amendment which addresses purely technical statutory and administrative compliance issues. The issues involve invoicing by the City

(contract payment requirements for State-funded cost reimbursement contracts) and adherence to the Florida Single Audit Act.

It is, of course, important for the City to continue its good relationship with the St. Johns River Water Management District and assist in adherence to controlling legal requirements.

**AMENDMENT 1 TO 36923 THE AGREEMENT BETWEEN
THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
FOR DELAND ALABAMA AVENUE RECLAIMED WATER MAIN EXTENSION**

THIS AMENDMENT is entered into by and between the GOVERNING BOARD of the ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (the “District”), whose mailing address is 4049 Reid Street, Palatka, Florida 32177-2571, and CITY OF DELAND, FLORIDA (“City”) whose address is 120 SOUTH FLORIDA AVENUE, DELAND, FL, 32720, and is effective on the date the last party has executed same.

PREMISES:

The parties entered into Agreement No. 36923 on October 1, 2021 for DELAND ALABAMA AVENUE RECLAIMED WATER MAIN EXTENSION (“Agreement”). The parties desire to amend the Agreement.

NOW, THEREFORE, in consideration of the above premises, which are hereby made a part of this amendment, the mutual covenants contained herein, and other good and valuable consideration, the parties hereby agree to amend the Agreement as follows:

1. Paragraph 5 (d) **INVOICING**, is hereby deleted in its entirety and replaced with the following:
 - (a) **Required Information.** All invoices shall include the following information: (1) District contract number; (2) Recipient’s name, address, and authorization to directly deposit payment into Recipient’s account (if Recipient has not yet provided the District with a completed Direct Deposit Authorization form; (3) Recipient’s invoice number and date of invoice; (4) District Project Manager; (5) Recipient’s Project Manager; (6) supporting documentation as to cost and/or Project completion (as per the cost schedule and other requirements of the Statement of Work), in addition, see Attachment A, “CONTRACT PAYMENT REQUIREMENTS FOR STATE FUNDED COST REIMBURSEMENT CONTRACTS,” (7) Progress Report (if required); (8) Diversity Report (if otherwise required herein). Invoices that do not correspond with this paragraph shall be returned without action within 20 business days of receipt, stating the basis for rejection. Payments shall be made within 45 days of receipt of an approved invoice.
2. Paragraph 26 **ADDITIONAL PROVISIONS – FLORIDA SINGLE AUDIT ACT**, is hereby added to this agreement as follows:

FLORIDA SINGLE AUDIT ACT

- (a) **Applicability.** The Florida Single Audit Act (FSAA), section 215.97, Fla. Stat., applies to all sub-recipients of state financial assistance, as defined in section 215.97(1)(q), Fla. Stat., awarded by the District through a project or program that is funded, in whole or in part, through state financial assistance to the District. In the event Recipient expends a total amount of state financial assistance equal to or in excess of \$750,000 in any fiscal year of such Recipient, Recipient must have a state single or project-specific audit for such fiscal year in accordance with section 215.97, Fla. Stat.; applicable rules of the Department of Financial Services; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. In determining the state financial assistance expended in its fiscal year, Recipient shall consider all sources of state financial assistance, including state financial assistance received from the District, other state agencies, and other non-state entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a non-state entity for Federal program matching requirements. Recipient is solely responsible for complying with the FSAA.

If Recipient expends less than \$750,000 in state financial assistance in its fiscal year, an audit conducted in accordance with the provisions of section 215.97, Fla. Stat., is not required. In such event, should Recipient elect to have an audit conducted in accordance with section 215.97, Fla. Stat., the cost of the audit must be paid from the non-state entity's resources (i.e., Recipient's resources obtained from other than State entities).

- (b) **Program Information** This Agreement involves the disbursement of state funding by the FDEP in the amount of \$215,133. Funding is provided for the Deland Alabama Avenue Reclaimed Water Main Extension Project under the State of Florida Office of Water Policy & Ecosystem Restoration – Alternative Water Supplies. The Florida Catalog of State Financial Assistance (CSFA) number for this program is CSFA No. 37.100 – Office of Water Policy.
- (c) **Additional Information.** For information regarding the state program under the above CSFA number, Recipient should access the Florida Single Audit Act website located at <https://apps.fldfs.com/fsaa/catalog.aspx> for assistance. The following websites may be accessed for additional information: Legislature's Website at <http://www.leg.state.fl.us/>, State of Florida's website at <http://myflorida.com>, District of Financial Services' Website at <http://www.fldfs.com/> and the Auditor General's Website at <http://www.myflorida.com/audgen/>.
- (d) **Allowable Costs.** Recipient may only charge allowable costs to this Agreement, as otherwise provided herein. Any balance of unobligated cash that have been advanced or paid that is not authorized to be retained for direct program costs in a subsequent period must be returned to the District.
- (e) **Audit Requirements.** Recipient shall ensure that the audit complies with the requirements of section 215.97(7), Fla. Stat. This includes submission of a financial reporting package as defined by section 215.97(2), Fla. Stat., and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. Recipient shall comply with the program requirements described in the Florida Catalog of State Financial Assistance (CSFA) [<https://apps.fldfs.com/fsaa/catalog.aspx>]. The services/purposes for which the funds are to be used are included in the Statement of Work.
- (f) **Financial Reporting.** Recipient shall provide the District with a copy of any reports, management letters, or other information required to be submitted in accordance with Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable, no more than 20 days after its preparation. Recipient shall indicate the date the reporting package was delivered to Recipient in correspondence accompanying the reporting package.
This information shall be directed to: St. Johns River Water Management District, Mr. Greg Rockwell, Finance Director, Office of Financial Services, 4049 Reid Street, Palatka, FL 32177. A copy of the report shall also be provided to the Auditor General's Office at the following address: State of Florida Auditor General, Room 401, Claude Pepper Building, 111 West Madison Street, Tallahassee, Florida 32399-1450.
- (g) **Monitoring.** In addition to reviews of audits conducted in accordance with section 215.97, Fla. Stat., as revised, monitoring procedures may include, but not be limited to, on-site visits by District staff, limited scope audits, and/or other procedures. Recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the District. In the event the District determines that a limited scope audit of Recipient is appropriate, Recipient agrees to comply with any additional instructions provided by the District to Recipient regarding such audit. Recipient agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the District's Inspector General or the state Chief Financial Officer or Auditor General.
- (h) **Examination of Records.** In addition to the District's audit rights otherwise provided for herein, Recipient shall permit the District or its designated agent, the state awarding agency, the Department of Financial Services, the state's Chief Financial Officer and the state's Auditor General to examine Recipient's financial and non-financial records to the extent necessary to

monitor Recipient’s use of state financial assistance and to determine whether timely and appropriate corrective actions have been taken with respect to audit findings and recommendations, which may include onsite visits and limited scope audits.

- (i) **Records Retention.** Notwithstanding any other provision of this Agreement to the contrary, Recipient shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of five (5) years from the date the audit report is issued, and shall allow the District, or its designee, state Chief Financial Officer, or Auditor General access to such records upon request. Recipient shall ensure that audit working papers are made available for such access for a period of three years from the date the audit report is issued, unless extended in writing by the District.

3. All other terms and conditions of the Agreement, including any prior amendments, are hereby ratified and continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have duly executed this amendment on the date set forth below.

ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT

CITY OF DELAND, FLORIDA

By: _____
Lou Donnangelo, Bureau Chief, Bureau of Project Mgmt

By: _____

Date: _____

Date: _____

Attest: _____

Typed Name and Title

Attachments:
Attachment A – Contract Payment Requirements for State-Funded Cost Reimbursement Contracts

ATTACHMENT A – CONTRACT PAYMENT REQUIREMENTS FOR STATE-FUNDED COST REIMBURSEMENT CONTRACTS

Invoices for state-funded cost reimbursement contracts must be supported by an itemized listing of expenditures by category (salary, travel, expenses, etc.). Supporting documentation must be provided for each amount for which reimbursement is being claimed, indicating that the item has been paid. Check numbers may be provided in lieu of copies of actual checks. Each piece of documentation shall clearly reflect the dates of service. Only expenditures for categories in the approved contract budget will be reimbursed.

Listed below are examples of the types of documentation representing the minimum requirements by cost category:

Salaries: Submit a payroll register or similar documentation showing gross salary charges, fringe benefits, other deductions, and net pay. If an individual is paid by the hour, a document reflecting the hours worked times the rate of pay is acceptable.

Fringe Benefits: Fringe benefits should be supported by invoices showing the amount paid on behalf of the employee (e.g., insurance premiums paid). If the contract specifically states that fringe benefits will be based on a specified percentage, rather than the actual cost of fringe benefits, then the calculation for the fringe benefits amount must be shown.

Exception: Governmental entities are not required to provide check numbers or copies of checks for fringe benefits.

Travel: Reimbursement for travel must be in accordance with §112.061, Fla. Stat., which includes submission of the claim on the approved State of Florida (State) or District travel voucher.

Other direct costs: Reimbursement is based upon paid invoices/receipts. If nonexpendable property is purchased using State funds, the contract should include a provision for the transfer of the property to the State when services are terminated. Documentation must be provided to show compliance with Department of Management Services Rule 60A-1.017, F.A.C., regarding the requirements for contracts which include services and that provide for the contractor to purchase tangible personal property as defined in §273.02, Fla. Stat., for subsequent transfer to the State.

In-house charges: Charges which may be of an internal nature (e.g., postage, copies, etc.) may be reimbursed on a usage log which shows the units, times the rate being charged. The rates must be reasonable.

Indirect costs: If the contract specifies that indirect costs will be paid based on a specified rate, then the calculation should be shown.

The “Reference Guide for State Expenditures” prepared by the Florida Department of Financial Services can be found at this web address: http://www.fldfs.com/aadir/reference_guide.htm

CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: Consideration re Change Order No. 1 to the Alabama Avenue Reclaimed Water Main Extension.

DEPARTMENT: Utilities

PREPARED BY: Jim Ailes, Deputy Public Serv. Director/Utilities Director

ATTACHMENTS: Alabama Ave WM Ext Crossing under Amelia Rev 1 7-29-22, Alabama Ave WM Ext CO 3 - Time Extension Request - DBE 7-18-22, Change Order 1 --DBE

APPROVED BY: Michael Pleus, City Manager, August 10, 2022

SUMMARY/HIGHLIGHT:

In November 2021, the City Commission awarded the construction of a reclaim water main extension from Euclid Ave to the Wiley M. Nash WRF on Alabama and Amelia Avenues to DBE Utility Services. This reclaim water pipeline construction project was identified as necessary to complete the main transmission loop from the Wiley M. Nash WRF to the new NW Reclaim Storage Tank. Once completed, we will have a dedicated fill line to the NW Reclaim Storage Tank to better maintain pressure in the system.

Recently, a planned road crossing by the contractor just north of the Public Services Compound on Amelia Ave became an issue. The contractor excavated the road for a nighttime road crossing to install the planned 18" reclaim pipe and discovered a 48" storm pipe blocking their way that was not called out on the plans. The crossing was stopped and the project backfilled. It was determined that the pipe had to be installed lower to avoid the other pipes as well.

This unforeseen issue caused a time delay to the project, extra work and equipment needed to perform and complete the crossing. The city has received a change order request from DBE Utility Services to reimburse them for this cost. In addition, we had an emergency at Lift Station #79 that DBE Utility was the low bidder on and by a separate purchase order assisted the Utility Department on that issue. They lost a week of productive work on this project for that reason as well.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Sustainability

SUSTAINABILITY:

NA

FISCAL IMPACT:

Approval of this Change Order No. 1 will result in an additional expenditure of \$42,519.39 for the crossing under the 48" storm water pipe that required additional time, equipment, and material. Funds are available in the Water and Wastewater Trust Fund to cover this expenditure and will be included in a future budget

amendment to be presented to the City Commission for approval.

RECOMMENDATION:

Staff recommends that the City Commission approve Change Order No. 1 to cover the additional expense for the Amelia Avenue road crossing for the Alabama Avenue Reclaim Project in the amount of \$42,519.39.

BACKGROUND/DISCUSSION:

DBE Utility Services has currently completed all of the install work and is actively testing and restoring the work area. Job should have no issue completing with the time extension on time.



DBE UTILITY SERVICES

13387 Bryan Rd. • Loxahatchee, FL 33470 • 561.508.3708 • www.dbehdd.com

DIRECTIONAL BORING SERVICES

Licensed, Bonded, and Fully Insured with Excellent Safety Record

7/29/22

Jim Ailes
City of Deland

RE: Alabama Ave Reclaimed WM Ext – Request for Change Order #2 (Crossing under 48" on Amelia)
Rev. 1

DBE Utility Services is requesting a change order in the amount of \$42,519.39 for the installation of proposed piping under an existing 48" storm sewer at station 7+35 on S. Amelia Ave. Please find attached to this letter, documentation to support change order and time extension.

Should you have any questions or require additional information, please feel free to contact me.

Regards,

Amy Blackwelder Ganey
DBE Utility Services
(904)772-5593
amy@dbehdd.com

Alabama Ave
Revised 7/29/22
Request for change order
#1885 DBE

The night of 6/28/22, DBE attempted to cross Amelia Ave at Station 7+35 but the existing 18" storm as shown on the plans, turned out to be 48". DBE re-opened the road and re-scheduled the work for 7/11/22. This change order is for the additional work on the 2nd attempt: to dewater and properly excavate the trench to install the proposed piping under the 48" storm sewer.

This issue caused a 17 day delay

<u>Description</u>	<u>UM</u>	<u>QTY</u>	<u>Cost</u>	<u>Subtotal</u>	<u>DBE 15%</u>	<u>Total</u>
<u>Labor and Equipment</u>						
Crew Time - 4 Man Crew	HR	50	\$ 222.25	\$ 11,112.50	\$ 1,666.88	\$ 12,779.38
Trucks - 2 each	HR	50	\$ 25.00	\$ 1,250.00	\$ 187.50	\$ 1,437.50
544 Loader	HR	50	\$ 65.00	\$ 3,250.00	\$ 487.50	\$ 3,737.50
JD135 Excavator	HR	50	\$ 75.00	\$ 3,750.00	\$ 562.50	\$ 4,312.50
JD60 Excavator	HR	50	\$ 65.00	\$ 3,250.00	\$ 487.50	\$ 3,737.50
<u>Steel Plates - United Rentals</u>						
8x12 Steel Plates - 6 each	WK	1	\$ 1,056.00	\$ 1,056.00	\$ 158.40	\$ 1,214.40
Sling Chain for Plates	WK	1	\$ 162.00	\$ 162.00	\$ 24.30	\$ 186.30
Pick Up and Delivery	EA	2	\$ 275.00	\$ 550.00	\$ 82.50	\$ 632.50
Tax	LS	1	\$ 79.17	\$ 79.17	\$ 11.88	\$ 91.05
<u>Dewatering System - United Rentals</u>						
	WK	1	\$ 2,183.44	\$ 2,183.44	\$ 327.52	\$ 2,510.96
Pick Up and Delivery	EA	2	\$ 450.00	\$ 900.00	\$ 135.00	\$ 1,035.00
Tax	LS	1	\$ 305.27	\$ 305.27	\$ 45.79	\$ 351.06
<u>Other</u>						
Fuel	DAY	5	\$ 200.00	\$ 1,000.00	\$ 150.00	\$ 1,150.00
Per Diem	DAY	5	\$ 175.00	\$ 875.00	\$ 131.25	\$ 1,006.25
Hotels - 3 per night	DAY	5	\$ 450.00	\$ 2,250.00	\$ 337.50	\$ 2,587.50
asphalt	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 750.00	\$ 5,750.00
Grand Total						\$42,519.39

Amy Ganey

From: Amy Ganey
Sent: Wednesday, June 29, 2022 7:45 AM
To: Regina Brinkle
Cc: Jim Ailes; zenders; Donald James (jamesd@deland.org); Michael Sudzina; Steve Jones; Noah Adamoski; Kira Whinery; Daniel Rodriguez; Dustin White
Subject: Alabama Ave RM - crossing Amelia Ave

Good morning,

Last night, DBE attempted to cross Amelia Ave. The 18" storm turned out to be 48" so we were unable to get across without dewatering. We need to reschedule this work for July 11 - 15. We will close the road, wellpoint and cross Amelia.

The tap is still scheduled for 7/6/22.

Please let me know if you need additional information.



Amy Blackwelder Ganey

DBE Utility Services

904-772-5593

amy@dbehdd.com



TRENCH SAFETY
 BRANCH 604
 600 E LANDSTREET RD
 ORLANDO FL 32824-7801
 407-888-9394

208178767

Job Site

BERESFORD AVE
 E BERESFORD AVE & S AMELIA AVE
 DELAND FL 32724

Office: 561-508-3708 Cell: 321-614-5427

D B E MANAGEMENT
 13387 BRYAN RD
 LOXAHATCHEE FL 33470-4908

Customer # : 1389106
 Quote Date : 07/06/22
 Estimated Out : 07/11/22 10:00 AM
 Estimated In : 07/18/22 10:00 AM
 UR Job Loc : E BERESFORD AVE & S
 UR Job # : 163
 Customer Job ID:
 P.O. # : TBD
 Ordered By : DAN RODRIGUEZ
 Written By : NICHOLAS BROWN
 Salesperson : DINA SCHMITT

**This is not an invoice
 Please do not pay from this document**

RENTAL ITEMS:

Qty	Equipment	Description	Minimum	Day	Week	4 Week	Estimated Amt.
2	944/9943	ROAD PLATE 8' X 12'		71.00	176.00	438.00	352.00
4	940/9235	SHORING PLATE STEEL 8' X 12'		71.00	176.00	438.00	704.00
1	330/6914	SLING CHAIN 3/8" X 16' ADJ 4 LEG		70.00	162.00	297.00	162.00

Rental Subtotal: 1,218.00

SALES/MISCELLANEOUS ITEMS:

Qty	Item	Price	Unit of Measure	Extended Amt.
1	DELIVERY CHARGE	275.000	EACH	275.00
1	PICKUP CHARGE	275.000	EACH	275.00

Sales/Misc Subtotal: 550.00

Agreement Subtotal: 1,768.00

Tax: 79.17

Estimated Total: 1,847.17

COMMENTS/NOTES:

CONTACT: DAN RODRIGUEZ
 CELL#: 321-614-5427
 DAN SAID YOU CAN PULL INTO THE PARKING
 LOT OF THE TENNIS CENTER ON THE NORTH-
 WEST CORNER OF INTERSECTION. CALL DAN R.
 WHEN CLOSE TO SITE TO CONFIRM.

!!!ATTENTION!!!

FOR ALL SHEETING & BRACING ORDERS; TO RECEIVE ORDERS ON THE
 REQUESTED DATE A MINIMUM NOTICE OF 5 BUSINESS DAYS IS REQUIRED
 ALL PRICING IS SUBJECT TO AVAILABILITY IN ORLANDO YARD.

This proposal may be withdrawn if not accepted within 30 days. The above referenced Rental Protection Plan, environmental, and tax charges are estimates and are subject to change.

NOTICE: This is not a rental agreement. The rental of equipment and any items listed above is subject to availability and subject to the terms and conditions of the Rental and Service Agreement, which are available at <https://www.unitedrentals.com/legal/rental-service-terms-US> and which are incorporated herein by reference. A COPY OF THE RENTAL AND SERVICE AGREEMENT TERMS ARE AVAILABLE IN PAPER FORM UPON REQUEST.



FLUID SOLUTIONS
BRANCH 53K
872 N TOMOKA FARMS ROAD
DAYTONA BEACH FL 32124-2091
386-868-4566



RENTAL QUOTE

208180219

Job Site

BERESFORD AVE
E BERESFORD AVE & S AMELIA AVE
DELAND FL 32724

Office: 561-508-3708 Cell: 321-614-5427

D B E MANAGEMENT
13387 BRYAN RD
LOXAHATCHEE FL 33470-4908

Customer # : 1389106
Quote Date : 07/06/22
Estimated Out : 07/11/22 08:00 AM
Estimated In : 08/08/22 08:00 AM
UR Job Loc : E BERESFORD AVE & S
UR Job # : 163
Customer Job ID:
P.O. # : TBD/QUOTE
Ordered By : DAN RODRIGUEZ
Written By : JACOB BENNETT
Salesperson : JASON ROBERSON

This is not an invoice
Please do not pay from this document

RENTAL ITEMS:

Qty	Equipment	Description	Minimum	Day	Week	4 Week	Estimated Amt.
1		D B E MANAGEMENT QUOTE		1039.47	2183.44	4636.51	
1	5209946	PUMP 8" DBA-TMSN ROTARY WELLPOINT - DIES					
	6"sk x 6"bl						
1	537/2930	HOSE 6X20 RUBBER SUCTION - QC					
1	537/6830	HOSE 6X50 RUBBER DISCHARGE - QC					
1	545/8107	COUPLING, POLY 6"B CR X BL 17					
4	545/8291	PIPE, HEADER PVC 6" 3'-CENTERS					
24	545/8441	WELLPOINT, PVC 1-1/2"X 3' ECON					
	15' OAL						
24	545/8423	SWING, 3' X 1-1/2" STD PVC					
24	545/1482	TOP, RISER VINYL 1-1/2"					
2	545/8179	ELL, PVC 6" X 90DG					
1	545/6600	END CAP 6"					
6	545/8089	COUPLING, HEADER RUB 6"					
	With straps						
1	545/1501	JET ROD					
	4" x 20'						

Rental Subtotal: 4,636.51

SALES/MISCELLANEOUS ITEMS:

Qty	Item	Price	Unit of Measure	Extended Amt.
1	ENVIRONMENTAL SERVICE CHARGE	[ENV/MCI] 59.740	EACH	59.74
1	DELIVERY CHARGE	450.000	EACH	450.00
1	PICKUP CHARGE	450.000	EACH	450.00

Sales/Misc Subtotal: 959.74

Agreement Subtotal: 5,596.25

Tax: 305.27

Estimated Total: 5,901.52

COMMENTS/NOTES:

CONTACT: DAN RODRIGUEZ
CELL#: 321-614-5427

This proposal may be withdrawn if not accepted within 30 days. The above referenced Rental Protection Plan, environmental, and tax charges are estimates and are subject to change.

NOTICE: This is not a rental agreement. The rental of equipment and any items listed above is subject to availability and subject to the terms and conditions of the Rental and Service Agreement, which are available at <https://www.unitedrentals.com/legal/rental-service-terms-US> and which are incorporated herein by reference. A COPY OF THE RENTAL AND SERVICE AGREEMENT TERMS ARE AVAILABLE IN PAPER FORM UPON REQUEST.

ID	Task Mode	Task Name	Duration	Start	Finish	% Complete	Qtr 1, 2022 Jan	Feb	Mar	Qtr 2, 2022 Apr	May	Jun	Qtr 3, 2022 Jul	Aug	Sep	Qtr 4, 2022 Oct
1		Pre-Construction				0%										
2		Notice to Proceed 2/14/22	0 days	Mon 2/14/22	Mon 2/14/22	100%										
3		Material Deliveries	15 days	Mon 2/21/22	Fri 3/11/22	100%										
4		Survey - Layout	3 days	Mon 2/21/22	Wed 2/23/22	100%										
5		Mobilization and MOT	4 days	Tue 3/15/22	Fri 3/18/22	100%										
6						0%										
7		Directional Drill				0%										
8		HDD 18" HDPE between 1+03 and 7+35 (640 LF)	4 days	Mon 3/21/22	Thu 3/24/22	100%										
9		HDD 18" HDPE between 7+35 and 16+75 (940 LF) - COMBINED	11 days	Fri 3/25/22	Fri 4/8/22	100%										
10		HDD 18" HDPE between 16+75 and 19+30 (245 LF) - COMBINED	11 days	Fri 3/25/22	Fri 4/8/22	100%										
11		HDD 18" HDPE between 28+53 and 40+14 (1163 LF)	9 days	Mon 4/11/22	Thu 4/21/22	100%										
12		HDD 18" HDPE between 40+14 and 49+91 (975 LF)	8 days	Fri 4/22/22	Tue 5/3/22	100%										
13		HDD 18" HDPE at swale C-204 (240 LF)	3 days	Wed 5/4/22	Fri 5/6/22	100%										
14						0%										
15		Open Lay				0%										
16		Open Lay 18" DIP (+/-735 LF)	25 days	Mon 5/23/22	Fri 6/24/22	100%										
17		Cross Amelia Ave - Change Order	15 days	Mon 6/27/22	Fri 7/15/22	60%										
18		Independence Day	1 day	Mon 7/4/22	Mon 7/4/22	100%										
19		24" x 18" Tap (C-201) Scheduled 7/6/22	2 days	Tue 7/5/22	Wed 7/6/22	100%										
20						0%										
21		Pig, Pressure Test & Connect to Ex.				0%										
22		Pig and Pressure Test HDPE and DIP	3 days	Mon 7/18/22	Wed 7/20/22	0%										
23		Tie In to 24" x 18" Tap	2 days	Thu 7/21/22	Fri 7/22/22	0%										
24																
25		Completion				0%										
26		Substantial Completion 7/14/22	0 days	Fri 7/22/22	Fri 7/22/22	0%										
27		Final Restoration: Grassing & Concrete	21 days	Mon 7/25/22	Mon 8/22/22	0%										
28		Final Restoration: Asphalt - Change Order - Time Delay	35 days	Mon 7/25/22	Fri 9/9/22	0%										
29		Asbuilt Completion	21 days	Mon 7/25/22	Mon 8/22/22	0%										
30		Final Completion 8/13/22	0 days	Fri 9/9/22	Fri 9/9/22	0%										

Project: Alabama Schedule Upd
Date: Thu 7/14/22

Task

Split

Milestone

Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

External Tasks

External Milestone

Deadline

Progress

Manual Progress



DBE UTILITY SERVICES

13387 Bryan Rd. • Loxahatchee, FL 33470 • 561.508.3708 • www.dbehdd.com

DIRECTIONAL BORING SERVICES

Licensed, Bonded, and Fully Insured with Excellent Safety Record

7/18/2022

Jim Ailes
City of Deland

RE: Alabama Ave Reclaimed WM – Request for Change Order #3 (Time Extension Request)

DBE Utility Services is requesting a time extension for Final Completion. DBE has been contracted by City of Deland to perform emergency work on Lift Station 79. We are formally requesting 5-days to complete this emergency work and extend the contract time on Alabama Ave to complete the grouting of existing, asphalt paving, submission of final as-builts and other close out documents.

Original

Notice to Proceed: 02/14/22

Final Completion: 8/13/22

Previously Requested 7-13-22

Final Completion: 9/9/22

Currently Requesting

Final Completion: 9/16/22

Should you have any questions or require additional information, please feel free to contact me.

Regards,

Amy Blackwelder Ganey
DBE Utility Services
(904)772-5593
amy@dbehdd.com

CHANGE ORDER NO. 1

Date: August 15, 2022

Project: Alabama Avenue Reclaimed Water Main Extension

Contractor: DBE Utility Services
13387 Bryan Rd
Loxahatchee, FL, 33470

Description: LS # 79 work and reclaimed pipe adjustment

ADJUSTED SCHEDULE OF CONTRACT COSTS

Original Contract Amount.....\$1,067,115.00

This Change Order No. 1\$42,519.39

Adjusted Contract Cost\$1,109,634.39

An additional five (5) days have been requested to perform the work for Lift Station No. 79.

ENGINEER'S CERTIFICATION:

I hereby certify that, in my considered professional opinion, the prices quoted are fair and reasonable and in proper ratio to the cost of the original work contracted for under competitive bidding.

Chad A. Gamble
Public Services Director

Date

CONTRACTOR ACCEPTANCE:

DBE Utility Services

Dustin Ertle
President

Date

CITY OF DELAND, FLORIDA

Robert F. Apgar
Mayor - Commissioner

Date

ATTEST:

Julie Hennessy
City Clerk

Date

CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: Consideration re Change Order # 1, Woodland Boulevard Lighting Improvements.

DEPARTMENT: Engineering

PREPARED BY: Ray Bahrami, City Engineer

ATTACHMENTS: Contract Days Request, Deland 17-92 Pedestrian Lighting Spread Footer, Change Order 1 -- TCD

APPROVED BY: Michael Pleus, City Manager, August 10, 2022

SUMMARY/HIGHLIGHT:

Florida Department of Transportation (FDOT) Joint Participation Agreement (JPA) for installation of roadway lighting improvements along Woodland Blvd. in downtown DeLand was approved by the City Commission on May 17, 2021. The purpose of this project is to improve roadway safety at the intersections for drivers and pedestrians by providing LED retrofit intersection lighting at the following intersections with Woodland Blvd.: Voorhis Ave., Howry Ave., New York Ave. (SR 44), Indiana Ave., Rich Ave., and Wisconsin Ave. All the intersections have existing decorative lighting which will be maintained to accommodate the City of DeLand's aesthetic synchronicity. The project includes replacement of 72 existing light fixtures with upgraded LED fixtures and the addition of two light poles, one on SW corner of Woodland Blvd. South of Indiana Avenue and the other one on NE corner of Indiana Avenue and Woodland Boulevard. On October 18, 2021 meeting, the City Commission approved both Joint Participation Agreement (JPA) Supplemental Amendment # 1 which provided additional funding to cover construction cost, Construction Engineering Inspection (CEI) provided by CPH, Inc. and award of bid to the lowest bidder, Traffic Control Devices (TCD), LLC.

This Change Order No. 1, if approved, is to pay the Contractor, TCD, LLC for utilizing a spread footer foundation rather than precast foundation due to conflict with an existing water main along E. Indiana Avenue. An additional twenty-one (21) days have been requested by TCD to perform the work detailed in Change Order No. 1, extending the contract final completion date to August 29th, 2022. This Change Order has already been reviewed and approved by FDOT Staff.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Sustainability

SUSTAINABILITY:

N/A

FISCAL IMPACT:

JPA Supplemental Amendment # 1 provided up to \$250,000.00 of funding for this project. Traffic Control Devices bid amount was \$209,545.00 and CEI services cost, quoted by CPH, Inc. is \$40,095.00 for a total

amount of \$249,640.00. This Change Order No. 1, if approved, will increase this award by \$4,625.60 which will be covered by JPA Supplemental Amendment # 2.

RECOMMENDATION:

Staff recommends that the City Commission approve Change Order No. 1, in the amount of \$4,625.60, for Woodland Blvd. Lighting Improvements project.

BACKGROUND/DISCUSSION:

N/A



July 8, 2022

City Of Deland
1102 South Garfield Av.
Deland, Fl. 32724
Attn: Ray Bahrami P.E.

Re: Request For Contract Days

Dear Mr. Bahrami,

Due to the current lead times of construction materials, Traffic Control Devices would like to request 21 additional contract days for the addition of the spreadfooter for pole 2.

The supply chain issue has affected our ability to get the concrete for the footer until after July 19, 2022. Even with an early break the earliest we will be able to load the pole will be July 31, 2022.

Thank you for your anticipated cooperation in this matter. If there are any questions or concerns, please don't hesitate to call me.

Sincerely,

April Andrews
Project Manager
Traffic Control Devices, Inc.



Corporate Office
242 North Westmonte Drive
Altamonte Springs, FL 32714

Phone - 407.869.5300
Fax - 407.682.0076

www.TCD-USA.com

Local Offices

Altamonte Springs, FL
Deland, FL
Groveland, FL
Jacksonville, FL
Port St. Lucie, FL
Punta Gorda, FL
Rockledge, FL
Tampa, FL
Dallas, TX
Houston, TX
San Antonio, TX
Salisbury, NC

To:	City Of Deland	Contact:	
Address:	120 South Florida Ave. Deland, FL 32720	Phone:	(386) 740-6844
		Fax:	(386) 740-6870
Project Name:	22014000-01 Deland 17/92 Pedestrian Lighting Spread Footer	Bid Number:	Bid No: 21-07
Project Location:	US-17/92 At SR-15, Deland, FL	Bid Date:	7/12/2022

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
1	SPREAD FOOTER - INDIANA AVE.	1.00	EACH	\$5,164.00	\$5,164.00
2	CREDIT FOR PRECAST BASE	-1.00	EACH	\$538.40	(\$538.40)

Total Bid Price: \$4,625.60

Notes:

- This proposal is a unit price proposal. The total sum is an approximate sum based on the estimated quantities on the attached proposal (which is an integral part of this proposal) at the unit prices depicted thereon. The final contract amount of any contract resulting from this proposal shall be based on the quantities actually installed and field verified by the Owner's architect/engineer at these unit prices.

Payment Terms:

Payments are to be made to us by the tenth day of the month for all work installed and materials placed on the job site during the preceding month. Final Payment including retainage, if any, will be due not more than thirty (30) days after completion and acceptance of the work. Any contract resulting from this proposal shall be on the terms and conditions mutually acceptable to the Purchaser and Traffic Control Devices, LLC

ACCEPTED: The above prices, specifications and conditions are satisfactory and hereby accepted. Buyer: _____ Signature: _____ Date of Acceptance: _____	CONFIRMED: Traffic Control Devices, LLC Authorized Signature:  Estimator: Doug Burch 407-869-5300 d.burch@tcd-usa.com
---	--

CHANGE ORDER NO. 1

Date: August 15, 2022
Project: PEDESTRIAN LIGHTING IMPROVEMENTS
Contractor: Traffic Control Devices, LLC
242 N Westmonte Drive
Altamonte Springs, FL, 32714
Description: Installation of spread footer

ADJUSTED SCHEDULE OF CONTRACT COSTS

Original Contract Amount.....\$209,545.00
This Change Order No. 1\$4625.60
Adjusted Contract Cost.....\$214,170.60

An additional twenty-one (21) days have been requested to perform the work detailed in Change Order No. 1, extending the contract final completion date to August 29th, 2022.

ENGINEER'S CERTIFICATION:

I hereby certify that, in my considered professional opinion, the prices quoted are fair and reasonable and in proper ratio to the cost of the original work contracted for under competitive bidding.

Raymond Bahrami, P.E.
Deputy Public Services Director

Date

CONTRACTOR ACCEPTANCE:

Traffic Control Devices, LLC

Gregory Cockman
President

Date

CITY OF DELAND, FLORIDA

Robert F. Apgar
Mayor - Commissioner

Date

ATTEST:

Julie Hennessy
City Clerk

Date

CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: Resolution Approving FDOT Joint Participation Agreement Supplemental Amendment # 2, Woodland Boulevard Lighting Improvements.

DEPARTMENT: Engineering

PREPARED BY: Ray Bahrami, City Engineer

ATTACHMENTS: Resolution, Joint Participation Agreement, Exhibit A

APPROVED BY: Michael Pleus, City Manager, August 10, 2022

SUMMARY/HIGHLIGHT:

Florida Department of Transportation (FDOT) Joint Participation Agreement (JPA) for installation of roadway lighting improvements along Woodland Blvd. in downtown DeLand was approved by the City Commission on May 17, 2021. The purpose of this project is to improve roadway safety at the intersections for drivers and pedestrians by providing LED retrofit intersection lighting at the following intersections with Woodland Blvd.: Voorhis Ave., Howry Ave., New York Ave. (SR 44), Indiana Ave., Rich Ave., and Wisconsin Ave. All the intersections have existing decorative lighting which will be maintained to accommodate the City of DeLand's aesthetic synchronicity. The project includes replacement of 72 existing light fixtures with upgraded LED fixtures and the addition of two light poles, one on SW corner of Woodland Blvd. South of Indiana Avenue and the other one on NE corner of Indiana Avenue and Woodland Boulevard. On October 18, 2021 meeting, the City Commission approved both Joint Participation Agreement (JPA) Supplemental Amendment # 1 which provided additional funding up to \$250,000 to cover construction cost, Construction Engineering Inspection (CEI) provided by CPH, Inc. and award of bid to the lowest bidder, Traffic Control Devices (TCD), LLC.

The attached Joint Participation Agreement (JPA) Supplemental Amendment # 2 from FDOT will provide additional funding up to \$254,626.00 to cover Change Order # 1 in the amount of \$4,625.60.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Sustainability

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The attached JPA Supplemental Amendment # 2 will provide up to \$254,626.00 of funding for this project. Traffic Control Devices bid amount was \$209,545.00, CEI services cost, quoted by CPH, Inc. is \$40,095.00 and Change Order # 1 in the amount of \$4,625.60, for a total amount of \$254,265.60.

RECOMMENDATION:

It is recommended the Commission approve the attached Joint Participation Agreement Supplemental Amendment # 2 between the State of Florida Department of Transportation and the City of DeLand.

BACKGROUND/DISCUSSION:

N/A

RESOLUTION NO. 2022-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELAND, FLORIDA APPROVING THE SUPPLEMENTAL AMENDMENT #2 TO THE JOINT PARTICIPATION AGREEMENT FOR FINANCIAL PROJECT 442428-5-58-02; PROVIDING FOR FINDINGS; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of DeLand executed the Joint Participation Agreement on May 25, 2021 and amended on October 27, 2021 for the project described as “Installation of a Roadway Lighting System within the Project Limits of State Road 15 (Woodland Boulevard) from Voorhis Avenue to Wisconsin Avenue in DeLand (Volusia County Pedestrian Lighting Bundle E)” bearing financial project number 442428-5-58-02; and

WHEREAS, the City of DeLand and the State of Florida Department of Transportation desire to facilitate the said project; and

WHEREAS, the State of Florida Department of Transportation has requested the City of DeLand to execute and deliver to the State of Florida Department of Transportation the Amendment #2 for the Joint Participation Agreement for the aforementioned project, FPN 442428-5-58-02; and

WHEREAS, the City Commission of the City of DeLand has the power and authority to adopt this Resolution under the controlling provisions of State law such as, by way of example only, the provisions of Article VIII, Section 2 of the *Constitution of the State of Florida*; the provisions of Chapter 166, *Florida Statutes*; and other controlling law; and

WHEREAS, the City of DeLand has complied with all requirements and procedures of Florida law in processing and adopting this Resolution.

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

Section 1. Recitals.

The above recitals are hereby adopted as findings and incorporated into the text of this Resolution as legislative and administrative findings of the City Commission of the

City of DeLand.

Section 2. Authorization

The City Commission of the City of DeLand hereby authorizes the Mayor of the City of DeLand to make, execute, and deliver to the State of Florida Department of Transportation the Supplemental Amendment Number 2 to the Joint Participation Agreement for the aforementioned project, FPN 442428-5-58-02.

Section 3. Conflicts.

All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed.

Section 4. Severability.

If any section, sentence, phrase, word, or portion of this Resolution is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Resolution not otherwise determined to be invalid, unlawful or unconstitutional.

Section 5. Effective Date.

This Resolution shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED this 15th day of August, 2022.

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy, MMC
City Clerk - Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

**JOINT PARTICIPATION AGREEMENT
BETWEEN
THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
AND
THE CITY OF DELAND
SUPPLEMENTAL AMENDMENT NUMBER 2**

EXECUTION DATE: _____

Financial Project No.: 442428-5-58-02 Agency: City of DeLand Contract No: ASN83	Fund: DDR Activity: 215 Contract Amount: \$254,626.00	FLAIR Approp.: 088796 FLAIR Obj.: 563000 Org. Code: 55054010508 Vendor No.: F596000307031
---	--	--

The terms of the original Joint Participation Agreement (the AGREEMENT) between the Florida Department of Transportation (the DEPARTMENT) and the City of DeLand (the LOCAL GOVERNMENT) for the Project described as "Installation of a Roadway Lighting System within the Project Limits of State Road 15 (Woodland Boulevard) from Voorhis Avenue to Wisconsin Avenue in DeLand (Volusia County Pedestrian Lighting Bundle E)", executed on **May 25, 2021 and amended on October 27, 2021**, are hereby amended as follows:

The overall Project cost and DEPARTMENT participation is being increased based on the LOCAL GOVERNMENT'S need to provide a shallow light pole foundation due to unforeseen field conditions during construction at one location. An additional twenty-one days of contract time will be added to the schedule to accommodate the changes.

Compensation and Reimbursement

A. Project Cost: The total estimated cost of the Project is **\$254,626.00 (Two Hundred Fifty-Four Thousand Six Hundred Twenty-Six Dollars and No/100)**. The DEPARTMENT agrees to compensate the LOCAL GOVERNMENT for services described in Exhibit "A", Scope of Services of the AGREEMENT. The Method of Compensation is included in Exhibit "B" attached hereto.

B. DEPARTMENT Participation: The DEPARTMENT agrees to reimburse the LOCAL GOVERNMENT in an amount not to exceed **\$254,626.00 (Two Hundred Fifty-Four Thousand Six Hundred Twenty-Six Dollars and No/100)** for actual costs incurred, excluding LOCAL GOVERNMENT overhead.

Except as hereby modified, amended, or changed, all of the terms and conditions of said original AGREEMENT thereto will remain in full force and effect.

The following attachments are hereby incorporated into this Amendment:

Exhibit "B", Method of Compensation

Exhibit "F", Resolution

The remainder of this page intentionally left blank.

IN WITNESS WHEREOF, the LOCAL GOVERNMENT has executed this Amendment on _____, and the DEPARTMENT has executed this Amendment on _____.

CITY OF DELAND

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION**

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Attest:

Attest:

Executive Secretary

Legal Review:

Legal Review:

LOCAL GOVERNMENT Attorney

DEPARTMENT Attorney

EXHIBIT "B"**METHOD OF COMPENSATION**

For satisfactory completion of all services detailed in Exhibit "A" (Scope of Services) of this AGREEMENT, the DEPARTMENT will compensate the LOCAL GOVERNMENT an amount not to exceed **\$254,626.00 (Two Hundred Fifty-Four Thousand Six Hundred Twenty-Six Dollars and No/100)** for actual costs incurred.

The LOCAL GOVERNMENT may receive progress payments for actual costs incurred for deliverables based on a percentage of services that have been completed, approved and accepted to the satisfaction of the DEPARTMENT when properly supported by detailed invoices and acceptable evidence of payment. The final balance due under this AGREEMENT will be reimbursed upon the completion of all Project services, receipt of final construction cost documentation and proper submission of a detailed invoice and when the Project has been inspected, approved and accepted to the satisfaction of the DEPARTMENT in writing.

The detailed invoice and other supporting documentation shall be submitted via email to D5-LocalPrograms@dot.state.fl.us.

The remainder of this page intentionally left blank.

EXHIBIT "F"

RESOLUTION

The Resolution, or other official authorization, authorizing entry into this Agreement is attached and incorporated into this Agreement.

EXHIBIT "A"

SCOPE OF SERVICES

Purpose:

The LOCAL GOVERNMENT shall be responsible for the installation of a roadway lighting system to include installation of lights on existing poles and installation of additional poles with light fixtures in order to illuminate State Road 15 (Woodland Boulevard) from Voorhis Avenue to Wisconsin Avenue, in accordance with DEPARTMENT standards. Subject to the terms and conditions contained herein, the illumination services shall continue until such time as the DEPARTMENT notifies the LOCAL GOVERNMENT to discontinue the illumination services.

Specifically, the work to be completed includes:

The LOCAL GOVERNMENT shall illuminate the following six (6) intersections at State Road 15:

- 1) Voorhis Avenue (one retrofit existing luminaire)
- 2) Howry Avenue (fourteen retrofit existing luminaire)
- 3) New York Avenue (State Road 44) (fourteen retrofit existing luminaire)
- 4) Indiana Avenue (fourteen retrofit existing luminaire, two proposed standalone light poles)
- 5) Rich Avenue (fourteen retrofit existing luminaire)
- 6) Wisconsin Avenue (fifteen retrofit existing luminaire)

The scope of work includes retrofitting existing light poles with new LED luminaires, installing new light poles with attached arms and fixtures as well as all required ancillary electrical features as shown in the Plans. Exhibit "A-1", attached hereto describes the specific location of work and the deliverables related thereto.

The LOCAL GOVERNMENT shall not commence construction until the DEPARTMENT issues the Notice to Proceed. **The Notice to Proceed should be requested from D5-LocalPrograms@dot.state.fl.us. Any work performed prior to the issuance of the Notice to Proceed is not subject to reimbursement.**

FPN# 442428-5-58-02

Page 14 of 23

The LOCAL GOVERNMENT shall adhere to lane closure restriction periods during construction as shown in the Plans.

The LOCAL GOVERNMENT shall construct and complete the Project in accordance with the Special Provisions set forth in this Agreement (Exhibit "D" hereto).

The remainder of this page intentionally left blank.

EXHIBIT "A-1"

CONSTRUCTION PLANS

The Contract Plans for the construction of Financial Project Number (FPN#) 442428-5-58-02, are identified herein by attaching the cover sheet of said plans and by such, the entire set of Contract Plans are incorporated by reference.

The remainder of this page intentionally left blank.

CONTRACT PLANS COMPONENTS
LIGHTING PLANS

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

CONTRACT PLANS

FINANCIAL PROJECT ID 442428-5-58-02
VOLUSIA COUNTY (79040)
VOLUSIA COUNTY PEDESTRIAN LIGHTING BUNDLE E
STATE ROAD NO. 15

INDEX OF LIGHTING PLANS

SHEET NO.	SHEET DESCRIPTION
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19	LIGHT POLE FOUNDATION DETAILS
SQ-1	SUMMARY OF QUANTITIES

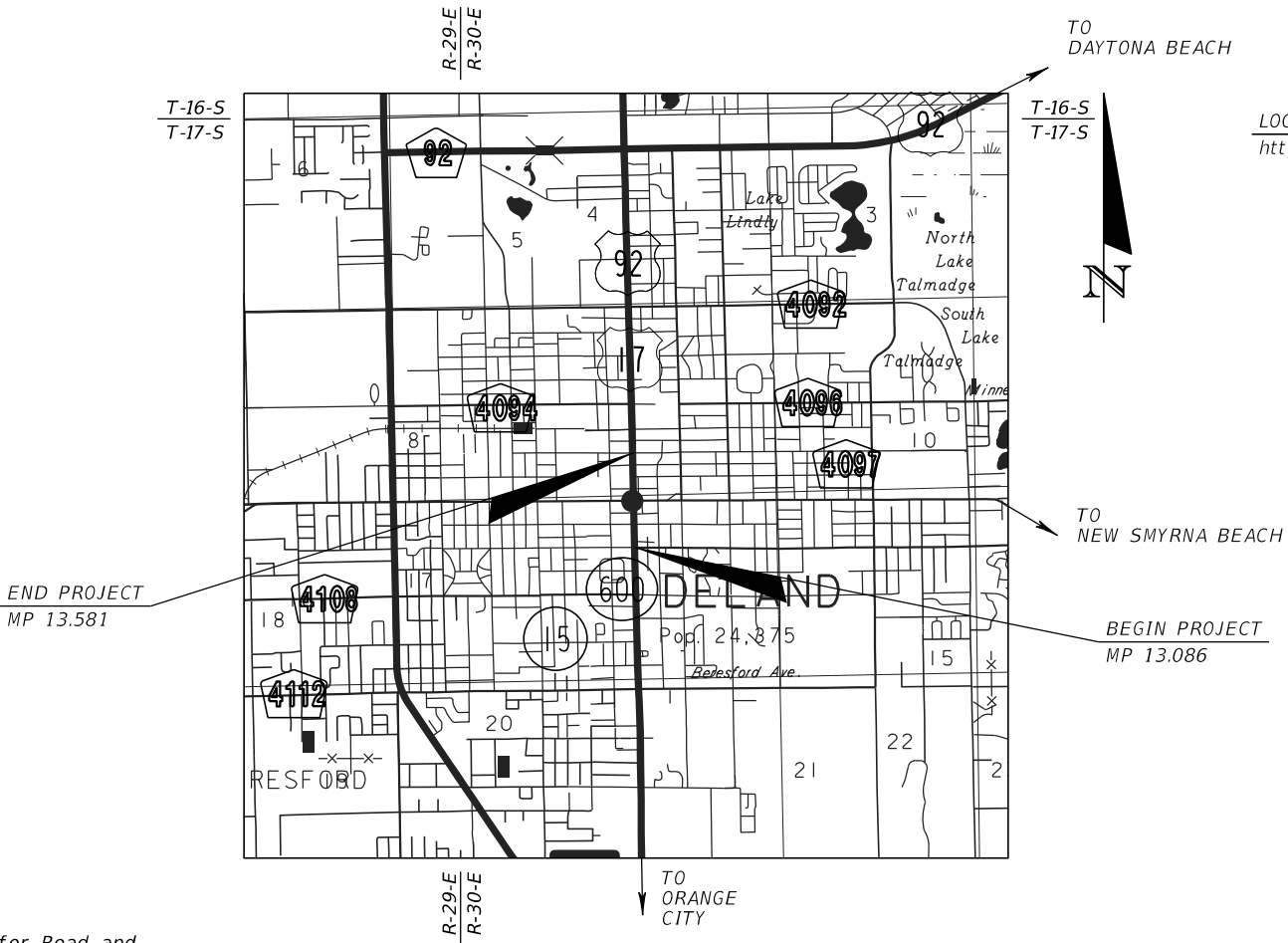
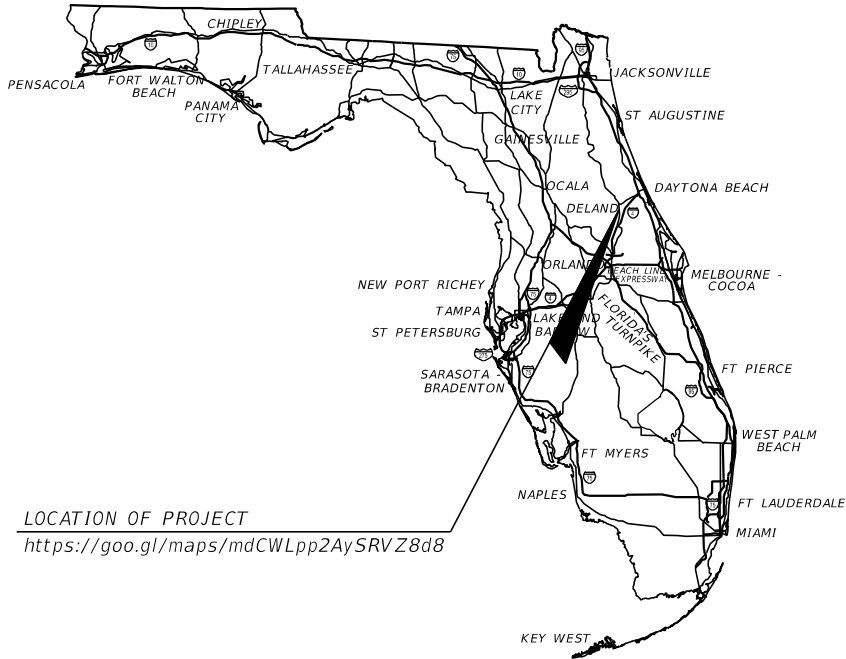


Exhibit "A-1"



GOVERNING STANDARD PLANS:

Florida Department of Transportation, FY 2021-22 Standard Plans for Road and Bridge Construction and applicable Interim Revisions (IRs).

Standard Plans for Road Construction and associated IRs are available at the following website: <http://www.fdot.gov/design/standardplans>

APPLICABLE IRs: N/A

GOVERNING STANDARD SPECIFICATIONS:

Florida Department of Transportation, January 2021 Standard Specifications for Road and Bridge Construction at the following website: <http://www.fdot.gov/programmanagement/Implemented/SpecBooks>

LIGHTING PLANS
ENGINEER OF RECORD:

ALEX W. HINKLE, P.E. NO.: 82354
PROTEAN DESIGN GROUP
100 EAST PINE STREET, SUITE 600
ORLANDO, FL 32801
(407) 246-0044
CONTRACT NO.: C9H11
VENDOR NO.: F59-3473441

FDOT PROJECT MANAGER:

MARCUS E. LISICKI, P.E.

CONSTRUCTION CONTRACT NO.	FISCAL YEAR	SHEET NO.
TBD	21	1

THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G15-23.004, F.A.C.

CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: Consideration re Letter of Support For Volusia County Justice Assistance Grant (JAG) Nonprofit Agencies.

DEPARTMENT: Admin Services

PREPARED BY: Michael Grebosz, Asst. City Manager

ATTACHMENTS: Deland Letter

APPROVED BY: Michael Pleus, City Manager, August 10, 2022

SUMMARY/HIGHLIGHT:

The County has been notified that it is eligible to receive funding from the FY 2021/22 share of the Edward Byrne Memorial Justice Assistance Grant (JAG) County-wide funds that were released by the Florida Department of Law Enforcement (FDLE) in July 2022. In order to submit nonprofit agencies applications for this funding, the County must receive approval from 51% of cities located within Volusia County.

The County of Volusia is recommending the funds be allocated to the non-profits SMA Healthcare, Inc. and the House Next Door, Inc.

City staff also recommends that the City Commission approve the letter of support for the JAG Grant. Two signed originals are required.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government

SUSTAINABILITY:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends that the City Commission approve the letter of support.

BACKGROUND/DISCUSSION:

The JAG program focuses on providing funding to municipalities to improve the criminal justice system through one or more purpose areas. This includes, but is not limited to, programs focused on law enforcement, prosecution/court, prevention/education, drug treatment and enforcement programs.

July 25, 2022

Mr. Clyde Smith, FCCM
Government Operations Consultant I
Florida Department of Law Enforcement
Office of Criminal Justice Grants
PO BOX 1489
Tallahassee, FL 32302

Dear Mr. Smith:

In compliance with State of Florida Rule 11D-9, F.A.C., the City of DeLand approves the distribution of \$139,627 of Federal Fiscal Year 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) County-wide program for the following projects within Volusia County.

Sub-award Recipient	Contractor & Title of Project	Amount
County of Volusia	SMA Healthcare, Inc. - Adult Drug Court Program	\$105,522
County of Volusia	The House Next Door - Success by Design Program	\$34,105
	Total	\$139,627

Sincerely,

Honorable Mayor Robert F. Apgar
City of DeLand

Date

CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: Resolution Authorizing Sole Source Purchase, Ferguson Water Works, Inc., FY 2022-2023.

DEPARTMENT: Admin Services

PREPARED BY: Michael Grebosz, Asst. City Manager

ATTACHMENTS: Resolution, EXHIBIT A- DeLand 2022-23 Ferguson-Neptune Product Pricing, DeLand 2022-23 Ferguson-Neptune Product

APPROVED BY: Michael Pleus, City Manager, August 10, 2022

SUMMARY/HIGHLIGHT:

In order to provide compatibility with our radio read meter systems, the City must purchase Neptune meters for new customer service and replacement. Neptune Technology Group, Inc. has provided a sole source letter stating Ferguson Water Works, Inc. is the only authorized Neptune distributor for sales, service and warranty of Neptune water products in the State of Florida. On September 21, 2021, the City Commission approved a Resolution to waive the competitive process and authorize staff to purchase Neptune meters from Sunstate meter and Supply, Inc. through the period ending September 30, 2021. Sunstate Meter and Supply, Inc. was bought out by Ferguson Water Works in 2021. Ferguson Water Works, Inc. has provided the pricing effective October 1, 2022 through September 30, 2023.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The majority of the meters ordered are 5/8"x 3/4" T10 Proread gallon meters; however, the other sizes of meters will be purchased as well. Included in the FY 2022-2023 budget is \$150,000 for water meter upgrades, \$485,000 for new meter installations and \$450,000 to continue the City-wide meter replacement program.

RECOMMENDATION:

It is recommended that the City Commission approve a resolution authorizing the sole source purchase of Neptune radio read water meters and other various software and parts from Ferguson Water Works, Inc.

BACKGROUND/DISCUSSION:

N/A

RESOLUTION NO. 2022 -

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, TO WAIVE THE COMPETITIVE BIDDING PROCESS AND AUTHORIZE THE SOLE SOURCE PURCHASE OF WATER METERS AND OTHER VARIOUS METER SOFTWARE AND PARTS FROM FERGUSON WATERWORKS METER & AUTOMATION GROUP, FOR FISCAL YEAR 2022-2023; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, Ferguson Waterworks Meter & Automation Group, is the only authorized Neptune water meter, parts, and service distributor for the State of Florida and has provided equipment, parts, and services to the City of DeLand; and

WHEREAS, in order to ensure compatibility with the existing radio reading equipment, staff has determined that it is necessary to continue purchasing Neptune water meters and other various software and parts for the fiscal year 2022-2023 from Ferguson Waterworks Meter & Automation Group.

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

Section 1. The City Commission hereby acknowledges that Ferguson Waterworks Meter & Automation Group, is the only authorized distributor of Neptune water meters, parts, and service for the State of Florida.

Section 2. The City Commission hereby agrees to waive the competitive process and authorizes the single source purchase of Neptune water meters and other various meter software and parts from Ferguson Waterworks Meter & Automation Group, for fiscal year 2022-2023.

Section 3. Ferguson Waterworks Meter & Automation Group, agrees to the unit prices attached hereto as Exhibit A through September 30, 2023.

Section 4. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the remaining portions of this Resolution.

Section 5. This Resolution shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 15th day of August, 2022.

Robert F. Apgar
Mayor-Commissioner

ATTEST:

Julie A. Hennessy
City Clerk-Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

EXHIBIT A



July 20, 2022

Ms. Brandi Weaver
Customer Service Manager
City of DeLand
120 S. Florida Ave.
DeLand, FL 32720-5422

RE: NEPTUNE PRODUCT PRICING - FISCAL YEAR 2022-2023 (10/1/2022 – 9/30/2023)

Dear Ms. Weaver,

Listed below are the prices that you have requested:

<u>Description</u>		<u>Unit Price</u>
Neptune, 5/8"x3/4" T10 Pit Gallon R900i Enhanced Water Meter		\$229.50
Neptune, 5/8"x3/4" T10 Double Check R900i Enhanced Water Meter		\$395.00
Neptune, 1" T10 Pit Gallon R900i Enhanced Water Meter		\$311.00
Neptune, 5/8"x3/4" Mach 10 R900i Water Meter		\$299.50
Neptune, 1" Mach 10 R900i Water Meter		\$375.00
Neptune, 1 1/2" Mach 10 R900i Water Meter		\$754.00
Neptune, 2" Mach 10 R900i Water Meter		\$1,031.00
Neptune, 3" Mach 10 R900i Water Meter -	12" LL	\$2,682.00
	17" LL	\$2,790.00
Neptune, 4" Mach 10 R900i Water Meter -	14" LL	\$3,465.00
	20" LL	\$3,604.00
Neptune, 6" Mach 10 R900i Water Meter -	18" LL	\$5,435.00
	24" LL	\$5,600.00
Neptune, 8" Mach 10 R900i Water Meter -	20" LL	\$9,888.00
Neptune, 10" Mach 10 R900i Water Meter -	26" LL	\$12,586.00
Neptune, 12" Mach 10 R900i Water Meter -	19.7" LL	\$14,610.00



Meter & Automation Group

Neptune, 3" Ductile Iron Coated Meter Strainer	\$518.00
Neptune, 4" Ductile Iron Coated Meter Strainer	\$696.00
Neptune, 6" Ductile Iron Coated Meter Strainer	\$1,282.00
Neptune, 8" Ductile Iron Coated Meter Strainer	\$2,271.00
Neptune, 3" Strainer Acc. Kit	\$18.95
Neptune, 4" Strainer Acc. Kit	\$33.15
Neptune, 6" Strainer Acc. Kit	\$91.60
Neptune, 8" Strainer Acc. Kit	\$113.70
Neptune, R900 Pit Antenna Only	\$39.75
Neptune, R900i Enhanced Digital Pit Gallon Register	\$188.00
Neptune, ProCoder Wired Pit Gallon Register	\$89.00
Neptune, Cellular Wall Endpoint	\$145.00
Neptune, Cellular Pit Endpoint With Internal Antenna	\$154.00
Neptune, Cellular Pit Endpoint With External Antenna	\$182.00
Neptune, Belt Clip Transceiver	\$4,950.00
Neptune, MRX920 Version 4 Mobile Data Collector (less laptop)	\$10,975.00
Neptune, 360 ADV. AMR Set-Up Fee (one-time)	\$1,704.00
Neptune, 360 ADV. AMI Set-Up Fee (one-time)	\$3,700.00
Neptune 360 On-Site Training (8 Hours)	\$1,704.00
<u>Neptune 360 SaaS Platform (AMR) Annual Subscription</u>	
20,001-50,000 Connected Endpoints – (Per Meter/Per Year)	\$.80
<u>Neptune 360 SaaS Platform + Firstnet Cellular Data Plan Annual Subscription</u>	
20,001-50,000 Connected Endpoints – (Per Meter/Per Year)	\$6.53

Any Meter or Register listed above available with "Reclaimed" trim option at No Charge.



Meter & Automation Group

Any R900i Meter listed above can be supplied as optional Neptune Encoder Register & Cellular First Net Pit Endpoint W/Internal Antenna at the same price listed.

Freight: Allowed

Payment Terms: Net 30 Days/ Check or ACH Payment only

Payment Discount: 1% discount/ Net 10 days ACH Payment only

Pricing Term: 10/1/2022 – 9/30/2023

It is the intent of Ferguson to honor the pricing for the term noted. However, due to current supply chain issues and economic conditions, Neptune Technology Group, Inc. may update pricing prior to the end of this term. Ferguson will contact the City of DeLand if this occurs to negotiate any possible price adjustments at that time.

I hope that this quotation meets with your approval. If you have any questions, please do not hesitate to give me a call.

Respectfully submitted,

Jeff Kimbrough

Sales Manager – Central Florida

Ferguson Waterworks

Meter & Automation Group

14001 W. Newberry Road

Newberry, FL 32669

Email: Jeff.Kimbrough@Ferguson.com

Phone: 352-516-9791

July 20, 2022

Ms. Brandi Weaver
Customer Service Manager
City of DeLand
120 S. Florida Ave.
DeLand, FL 32720-5422

RE: NEPTUNE PRODUCT PRICING - FISCAL YEAR 2022-2023 (10/1/2022 – 9/30/2023)

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Meter & Automation Group

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Payment Discount: 1% discount/ Net 10 days ACH Payment only

Pricing Term: 10/1/2022 – 9/30/2023

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I hope that this quotation meets with your approval. If you have any questions, please do not hesitate to give me a call.

Respectfully submitted,

Jeff Kimbrough

Sales Manager – Central Florida

Ferguson Waterworks

Meter & Automation Group

14001 W. Newberry Road

Newberry, FL 32669

Email: Jeff.Kimbrough@Ferguson.com

Phone: 352-516-9791

CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: Second Reading of Ordinance No. 2022-14, Changing the Land Use for 1.45 Acres of Property, Located at 306 West Wisconsin Avenue from Low Density Residential & Institutional Overlay to Mixed Commercial.

DEPARTMENT: Planning

PREPARED BY: Mike Holmes, Planning Director

ATTACHMENTS: ORD-2022-14 LUA 306 W. Wisconsin Ave_, Exhibit A, SMLU22-061 Proposed Land Use Map, VGMC Consistency Certification Letter, SMLU22-061 Staff Report 306 W. Wisconsin, SMLU22-061 Current Land Use Map, SMLU22-061 Zoning and Location Map, SMLU22-061 Aerial Map

APPROVED BY: Michael Pleus, City Manager, August 10, 2022

SUMMARY/HIGHLIGHT:

Second Reading of Ordinance for a Comprehensive Plan Amendment, changing the Land Use from Low Density Residential & Institutional Overlay to Mixed Commercial, for approximately 1.45 acres of property, located at 306 W. Wisconsin Ave. The applicant, Mark Watts of Cobb Cole has submitted the application on behalf of the Trinity Methodist Church. The site currently consists of a structure that was the former location of the historic Trinity United Methodist Church. It is located on the same block as the Volusia County School Board Administrative Building. The applicant has applied to rezone the property to a planned development in order to convert the complex into a mixed-use facility. The building is 63,118 square feet in size and sits on a 1.45 acre parcel.

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

The application was approved on first reading at the June 20th City Commission meeting and was transmitted to the Volusia Growth Management Commission for their review and approval. The application was approved by the VGMC, and the letter is attached. The land use application is being processed in conjunction with the PD rezoning application, Z22-060.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

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

SUSTAINABILITY:

N/A

FISCAL IMPACT:

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

RECOMMENDATION:

Staff recommends that the City Commission approve the application to change the land use to Mixed Commercial on second reading.

BACKGROUND/DISCUSSION:

Refer to staff report.

ORDINANCE NO. 2022 - 14

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED AND DULY ADOPTED this 15th day of August, 2022.

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading: June 20, 2022
Adopted on second reading: August 15, 2022

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

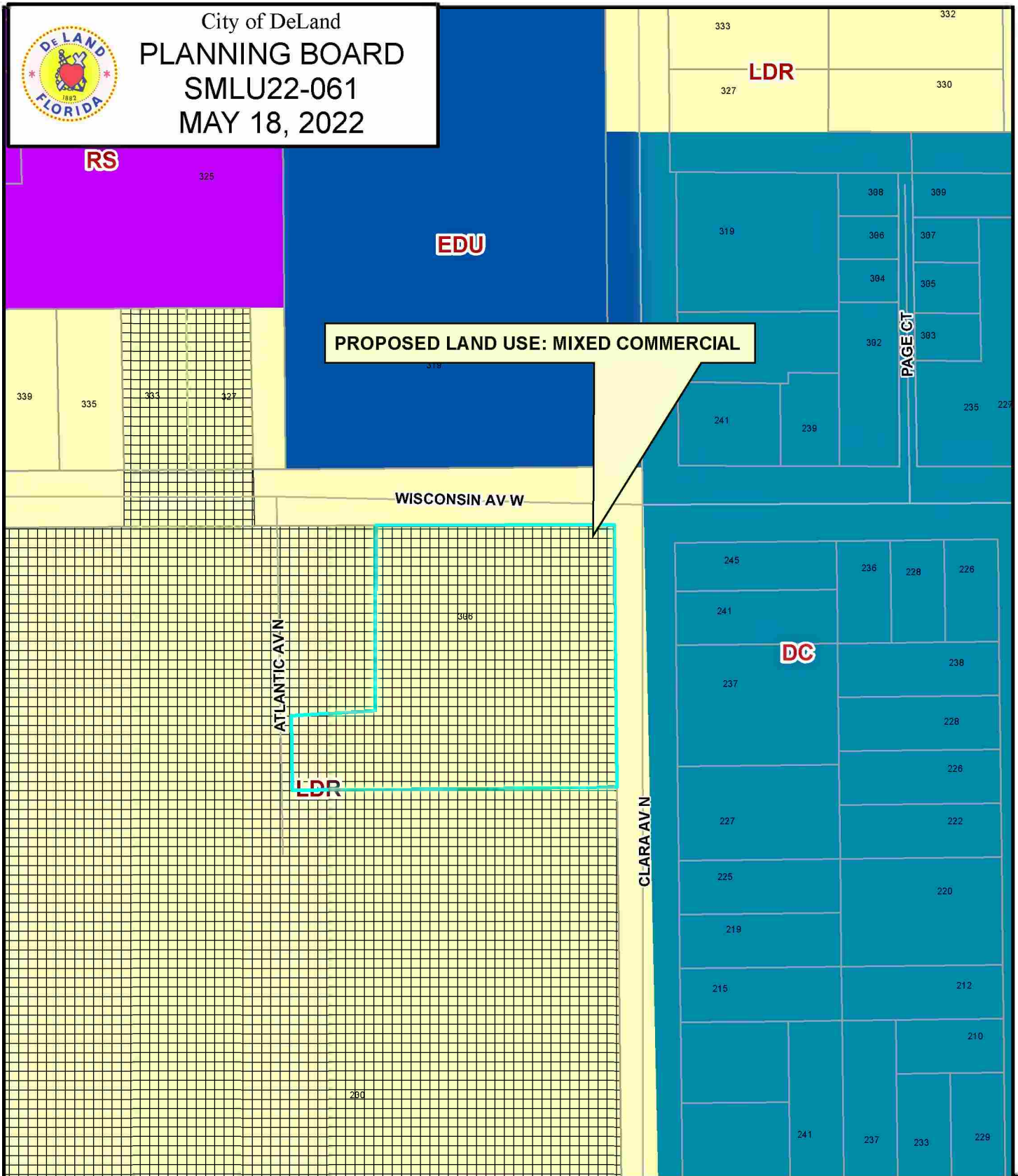
EXHIBIT "A"
Legal Description

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

1.45 ACRES, MORE OR LESS



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



DeLand Future Land Use:

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





Volusia Growth Management Commission

July 21, 2022

Mike Holmes, Planning Director
City of DeLand
120 S. Florida Avenue
DeLand, FL 32720

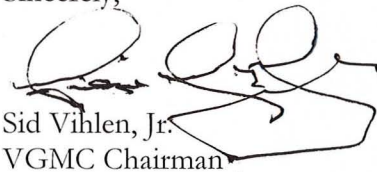
RE: City of DeLand Small Scale Amendments
VGMC Case #22-041 – SMLU22-061, 306 W. Wisconsin Avenue
VGMC Case #22-042 – SMLU22-076, East side of Dr. Martin Luther King Jr. Beltway
Certificate of Consistency

Dear Mr. Holmes,

VGMC Case Nos. 22-041 and 22-042 qualify for certification in accordance with Chapter 90, Article II. of the Volusia County Code of Ordinances, Volusia Growth Management Commission Consistency Certification Rules and Organization. Based upon the lack of objection filed by another unit of local government, VGMC Case Nos. 22-041 and 22-042 are hereby deemed certified as consistent effective July 20, 2022 without the need for a public hearing.

The Volusia Growth Management Commission appreciates the efforts of the City of DeLand to further intergovernmental cooperation and coordination in Volusia County. If you have any questions regarding this matter, please do not hesitate to call me.

Sincerely,



Sid Vihlen, Jr.
VGMC Chairman

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

May 18, 2022

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

B. SITE FACTORS

Location: 306 W. Wisconsin

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

Parcel Size: 1.45 ± acres

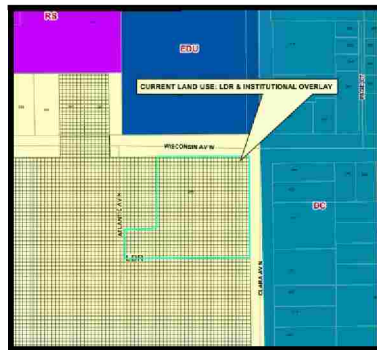
Land Use: Low Density Residential & Institutional Overlay

Existing Use: Vacant, church

Surrounding Uses:

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

LAND USE



Existing designation



Proposed designation

 Low Density Residential

 Mixed Commercial

C. REQUESTED ACTION AND HISTORY:

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

SMLU22-061
1 of 9



CHRONOLOGY OF PAST EVENTS:

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

D. ALTERNATIVES AND ANALYSIS:

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

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

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

- Multi-family residential uses are typically reviewed to determine if there will be any new demand for recreational facilities. Any changes in demand require the adjustment as necessary.
- Volusia County provides a sanitary landfill for the disposal of solid waste. The landfill has adequate capacity at this time.
- The City can provide an adequate LOS of Fire/Rescue service.
- The City can provide an adequate LOS of Police service.

2. **Compatibility with Land Use and Other Elements:** The Future Land Use Element requires that the subject property be consistent with surrounding development. This site is located adjacent to property designated as Downtown Commercial to the east and Educational to the north. Property to the south and west are designated as Low Density Residential, however the use is for the Volusia County School Board Facility and not residential use.

LOW DENSITY RESIDENTIAL DESIGNATION

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

General Type of Development:

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

Policy Guidelines:

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

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

MIXED COMMERCIAL DESIGNATION

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

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

General Type of Development:

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

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

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

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

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

3. **Future Land Use Map:** The proposed change in the land use designation to Mixed Commercial will be shown on the revised Future Land Use Map.
4. **Location of Lakes, Floodplains, and Wetlands:** The subject property does not appear to contain any bodies of water. Any such items will be dealt with properly at the point where development is to occur.
5. **Analysis of Natural Resources:**
 - a. Soil type: ASTATULA TAVARES – Broad, Undulating ridges of excessively drained and moderately well drained, brownish and grayish sandy soils; interspersed with a few sinks, lakes and depressions.
 - b. Presence of Endangered Species – This property is entirely developed for urban use and no known species likely to be identified on this site.
6. **Existing and Future Impact upon Infrastructure Capacity:**
 - a. *Water* –The City’s utility department supplies water to the site. The infrastructure necessary to provide water to any future development would be analyzed by staff and assessed to ensure concurrency.
 - b. *Sewer* – It is anticipated that sufficient sewer capacity is available.
 - c. *Drainage* - The City adheres to the County’s 100-year frequency, 24-hour storm event standard for landlocked basins. Stormwater capture will be addressed on-site so as not to impact surrounding property.
 - d. *Solid Waste* – Solid waste services are available for the property.
 - e. *Transportation* – The new uses that are anticipated for this site are expected to generate additional traffic primarily because the site is currently a use (church) that has uses limited to certain days and the proposed uses will generate a more different pattern of usage. Traffic generation is estimated according to the most intense type of development allowed under the proposed designation. Based on potential uses under the proposed designation, additional analysis may be needed to ensure that any additional traffic is handled so as not to adversely impact the existing roadway.
 - f. *Fire/Rescue Service* - The City can provide an adequate LOS of Fire/Rescue service.
 - g. *Police Service* - The City can provide an adequate LOS of Police protection.

7. **Impact upon Recreation and Open Space:** The proposed land use is a commercial category; and additional impacts to the recreational needs of the City of DeLand could be anticipated based on the inclusion of residential use on the site. *The increase in the allowable density, from a maximum of 5.8 ddu to 10 ddu, will be investigated further at the site plan review stage to determine the potential impact.*
8. **New Public Facilities Needed to Serve Land Use:** Because this site is located within the Utility Service Area, no need for new public facilities is anticipated.
9. **Impact upon Existing Deficiencies:** The site in question has access to all city facilities and no deficiencies are currently known to exist.
10. **Impact upon Ability of the City to Fund Capital Improvements:** The proposed land use amendment will not result in the need for additional public facilities to serve the subject property. It will not create an additional impact upon the City's ability to fund the projects listed in the adopted Five-Year Capital Improvement Program. The Applicant will be required to provide any additional necessary improvements to connect to the City's utilities.
11. **Impact upon Adopted Five-Year Schedule in Capital Improvements Element:** The proposed land use amendment will not require revision to the City's adopted Five-Year Capital Improvement Program.
12. **Compatibility with Existing Zoning Classification:** This property is subject to a planned development (PD) rezoning request to a designation that will allow residential and commercial uses. The land use amendment is necessary to permit the density that the applicant wishes to generate.
13. **Will the proposed land use change impact schools?** The proposed project will include residential dwelling units and be considered a multi-family use and there is the potential for additional students to be generated by the changes made to the site. School impacts were anticipated and the school board concurrency application was submitted to determine the potential impact and ways to address those changes. The school board conducted a review and issued a letter with a finding of adequate capacity. A total of 2 students is anticipated based on the proposed changes.

Table 1

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

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

DeLand 2050

Principle – Promote mixed use development

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

Guiding Principles

History:

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

Strategic Plan

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

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

Action Step:

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

E. VGMC INFRASTRUCTURE IMPACT ASSESSMENT

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

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

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

Table 4. Impact Analysis (Theoretical Max.)

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

Notes:

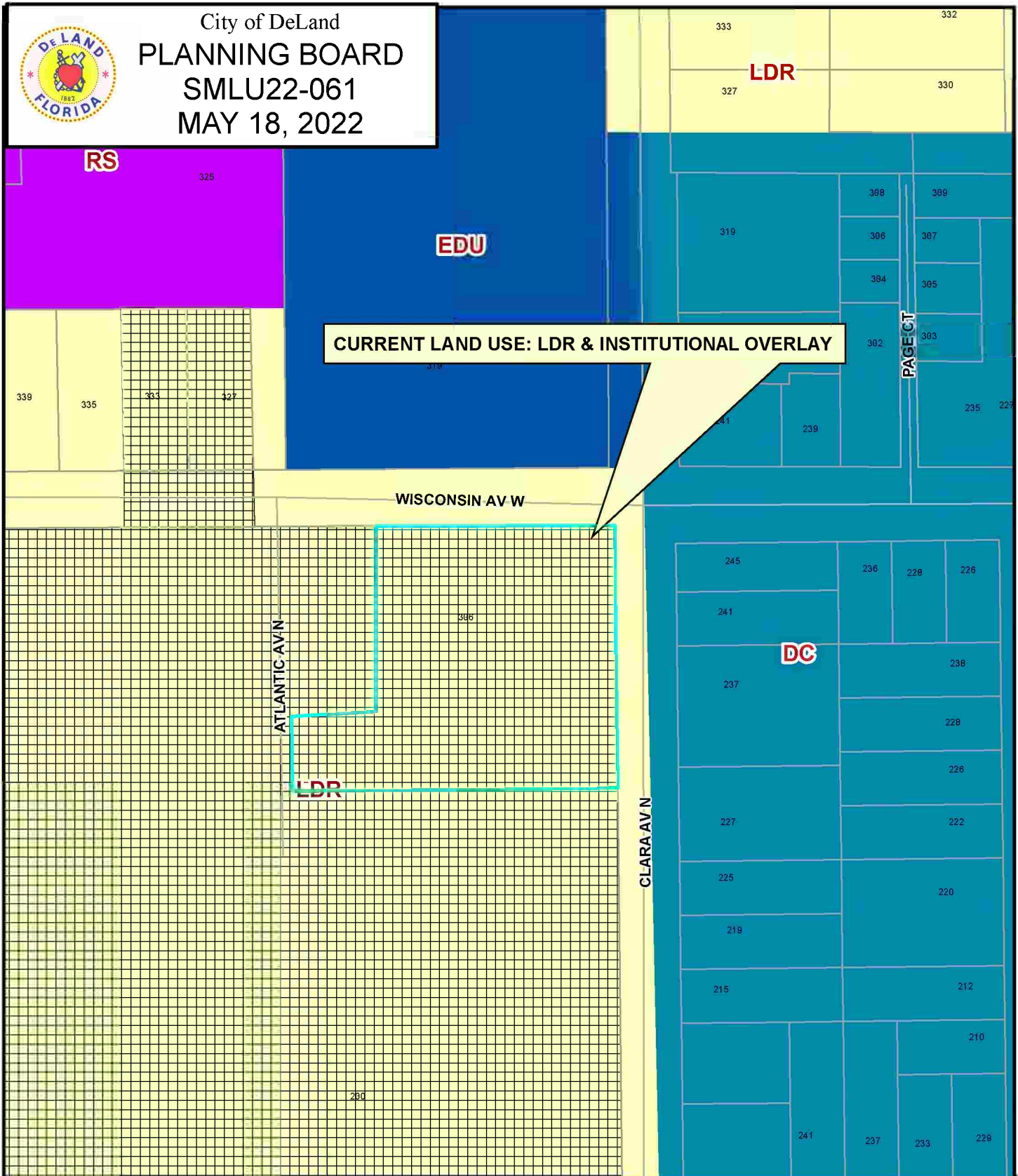
- | | |
|-------------------------|---|
| 1. Population: | 2.25 persons per household (per 2010 Census) |
| 2. Transportation: | ITE Trip Generation Manual, 8th Edition: 0.62 PM peak hour trips per unit and 6.65 daily trips per unit, Apartments - Low-rise (220) |
| 3. Sanitary Sewer: | 160 gallons per day per Equivalent Residential Unit |
| 4. Potable Water: | 180 gallons per day per Equivalent Residential Unit |
| 5. Solid Waste | 3.21 pounds per person per day |
| 6. Stormwater Drainage: | LOS standard = 25-year, 24-hour event. Drainage system is required to be designed to meet the requirements of the Land Development Code during subdivision or site plan review. |
| 7. Rec. & Open Space: | 7 acres/1,000 persons (0.007 acres/person) |

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

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



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



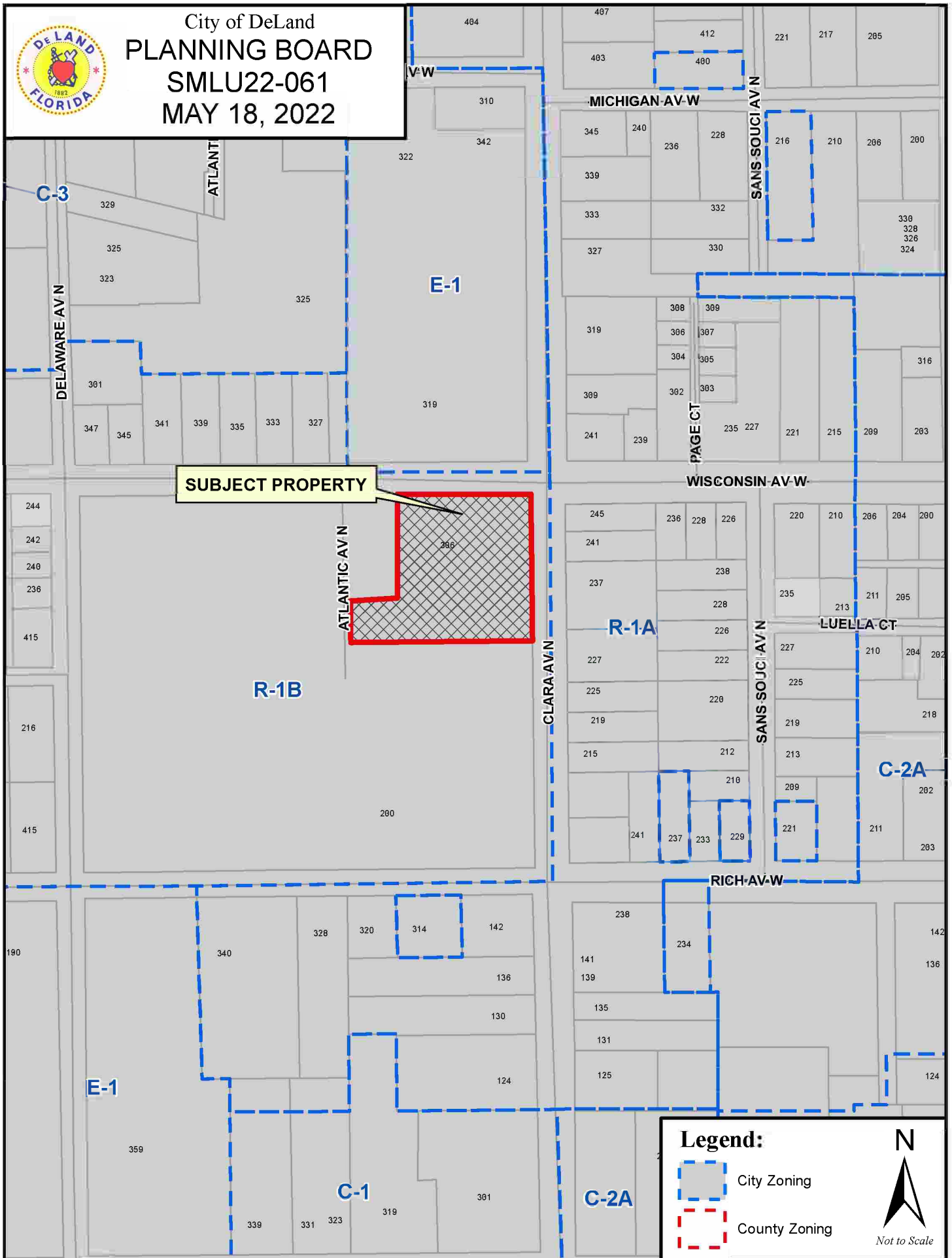
DeLand Future Land Use:

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



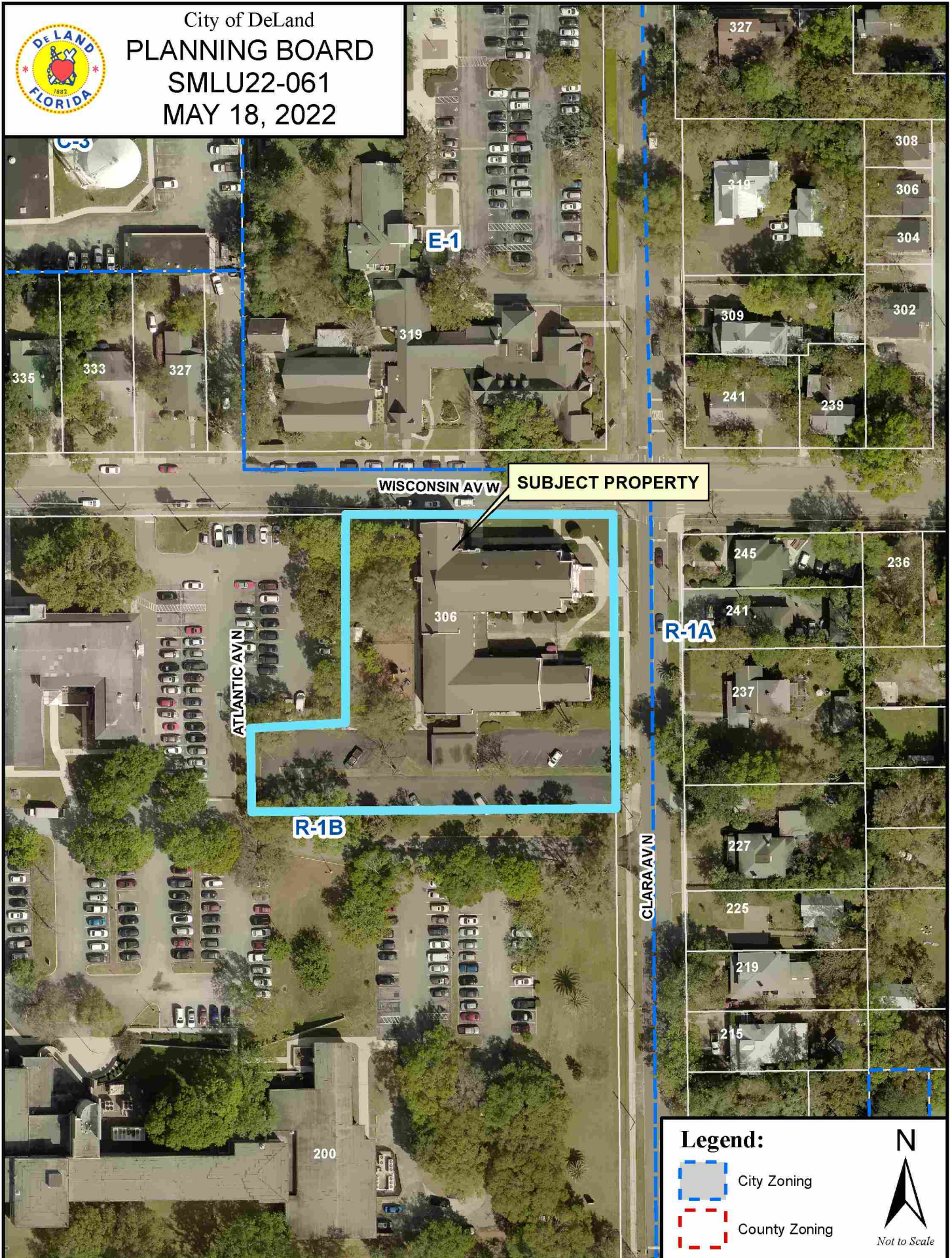


City of DeLand
PLANNING BOARD
SMLU22-061
MAY 18, 2022





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



CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: Second Reading of Ordinance No. 2022-15, Changing the Zoning from R-1B to North West Square PD, of Approximately 1.45 Acres of Property, Located at 306 West Wisconsin Avenue.

DEPARTMENT: Planning

PREPARED BY: Mike Holmes, Planning Director

ATTACHMENTS: ORD-2022-15 , Exhibit A, Exhibit B - North West Square PD Agreement with Exhibit A, Exhibit B- for PD, Z22-060 Staff Report North West Square PD, Z22-060 Zoning and Location Map, Z22-060 Aerial

APPROVED BY: Michael Pleus, City Manager, August 10, 2022

SUMMARY/HIGHLIGHT:

Second Reading of Ordinance for rezoning from R-1B to North West Square Planned Development. The subject property is located at 306 W. Wisconsin Ave. and contains approximately 1.45 acres. The site currently consists of a structure that was the former location of the historic Trinity United Methodist Church. It is located on the same block as the Volusia County School Board Administrative Building. The application states the intent of the owner is to rezone the property to a Planned Development and that it is being filed to accommodate the adaptive reuse of the church property. By rezoning the property to the PD classification, the contract purchaser is seeking to preserve the existing structure, modernize it to comply with current Building and Fire Codes and introduce a new mix of commercial and residential uses that will provide for neighborhood-scale activity to serve the surrounding residential neighborhood.

The planned redevelopment of the property will include first floor retail spaces focusing on small-scale retail stalls that will create a neighborhood market. Uses on the upper floors will eventually include event space that will occupy the former sanctuary, as well as residential uses consisting of apartments. The development of the property will be guided by the development agreement provided, which is written to reflect a number of existing conditions. This rezoning request generally aligns with the pattern of development in the surrounding area owing largely to the fact that it is an existing structure and the adjoining administrative offices of Volusia County Schools. Reuse of the historic building is an acceptable use for the property and owing to the fact that the area is listed on the National Register of Historic Places, it helps preserve the area in its historical context.

The City Commission approved the application on first reading at their June 20, 2022 meeting as presented. This rezoning application is to be reviewed concurrently with the land use amendment to Mixed Commercial.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Institute Smart Growth Principals; Preserving "Sense of Community"

SUSTAINABILITY:

N/A

FISCAL IMPACT:

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

RECOMMENDATION:

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

BACKGROUND/DISCUSSION:

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

- Delete reference to flea market; (completed)
- Existing exterior of building to be preserved to extent practical (explain if accessible apartment is a new structure and if so need to comment on design of accessible residential unit)
- Liquor licenses are limited to SRX and 2COP, but catered events can have alcohol served by the caterer; (completed)
- Hours of operation to be 7AM — 11PM; (completed)
- No subdivision of the property, applicant will maintain unified ownership and preserve the right to "condominiumize" the residential units; (completed)
- Minimum standards will be modified to identify that existing building will maintain a minimum of 15 residential units; (completed)
- Remove reference to loft in the residential definition; (completed)
- Plaque or monument to identify the history of building (being considered by applicant, needs details from the city);
- Provide parking comparison of required vs provided (working with staff to prepare comparison);
- Describe landscaping to be maintained as currently on site; (completed) and
- Verify amount of impervious surface and actual height of buildings. (completed)

ORDINANCE NO. 2022 - 15

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED AND DULY ADOPTED this 15th day of August, 2022.

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading: June 20, 2022
Adopted on second reading: August 15, 2022

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

EXHIBIT "A"
Legal Description

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

1.45 ACRES, MORE OR LESS

PLANNED DEVELOPMENT AGREEMENT

IN THE CITY COMMISSION OF THE

CITY OF DELAND, FLORIDA

IN RE: Case #Z22-__ Application of

NORTHWESTSQUARE LLC

ORDINANCE # _____

ORDER AND RESOLUTION

GRANTING A REQUEST FOR CHANGE OF ZONING FROM R-1B TO

NORTH WEST SQUARE PD

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

GENERAL FINDINGS

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

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

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

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

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

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

15 FINDINGS REGARDING REZONING 16

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

21 B. That the said rezoning to North West Square PD is consistent with both the
22 City of DeLand Comprehensive Plan Ordinance No. 1990-04, as amended, and the intent
23 and purpose of the City of DeLand Land Development Regulations Ordinance No. 2013-
24 11, as amended, and does promote the public health, safety, morals, general welfare and

1 orderly growth of the area affected by the rezoning request.

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

7
8 A. That the Application of Northwestsquare LLC for the rezoning of the subject
9 parcel is hereby granted.

10
11 B. That the zoning classification of the subject parcel described in Exhibit "A"
12 attached hereto is hereby amended from R-1B to North West Square PD as described in
13 Article VII of the City of DeLand, Land Development Regulations Ordinance No. 2013-11,
14 as amended.

15
16 C. That the Official Zoning Map of the City of DeLand is hereby amended to
17 show the rezoning of said parcel to North West Square PD.

18
19 D. That the City of DeLand Land Development Regulations Ordinance No.
20 2013-11, as amended, is consistent with the provisions of the "Development Agreement"
21 as hereinafter set forth in this Ordinance and with respect to any conflict between Land
22 Development Regulations Ordinance No. 2013-11, as amended, and the "Development
23 Agreement", the provisions of the "Development Agreement" shall govern. Ordinance
24 No. 2013-11, as amended, shall govern with respect to any matter not covered by the

1 "Development Agreement." The City of DeLand will ensure overall compliance with this
2 Ordinance.

3
4 E. Unless otherwise provided for herein, the C-1 limited neighborhood
5 commercial zoning district of the City of DeLand Land Development Regulations
6 Ordinance No. 2013-11, as amended, shall apply to the PD.

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

DEVELOPMENT AGREEMENT

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

1. Planned Development Plan The Planned Development Plan shall consist of the Development Plan Map prepared by KMA Design Group, LLC dated May 31, 2022 and this Development Agreement. The Development Plan Map 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. Final Site Plan Approval. After the Planned Development Plan is recorded, and prior to issuance of any permits for construction, including clearing and landfill, a final site plan shall be prepared and submitted for review and approval in the manner required by Article XII of the City of DeLand, Land Development Regulations Ordinance No. 2013-11, as amended.

1 B. Unified Ownership. The Applicant or his successors shall maintain unified
2 ownership of the subject parcel except that all or a portion of the Property may be put into
3 condominium ownership.

4
5 C. Phases of Development. This is an existing building that is being
6 redeveloped and phasing is therefore not an issue.

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

13
14 Permitted Uses:

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

16 Bed and breakfast homestay.

17 Churches, houses of worship, and religious institutions, with their customary

18 accessory educational and recreational uses and buildings.

19 Day care facilities.

20 Family day care home.

21 General/Professional Offices.

22 Grocery.

23 Mini and neighborhood parks.

24 Multiple-family dwellings.

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

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

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

5 Special events may include alcohol with a licensed caterer requiring a 3PS or
6 4COP license.

7 Retail sales, including merchandising barns.

8 Theatres and assembly halls.

9
10 E Development Standards for Residential.

11 1. Minimum Floor Area:

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

18
19 2. Minimum yard size (building): As existing on date
20 of this Agreement.

21 3. Maximum building height: 65 ft.

22 4. Maximum Dwelling Units: 15 within existing
23 building

24 5. Maximum Impervious surface: 60%

25 6. Off-street parking requirements: The Property shall consist of a
26 minimum of 40 parking spaces and an additional 4 handicap spaces.

27 7. Signage requirements: Signage provided per the Land Development
28 Regulations.

29 8. Landscape buffer requirements: As existing on the Property as of the

1 date of this Agreement.

2
3 Development Standards for Non-Residential.

- 4 1. Minimum lot area: 1,000 sq. ft.
5 2. Minimum yard size (building): As is existing on the date of
6 this Agreement.
7 3. Maximum building height: 65 ft.
8 4. Off-street parking requirements: The Property shall consist of a
9 minimum of 40 parking spaces and an additional 4 handicap spaces.
10 Large events may require shuttles or other modes of transportation
11 to and from remote parking lots to provide for additional parking.
12 5. Landscape buffer requirements: As is existing on the Property on the
13 date of this Agreement.
14 6. Maintenance of Building Exterior: The existing exterior of the
15 building shall be preserved to the extent practicable.
16

17 F. Environmental Considerations. The development shall comply with the
18 requirements for preservation of environmental resources as set forth in the Land
19 Development Regulations Ordinance No. 2013-11, as amended unless specifically stated
20 herein.
21

22 G. Sewage Disposal and Potable Water. Provision for sewage disposal and
23 potable water needs of the North West Square PD will be provided in accordance with
24 the Comprehensive Plan, Ordinance No.1990-04, as amended, the Land Development
25 Regulations Ordinance No. 2013-11, as amended, and State of Florida Administrative
26 Code 64E-6.
27

28 H. Stormwater Drainage. Provision for stormwater retention shall be in

1 accordance with the Land Development Regulations Ordinance No. 2013-11, as
2 amended.

3
4 I. Access and Transportation System Improvements. All access and
5 transportation system improvements shall be provided in accordance with the Land
6 Development Regulations, Ordinance No. 2013-11, as amended. The parcel shall be
7 developed in substantial accordance with the following access and transportation system
8 improvements:

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

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

15
16 J. Reverter Provision: If a final site plan is not issued and a certificate of
17 completion for all improvements required thereby issued within five (5) years of the date
18 of this Development Agreement, then this Agreement shall automatically terminate and
19 be of no further force or effect.

20
21 K. Binding Effect of Plans; Recording; and Effective Date. The Planned
22 Development Plan, including any and all amendments shall bind and inure to the benefit
23 of the Applicant and his successor in title or interest. The North West Square PD zoning,
24 provisions of the "Development Agreement," and all approved plans shall run with the

1 land and shall be administered in a manner consistent with Article 12 of the City of DeLand
2 Land Development Regulations Ordinance No. 2013-11, as amended.

3
4 This Ordinance and all subsequent amendments shall be filed with the Clerk of the
5 Court and recorded within forty-five (45) days following execution of the document by the
6 City Commission, in the Official Records of Volusia County, Florida. One copy of the
7 document, bearing the book and page number of the Official Record in which the
8 document was recorded, shall be submitted to the Planning Department for placement in
9 the public file. The date of recording of this document shall constitute the effective date
10 of the North West Square PD or its subsequent amendments. The applicant shall pay all
11 filing costs for 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 WITNESSES:
2
3

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

9 STATE OF FLORIDA
10 CITY OF DELAND
11

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

19 NOTARY PUBLIC, STATE OF FLORIDA
20 Type or Print Name:
21

22 _____
23 Commission No.: _____
24 My Commission Expires: _____
25
26

1 WITNESSES:
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9

Robert Kellogg, Trustee Chair of
Trinity Methodist Church

10
11
12 STATE OF FLORIDA
13 CITY OF DELAND
14

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

21
22 NOTARY PUBLIC, STATE OF FLORIDA
23 Type or Print Name:
24

25 Commission No.: _____

26 My Commission Expires: _____
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EXHIBIT "A"
Legal Description

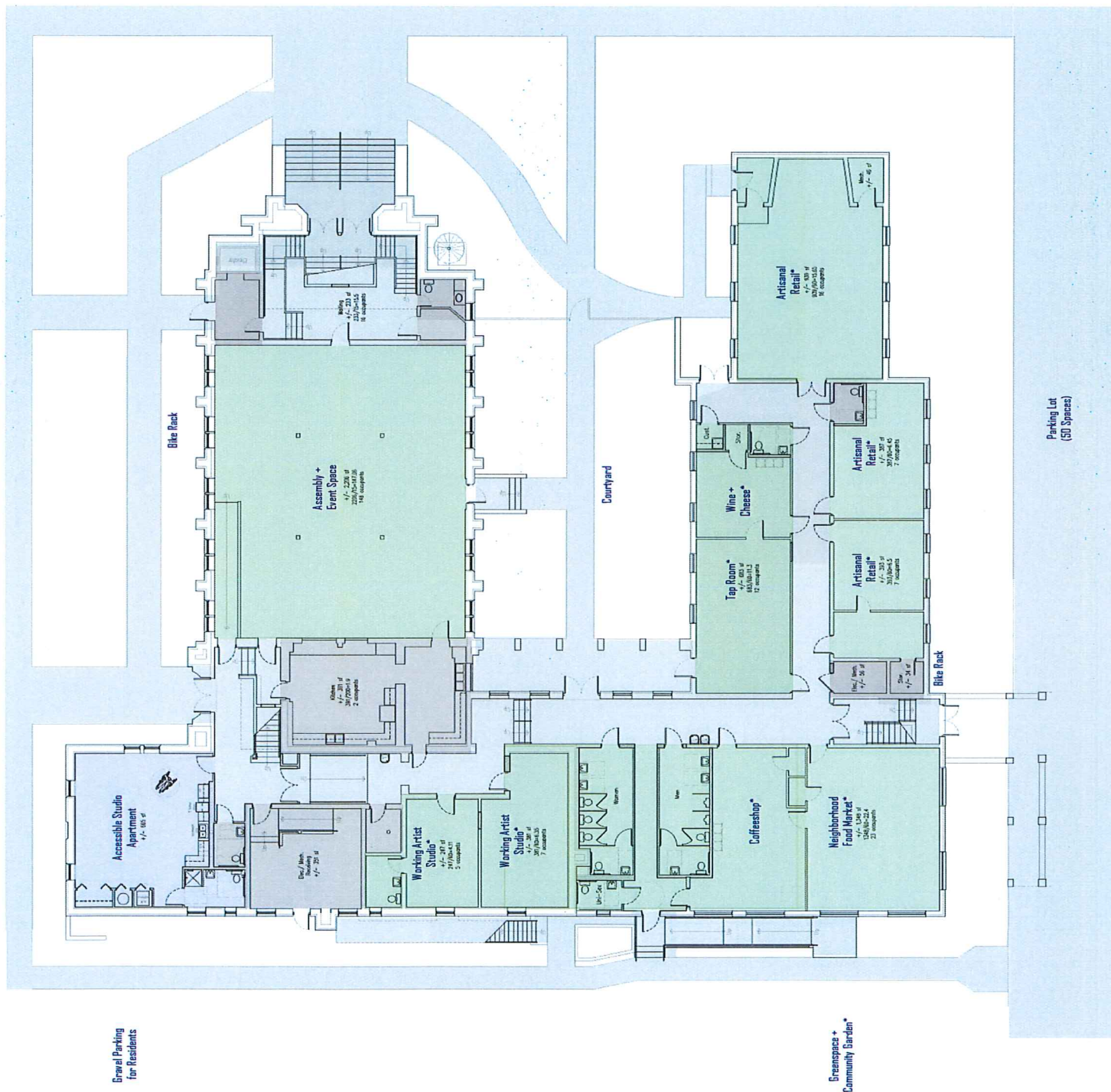
E 227.5 FT OF LOT A & E, 227.5 FT OF N 57 FT & S 75 FT OF LOT 8 BLK 7 RICHES
ADD DELAND

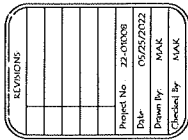
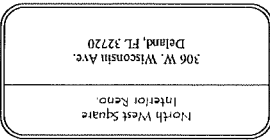
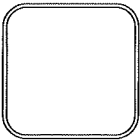
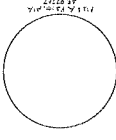
1.45 ACRES, MORE OR LESS

EXHIBIT

B

tabbies®





Project Development Documents

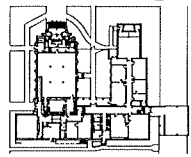
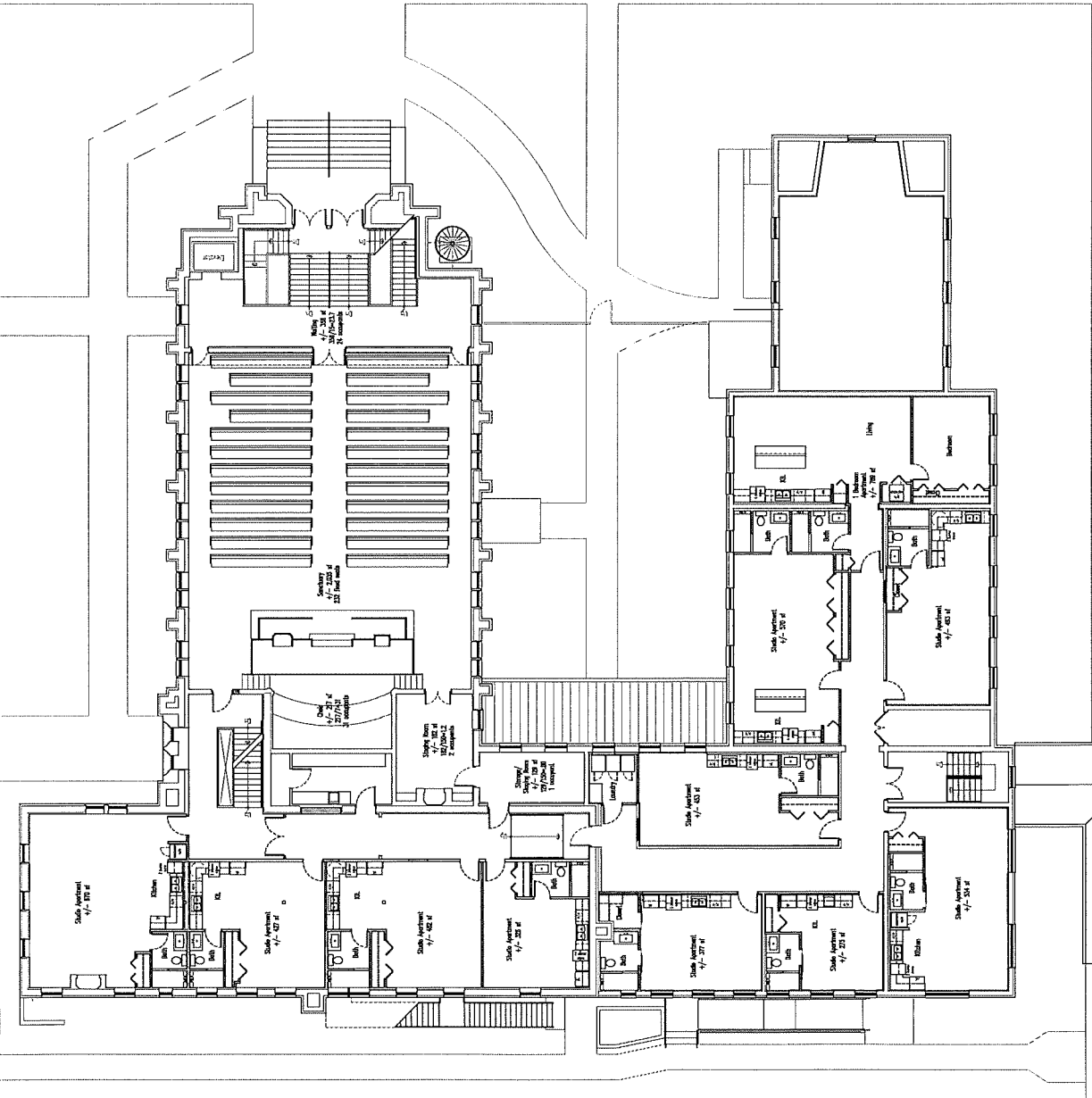


KEY PLAN

Second Floor - Renovation Floor Plan

1 ASD

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



N

2nd Floor Renovation Plan

A102

Not For Construction

2nd Floor Renovation Plan

Project No. 22-010008

Date: 05/25/2022

Drawn By: MAAK

Checked By: MAAK

306 W. Wisconsin Ave.

Interior Reno

Deland, FL 32720

1/16/2022

1/16/2022

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1/16/2022



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

May 18, 2022

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

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

APPLICABLE ORDINANCES:

Article XII

ADMINISTRATION AND ENFORCEMENT

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

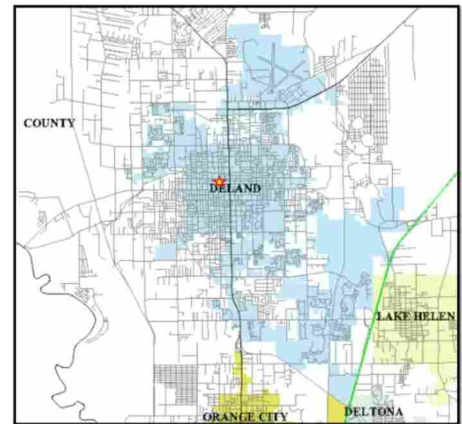
Location: 306 W. Wisconsin Ave.

Parcel Size: 1.45 ± acres

Existing Use: (vacant) Church

B. ANALYSIS:

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



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

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

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

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

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

The existing zoning designations are described as follows:

City of DeLand: R-1B Single Family

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

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

The proposed zoning designation is generally described as follows:

North West Square PD – Planned Development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Was there a mistake in the original classification?

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

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

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

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

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

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

C. CONCLUSION:

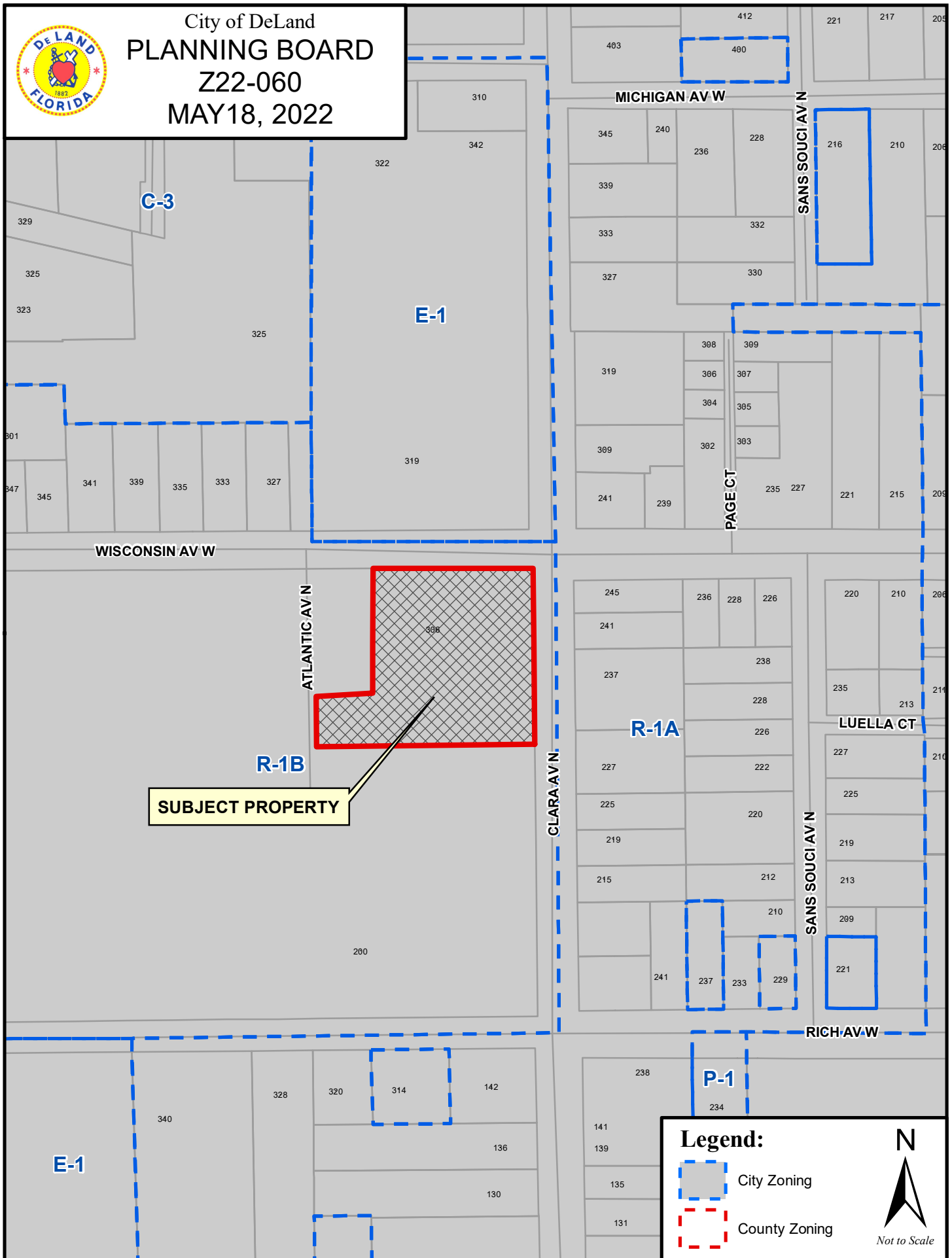
This rezoning request generally aligns with the pattern of development in the surrounding area owing largely to the fact that it is an existing structure. Reuse of the historic building is an acceptable use for the property and owing to the fact that the area is listed on the National Register of historic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

D. STAFF RECOMMENDATION:

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



City of DeLand
PLANNING BOARD
Z22-060
MAY18, 2022





City of DeLand
PLANNING BOARD
Z22-060
MAY18, 2022



CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: Second Reading of Ordinance No. 2022-16, Changing the Zoning from Royal Oaks Planned Development PD to City of DeLand's E-1, Educational District on Property Located on the West Side of North Summit Avenue, Across from Daytona State College for an Administrative Rezone of 1.45 Acres of Property.

DEPARTMENT: Planning

PREPARED BY: Mike Holmes, Planning Director

ATTACHMENTS: ORD-2022-16 COZ Royal Oaks Education, Exhibit A - Legal Description & Sketch of Survey , SR-Z22-075 Staff Report, Z22-075 Zoning and Location Map, Z22-075 Aerial Map

APPROVED BY: Michael Pleus, City Manager, August 10, 2022

SUMMARY/HIGHLIGHT:

The City of DeLand has negotiated an agreement with the owner of the subject property to exchange it for an equally sized portion of a parcel owned by the City along Kepler Road/Martin L. King Boulevard. The intent is to facilitate construction of the future Beresford Avenue Extension to SR 44. The E-1, Educational zoning classification is permitted under all Land Use categories, allowing this zoning change without a Comprehensive Plan amendment.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Priorities for 2021-2022 include:

Improve our gateways

Increase our investment in infrastructure

Strategic Focus Area: Institute Smart Growth Principles

Community Consistent Growth

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

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

SUSTAINABILITY:

City of DeLand Sustainability Action Plan

Strategic Hypothesis #2: Mobility

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

Strategy: Efficient transportation

FISCAL IMPACT:

N/A

RECOMMENDATION:

It is recommended that the City Commission approve on second reading the administrative rezone of the subject property from Royal Oaks Planned Development, to E-1, Education.

BACKGROUND/DISCUSSION:

Please refer to staff report.

ORDINANCE NO. 2022 - 16

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

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

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

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

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

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

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

See legal description attached hereto as Exhibit "A"

Tax Parcel Identification No. 702400000024

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

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

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

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

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

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

PASSED AND DULY ADOPTED this 15th day of August, 2022.

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading: June 20, 2022
Adopted on second reading: August 15, 2022

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION:

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

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

CONTAINING 1.46 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

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

SKETCH ON SHEET 1 OF 2

SHEET 2 OF 2

PREPARED FOR:
DELFA INVESTMENT PROPERTIES

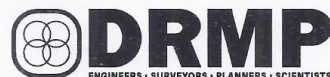
DATE: 12/07/05 SCALE: 1"=60'

PROJECT #: 05-0714.000

DESIGN: WJD CHECKED: ALQ

DATE

REVISIONS



ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS

Phone: (407) 896-0594

L.B. #2648

1505 East Colonial Drive - Orlando, Florida 32803

LEGEND & ABBREVIATIONS:

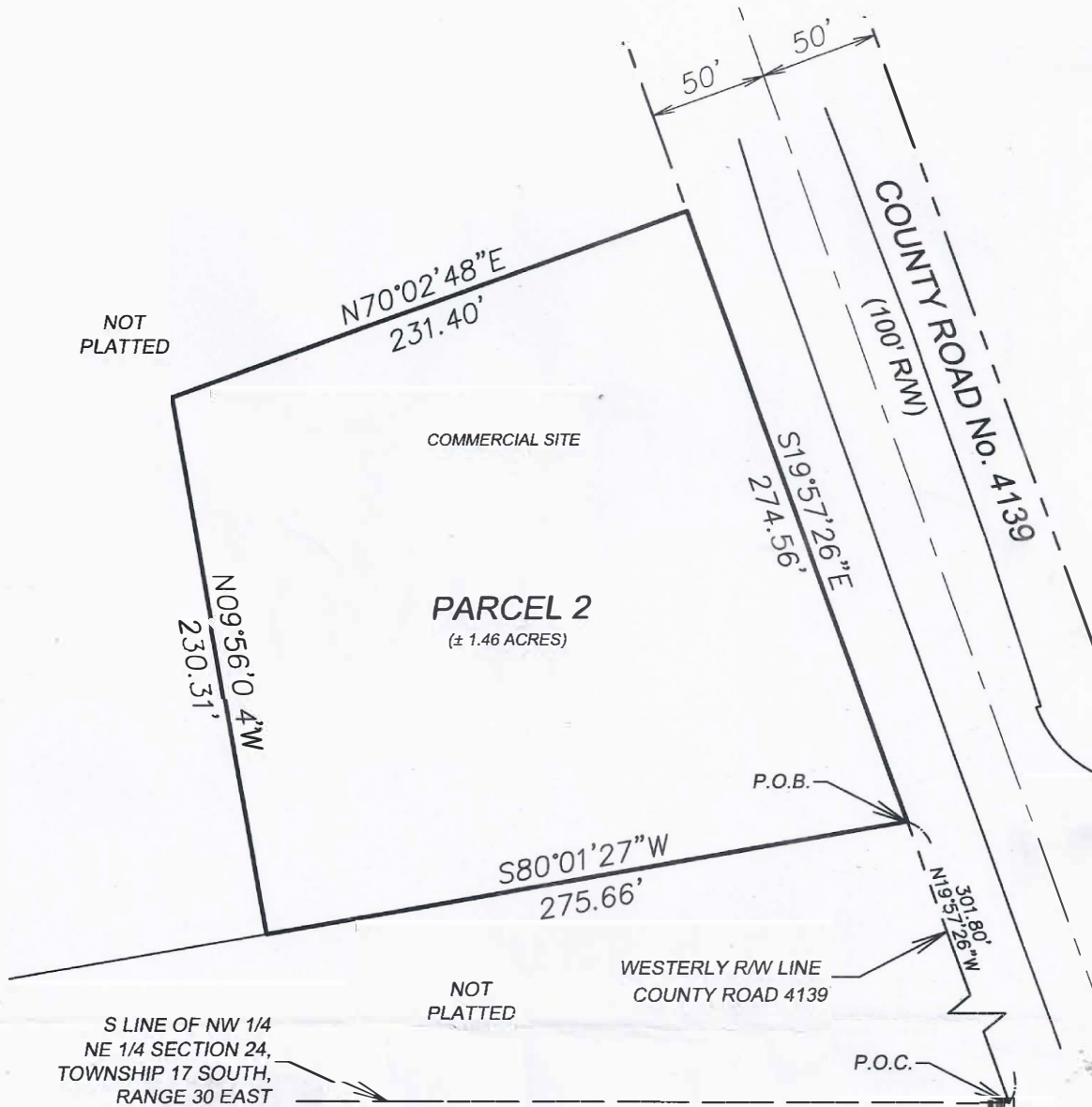
RCP	=	REINFORCED CONCRETE PIPE
CMP	=	CORRUGATED METAL PIPE
No.	=	NUMBER
P.O.C.	=	POINT OF COMMENCEMENT
P.O.B.	=	POINT OF BEGINNING
WBF	=	WOOD BOARD FENCE
HWF	=	HOG WIRE FENCE
CLF	=	CHAIN LINK FENCE
R/W	=	RIGHT OF WAY
I.P.	=	IRON PIPE
I.R.	=	IRON ROD
C.C.R.	=	CURB CUT RAMP
SEC.	=	SECTION
I.D.	=	IDENTIFICATION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

GRAPHIC SCALE



(IN FEET)

1 INCH = 60 FEET



MAP OF DESCRIPTION

SHEET 1 OF 2

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

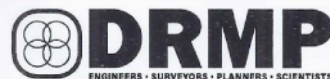
DATE: 12/07/05 SCALE: 1"=60'

PROJECT #: 05-0714.000

DESIGN: WJD CHECKED: ALQ

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

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



Phone: (407) 896-0594

L.B. #2648

1505 East Colonial Drive • Orlando, Florida 32803

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

APPLICATION NO.: Z22-075

APPLICANT: City of DeLand

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

APPLICABLE REGULATIONS:

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

A. SITE FACTORS:

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

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

B. ANALYSIS:

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

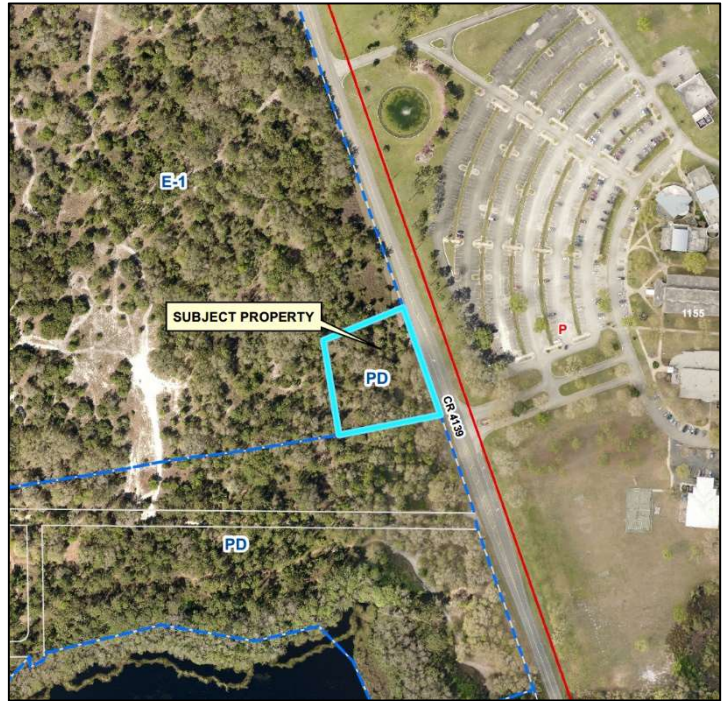
The transaction will transfer ownership of the subject property from Deprop LLC to the City of DeLand, while at the same time transferring ownership of the City-owned parcel to Deprop LLC. The parcel that will be transferred to Deprop LLC is ±1.3 acres and is generally located on the east side of Dr.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

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

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

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

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



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

This request is for an amendment to the zoning designation only, and an offic

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

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

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

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

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

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

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

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

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

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

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

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

C. CONCLUSION:

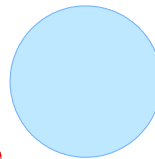
The request is to rezone the subject property to E-1 (Education) as part of a land swap between Deprop LLC and the City of DeLand.

D. STAFF RECOMMENDATION:

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



City of DeLand
City Commission
Z22-075
JUNE 20, 2022



E-1

SUBJECT PROPERTY

P

Royal Oaks
PD

CR 4139

Park Lake Estates
PD

Summit Place
PD

Legend:

-  City Zoning
-  County Zoning





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



CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: Second Reading of Ordinance No. 2022-17, Changing the Land Use of Approximately 0.949 Acre of Property, Located at the Southeast Corner of Dr. Martin Luther King, Jr. Beltway and Beresford Avenue Extension; from Low Density Residential to Commercial Highway.

DEPARTMENT: Planning

PREPARED BY:

ATTACHMENTS: ORD-2022-17, Exhibit A - Legal Description & Sketch of Survey, SMLU22-076 Proposed Land Use Map, VGMC Consistency Certification Letter, SMLU22-076 Staff Report, SMLU22-076 Current Land Use Map, SMLU22-076 Zoning and Location Map, SMLU22-076 Aerial Map

APPROVED BY: Michael Pleus, City Manager, August 10, 2022

SUMMARY/HIGHLIGHT:

This is the second reading of the Ordinance for an administrative Comprehensive Plan Amendment, changing the land use from Low Density Residential, to Highway Commercial, for approximately 0.949 acres of property, located at the SE corner of Dr. Martin Luther King Jr. Btwy. & Beresford Ave. Extension. This land use amendment is needed to facilitate the City's plan to construct the future Beresford Extension to SR 44. As part of the plan, the City has negotiated an agreement to exchange this U-shaped City-owned property with the intention of combining the subject property with the adjacent property to create a larger commercial parcel. This action will help facilitate the construction of the future Beresford Avenue Extension eastward to SR 44.

At their May 18, 2022 meeting, the Planning Board recommended approval. The City Commission approved the application on first reading at their June 6, 2022 meeting. The application has been approved by the Volusia Growth Management Commission (VGMC), which allows the City to adopt the land use amendment.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Priorities for 2021-2022 include:

- Improve our gateways
- Increase our investment in infrastructure

Strategic Focus Area: Institute Smart Growth Principles

Community Consistent Growth

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

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

SUSTAINABILITY:

City of DeLand Sustainability Action Plan

Strategic Hypothesis #2: Mobility

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

Strategy: Efficient transportation

FISCAL IMPACT:

N/A

RECOMMENDATION:

It is recommended that the City Commission approve on second reading the administrative comprehensive plan amendment, changing the land use of the subject property from Low Density Residential, to Highway Commercial.

BACKGROUND/DISCUSSION:

Please see staff report.

ORDINANCE NO. 2022 - 17

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED AND DULY ADOPTED this 15th day of August, 2022.

Robert F. Apgar
Mayor - Commissioner

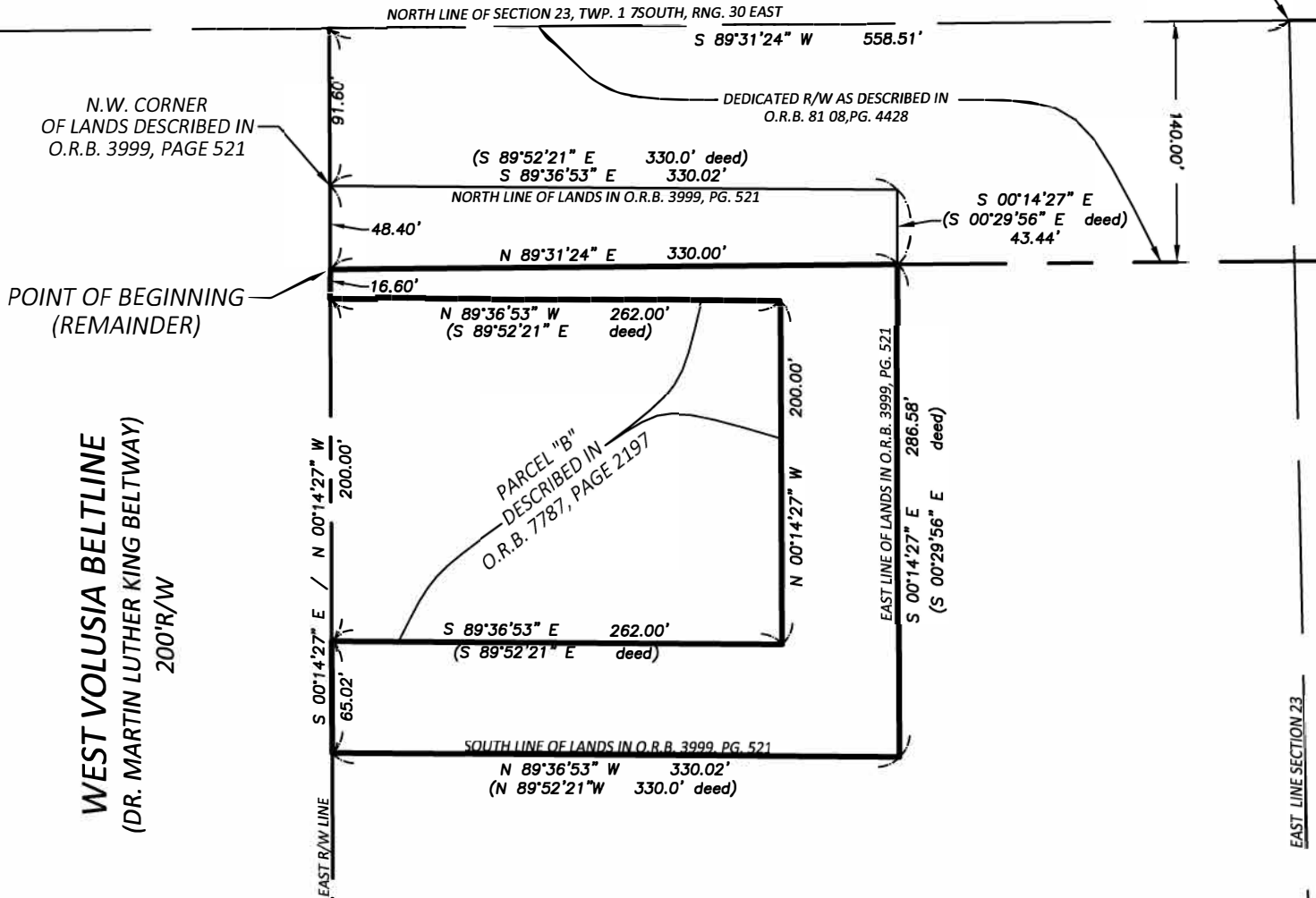
ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading: June 20, 2022
Adopted on second reading: August 15, 2022

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

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

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

REVISED:

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

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



COUNTY OF VOLUSIA
 PUBLIC WORKS DEPARTMENT
 CONSTRUCTION ENGINEERING
 SURVEY DIVISION

123 W. INDIANA AVE. DELAND, FL 32720
 PHONE 1-386-736-5967 FAX 1-386-822-5736

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

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

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

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

SKETCH NOTES:

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

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

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

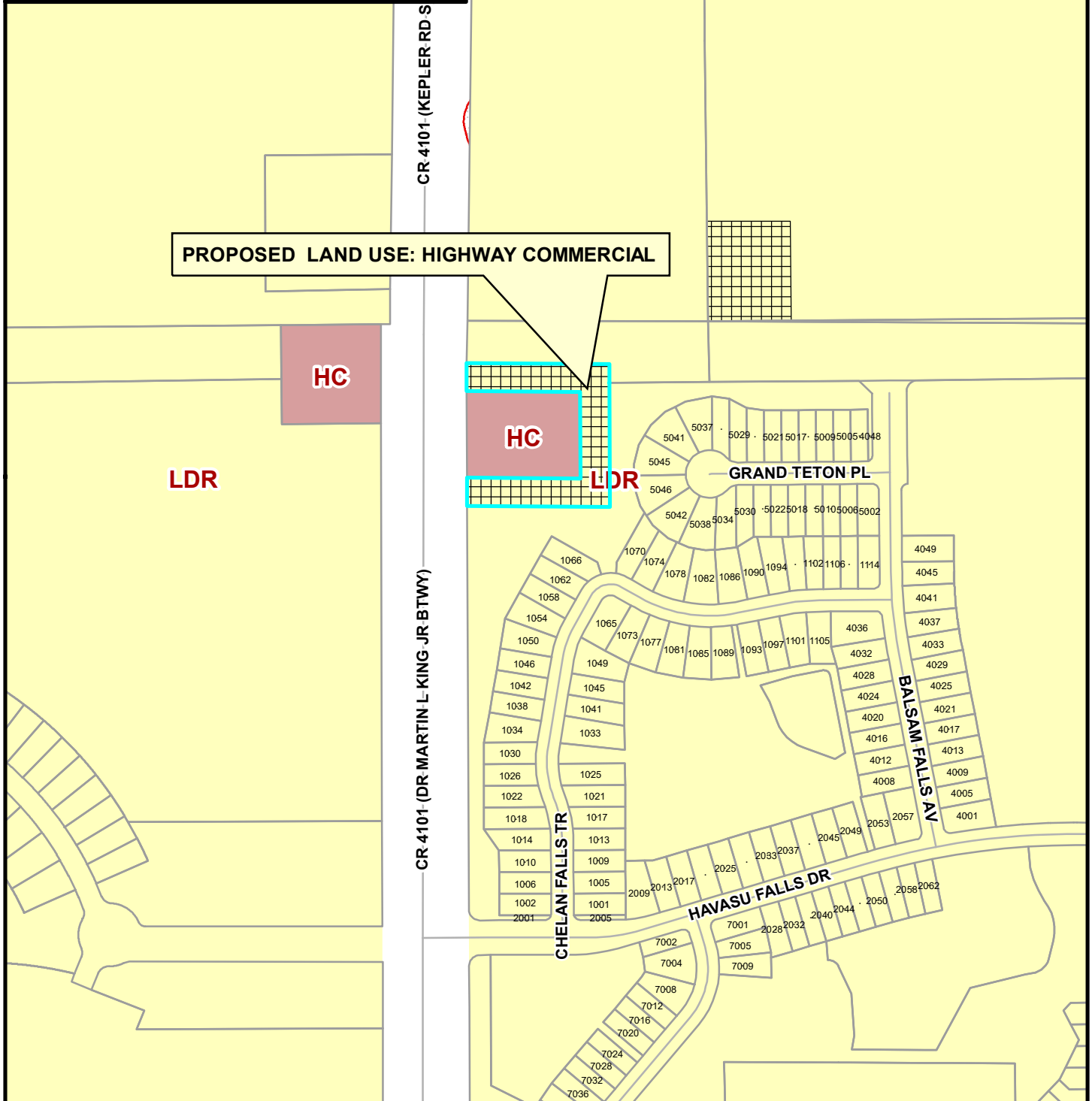


COUNTY OF VOLUSIA
PUBLIC WORKS DEPARTMENT
CONSTRUCTION ENGINEERING
SURVEY DIVISION
123 W. INDIANA AVE. DELAND, FL 32720
PHONE 1-386-736-5967 FAX 1-386-822-5736

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



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



DeLand Future Land Use:

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





Volusia Growth Management Commission

July 21, 2022

Mike Holmes, Planning Director
City of DeLand
120 S. Florida Avenue
DeLand, FL 32720

RE: City of DeLand Small Scale Amendments
VGMC Case #22-041 – SMLU22-061, 306 W. Wisconsin Avenue
VGMC Case #22-042 – SMLU22-076, East side of Dr. Martin Luther King Jr. Beltway
Certificate of Consistency

Dear Mr. Holmes,

VGMC Case Nos. 22-041 and 22-042 qualify for certification in accordance with Chapter 90, Article II. of the Volusia County Code of Ordinances, Volusia Growth Management Commission Consistency Certification Rules and Organization. Based upon the lack of objection filed by another unit of local government, VGMC Case Nos. 22-041 and 22-042 are hereby deemed certified as consistent effective July 20, 2022 without the need for a public hearing.

The Volusia Growth Management Commission appreciates the efforts of the City of DeLand to further intergovernmental cooperation and coordination in Volusia County. If you have any questions regarding this matter, please do not hesitate to call me.

Sincerely,

Sid Vihlen, Jr.
VGMC Chairman

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

May 18, 2022

A. APPLICATION NO.: SMLU22-076

APPLICANT: City of DeLand

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

B. SITE FACTORS:

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

Parcel ID #: 7023-00-00-0013

Parcel Size: ± .93 acres

Land Use: Low Density Residential

Existing Use: Vacant, undeveloped

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

C. REQUESTED ACTION & HISTORY:

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

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

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

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

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

D. ALTERNATIVES & ANALYSIS:

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

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

The City's Utilities Department states that there is a 12" water main running along the east side of Dr. Martin Luther King Jr. Beltway in front of the property. An 8" sewer main is also available to the north of Beresford Road Extension.

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

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

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

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

The City can provide an adequate LOS of Police service.



2. Compatibility with Land Use and Other Elements: The Future Land Use element requires that the subject property be consistent with surrounding development. Per the City of DeLand Comprehensive Plan, Highway Commercial (HC) land use designation is typified by "office uses, as well as service-oriented and commercial establishments which provide retail and related goods and services to local/sub-regional and regional markets". Development may include office complexes, high schools, neighborhood-convenience and shopping centers. Areas of residential dwelling units may be permitted, but they are limited to multi-family and manufactured developments, restricted to 16 dwelling units per acre.

3. Future Land Use Map: The proposed change in the land use designation to Highway Commercial will be shown on the revised Future Land Use Map.

4. **Location of Lakes, Floodplains, and Wetlands:** The property does not appear to contain bodies of water, however the County's interactive map shows that there may be a portion of property that lines within a designated floodplain and/or wetland.
5. **Analysis of Natural Resources:**
 - a. *Soil types:*
Astatula Fine Sand, 0-8% slope
Immokalee sand, depressional
 - b. *Presence of Endangered Species:* None known of at this time.
6. **Existing and Future Impact upon Infrastructure Capacity:**
 - a. *Water* – The City's Utility Department indicates sufficient water supply is available for the proposed use.
 - b. *Sewer* – The City's Utility Department has indicated sufficient existing capacity.
 - c. *Drainage* – The City adheres to the County's 100-year frequency, 24-hour storm event standard for landlocked basins. Stormwater capture for future development will be addressed on-site.
 - d. *Solid Waste* – Solid waste services are available for the property.
 - e. *Transportation* – Staff does not have an estimate of future traffic generations as a site plan has not been submitted. Per 2018 Volusia County Traffic Counts, this segment of Martin Luther King Jr. Beltway (W. Volusia Bltwy). has a current Daily LOS of "C", and an Allowable LOS of "E".
 - f. *Fire/Rescue Service* – The City can provide an adequate LOS of Fire/Rescue service.
 - g. *Police Service* - The City can provide an adequate LOS of Police protection.
7. **Impact upon Recreation and Open Space:** No need for new recreational facilities is anticipated.
8. **New Public Facilities Needed to Serve Land Use:** No need for new public facilities is anticipated.
9. **Impact Upon Existing Deficiencies:** As identified in the City's Comprehensive Plan, drainage is the only existing deficiency within the City. Any future development on this site will be required to manage its own stormwater.
10. **Impact upon Ability of the City to Fund Capital Improvements:** The development should not create an additional impact upon the City's ability to fund the projects listed in the adopted Five-Year Capital Improvement Program.

11. **Impact upon Adopted Five-Year Schedule in Capital Improvements Element:** The proposed land use amendment will not require revision to the City's adopted Five-Year Capital Improvement Program.
 12. **Compatibility with Existing Zoning Classification:** The existing zoning classification will be amended upon approval of the land use amendment to C-2 (General Commercial) which is compatible with the parcel that it is being combined with.
 13. **Will the proposed land use change impact schools?** The proposed amendment is to Highway Commercial; although HC does allow for multi-family residential uses, the zoning is being requested to change to C-2.
 14. **How does this proposal fit with the guidelines developed for DeLand 2050 and the City's Strategic Plan?**
 - a. Located in the Retaining Existing Zoning (Category 1) – i.e. “contributes to sustainability and increases economic opportunities (not residential)” – *Consistent*
 - b. DeLand 2050 Land Use Guidelines:
 4. “Use design standards to preserve sense of place and to improve Gateway appearances” – *Consistent; this parcel is located within the Emerging Gateway Corridor. When developed, design shall follow those standards in the code regarding the corridor.*
- E. **CONCLUSION:** The Applicant is proposing an amendment to the land use designation as part of a property swap between the City and adjacent property owner. The proposed designation is acceptable as presented and is consistent with the development pattern of the surrounding area.
- F. **STAFF RECOMMENDATION:** Staff recommends approval of the proposed amendment of the subject property's future land use designation to Highway Commercial.

G. VGMC INFRASTRUCTURE IMPACT ASSESSMENT:

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

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

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

Table 4. Impact Analysis (Theoretical Max.)

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

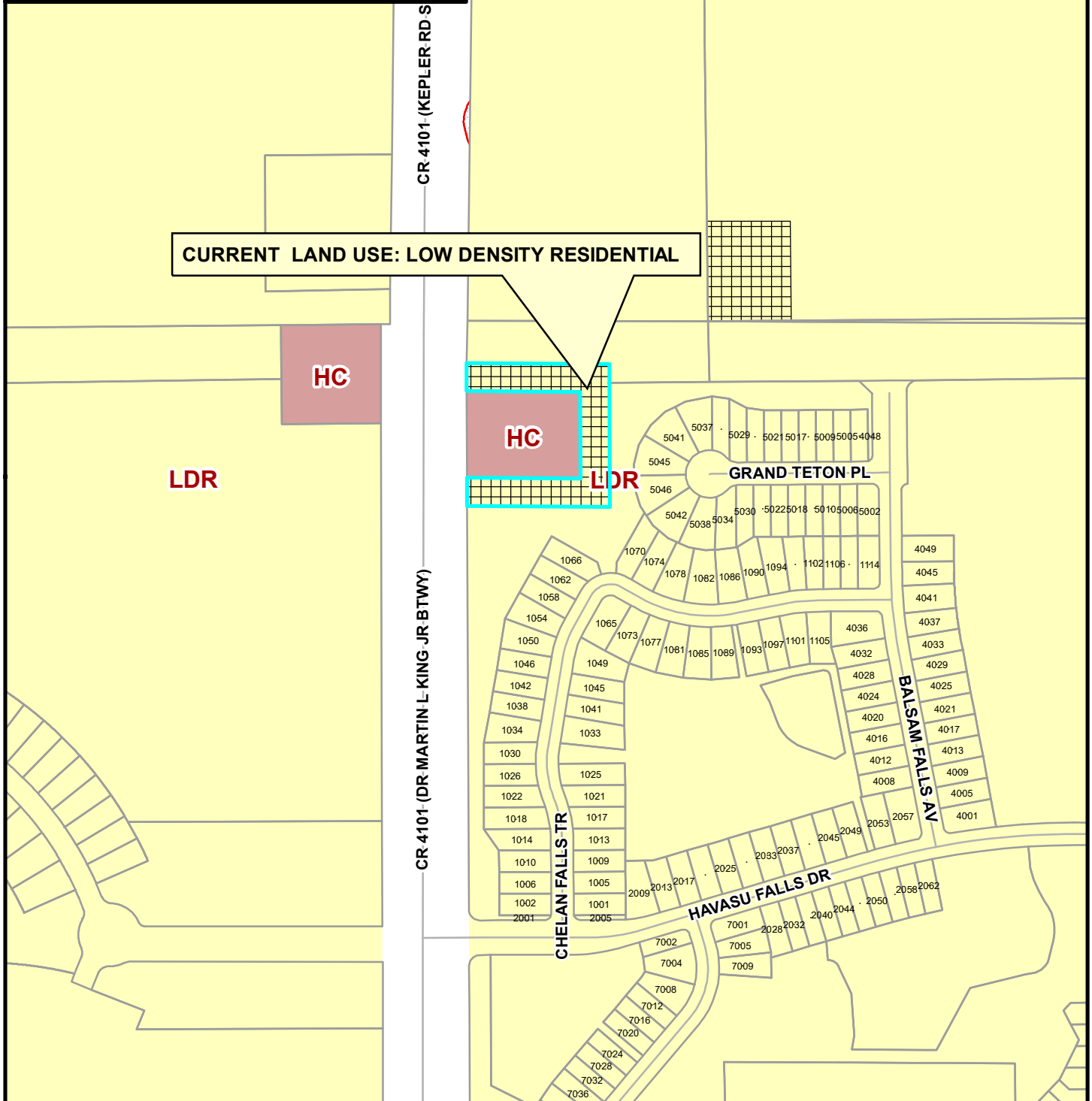
Notes:

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

The proposed amendment results in increased impacts to all public infrastructure and services based on the theoretical maximum impact analysis. However, due to the configuration of the property, staff does not anticipate any proposed development could achieve the theoretical maximums, thus reducing any possible impacts.



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



DeLand Future Land Use:

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





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





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



CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: Second Reading of Ordinance No. 2022-18, Changing the Zoning from Royal Oaks PD, to C-2, General Commercial, for Approximately 0.949 Acre of Property, Located at the Southeast Corner of Dr. Martin Luther King Jr. Beltway and Beresford Avenue Extension.

DEPARTMENT: Planning

PREPARED BY: Mike Holmes, Planning Director

ATTACHMENTS: ORD-2022-18 COZ Martin King, Exhibit A - Legal Description & Sketch of Survey, Z22-077 Staff Report, Z22-077 Zoning and Location Map, Z22-077 Aerial Map

APPROVED BY: Michael Pleus, City Manager, August 10, 2022

SUMMARY/HIGHLIGHT:

The City of DeLand has negotiated an agreement with Deprop LLC to exchange this subject city-owned parcel for an equally sized parcel along CR 4139 owned by Deprop. The intent is to facilitate construction of the future Beresford Avenue Extension to SR 44. The transaction will transfer ownership of the subject property from the City of DeLand to Deprop LLC, while at the same time transferring ownership of the Deprop LLC parcel (along CR 4139) to the City of DeLand. The parcel that will be transferred to Deprop LLC is approximately 0.949 acres and is generally located on the east side of Dr. Martin Luther King Jr. Beltway, north of Havasu Falls Drive.

Currently, the subject property is part of the Royal Oaks PD. If approved, this rezone will change the zoning to C-2, General Commercial, and will be consistent with the adjoining C-2 property, also located on Dr. Martin Luther King Jr. Beltway. An associated application to amend the future land use from Low Density Residential to Highway Commercial (SMLU22-076) will be adopted prior to the rezoning being completed.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Priorities for 2021-2022 include:
Improve our gateways
Increase our investment in infrastructure

Strategic Focus Area: Institute Smart Growth Principles
Community Consistent Growth
Action Step 9: Review land development regulations and policies and incorporate principles that encourage smart growth and redevelopment.
Action Step 10: Develop transportation mobility strategy which may include traffic congestion management approach.

SUSTAINABILITY:

City of DeLand Sustainability Action Plan Strategic Hypothesis #2: MobilityCommunities which can move

people, goods and information faster and cheaper will have a competitive advantage.Strategy: Efficient transportation

FISCAL IMPACT:

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

RECOMMENDATION:

It is recommended that the City Commission approve on second reading the administrative rezone of the subject property from Royal Oaks Planned Development, to C-2,General Commercial.

BACKGROUND/DISCUSSION:

Please refer to staff report.

ORDINANCE NO. 2022 - 18

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

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

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

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

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

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

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

See legal description attached hereto as Exhibit "A"

Tax Parcel Identification No. 702300000013

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

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

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

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

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

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

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

PASSED AND DULY ADOPTED this 15th day of August, 2022.

Robert F. Apgar
Mayor - Commissioner

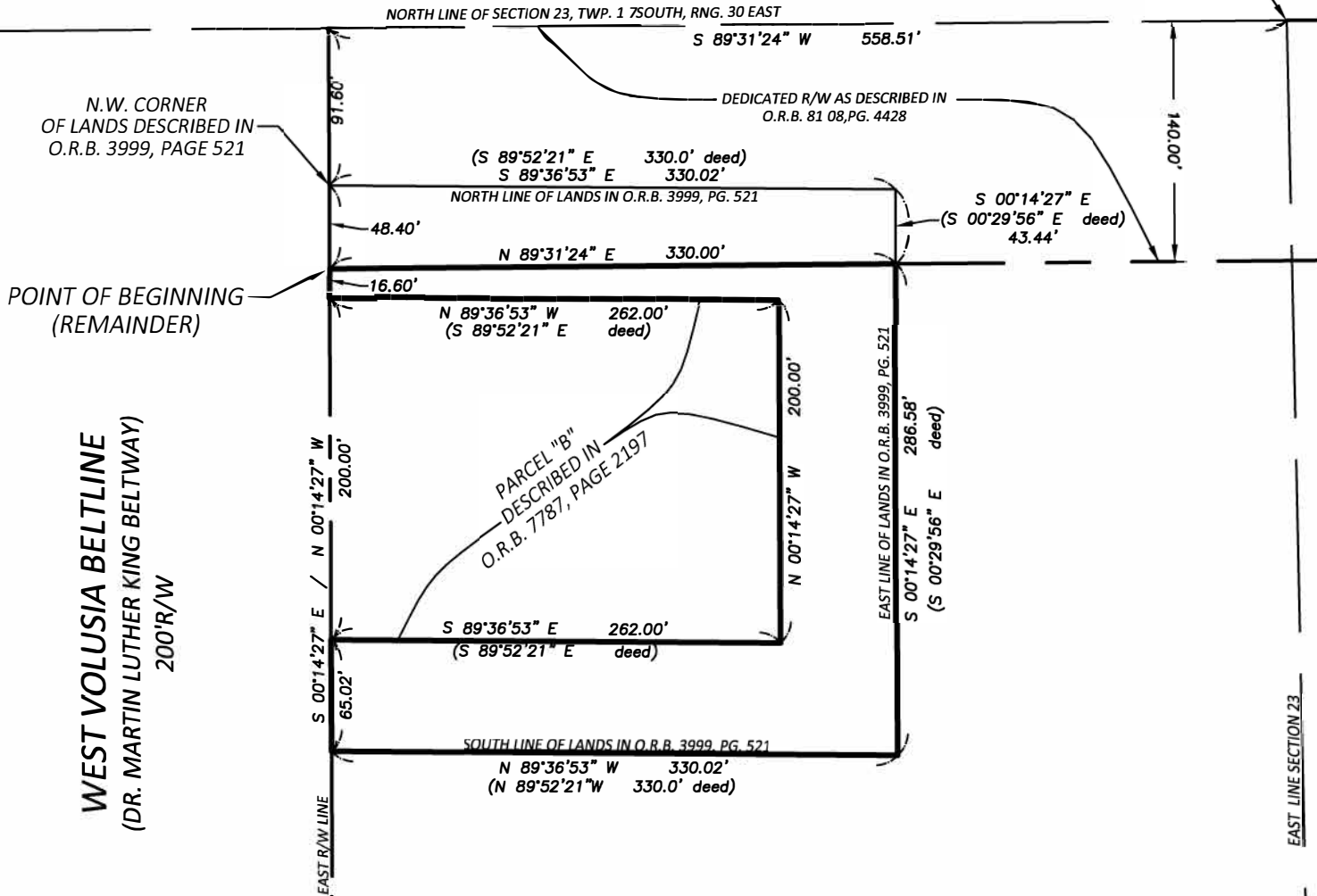
ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading: June 20, 2022
Adopted on second reading: August 15, 2022

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

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

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

REVISED:

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

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



COUNTY OF VOLUSIA
 PUBLIC WORKS DEPARTMENT
 CONSTRUCTION ENGINEERING
 SURVEY DIVISION

123 W. INDIANA AVE. DELAND, FL 32720
 PHONE 1-386-736-5967 FAX 1-386-822-5736

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

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

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

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

SKETCH NOTES:

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

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

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



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

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

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

APPLICATION NO.: Z22-077

APPLICANT: City of DeLand

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

APPLICABLE REGULATIONS:

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

A. SITE FACTORS:

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

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

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

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

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

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

Review by the Technical Review Committee was not required.

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

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

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

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



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

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

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

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

6. Was there a mistake in the original classification?

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

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

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

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

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

C. CONCLUSION:

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

D. STAFF RECOMMENDATION:

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



City of DeLand
City Commission
Z22-077
JUNE 20, 2022

R-R

CR 4101 (KEP

C-2

SUBJECT PROPERTY

C-2

Royal Oaks
PD

Park Lake Estates
PD

CR 4101 (DR MARTIN L KING JR BTWY)

CHELAN FALLS TR

Legend:

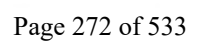
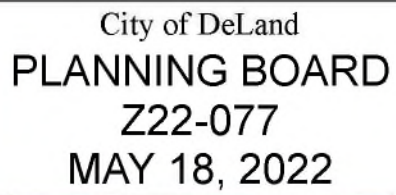


City Zoning

County Zoning



Not to Scale



CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: First Reading of Ordinance Relating to Gas System Franchise for Florida Public Utilities Company.

DEPARTMENT: Admin Services

PREPARED BY: Michael Grebosz, Asst. City Manager

ATTACHMENTS: Ordinance

APPROVED BY: Michael Pleus, City Manager, August 10, 2022

SUMMARY/HIGHLIGHT:

Approval of an Ordinance by the City Commission relating to approval of a gas utility system franchise for Florida Public Utilities Company is requested.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The proposed action ensures that the City is both fairly compensated and comprehensively protected relative to the use of its rights-of-way by Florida Public Utilities Company for the provision of gas utility services within the City Limits.

RECOMMENDATION:

City staff recommends that the City Commission approve the proposed Ordinance providing for approval of a gas utility system franchise for Florida Public Utilities Company.

BACKGROUND/DISCUSSION:

The City exercises control over all dedicated rights-of-way located within the limits of the City and either owned by or dedicated for use by the City which may be a part of the City's "City street system" as that term is defined in Section 334.03(3), *Florida Statutes*.

Florida Public Utilities Company has requested permission from the City to erect, construct, operate and maintain a gas utility system in order that it will be capable of importing, transporting, selling and distributing gas (which could be natural, manufactured or mixed) within the City Limits of the City. The Company is a corporation which is headquartered in Dover Delaware.

To accomplish its desired gas system Florida Public Utilities Company would establish the necessary facilities and equipment and lay and maintain gas mains, service pipes and any other appurtenances and facilities

necessary to the sale, transportation and distribution of gas utility services in and along City rights-of-ways.

City rights-of-way to be used by Florida Public Utilities Company are valuable public properties acquired and maintained by the City and other jurisdictions having jurisdictional and permitting authority over such rights-of-way at great expense to the City's taxpayers and other taxpayers, and the right to use said rights-of-way is a valuable property right without which the Company would be required to invest substantial capital and property acquisition costs.

Florida Public Utilities Company will execute the Ordinance which will serve as a franchise agreement which ensure that the aforesaid rights-of-way used for the provision of gas utility services are promptly restored to a safe and secure condition to protect the health, safety and welfare of the citizens, property owners and residents of the City as well as the general travelling public and users of rights-of-way.

ORDINANCE NO. 2022-

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA GRANTING TO FLORIDA PUBLIC UTILITIES COMPANY A NON-EXCLUSIVE FRANCHISE FOR A TERM OF 30 YEARS TO ERECT, CONSTRUCT, OPERATE AND MAINTAIN A GAS SYSTEM; TO IMPORT, TRANSPORT, SELL AND DISTRIBUTE GAS WHETHER NATURAL, MANUFACTURED OR MIXED GAS; PRESCRIBING THE TERMS AND CONDITIONS RELATED TO THE USE OF CITY RIGHTS OF WAY LOCATED WITHIN THE CITY FOR THE PURPOSE OF PROVIDING GAS UTILITY SERVICE; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR NON-CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Deland (hereinafter referred to as the “City”) exercises control over all dedicated rights-of-way located within the limits of the City and either owned by or dedicated for use by the City which may be a part of the City’s “City street system” as that term is defined in Section 334.03(3), *Florida Statutes*, or its successor provision; and

WHEREAS, Florida Public Utilities Company, (hereinafter referred to as the “Company”) has requested permission from the City to erect, construct, operate and maintain a gas system; to import, transport, sell and distribute gas, whether natural, manufactured or mixed within the City; and for these purposes to establish the necessary facilities and equipment and to lay and maintain gas mains, service pipes and any other appurtenances necessary to the sale, transportation and distribution of gas in and along rights-of-ways located within the City; and

WHEREAS, the aforesaid rights-of-way to be used by the Company are valuable public properties acquired and maintained by the City and other jurisdictions having jurisdictional and permitting authority over such rights-of-way at great expense to the City’s taxpayers and other taxpayers, and the right to use said rights-of-way is a valuable property right without which the Company would be required to invest substantial capital and property acquisition costs; and

WHEREAS, the City desires to ensure that the aforesaid rights-of-way used by the Company are promptly restored to a safe and secure condition to protect the health, safety and welfare of the citizens, property owners and residents of the City as well as the general travelling public and users of rights-of-way; and

WHEREAS, controlling State law, the City’s *City Charter* and the codes and ordinances of the City authorize the City to grant non-exclusive franchises for the purposes set forth herein;

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

Section 1. Legislative Findings and Intent.

(a). The City Commission of the City of DeLand hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) to this Ordinance and the City request for commission action relating to this Ordinance presented by the City staff on the agenda of the City Commission.

(b). The City of DeLand, Florida deems it necessary, desirable and in the interest of its citizens to establish by ordinance a rights-of-way utilization franchise (sometimes referred to herein as the “Franchise”) granting the Company permission to use the public rights-of-way located within the City Limits of the City for the purpose of providing gas utility services subject to the permitting processes of the various governmental entities having jurisdictional control over the said rights-of-way.

Section 2. Short Title. This Ordinance (which constitutes a franchise agreement) shall be known and may be cited as the “Florida Public Utilities Company/City of DeLand Franchise.”

Section 3. Grant of Authority; Right of Way Not Warranted.

(a). There is hereby granted by the City to the Company the non-exclusive right, privilege, or franchise to erect, construct, operate and maintain a gas system; to import, transport, sell and distribute gas, whether natural, manufactured or mixed within the City Limits of the City; and for these purposes to establish the necessary facilities and equipment and to lay and maintain gas mains, service pipes and any other appurtenances necessary to the sale, transportation and distribution of gas in and along public rights-of-ways located within the City Limits of the City to serve City customers, subject to right of way use permitting for any new construction being obtained from the appropriate entity such as the City, the Florida Department of Transportation or the County of Volusia in accordance with their jurisdictional authorities and processes and procedures.

(b). The City does not warrant any right, title or interest of any City rights-of-way whether a street, alley, or other public way in existence, or hereafter acquired, used by the Company or as may be used by the Company in the future. In the event that the City closes, vacates or otherwise abandons any such City rights-of-way, the City shall provide to Company an acceptable right of use for Company-owned facilities installed within said City rights-of-way for use during the term of the Franchise.

(c). The term “rights-of-way” has the meaning as the term “right-of-way” is defined in Section 334.03(21), *Florida Statutes*, or its successor provision.

Section 4. Payment to the City; Most Favored Nation.

(a). In consideration for the granting of this Franchise, the Company, its successors and assigns, shall pay to the City, and its successors, an annual amount which will equal six and one half percent (6.5%) of Company's annual gross operating revenue taken in and received by it for providing all aspects of gas service to its customers within the corporate limits/City Limits of the City, as now or hereafter constituted. The Company shall pay the franchise fee provided by this Section quarterly on January 31, April 30, July 31 and October 31 of each year during the term of this Franchise. Any payments not made by the Company within twenty (20) days after the date said payment is due, shall thereafter be payable with interest at the highest rate allowable by law. It is specifically agreed that the aforementioned revenue shall include only the revenue from "residential" and "commercial" customers and shall exclude revenues from "interruptible," "industrial" and "other" customers, until and unless a franchise or utility tax is imposed on such interruptible, industrial or other customers, either independently or collectively, of all other competing utility services in the City's corporate limits, including, without limitation, the imposition of franchise or utility taxes on all grades of fuel oils or gases used for "interruptible" or "industrial" or "other" customers at a relatively equal basis on the total of franchise at six and one half percent (6.50%) as contemplated hereunder plus utility taxes as levied on natural gas pursuant to statute or rule.

(b). Except as otherwise provided for within this Franchise, the Company shall at all times continue to be subject to and shall pay to the City all legally authorized public service taxes, ad valorem taxes (intangible, personal, real), local business taxes, and any and all other valid taxes, levied or imposed by the City as well as pertinent charges and fees. Such charges and fees shall include, but not be limited to, licensing, permit fees, development review and inspection fees and all other such fees including, but not limited to, fees, charges, taxes and assessments validly adopted or imposed during the term of this Franchise.

(c). In the event that the Company hereafter accepts or enters a gas utility franchise ordinance or agreement from any Florida local government providing for the payment of a franchise fee in excess of that provided for in this Franchise, the Company shall notify the City, and the City reserves the right to amend this Franchise to increase the franchise fee payable under this Franchise to no more than the greater franchise fee that the Company has agreed to pay to such other local government. The Company's obligation to pay such greater franchise fee to the City shall apply prospectively beginning with the next monthly franchise fee payment following the City's timely notice of its exercise of its amendment right to which the Company may collect such increased fee from its customers. The Company's failure to notify the City of such additional payments does not limit the City's right to amend to require such additional franchise fees.

Section 5. Non-exclusive Grant; Transfers by the Company.

(a). The right to use City rights-of-ways for the purposes herein set forth shall not be exclusive, and the City reserves the right to grant a similar use of said rights-of-ways to any person or entity at any time during the period of this Franchise. This Franchise shall grant the privilege of carrying on the business in all of the City or in part of the City, with no promise that there will be no competition. In the event the City grants a franchise to the competitor of Company, the grant

shall not interfere with Company's rights granted hereunder including the physical location of improvements, except as to matters that occur as a result of competition.

(b). The City agrees that during the term of this Franchise it shall not compete with the Company unless it becomes necessary to do so in emergency circumstances. The City shall tender proof of said emergency to the Company upon request.

(c). The Company shall not sell or transfer its system (that portion which is subject to this Franchise) to another person or entity, nor transfer any rights under this Franchise to another person or entity without approval by the City Manager and said approval will not be unreasonably withheld. In the event the City Manager does not act upon the issue of approval within forty-five (45) days from presentation, then approval shall be deemed to have been granted. No sale or transfer shall be effective until the vendee, assignee, or lessee has filed in the office of the City Clerk an instrument, duly executed, reciting the fact of such sale, assignment or lease, accepting the terms of this Franchise, and agreeing to perform all the conditions hereof.

Section 6. Compliance with Applicable Laws and Ordinances; Additional City Rights.

(a). The Company shall, at all times, during the life of this franchise, be subject to all lawful exercises of police power and land development regulatory of the City, and to such other reasonable laws, codes, ordinances, rules and regulations as the City shall hereafter, by resolution or ordinance adopt or enact including, but not limited to, any such matters pertaining to the excavation, reconstruction and development requirements and standards all of which shall not be in conflict or inconsistent with promulgated safety rules and regulations of the Florida Public Service Commission and the United States Department of Transportation or the Florida Department of Transportation.

(b). The City shall have the right to terminate this Franchise upon the failure on the part of Company to comply in any substantial respect with any of the provisions of this Franchise. Prior to termination, the City shall deliver a written notice, to the Company, specifying the non-compliance including a notice that, if the non-compliance is not corrected within a stated number of days, which shall be reasonable under the circumstances, the City may terminate this Franchise by reason thereof. Upon the termination of this Franchise by the City, or at the end of the term of this Franchise, the City may determine whether or not the Company may continue to operate and maintain its system pending the decision of the City as to the future maintenance and operation of the system.

(c). Nothing in this Franchise shall be construed or applied to prevent the City from acquiring Company occupied or owned real estate through the exercise of its powers and rights under eminent domain or through eminent domain or condemnation proceedings. However, nothing in this Franchise shall be construed as the Company's agreement or acquiescence in any such attempted acquisition by the City.

Section 7. Service Standards.

(a). The Company shall maintain and operate its system and render efficient service in accordance with the rules and regulations as are, or may be, set forth by the Florida Public Service Commission or other agency and/or entity with jurisdiction to regulate or promulgate rules regarding the Company's operations. In the event that the Company or any aspect of the natural gas trade, as contemplated hereunder, is deregulated, the Company shall maintain and operate its system and render efficient service in accordance with the rules and regulations as are, or may be, promulgated by the City. In the event that the City has not promulgated rules and regulations, at the time of deregulation, then, the Company agrees to maintain and operate its system in compliance with the rules and regulations by which they are governed prior to deregulation until such time as the City has had an opportunity to promulgate rules and regulations or pass an ordinance governing those items regulated by the Florida Public Service Commission, governing service standards, safety standards and quality controls. In the event of deregulation, the City does hereby agree, it will not regulate rates.

(b). The City shall have the right to supervise all construction, location, restoration, relocation and installation work performed subject to the provisions of this Franchise and to make such inspections as it shall find necessary to ensure compliance with governing requirements and Florida Public Service Commission rules and regulations.

Section 8. Conditions on Construction, Location, Restoration, and Relocation.

(a) All pipes, mains, conductors and other appurtenances including, but not limited to, connections with service pipes, hereafter laid in City rights-of-way, shall be laid under the supervision of the City Manager, or designee. The Company shall provide reasonable egress from and ingress to abutting property. Notification of said construction, location, restoration or relocation of Company facilities shall be furnished to the City, by delivery of a letter accompanied by plan drawings showing the proposed work. Said notification shall be submitted no less than three (3) working days prior to commencement of work, with no other application, permit, plan review fees, inspection fees or approval being necessary and at no cost to Company. As soon as practical, but no more than fifteen (15) working days after completion of the work, the Company shall submit as-built drawings to the City, completing the notification/approval process for said work. The permitting conditions of other entities with jurisdiction may also be applicable.

(b). All pipes, mains, conductors and other natural, artificial or mixed gas equipment and apparatus, including connections with service pipes, laid or placed by the Company shall be so located in rights-of-way in the City so as not to obstruct, disturb or interfere with any traffic, water flow, water pipes, sewers, drains, catch basins, pavement, sidewalk, driveways, or any other structures installed or any other function of said structures of the delivery of municipal services of any type of nature by the City. The Company shall, when practicable, avoid interfering with the use of any rights-of way where the pavement or surface would be disturbed.

(c). In the event drain, sewer, catch basins, water pipes, pavements or other like improvements or the function of said improvements are impaired or injured by such construction, location, restoration or relocation, the Company shall forthwith repair the damage or dysfunction

at its sole cost and expense, to the condition prior to said damage or dysfunction. In this regard, the City shall give written notice to Company of deficiencies that shall be cured by the Company. Said notice shall set forth a reasonable period of time, under the circumstances, in which the Company shall cure said deficiency. In default thereof, the City may repair such damage or dysfunction and charge the cost thereof to the Company and collect the same from the Company.

(d). In the event at any time during the period of this franchise the City shall lawfully elect to alter, or change the grade of any rights-of-way, the Company, upon reasonable notice by the City, shall remove, relay, and relocate its mains or service pipes, manholes and other gas fixtures at its own cost and expense and, without limiting any other obligation of the Company set forth herein, the Company agrees to comply with all policies, resolutions, codes and ordinances of the City relating to landscape buffering and any and all other such design and development standards.

(e). For and during the period of this Franchise, the City, through its designated agent, shall at all reasonable times, and at the expense of the City, have the right to inspect any and all gas lines belonging to and operated by the Company.

Section 9. Annexation or Contraction. The Company agrees that the geographical limits of the franchise area of this Franchise are subject to expansion or reduction by annexation and contraction and that the Company may or may not have vested rights in annexed or contracted areas, as may be governed by applicable law. Upon the annexation of any territory by the City, the right, privilege and permit hereby granted shall extend to the territory so annexed, when permitted by law, and all facilities owned, maintained or operated by the Company, located within the territory so annexed upon the rights-of-way situated in such annexed territory, shall thereafter be subject to all of the terms herein as permitted by law.

Section 10. Indemnification.

(a). It is expressly understood and agreed by and between the Company and the City that as additional consideration for the grant of this non-exclusive franchise the Company shall fully indemnify and hold harmless the City, its officials, officers, agents and employees from all claims, debts, liabilities, demands, interests, court costs, reasonable attorney's fees (including bankruptcy and appellate attorney's fees) to itself or any third person, taxes (including but not limited to any real, personal and sales taxes attempted to be assessed or assessed as a result of this Franchise), whether for bodily injury, death, property damage or otherwise, in any way arising out of the operations of Company or of its gas system in the City contemplated by this Franchise and related work upon Company's gas system whether directly authorized by this Agreement or not. The City shall notify the Company's representative in the City within thirty (30) days after the presentation of any claim or demand, either by suit or otherwise, made against the City on account of any neglect, default or misconduct, as aforesaid on the part of the Company.

(b). The Company shall maintain throughout the term of this Franchise insurance, or provide sufficient financial resources to provide self-insurance, insuring the City and the Company with regard to all damages in the minimum amounts of:

- (i) \$1,000,000 for bodily injury or death to a person;
- (ii) \$3,000,000 for bodily injury or death resulting from any one accident;
- (iii) \$50,000 for property damage resulting from any one accident; and
- (iv) \$1,000,000 for all other types of liability.

(c). Nothing herein is intended or shall operate, to act as a waiver of the City's rights, privileges, and immunities under the doctrine of "sovereign immunity" or any limits of liability set forth in Section 768.28, *Florida Statutes*, or any other law regardless of whether any such obligations are based in tort, contract, statute, strict liability, negligence, product liability or any other theory of law.

(d). The provisions of this Section shall survive the termination of this Franchise.

Section 11. Records and Reports.

(a). Company Records. The documents referred to in this Section shall be available to City upon City's reasonable request: copies of rules, regulations, and procedures adopted by Company that relate to Company's use of City's rights-of-way. The City shall maintain confidentiality of said records and reports provided if the City is legally permitted to do so. In accordance herewith, the Company does hereby authorize the Florida Public Service Commission to furnish full and complete records and reports to the City, as may, from time to time, be requested by the City.

(b). Accounting. The Company shall use the system of accounts and the form of books, accounts, records, and memoranda prescribed by the Public Service Commission or such other applicable governing agency having jurisdiction over the Company.

(c). Reports. The Company will submit a statement of its revenues for the period on which each payment is based. The acceptance of any statement or payment shall not prevent the City from asserting that the amount paid is not the amount due, or from recovering any deficit by any lawful proceeding, including interest to be applied at the rate set forth in this Franchise.

(d). Availability of Records and Reports. The Company shall supply information that City or its representatives may from time to time reasonably request relative to the calculation of franchise fees. Such records shall, on written request of City, be open for examination and audit by City and City's representatives at Company's headquarters during ordinary business hours and such records shall be retained by the Company for a period of three (3) years.

(e). Audit. The City may require, upon prior written notice and during Company's normal business hours, an audit of Company's books related to this Agreement not more than once every three (3) years. The Company will reimburse the City's audit costs if the audit identifies errors in Company's franchise fees of five percent (5%) or more for the period audited. If an

underpayment of franchise fees has occurred due to the Company's error, interest will be calculated for each month of the underpayment period. Both the underpayment and interest shall be paid within ninety (90) days from completion of the audit.

(f). **Customer Report.** Within ninety (90) days of the effective date of this Franchise, the Company shall provide to the City a report in a format acceptable to City setting forth a listing of all addresses within the corporate limits of the City which are served by the Company and annually thereafter a report identifying any changes to the address listing provided the previous year.

Section 12. Governing Law And Venue.

(a). This Franchise shall be construed and interpreted according to the laws of the State of Florida.

(b). In the event that any legal proceeding is brought to enforce the terms of this Franchise, the same shall be brought in Volusia County, Florida, or, if a Federal claim, in the U.S. District Court in and for the Middle District of Florida, Orlando Division.

Section 13. Attorney's Fees and Expenses. Except as otherwise provided for herein, the City and the Company hereto agree that if litigation becomes necessary to enforce any of the obligations, terms and conditions of this Franchise, the prevailing party shall be entitled to recover a reasonable amount of attorney's fees and court costs, including fees and costs on appeal, from the non-prevailing party.

Section 14. Merger; Entire Franchise. This Franchise is the full, complete and entire understanding and agreement of the parties as to its subject matter, and the written terms supersede all prior contemporaneous representations, discussions, negotiations, understanding and agreements relating to the subject matter of this Franchise. The parties shall not be bound or liable for any statement, prior negotiations, correspondence, representation, promise, draft agreements, inducements, or other understanding of any kind or nature not set forth or provided herein.

Section 15. Publication. The Company shall assume the cost of publication of this Franchise as such publication is required by law. A bill for publication cost shall be presented to the Company by the City Manager upon the Company's filing of acceptance and shall be paid at that time.

Section 16. Penalties. Any violation by the Company, its vendee, lessee or successor of the provisions of this Franchise or any material portions thereof, or the failure to promptly perform any of the provisions thereof, shall be cause for the forfeiture or revocation of this Franchise and all rights hereunder by the City after written notice to the Company, the Company's failure to cure and continuation of such violation or failure.

Section 17. Notices.

(a). Except in exigent circumstances, all notices by either City or Company to the other shall be made by depositing such notice in the United States Mail, Certified Mail return receipt requested or by recognized commercial delivery, e.g. FedEx, UPS or DHL or facsimile. Any notice served by certified mail return receipt shall be deemed delivered five (5) days after the date of such deposit in the United States mail unless otherwise provided. Any notice given by facsimile is deemed received the next Business Day. "Business Day" for purposes of this section shall mean Monday through Friday, with Saturday, Sunday and City or Company observed holidays excepted. All notices shall be addressed as follows:

(b). If to the City, notice shall be provided to:

Michael Pleus, ICMA-CM
City Manager
City Hall
120 South Florida Avenue
DeLand, Florida 32720

With copies to:
Attention: City Engineer
City Hall
120 South Florida Avenue
DeLand, Florida 32720

and

Darren J. Elkind, Esquire
City Attorney
142 East New York Avenue
DeLand, Florida 32724

(c). If to the Company, notice shall be provided to:

Florida Public Utilities Company
450 South Charles Richard Beall Boulevard
Debary, Florida 32713
Attention: Director of Growth & Retention

Section 18. Non-Waiver. The failure of either party to insist in any one or more instances upon the strict performance of any one or more of the terms or provisions of this Franchise shall not be construed as a waiver or relinquishment for the future of any such term or provision, and the same shall continue in full force and effect. No waiver or relinquishment shall be deemed to have been made by either party unless said waiver or relinquishment is in writing and signed by the parties.

Section 19. Dispute Resolution. The parties to this Franchise agree that it is in each of their respective best interests to avoid costly litigation as a means of resolving disputes which may arise hereunder. Accordingly, the parties agree that prior to pursuing their available legal remedies they will meet in an attempt to resolve any differences. If such informal effort is unsuccessful, then the Parties may exercise any of their available legal remedies.

Section 20. Implementing Administrative Actions. The City Manager is hereby authorized and directed to implement the provisions of this Franchise as may be deemed necessary or appropriate by the City Manager.

Section 21. Savings. The prior actions of the City of DeLand relating to the regulation and franchising of utilities of all types and natures, as well as any and all related matters, are hereby ratified and affirmed.

Section 22. Conflicts. All ordinances or parts of ordinances and other actions of the City Commission in conflict with this Franchise are hereby repealed.

Section 23. Severability. If any section, sentence, phrase, word or portion of this Franchise is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Franchise not otherwise determined to be invalid, unlawful or unconstitutional.

Section 24. Non-Codification; Correction of Scrivener's Errors.

(a). The provisions of this Ordinance/Franchise may be included and incorporated within the *Code of Ordinances of the City of DeLand* at the discretion of the City Clerk.

(b). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance/Franchise, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

Section 25. Effective Date and Term of Franchise.

(a). This Ordinance/Franchise shall become effective immediately upon adoption and execution below by the Company; provided, however, that if the acceptance is not filed with the City within twenty (20) days of said enactment, the provisions of this Franchise shall be null and void.

(b). The Franchise herein granted shall take effect and be in force from and after the first day of the month following the final passage hereof and upon filing of the acceptance by the Company with the City Clerk as set forth herein and shall continue in force and effect for a term of thirty (30) years after the said effective date.

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

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk – Auditor

Passed on first reading: _____, 2022.
Adopted on second reading: _____, 2022.

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

UNCONDITIONAL ACCEPTANCE BY COMPANY

All matters set forth herein agreed to in every respect. I, the undersigned official of Florida Public Utilities Company, am authorized to bind Company and to unconditionally accept the terms and conditions of the foregoing Franchise (Ordinance No. 2022-__), which are hereby accepted by Company this _____ day of _____, 2022.

Florida Public Utilities Company

By: _____

Name: _____

Title: _____

Subscribed and sworn to before me this _____ day of _____, 2022.

Notary Public in and for the State of Florida
My commission expires _____

CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: First Reading of Ordinance Amending Chapter 15 of the Code of Ordinances re Solid Waste Rates.

DEPARTMENT: Public Works

PREPARED BY: Ray Underwood, Public Works Director

ATTACHMENTS: Solid Waste Ordinance, Solid Waste & Recycle Collection Services Price Form, Commercial Solid Waste Collection Service-Rates-revised

APPROVED BY: Michael Pleus, City Manager, August 11, 2022

SUMMARY/HIGHLIGHT:

The current contract with Green for Life (GFL) for solid waste, yard waste and recyclable material pickup and disposal expires on September 30, 2022. A new contract for 7 years with the option for one additional 3-year renewal has been proposed.

After the Commission approved entering into negotiations with GFL on the July 5, 2022 meeting, the new rates were negotiated. Also, a regional comparison was performed to compare the proposed new service rates to other governments in Volusia County and surrounding areas. Based on this information, GFL's proposed residential rates, which now includes recycling services as one charge. These rates will remain among the lowest in the area and our commercial rates will be competitive with other Cities even though the City has not seen a rate increase in 3 years.

In this new contract the option for recycling collection has changed to offer an option between bins or a single 64-gallon tote. This choice is included with no difference in price and will retain the same green color with a yellow lid to denote the difference. The City logo will be displayed on the tote.

Residential totes will remain the same in design but any other outdated collection apparatuses will be replaced and display the approved residential design and/or the GFL logo when referring to commercial services.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government

SUSTAINABILITY:

Natural resource protection and optimization

FISCAL IMPACT:

Under the current contract, the City receives a franchise fee of \$150,000 annually or 10% of the gross revenue due, whichever is greater. This will continue under the proposed contract extension. In addition, the City will continue to collect an additional 3% of gross revenue for billing services.

RECOMMENDATION:

Based on the negotiated pricing discussed herein, Staff recommends the City Commission conceptually agree to amend the current rates and adopt the new Ordinance with a new contract with GFL for a period of 7 years (October 1, 2022 – September 30, 2029) for residential solid waste, yard waste, recyclable collection services and commercial solid waste collection. During the final (6) six years of the contract period, rates could be adjusted according to the Consumer Price Index as long as they are mutually agreed upon. In doing so, these rates will be set via a resolution rather than an ordinance.

BACKGROUND/DISCUSSION:

Based on the rates of other cities and counties throughout the region who have requested bids for refuse and recycling services, all have received bids with significant price increases from their current rates (10 – 70% increases). The City will see slight increases (1% to 33%). A few of the more common rates are listed below for once a week pick up.

- Residential including recycling - \$15.97
- Commercial 96 Gallon - \$20.60
- Commercial 6 yard – \$200.85
- Commercial 8 yard – \$267.80

The City will remain one of the lowest residential rates in the region. Attached you find the complete list of proposed rates.

ORDINANCE NO. 2022-

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA PERTAINING TO SOLID WASTE AND RELATED MATTERS; PROVIDING FOR DEFINITIONS, REGULATIONS, PROCESSES, PROCEDURES, FEES AND CHARGES; PROVIDING FOR ENFORCEMENT AND PENALTIES; SUBSTANTIALLY REVISING AND AMENDING CHAPTER 15 OF THE *CODE OF ORDINANCES OF THE CITY OF DELAND (CITY CODE)*; PROVIDING FOR HARMONIZING AMENDMENTS TO SECTIONS 12-5, 12-6, 16-5, 16-26, 16-29 AND 16-30 OF THE *CITY CODE* RELATING TO FIRE PROTECTION AND HEALTH AND SANITATION; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS AND REPEALING ANTIQUATED CHAPTER 13 AND CHAPTER 19 OF THE *CITY CODE* RELATING TO THE REGULATION OF FISH AND SEAFOOD AND MILK AND DAIRIES; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of DeLand is a vibrant City which engages in a wide array of governmental functions and the provision of high-quality utility services to its citizens including the regulation and provision of solid waste services; and

WHEREAS, the State of Florida primarily regulates and manages solid waste in the State of Florida with the primary regulatory agency being the Florida Department of Environmental Protection acting through the Division of Waste Management Bureau of Solid and Hazardous Waste Solid Waste Management Section; and

WHEREAS, the Division of Waste Management implements State and Federal laws to protect the environment from the improper handling and disposal of solid and hazardous wastes through numerous regulatory programs; and

WHEREAS, primary governing laws and regulations include the 1988 *Florida Solid Waste Management Act* as set forth in Section 403.702 to Section 403.7193, *Florida Statutes*, Section 403.75 to 403.769, *Florida Statutes*, and regulations of the *Florida Administrative Code* set forth at Rule 62-701 to Rule 62-709 and Rule 62-716 and Rule 62-722 although there are other provisions of regulations relating to an array of solid waste management facilities, solid waste combustor ash management, construction and demolition debris disposal and recycling, and a wide range of solid waste types from hazardous wastes to waste tires; and

WHEREAS, although State law generally vests local government solid waste regulatory authority in the 67 counties of Florida, municipalities continue to have significant local government responsibilities particularly with regard to regulating local solid waste franchisees and providers; and

WHEREAS, the City of DeLand has engaged in legislative action to regulate fees and charges relating to solid waste services and other matters pertaining to solid waste; and

WHEREAS, this Ordinance is enacted pursuant to the home rule powers of the City of DeLand as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; Chapter 166, *Florida Statutes*; and other applicable controlling law; and

WHEREAS, the City Commission of the City of DeLand has determined that the enactment of this Ordinance is in the best interest of the citizens of the City of DeLand; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text, ~~striketrough~~ shall constitute deletions to the original text, and minor edits are made without legislative scoring.

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

Section 1. Legislative Findings and Intent.

(a). The City Commission of the City of DeLand hereby adopts and incorporates into this Ordinance the recital (whereas clause) to this Ordinance and the City staff report relating to this Ordinance.

(b). The City has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

Section 2. Amendment to Chapter 15, City Code, Solid Waste. The provisions of Chapter 15, “Garbage”, of the *Code of Ordinances of the City of DeLand, Florida*, are hereby amended to read as follows:

Chapter 15 SOLID WASTE GARBAGE

Sec. 15-1. Definitions; conflict with State law or contractual or permit provisions.

(a). For the purpose of this chapter the following definitions shall be applicable hereto in interpreting the meaning of this Chapter; provided, however, that the definitions set forth in Section 403.703, Florida Statutes, shall also apply and any conflict between this Chapter and State law shall result in the provisions of State law prevailing [the striketrough text of definitions below indicates that a statutory definition is pertinent and that the Code codifier may renumber the definitions accordingly].¹

(1) *Authorized representative.* Any person or persons ~~representative of the City, whether or not a City employee,~~ designated by the City Manager to administer the provisions of this Chapter and/or the provisions of franchise agreements and other agreements with contractors and franchises engaged in providing solid waste services within the City Limits ~~in a signed, written document, as the City authorized representative for the purposes of administering this agreement.~~

- (2) *Bags*. Biodegradable or plastic sacks designed for solid waste with sufficient wall strength to maintain physical integrity when lifted from the tip, securely tied at the top for collection, with a capacity not to exceed 32 gallons and a loaded weight not to exceed 50 pounds.
- (3) *Bin*. Typical 18-gallon open top durable plastic container made with recycled content for residential recycling. Bins are uniform in color and fixed with a logo approved by the City of DeLand.
- (4) ~~*Biomedical waste*. Any solid waste or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, non-liquid human tissue and body parts; laboratory and veterinary waste which contain human disease-causing agents; used disposable sharps, human blood, and human blood products and body fluids from humans and other primates; laboratory and veterinary wastes which contain human disease-causing agents; and discarded sharps.~~
- (5) ~~*Biological waste*. Solid waste that causes or has the capacity of causing disease or infection and includes biomedical waste, diseased or dead animals, and other wastes capable of transmitting pathogens to humans or animals.~~
- (6) ~~*Bulk waste*. Any tangible item such as furniture, white goods, carpet, grills, lawn equipment, furnaces, bicycles, excluding motor vehicles (with exception of used tires), or similar property not having a useful purpose to the owner or abandoned by the owner and not included within the definitions of garbage, yard waste, or rubbish. A customer at a residential unit in the service area shall generate residential bulk waste from time to time or during moving in or out of unit. Carpet shall be no greater than six feet by ten feet, rolled and weigh less than 50 pounds.~~
- (7) *Cart*. Ninety-six- or 64-gallon durable plastic container with lid, wheels and handle made with recycled content for semi-automated garbage and recycling collection services. Containers are uniform in color; contain user instructions and logo approved by the City.
- (8) ~~*Clean debris*. Any solid waste which is virtually inert, which is not a pollution threat to groundwater or surface waters, is not a fire hazard, and is likely to retain its physical and chemical structure under expected conditions of disposal or use. The term includes brick, glass, ceramics, and uncontaminated concrete including embedded pipe or steel.~~
- (9) *City's project manager*. The project manager has responsibility for the day-to-day administration of this agreement for the City and shall be the City employee designated by the City Manager public works director or his/her designee.
- (10) *Commercial service*. Collection and disposal solid waste service provided to business establishments, churches, schools, office buildings, restaurants and other commercial and institutional establishments.
- (11) ~~*Commercial trash*. Any and all accumulation of paper, rags, excelsior or other packing materials, furniture, appliances, wood, paper or cardboard boxes or containers, sweepings, and any other similar accumulation not included under the definition of garbage, generated by the operation of stores, offices, restaurants, and other commercial establishments. Commercial trash shall not include special waste.~~
- (12) ~~*Construction and demolition debris*. Discarded materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, or asphalt material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, including such debris from construction of structures at a site remote from the construction or demolition site. The term includes rocks, soils, tree remains, trees, and other vegetative matter which normally results from land clearing or land development operations for a construction~~

project; clean cardboard, paper, plastic, wood, and metal scraps from a construction project; and de minimis amounts of other nonhazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the construction and demolition industries. ~~Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris.~~

(13) *Contractor's project manager.* The project manager has responsibility for the day to day administration of the agreement for the contractor and shall be designated prior to execution of the agreement.

(14) *Contractor's route supervisor.* The route supervisor or designee has responsibility for the day-to-day operations resulting from this agreement for the contractor who shall be available during rendering of all City services and who is authorized to take corrective or remedial actions to ensure high quality and timely service. Contractor shall provide mobile phone/radio to City project manager to ensure direct communication while performing services.

(15) *Curbside.* The area within eight feet of the maintained road right of way, whether the road is publicly or privately maintained. Curbside shall include any area up to ten feet of a maintained road right of way if such road is undergoing construction or adjacent unimproved property. "Curbside pickup" or service "at the curb" shall mean that area at a residence provided such area is reasonably accessible to the contractor. "Rear yard" service must be made available at reasonable additional rates as approved by the City when requested by a subscriber. "Rear yard" service shall be given to disabled person's households, if requested, at no additional cost. Rear yard service shall include collection of household waste and recyclables. Yard waste shall be placed at curbside for collection. Disabled households shall be defined as a household occupied by a single individual that is disabled or a household occupied by two individuals in which both persons are disabled.

(16) *Disposal or recycling facility.* A facility permitted or approved by the Florida Department of Environmental Protection to receive, process, transfer, landfill and/or otherwise dispose of solid waste, yard trash or recyclable materials.

(17) *Dumpster.* A two to eight cubic yard steel or rigid container with a lid that is left at a remote site for routine solid waste or recyclable collection with a specially designed truck with hydraulic lifters.

(18) *Garbage.* All kitchen and table food waste, and animal or vegetable waste that is attendant with or results from the storage, preparation, cooking or handling of food materials and other household waste generated by a residential unit.

~~(19) *Hazardous waste.* Solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. (Regulated by the Florida Department of Environmental Protection (FDEP) pursuant to Chapter 62-730, Florida Administrative Code.)~~

~~(20) *Household furniture.* All movable compactable articles or apparatus such as chairs, tables, sofas, mattresses, etc., for equipping a house.~~

(21) *Household waste.* Any solid waste, including garbage, and trash derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, picnic grounds, and day-use recreation areas.

~~(22) *Industrial solid wastes.* Solid waste generated by manufacturing or food processes that are not a hazardous waste. Such waste may include, but is not limited to, waste resulting from the~~

~~following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products, or by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; non-ferrous metals manufacturing or foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.~~

~~(23) — *Landfill*. A solid waste disposal facility, approved by FDEP, which is an area of land or an excavation where wastes are or have been placed for disposal, for which a permit, other than a general permit, is required by section 403.707, Florida Statutes. This term shall not include: (a) A land spreading site; (b) A surface impoundment; (c) An injection well defined under and subject to the provisions of Chapter 62-28, Florida Administrative Code.~~

~~(24) — *Litter*. Contractor shall not be responsible for scattered solid waste which can be categorized as litter unless the same has been caused by contractor's acts or omissions, in which case, all such scattered solid waste shall be picked up immediately by contractor. Contractor shall maintain sufficient equipment/tools on each collection vehicle (i.e., pitch fork, broom, shovel) to pick up such scattered solid waste.~~

~~(25) — *Materials recovery*. Any process by which one or more of the various components in solid waste is separated and concentrated for reuse.~~

~~(26) — *Material recovery facility (MRF)*. A FDEP approved solid waste management facility that provides for the extraction from solid waste of recyclable materials suitable for use as a fuel or soil amendment, or any combination of such materials.~~

~~(27) — *Multiple dwelling units*. Any building containing more than two permanent living units, not including motels.~~

~~(28) — *Proper vehicles*. Any vehicle which is not in violation of any provision of this agreement.~~

~~(29) — *Recovered materials*. Metal, paper, glass, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or has been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. *Recovered materials* as described herein are not solid waste.~~

~~(30) — *Recycling*. Any process by which solid waste, or material which otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products.~~

~~(31) — *Recyclable material*. Materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.~~

~~(32) — *Residential service*. Solid waste, yard trash and recyclable material collection service provided weekly to persons occupying residential dwelling units within the designated area, and bulk services who are not receiving commercial service with the following exception. The contractor shall provide multiple-family dwelling units with residential recycling service.~~

~~(33) — *Roll-off container*. Typically a steel container of 20 cubic yards with roller wheels that is rolled off a transport truck and left at a remote location specially designed for solid waste, yard waste, construction materials, white goods, waste tires and/or recyclables for later collection and transport.~~

~~(34) — *Solid waste*. Garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations; suspended or dissolved materials~~

~~in domestic sewage effluent or irrigation return flows, or other regulated point source discharges; sludge, unregulated under the Federal Clean Water Act or Clean Air Act; sludge from a waste treatment works, water supply treatment plant, or air pollution control facility~~

~~(35) — *Solid waste disposal facility.* Any solid waste management facility which is the final resting place for Solid Waste, including landfills and incineration facilities that produce ash from the process of incinerating municipal solid waste.~~

~~(36) — *Special waste.* Solid waste that can require special handling and management, including, but not limited to, commercial white goods, waste tires, used oil, lead acid batteries, construction and demolition debris, ash residue, and biological wastes.~~

~~(37) — *Transfer station.* A site the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility. It does not include green boxes, compactor units, permanent dumpsters, and other containers from which such wastes are transported to a landfill or other solid waste management facility.~~

~~(38) — *Waste tire.* A tire that has been removed from a motor vehicle and has not been retreaded or re-grooved. Waste tire includes used tires and processed tires.~~

~~(39) — *White goods* Inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.~~

~~(40) — *Yard trash or yard waste.* Vegetative matter resulting from lawn maintenance, including accumulation of lawn, grass, shrubbery cuttings or clippings and dry leaf raking, small tree branches (which shall not exceed five feet in length and 75 pounds), palm fronds (whole), bushes or shrubs, green leaf cuttings, fruits, or other matter usually created in the care of lawns and yards.~~

(b) Additional definitions which may be utilized in implementing the provisions of this Chapter shall be definitions pertinent to this Chapter set forth in the provisions of the *Florida Statutes*, the *Florida Administrative Code*, this *Code* and the franchise agreement or agreements entered into by the City with solid waste contractors or franchisees providing solid waste services within the corporate limits of the City of DeLand (also referred to in this Ordinance as the “City Limits”). The City and its contractors and franchisees are not bound by the definitions set forth herein.

(c) The provisions of this Chapter shall not preclude the City from entering or imposing contractual or permit provisions relating to solid waste services or regulation within the City Limits.

Sec. 15-2. Penalties for violation of chapter.

Any person violating any of the provisions of this Chapter shall be subject to all code enforcement processes and procedures as well as the penalties arising therefrom which the City may implement under the provisions of this *Code* and controlling State law as set forth in Section 1-6 of this *Code* deemed guilty of a misdemeanor and shall be punished by a fine not to exceed \$100.00 or by imprisonment for not more than 60 days or both in the discretion of the municipal judge. Each day a violation occurs or is permitted to exist, shall constitute a separate offense.

Sec. 15-3. Solid waste Garbage carts to be supplied by City's contractor.

Each customer shall be provided with a 96-gallon cart by the City's contractor or franchisees ~~contracted waste hauler~~, which cart must be used as the primary garbage container. If the cart provided does not have sufficient capacity to contain all household waste generated by the customer, then additional containers shall be used, and it will be the responsibility of the customer to provide such additional containers. Upon the request of the customer account holder, a 64-gallon cart may be provided in special circumstances.

Sec. 15-4. Solid waste Garbage to be placed in carts or other containers.

All household waste shall be placed for collection in carts and additional containers as provided for in Section 15-3, and it shall be the responsibility of the customer to pick up and place in carts or additional containers any garbage which may be spilled about the area ~~by dogs, wind, children, etc.~~ Carts and such additional containers shall be placed where they shall be easily accessible to collection crews. Crews of solid waste service providers shall not be required to leave ground level or enter buildings in order to collect household waste.

Sec. 15-4.1. Storage of carts, garbage containers, recyclable material containers, and yard trash.

- (a) Except when placed at curbside for collection as prescribed by Section 15-4.2 ~~below~~, no carts or other household waste containers, recyclable material containers, or containerized yard waste (to include cans, boxes and bags) shall be stored or left within the required front yard setback of the customer's property, or for corner lots, within the street side yard setback (as prescribed by the ~~City of DeLand~~ *Land Development Regulations*).
- (b) The City ~~Manager~~ or its contractor or franchisee may cause the removal and relocation of any container left in violation of Subsection (a) above to a suitable location on the customer's property.

Sec. 15-4.2. Placing garbage cans, garbage containers, recycling containers and yard trash at curbside; hours permitted.

- (a) No garbage cans, garbage containers, recycling containers or containerized yard trash (to include cans, boxes and bags) shall be placed at curbside for collection prior to 5:00 p.m. on the night immediately preceding collection; all such cans, bags or containers shall be removed from curbside to a suitable location on the customer's property (as set forth in Section 15-4.1 ~~above~~) no later than 11:00 p.m. on the day of collection.
- (b) The City ~~Manager~~ may cause the removal and relocation of any container left in violation of Subsection (a) ~~above~~ to a suitable location on the customer's property.

Sec. 15-5. Prohibitions.

It is prohibited and hereby declared unlawful ~~and a violation of the chapter~~ for any person, firm or corporation to do or permit to be done any of the following acts or practices:

- (a) To dispose of any wet or dry garbage by burning or abandoning within the City Limits of ~~DeLand~~ or its contiguous waters, or by burning garbage or trash within the City Limits; provided, however, that yard trash may be burned under certain prescribed conditions as set forth by the ~~DeLand~~ Fire Department and only upon issuance of a permit by the ~~DeLand~~ Fire Department.
- (b) To deposit or place in or cause to be deposited or placed in garbage can any materials other than those defined in this chapter as moist or dry garbage.
- (c) To fail or neglect to keep or cause to be kept clean and sanitary or tightly covered and in good state of repair all garbage cans.
- (d) To use or supply garbage cans other than those defined and provided for in this Chapter.
- (e) To place or allow to be placed upon the streets, alleys, curbing or sidewalks of the City any rubbish, sweepings, debris, trash or waste materials of any kind which might be a menace to traffic either vehicular or pedestrian, or which might endanger the proper operation of the City's sewer or drainage system.
- (f) To collect or permit to be collected the garbage from any garbage can or container by persons other than those regularly employed by the City for that purpose or by persons working under contract with the City or by a special written permit from the City Manager or his authorized agent.
- (g) To violate any of the provisions or sections of this Chapter ~~or any reasonable interpretation of the same.~~
- (h) To place in any garbage can or container any explosive or highly inflammable substance or any substance which yields poisonous gases when burned.
- (i) To allow private tree contractors to place tree trimmings or trees removed by these persons at the street for City collection.
- (j) To block access to container units for commercial establishments, and the City of ~~DeLand~~ shall have, in addition to the penalties set out in Section 15-2 "~~Penalties for violation of chapter~~", the authority to remove and impound any vehicle blocking a commercial container, even though on private property, ~~plus charging the owner of said vehicle with a misdemeanor as provided in Section 15-2.~~
- (k) To co-mingle garbage and yard trash in the same container, bag or bundle ~~after January 1, 1991.~~
- (l) To conduct open burning for land clearing operations without first obtaining a permit from the ~~DeLand~~ Fire Department which shall be issued pursuant to the requirements and provisions of State law F.A.C. 17-256.500 and the ~~DeLand~~ Fire Department.
- (m). The City's franchisee or contractor shall not be responsible for scattered solid waste which can be categorized as litter unless the same has been caused by contractor's acts or omissions, in which case, all such scattered solid waste shall be picked up immediately by contractor. The contractor shall maintain sufficient equipment/tools on each collection vehicle (i.e., pitch fork, broom, shovel) to pick up such scattered solid waste. It is prohibited and unlawful for a contractor to fail to accomplish the requirements of this Subsection.

Sec. 15-6. Supervision by City Manager.

- (a) All garbage and trash accumulated in the City shall be collected, conveyed and disposed of by the City under the supervision of the City Manager. The City Manager shall have the authority to adopt rules and ~~make~~ regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection, conveyance and disposal

as he shall find necessary, and to change and modify the same after providing timely notice to all persons concerned, provided that such regulations are not contrary to the provisions hereof.

(b) ~~Any person aggrieved by a regulation of the City Manager shall have the right of appeal to the City Commission.~~

Sec. 15-7. Waste materials excluded from collection services.

~~The service charges referred to in this Chapter shall apply only for the collection of moist garbage, dry garbage, household trash and yard trash, as defined herein. The City shall not collect or dispose of any waste materials. The owner/occupant shall arrange for the disposal of any trees, tree trunks, stumps or other waste materials and all owners and occupants of real property within the City shall arrange for such collection and disposal by private means at the owner/occupant's expense. Private tree contractors shall not place trees at the curb for collection by the City. The owners of vacant lots or their agents shall not place waste materials resulting from the cleaning or clearing of vacant lots at the curb for collection.~~

Sec. 15-8. Household trash and yard trash.

(a) *Separation of yard trash.* ~~All Effective January 1, 1992, all~~ yard trash must be separated from all other solid waste materials by the owner/occupant and shall be collected and disposed of separately by the City. If yard trash is not separated from all other solid waste materials, the City may refuse to pickup any mixed loads ~~after January 1, 1992.~~

(b) *Placement.* Household and yard trash shall be collected from the front of the premises near the street (curbside), or from service alleys at the rear of the property, where available. On streets where no parkways or lawn areas near the street are available for placement of household and yard trash, the owner/occupant shall place household and yard trash adjacent to the driveway, but not further than ten feet from the street nor in the street. Yard trash shall be placed in separate bags, boxes or other suitable containers for collection except for vines, branches, small limbs and palm fronds which may be placed in bundled piles beside the street or alley.

(c) Loose yard trash such as leaves, limbs, and/or grass clippings shall be placed in a garbage can or bag where possible for collection, for transport, and disposal in the same manner as garbage. Yard trash shall be limited to an average of eight cubic yards per eight week period per residential unit. Non-containerized yard trash shall be tied, stacked and bundled, and any individual piece or segment of such material shall not exceed five feet in length (except palm fronds) or six inches in diameter, nor be greater than 75 pounds in weight. Palm fronds may be stacked at the curb without being tied or bound together.

(d) *Weekly yard trash pickups.* Yard trash shall be collected once a week according to a separate schedule to be established by the City ~~Manager.~~

Sec. 15-8.5. Curbside recycling.

All single-family residents are encouraged to separate newspapers, glass containers, aluminum cans and other recyclable materials designated by the City ~~Manager~~ from the rest of their solid waste and to place them in the special recycling containers provided free of charge by the City for curbside collection. Recyclable materials placed in the special recycling containers shall be collected once a week according to a separate schedule to be established by the City ~~Manager.~~ All

multifamily and commercial establishments shall separate their recyclable materials as mandated by Chapter 106 Volusia County Code Ordinance No. 93-31.

Sec. 15-9. Extra services.

The City of DeLand may make available at its discretion on the basis of individual application extra service for collection of unusual material or materials in excess of four cubic yards. Such service will be at a rate as set by the City Manager. All applications for extra service shall be made to the City's Director of Public Works, and such collection if approved shall be made at the Department's convenience.

Sec. 15-10. Service charges.

(a) *Established.* All residents, occupants or owners of premises in the City are required to have all accumulation of solid waste removed or disposed of by the solid waste collection service rendered, arranged for or otherwise authorized by the governing body of the City. For such solid waste collection and disposal services, there is hereby established and imposed upon the owner or owners of each and every premises a solid waste collection and disposal charge and curbside recycling charge, provided, however, that the City may bill the tenant or occupant of each premises for the solid waste collection and disposal charge and curbside recycling charge at the request of the owner, such request being either express or implied, or at the request of the occupant or tenant of such premises.

(1) *Residential.* Each residential account shall be charged at the rates adopted from time to time by the City Commission by means of the adoption of a resolution ~~\$12.53 per month for curbside solid waste service and recycling. Customers requesting rear yard service shall be charged \$14.98 per month in lieu of the charge for curbside service, with the exception of disabled persons, who shall not be charged an additional fee for rear yard service but shall be charged the regular fee for curbside service. Customers wishing to order two carts will be charged \$24.51 per month for curbside solid waste and recycling services. Customers wishing to order a special pick-up of yard trash in excess of three cubic yards in any one pick-up will be charged \$14.45 per cubic yard for each cubic yard of yard trash in excess of three cubic yards.~~

(2) *Commercial.* Each commercial account shall be charged on the basis of the rates set out in Section 15-11.

(3) *Residential bulk waste.* Bulk pick-up (not hazardous waste) shall be collected free of charge twice per year, on dates mutually agreed upon by the City and the City's contracted waste hauler. Customers wishing to order a bulk pick-up outside of the two free each year shall ~~be required to pay the rate in effect on the effective date of this Ordinance and may be modified in such manner as determined to be appropriate by the City Commission by means of the adoption of a resolution~~ a special pick-up fee of \$7.00 for each item.

(b) *Special rates.* If, in the judgment of the City Manager, special circumstances render the established charges inequitable, at the rate determined by a resolution adopted by the City Commission, the City Manager ~~he~~ may authorize special charges as the circumstances dictate. Persons aggrieved by a decision of the City Manager made hereunder have the right to appeal to the City Commission by filing a written appeal detailing the alleged inappropriate charge within 10 days of the charge being billed.

- (c) *Billing.* The charges for solid waste collection service and curbside recycling service shall be billed monthly in conjunction with charges for water and sewer services; provided, however, that such solid waste collection and curbside recycling service charges shall be itemized separately.
- (d) *Delinquent accounts.* Solid waste collection charges and curbside recycling charges shall be billed in arrears under the same terms as are in effect for water and sewer bills.

Sec. 15-11. Solid waste and recyclable materials collection service charges for commercial accounts.

(a) Solid waste and recycling collection monthly charges for commercial accounts shall be maintained at the rate in effect on the effective date of this Ordinance and may be modified in such manner as determined to be appropriate by the City Commission by means of the adoption of a resolution; provided however, that, in addition to the monthly charges, the following amounts shall be remitted to the City:

(1). Each franchisee shall pay franchise fees to the City as compensation for the rights and benefits granted hereunder including, but not limited to, the right to collect commercial solid waste in the City. The franchise fee shall be equal to 15% of the franchisee's monthly charges to each customer for solid waste collection services provided by the franchisee within the City which amount shall be added to the bill of each customer.

(2). An administrative fee (billing fee) of 3% of the amount billed to a customer for solid waste services provided by the franchisee within the City which amount shall be added to the bill of each customer in order to address the administrative costs of the City for the invoicing and related services provided by the City pertaining to the collection of solid waste within the City.

as follows:

(1) — ~~*Apartments:*~~

a. — ~~For apartments served by container units, the monthly charges in subsections 15-11(a), (2)b., (2)c., and (2)d. will apply.~~

b. — ~~For apartments served by cans, the monthly charge shall be \$14.51 times the number of apartment units.~~

(2) — ~~*Commercial:*~~

a. — ~~All commercial establishments not supplied with container units, for 96-gallon containers:~~

~~1 pickup \$14.36~~

~~2 pickups 28.72~~

~~3 pickups 43.08~~

~~4 pickups 57.44~~

~~5 pickups 71.80~~

b. — ~~For commercial establishments having uncompact container units, monthly charges shall~~

~~be as follows:~~

1. — ~~For container with capacity of two cubic yards:~~

~~1 pickup \$62.40~~

~~2 pickups 124.80~~

~~3 pickups 187.20~~

~~4 pickups 249.60~~

~~5 pickups 312.00~~

~~6 pickups 374.40~~

~~7 pickups 436.80~~

2. — For container with capacity of three cubic yards:

1 pickup \$93.60
2 pickups 187.20
3 pickups 280.80
4 pickups 374.40
5 pickups 468.00
6 pickups 561.60
7 pickups 655.20

3. — For container with capacity of four cubic yards:

1 pickup \$124.80
2 pickups 249.60
3 pickups 374.40
4 pickups 499.20
5 pickups 624.00
6 pickups 748.80
7 pickups 873.60

4. — For container with capacity of five cubic yards:

1 pickup \$156.00
2 pickups 312.00
3 pickups 468.00
4 pickups 624.00
5 pickups 780.00
6 pickups 936.00
7 pickups 1,092.00

5. — For container with capacity of six cubic yards:

1 pickup \$187.20
2 pickups 374.40
3 pickups 561.60
4 pickups 748.80
5 pickups 936.00
6 pickups 1,123.20
7 pickups 1,310.40

6. — For container with capacity of eight cubic yards:

1 pickup \$249.60
2 pickups 499.20
3 pickups 748.80
4 pickups 998.40
5 pickups 1,248.00
6 pickups 1,497.60
7 pickups 1,747.20

e. — For commercial establishments having compacted container units, monthly charges shall be as follows:

1. — For container with capacity of two cubic yards:

1 pickup \$133.34
2 pickups 266.67
3 pickups 400.01

4 pickups 533.35

5 pickups 666.68

6 pickups 800.02

7 pickups 933.36

2. — For container with capacity of three cubic yards:

1 pickup \$200.01

2 pickups 400.01

3 pickups 600.02

4 pickups 800.02

5 pickups 1,000.03

6 pickups 1,200.03

7 pickups 1,400.04

3. — For container with capacity of four cubic yards:

1 pickup \$266.67

2 pickups 533.35

3 pickups 800.02

4 pickups 1,066.69

5 pickups 1,333.37

6 pickups 1,600.04

7 pickups 1,866.71

4. — For container with capacity of five cubic yards:

1 pickup \$333.34

2 pickups 666.68

3 pickups 1,000.03

4 pickups 1,333.37

5 pickups 1,666.71

6 pickups 2,000.05

7 pickups 2,333.39

5. — For container with capacity of six cubic yards:

1 pickup \$400.01

2 pickups 800.02

3 pickups 1,200.03

4 pickups 1,600.04

5 pickups 2,000.05

6 pickups 2,400.06

7 pickups 2,800.07

6. — For container with capacity of eight cubic yards:

1 pickup \$533.35

2 pickups 1,066.69

3 pickups 1,600.04

4 pickups 2,133.39

5 pickups 2,666.73

6 pickups 3,200.08

7 pickups 3,733.43

(b) For commercial establishments having compactor/roll-off units, service charges shall be maintained at the rates in effect on the effective date of this Ordinance and may be modified in

such manner as determined to be appropriate by the City Commission by means of the adoption of a resolution ~~\$550.00 for up to a 40-yard container, plus a delivery charge of \$70.00, plus a per pull charge of \$195.00 for up to a 40-yard container, plus all tipping fees provided, however, that this Section shall not apply to roll-off containers provided for construction and demolition materials.~~

(c) All monthly rates for containerized unit service are "per container," and in the event a container unit services more than one customer, the monthly charge will be prorated to each customer on the basis of estimated quantities of refuse generated by each establishment. However, no customer will be charged less than the residential rate in effect on the effective date of this Ordinance which rate may be modified in such manner as determined to be appropriate by the City Commission by means of the adoption of a resolution of \$12.53 per month. Similarly, a customer having more than one container shall be charged under the above rate schedule for each container serving his establishment. Unscheduled pickups will be billed to customer requesting same.

(d) Monthly rates for customers wishing to purchase locking bars and/or locks to secure front load containers will be the rate in effect on the effective date of this Ordinance which rate may be modified in such manner as determined to be appropriate by the City Commission by means of the adoption of a resolution \$13.50. Customers wishing to purchase wheels to provide movement for front load containers will be charged \$18.00 per month. An administrative fee of \$5.00 per month will be charged for each container with bars or wheels.

(e) For commercial establishments wishing to order special "on-demand" pick-up(s) the following charges shall be those in effect on the effective date of this Ordinance which charges may be modified in such manner as determined to be appropriate by the City Commission by means of the adoption of a resolution. will apply:

~~96-gallon totes~~\$12.61 per pickup
~~2-4 yard containers~~\$40.00 per pickup
~~5-8 yard container~~\$90.00 per pickup
~~FEL VIP Compactor~~\$302.00 per pickup

Sec. 15-12. Rolloff service for construction and demolition materials.

(a) *Purpose of this Section.* The purpose of this Section is to provide regulations for the awarding by the City to qualified applicants a permit for a nonexclusive franchise to provide rolloff service for construction and demolition materials. For purposes of this Section, said qualified applicants, upon the issuance of a permit as outlined below, shall be referred to herein as "franchisee(s)."

(b) *Services provided.* There is a continuing need for the collection and disposal of construction and demolition materials from organizations, firms or entities within the City of DeLand with the use of "rolloff" containers. The franchisee shall collect and dispose of construction and demolition materials upon request by entities within the City Limits ~~of DeLand~~ including any newly annexed areas.

(c) *Permit issued.* A permit will be issued to any applicant meeting the requirements of this Ordinance for a nonexclusive franchise (hereinafter "franchise") to provide rolloff service for construction and demolition materials. The applicant shall pay an application fee of the amount in effect on the effective date of this Ordinance which amount may be modified in such manner as determined to be appropriate by the City Commission by means of the adoption of a resolution \$25.00 to assist in recovering costs associated with issuing the permit.

- (d) *Franchise fee.* All parties permitted to provide rolloff service for construction and demolition materials shall pay the City the amount in effect on the effective date of this Ordinance which amount may be modified in such manner as determined to be appropriate by the City Commission by means of the adoption of a resolution for each container pick-up or "pull." The charge shall be paid monthly, and shall be based upon the number of container pick-ups by the franchisee from the entities during the preceding month, whether or not the franchisee bills the entities for the pull. ~~For It is hereby understood that for the privilege of doing business within the DeLand's City Limits~~ the City levies a \$20 per pull fee on each the franchisee in the amount in effect on the effective date of this Ordinance which amount may be modified in such manner as determined to be appropriate by the City Commission by means of the adoption of a resolution and it is a condition precedent for each franchisee to adhere to the payment of such pull fee upon commencing operations within the City Limits, ~~not on the entities.~~
- (e) *Reports required with remittance.* Franchisee will report monthly, in a format approved by the City, the previous month's activities including account names, account numbers, the number of container pick-ups during the month, and all discontinued accounts. The franchisee shall submit the report and pay the franchise fee on or before the twentieth day of each calendar month to the City finance director. Failure to remit franchise fees on or before the 20th day of each month as required shall result in a penalty at the rate of ten percent of the monthly obligation outstanding.
- (f) *Audit of records.* Records pertaining to construction and demolition rolloff service shall be maintained within the State of Florida. The City may, at its option and upon reasonable notice to franchisee, at any time examine accounts and records as such relate to the calculation of the franchise payment to the City. The franchisee shall maintain its records in sufficient detail that revenues deriving from within the ~~corporate limits of the City~~ Limits are readily discernible from other revenues for auditing purposes. Detailed records include but are not limited to dump tickets, customer invoices and customer transaction files. Franchisee must keep all franchise and all other related books and records on file for not less than three years from the termination of the franchise by either party. All examinations shall be at the expense of the City. However, if the City conducts an audit of franchisee's books and records, and substantial discrepancies are discovered which result in sums which should have been paid to the City, then the cost of such audit shall be paid by the franchisee.
- (g) *Disposal of refuse.* Refuse collected by the franchisee shall be hauled to a state-approved and properly licensed disposal facility. Franchisee shall provide the City with evidence the disposal facility is State-approved.
- (h) *Compliance with laws and regulations.* As a condition of the City issuing a franchise, each ~~The~~ franchisee agrees to abide by all applicable present and future Federal, State, County and City laws and regulations and any permit provisions imposed by any regulatory agency and to ~~Failure to abide by any law, regulation or condition shall be considered a breach of this Ordinance. The franchisee agrees to indemnify and save harmless the City, all its officers, representatives, agents and employees against any claim or liability arising from or based on the violation of any such laws, ordinances, regulations, order or other decree.~~
- (i) *Customer responses.* The franchisee shall make itself available to customers by either maintaining a local office or a local telephone number and responding to customers in a timely manner as determined by the City.
- (j) *Equipment.*
- (1) As a condition of the City issuing a franchise, each ~~The~~ franchisee agrees that it shall procure and maintain sufficient equipment, or that it shall arrange on a contractual basis with other

persons owning or leasing equipment in compliance with the requirements of the franchise, to ~~ensure~~ ~~insure~~ that the franchisee shall at all times be in a position to properly maintain its schedules and to otherwise perform all duties, responsibilities, and conditions required of it under this Code and any permits issued by the City and agreements entered with the City ~~Ordinance~~.

(2) All trucks utilized by the franchisee, and all containers owned or leased by the franchisee, shall be prominently identified on both the left and right sides with the franchisee's name in letters not less than six inches in height, and the franchisee's business telephone number, in numbers not less than three inches in height, either painted on, or attached by signs to, the affected truck and containers. The franchisee shall give each of its trucks an identification number that shall be visible and legible at all times, and that shall appear on the bumper in numbers not less than four inches in height.

(3) All of the franchisee's trucks, containers, and equipment shall conform to proper registration and license tag requirements.

(4) Each nonpacker trash vehicle shall be equipped with a cover which may be net with mesh not greater than one half inches, or tarpaulin, or fully enclosed metal top. Such cover shall be kept in good order and used to cover the load going to and from the disposal facility during loading operations or when parked, if the contents are likely to be scattered if not covered. Vehicles shall not be overloaded so as to scatter refuse; however, if refuse is scattered from the franchisee's vehicle for any reason, it shall be picked up immediately. Each vehicle shall have a fork and broom for this purpose. The franchisee's vehicles are not to interfere unduly with vehicular or pedestrian traffic and vehicles are not to be left standing on streets unattended except as made necessary by loading operations, and shall move with the traffic flow.

(k) *Hours of operation.* The collection of construction and demolition materials shall take place only between the hours of 6:00 a.m. and 6:00 p.m.

(l) *Insurance.* The franchisee shall not commence work until franchisee has obtained all insurance required under this Ordinance and such insurance coverage has been approved by the City Manager of the City of DeLand. Should the franchisee fail to provide such insurance, the City may secure the same, the cost of which shall be reimbursed to the City by the franchisee.

(1) *Compensation insurance.* The franchisee shall provide and maintain at all times worker's compensation insurance for all of its employees who are employed in connection with the rolloff service. In case any class of employees engaged in hazardous work under this Chapter are not protected under the worker's compensation statute, the franchisee shall provide adequate insurance coverage for the unemployment compensation protection of its employees not under or otherwise protected.

(2) *Public liability and property damage insurance.* The franchisee shall provide and maintain during the life of this contract, at the franchisee's own expense, such public liability and property damage insurance as shall protect the franchisee and any subcontractor performing work covered by this Ordinance from claims for property damage which may arise from operations under this Ordinance. The amount of such insurance shall be as follows:

Comprehensive liability insurance. Also known as "broad form," covering general and motor vehicle liability insurance in an amount not less than \$500,000.00 for injuries, including accidental death, to any one person, and in an amount not less than \$1,000,000.00 for each occurrence, and property damage insurance in an amount not less than \$200,000.00 each occurrence. In all such policies, the City shall be named as an additional insured at no cost to the City.

(3) *Proof of insurance.* The franchisee shall furnish the City Manager, prior to the start of any operations under the franchise, satisfactory proof of carriage of the insurance required with an

insurance company satisfactory and acceptable to the City. No policy is acceptable to the City which can be cancelled by the insurer in less than 30 days after the insured has received written notice of such cancellation provision of the policy. To be acceptable to the City, each insurance certificate shall contain a clause substantially as follows:

"The policies referred to herein shall provide that they cannot be cancelled by the insurer in less than 30 days after the insured has received written notice of such cancellation, and equal notification to the City."

(m) *Licenses.* The franchisee shall, at its sole expense, procure from all local, State and Federal governmental and agency authorities (having jurisdiction over the operations of the franchisee) all licenses, certificates, permits, or other authorizations which may be necessary for the conduct of the franchisee's operations. The franchisee shall pay all taxes and licenses; certification, permit and examination fees; and all excises which may be assessed, levied, exacted, or imposed upon its property, operations, gross receipts, or all or any combination of these things; and upon the franchise and any rights and privileges which may be granted herein, and shall make all applications, reports, and returns required in connection therewith to all respective governmental and agency authorities.

(n) *Unpermitted contractors.* No one who has not been properly franchised under this Ordinance shall be allowed to solicit business, place containers or provide service to any entity located within the City Limits of DeLand. Violators will be noticed in writing by the City and shall cease their operations within three days of such notice. Failure to cease operations after notice may result in fines up to \$500 per day for each day operation continues.

(o) *Termination.* Any franchise granted hereunder may be terminated: (1) by the City, at its convenience, upon 30 days prior written notice to the franchisee; (2) by the franchisee, following 30 days prior written notice to the City; (3) by the mutual agreement of the parties; or (4) as may otherwise be provided below.

Any privileges which may have been granted herein to the franchisee may be terminated by the City prior to the expiration of the term if any one or more of the following events occur:

- (1) The franchisee fails: (a) to pay the sums, fees or charges due to the City in a timely manner; (b) to submit contracts, reports, statements in a timely manner; or (c) to keep, perform, or observe each and every other promise, covenant, and condition designated to it under this Ordinance. In the event any of the above occur, the City Manager shall notify the franchisee in writing of such failure, and the franchisee shall have 30 days from the receipt of such notice to correct the condition giving rise to such notice. If the correction is not made to the City Manager's satisfaction of the City within the 30 day period, the City Manager shall give written notice to the franchisee that the privileges granted herein are terminated as of the date of such notice; or
- (2) If and when the franchisee shall liquidate, dissolve, or sell substantially all of its assets; or
- (3) If and when there is a transfer of 50 percent or more of the franchisee's voting stock or controlling interest which results in a change in the franchisee's control; or
- (4) If and when the franchisee becomes insolvent, or makes a general assignment for the benefit of its creditors; or if an action or petition is filed by or against the franchisee under any part of the *Federal Bankruptcy Act* or other law relating to the alleged insolvency of the franchisee, and such action or petition is not dismissed within 30 days of the date of its filing.

The franchisee shall give the City at least 15 days prior written notice of the occurrence of any of the events in (2), (3), and (4) above.

In the event any of the privileges granted herein are terminated pursuant to this Section, any liability of the franchisee to the City accruing thereby, and any liability of the franchisee to the

City arising out of any act or event occurring prior to the termination, shall immediately become due and payable to the City, without further notice.

(p) *Nonassignability.* Any franchise granted hereunder shall not be assignable by the franchisee without the prior written consent of the City. If the franchisee attempts to assign, transfer or delegate its rights and duties in violation of these provisions without the City's consent, then the City may terminate the franchise and any such assignment shall be null, void, and of no legal effect whatsoever.

(q) *Amendments.* The City reserves the right to amend this Chapter at any time, and in any manner that the City deems necessary for the health, safety, or welfare of the citizens of DeLand. The City also reserves the right to prescribe, from time to time, reasonable rules and regulations further governing the franchisee's operations herein, including but not limited to hours and frequency of container pick-up. These rules may be issued through the City Manager or his designee, ~~and they need not be memorialized in an ordinance revision or other formal action by the City Commission, the City Commission's approval of this Chapter being an approval that the regulations should be so issued.~~

(r) *Term of franchise.*

(1) The term of any franchise granted hereunder shall be concurrent with the City's fiscal year, which runs from October 1 through September 31. Franchise permits issued at any time during a fiscal year will expire at the end of that fiscal year, September 30th. An acceptance of the provisions, conditions, and stipulations of this franchise shall be in writing and contain the franchisee's local address, prior to the issuance of a franchise permit.

(2) The term may be extended annually in one year increments at the sole option of the City, by written notice to the franchisee not less than 30 days prior to the expiration of the current term.

(s) All provisions of this Chapter shall be deemed to be incorporated in any franchise agreement entered with the City or permit issued by the City regardless of whether or not specifically stated in any such document and, to that end, each franchisee shall be obligated to adhere to the provisions of this Chapter and any violation thereof shall be a violation of the franchise agreement or permit.

Section 3. Amendment to Chapter 12, City Code, Fire Protection. The following Subdivisions of Chapter 12, "Fire Protection", of *the Code of Ordinances of the City of DeLand, Florida*, are hereby amended to read as follows:

Sec. 12-5. Definitions.

The following words, phrases, or terms when used in this Section shall, unless the content otherwise indicates, have the following meanings:

Air curtain incinerator. A portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain. An air curtain incinerator is considered open burning for purposes of this Chapter and controlling State law Rule 62-701.300, Florida Administrative Code.

Air pollution episode. Any day on which generally unhealthy air (an air quality index value of 151 or greater) occurs or is forecast to occur by the Fire Department.

Bonfire. A fire that consists of a pile of material to be burned that is no larger than six feet in diameter and no higher than six feet. Bonfire events are required to have a permit issued by an

agency of competent jurisdiction and may be conducted in the evening after normal permitted hours.

Campfire. A fire that is no larger than three feet in diameter with flames no higher than three feet and no more than one per any one location, address, parcel or lot, whichever is most restrictive.

Department. Department of Environmental Protection.

Extinguished. The absence of any visible flames, smoke or emissions.

Garbage. All kitchen and table food waste, animal or vegetative waste that is attendant with or results from the storage, packaging, preparation, cooking or handling of food materials.

Land clearing debris. Uprooted or cleared vegetation resulting from a land clearing operation, including any untreated wood generated by the land clearing operation (e.g., untreated fence posts).

National weather service air stagnation advisory. An advisory issued by the National Weather Service to caution local and regional agencies of meteorological conditions which are conducive to poor dispersion and that are expected to persist for at least 36 hours.

Open burning. The burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney.

Open field. Any location in a well ventilated cleared area that is at least 200 feet in all directions from any wooded area or occupied building(s), and 100 feet from any public road.

Pesticide. Any substance or mixture substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses or fungi on or in living man or other animals, which the Department of Agriculture and Consumer Services shall declare to be a pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

Sunset. The official time the sun will set as set forth by the U.S. Naval Observatory (tables are available at National Weather Service offices and on the internet at www.usno.navy.mil).

Trash. Materials resulting from the construction, renovation or demolition of a structure, and other debris such as paper, cardboard, packing material, cloth, glass, street sweepings, vehicle tires and other like matter. The term does not include untreated wood or vegetative debris.

Treated wood. Wood coated or infused with paint, glue, filler, pentachlorophenol, creosote, tar, asphalt, chromated copper arsenate (CCA), or other wood preservatives or treatments.

Tree cutting debris. Debris consisting of trees, tree stumps, and tree limbs resulting from a tree removal or tree trimming operation.

Untreated wood. Wood (including lighter pine, tree trunks, limbs and stumps, shrubs, and lumber) which is free of paint, glue, filler, pentachlorophenol, creosote, tar, asphalt, chromated copper arsenate (CCA), and other wood preservatives or treatments.

Waste pesticide containers. Any containers made of combustible materials, including but not limited to paper, plastic, or burlap, which formerly contained pesticides and which the manufacturer or formulator provided as an end user conveyance for the specified product.

Yard waste. Vegetative matter resulting from landscaping and yard maintenance operations and other such routine property clean-up activities. It includes materials such as leaves, shrub trimmings, grass clippings, palm fronds, and brush. It does not include land clearing debris or tree cutting debris.

Sec. 12-6. Types of burning prohibited.

- (a) General prohibition.

- (1) No person shall ignite, cause to be ignited, or permit to be ignited, any material which will result in any prohibited open burning as regulated by this Chapter; nor shall any person suffer, allow, conduct or maintain any prohibited open burning.
- (2) The ~~City of DeLand~~ Fire Department shall require the resident burning to extinguish any open burning which creates excessive smoke or that poses a threat to public health, safety, and property protection in the area.
- (b) Prohibition on the open burning of certain materials.
 - (1) The open burning of biological waste, hazardous waste, asbestos containing materials, mercury containing devices, pharmaceuticals, tires, rubber material, residual oil, used oil, asphalt, roofing material, tar, treated wood, plastics, garbage, or trash is prohibited.
 - (2) Certain otherwise prohibited materials may be burned for the training of firefighters in accordance with Subsection 62-256.700(4), of the Florida Administrative Code; waste pesticide containers may be burned in accordance with Subsection 62-256.700(5), of the Florida Administrative Code; animal carcasses may be burned in accordance with Subsection 62-256.700(6) of the Florida Administrative Code; and polyethylene black plastic mulch, untreated wood pallets, and packing material used in agriculture may be burned in accordance with Subsection 62-256.700(7), of the Florida Administrative Code.
 - (3) Open burning of vegetative debris and untreated wood is prohibited except as provided at Subsections 62-256.700(1), (2), (3), (8), (9), and (10) of the Florida Administrative Code, or Subsection 62-296.320(3), of the Florida Administrative Code.
- (c) Prohibition on open burning during adverse conditions. No open burning, including use of any air curtain incinerator exempted from permitting pursuant to Rule 62-210.300, of the Florida Administrative Code, shall be conducted during a national weather service air stagnation advisory or air pollution episode, or if the department of agriculture and consumer services, division of forestry or the City of DeLand Fire Department has determined that weather conditions are unfavorable for safe burning.
- (d) Nothing in this Section shall relieve any person from complying with any other applicable laws, rules, or ordinances, including Chapter 590, Florida Statutes; rules of the Department of Agriculture and Consumer Services, Division of Forestry; and ordinances of any local, county, or municipal government.

Section 4. Amendment to Chapter 16, *City Code*, Health and Sanitation. The following Subdivisions of Chapter 16, “Health and Sanitation”, of *the Code of Ordinances of the City of DeLand, Florida*, are hereby amended to read as follows:

Sec. 16-5. Same—Unsanitary lots declared nuisance.

All lots or portions thereof within the City Limits of the City which are uncleanly, unsanitary or unsightly by reason of unmowed grass, growth of weeds or accumulations or deposits of solid waste, refuse, garbage or noxious matter of any kind are hereby declared public nuisances.

Sec. 16-26. Nuisances injurious to health.

The following conditions existing, permitted, maintained, kept, or caused by any individual, municipal organization or corporation, governmental or private, shall constitute prima facie evidence of maintaining a nuisance injurious to health:

- (a) Untreated or improperly treated human waste, garbage, offal, dead animals or dangerous waste materials from manufacturing processes harmful to human or animal life and air pollutants, gases and noisome odors which are harmful to human or animal life or the improper disposal of solid waste.
- (b) Improperly built or maintained septic tanks, water closets or privies.
- (c) The keeping of diseased animals dangerous to human health.
- (d) Unclean or filthy places where animals are slaughtered or maintained.
- (e) The creation, maintenance or causing of any condition capable of breeding or harboring flies, mosquitoes or other arthropods or rodents capable of transmitting diseases, directly or indirectly to humans.
- (f) Any other condition determined to be a sanitary nuisance as defined in Section 386.01, *Florida Statutes*.

Sec. 16-29. Disposing of garbage, trash, etc.

- (a) Any person dumping or permitting to be dumped any thing, article, trash, paper, plastic, metal, wood, garbage, dead animals, waste materials from manufacturing processes harmful to human or animal life, air pollutants harmful to human or animal life, within the City Limits of the City of DeLand, whether resident or nonresident, unless deposited in a container provided for that purpose, shall be subject to all penalties and code enforcement processes authorized by controlling law punished as prescribed in this article.
- (b) Only those persons who are paying recipients of garbage and trash disposal services in the City ~~are of DeLand~~ shall be permitted to use those containers for solid waste, garbage and trash provided for that purpose.
- (c) It is prohibited and unlawful for a ~~Any person to transport who transports~~ solid waste, garbage or trash into the City Limits for the purpose of disposing of same in the City ~~receptacle for solid waste~~, trash and garbage ~~shall be in violation of the provisions of this article and shall be punished as prescribed in Section 16-28 of this article.~~

Sec. 16-30. Lot maintenance.

- (1) Generally. This Section shall be known and cited hereinafter as the City of DeLand Lot Maintenance Ordinance, ~~and shall be applicable to the areas of the City of DeLand, Florida.~~
- (2) Definitions. The following definitions shall be in effect for the purpose of interpreting this Section.
 - (a) Adjacent lot or lot adjacent: The lot that is immediately adjoining or contiguous to the lot that is subject to review under this Section or that is abutting the right-of-way immediately opposite the lot that is subject to review under this Section.
 - (b) Building: Any structure as defined within Chapter 2 of the *Florida Building Code*.
 - (c) City: The City of DeLand, Florida.
 - (d) City Commission: ~~The five duly constituted members of the~~ City Commission of the City.
 - (e) Developed lot: Any lot which has been improved and is or has been in residential, mobile home, commercial, industrial, special or public use or has had a building, permanent structure, or temporary structure upon it.
 - (f) Enforcement official: The City Manager, acting through the code enforcement officer or another designee.

- (g) Owner: The owner or owners of record of a lot as such appears in the records of the Volusia County Property Appraiser's Office.
- (h) Lot: Any tract or parcel of land in a recorded or unrecorded subdivision or described by metes and bounds.
- (i) Rubble and debris: Materials resulting from construction or demolition of structures or buildings which are not reasonably usable as a part of or for the construction of structures or buildings which are currently being constructed on the lot on which the materials are located. This term applies to all discarded materials as well as to all materials that are stored or kept for later use, unless such materials are stored within a building or enclosed structure.
- (j) Structure, permanent: Any structure as defined as permanent in Section 33-2 of this the Code of Ordinances of the City of DeLand.
- (k) Structure, temporary: Any structure as defined as temporary in Section 33-2 of this the Code of Ordinances of the City of DeLand.
- (l) Tree: Any woody plant or palm which in its mature state under normal growing conditions reaches a height of ten feet or greater.
- (m) Waste: Garbage, rubbish and refuse from residential, commercial, or industrial activities, including kitchen and table food waste, animal, or vegetative waste that is attendant with or results from the storage, preparation, cooking, or handling of food material; paper, wood scraps, cardboard, cloth, glass, rubber, plastic; discarded automobiles, tires or automobile parts or fixtures; household goods, furniture or appliances; toys; tools or equipment; and similar materials. This term applies to all discarded materials as well as to all materials that are stored or kept for later use, unless such materials are stored within a building or enclosed structure.
- (n) Yard trash: Vegetative material from landscaping, maintenance or land clearing operations, including such materials as tree and shrub trimmings, grass clippings, palm fronds, tree limbs, tree stumps, and similar materials.
- (3) Nuisance declared. It is hereby declared and determined ~~by the City Commission~~ that the following shall each individually or in any combination be considered a nuisance when they exist upon any lot, lots or adjacent lots, as the case may be, including along the sidewalk or street adjacent to the lot between the property line and the curb or if there is no curb, between the property line and the driving surface, in the City:
- (a) Accumulations of waste, yard trash, or rubble and debris.
- (b) Accumulations of waste, yard trash, or rubble and debris that may harbor rats, snakes or other vermin, or that may contain pools of water that may serve as a breeding ground for insects or other disease vectors.
- (c) Grass or weeds in excess of 12 inches tall only on any developed lot.
- (d) Swimming pools which are unmaintained such that they have algae growth or may serve as a breeding ground for insects or other disease vectors.
- (4) Nuisance to be abated. It is further determined by the City Commission that any nuisances declared by this Section which are found upon any lot, lots or adjacent lots, as the case may be, in the City shall be abated in the following manner:
- (a) If the nuisance consists of accumulations of waste, yard trash, or rubble and debris as provided in Subsection (3) it shall be abated in its entirety.
- (b) If the nuisance consists in part or combination of any of the nuisances declared in Subsection (3) in this Section then the provisions of Subsection (a) of this Subsection shall apply.
- (5) Primary enforcement of Section. The failure to abate any nuisance as provided in Subsection (4) shall be a violation of this Section and Subsection. The primary method of

enforcement of this Section shall be by proceedings before the special magistrate as provided in Chapter 7A of the Code. However, in addition to or in the place of action before the special magistrate, this Section may be enforced through the procedure provided for in the remainder of this Section. It is the intent of this Section that all remedies provided for herein shall be cumulative with all other remedies provided for in this Code and other applicable law. Specifically, the enforcement procedure provided for in the remainder of this Section is meant to be available in the event that special magistrate action fails to bring about abatement of the nuisance. Any liens imposed under the remainder of this Section shall be in addition to and cumulative with any liens imposed by the special magistrate.

(6) Designation of investigating and enforcing authority. The enforcement official as defined in this Section is hereby designated as the investigating and enforcing authority pursuant to the provisions of this Section. The enforcement official is hereby directed and empowered to inspect land on which a nuisance is suspected to exist, to receive all complaints of a violation of this Section, and to enter upon any real property in the conduct of official business pursuant to this Section. The enforcement official shall be responsible for providing all notices to affected property owners required by this Section and to take such other action as is reasonably necessary to accomplish the purpose of this Section. It shall be a violation of this Section for any owner to refuse the enforcement official access to and entry on his property for purposes of enforcing this Section.

(7) Procedure for implementation of alternative method of enforcement. The enforcement official is empowered to enter upon and inspect lots on which a nuisance is suspected to exist. In the event inspection reveals the presence of a nuisance, the enforcement official shall notify the record owner or owners by registered or certified mail, return receipt requested, of such nuisance, or by hand delivery by the enforcement official or an officer of the DeLand Police Department. This notice shall be sent to the last available address of the owner or owners of record as found in the Volusia County Property Appraiser's Office and shall advise the owner that a nuisance exists on said owner's lot or lots and said nuisance shall be abated by the owner. The notice shall specify what corrective action shall be taken by the owner to abate the nuisance and that failure to abate the nuisance will result in the enforcement official abating said nuisance and that a lien shall be recorded against the property for failure to abate the nuisance. The owner shall have 21 days from receipt or delivery of the notice to correct the nuisance. The notice shall also state that the owner has a right to appeal the determination of the enforcement official to the City Commission, and that said appeal upon payment of the fee in accordance with Subsection (8) shall be filed within 15 days of receipt or delivery of the notice from the enforcement official.

(8) Appeal. Within 15 days after the receipt or delivery of the notice from the enforcement official, the owner of the lot or lots may make written request for a hearing before the City Commission and to show that the condition alleged in the notice does not exist or that such condition does not constitute a nuisance. Filing of such appeal shall toll the 21-day period to correct the nuisance until the decision of the City Commission is rendered. Failure to notify or to timely appear for the hearing shall be deemed a waiver of the lot owner's right to appeal. The enforcement official shall give the owner seeking such hearing, written notice of the date and location of scheduled hearing. At the hearing before the City Commission, the City and the lot owner may introduce such competent, substantial evidence as is deemed relevant and necessary. Thereafter, the City Commission shall render a decision on said hearing. In order to defray the expense of processing an appeal to the City Commission, the fee for said appeal shall be \$50.00. However, the City Commission shall refund the appeal fee to the applicant if the Commission concurs with

the applicant on its decision. Following review by the City Commission or waiver of the right to appeal by the owner, the owner shall have exhausted his administrative remedies under this alternative method of enforcement.

(9) Diligent search for owner. In the event no appeal is filed as provided in Subsection (8) or the notice is returned unclaimed, and after diligent search and inquiry on the part of the enforcement official has failed to locate and notify the owner, upon the expiration of the 21-day period after receipt or delivery of the notice to correct the nuisance, the enforcement official shall reinspect the lot or lots to ascertain whether or not the nuisance has been abated. Should the enforcement official determine that the subject lot still constitutes a nuisance as defined in this Section, has notified the owner as such, the owner has failed to abate said nuisance within the allowed time, or after diligent search and inquiry and the effort on the part of the enforcement official to contact the owner has failed, the enforcement official shall abate said nuisance. The enforcement official, through his/her agents or authorized contractors, is authorized to enter upon the lot and take such steps as are reasonably necessary to effect abatement. The City shall not be required to have any lot mowed or cleared or the nuisance abated by its contractors or agents more than two times per year.

(10) Assessment of costs. As soon after such abatement as feasible, the cost for abating the nuisance on each lot, plus an amount equal to such cost to defray administrative and operating expenses for abating the nuisance on each lot, shall be calculated and reported by the enforcement official to the City Commission. Such additional charges are hereby declared to be necessary for the purpose of inspection, administration and enforcement of this Section. Thereupon, the City Commission, by resolution, shall levy a special assessment lien in the amount of such cost plus the administrative expense against such lot or lots. Such resolution shall describe the lot or lots and show the total cost assessed. Until payment is completed, such assessments shall be a legal, valid and binding obligation upon the property. The assessment shall become due and payable to the City as of the date of the mailing of the notice of lien by the enforcement official. Thirty days after the mailing of the notice of lien, interest shall begin to accrue at the rate of 12 percent per annum on any unpaid portion thereof.

(11) Mailing notice of lien. The enforcement official shall mail a notice to the record owner or owners of each said lot or lots described in the resolution, by certified mail, return receipt requested, to the last available address of record for such owner or owners, which shall include the following information:

- (a) Name and address of lot owner.
- (b) Legal description of lot or lots where the nuisance has been abated.
- (c) Date of mailing of the notice of the lien.
- (d) A brief description of the nuisance.
- (e) The date notice to abate the nuisance was sent.
- (f) A statement of the actual costs of abatement, the administrative fee and any interest due.
- (g) Date and number of the City Commission resolution assessing the costs of abatement of the nuisance.
- (h) Additional necessary and appropriate information.

(12) Recording of lien. As soon as possible after the assessment has been made by the aforementioned resolution of the City Commission, a certified copy of the resolution shall be recorded in the official records of Volusia County in the office of the clerk of the circuit court in and for Volusia County, Florida, and the lien shall become effective as of the date of filing such copy with the clerk of the circuit court.

(13) Effect of lien. The property lien created under the provisions of this Section shall become effective as of the date of recording such copy in the official records of Volusia County by the clerk of the circuit court. Such assessment together with interest thereon may be enforced by civil action in the appropriate court of Volusia County. The liens created hereby shall be a first lien equal to a lien for nonpayment of property taxes on any property against which an assessment for costs to abate the nuisance has been filed, and shall continue in full force from the date of recording until discharged by satisfaction.

(14) Civil remedies. The City Commission may institute in any court, or before any administration board of competent jurisdiction, action to prevent, restrain, correct or abate any violation of this Section or of any order or regulation made in connection with its administration or enforcement, and the court or administrative board shall adjudge to the plaintiff such relief by way of injunction or any other remedy allowed by law or otherwise, to include mandatory injunction, as may be proper under all the facts and circumstances of the case in order to fully effectuate the regulations adopted and orders and rulings made pursuant thereto.

(15) Violations. If the enforcement official shall find that any of the provisions of the order are being violated, he shall notify the property owner of such violations, in writing, indicating the nature of the violation and ordering any action necessary to correct it. Any person found guilty of a violation of any provision of the ordinance, or any lawful order of the City Commission or enforcement official shall be punished in accordance with law with a fine not to exceed \$500.00 and/or incarceration not to exceed 60 days. Each day the violation continues shall be deemed a separate offense. In addition to any other remedies, whether civil or criminal, the violation of this Section, or any lawful order of the enforcement official or City Commission may be otherwise abated in any manner provided by law.

Section 5. Amendment to Chapter 30, City Code, Utilities. The following Subdivisions of Chapter 30, "Utilities", of *the Code of Ordinances of the City of DeLand, Florida*, are hereby amended to read as follows:

Sec. 30-28. Payment of charges; delinquent accounts.

(a) Bills for rates, fees, taxes and charges relating to water, sewer, stormwater, solid waste ~~garbage and trash~~ collection service shall be rendered monthly by the City and shall be due and payable on or before the 21st day following the billing date for which service was rendered. If not paid prior to the opening of City business on the 22nd day following the billing date for which service was rendered, payment shall be considered late and a late payment fee of \$10.00 or such amount as determined to be appropriate by the City Commission by means of the adoption of a resolution will be assessed to address administrative costs to the City. If any bill for water, sewer, utility tax, stormwater, solid waste ~~garbage or trash~~ collection service shall not be paid prior to the opening of City business on the 34th day following the billing date for which service was rendered, the City will, to the fullest extent permitted by law, shut off and discontinue all service to the property until all delinquent rates, fees, taxes and charges have been paid in full, excluding any current bills that have not reached their stated due date. No accounts will be disconnected if the amount due is \$20.00 or less or such amount as determined to be appropriate by the City Commission by means of the adoption of a resolution. The City shall be under no obligation to provide any customer with any reminder notice relative to any payment due to the City.

Disconnections of utility services by the City may occur in accordance with any provisions of controlling law under the guidance and direction of the City Attorney.

(1) Once during a 12-month period, the City will give an extension to a tenant/property owner who cannot pay the balance on the account by the due date. The extension will be given for up to two weeks from the due date. Any customer who does not pay the extension as agreed upon will be subject to disconnection of service. Extensions shall not apply to balances transferred from other accounts, returned payments and associated fees, initial deposits and additional deposits required on the account.

(2) A courtesy waiver of either the delinquent fee or the late fee can be made once every two years provided that account has been in good standing during that two-year period. One courtesy waiver over the life of the account will not apply to the determination of additional deposits under Subsection 30-29(c)(1). For the purpose of this provision, "good standing" shall mean no incidences of delinquency or dishonored checks over a two-year period. Additional waivers of the delinquent fee or late fee can be given if the customer signs up for either of the incentive programs in Subsection 30-28(i). A maximum of two waivers can be granted for the incentives in Subsection 30-28(i) during the life of the account.

(3) A monthly payment plan can be established for property owners only to satisfy liens or other significantly large balances. Payment plans can range from two to six months for liens and not to exceed three months for other significantly large balances, without the approval of the finance director or his/her designee. Lien interest will continue to accrue until paid in full in accordance with Subsection 30-30(a). The current bill and monthly payment plan amount is due each month by the due date. Any customer who does not pay as agreed will be subject to disconnection of service, the payment plan shall be null and void and no further payment plans will be allowed on the account until the balance is paid in full. Service shall not be reconnected until the entire account balance is paid in full including all fees. The only exception to this is a request for a walk-through reconnection (see Subsection 30-27(e)). No further payment plans will be allowed on the account.

(4) The following accounts will not be turned off without prior approval from the City Manager: hospitals, nursing homes, schools, government agencies, hotels and apartment complexes where the residents are not responsible for the bill.

(5) ~~Reserved.~~

~~(6)~~ The first time an account becomes subject to a delinquent charge and disconnection of service, the City will provide a one-time automatic extension of two days and shall attempt to contact the customer advising them of the extension. If eligible, an automatic waiver of the delinquent charge shall be placed on the customer's account in accordance with Subsection 30-28(a)(2).

(b) When a customer's water is turned off for nonpayment or for any other reason, and a seal or lock is placed on the meter to ensure that water will not be delivered through that meter and/or on that account until payment is made, it shall be the responsibility of the customer to make certain that the seal or lock is not broken, destroyed or removed, and that no water is delivered through that meter and/or on that account until payment is made. If an inspection by the City reveals that a seal or lock placed on the meter has been broken, destroyed or removed, or that the meter has been adjusted or bypassed to allow water to be delivered through that meter and/or on that account and/or to the address in question, the customer shall be charged \$200.00 or such amount as determined to be appropriate by the City Commission by means of the adoption of a resolution for

the first and all subsequent occurrences in addition to the initial delinquent charges provided for below.

(c) If a customer's meter is removed, the customer will continue to be billed for the base facility charge based on the appropriate meter size. If a customer also has sewer service, the customer will continue to be billed the sewer base facility charge based on the appropriate meter size.

(d) In the event that a customer damages or breaks equipment associated with their water meter a fee of \$40.00 or such amount as determined to be appropriate by the City Commission by means of the adoption of a resolution plus the actual cost of materials shall be charged to the customer to fix or replace whatever was damaged.

(e) If a customer meter needs to be pulled per an owner's request, then the customer will be charged a meter pull fee in the amount of \$40.00 or such amount as determined to be appropriate by the City Commission by means of the adoption of a resolution. If the meter needs to be reinstated at a later date, the customer will be charged \$40.00 or such amount as determined to be appropriate by the City Commission by means of the adoption of a resolution.

(f) Excessive requests for verification of reading or consumption or other meter testing will result in a fee of \$25.00 or such amount as determined to be appropriate by the City Commission by means of the adoption of a resolution. No fee shall be assessed if the meter is inaccurate or it is a City error. Excessive requests is defined as more than two in a twelve-month period.

(g) If a customer requests a service call, a fee of \$40.00 will be charged to that customer.

(h) Reserved.

(i) An incentive of a \$1.00 credit per month or such amount as determined to be appropriate by the City Commission by means of the adoption of a resolution will be given to all customers who choose to receive an electronic bill rather than a paper bill and an additional \$1.00 incentive credit per month or such amount as determined to be appropriate by the City Commission by means of the adoption of a resolution will be given to those customers who then pay via the City's recurring ACH program. No incentive will be given to customers who continue to receive paper bills.

Sec. 30-30. Provisions for delinquent accounts; creation of liens in the event of nonpayment; submission to collection agency; administrative fee.

(a) Any water, sewer, utility tax, stormwater, solid waste ~~garbage, trash~~ collection or other utility bill which remains unpaid after 45 days from the date of billing to the customer shall become a lien upon the real property to which the service was provided or the real property which was benefited by the service; provided, however, that unpaid service charges incurred by a former tenant of a rental unit will not be the basis for any lien against the rental property except to the extent that the owner has benefited directly from the service provided to the former tenant as provided in Section 180.135, *Florida Statutes*. This lien shall be superior to all other liens upon the real property except for liens for unpaid ad valorem taxes. This lien shall earn interest at a rate of 12 percent annually, or at any other rate of interest established by resolution of the City Commission. Interest shall be charged for the first five years following the filing of a lien.

(b) The owner thereof shall be provided ~~receive~~ notice of lien from the City stating that if the arrearage is not paid within ten days of the date of said notice, the City ~~Manager~~ shall file a lien against the property for the amount of total arrearage, specifying the individual unpaid accounts and respective arrearages in each for which a lien is claimed by the City. Notices, liens and satisfactions shall each be subject to an administrative fee for the preparation of said instruments

and the cost of filing the same upon the Official Records of Volusia County, Florida. The fees shall be assessed as follows:

Notice of lien \$30.00 or such amount as determined to be appropriate by the City Commission by means of the adoption of a resolution.

Claim of lien 35.00 or such amount as determined to be appropriate by the City Commission by means of the adoption of a resolution.

Satisfaction of lien 30.00 or such amount as determined to be appropriate by the City Commission by means of the adoption of a resolution.

Claim of lien—Refile 35.00 or such amount as determined to be appropriate by the City Commission by means of the adoption of a resolution.

(c) Any water, sewer, utility tax, stormwater, solid waste ~~garbage, trash~~ collection or other utility bill incurred by a tenant of a rental unit remaining unpaid after 45 days shall be forwarded to a collection agency. Such collection fees shall be added to the unpaid balance.

(d) Requests for research and production of documentation identifying outstanding utility liens and/or unpaid utility charges due to the City shall be subject to an administrative fee of \$30.00 per search, per property plus copying costs for any documents requested.

Section 6. Savings. The prior actions of the City of DeLand relating to the regulation of solid waste within the City and the rates, fees and charges relating to solid waste services, as well as any and all related matters, are hereby ratified and affirmed.

Section 7. Implementing Administrative Actions. The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions including, but not limited to, the adoption of administrative rules, regulations, processes, procedures and forms.

Section 8. Conflicts; Repealers.

(a). All Ordinances or parts of Ordinances and other actions of the City Commission in conflict with this Ordinance are hereby repealed.

(b). Chapter 13ⁱⁱⁱ and Chapter 19ⁱⁱⁱ of the *Code of Ordinances of the City of DeLand* are hereby repealed.

Section 9. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 10. Codification; Direction to Code Codifier and City Staff; Correction of Scrivener's Errors.

(a). The provisions of Section 1 through Section 5 of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of DeLand* and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or

similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that the text of Section 6 through Section 11 shall not be codified.

(b). The Code codifier is granted liberal authority to codify the provisions of this Ordinance in such manner and in such places as deemed advisable and to make changes to any cross-references to the provisions of this Ordinance set forth in the *Code of Ordinances of the City of DeLand*.

(c). In accordance with the City's ongoing codification program; the City Clerk, in conjunction with the City Attorney, may make corrections to the provisions of this Ordinance relative to Scrivener's errors of whatever type or nature. To that end, whenever a rate, fee or charge is increased to account for inflation the Code codifier shall edit the *Code of Ordinances of the City of DeLand* to ensure that the correct amount of the rate, fee or charge, or figure used in developing the correct amount of the rate, fee or charge is codified.

Section 11. Effective Date. This Ordinance shall become effective immediately upon enactment.

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

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy, MMC, City Clerk - Auditor

Passed on first reading: _____, 2022.
Adopted on second reading: _____, 2022.

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind, City Attorney

Attachment D

Solid Waste & Recycle Collection Services / RFP-22-03

Price Form

All prices will be fixed for the first year of the contract.

Service Description	Unit Price
Residential Service Collection Component - Once a week solid waste collection, transport, and disposal (64 or 96-gallon cart) - Once a week recycling collection, transport, and disposal (64-gallon cart or 18-gallon bin) - Once a week yard waste/trash collection, transport, and disposal (3 cubic yards or less) - Bulk Collection (Free service, two times per year)	\$ <u>14.96</u> Monthly Unit Price
Fuel Component Fuel Component (Each Residential Service Unit)	\$ <u>1.01</u> Monthly Unit Price
Total Monthly Charges (Services Above)	\$ <u>15.97</u> Monthly Unit Price

Additional Costs

Service Description	Unit Price
Additional 64 or 96-gallon Cart	\$ <u>6.95</u> Monthly/Cart
Side/Rear yard service (non-disabled, 64 or 96-gallon cart)	\$ <u>77.25</u> Monthly/Cart
Apartments/Multi-family (served by carts)	\$ <u>19.57</u> Monthly/Unit
Residential Bulk Waste Collection (after 2 free pick-ups)	\$ <u>8.24</u> Each Item
Residential Yard Waste Special Pick-up (exceeding 3 cubic yards)	\$ <u>20.14</u> Per Cubic Yard
Two (2) Community Document Shredding Events per year	\$ <u>0.00</u> Annual Cost

Disposal fees (tipping fees) shall be limited to the actual cost charged by the bidder by the waste disposal facility and shall be a pass thru to the individual customer. Any mark-up to the disposal fee shall be strictly prohibited. Further, the disposal fee shall not be subject to CPI adjustment. Do not alter the price sheet.

COMMERCIAL SOLID WASTE COLLECTION SERVICES

All commercial accounts are to be bid on a per cubic yard basis; with the exception of those Commercial accounts wh have limited space and require cart service. The Commercial accounts with limited space will have the option to be serviced by 96-gallon cart. Commercial accounts will include multi-family residences services by mechanically emptie containers.

Container size	Weekly Pick ups	Monthly Charges (per cart provider)
96-Gallon Cart	One	\$20.60
96-Gallon Cart	Two	\$41.20
96-Gallon Cart	Three	\$61.80
96-Gallon Cart	Four	\$82.40
96-Gallon Cart	Five	\$103.00

CONTAINERIZED (UNCOMPACTED)		
Non-Compacting Units	Weekly Pick ups	Monthly Charge
2 Yard Frontload	One	\$77.25
2 Yard Frontload	Two	\$154.50
2 Yard Frontload	Three	\$231.75
2 Yard Frontload	Four	\$309.00
2 Yard Frontload	Five	\$386.25
2 Yard Frontload	Six	\$463.50
2 Yard Frontload	Seven	\$540.75
3 Yard Frontload	One	\$131.80
3 Yard Frontload	Two	\$263.60
3 Yard Frontload	Three	\$395.40
3 Yard Frontload	Four	\$527.20
3 Yard Frontload	Five	\$658.96
3 Yard Frontload	Six	\$790.76
3 Yard Frontload	Seven	\$922.56
4 Yard Frontload	One	\$143.76
4 Yard Frontload	Two	\$287.52
4 Yard Frontload	Three	\$431.28
4 Yard Frontload	Four	\$575.05
4 Yard Frontload	Five	\$718.80
4 Yard Frontload	Six	\$862.56
4 Yard Frontload	Seven	\$1,006.33

CONTAINERIZED (UNCOMPACTED)		
Non-Compacting Units	Weekly Pick ups	Monthly Charge
5 Yard Frontload	One	\$156.80
5 Yard Frontload	Two	\$313.59
5 Yard Frontload	Three	\$470.40
5 Yard Frontload	Four	\$627.20
5 Yard Frontload	Five	\$783.99
5 Yard Frontload	Six	\$940.80
5 Yard Frontload	Seven	\$1,097.60
6 Yard Frontload	One	\$200.85
6 Yard Frontload	Two	\$350.20
6 Yard Frontload	Three	\$602.55
6 Yard Frontload	Four	\$803.40
6 Yard Frontload	Five	\$1,004.25
6 Yard Frontload	Six	\$1,205.10
6 Yard Frontload	Seven	\$1,405.95
8 Yard Frontload	One	\$267.80
8 Yard Frontload	Two	\$535.60
8 Yard Frontload	Three	\$803.40
8 Yard Frontload	Four	\$1,071.20
8 Yard Frontload	Five	\$1,339.00
8 Yard Frontload	Six	\$1,606.80
8 Yard Frontload	Seven	\$1,874.60

CONTAINERIZED (COMPACTED)		
Compacting Units	Weekly pick ups	Monthly Charge
2 Yard Frontload	One	\$149.35
2 Yard Frontload	Two	\$298.70
2 Yard Frontload	Three	\$448.05
2 Yard Frontload	Four	\$597.40
2 Yard Frontload	Five	\$746.75
2 Yard Frontload	Six	\$896.10
2 Yard Frontload	Seven	\$1,045.45
3 Yard Frontload	One	\$203.45
3 Yard Frontload	Two	\$407.15
3 Yard Frontload	Three	\$610.72
3 Yard Frontload	Four	\$814.29
3 Yard Frontload	Five	\$1,017.86
3 Yard Frontload	Six	\$1,221.44
3 Yard Frontload	Seven	\$1,425.01
4 Yard Frontload	One	\$278.10
4 Yard Frontload	Two	\$556.20
4 Yard Frontload	Three	\$834.30
4 Yard Frontload	Four	\$1,112.40
4 Yard Frontload	Five	\$1,390.50
4 Yard Frontload	Six	\$1,668.60
4 Yard Frontload	Seven	\$1,946.70

CONTAINERIZED (COMPACTED)		
Compacting Units	Weekly pick ups	Monthly Charge
5 Yard Frontload	One	\$281.60
5 Yard Frontload	Two	\$563.20
5 Yard Frontload	Three	\$844.81
5 Yard Frontload	Four	\$1,126.41
5 Yard Frontload	Five	\$1,408.01
5 Yard Frontload	Six	\$1,689.62
5 Yard Frontload	Seven	\$1,971.23
6 Yard Frontload	One	\$412.00
6 Yard Frontload	Two	\$842.00
6 Yard Frontload	Three	\$1,236.00
6 Yard Frontload	Four	\$1,648.00
6 Yard Frontload	Five	\$2,060.00
6 Yard Frontload	Six	\$2,472.00
6 Yard Frontload	Seven	\$2,884.00
8 Yard Frontload	One	\$383.01
8 Yard Frontload	Two	\$766.02
8 Yard Frontload	Three	\$1,149.03
8 Yard Frontload	Four	\$1,532.03
8 Yard Frontload	Five	\$1,915.05
8 Yard Frontload	Six	\$2,298.05
8 Yard Frontload	Seven	\$2,681.06

Roll off Container per Pull Charge:	20 Yard	<u>\$307.46</u>
	30 Yard	<u>\$307.46</u>
	40 Yard	<u>\$307.46</u>
	Compactors	<u>\$334.75</u>

Roll off/Compactor rental or lease fees monthly:	10 Yard	<u>\$489.25</u>
	20 Yard	<u>\$489.25</u>
	30 Yard	<u>\$489.25</u>
	40 Yard	<u>\$489.25</u>

Delivery Charges for all Roll off Type Containers:	<u>\$257.50</u>	Per Delivery
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Additional Charge for Commercial Containers:	
Wheels on container	<u>\$51.50 each</u>
Locking Bars and/or Locks	<u>\$77.25 each</u>

CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: First Reading of Ordinance Amending Chapter 12; Chapter 15, Section 15-15; and Chapter 33, Section 33-12; of the Code of Ordinances Relating to Open Burning.

DEPARTMENT: Legal

PREPARED BY: Darren Elkind, City Attorney

ATTACHMENTS: Ordinance

APPROVED BY: Julia Hewitt, Deputy City Clerk, August 11, 2022

SUMMARY/HIGHLIGHT:

The proposed ordinance provides that the City can prohibit open burning of land clearing debris and require same to be removed from the site of development activity. The ordinance also cleans up and clarifies other sections of the City's open burning ordinances.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The proposed action ensures that the citizens of, and property within, the City is protected from the adverse conditions that can arise from open burning consistent with the controlling provisions of State law.

RECOMMENDATION:

City staff recommends that the City Commission approve the proposed Ordinance relating to open burning.

BACKGROUND/DISCUSSION:

Open burning is burning where the smoke is emitted directly into the air and not through a chimney. This has been an issue recently when land clearing debris is burned on site in large piles.

However, open burning is significantly regulated by controlling State law. For example, Section 590.125, *Florida Statutes*, regulates Open burning and provide for regulatory authority by the Florida Forest Service and Rule 5I-2.006, *Florida Administrative Code*, of the Florida Department of Agriculture and Consumer Services, Florida Forest Service, and Rule 62-256.700, *Florida Administrative Code*, of the Florida Department of Environmental Protection also provide for the regulation of open burning.

City personnel interacted with Anthony Petellat who is the District Manager at Florida Forest Service Palm Coast office, and it was concluded that if smoke conditions or the like occurred when a State permitted open burn was being implemented, the State would have issues with the City engaging in a nuisance code

enforcement action. However, it was acknowledged that the City could place development order or development permit conditions in development approvals and that the State encouraged that to occur. Placing such conditions in such approvals would protect the interests of the residents and citizens of the City and further public health, safety and welfare.

The proposed Ordinance provides for several technical amendments to the City Code, but primarily adds provisions that provide for the City to condition development orders or development permits under its authority upon the removal of land clearing materials from the development site or conditioning approval upon land clearing matters such as prohibiting burning on weekends or providing for burning only at certain times

ORDINANCE NO. 2022 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, PROHIBITING THE OPEN BURNING OF LAND CLEARING DEBRIS AND REGULATING OTHER BURNING; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; AMENDING CHAPTER 12 AND SECTION 15-15 OF THE CODE OF ORDINANCES OF THE CITY OF DELAND AND SECTION 33-12 OF THE CODE OF ORDINANCES OF THE CITY OF DELAND/LAND DEVELOPMENT REGULATIONS; PROVIDING FOR REGULATION CONSISTENT WITH CONTROLLING STATE LAW; PROVIDING FOR DEVELOPMENT ORDER AND DEVELOPMENT PERMIT CONDITIONS; PROVIDING FOR PROHIBITIONS, REGULATIONS AND ENFORCEMENT; PROVIDING FOR A DEFINITION; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, open burning is burning where the smoke is emitted directly in to the air not through a chimney; and

WHEREAS, materials prohibited from burning include biological waste, materials with asbestos, pharmaceuticals, rubber material, used oil, roofing material, treated wood, garbage, hazardous waste, devices with mercury, tires, residual oil, asphalt, tar, plastics and trash; and

WHEREAS, Section 590.125, *Florida Statutes*, regulates open burning and provides for regulatory authority by the Florida Forest Service; and

WHEREAS, Rule 5I-2.006, *Florida Administrative Code*, of the Florida Department of Agriculture and Consumer Services, Florida Forest Service, and Rule 62-256.700, *Florida Administrative Code*, of the Florida Department of Environmental Protection provide for the regulation of open burning; and

WHEREAS, the City of DeLand is authorized to prohibit open burning of land clearing debris; and

WHEREAS, the City Commission of the City of DeLand has deemed approval of this Ordinance to be in the best interests of the residents and citizens of the City of DeLand and to further the public health, safety and welfare; and

WHEREAS, this Ordinance is enacted pursuant to the statutory and constitutional home rule powers of the City of DeLand as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; Chapter 163, *Florida Statutes*; Chapter 166, *Florida Statutes*, and other applicable controlling law; and

WHEREAS, the City of DeLand has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text, ~~striketrough~~ shall constitute deletions to the original text, and minor edits are made without legislative scoring.

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

Section 1. Legislative Findings And Intent. The City Commission of the City of DeLand hereby adopts and incorporates into this Ordinance the request for Commission action relating to this Ordinance and the recitals (whereas clauses) to this Ordinance as the legislative findings and intent of this Ordinance.

Section 2. Burn Regulations. The provisions of Chapter 12 of the *Code of Ordinances of the City of DeLand* are amended to read as follows:

Sec. 12-1. Florida Fire Prevention Code adopted by reference.

The City of DeLand hereby adopts by reference the *Florida Fire Prevention Code* as if fully set forth herein, as adopted by the State Fire Marshal under the provisions of Part II, ~~the same may be amended from time to time, and as more particularly set forth in Chapter 633, Florida Statutes, and references therein.~~

Sec. 12-2. Fees for plans Plans review, standby fire protection, inspections and related actions ~~reinspections; prohibition on open burning.~~

- (a). The City Commission shall set by resolution fees for plans review, standby fire protection, inspections and related actions ~~reinspection fees.~~
- (b). Open burning of land clearing debris is prohibited unless expressly authorized by a City issued development permit or other order issued by the City.

Sec. 12-3. Title.

~~This section shall be entitled "Open Burning in Residential Areas".~~

Sec. 12-3 12-4. Intent and purpose.

The regulation of open burning will reduce air pollution significantly and otherwise protect the public health, safety and welfare. It is the intent of this Section to prohibit ~~require that~~ open burning of land clearing debris unless expressly authorized by City in a development permit or other City issued order. ~~that is related to the development process be conducted in a manner, under conditions, and within certain periods that will reduce or eliminate the~~

~~potentially harmful effects deleterious and noisome effect of air pollution caused by open burning. Also and to establish certain requirements and criteria to regulate and control open burning within the City so as not to pose a threat to health, safety, or life, adjoining properties or public ways or cause an "unfriendly fire" within the city.~~

Sec. . 12-4 12-5. Definitions.

The City hereby adopts the definitions set forth in Rule 62-256.200, *Florida Administrative Code*, for the purposes of this Chapter. ~~following words, phrases, or terms when used in this section shall, unless the content otherwise indicates, have the following meanings:~~

Air curtain incinerator. ~~A portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain. An air curtain incinerator is considered open burning for purposes of this chapter and Rule 62-701.300, Florida Administrative Code.~~

Air pollution episode. ~~Any day on which generally unhealthy air (an air quality index value of 151 or greater) occurs or is forecast to occur by the department.~~

Bonfire. ~~A fire that consists of a pile of material to be burned that is no larger than six feet in diameter and no higher than six feet. Bonfire events are required to have a permit and may be conducted in the evening after normal permitted hours.~~

Campfire. ~~A fire that is no larger than three feet in diameter with flames no higher than three feet and no more than one per any one location, address, parcel or lot, whichever is most restrictive.~~

Department. ~~Department of Environmental Protection.~~

Extinguished. ~~The absence of any visible flames, smoke or emissions.~~

Garbage. ~~All kitchen and table food waste, animal or vegetative waste that is attendant with or results from the storage, packaging, preparation, cooking or handling of food materials.~~

Land clearing debris. ~~Uprooted or cleared vegetation resulting from a land clearing operation, including any untreated wood generated by the land clearing operation (e.g., untreated fence posts).~~

National weather service air stagnation advisory. ~~An advisory issued by the National Weather Service to caution local and regional agencies of meteorological conditions which are conducive to poor dispersion and that are expected to persist for at least 36 hours.~~

~~*Open burning.* The burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney.~~

~~*Open field.* Any location in a well ventilated cleared area that is at least 200 feet in all directions from any wooded area or occupied building(s), and 100 feet from any public road.~~

~~*Pesticide.* Any substance or mixture substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses or fungi on or in living man or other animals, which the Department of Agriculture and Consumer Services shall declare to be a pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.~~

~~*Sunset.* The official time the sun will set as set forth by the U.S. Naval Observatory (tables are available at National Weather Service offices and on the internet at www.usno.navy.mil).~~

~~*Trash.* Materials resulting from the construction, renovation or demolition of a structure, and other debris such as paper, cardboard, packing material, cloth, glass, street sweepings, vehicle tires and other like matter. The term does not include untreated wood or vegetative debris.~~

~~*Treated wood.* Wood coated or infused with paint, glue, filler, pentachlorophenol, creosote, tar, asphalt, chromated copper arsenate (CCA), or other wood preservatives or treatments.~~

~~*Tree cutting debris.* Debris consisting of trees, tree stumps, and tree limbs resulting from a tree removal or tree trimming operation.~~

~~*Untreated wood.* Wood (including lighter pine, tree trunks, limbs and stumps, shrubs, and lumber) which is free of paint, glue, filler, pentachlorophenol, creosote, tar, asphalt, chromated copper arsenate (CCA), and other wood preservatives or treatments.~~

~~*Waste pesticide containers.* Any containers made of combustible materials, including but not limited to paper, plastic, or burlap, which formerly contained pesticides and which the manufacturer or formulator provided as an end-user conveyance for the specified product.~~

~~*Yard waste.* Vegetative matter resulting from landscaping and yard maintenance operations and other such routine property clean-up activities. It includes materials such as leaves, shrub trimmings, grass clippings, palm fronds, and brush. It does not include land clearing debris or tree cutting debris.~~

Sec. 12-5 12-6. Types of burning prohibited.

- (a) *General prohibition.*

- (1) No person shall ignite, cause to be ignited, or permit to be ignited, any material which will result in any prohibited open burning as regulated by controlling State law this Chapter; nor shall any person suffer, allow, conduct or maintain any prohibited open burning.
 - (2) The City of DeLand Fire Department shall address complaints regarding require any person accomplishing open the resident burning to extinguish any open burning which is prohibited by a development order or which creates excessive smoke or that poses a threat to public health, safety, welfare or and property protection in the area by all appropriate means.
- (b) *Prohibition on the open burning of certain materials.*
- (4) The open burning of prohibited materials such as biological waste, hazardous waste, asbestos containing materials, mercury containing devices, pharmaceuticals, tires, rubber material, residual oil, used oil, asphalt, roofing material, tar, treated wood, plastics, garbage, or trash is prohibited and unlawful under the provisions of controlling State law.
 - (4) ~~Certain otherwise prohibited materials may be burned for the training of firefighters in accordance with subsection 62-256.700(4), of the *Florida Administrative Code*; waste pesticide containers may be burned in accordance with subsection 62-256.700(5), of the *Florida Administrative Code*; animal carcasses may be burned in accordance with subsection 62-256.700(6) of the *Florida Administrative Code*; and polyethylene black plastic mulch, untreated wood pallets, and packing material used in agriculture may be burned in accordance with subsection 62-256.700(7), of the *Florida Administrative Code*.~~
 - (2) ~~Open burning of vegetative debris and untreated wood is prohibited except as provided at subsections 62-256.700(1), (2), (3), (8), (9), and (10) of the *Florida Administrative Code*, or subsection 62-296.320(3), of the *Florida Administrative Code*.~~
- (c) *Prohibition on open burning of land clearing debris during adverse conditions.* No ~~Open burning of any land clearing debris, as defined in Section 62-256.200 *Florida Administrative Code*, is prohibited, unless expressly permitted by a City issued development permit or order for the purpose of protecting the public health, safety and welfare which may be adversely impacted in exceptional circumstances if open burning of land clearing debris is not permitted., including use of any air curtain incinerator exempted from permitting pursuant to Rule 62-210.300, of the *Florida Administrative Code*, shall be conducted during a national weather service air stagnation advisory or air pollution episode, or if the Department of Agriculture and Consumer Services, Division of Forestry or the City of DeLand Fire Department has determined that weather conditions are unfavorable for safe burning.~~

- (d) Nothing in this Section shall relieve any person from complying with any other applicable laws, rules, or ordinances, including, but not limited to, Chapter 590, *Florida Statutes*; rules of the Department of Agriculture and Consumer Services, Division of Forestry; , Chapter 403, *Florida Statutes*, and the rules of the Florida Department of Environmental Protection and applicable development orders, rules, regulations, codes or ordinances of any local, county, or municipal government.
- (e) The regulations of controlling State law shall prevail over the provisions of this Chapter.

Sec. ~~12-6~~ 12-7. Open burning allowed in residential areas.

- (a) *Open burning of yard waste.* Open burning of yard waste, as otherwise permitted by controlling law and not subject to the regulatory authority of the State, is allowed provided:
 - (1) The yard waste was generated on residential premises of not more than two family units.
 - (2) The open burning is conducted on the premises where the material was generated.
 - (3) The fire is ignited after 9:00 a.m. eastern standard time and extinguished no later than one hour before sunset; provided, however, that no burning shall be conducted during those times prohibited in Subsection 12-6(c).
 - (4) The fire is enclosed in a noncombustible container or is restricted to a pile no greater than eight feet in diameter built upon ground cleared of all combustible material.
 - (5) The fire is set back at least 25 feet from any wild lands, brush, or combustible structure, 50 feet from any paved public roadway, and 150 feet from any occupied building other than that owned or leased by the individual doing the burning.
 - (6) The fire is attended and adequate fire extinguishing equipment is readily available at all times.
 - (7) The moisture content and composition of material to be burned is favorable to good burning which will minimize smoke.
 - (8) The area around the burn pile is cleared to bare soil to prevent the fire from spreading.

- (9) Any fire in a noncombustible container is covered with wire mesh to keep sparks from flying out and starting fires.
 - (10) Except as provided above and at Subsections 62-256.700 (8) and (9), ~~of the Florida Administrative Code~~, any other open burning of yard waste is allowed only if such burning is conducted using a department permitted air curtain incinerator operated in compliance with the provisions of Rule 62-296.401, ~~of the Florida Administrative Code~~, and any other terms of the unit's air permit.
- (b) *Open burning of tree cutting debris.* Open burning of tree cutting debris, as otherwise permitted by controlling law and not subject to the regulatory authority of the State, is allowed provided:
- (1) The tree cutting debris was generated on residential premises of not more than two family units.
 - (2) The open burning is restricted to the site where the tree cutting debris was generated.
 - (3) The fire is ignited after 9:00 a.m. eastern time and shall have no visible flame one hour before sunset or anytime thereafter, except in smoke sensitive areas as determined by the division of forestry, where the fire must be extinguished no later than one hour before sunset.
 - (4) The fire is set back at least 25 feet from any wild lands, brush, or combustible structure, 50 feet from any paved public roadway, and 150 feet from any occupied building other than that owned or leased by the individual doing the burning.
 - (5) Any fire in a noncombustible container is covered with wire mesh to keep sparks from flying out and starting fires.
 - (6) The fire is attended, and adequate fire extinguishing equipment is readily available at all times.
 - (7) The moisture content and composition of material to be burned is favorable to good burning which will minimize smoke.
 - (8) Prior to conducting the open burning, the person responsible for the burn contacts the division of forestry regarding the planned burning activity.
 - (9) Except as provided above and at Subsections 62-256.700(8) and (9), *Florida Administrative Code*, any other open burning of tree cutting debris shall be conducted using a department permitted air curtain incinerator

operated in compliance with the provisions of Rule 62-296.401, *Florida Administrative Code*, and any other terms of the unit's air permit.

- (c) *Miscellaneous allowed burning.* A campfire, bonfire, or other fire, as otherwise permitted by controlling law and not subject to the regulatory authority of the State, will be allowed that is used solely for recreational purposes for ceremonial occasions, for outdoor commercial preparation of food, or on cold days for warming of outdoor workers as long as excessive visible.

Sec. ~~12-7~~ 12-8. Permit required for open burning in residential areas.

- (a) ~~On or before the day the open burning is to be conducted, any person or agency requesting an open burning permit shall obtain the required permit for the activity proposed should come to the Administrative Offices of Station 81 located at 201 West Howry Avenue, DeLand, Florida.~~
- (b) ~~The open burning guidelines as set forth by the City of DeLand Fire Department's burn permit and the Code of Ordinances for the City of DeLand must be adhered to or the fire must be extinguished.~~

~~Sec. 12-9. Fees and penalties.~~

- (a) ~~Any person violating any of the provisions of this section shall be liable for all damages caused by such violation, which damages shall be recoverable in any court of competent jurisdiction. The civil liability shall obtain whether there be criminal prosecution and conviction or not. The city commission may by resolution establish fines for violations of any of the provisions of this section including, but not limited to warnings, the burning site is left unattended, the fire is larger than the requirement, unauthorized burns, burning site is not extinguished by stated time, and referrals to Special Magistrate of City of DeLand Code Enforcement. The liability for the costs of suppression shall extend to the person, firm, or corporation causing, directing, or permitting the activity as well as to the actual violator.~~
- (b) ~~When standby fire protection or rescue service is required or requested for any of the above-referenced violations, the following charges shall apply:~~
 - (1) ~~Fire apparatus—Minimum charge of \$150.00 with additional charge of \$150.00 per hour per apparatus.~~
 - (2) ~~Personnel cost based on the actual cost of the wages and benefits of the personnel assigned.
The fee above includes apparatus, personnel, and administrative expense.~~

Sec. ~~12-8~~ 12-10. Declaration of burn ban.

When drought situations occur constituting atmospheric conditions and local circumstances such that outdoor fires, if not properly contained and controlled, could lead to wild fires that would pose a severe threat to residents and visitors of the City of DeLand, then under the direction of the fire chief for the City of DeLand, all outdoor burning, unless authorized by the Florida Division of Forestry, including, but not limited to, the burning of yard trash, household paper products, bonfires, campfires, warming fires, and cooking fires is hereby prohibited subject to an administrative order being issued by the City Fire Chief, or designee, so declaring. Outdoor cooking done within a contained gas or charcoal grill (excluding a fire pit) is exempt from this prohibition when accomplished in a safe manner the only exception.

Sec. ~~12-9~~ 12-11. Penalties for Violation of burn ban.

A violation of this Chapter section 12-10 shall constitute a misdemeanor punishable by a fine not to exceed \$500.00 or imprisonment for a term not to exceed 60 days, or both such fine and imprisonment.

Sec. ~~12-10~~ 12-12. Fire inspection electronic reporting.

All reports related to fire protection system inspection, testing and maintenance shall be submitted reported to the City of DeLand Fire Department through the use of an internet-based fire inspection reporting system approved by the City of DeLand. Any report not submitted through the City's internet-based reporting system will not be accepted.

Section 3. Burning Prohibitions; Amendment to Section 15-15; Prohibitions.
Section 15-5 of the *Code of Ordinances of the City of DeLand* is amended to read as follows:

Sec. 15-5. Prohibitions.

It is hereby declared unlawful and a violation of the chapter for any person, firm or corporation to do or permit to be done any of the following acts or practices:

(a) To dispose of any wet or dry garbage by burning (unless permitted by controlling law and not subject to the regulatory authority of the State or City) or abandoning within the City Limits of DeLand or its contiguous waters, or by burning garbage or trash within the City Limits (unless permitted by controlling law and not subject to the regulatory authority of the State or City); provided, however, that yard trash may be burned under certain prescribed conditions as set forth by the DeLand Fire Department and only upon issuance of a permit by the DeLand Fire Department; provided, however, that the regulations of controlling State law shall prevail over the provisions of this provisions.

(b) – (k) ***

Section 4. Burning (Management); Definitions; Amendment to Section 33-12; Definitions. Section 33-12 of the *Code of Ordinances of the City of DeLand/Land Development Regulations* is amended to read as follows:

Sec. 33-12. Definitions.

Management means a series of techniques applied to maintain the viability of species in a location. These techniques include, but are not limited to, controlled burning as may be permitted and implemented in accordance with the controlling provisions of State law, planting or removal of vegetation, exotic species control, maintaining hydrologic regimes, and monitoring.

Section 5. Savings. The prior actions of the City of DeLand relating to the regulation of open burning and other forms of burning, as well as any and all related matters, are hereby ratified and affirmed.

Section 6. Conflicts. All ordinances or parts of ordinances and other actions of the City Commission in conflict with this Ordinance are hereby repealed.

Section 7. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 8. Codification; Direction to Code Codifier and City Staff; Correction of Scrivener's Errors.

(a). The provisions Section 1 through Section 4 of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of DeLand* and all other sections shall not be codified. The Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that all other sections shall not be codified. Further, the words "*Land Development Regulations*" shall be substituted for the words "*Land Development Code*" (or similar words and phrases) by the Code Codifier.

(b). In accordance with the City's ongoing codification program; the City Clerk, in conjunction with the City Attorney, may make corrections to the provisions of this Ordinance relative to Scrivener's errors of whatever type or nature.

(c). In accordance with the City's ongoing codification program; the City Clerk, in conjunction with the City Attorney, may make additions or deletions to the tables and similar parts

of the *Code of Ordinances of the City of DeLand* pertaining to the matters set forth in or referenced in this Ordinance.

Section 9. Effective Date. This Ordinance shall become effective immediately upon adoption.

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

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading: _____, 2022.
Adopted on second reading: _____, 2022.

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: First Reading of Ordinance Amending Article II, Chapter 2A of the Code of Ordinances Relating to the City's Economic Development Committee and Brownfield Advisory Committees.

DEPARTMENT: Legal

PREPARED BY: Darren Elkind, City Attorney

ATTACHMENTS: Ordinance

APPROVED BY: Michael Pleus, City Manager, August 10, 2022

SUMMARY/HIGHLIGHT:

One of the many things that the City Commission has done in the past to enhance economic development within the City is the creation of a City Economic Development Committee to which it also assigned duties with regard to brownfields, which are areas of real properties where expansion, reuse, or redevelopment may be complicated by real or perceived environmental conditions. Brownfields do not necessarily have to be contaminated as the overall object of brownfield programs is to rejuvenate abandoned, vacant, or underused properties and utilize them to their greatest potential. Brownfield programs are typically incentive-driven programs with financial enticement for redevelopment and liability relief when cleaning up any discovered contamination.

The proposed Ordinance establishes a new Economic Development Committee, but without the additional role of acting as a brownfield committee. The proposed Ordinance also provides for the establishment of City Brownfield Advisory Committees by resolution of the City Commission, which committees can be tasked with one or multiple brownfields. The City Commission will be able to create multiple, project specific, brownfield committees.

The proposed Ordinance establishes basic membership criteria and operational guidelines for each brownfield committee and affords the opportunity for the City Commission to appoint one of its Members as an *ex officio* member if it so chooses. Both bodies would act normatively in accordance with Florida law.

Additionally, Section 288.075, *Florida Statutes*, provides that upon written request from a private corporation, partnership or person, records of an economic development agency which contain or would provide information concerning plans, intentions or interest of such private corporation, partnership or person to locate, relocate or expand any of its business activities in the State of Florida are confidential and exempt from the provisions of public records laws as the Florida Legislature has determined that the disclosure of information while a business is still considering its site selection options could jeopardize a viable economic development project, as well as injure the business in the marketplace, and that the harm that would result from the release of sensitive business information or from the impairment of the effective administration of State and local economic development efforts far outweighs the public benefit derived from release of such information. The proposed Ordinance clarifies that the City's Economic Development Manager, or such other person as may be designated by the City Manager, shall be the official representative of the City who is authorized to receive and distribute confidential information pursuant to Section 288.075, *Florida Statutes*.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The proposed Ordinance is designed to provide the City with mechanisms to assist in the development and redevelopment of real property within the City Limits thereby enhancing the tax base of the City as well as the employment and economic wellbeing of City residents and businesses.

RECOMMENDATION:

City staff recommends that the City Commission approve the proposed Ordinance relating to the City's Economic Development Committee and Brownfield Advisory Committees.

BACKGROUND/DISCUSSION:

State law, such as Section 166.021(8), *Florida Statutes*, provides that it is necessary and in the public interest to facilitate the growth and creation of business enterprises in the municipalities of Florida. State law grants economic development powers to the City in addition to the home rule powers granted by the State Constitution to the City. Further, Section 187.201, *Florida Statutes*, (the statutorily codified *State Comprehensive Plan*) provides that it is a goal of the State to promote an economic climate which provides economic stability, maximizes job opportunities and increases per capita income for its residents while setting for numerous policies aimed at attaining that goal. Section 187.201, *Florida Statutes*, also adopts a goal and policies pertaining to urban and downtown revitalization in recognition of the importance of Florida's vital urban centers and of the need to develop and redevelop downtowns in order to use existing infrastructure and to accommodate growth in an orderly, efficient and environmentally acceptable manner. The City Commission has striven to make the economy of the City one that is vibrant, creative, flexible, dynamic, and modern, as well as an economy that attracts and retains high quality businesses and economic generators to the City.

ORDINANCE NO. 2022 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, RELATING TO THE ECONOMIC DEVELOPMENT COMMITTEE AND BROWNFIELD ADVISORY COMMITTEES; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; AMENDING ARTICLE II, CHAPTER 2A OF THE CODE OF ORDINANCES OF THE CITY OF DELAND RELATING TO THE CITY'S ECONOMIC DEVELOPMENT COMMITTEE AND BROWNFIELD ADVISORY COMMITTEES; REVISING COMMITTEE STRUCTURES AND RELATED MATTERS; IMPLEMENTING THE PROVISIONS OF SECTION 288.075, FLORIDA STATUTES; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of DeLand has the desire to ensure that the City of DeLand and its environs are desirable for economic development of a positive nature for the benefit of the citizens of the City of DeLand; and

WHEREAS, Section 166.021(8), *Florida Statutes*, provides as follows:

“(8)(a) The Legislature finds and declares that this state faces increasing competition from other states and other countries for the location and retention of private enterprises within its borders. Furthermore, the Legislature finds that there is a need to enhance and expand economic activity in the municipalities of this state by attracting and retaining manufacturing development, business enterprise management, and other activities conducive to economic promotion, in order to provide a stronger, more balanced, and stable economy in the state, to enhance and preserve purchasing power and employment opportunities for the residents of this state, and to improve the welfare and competitive position of the state. The Legislature declares that it is necessary and in the public interest to facilitate the growth and creation of business enterprises in the municipalities of the state.

(b) The governing body of a municipality may expend public funds to attract and retain business enterprises, and the use of public funds toward the achievement of such economic development goals constitutes a public purpose. The provisions of this chapter which confer powers and duties on the governing body of a municipality, including any powers not specifically prohibited by law which can be exercised by the governing body of a municipality, shall be liberally construed in order to effectively carry out the purposes of this subsection.

(c) For the purposes of this subsection, it constitutes a public purpose to expend public funds for economic development activities, including, but not limited to, developing or improving local infrastructure, issuing bonds to finance or refinance the cost of capital projects for industrial or manufacturing plants, leasing or

conveying real property, and making grants to private enterprises for the expansion of businesses existing in the community or the attraction of new businesses to the community.

(d) A contract between the governing body of a municipality or other entity engaged in economic development activities on behalf of the municipality and an economic development agency must require the agency or entity receiving municipal funds to submit a report to the governing body of the municipality detailing how the municipal funds are spent and detailing the results of the economic development agency's or entity's efforts on behalf of the municipality. By January 15, 2011, and annually thereafter, the municipality shall file a copy of the report with the Office of Economic and Demographic Research and post a copy of the report on the municipality's website.

(e)1. By January 15, 2011, and annually thereafter, each municipality having annual revenues or expenditures greater than \$250,000 shall report to the Office of Economic and Demographic Research the economic development incentives in excess of \$25,000 given to any business during the municipality's previous fiscal year. The Office of Economic and Demographic Research shall compile the information from the municipalities into a report and provide the report to the President of the Senate, the Speaker of the House of Representatives, and the Department of Economic Opportunity. Economic development incentives include:

a. Direct financial incentives of monetary assistance provided to a business from the municipality or through an organization authorized by the municipality. Such incentives include, but are not limited to, grants, loans, equity investments, loan insurance and guarantees, and training subsidies.

b. Indirect incentives in the form of grants and loans provided to businesses and community organizations that provide support to businesses or promote business investment or development.

c. Fee-based or tax-based incentives, including, but not limited to, credits, refunds, exemptions, and property tax abatement or assessment reductions.

d. Below-market rate leases or deeds for real property.

2. A municipality shall report its economic development incentives in the format specified by the Office of Economic and Demographic Research.

3. The Office of Economic and Demographic Research shall compile the economic development incentives provided by each municipality in a manner that shows the total of each class of economic development incentives provided by each municipality and all municipalities.

(f) This subsection does not limit the home rule powers granted by the State Constitution to municipalities.”

; and

WHEREAS, Section 187.201(21), *Florida Statutes*, (part of the *State Comprehensive Plan*) provides as follows:

“(21) **THE ECONOMY.**—

(a) Goal.—Florida shall promote an economic climate which provides economic stability, maximizes job opportunities, and increases per capita income for its residents.

(b) Policies.—

1. Attract new job-producing industries, corporate headquarters, distribution and service centers, regional offices, and research and development facilities to provide quality employment for the residents of Florida.

2. Promote entrepreneurship and small and minority-owned business startup by providing technical and information resources, facilitating capital formation, and removing regulatory restraints which are unnecessary for the protection of consumers and society.

3. Maintain, as one of the state’s primary economic assets, the environment, including clean air and water, beaches, forests, historic landmarks, and agricultural and natural resources.

4. Strengthen Florida’s position in the world economy through attracting foreign investment and promoting international banking and trade.

5. Build on the state’s attractiveness to make it a leader in the visual and performing arts and in all phases of film, television, and recording production.

6. Promote economic development for Florida residents through partnerships among education, business, industry, agriculture, and the arts.

7. Provide increased opportunities for training Florida’s workforce to provide skilled employees for new and expanding business.

8. Promote economic self-sufficiency through training and educational programs which result in productive employment.

9. Promote cooperative employment arrangements between private employers and public sector employment efforts to provide productive, permanent

employment opportunities for public assistance recipients through provisions of education opportunities, tax incentives, and employment training.

10. Provide for nondiscriminatory employment opportunities.
11. Provide quality child day care for public assistance families and others who need it in order to work.
12. Encourage the development of a business climate that provides opportunities for the growth and expansion of existing state industries, particularly those industries which are compatible with Florida's environment.
13. Promote coordination among Florida's ports to increase their utilization.
14. Encourage the full utilization by businesses of the economic development enhancement programs implemented by the Legislature for the purpose of extensively involving private businesses in the development and expansion of permanent job opportunities, especially for the economically disadvantaged, through the utilization of enterprise zones, community development corporations, and other programs designed to enhance economic and employment opportunities."

; and

WHEREAS, the City Commission of the City of DeLand desires that the economy of the City of DeLand be one that is vibrant, creative, flexible, dynamic, and modern as well as an economy that attracts and retains high quality businesses and economic generators to the City of DeLand; and

WHEREAS, the City Commission of the City of DeLand desires that the maximum possible level of cooperation, collaboration and coordination occur between the City of DeLand and the State of Florida, regional economic development entities, Volusia County, other local government entities and private sector organizations; and

WHEREAS, the City Commission of the City of DeLand has concluded that a positive means and method to economically develop the City of DeLand in the aforescribed effective and beneficial manner would be to assign the duties as set forth in this Ordinance to a newly created City of DeLand Economic Development Committee; and

WHEREAS, Section 288.075, *Florida Statutes*, provides that upon written request from a private corporation, partnership or person, records of an economic development agency which contain or would provide information concerning plans, intentions or interest of such private corporation, partnership or person to locate, relocate or expand any of its business activities in the State of Florida are confidential and exempt from the provisions of Section 119.07(1), *Florida Statutes*, and Section 24(a), Article I of the *Constitution of the State of Florida*; and

WHEREAS, the Florida Legislature has determined that the disclosure of information while a business is still considering its site selection options could jeopardize a viable economic development project, as well as injure the business in the marketplace, and that the harm that would result from the release of sensitive business information or from the impairment of the effective administration of State and local economic development efforts far outweighs the public benefit derived from release of such information; and

WHEREAS, disclosure of financial records during negotiations between private and public entities would discourage economic development in general, and have a negative impact on increasing the number of high-technology, research and development or high-paying jobs in the state; and

WHEREAS, an economic development agency within the scope of Section 288.075, *Florida Statutes*, is defined to include public economic development agency of a municipality; and

WHEREAS, the City Commission of the City of DeLand desires to establish, as part of the City's Brownfield Redevelopment Program, a City Brownfield Advisory Committee or Committees for various areas of the City; and

WHEREAS, Section 187.201(16), *Florida Statutes*, (part of the *State Comprehensive Plan*) provides as follows:

“(16) URBAN AND DOWNTOWN REVITALIZATION.—

(a) Goal.—In recognition of the importance of Florida’s vital urban centers and of the need to develop and redevelop downtowns to the state’s ability to use existing infrastructure and to accommodate growth in an orderly, efficient, and environmentally acceptable manner, Florida shall encourage the centralization of commercial, governmental, retail, residential, and cultural activities within downtown areas.

(b) Policies.—

1. Provide incentives to encourage private sector investment in the preservation and enhancement of downtown areas.
2. Assist local governments in the planning, financing, and implementation of development efforts aimed at revitalizing distressed downtown areas.
3. Promote state programs and investments which encourage redevelopment of downtown areas.
4. Promote and encourage communities to engage in a redesign step to include public participation of members of the community in envisioning redevelopment goals and design of the community core before redevelopment.

5. Ensure that local governments have adequate flexibility to determine and address their urban priorities within the state urban policy.
6. Enhance the linkages between land use, water use, and transportation planning in state, regional, and local plans for current and future designated urban areas.
7. Develop concurrency requirements that do not compromise public health and safety for urban areas that promote redevelopment efforts.
8. Promote processes for the state, general purpose local governments, school boards, and local community colleges to coordinate and cooperate regarding educational facilities in urban areas, including planning functions, the development of joint facilities, and the reuse of existing buildings.
9. Encourage the development of mass transit systems for urban centers, including multimodal transportation feeder systems, as a priority of local, metropolitan, regional, and state transportation planning.
10. Locate appropriate public facilities within urban centers to demonstrate public commitment to the centers and to encourage private sector development.
11. Integrate state programs that have been developed to promote economic development and neighborhood revitalization through incentives to promote the development of designated urban infill areas.
12. Promote infill development and redevelopment as an important mechanism to revitalize and sustain urban centers.”

; and

WHEREAS, brownfields are areas of real properties where expansion, reuse, or redevelopment may be complicated by real or perceived environmental conditions, but brownfields do not necessarily have to be contaminated as the overall object of brownfield programs is to rejuvenate abandoned, vacant, or underused properties and utilize them to their greatest potential. It is an incentive-driven program with financial enticement for redevelopment and liability relief when cleaning up any discovered contamination; and

WHEREAS, a brownfields designation can make available Federal, State and local financial incentives that might not otherwise be available including, but not limited to, job creation incentives; and

WHEREAS, the purpose of the City’s Brownfield Advisory Committee or Committees is to promote and receive public comment on the identification, rehabilitation and redevelopment of a brownfield site or sites located with the City; and

WHEREAS, the City’s Economic Development Committee currently serves in the role of the City’s statutorily required Brownfield Committee (when one is required) and the City Commission desires to remove this responsibility for brownfields from the Economic Development Committee and create separate Brownfield Committee(s) which are brownfield project specific; and

WHEREAS, the City’s Brownfield Advisory Committee or Committees will provide guidance to the City in areas such as future land use, local employment opportunities, development proposals, community safety, and environmental justice as they relate to brownfields; and

WHEREAS, the City’s Brownfield Advisory Committee or Committees will review and recommend ways and means to encourage public interest and participation in the brownfields initiatives; and

WHEREAS, the City’s Brownfield Advisory Committee or Committees will generally assist the City in guiding and setting policy for the City’s Brownfield Redevelopment Program; and

WHEREAS, the creation of a Brownfield Advisory Committee or Committees of the City will be beneficial to the citizens of the City of DeLand and will constitute a major step forward in the City's redevelopment efforts and with regard to its continuing relationship with the State agencies involved in environmental protection and redevelopment efforts; and.

WHEREAS, the City Commission of the City of DeLand has deemed approval of this Ordinance to be in the best interests of the residents and citizens of the City of DeLand and to further the public health, safety and welfare; and

WHEREAS, this Ordinance is enacted pursuant to the statutory and constitutional home rule powers of the City of DeLand as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; Chapter 163, *Florida Statutes*; Chapter 166, *Florida Statutes*, and other applicable controlling law; and

WHEREAS, the City of DeLand has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text, ~~striketrough~~ shall constitute deletions to the original text, and minor edits are made without legislative scoring.

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

Section 1. Legislative Findings and Intent.

(a). The City Commission of the City of DeLand hereby adopts and incorporates into this Ordinance the request for Commission action relating to this Ordinance and the recitals (whereas clauses) to this Ordinance as the legislative findings and intent of this Ordinance.

(b). The City Manager shall rely upon the intent and findings of City Commission of the City of DeLand as set forth in this Ordinance as guiding principles in developing and taking implementing actions as set forth in this Ordinance.

(c). The City of DeLand is authorized to adopt this Ordinance and undertake economic development activities under applicable and controlling law to include, but not be limited to, Section 288.075, *Florida Statutes*, Article VIII, Section 2 of the *Constitution of the State of Florida* and the provisions of Chapters 166 *Florida Statutes*, the *City Charter of the City of DeLand*, and other applicable and controlling law.

Section 2. Economic Development Committee. The provisions of Article II, Chapter 2A of the *Code of Ordinances of the City of DeLand* are amended to read as follows:

Sec. 2A-11. Economic Development Advisory Committee established.

There is hereby created an Economic Development Committee whose duty it shall be to make recommendations to the City Commission for the purpose of aiding and assisting the City Commission ~~them~~ on matters referred to the Committee by the City Commission or the City Manager, or designee, staff relating to community development and economic growth within the City and its environs. ~~The Committee shall also serve as the advisory Committee for Brownfields pursuant to F.S. § 376.80(4) unless another such Brownfield Advisory Committee is established by the City Commission.~~

Sec. 2A-12. Name of Committee.

~~This Committee shall be called the "Economic Development Committee."~~

Sec. 2A-13. Commission to appoint members.

~~The members of this Committee shall be appointed by the City Commission.~~

Sec. 2A-14. Composition of Economic Development Committee.

The Economic Development Committee shall consist of five people, each of whom shall be appointed by the City Commission for staggered terms for a period of two years. No fewer than three of the members shall be City residents. The membership of the Economic Development Committee, may, at the discretion of the City Commission, include designees of the DeLand Area Chamber of Commerce, and representatives from industry, academia, aviation and businesses operating within the City Limits. The City Commission may appoint one of its Members ~~a Commissioner~~ to serve as an *ex officio* member of the Committee who shall not have a vote but may be elected to be a presiding officer and shall serve as a City Commission liaison to the Committee.

Sec. 2A-13 2A-15. Meetings; organization; terms of office.

The Committee shall meet at least quarterly. The Committee may, at the discretion of the chairman, meet more often or as requested by the City Commission or City staff. The Committee shall annually elect a chair and vice-chair and such officers may be re-elected at the discretion of the Committee. The chair and vice-chair shall be elected by a majority vote of the Committee members present at the first regular meeting in January of each year. The chair shall serve as the presiding officer of all meetings and the vice-chair shall serve in the chair's absence. Committee members shall be appointed for two-year terms. Three members shall be appointed every even numbered year and two members shall be appointed every odd numbered year. Any member may be reappointed for one successive term upon the approval of the City Commission and shall continue to serve until his or her successor is appointed.

Sec. 2A-14. City Manager as City's Economic Development Director Under Section 288.075, Florida Statutes.

The City Commission hereby designates the City's Economic Development Manager, or such other person that the City Manager may designate from time to time, as the official representative of the City who is authorized to receive and distribute confidential information pursuant to Section 288.075, Florida Statutes, relating to plans, intentions, or interests of a private corporation, partnership, or person to locate, relocate, or expand any of its business activities in the State of Florida, and specifically authorizes the City Manager or the City Manager's designee to sign any request of confidentiality agreement consistent with the provision of Section 288.075, Florida Statutes.

Section 3. Brownfield Advisory Committees. A new section of the *Code of Ordinances of the City of DeLand* is amended to read as follows:

- (a). The City Commission is hereby authorized to establish by resolution a City of DeLand Brownfield Advisory Committee to serve the purposes set forth in Section 376.80(4), Florida Statutes, in each instance where the City Commission determines that such Committee is necessary. The Committee shall have jurisdiction over the brownfield or brownfields as designated by the City Commission in its resolution establishing such Committee.
- (b). Each Brownfield Advisory Committee shall consist of three people, each of whom shall be appointed by the City Commission to serve for the duration of the Committee, unless a different term shall be set by the City Commission. The City Commission may appoint or remove members of the Committee at any time. The members may or may not be City residents, but should have a relation to the area in which the Committee has jurisdiction such as a resident, business owner, property owner or environmental consultant. The City Commission may appoint one of its Members to serve as an *ex officio* member of the Committee who shall not have a vote, but may be elected to be a presiding officer and shall serve as a City Commission liaison to the Committee.

(c). The Brownfield Advisory Committee shall:

(1). Be responsible for making recommendations to the City Commission regarding brownfields within the City.

(2). Receive public comment on the rehabilitation and redevelopment of brownfields areas, future land use, local employment opportunities, community safety and economic justice. The Committee will also review outreach efforts and materials.

(3). Review and recommend ways to encourage public interest and participation in the brownfields initiatives of the City.

(4). Invite persons to its meetings in an effort to provide local knowledge concerning the location of potentially contaminated sites and the possibility of redevelopment.

(5). Provide periodic reports to the City Commission either when directed to do so by the City Commission or the City Manager or on its own accord.

(6). Otherwise perform the functions set forth in Section 376.80(4), Florida Statutes.

Section 4. Implementing Administrative Actions.

(a). The City Manager is hereby authorized and directed to take such actions as he may deem necessary and appropriate in order to implement the provisions of this Resolution.

(b). The City Manager is also authorized and directed to take any and all necessary and appropriate actions that would maximize City participation in the activities and programs of economic development or redevelopment entities and agencies.

Section 5. Savings. The prior actions of the City of DeLand relating to the economic development and brownfield regulation activities of the City, as well as any and all related matters, are hereby ratified and affirmed.

Section 6. Conflicts. All ordinances or parts of ordinances and other actions of the City Commission in conflict with this Ordinance are hereby repealed.

Section 7. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not

be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 8. Codification; Direction to Code Codifier and City Staff; Correction of Scrivener's Errors.

(a). The provisions of Sections 1 and 2 of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of DeLand* and all other sections shall not be codified. The Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that all other sections shall not be codified. Further, the words "*Land Development Regulations*" shall be substituted for the words "*Land Development Code*" (or similar words and phrases) by the Code Codifier.

(b). In accordance with the City's ongoing codification program, the City Clerk, in conjunction with the City Attorney, may make corrections to the provisions of this Ordinance relative to Scrivener's errors of whatever type or nature.

Section 9. Effective Date. This Ordinance shall become effective immediately upon adoption.

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

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading: _____, 2022.
Adopted on second reading: _____, 2022.

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: CONTINUATION of First Reading of Ordinance Changing the Zoning of Approximately 28.64 Acres of Property, Located at the Southeast Corner of Martin Luther King Boulevard and Cassadaga Road, from County R-4C & R-4 to CTC DeLand PD to Develop a Multi-Family Residential Project (1st Rdg. 6/20/22 - CONT'D).

DEPARTMENT: Planning

PREPARED BY: Mike Holmes, Planning Director

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

APPROVED BY: Michael Pleus, City Manager, August 10, 2022

SUMMARY/HIGHLIGHT:

First Reading of Ordinance to Rezone 28.64 acres from County R-4C & R-4 to CTC DeLand PD to develop a multi-family residential project, located at the SE corner of Martin Luther King Blvd. & Cassadaga Road. This application is for the development of a 233-unit multi-family residential project (originally proposed 238 units). The site, located in the southeast section of the city limits, is currently vacant, undeveloped and heavily vegetated. The site is a part of the Southwest Activity Center, which previously was the subject of a DRI including property located in unincorporated Volusia County and within the city limits of Orange City and Deltona. The DRI has been dissolved and the City of DeLand maintains the Activity Center land use designation to provide guidance for development of property in the area.

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

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

At the June 20th Commission meeting, the application was continued to a date uncertain to allow the rezoning application of the adjacent property to be heard at the same time. The rezoning application for the adjacent property, DeLand Tech Park, was heard by the Planning Board on July 20, 2022 and is being heard by the Commission at this meeting allowing both applications to be discussed at the same time. The Commission commented that the PD should be revised to address the following comments before coming back before them:

1. This project is located in a commercial & industrial area which requires better protection from noise. *Note - Landscape buffer and wall proposed along the west and south boundary should help to reduce noise in the complex.*
2. Increase the surrounding buffers, especially at the intersection of Cassadaga Rd. & Martin L. King Blvd.

Note - 40' landscape buffer is proposed along the east and north boundary.

3. Emphasize that no burning of cleared vegetation will be permitted. *Note - text added under the phasing section that prohibits open burning.*

4. Clearly state that this project will be protective of the environment through methods such as Low Impact Development, draught & Florida friendly plant materials, tree protection for historic trees and generally more plantings provided. *Note - Standards added under the Environmental Considerations section that addresses historic tree removal must follow current city provisions. Low impact development strategies and Florida-friendly landscaping will be used in the development.*

5. Clearly state what amenities will be provided. *Note - Has not specifically stated which amenities will be provided, but list the ones that may be provided.*

6. Consider how this project will be integrated into the rest of the activity center. *Note - Pedestrian connections have been added to the south and east.*

The revised concept plan shows a entrance shifted westward to tie into the interior roadway being proposed for the commercial area of the DeLand Tech Park project, removing the request for this to be a public road. staff is in favor of this change.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Strategic Focus Area: Institute Smart Growth Principles:

Strategies:

Community consistent growth

Action Steps:

Encourage use of Planned Development Agreements in zonings.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

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

BACKGROUND/DISCUSSION:

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

- Revise PD to remove reference to subdivision and internal road and creation of property owners association; (referenced site plan and no HOA necessary)
- Ensure max impervious to 50% is the correct amount; (completed)
- Provide detailed standards for free standing garages; (completed)
- Coordinate with City Forester on environmental provisions to determine if they are needed; (changes made after the Planning Board meeting, reviewed by Forester - new comments below)
- Update southern buffer to 20' to match PD agreement; (text changed in PD agreement to an average, but unchanged on the concept plan)
- Allow the City the option to take the entrance road at the time of the final site plan; (no longer applicable)
- Revise reference to Low Impact Development to be required. (completed)

- Reference traffic analysis and how it relates to the entire Activity Center; (not submitted to date)
- Clarify building size; (completed)
- Clarify type and locations for accessory structures; (completed) and
- Confirm which streets are public and private; (completed, but the Commission should decide if the entrance road is to be public)

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

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

ORDINANCE NO. 2022 -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

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

BEING DESCRIBED AS FOLLOWS:

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

CONTAINING 28.642 ACRES OF LAND, MORE OR LESS.

PLANNED DEVELOPMENT AGREEMENT

IN THE CITY COMMISSION OF THE

CITY OF DELAND, FLORIDA

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

TM BTR OF FLORIDA, LLC

ORDINANCE # 2022-_____

ORDER AND RESOLUTION

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

TO CTC DELAND PD

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

GENERAL FINDINGS

A. That the application of TM BTR of Florida, LLC was duly and properly filed herein on March 15, 2022 as required by law.

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

C. That the Applicant is the Contract Purchaser of a 28.64 +/- acre parcel of land which is the subject of this application and which land is situated in DeLand, Florida and more particularly described in the attached Exhibit "A" (hereinafter the "Property").

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

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

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

FINDINGS REGARDING REZONING

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

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

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

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

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

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

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

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

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

DEVELOPMENT AGREEMENT

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

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

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

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

2013-11, as amended.

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

F. Phases of Development. The project may be developed in one or more than one phase. Grading may occur by phase. No open burning shall be permitted on the property.

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

Permitted Uses within Residential Areas:

1. Multi-family Residences:

Single-unit cottages.

Two-family dwellings and duplexes.

Multiple-family dwellings and duplexes.

Family day care home.

Mini and neighborhood parks.

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

H. Development Standards. All development for the property shall rely upon the standards set forth below for each phase of development as identified on the Planned Development Plan. The maximum number of residential dwelling units permitted for all Phases shall not exceed 238.

1. Residential Structures:

a. Minimum individual residential dwelling unit size:

1. 1 bedroom unit: 700 sf

2. 2-bedroom unit: 1,000 sf

b. Minimum lot area: 10 acres

c. Minimum lot width: 300 feet

d. Minimum building separation: 10 feet

e. Maximum building coverage: 25%

f. Maximum building height: 35 ft

g. Minimum open space: 20%

h. Tree protection: 4.3 acres

i. Maximum impervious surface: 50%

j. Maximum proposed density: 9 du/acre

k. Property perimeter building setbacks:

a. Cassadaga ROW: 35 ft.

b. MLK ROW: 40 ft.

c. E/W Road ROW: 25 ft.

d. Perimeter: 20 ft.

l. Maximum number of residential dwelling units: 238

2. Accessory Structures.

a. Residential Accessory Structures: No accessory structures shall be

permitted within the fenced yards of the residential dwelling units.

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

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

a. Maximum Height: 18 feet

b. Maximum Square Footage: 900 sq ft

3. Parking Standards. There will be a combination of enclosed garages and surface parking. There will be a total of 428 parking units for the residences and an additional 48 surface parking spaces provided for guest parking. Enforcement of parking and maintenance of the parking areas shall be the responsibility of the property owner.

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

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

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

1 I. Environmental Considerations. The development shall comply with the
2 requirements for preservation of environmental resources as set forth in the Land
3 Development Regulations Ordinance No. 2013-11, as amended. It is noted that the
4 Property was historically in use as a tree farm and the current tree density may be
5 abnormally high based on the nature of the tree plantings. The Applicant may use the
6 more natural tree density determined in connection with the Canopy Terrace project to the
7 north as a basis for establishing the overall tree density and tree replacement or mitigation
8 requirements.

9
10 J. Sewage Disposal, Potable Water and Reclaimed Water. Provision for
11 sewage disposal, potable and reclaimed water needs of the PD will be provided in
12 accordance with the Comprehensive Plan, Ordinance No. 1990-04, as amended, the Land
13 Development Regulations Ordinance No. 2013-11, as amended, and State of Florida
14 Administrative Code 64E-6.

15
16 K. Stormwater Drainage. Provision for stormwater retention shall be in
17 accordance with the Land Development Regulations Ordinance No. 2013-11, as amended.
18 All stormwater retention systems will be designed to meet all required governmental
19 regulations. Low Impact Development (LID) shall be incorporated in the Planned
20 Development stormwater management master plan. LID design may include elements such
21 as bioretention swales, rain gardens, stormwater reuse and harvesting, and BMP treatment
22 train to minimize runoff pollutant and increase stormwater recharge and natural infiltration
23 processes. Maintenance of the stormwater ponds shall be a private responsibility.

24
25 L. Access and Transportation System Improvements. All access and
Page 9 of 17

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

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

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

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

20 1. Amenity Features.

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

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

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

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

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

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

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

6
7 REMAINDER OF PAGE INTENTIONALLY BLANK
8

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

2 ____ day of _____, 20____.

3
4
5 ATTEST:

City Commission of DeLand Florida

6
7
8 Michael P. Pleus
9 City Manager

Robert F. Apgar
Mayor

10
11
12 STATE OF FLORIDA

13 CITY OF DELAND
14
15

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

21
22 NOTARY PUBLIC, STATE OF FLORIDA

23 Type or Print Name:

24 _____

25 Commission No.: _____

26 My Commission Expires: _____

1 WITNESSES:

APPLICANT

2 **TM BTR of FLORIDA, LLC**

3 a Florida limited liability company

4
5
6
7 By: _____

8 Name: _____

9 Title : _____

10
11 Printed Name

12
13
14
15
16
17 Printed Name

18
19
20 STATE OF _____

21 COUNTY OF _____

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

27
28 NOTARY PUBLIC, STATE OF FLORIDA

29 Type or Print Name:

30 _____
31 Commission No.: _____

32 My Commission Expires: _____
33
34
35
36

1 WITNESSES:

OWNER:

Stonekirk Ventures, LLC

2
3
4
5
6 _____

By: _____

7
8
9
10 Printed Name

Name: _____
Title : _____

11
12 _____

13
14
15
16 Printed Name

17
18
19 STATE OF FLORIDA

20 COUNTY OF _____

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

26
27 NOTARY PUBLIC, STATE OF FLORIDA

28 Type or Print Name:

29 _____

30 Commission No.: _____

31 My Commission Expires: _____

EXHIBIT "A"
LEGAL DESCRIPTION

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

BEING DESCRIBED AS FOLLOWS:

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

CONTAINING 28.642 ACRES OF LAND, MORE OR LESS.

1
2
3
4

EXHIBIT "B"
PLANNED DEVELOPMENT PLAN

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

May 18, 2022

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

APPLICABLE ORDINANCES:

Article XII

ADMINISTRATION AND ENFORCEMENT

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

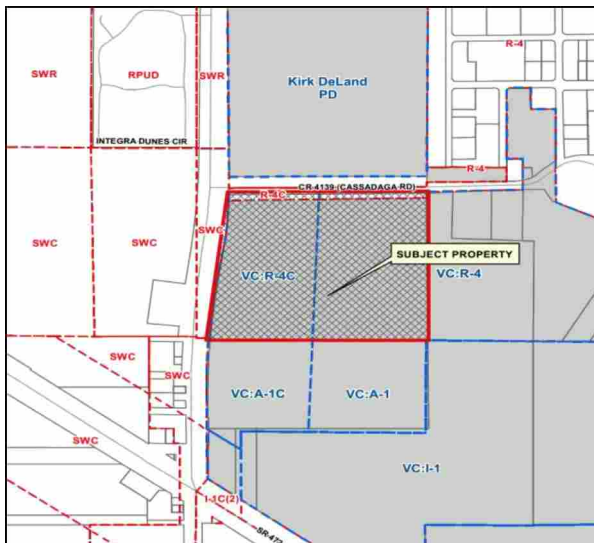
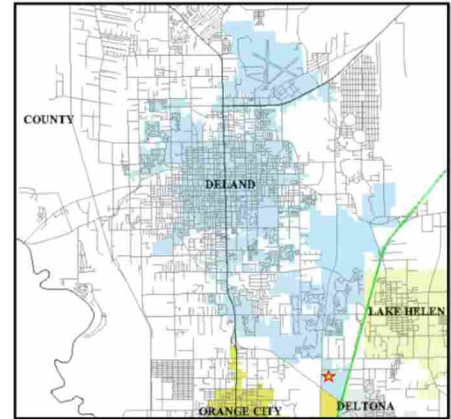
Location: Cassadaga Rd. (810600000124)

Parcel Size: 28.64± acres

Existing Use: Undeveloped

B. ANALYSIS:

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



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

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

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

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

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

THE VISION FOR THE SOUTHWEST ACTIVITY CENTER

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

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

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

The existing zoning designations are described as follows:

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

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

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

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

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

Essential utility services.

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

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

The proposed zoning designation is generally described as follows:

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

33-17.22. PD—Planned Development District.

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

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

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

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

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

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

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

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

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

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

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

6. Was there a mistake in the original classification?

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

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

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

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

It also states:

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

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

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

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

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

C. CONCLUSION:

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

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

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

D. STAFF RECOMMENDATION:

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

To: Mr. Mike Holmes
Planning Director
City of DeLand

Date: 5/27/2022



Memorandum

Project #: 64054.01

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

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

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

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

Table 1 – Maximum Permitted Trips per District

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

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

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

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

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

Table 2 – Comprehensive Plan SWAC Trip Comparison

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

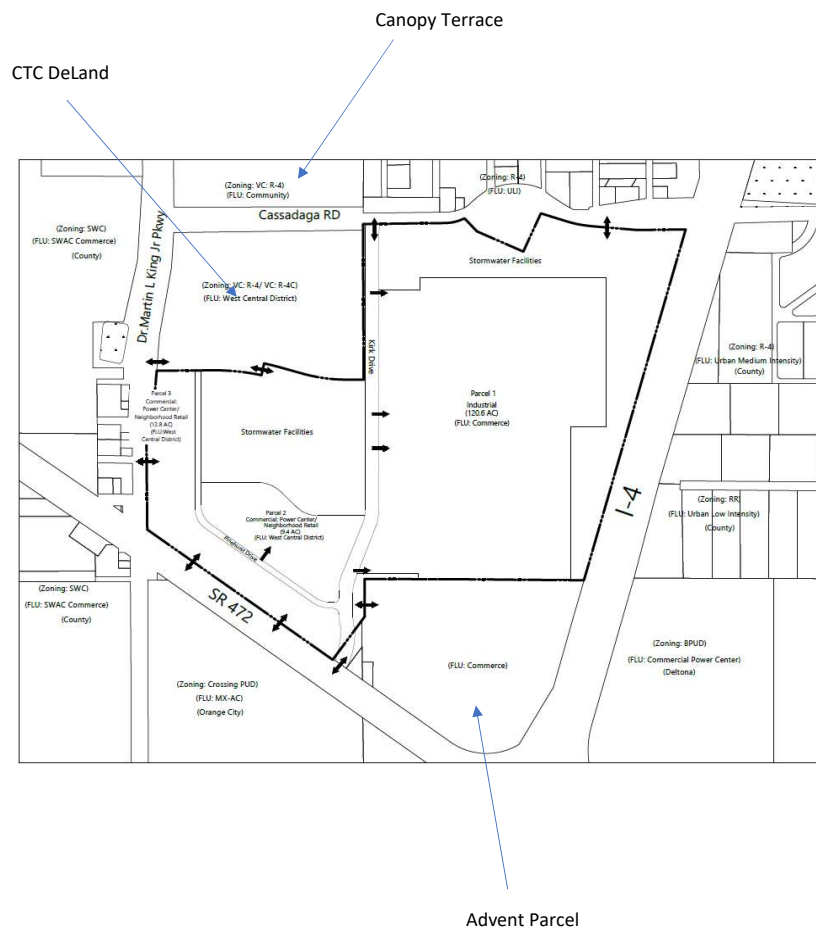
As shown in **Table 2**, none of the districts are shown to exceed the maximum permitted trips and the overall combined development trips are well below the permitted 38,000 trips for the SWAC. It should be noted that although the Commerce district is shown to be near the permitted number of daily trips,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

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

Sincerely,



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



Advent Parcel

size of parcel = 28.62 acres

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

Industrial/Business Park

Office/Office Park

Commercial: Activity Center Support/Ancillary Uses

Public/Semi-public

Target Building Program Entitlement Yield (Cumulative Per Acre):

Commercial/Retail 706 sq. ft.

Office 6,800 sq. ft.

Light Industrial 6,900 sq. ft.

Hotel 1 unit

total allowed square footage

194,616 office space

Summary of Trip Generation

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

2.0 PROJECT TRAFFIC

2.1 Trip Generation

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

CANOPY TERRACE

Table 1
Trip Generation Analysis

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

ITE Trip Generation Manual, 10th Edition

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

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

2.2 Trip Distribution

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



MEMORANDUM

February 8, 2022

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

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

Project Description

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

Trip Generation

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

CTC DELAND

Table 1
Trip Generation Calculation

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

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

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

3. Development Traffic Conditions

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

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

4. Trip Generation Estimate

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

DELAND TECH PARK

Table 1: Summary of Trip Generation

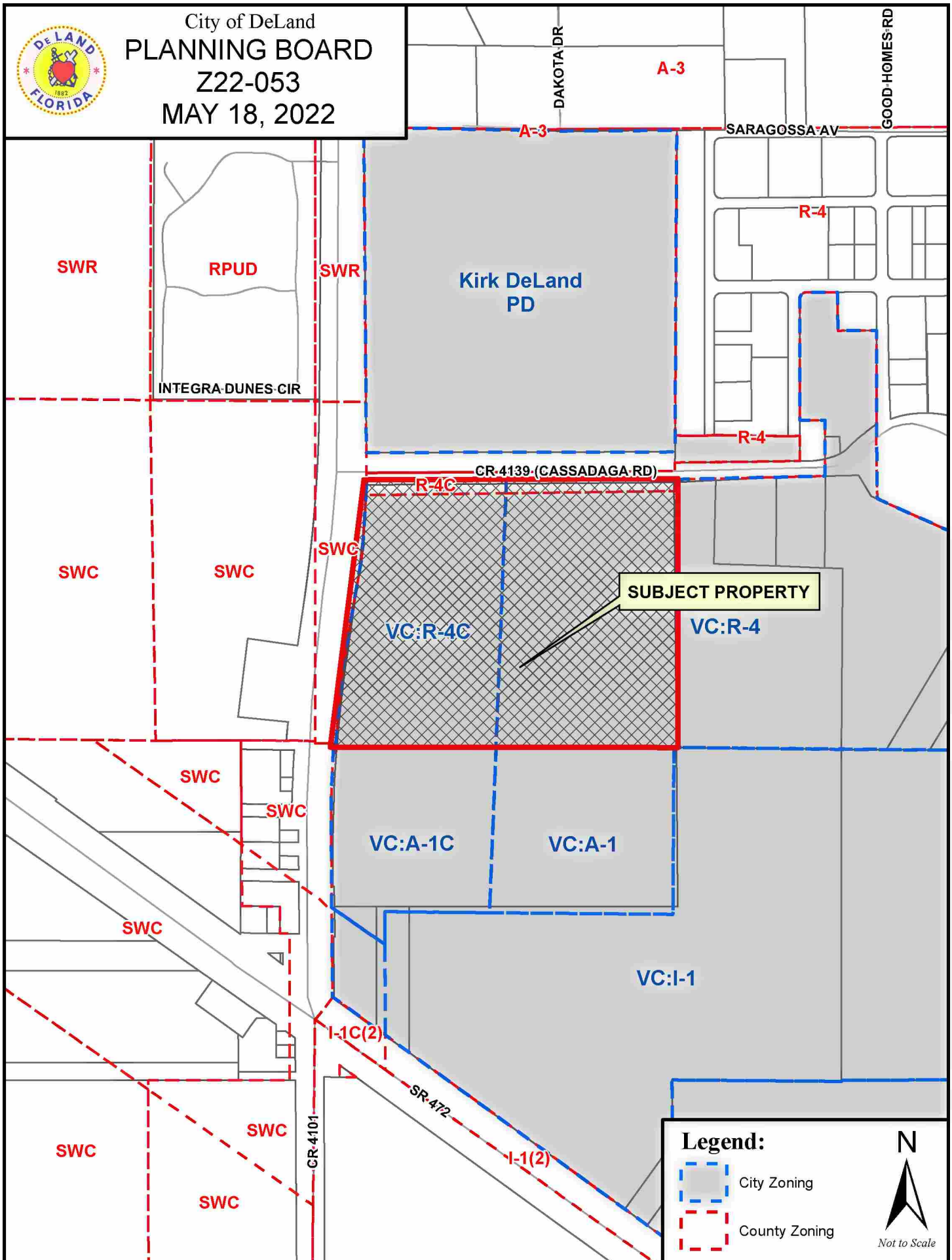
Land Use	ITE Code	Intensity	Daily Trip Ends	AM Peak Period			PM Peak Period			Passby %	
				In Trips	Out Trips	Total	In Trips	Out Trips	Total	AM	PM
Industrial Park	130	1,500 KSF	5,055	413	97	510	112	398	510	0%	0%
Shopping Center (>150 KSF)	820	240 KSF	8,882	125	77	202	509	551	1,060	0%	34%
Gas/Conv	945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

5. Primary Impact Area

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



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



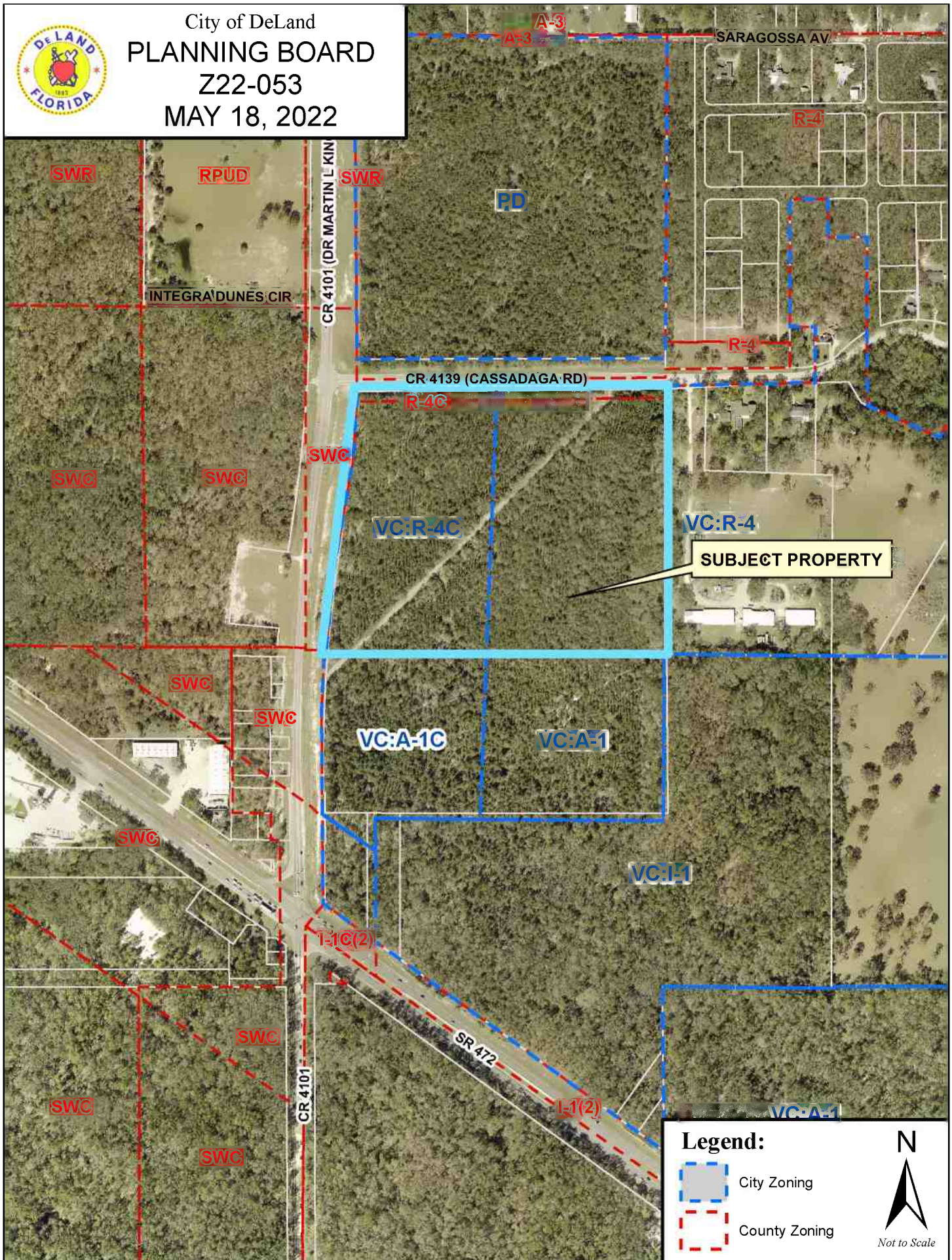
Legend:

- City Zoning
- County Zoning





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



Legend:

- City Zoning
- County Zoning



CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: First Reading of Ordinance Changing the Zoning from The Cascades PD to Pointe Grand Apartments PD to Develop a Multi-Family Residential Project, on Approximately 14.57 Acres of Property, Located on North Spring Garden Avenue, South of Clear Lake Drive.

DEPARTMENT: Planning

PREPARED BY: Mike Holmes, Planning Director

ATTACHMENTS: Ordinance, Exhibit A - Legal Description, Exhibit B-PD Agreement , Exhibit A - Legal Description, Exhibit B - Concept Plan, Staff Report - Pointe Grand Apartments PD, Z22-046 Zoning Map, Z22-046 Aerial Map, Survey

APPROVED BY: Michael Pleus, City Manager, August 10, 2022

SUMMARY/HIGHLIGHT:

First reading of the Ordinance requesting to change the zoning from The Cascades PD to Pointe Grand Apartments PD to allow for a 204-unit apartment complex. The original Cascades PD was adopted on June 15, 1987. The development plan included five phases, allocating uses such as single-family residential, fee-simple townhomes, multi-family units, an assisted lifecare facility (ALF) and office uses. Currently, only the single-family residential Phases I & II are complete. There will be one phase remaining (Phase IV - 128 unit Assisted Lifecare Facility) once this proposal is completed.

At the June 15, 2022 meeting, the Planning Board recommended approval with the following comments:

1. Consideration of an elevator for all buildings over two stories to address disability concerns; and
2. Remove reference to internal roadway in the development agreement.

At the July 18, 2022 meeting, the City Commission voted to continue the PD rezone to the following meeting to update the PD agreement, increase the buffer along the north boundary and consider how to address the accessibility issue for units above the second floor. The Concept Plan was revised to remove 8 parking spaces that allowed for the north landscape buffer to be increased to 25'. All other issues have been addressed except for the issue concerning the accessibility of the upstairs apartments.

Prior to second reading, the applicant will revise the development agreement, as needed, to address comments from the City Commission. The applicant has also petitioned for a land use amendment (SMLU22-074) which was transmitted to the VGMC for its review prior to second reading.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

As outlined in the City's strategic plan under Strategic Focus Area: Preparing for the Future/Sustainability Strategic Context: Recognizing that the City itself is dynamic and that extensive changes will occur in the region in the near- and long-term future, it is important that there be a strategic focus on the future. The need for additional housing units throughout our region, as well as nationally, has become evident. This action is a step toward the City working to meet the housing needs of citizens in this region.

SUSTAINABILITY:

Amending the zoning designation of this property and outlining the development parameters will permit its development for multi-family residential purposes that align with the City's development requirements and will enable the City to continue active pursuit of its vision and strategic plan.

FISCAL IMPACT:

Residential development of this property, and inclusion of the new units onto the City's tax rolls, will increase funds towards City services.

RECOMMENDATION:

It is recommended that the City Commission approve the rezoning of this property on first reading from The Cascades PD to Pointe Grand Apartments PD as presented. Second reading should be delayed until the corresponding land use amendment is adopted (SMLU22-074).

BACKGROUND/DISCUSSION:

The applicant is proposing to construct a multi-family residential project consisting of 204 apartment units. As currently designated, the two parcels for which the rezoning designations are sought will be combined to create a single property which will eventually be developed as the Pointe Grand Apartments. The applicant has applied for a concurrent land use amendment to be consistent with the higher density needed (SMLU22-074).

Summary of Development:

- The project will be developed in one phase.
- 204 apartment units with an amenity center and walking trails
- Max. Height: 3 stories/45'
- Max. Density: 16du/ac
- Max. Impervious surface coverage: 50%
- Parking: 2+ bedroom units = 2 spaces per unit; visitor parking = .5 spaces per unit
- Total parking required: 510; Total parking provided: 518
- Access shall be provided from N. Spring Garden Avenue.
- Emergency access, or a full main access point for the project, may be provided from/to the project by S. Plymouth Avenue and shall be stabilized, as further illustrated on the PD Concept Plan.

ORDINANCE NO. 2022 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING DESIGNATION FROM CASCADES PD, PLANNED DEVELOPMENT TO POINTE GRAND APARTMENTS PD, PLANNED DEVELOPMENT; ON PROPERTY LOCATED SOUTHEAST OF THE INTERSECTION OF CLEAR LAKE ROAD AND NORTH SPRING GARDEN AVENUE; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 14.57 +/- ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Applicant, Nick Everly, on behalf of the owner, United Shares Real Estate, LLC, (hereinafter referred to as “Applicant”), the owner of approximately 14.57 +/- acres of land located southeast of the intersection of Clear Lake Road and Spring Garden Avenue, which is more particularly described in the legal description attached hereto as Exhibit “A” and by this reference made a part hereof; and

WHEREAS, the Applicant has applied for a change of zoning designation from Cascades PD, Planned Development to Pointe Grand Apartments, PD, Planned Development; and

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

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

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

WHEREAS, the proposed development plan is consistent with the High Density Residential land use designation.

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

Section 1. The City Commission has held a public hearing to approve the change of zoning designation from Cascades PD, Planned Development to Pointe Grand Apartments, PD, Planned Development, on property located southeast of the intersection of Clear Lake Road and North Spring Garden Avenue.

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

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

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

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

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

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

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

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

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

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

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

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

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

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

Deland, North Springs Garden Ave,
First American Title Commitment Exhibit A – Legal Description
File No: 2037-5766540

Commitment Date: November 12, 2021 @ 8:00 AM

The land referred to herein below is situated in the County of Volusia, State of Florida, and described as follows:

PARCEL 1: AREA = 6.16 AC.

That part of the SW 1/4 of Section 5, Township 17 South, Range 30 East, Volusia County, Florida, described as follows:

Commence at the SW corner of Section 5, Township 17 South, Range 30 East, thence N 01 Degrees 41'25" W along the West line of said Section 5 a distance of 661.77 feet to the intersection of the West line of said Section 5 and the South line of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section 5; thence N 89 Degrees 15' 51" E along said South line a distance of 50.01 feet to the intersection of said South line and the Easterly right-of-way line of State Road 15-A as shown on Florida Department of Transportation Right-of-Way Map, Section 79160-2511; thence N 01 Degrees 41' 25" W along said Easterly right-of-way line a distance of 253.71 feet; thence N 06 Degrees 50'26" E continuing along said Easterly right-of-way line a distance of 14.65 feet to the Point of Beginning; thence continue N 06 Degrees 50' 26" E along said Easterly right-of-way line a distance of 187.59 feet; thence N 01 Degrees 41' 25" W along said Easterly right-of-way line a distance of 154.51 feet to a point on the Southerly boundary of "The Cascades-Unit 1", a Subdivision recorded in Map Book 41, Page 166, Public Records of Volusia County, Florida; thence N 88 Degrees 18' 35" E along said boundary a distance of 298.18 feet; thence N 29 Degrees 48' 35" E along said boundary a distance of 170.36 feet; thence S 60 Degrees 11' 25" E along said boundary a distance of 170.00 feet to a point of curvature, said curve being concave to the North having a radius of 215.00 feet, a delta angel of 65 Degrees 00' 00" a chord bearing of N 87 Degrees 18' 35" E and a chord length of 231.04 feet; thence run along said curve and aforesaid Southerly boundary for an arc distance of 243.91 feet; thence S 35 Degrees 11' 25" E along said boundary a distance of 30.84 feet; thence N 88 Degrees 18' 35" E along said boundary a distance of 466.30 feet to the East line of the Northwest 1/4 of the Southwest 1/4 of aforesaid Section 5; thence S 01 Degrees 39' 44" E along the East line of the Northwest 1/4 of the Southwest 1/4 of said Section 5 and along the East line of the Southwest 1/4 of the Southwest 1/4 of said Section 5 a distance of 664.23 feet to the South line of the North 1/2 of said Southwest 1/4 of Southwest 1/4; thence S 89 Degrees 15' 51" W along said South line a distance of 505.56 feet; thence N 01 Degrees 41' 25" W a distance of 281.04 feet; thence S 88 Degrees 18' 35" W a distance of 768.48 feet to the Point of Beginning.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

A parcel of land lying in the Northwest 1/4 of the Southwest 1/4 and the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 5, Township 17 South, Range 30 East, Volusia County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of said Section 5, run thence N 01 Degrees 41' 25" W along the West line of said Section 5 a distance of 661.77 feet to the intersection of the West line of said Section 5, and the South line of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section 5; run thence N 89 Degrees 15' 51" E along said South line a distance of 820.77 feet to the Point of Beginning, run thence N 01 Degrees 41' 25" W a distance of 281.04 feet; run thence S 88 Degrees 18' 35" W a distance of 37.00 feet; run thence N 01 Degrees 41' 25" W a distance of 373.07 feet to a point on a curve on the Southerly right-of-way of Clear Lake Drive as shown on the Plat of "The Cascades-Unit 1", a Subdivision according to a map in Map Book 41, Page 166, Public Records of Volusia County, Florida, said curve being concave to the Northwest, having a radius of 215.00 feet, a delta of 17 Degrees 31' 31" and a chord bearing and distance of N 63 Degrees 34' 20" E and 65.51 feet, run thence Northeasterly along said curve and road right-of-way an arc distance of 65.76 feet; run thence S 35 Degrees 11' 25" E and along the Southerly boundary of said "The Cascades-Unit 1" a distance of 30.84 feet; run thence N 88 Degrees 18' 35" E and continuing along said boundary a distance of 466.30 feet to the Southeast corner of said "The Cascades-Unit 1", being a point on the East line of the West 1/2 of the Southwest 1/4 of said Section 5; run thence S 01 Degrees 39' 44" E along this East line a distance of 664.23 feet to the Southeast corner of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section 5; run thence S 89 Degrees 15' 51" W along this South line a distance of 505.56 feet to the Point of Beginning.

PARCEL 2: AREA = 8.00 AC.

A parcel of land lying in the Northwest 1/4 of the Southwest 1/4 and the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 5, Township 17 South, Range 30 East, Volusia County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of said Section 5, run thence North 01° 41' 25" West along the West line of said Section 5 a distance of 661.77 feet to the intersection of the West line of said Section 5, and the South line of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section 5; run thence North 89° 15' 51" East along said South line a distance of 820.77 feet to the Point of Beginning, run thence North 01° 41' 25" West a distance of 281.04 feet; run thence South 88° 18' 35" West a distance of 37.00 feet; run thence North 01° 41' 25" West a distance of 373.07 feet to a point on a curve on the Southerly right-of-way of Clear Lake Drive as shown on the Plat of "The Cascades-Unit 1", a Subdivision according to a map in Map Book

41, Page 166, Public Records of Volusia County, Florida, said curve being concave to the Northwest, having a radius of 215.00 feet, a delta of $17^{\circ} 31' 31''$ and a chord bearing and distance of North $63^{\circ} 34' 20''$ East and 65.51 feet, run thence Northeasterly along said curve and road right-of-way an arc distance of 65.76 feet; run thence South $35^{\circ} 11' 25''$ East and along the Southerly boundary of said "The Cascades-Unit 1" a distance of 30.84 feet; run thence North $88^{\circ} 18' 35''$ East and continuing along said boundary a distance of 466.30 feet to the Southeast corner of said "The Cascades-Unit 1", being a point on the East line of the West 1/2 of the Southwest 1/4 of said Section 5; run thence South $01^{\circ} 39' 44''$ East along this East line a distance of 664.23 feet to the Southeast corner of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section 5; run thence South $89^{\circ} 15' 51''$ West along this South line a distance of 505.56 feet to the Point of Beginning.

PLANNED DEVELOPMENT AGREEMENT

IN THE CITY COMMISSION OF THE

CITY OF DELAND, FLORIDA

IN RE: _____, Application of

HILLPOINTE, LLC

ORDINANCE # _____
ORDER AND RESOLUTION

GRANTING A REQUEST FOR CHANGE OF ZONING FROM CASCADES PD TO
POINTE GRAND APARTMENTS PD (PLANNED DEVELOPMENT)

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

GENERAL FINDINGS

A. That the application of Hillpointe, LLC was duly and properly filed herein on _____ 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 authorized agent of a 14.16 acre parcel of land which is situated in DeLand, Florida. This parcel of land is 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 # 2013-11, as amended.

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

F. That the owners of the property, _____, 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 Cascades PD to Pointe Grand Apartments PD (Planned Development).

B. That the said rezoning to a PD is consistent with both the City of DeLand Comprehensive Plan Ordinance # 1990-04, as amended, and the intent and purpose of the City of DeLand Land Development Regulations Ordinance # 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 Hillpointe, 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 Cascades PD to Pointe Grand Apartments Planned Development (PD) as described in Article VII of the City of DeLand, Land Development Regulations Ordinance # 2013-11, as amended.

C. That the Official Zoning Map of the City of DeLand, is hereby amended to show the rezoning of said parcel to Planned Development (Pointe Grand Apartments PD).

1 D. That the City of DeLand Land Development Regulations Ordinance # 2013-
2 11, as amended, is consistent with the provisions of the "Development Agreement" as
3 hereinafter set forth in this Ordinance and with respect to any conflict between Land
4 Development Regulations Ordinance # 2013-11, as amended, and the "Development
5 Agreement", the provisions of the "Development Agreement" shall govern. Ordinance No.
6 2013-11, as amended, shall govern with respect to any matter not covered by the
7 "Development Agreement." The City of DeLand, will ensure overall compliance with this
8 Ordinance.

9 E. Unless otherwise provided for herein the City of DeLand, Land Development
10 Regulations Ordinance # 2013-11, as amended, shall apply to the PD in the same manner
11 as the R-16 zoning classification.

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

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C. Phases of Development. The project shall be completed in one or more phases. No land burning shall be permitted on site. No mass grading shall occur on site; grading may occur per phase.

D. Land Uses Within the Pointe Grand Apartments PD. The development of the parcel shall be consistent with the uses prescribed for each area within the proposed Pointe Grand Apartments PD. The location and size of said land use areas are shown on the PD Concept Plan, Exhibit "B". The following land uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures:

1. Multiple-family dwellings.
2. Mini and neighborhood parks.
3. Amenities / facilities.
4. Common accessory uses associated with multifamily residences.

E. Development Standards for Multifamily.

1. Minimum yard size (building setback):

- | | | |
|----|-------------|--------|
| a. | Front yard: | 30 ft. |
| b. | Rear yard: | 20 ft. |
| c. | Side yard: | 20 ft. |

2. Minimum floor area:

Efficiency, no separate bedroom: 425 square feet.

One bedroom: 575 square feet.

Two + bedroom: 725 square feet plus 150 square feet per each additional bedroom.

3. Maximum density: 16 du/acre

4. Maximum impervious surface area: 50%

- 1 5. Maximum building height: 45 ft. (3 stories)
- 2
- 3 6. Perimeter buffer area provided:
- 4 a. North boundary: Min. 25 ft.
- 5 b. East boundary: Min. 20 ft.
- 6 c. South boundary: Min. 20 ft.
- 7 d. West boundary: Min. 20 ft.
- 8
- 9 7. Minimum building separation: 25 ft.
- 10
- 11 8. Maximum building length: 260 ft.
- 12
- 13 9. Off-street parking requirements. 510 parking spaces shall be
- 14 provided and shall conform to the parking table as depicted on the PD
- 15 Concept Plan detail.
- 16
- 17 10. Landscaping. Landscaping shall be provided in accordance with
- 18 Section 33-92 of the Land Development Regulations. The north buffer
- 19 shall be 25 feet wide and shall consist of Type C materials. The south and
- 20 east landscape buffers shall be 20 feet wide and the west landscape
- 21 buffer shall be 40 feet wide. The south and east landscape buffers shall
- 22 consist of Type C materials, and the west landscape buffer shall consist
- 23 of Type D, emerging gateway corridor materials. There shall be a
- 24 minimum 25 foot upland buffer for any wetlands on the Property. All
- 25 landscaping, including buffers, shall predominantly utilize Florida-Friendly
- 26 Landscaping, as defined by the University of Florida/Institute of Food and
- 27 Agricultural Sciences ("UF/IFAS") Center for Landscape Conservation
- 28 and Ecology, native, or low-water plant material. Wherever possible,
- 29 landscape buffers shall coincide with tree protection areas and include
- 30 native, non-invasive understory vegetation in lieu of planting new plant
- 31 material. Where protection of existing native vegetation is proposed and
- 32 subsequently retained, a berm will not be required, and buffers may
- 33 contain fewer plants than required under Section 33-92.02(b). If the

existing vegetation is removed, then a landscape buffer shall be provided for in conformity with the City's current Land Development Regulations. The northern Property line shall include a 6-foot-high fence or similar barrier as approved during site plan review on the Property boundary line, as shown on the PD Concept Plan.

11. Open Space. Common area /open space shall meet the requirements of the Land Development Regulations Ordinance # 2013-11. Usable open space areas shall be provided for the use of residents consistent with Resolution 2019-34. Open space and common areas include trails around the ponds, a club house, and similar types of amenities.

12. Site Amenities. In addition to open usable green space, the common areas shall include a variety of amenities. The community will include a primary amenity site for gathering spaces and socializing. Amenities may include a swimming pool, cabana, and natural (unpaved) trail system for hiking and walking.

F. Environmental Considerations. The requirements of the Land Development Regulations Ordinance # 2013-11, as amended, shall be met.

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

H. Stormwater Drainage. Provision for stormwater retention shall be in accordance with the Land Development Regulations Ordinance # 2013-11, as amended and shall include Low Impact Development Standards, such as bioswales, to the extent feasible.

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

5 1. Access. Access shall be provided from SR 15A (N. Spring Garden
6 Avenue). Emergency access or a full main access point for the project may be provided
7 from/to the project by South Plymouth Avenue and shall be stabilized, as further illustrated
8 on the PD Concept Plan.

9 2. Transportation System Improvements. Road improvements will be
10 provided as required by the applicable permitting agencies. Stop signs may be added to
11 strategic locations within the project to promote traffic calming.

12 J. Building or Management Association. The developer may create a
13 management association to manage the project.

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

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

25 This Ordinance and all subsequent amendments shall be filed with the Clerk of the
Page 9 of 12

1 Court and recorded within forty-five (45) days following execution of the document by the
2 City Commission, in the Official Records of Volusia County, Florida. One copy of the
3 document, bearing the book and page number of the Official Record in which the document
4 was recorded, shall be submitted to the Planning Department for placement in the public
5 file. The date of recording of this document shall constitute the effective date of the Pointe
6 Grand Apartments PD or its subsequent amendments. The applicant shall pay all filing
7 costs for 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 WITNESSES:

DEVELOPER: HILLPOINTE, LLC

2
3
4 _____
5 Name
6
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8 _____
9 Title

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11 _____
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21 The foregoing instrument was acknowledged before me by means of ☐
22 physical presence or ☐ online notarization this _____ day of
23 _____ (mo/yr), by _____, who is
24 _____ of HILLPOINTE, LLC and who is _____ personally known
25 to me or _____ who has produced _____ as
26 identification.
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30 NOTARY PUBLIC, STATE OF FLORIDA

31 Type or Print Name:

32 _____
33 Commission No.: _____

34 My Commission Expires: _____
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36
37

Revised August 1, 2022 u/p/zone/pd_doc

Deland, North Springs Garden Ave,
First American Title Commitment Exhibit A – Legal Description
File No: 2037-5766540

Commitment Date: November 12, 2021 @ 8:00 AM

The land referred to herein below is situated in the County of Volusia, State of Florida, and described as follows:

PARCEL 1: AREA = 6.16 AC.

That part of the SW 1/4 of Section 5, Township 17 South, Range 30 East, Volusia County, Florida, described as follows:

Commence at the SW corner of Section 5, Township 17 South, Range 30 East, thence N 01 Degrees 41'25" W along the West line of said Section 5 a distance of 661.77 feet to the intersection of the West line of said Section 5 and the South line of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section 5; thence N 89 Degrees 15' 51" E along said South line a distance of 50.01 feet to the intersection of said South line and the Easterly right-of-way line of State Road 15-A as shown on Florida Department of Transportation Right-of-Way Map, Section 79160-2511; thence N 01 Degrees 41' 25" W along said Easterly right-of-way line a distance of 253.71 feet; thence N 06 Degrees 50'26" E continuing along said Easterly right-of-way line a distance of 14.65 feet to the Point of Beginning; thence continue N 06 Degrees 50' 26" E along said Easterly right-of-way line a distance of 187.59 feet; thence N 01 Degrees 41' 25" W along said Easterly right-of-way line a distance of 154.51 feet to a point on the Southerly boundary of "The Cascades-Unit 1", a Subdivision recorded in Map Book 41, Page 166, Public Records of Volusia County, Florida; thence N 88 Degrees 18' 35" E along said boundary a distance of 298.18 feet; thence N 29 Degrees 48' 35" E along said boundary a distance of 170.36 feet; thence S 60 Degrees 11' 25" E along said boundary a distance of 170.00 feet to a point of curvature, said curve being concave to the North having a radius of 215.00 feet, a delta angel of 65 Degrees 00' 00" a chord bearing of N 87 Degrees 18' 35" E and a chord length of 231.04 feet; thence run along said curve and aforesaid Southerly boundary for an arc distance of 243.91 feet; thence S 35 Degrees 11' 25" E along said boundary a distance of 30.84 feet; thence N 88 Degrees 18' 35" E along said boundary a distance of 466.30 feet to the East line of the Northwest 1/4 of the Southwest 1/4 of aforesaid Section 5; thence S 01 Degrees 39' 44" E along the East line of the Northwest 1/4 of the Southwest 1/4 of said Section 5 and along the East line of the Southwest 1/4 of the Southwest 1/4 of said Section 5 a distance of 664.23 feet to the South line of the North 1/2 of said Southwest 1/4 of Southwest 1/4; thence S 89 Degrees 15' 51" W along said South line a distance of 505.56 feet; thence N 01 Degrees 41' 25" W a distance of 281.04 feet; thence S 88 Degrees 18' 35" W a distance of 768.48 feet to the Point of Beginning.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

A parcel of land lying in the Northwest 1/4 of the Southwest 1/4 and the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 5, Township 17 South, Range 30 East, Volusia County, Florida, being more particularly described as follows:

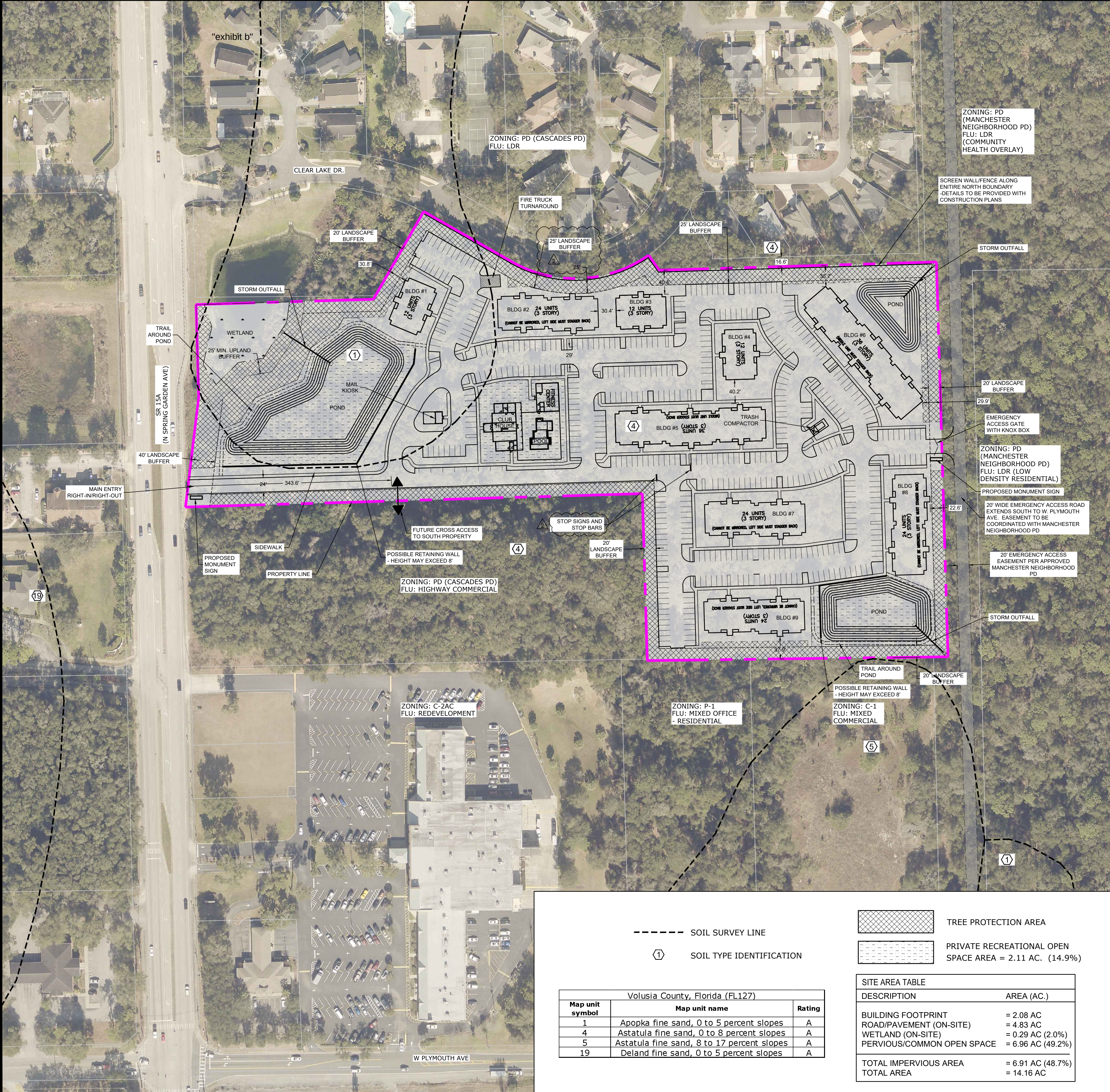
Commencing at the Southwest corner of said Section 5, run thence N 01 Degrees 41' 25" W along the West line of said Section 5 a distance of 661.77 feet to the intersection of the West line of said Section 5, and the South line of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section 5; run thence N 89 Degrees 15' 51" E along said South line a distance of 820.77 feet to the Point of Beginning, run thence N 01 Degrees 41' 25" W a distance of 281.04 feet; run thence S 88 Degrees 18' 35" W a distance of 37.00 feet; run thence N 01 Degrees 41' 25" W a distance of 373.07 feet to a point on a curve on the Southerly right-of-way of Clear Lake Drive as shown on the Plat of "The Cascades-Unit 1", a Subdivision according to a map in Map Book 41, Page 166, Public Records of Volusia County, Florida, said curve being concave to the Northwest, having a radius of 215.00 feet, a delta of 17 Degrees 31' 31" and a chord bearing and distance of N 63 Degrees 34' 20" E and 65.51 feet, run thence Northeasterly along said curve and road right-of-way an arc distance of 65.76 feet; run thence S 35 Degrees 11' 25" E and along the Southerly boundary of said "The Cascades-Unit 1" a distance of 30.84 feet; run thence N 88 Degrees 18' 35" E and continuing along said boundary a distance of 466.30 feet to the Southeast corner of said "The Cascades-Unit 1", being a point on the East line of the West 1/2 of the Southwest 1/4 of said Section 5; run thence S 01 Degrees 39' 44" E along this East line a distance of 664.23 feet to the Southeast corner of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section 5; run thence S 89 Degrees 15' 51" W along this South line a distance of 505.56 feet to the Point of Beginning.

PARCEL 2: AREA = 8.00 AC.

A parcel of land lying in the Northwest 1/4 of the Southwest 1/4 and the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 5, Township 17 South, Range 30 East, Volusia County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of said Section 5, run thence North 01° 41' 25" West along the West line of said Section 5 a distance of 661.77 feet to the intersection of the West line of said Section 5, and the South line of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section 5; run thence North 89° 15' 51" East along said South line a distance of 820.77 feet to the Point of Beginning, run thence North 01° 41' 25" West a distance of 281.04 feet; run thence South 88° 18' 35" West a distance of 37.00 feet; run thence North 01° 41' 25" West a distance of 373.07 feet to a point on a curve on the Southerly right-of-way of Clear Lake Drive as shown on the Plat of "The Cascades-Unit 1", a Subdivision according to a map in Map Book

41, Page 166, Public Records of Volusia County, Florida, said curve being concave to the Northwest, having a radius of 215.00 feet, a delta of $17^{\circ} 31' 31''$ and a chord bearing and distance of North $63^{\circ} 34' 20''$ East and 65.51 feet, run thence Northeasterly along said curve and road right-of-way an arc distance of 65.76 feet; run thence South $35^{\circ} 11' 25''$ East and along the Southerly boundary of said "The Cascades-Unit 1" a distance of 30.84 feet; run thence North $88^{\circ} 18' 35''$ East and continuing along said boundary a distance of 466.30 feet to the Southeast corner of said "The Cascades-Unit 1", being a point on the East line of the West 1/2 of the Southwest 1/4 of said Section 5; run thence South $01^{\circ} 39' 44''$ East along this East line a distance of 664.23 feet to the Southeast corner of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section 5; run thence South $89^{\circ} 15' 51''$ West along this South line a distance of 505.56 feet to the Point of Beginning.



GRAPHIC SCALE
0 40 80 160 320
(IN FEET)
1 inch = 80 ft.

EVANS ENGINEERING, INC.
CIVIL ENGINEERING LAND PLANNING PERMITTING SERVICES
719 IRMA AVENUE
ORLANDO, FLORIDA 32803
(407) 872-1515
www.evansenginc.com
CERTIFICATE OF AUTHORIZATION NO. 00006788

EVANS ENGINEERING, INC.
CERTIFICATE OF AUTHORIZATION NO. 6788
DAVID L. EVANS
FLORIDA P.E. NO. 46586
DATE: _____

POINTE GRAND APARTMENTS
HILLPOINTE, LLC
DELAND, FLORIDA
CONCEPT PLAN

DATE	NO.	BY	DETAIL
06/01/22	1		REVISED PER TRC COMMENTS
08/01/22	2		REVISED PER COMMENTS

DRAWN BY: -
CHECKED BY: DE
DATE: 04/11/22
JOB #: -

ITE TRIP GENERATION

CODE & DESCRIPTION	AM PEAK HOUR	PM PEAK HOUR	AVG. DAILY	RATE	UNITS	TRIPS
220 - MULTIFAMILY				0.46	204	93.8
				0.56	204	114.2
				7.32	204	1,493.3

REQUIRED PARKING
STUDIO = 1.0 SP/UNIT
1 BEDROOM UNITS = 1.5 SP/UNIT
2+ BEDROOM UNITS = 2.0 SP/UNIT
VISITOR PARKING = 0.5 SP/UNIT
TOTAL REQUIRED: 510 SPACES

PROVIDED PARKING
STANDARD (9'X19')
HANDICAP (12'X20')
TOTAL PROVIDED: 510 SPACES

PROVIDED SPACES
500
10
510 SPACES

1 ASPHALT 2 BASE 3 SUBGRADE

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE WRITTEN ON ANY ELECTRONIC COPIES
\\J085\N7501 - Pointe Grand Apartments - Deland\CAD\Concept\Basis\Basis-CONCEPT-FDP-and-Copyout\Plotted on: Aug 01, 2022 - 2:23pm by Tom Fisher
Page 408 of 533

**PLANNING DEPARTMENT STAFF REPORT
TO
PLANNING BOARD**

June 15, 2022

APPLICATION NO.: Z22-046

APPLICANT: Nick Everly, Evans Engineering
United Shares Real Estate LLC (owner)

REQUEST: Request to amend the existing zoning designation from Cascades PD to Pointe Grand Apartments 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:	Southeast of the intersection of Clear Lake Rd. and N. Spring Garden Ave.
Parcel Size:	± 14.57 acres
Land Use:	High Density Residential
Existing Zoning:	Cascades PD
Existing Use:	Residential/undeveloped

	SURROUNDING USE:	SURROUNDING ZONING:
North:	Low Density Residential	Cascades PD
South:	Highway Commercial; Mixed Office - Residential	Cascades PD
East:	Low Density Residential/Community Health Overlay	Manchester PD
West:	ROW (Spring Garden Ave.)/ High Density Residential	R-16; R-1A

B. ANALYSIS:

The location of the proposed development consists of ± 14.57 acres of vacant, wooded land, located southeast of the intersection of Clear Lake Rd. and N. Spring Garden Ave. On June 15, 1987, The Cascades PD was adopted. The development plan included five phases, allocating uses such as single-family residential, fee-simple townhomes, multi-family units, an assisted lifecare facility (ALF) and office uses. As of current, the single-family residential Phases I & II are complete.

THE FOLLOWING TRC COMMENTS REMAIN:

Planning Comments:

1. Wetland buffer must be at least 25' consistently (not on average) — Sec. 33-58
2. A minimum 40-foot-wide landscape buffer shall be required along the overlay street frontage. Sec. 33-36.05
3. Show the location of the walking trail as described in the PD.
4. Note the Overlay District in Site Data: Emerging Gateway Corridor
5. Show location of monument signs. Design standards in Sec. 33-36.04
6. Add a no burning condition
7. Phasing plan details must be provided in PD; add note saying no mass grading.
8. Note the # of stories also. (Per R-16 zoning: One-, two-, three-story: 50 percent)
9. State the parking requirement details.
10. State the LS requirement details (type; width).
11. West buffer should be 40' wide (Emerging Corridor)
12. Spell out details instead of referring to the concept plan. Emergency access must be to a paved or stabilized road. The road will be located on the east side of the property and will have the option to make it a full access road. Permission (easement) will be needed between Pointe Grand PD and Manchester PD to share access road.
13. Call out the location of all fencing/walls being added for LS buffering. Label on the concept plan.
14. Have you done a tree survey? Historic trees may not be removed.
15. Where will the open space be? Provide the areas of land devoted to publicly owned open space, publicly owned recreational areas, publicly owned plazas, common area, open space, common area recreational areas, and common area plazas, all expressed as percentages of the total site area. 33-133.03(e)(3)(h)
16. In the Stormwater Drainage section, add LID standards.
17. Be sure to maintain shared access to the southern parcel 700500000122 (via parcel 70050000012A)
18. Close off any access to the north subdivision

Engineering Comments:

19. Add note: Low Impact Development (LID) is recommended for the Planned Development stormwater management master plan. LID design such as bioretention swales, rain gardens, stormwater re-use and harvesting, and BMP treatment train to minimize runoff pollutant and increase stormwater recharge and natural infiltration processes.
20. Will proposed retention ponds be designed for positive discharge or closed basin? If pond has positive discharge, please show the anticipated discharge location on the plan.

21. Please show the property soil limits, type, and hydrological soil group (HSG) per the National Resource Conservation Soil (NRCS) online map.
22. What are the dark lines next to the west and southeast retention ponds represent?
23. Please call-out the circled numbers on the Roadway Typical Section at bottom right corner of sheet C-1
24. Handicap Space dimension is 12' x 20'. Please revise under Provided Parking Note and Concept Plan.

Fire Comments:

25. Land clearing – no burning is allowed.
26. A 2nd entrance or an emergency access road is required.

Forestry Comments:

25. Please change “Tree Preservation” to “Tree Protection” in notes 21 and 22.
27. Please change "Tree Preservation" to "Tree Protection Area" in Notes 21 and 22

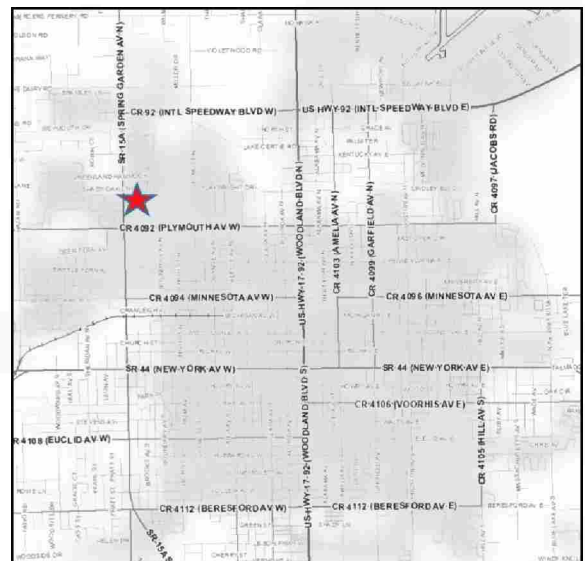
Section 33-135 of the Land Development Regulations provides the following criteria, which the City Commission shall utilize in reviewing a rezoning request:

- 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 designated as High Density Residential and is near other residential uses that vary in density.

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

The site is heavily wooded with some areas of wetlands indicated on the map. However, the developer has indicated that there are no historic trees found on site and they will receive a permit from SJRWMD for any wetland mitigation. An environmental study of the property must be submitted prior to site plan approval.



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

The property is currently vacant and contributes only marginally to the tax base. The rezoning action will permit the eventual development of the site which will have a positive impact upon the economy, once the apartments are in operation.

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 itself.

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 subject property was originally part of the Cascades PD which was adopted in June of 1987. The PD was created with 5 phases and allocated a mixture of uses that included single-family residential, multi-family residential, commercial and an Assisted Lifecare Facility. As of today, only Phases I & II have been developed, leaving the remaining property vacant.

If rezoned to the Pointe Grand Apartments PD, Phases III & IV will be consolidated into a single parcel and will no longer be part of the Cascades PD.

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 rezoning will not have a negative effect on the value of the area, as the proposed development is compatible with adjacent uses and provides more choices for housing in the area.

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 provide much-needed housing for the community.

C. CONCLUSION:

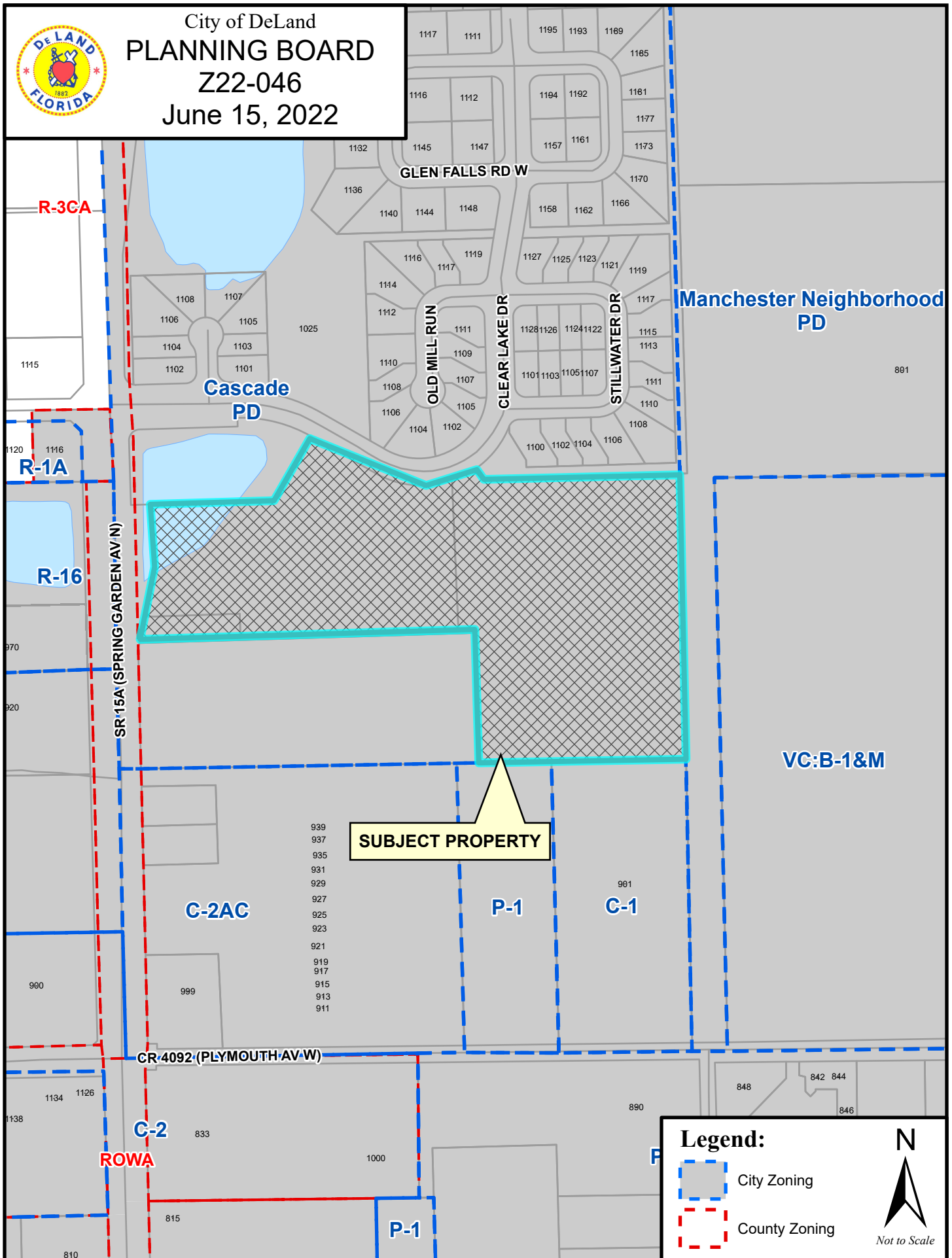
The Applicant is proposing a rezoning from Cascades PD to Pointe Grand Apartments PD in order to develop the subject property as a 204-unit apartment complex, with amenities.

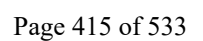
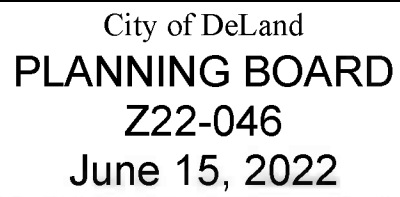
D. STAFF RECOMMENDATION:

Staff recommends that the Planning Board forward the request to rezone the subject property from Cascades PD, to Pointe Grand Apartments PD, recommending approval, subject to addressing all Staff comments, and additional comments made by the Planning Board, being addressed prior to the City Commission meeting.



City of DeLand
PLANNING BOARD
Z22-046
June 15, 2022





THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF VOLUSIA, STATE OF FLORIDA,
AND DESCRIBED AS FOLLOWS:

THAT PART OF THE SW 1/4 OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY FLORIDA, DESCRIBED AS FOLLOWS:

THAT PART OF THE SW 1/4 OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SW CORNER OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST, THENCE N 01 DEGREES 41' 29" W ALONG THE WEST LINE OF SAID SECTION 5 A DISTANCE OF 661.77 FEET, THENCE S 89 DEGREES 15' 51" E ALONG THE WEST LINE OF SAID SECTION 5 A DISTANCE OF 500.1 FEET TO THE INTERSECTION OF SAID WEST LINE AND THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 5, THENCE N 88 DEGREES 15' 51" E ALONG SAID SOUTH LINE A DISTANCE OF 500.1 FEET TO THE INTERSECTION OF SAID SOUTH LINE AND THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 15, S 88 DEGREE 15' 51" W ALONG ON FLORIDA DEDIMENTED HIGHWAY TRAIL RIGHT-OF-WAY LINE A DISTANCE OF 253.71 FEET, THENCE N 08 DEGREES 50' 26" E CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 14.65 FEET TO THE POINT OF BEGINNING, THENCE N 08 DEGREES 50' 26" E ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 187.99 FEET, THENCE N 01 DEGREES 41' 29" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 154.51 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF "THE CASCADES-UNIT TRACT," THENCE N 08 DEGREES 18' 35" E ALONG SAID BOUNDARY A DISTANCE OF 258.18 FEET, THENCE N 2 DEGREES 43' 35" E ALONG SAID BOUNDARY A DISTANCE OF 170.36 FEET, THENCE S 60 DEGREES 11' 29" E ALONG SAID BOUNDARY A DISTANCE OF 170.60 FEET TO A POINT OF CURVATURE, THENCE S 60 DEGREES 11' 29" E ALONG AN ARC OF A CIRCLE HAVING A RADIUS OF 170.60 FEET, BEARING 60 DEGREES 00' 00" A CHORD BEARING OF N 87 DEGREES 18' 35" E AND A CHORD LENGTH OF 231.04 FEET, THENCE RUN ALONG SAID CURVE AND AFORSAID SOUTHERLY BOUNDARY FOR AN ARC DISTANCE OF 170.60 FEET TO THE POINT OF BEGINNING, THENCE N 08 DEGREES 18' 35" E ALONG SAID BOUNDARY A DISTANCE OF 466.30 FEET TO THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF AFORSAID SECTION 5, THENCE S 01 DEGREES 39' 51" E ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 5 A DISTANCE OF 664.23 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF SAID SOUTHWEST 1/4 OF SOUTHWEST 1/4, THENCE S 89 DEGREES 15' 51" W ALONG SAID SOUTH LINE A DISTANCE OF 505.56 FEET TO THE POINT OF BEGINNING, THENCE S 89 DEGREES 15' 51" W ALONG SAID SOUTH LINE A DISTANCE OF 788.48 FEET TO THE POINT OF BEGINNING.

A PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 5, RUN THENCE N 01 DEGREES 41' 28" W ALONG THE WEST LINE OF SAID SECTION 5 A DISTANCE OF 651.77 FEET TO THE INTERSECTION OF THE EAST LINE OF SAID SECTION 5 WITH THE EAST LINE OF SAID SECTION 19, RUN THENCE E 89 DEGREES 55' 11" W ALONG THE SOUTHWEST 1/4 OF SAID SECTION 5, RUN THENCE N 89 DEGREES 55' 11" E ALONG SAID SOUTH LINE A DISTANCE OF 820.77 FEET TO THE POINT OF BEGINNING, RUN THENCE N 01 DEGREES 41' 28" W ALONG THE WEST LINE OF SAID SECTION 5 A DISTANCE OF 651.77 FEET TO THE POINT OF BEGINNING, RUN THENCE N 01 DEGREES 41' 28" W ALONG THE WEST LINE OF SAID SECTION 5 A DISTANCE OF 373.07 FEET TO A POINT ON A CURVE ON THE SOUTHERLY RIGHT-OF-WAY OF CLEAR LAKE DRIVE AS SHOWN ON THE PLAT OF "THE CASCADES UNDERGROUND CONDUIT PROJECT, COMMENCING AND ENDING AT THE INTERSECTION OF CLEAR LAKE DRIVE AND COUNTY ROAD 10, IN HIGHLAND COUNTY, FLORIDA, SAID CURVE BEING CONVEX TO THE NORTHWEST, HAVING A RADIUS OF 215.00 FEET, A DELTA OF 17 DEGREES 31' 31" AND A CHORD BEARING AND DISTANCE OF N 63 DEGREES 34' 20" E AND 65.51 FEET, RUN THENCE NORTHEASTERLY ALONG SAID CURVE AND ROAD RIGHT-OF-WAY AN UNCALCULATED DISTANCE TO THE INTERSECTION OF SAID CURVE AND ROAD, RUN THENCE N 89 DEGREES 55' 11" W ALONG THE BOUNDARY OF SAID "THE CASCADES-UNIT 1" A DISTANCE OF 30.84 FEET, RUN THENCE N 8 DEGREES 18' 35" E AND CONTINUING ALONG SAID BOUNDARY A DISTANCE OF 468.40 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 5, RUN THENCE S 01 DEGREES 39' 46" W ALONG THE SOUTHWEST 1/4 OF SAID SECTION 5, RUN THENCE S 01 DEGREES 39' 46" E ALONG THIS EAST LINE A DISTANCE OF 664.23 FEET TO THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 5, RUN THENCE S 01 DEGREES 39' 46" E ALONG THIS EAST LINE A DISTANCE OF 505.56 FEET TO THE POINT OF BEGINNING.

A PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH-WEST CORNER OF SAID SECTION 5, RUN THENCE NORTH 01° 41' 25" WEST ALONG THE WEST LINE OF SAID SECTION 5 A DISTANCE OF 651.77 FEET TO THE INTERSECTION OF THE WEST LINE OF SAID SECTION 5 AND THE WEST LINE OF SAID SECTION 14, RUN THENCE NORTH 01° 41' 25" WEST ALONG THE WEST LINE OF SAID SECTION 14 A DISTANCE OF 100.00 FEET TO THE INTERSECTION OF THE WEST LINE OF SAID SECTION 14 AND THE WEST LINE OF SAID SECTION 5, RUN THENCE NORTH 89° 15' 51" EAST ALONG SAID SOUTH LINE A DISTANCE OF 820.77 FEET TO THE POINT OF BEGINNING, RUN THENCE NORTH 01° 41' 25" WEST A DISTANCE OF 100.00 FEET TO THE INTERSECTION OF THE WEST LINE OF SAID SECTION 14 AND THE WEST LINE OF SAID SECTION 5, RUN THENCE NORTH 01° 41' 25" WEST A DISTANCE OF 373.07 FEET TO A POINT ON A CURVE ON THE SOUTHERLY RIGHT-OF-WAY OF CLEAR LAKE DRIVE AS SHOWN ON THE PLAT OF THE CASCADES UNIT "1", A SUBDIVISION ACCORDING TO A MAP IN MAP BOOK A1, PAGE 108, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SAID SECTION 5 AND SAID SECTION 14, RUN THENCE NORTH 89° 15' 51" EAST ALONG SAID SOUTHWEST 1/4 OF SAID SECTION 5, A DISTANCE OF 100.00 FEET, A DELTA OF 71° 31' 31" AND A CHORD BEARING AND DISTANCE OF NORTH 63° 24' 20" EAST AND 65.51 FEET, RUN THENCE NORTH-EASTERLY ALONG SAID CURVE AND ROAD RIGHT-OF-WAY AN ARC OF 100.00 FEET, A DELTA OF 108° 00' 00" AND A CHORD BEARING AND DISTANCE OF NORTH 89° 15' 51" EAST AND 100.00 FEET, TO THE INTERSECTION OF SAID CURVE AND ROAD RIGHT-OF-WAY AND THE SOUTHWEST 1/4 OF SAID SECTION 5, RUN THENCE NORTH 89° 15' 51" EAST ALONG SAID SOUTHWEST 1/4 OF SAID SECTION 5, RUN THENCE SOUTH 01° 39' 44" EAST ALONG THIS EAST LINE A DISTANCE OF 664.23 FEET TO THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 5, RUN THENCE SOUTH 01° 39' 44" EAST ALONG THIS EAST LINE A DISTANCE OF 505.36 FEET TO THE POINT OF BEGINNING.

1. THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED HEREON. THIS PLAN DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT EXPRESS WRITTEN CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS, OR ENTITY.
2. BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT), DERIVING A BEARING OF N01°41'25"W ALONG THE WEST LINE SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST.
3. NORTH ARROW, BEARINGS, AND HORIZONTAL ACCURACY ESTABLISHED BY GLOBAL NAVIGATION SATELLITE SYSTEM RTK OBSERVATIONS USING A FLORIDA PERMANENT REFERENCE NETWORK SINGLE-BASE LINE SOLUTION, COMBINED WITH A TRIMBLE VRS NOW REAL TIME NETWORK SOLUTION AND AVERAGED FOR REDUNDANCY.
4. ELEVATIONS SHOWN HEREON ARE PURSUANT TO THE NORTH AMERICAN VERTICAL DATUM of 1988. THE COMBINED NETWORK SOLUTION OBTAINED ABOVE WAS CHECKED AGAINST AND CONFORMS TO RECOVERED LOCAL NGS BENCHMARK F 711 (PUBLISHED ELEVATION: 127.95') BEING A BRASS DISK SET IN TOP OF CONCRETE MONUMENT.
5. WATER MAIN, STORM SEWER, SANITARY SEWER AND FRANCHISE UTILITY STRUCTURES HAVE BEEN FIELD LOCATED WHERE VISIBLE. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED.
6. NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES WAS MADE AVAILABLE TO THE SURVEYOR BY THE CONTROLLING JURISDICTION NOR WAS ANY EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
7. THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR ADDITIONS, ON THE SUBJECT PROPERTY OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
8. THE PROPERTY HAS ACCESS VIA NORTH SPRING GARDEN AVENUE, WHICH IS A PUBLIC RIGHT-OF-WAY. THE NEAREST INTERSECTION STREET IS CLEAR LAKE DRIVE, APPROXIMATELY 230 FEET NORTH EAST OF THE SUBJECT PROPERTY.
9. EQUIPMENT USED FOR MEASUREMENT:
ANGULAR: TRIMBLE R125S ROBOTIC TOTAL STATION
LINEAR: TRIMBLE R125S ROBOTIC TOTAL STATION
GPS: TRIMBLE R12 GPS RECEIVER
10. STATE, COUNTY, & LOCAL BUFFERS AND SETBACKS MIGHT EXIST ON THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY PANEL NO. 12127C0465H, WHICH BEARS AN EFFECTIVE DATE OF 2/19/2012 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

FIRST AMERICAN TITLE INSURANCE COMPANY
COMMITMENT NO. 2037-5766540, EFFECTIVE DATE: NOVEMBER 12, 2021
SCHEDULE B SECTION II - EXCEPTIONS

1. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT.
2. ANY RIGHTS, INTERESTS, OR CLAIMS OF PARTIES IN POSSESSION OF THE LAND NOT SHOWN BY THE PUBLIC RECORDS.
3. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.
4. ANY LIEN, FOR SERVICES, LABOR, OR MATERIALS IN CONNECTION WITH IMPROVEMENTS, REPAIRS OR RENOVATIONS PROVIDED BEFORE, ON, OR AFTER DATE OF POLICY, NOT SHOWN BY THE PUBLIC RECORDS.
5. ANY DISPUTE AS TO THE BOUNDARIES CAUSED BY A CHANGE IN THE LOCATION OF ANY WATER BODY WHOLLY OR ADJACENT TO THE LAND PRIOR TO DATE OF POLICY, AND ANY ADVERSE CLAIM TO ALL OR PART OF THE LAND THAT IS, AT DATE OF POLICY, OR WAS PREVIOUSLY UNDER WATER.
6. TAXES OR SPECIAL ASSESSMENTS NOT SHOWN AS LIENS IN THE PUBLIC RECORDS OR IN THE RECORDS OF THE LOCAL TAX COLLECTING AUTHORITY, AT DATE OF POLICY.
7. ANY MINERALS OR MINERAL RIGHTS LEASED, GRANTED OR RETAINED BY CURRENT OR PRIOR OWNERS.
8. TAXES AND ASSESSMENTS FOR THE YEAR 2022 AND SUBSEQUENT YEARS, WHICH ARE NOT YET DUE AND PAYABLE.
9. COVENANT TO SUPPORT ANNEXATION AS SET FORTH IN INSTRUMENT RECORDED APRIL 3, 1987 IN BOOK 2960, PAGE 1590. (AS TO PARCELS 1 AND 2)
- DOES NOT AFFECT PROPERTY
10. ORDINANCE NO. 87-22 AS SET FORTH IN INSTRUMENT RECORDED JUNE 22, 1987 IN BOOK 2997, PAGE 970 AND AMENDED IN ORDINANCE NO. 97-36 RECORDED AUGUST 28, 1997 IN BOOK 4230, PAGE 698. (AS TO PARCELS 1 AND 2)
- DOES NOT AFFECT PROPERTY
11. UTILITY EASEMENT IN FAVOR OF THE CITY OF DELAND, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA RECORDED AUGUST 4, 1988 IN BOOK 3175, PAGE 1781. (AS TO PARCEL 1)
- DOES NOT AFFECT PROPERTY
12. DISTRIBUTION EASEMENT IN FAVOR OF FLORIDA POWER CORPORATION RECORDED NOVEMBER 6, 1991 IN BOOK 3707, PAGE 1390, AS AFFECTED BY THAT CERTAIN SUBORDINATION OF UTILITY INTERESTS RECORDED JANUARY 14, 1994 IN BOOK 3890, PAGE 4732. (AS TO PARCEL 1)
- DOES NOT AFFECT PROPERTY
13. THE CASCADES PLANNED DEVELOPMENT NARRATIVE RECORDED APRIL 27, 1998 IN BOOK 4299, PAGE 2286. (AS TO PARCELS 1 AND 2)
- DOES NOT AFFECT PROPERTY
14. MORTGAGE RECORDED DECEMBER 9, 2019 IN BOOK 7784, PAGE 2104, TOGETHER WITH ASSIGNMENT OF RENT, INCOME AND RECEIPTS RECORDED IN BOOK 7784, PAGE 2114 WHICH APPEARS OF RECORD TO BE ORIGINALLY HELD BY JANET TRAM AND THE EFFECT OF A DOCUMENT PURPORTING TO BE RELEASE THEREOF RECORDED IN BOOK 7902, PAGE 4057. NOTE THE COMPANY WILL REQUIRE SATISFACTORY PROOF OF FULL PAYMENT OF THE DEBT SECURED BY THE SAID MORTGAGE PRIOR TO THE RELEASE THEREOF. THE COMPANY IS CONTEMPLATING TRANSACTION. THIS EXCEPTION MAY BE REMOVED UPON SATISFACTION OF THE REQUIREMENT FOR VERIFICATION OF THE ABOVE-DESCRIBED RELEASE. (NOTE: SEE SCHEDULE B-I REQUIREMENT NUMBER 9)
- DOES NOT AFFECT PROPERTY
15. SUBJECT TO ANY AND ALL LIENS PROVIDED FOR BY SECTION 30-8(c)(1) OF THE CODE OF ORDINANCES OF THE CITY
- DOES NOT AFFECT PROPERTY
16. ANY LIEN AS PROVIDED FOR BY CHAPTER 159 OR 170, SIMILAR FLORIDA STATUTES, IN FAVOR OF ANY CITY, TOWN, VILLAGE, OR PORT AUTHORITY FOR UNPAID SERVICE CHARGES FOR SERVICE BY ANY WATER, SEWER, GAS OR SANITARY SUPPLYING THE LANDS DESCRIBED HEREIN.
- DOES NOT AFFECT PROPERTY
17. THIS POLICY DOES NOT INSURE TITLE TO ANY PART OF THE LAND LYING BELOW THE ORDINARY HIGH-WATER MARK OF ANY ADJUTING BODY OF WATER. (AS TO PARCEL 1)
- DOES NOT AFFECT PROPERTY
18. RIPARIAN AND/OR LITTORAL RIGHTS ARE NOT INSURED. (AS TO PARCEL 1)
- DOES NOT AFFECT PROPERTY
19. TERMS AND CONDITIONS OF ANY EXISTING UNRECORDED LEASE(S), AND ALL RIGHTS OF LESSEE(S) AND ANY PARTIES CLAIMING THROUGH THE LESSEE(S) UNDER THE LEASE(S).
- DOES NOT AFFECT PROPERTY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(A)(B), 7(A)(B), 8, 9, 11(A), 13, 14, 16, & 17 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON APRIL 05, 2022.

FOR REVIEW

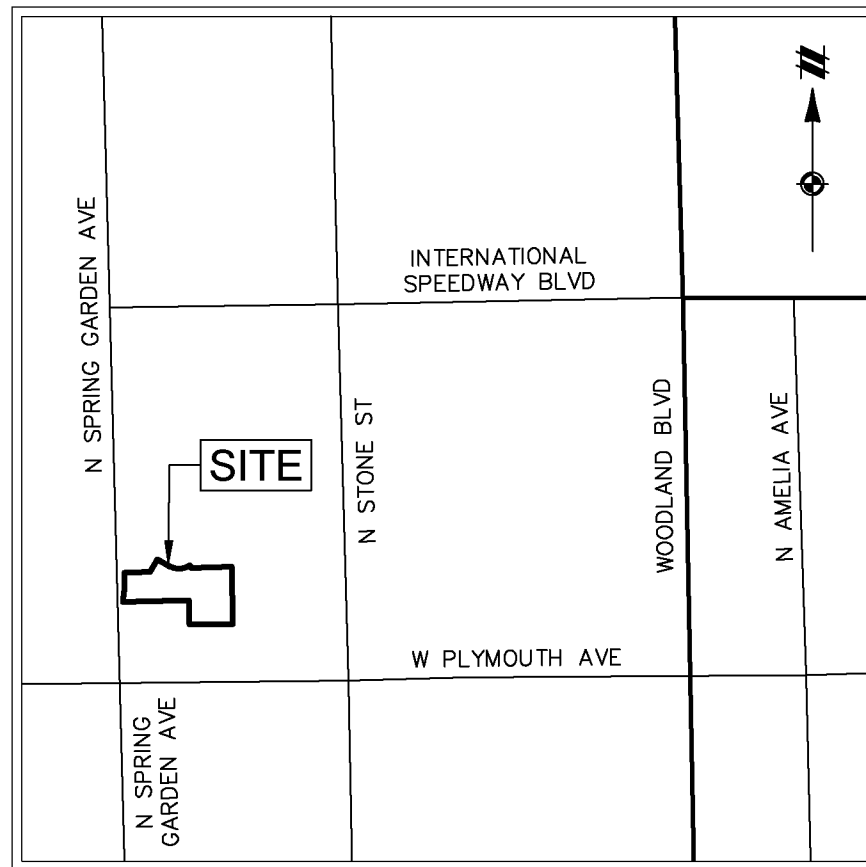
CLYDE R. ELDREDGE
FLORIDA PROFESSIONAL LAND SURVEYOR AND MAPPER #7076

I, HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA, SJ-17, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

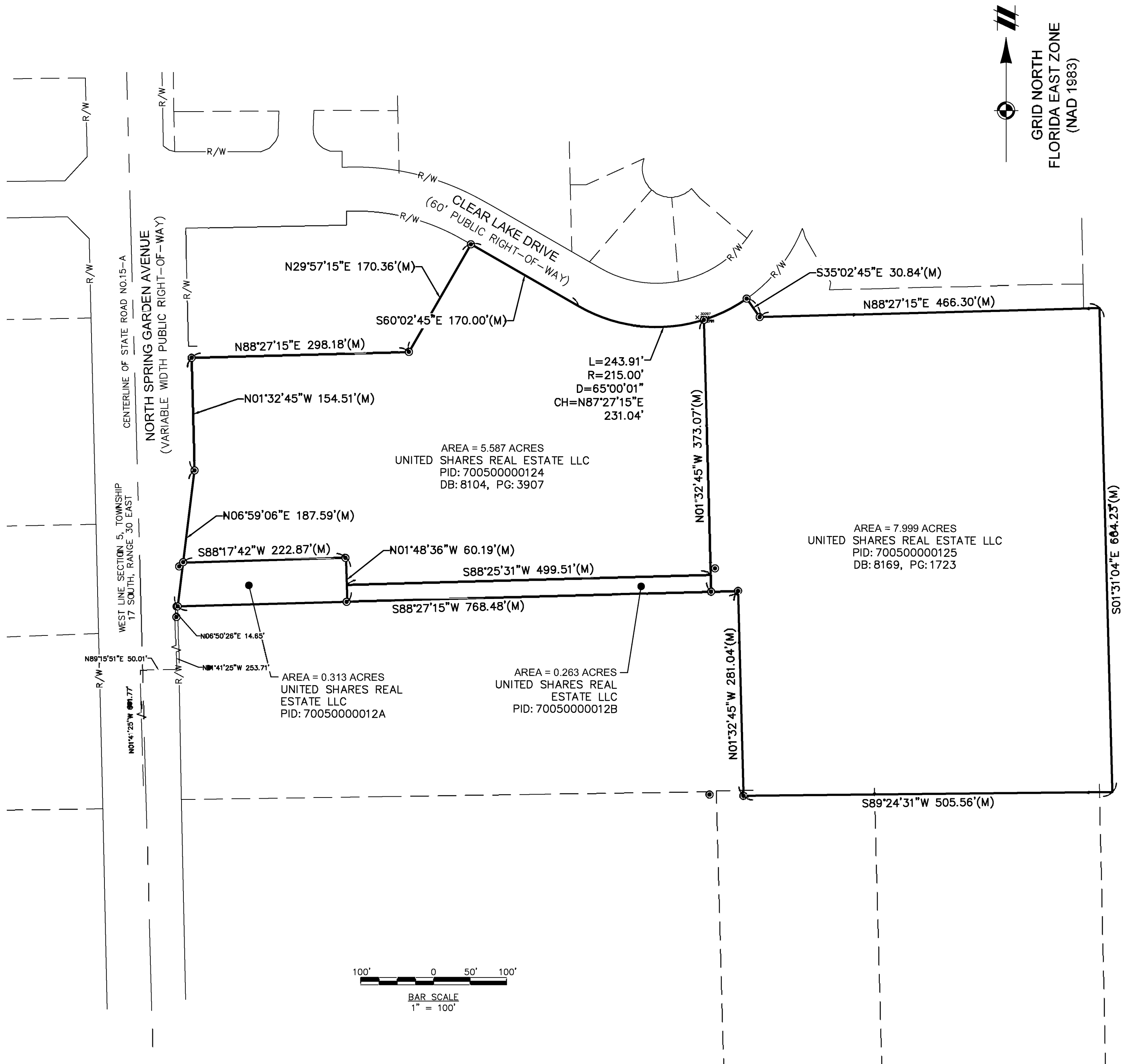
CLYDE R. ELDREDGE
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER #7076
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL
OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

HORIZONTAL: GRID NORTH, NAD83, FLORIDA STATE PLANES, EAST ZONE
 (NORTH AMERICAN DATUM OF 1983) (2011)
 US SURVEY FOOT, ORANGE COUNTY, FLORIDA
 VERTICAL: NAVD88 (NORTH AMERICAN VERTICAL DATUM OF 1988)
 GEOID: GEOID18 (CONUS)

1. PLAT ENTITLED "THE CASCADES-UNIT 1" DATED JUNE 23, 1987, PREPARED BY FERARRA SURVEYING. SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA
2. WARRANTY DEED, INSTRUMENT #2021198722, DEED BOOK 8104, PAGE 3907, DATED AUGUST 20, 2021.



NOT TO SCALE



Know what's **below**.
Call before you dig

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE:
CONSTRUCTION SITE SAFETY IS THE
SOLE RESPONSIBILITY OF THE
CONTRACTOR; NEITHER THE OWNER
NOR THE ENGINEER SHALL BE
EXPECTED TO ASSUME ANY
RESPONSIBILITY FOR SAFETY OF
THE WORK, OF PERSONS ENGAGED
IN THE WORK, OF ANY NEARBY
STRUCTURES, OR OF ANY OTHER
PERSONS.

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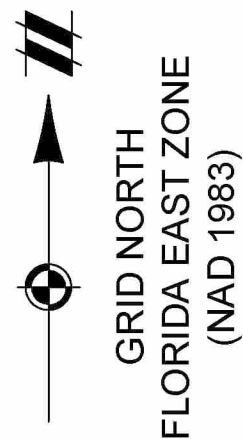
HILLPOINTE, LLC EXHIBIT OF PROPERTY DELAND APARTMENTS NORTH SPRING GARDEN AVENUE	LOCATED IN SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST CITY OF DELAND VOLUSIA COUNTY, FLORIDA
--	---

DATE 04/12/2022

DWG.	STH	CH.	KMK
P.M. CRE			
CODE		AS	
JOB		22001649	
SHEET NO.			
1 OF 2			

HORIZONTAL: GRID NORTH, NAD83, FLORIDA STATE PLANES, EAST ZONE
(NORTH AMERICAN DATUM OF 1983) (2011)
US SURVEY FOOT, ORANGE COUNTY, FLORIDA
VERTICAL: NAVD88 (NORTH AMERICAN VERTICAL DATUM OF 1988)
GEOID: GEOID18 (CONUS)

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY PANEL NO. 12127C0465H, WHICH BEARS AN EFFECTIVE DATE OF 2/19/2012 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.



•	BENCHMARK
◆	FOUND MONUMENT
⊙	BOUNDARY MARKER
○	IRON PIN SET
=====	SUBJECT BOUNDARY LINE
-----	ADJACENT BOUNDARY LINE
----- R/W	RIGHT OF WAY LINE
-----	SECTION LINE
-----	EASEMENT LINE
----- X X	EXISTING FENCE
-----	GUARD RAIL
(#)	TITLE EXCEPTION NUMBER
⌋	UTILITY POLE
⌋	GUY ANCHOR
—	SIGN
----- OHE OHE	OVERHEAD UTILITY

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THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY. ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR IS DETERMINING THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY DAMAGE TO UTILITIES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE:
CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF ANY NEARBY STRUCTURES, OF ANY OTHER PERSONS.

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FLORIDA SURVEY CO.# LB7832

LOCATED IN SECTION 5,
TOWNSHIP 17 SOUTH, RANGE 30 EAST
CITY OF DELAND
VOLUSIA COUNTY, FLORIDA

HILLPOINTE, LLC

EXHIBIT OF PROPERTY
DELAND APARTMENTS

NORTH SPRING GARDEN AVENUE

DATE 04/12/2022

[illegible]

DWG.	STH	CH.	KMK
P.M. CRE			
CODE		AS	
JOB		22001649	
SHEET NO.			
2 OF 2			

CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: First Reading of Ordinance Changing the Zoning from Volusia County R-4C, R-4, A-1C, A-1, I-1C & I-1 to DeLand Tech Park PD, Located in the Northwest Quadrant of SR 472 and Interstate 4, for Approximately 143.2 Acres of Property,

DEPARTMENT: Planning

PREPARED BY: Mike Holmes, Planning Director

ATTACHMENTS: Ordinance, Exhibit A (Ordinance), Exhibit B-DeLand Tech Park PD Agreement, Exhibit A - Legal Description, Exhibit B - Concept Plan, Exhibit C - Phasing Plan, Exhibit D - Trip Equivalency Matrix, Exhibit E - Example of Design Plan, Z22-063 Staff Report - DeLand Tech Park PD (Revised for PB July 20 2022), Z22-063 Zoning and Location Map, Z22-063 Aerial Map

APPROVED BY: Michael Pleus, City Manager, August 10, 2022

SUMMARY/HIGHLIGHT:

The proposed development consists of ± 143.2 acres of mostly vacant, wooded land, located in the northwest quadrant of SR 472 and Interstate 4. It is part of the original South West Activity Center DRI which was later adopted into the City's Comprehensive Plan. 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 PD allows for a range of industrial and commercial uses. The proposed PD conforms with the development standards of the Commerce and West Central districts of the SWAC, such as vested trips, building entitlement yields, and connectivity requirements.

The Planning Board, at their July 20, 2022 meeting, recommended approval with the following comments:

- The roadway labeled as Pinehurst will be designated as a private street unless approved otherwise by the City Commission; *(has not been addressed)*
- Provide a bike/ped connection with the proposed multi-family project to the north west of the subject project; *(has not been addressed)*
- Ensure the proposed impervious surface amount accommodates the proposed development; *(verified at Planning Board meeting by applicant)*
- Utilize the more detailed color concept plan as exhibit B; *(has not been addressed)* and
- Work with staff on the signage along I-4 to reflect that the project is in the City of DeLand *(language was added to address comment)*.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

As outlined in the City's Strategic Plan, under **Strategic Focus Area: Preparing for Future Sustainability Strategic Context:** recognizing that the city itself is dynamic and that extensive changes will occur in the region in the near and long-term future, it is important that there be a strategic focus on the future. The DeLand Tech Park development follows the vision of the SWAC, with the ultimate goal being to develop a key employment area for the City of DeLand. The project includes right-of-way connectivity and pedestrian

connections. By partnering with the developer, the city will have a notable presence on Interstate 4 that indicates to drivers that they're in the City of DeLand.

SUSTAINABILITY:

Regional High Value Job Creation

FISCAL IMPACT:

Rezoning of the subject properties to DeLand Tech Park Planned Development will positively impact the city's tax roll and will increase funds for city services.

RECOMMENDATION:

It is recommended that the City Commission approve the rezoning of this property on first reading from Volusia County R-4C, R-4, A-1C, A-1, I-1C & I-1– R-4, to the DeLand Tech Park PD with the PD agreement being revised to address comments from Planning Board.

BACKGROUND/DISCUSSION:

The applicant is requesting to rezone the subject property to DeLand Tech Park PD.

Summary of Development:

- The project will be developed in 3 phases.
- The development plan allows for 1,500,000sf of industrial space and 240,000sf of commercial/neighborhood retail uses.
- Max. Impervious surface coverage: 60% (retail)/70% (industrial)
- Developer agrees to partner with the City to provide a community designation sign on the property.
- Access to the development will be provided via Dr. Martin Luther King Jr. Bltwy, SR 472 and on Cassadaga Rd.

ORDINANCE NO. 2022 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM VOLUSIA COUNTY'S, R-4, R-4C (URBAN SINGLE FAMILY RESIDENTIAL); VOLUSIA COUNTY'S A-1C, A-1 (PRIME AGRICULTURE); AND VOLUSIA COUNTY'S, I-1C, I-1 (LIGHT INDUSTRIAL); TO CITY'S PLANNED DEVELOPMENT, DELAND TECH PARK PD, ON PROPERTY LOCATED AT THE NORTHWEST QUADRANT OF STATE ROAD 472 AND INTERSTATE 4; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 143.2 +/- ACRES OF PROPERTY MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the applicant, Mark Watts, (hereinafter referred to as "Applicant"), on behalf of the owner, Longleaf Four, LLC owns approximately 143.2 +/- acres of land located at the Northwest quadrant of State Road 472 and Interstate 4, which is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, the Applicant has applied for a change of zoning designations from Volusia County's R-4, R-4C(Urban Single Family Residential), A-1C, A-1 (Prime Agriculture), and I-1C, I-1 (Light Industrial) to DeLand Tech Park PD, Planned Development; and

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

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

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

WHEREAS, the proposed development plan is consistent with the Commerce District/West Central District future land use designation.

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

Section 1. The City Commission has held a public hearing to approve the change of zoning from Volusia County's R-4, R-4C (Urban Single Family Residential); A-1C, A-1(Prime Agriculture) and I-1C and I-1(Light Industrial) to DeLand Tech Park Planned Development (PD), on property located at the Northwest quadrant of State Road 472 and Interstate 4,consisting of approximately 143.2 +/- acres of property.

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

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

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

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

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

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

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

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

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

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

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

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

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

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

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.
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18

PLANNED DEVELOPMENT AGREEMENT

IN THE CITY COMMISSION OF THE

CITY OF DELAND, FLORIDA

IN RE: Case # _____, Application of

LONGLEAF FOUR LLC

ORDINANCE # _____

ORDER AND RESOLUTION

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

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

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

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

GENERAL FINDINGS

A. That the application of 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

1 b. Minimum perimeter building setbacks:

2 (a) Side, Street: 30 ft.

3 Side, Interior: 10 ft.

4 (b) Front: 35 ft.

5 (c) Rear: 25 ft.

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

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

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

10
11 2. **The following lot development criteria shall apply to commercial/retail or**
12 **similar development within the PD:**

13 a. Maximum building height: 80 feet

14 b. Minimum perimeter building setbacks:

15 (a) Side, Street: 20 ft.

16 Side, Interior: 10 ft.

17 Side, abutting residential: 25 ft.

18 (b) Front: 20 ft.

19 (c) Rear: 10 ft.

20 Rear, abutting residential: 25 ft.

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

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

24 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:
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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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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.
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21

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**

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_____ **Pieter C. Ambachtsheer**

7
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11
12 _____ **Shannon Leigh Rottach**

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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.

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

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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 _____

6
7 Print: _____

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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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23 NOTARY PUBLIC, STATE OF FLORIDA

24 Type or Print Name:

25 _____
26 Commission No.: _____

27 My Commission Expires: _____
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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
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17
18

\\vib\gbl\proj\Orlando\64054.00 Longleaf-Deland N/W Quad\cad\up\PUO\64054.00-DelandTechPark-MLUP.dwg

SITE DATA

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

Adjacent Future Land Use			
North	South	East	West
Urban Low Intensity (County)/West Central District (City)	Crossing FUD (Orange City)	Urban Low Intensity/Urban Medium Intensity (County)	SWAC Commerce (County)

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

Max Impervious Surface Ratio Permitted 60% (Commercial and Mixed-use), 70%(Industrial)

DEVELOPMENT PROGRAM

Parcel NO	Land Use	Gross Acres	Development Program
1	Industrial	90.45 AC	1,500,000sf
2	Commercial Power Center/Neighborhood Retail	38.54 AC	130,000 sf
3	Commercial Power Center/Neighborhood Retail Gas Station with Convenience Store	14.25 AC	110,000 sf
TOTAL		143.24 AC	1,740,000 sf

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

Filling

OPEN SPACE

LAND USE	ACREAGE PROVIDED
Commercial/Mixed Use	8.81 AC
Industrial	18.36 AC

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

NON-RESIDENTIAL DEVELOPMENT STANDARDS

Retail/Restaurant

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

Industrial

Max Lot Coverage	70%
Max Building Height	66'
Minimum Setbacks	
Front	36'
Side	10'
	(30' when abutting streets)
Rear	25'

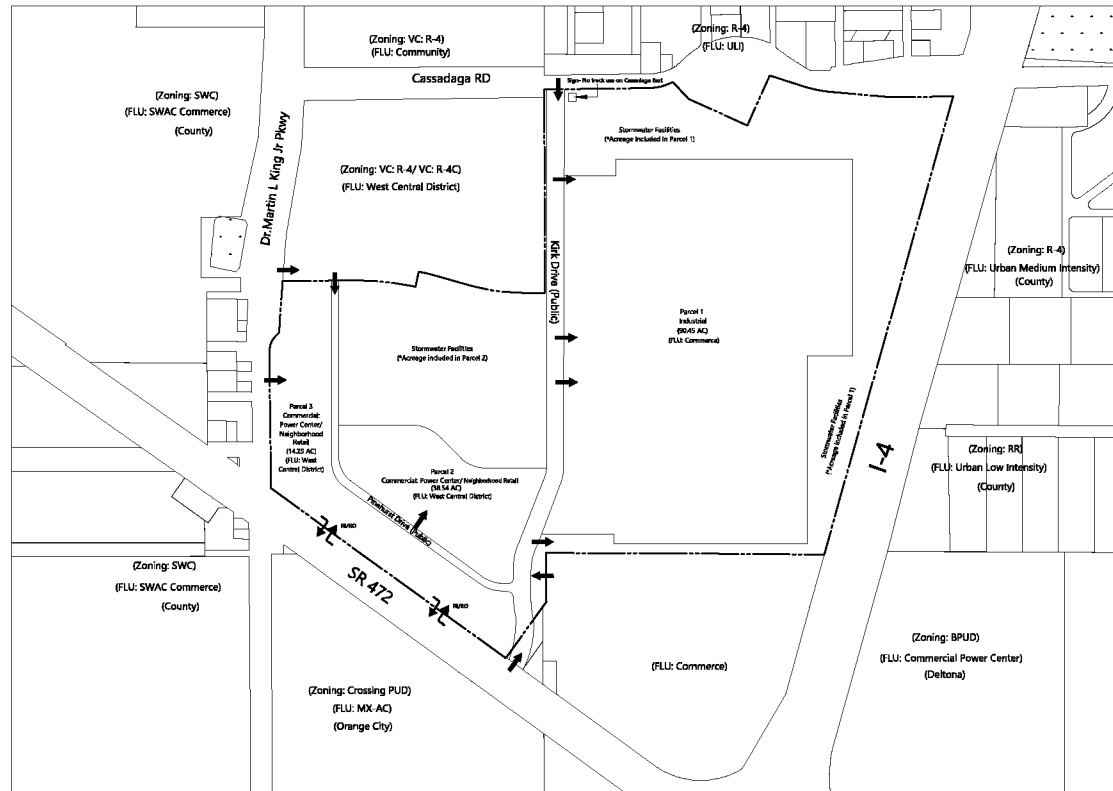
PATENTS

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

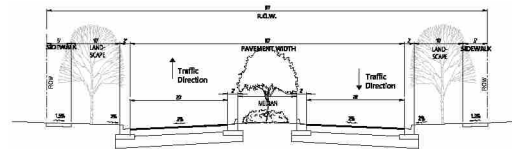
* Computations per section 33-91.01(c)3.

DEVELOPMENT NOTES

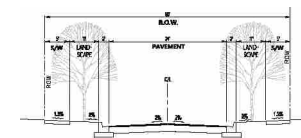
1. All encroachments are subject to change with final engineering and final plan review and approval.
2. Per City of Deland LDC Sec 33-57, historic trees and trees utilized to meet the minimum tree protection requirement or trees located near a designated tree protection area, as defined in article IV of chapter 33, may not be removed without application and approval of a permit by the city. Destruction of 15 percent of the property for tree preservation is required.
3. Per City of Deland LDC Sec 33-92, landscaped buffers are required along street frontages where are proposed per article VIII of chapter 33.
4. Per City of Deland LDC Sec 33-91, additional buffer and sign requirements apply to encroachments within 100 feet along special overlay districts per article IV of chapter 33.
5. Per City of Deland LDC Sec 33-91, parking on grass and sidewalks is prohibited. Vehicle use areas shall be paved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer. Paved areas shall be included in the site's impervious surface calculation.
6. Unless otherwise prohibited in the lot of premises, conditional or special exception use for any zoning district, outdoor display of equipment, supplies, merchandise, or personal property is permitted in compliance with section 33-27.04.



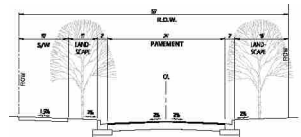
- 7) Site and building aesthetics shall comply with the Community Design Standards in City of Duland LDC Sec 33-91
- 8) Stormwater management areas shall be provided per each phase of development.
9. Low Impact Development (LID) techniques shall be implemented to minimize LID options are the following:
- a. Rain Garden: Vegetated depressions (also referred to as bioretention cells) that collect runoff and facilitate its infiltration into the ground. Stages of rain gardens, or bioretention cells, may vary based on site development areas they are intended to serve.
 - b. Filter Strip: Bands of dense vegetation planted immediately downslope of a runoff source designed to filter runoff before it reaches a receiving water body.
 - c. Swales: Shallow channel lined with vegetation or grass and used to convey and store runoff.
 - d. Green Roofs: Impermeable roof membranes overlaid with a lightweight planting mat with a high infiltration rate and vegetated with plants tolerant to heat, drought, and periodic inundation used to reduce the volume of runoff discharged to a receiving water body.
 - e. Dry Well: Also referred to as a French Drain, a dry well is a gravel or stone filled pit that is located to catch water in roof downspouts.
 - f. Subsurface Recharge Franchises: Franchises filled with porous media, such as sand or aggregate that collect runoff and infiltrate it into the ground.
 - g. Permeable Pavement: Manufactured paving materials, such as asphalt that allow for infiltration into porous media placed underneath.
 - h. Infiltration Basin: Small, vegetative basins or dry ponds designed to receive runoff and infiltrate it into the ground.
 - i. Rain Barrel or Cistern: Containers that store runoff delivered through building downspouts. Rain barrels are generally smaller systems and are located above ground. Cisterns are generally larger than barrels and often buried. These elements may be connected to the building's plumbing or irrigation systems, or otherwise used to reuse water that is collected.
10. No trucks permitted except on Cassadaga Road.



Neighborhood Connector Typical Road Section - R.O.W. 90'



Local Street Typical Road Section - R.O.W. 60'
N.T.S.



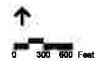
Local Street Typical Road Section - R.O.W. 60' after Pinehurst Dr



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

LEGEND

- 
 PROJECT BOUNDARY
 PARCEL LIMITS
 WETLAND
 PROPOSED ACCESS POINT
 RI/RO ACCESS



DeLand Tech Park PD

City of DeLand, Florida

[illegible]

March 21, 2022

Vertical Datum NAVD 1988

LAND USE PLAN

Cleaning the robot

DATE: Jun. 20, 2022 Project Number 64054.00

"EXHIBIT C"

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LEGEND

PROJECT BOUNDARY

PHASE 1

PHASE 2

PHASE 3

DeLand Tech Park PD

City of DeLand, Florida

By	Number	Date	Notes

Prepared by	Checked by	Date
		March 21, 2022

Vertical Datum NAVD 1988

PHASING PLAN

DATE: Jun, 20, 2022

Project Number
64054.00

"EXHIBIT D"

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

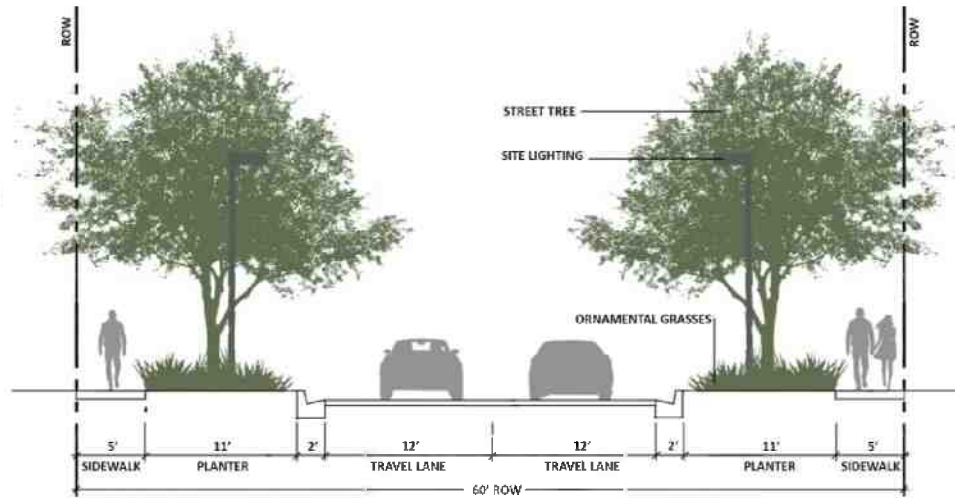


- ENHANCE PEDESTRIAN CONNECTIONS- REINFORCING LINKS FROM OUTSIDE THE PLANNED DEVELOPMENT TO THE COMMERCIAL AND INDUSTRIAL DEVELOPMENTS.
- MAINTAIN VIEWS INTO THE PLANNED DEVELOPMENT
- MAXIMIZE OPPORTUNITIES TO INTEGRATE THE EXISTING CANOPY TREES.
- CELEBRATE BUILDING ENTRANCES WITH A PLAZA THAT IS AN INVITING, SOFT GATHERING AREA SURROUNDED BY GREEN SPACE, SEATING AND OPEN SPACES.
- 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.
- EXTERIOR LIGHTING SOURCES SHOULD BE SHIELDED AND MEET THE FULL CUTOFF CLASSIFICATION.
- PROVIDE HIGH-EFFICIENCY IRRIGATION USING RECLAIMED WATER AS POSSIBLE TO REDUCE POTABLE WATER CONSUMPTION.
- DESIGN UTILIZING WATER EFFICIENT LANDSCAPING TO HELP SATISFY LEED REQUIREMENTS.

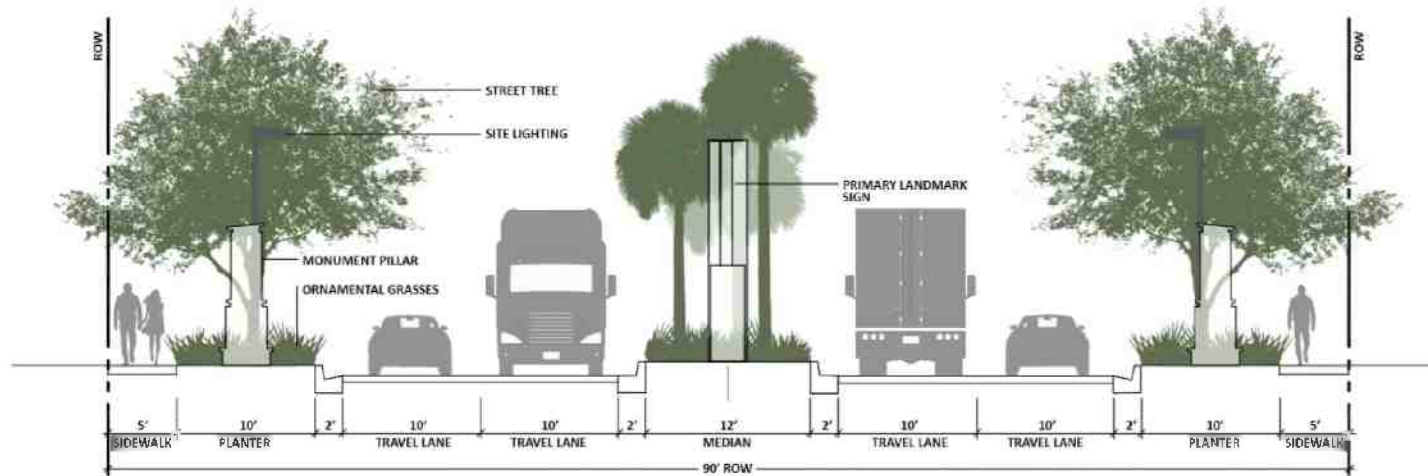
- IRRIGATION SYSTEMS MUST BE DESIGNED TO CONFORM TO CITY OF DELAND'S LAND DEVELOPMENT REGULATIONS AND MEET VOLUSIA COUNTY'S WATERSIDE LANDSCAPE IRRIGATION ORDINANCE.
- UNDERSTAND THE POTENTIAL FOR WATER AVAILABILITY AND STRICT WATER RESTRICTIONS AND ACCOMMODATE FOR BOTH.
- DESIGN A SYSTEM THAT HAS THE 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.
- UTILIZE SPRAY AND ROTOR HEAD IRRIGATION FOR SHRUBS AND GROUNDCOVERS AND BUBBLERS FOR TREES LARGER THAN 3-5" CALIPER.
- UTILIZE SPRAY HEADS FOR ALL SMALL TURF GRASS AREAS AND BOW-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 BOW-SWALES.

Page 457 of 533

TYPICAL ROADWAY CROSS-SECTIONS



LOCAL STREET TYPICAL ROAD SECTION



NEIGHBORHOOD CONNECTOR TYPICAL ROAD SECTION

DeLand Tech Park PD

City of DeLand, Florida

Project No. 2022-001 Date 03/21/22

Prepared by: [Signature] Checked by: [Signature]

Drawn by: [Signature] Date: 03/21/22

Project No. 2022-001 Date: 03/21/22

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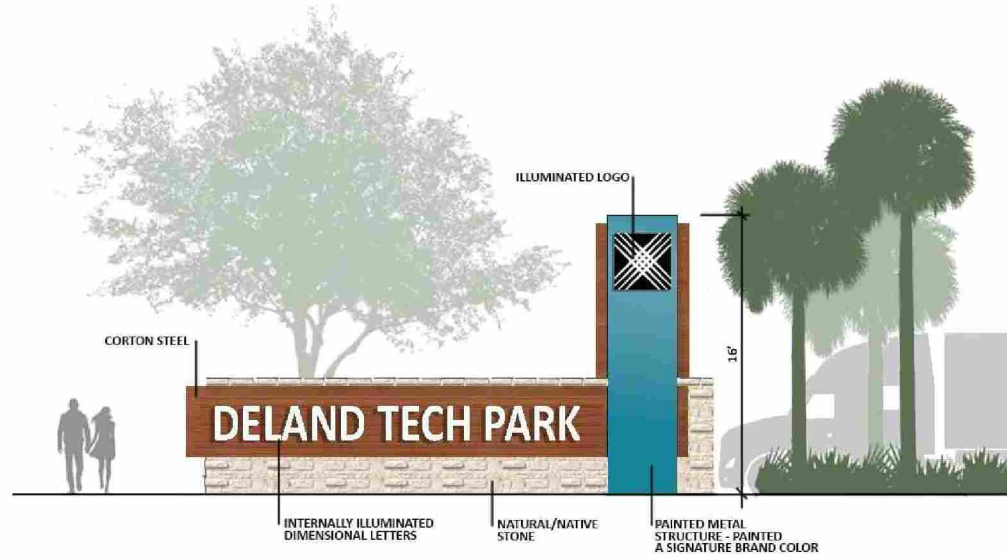
L1.01

DATE: Mar. 21, 2022 64054.01

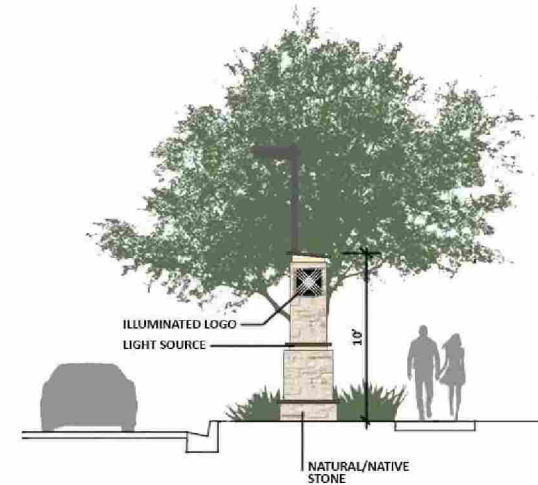
**POSSIBLE BRAND
COLOR PALETTE**



NATURAL STONE



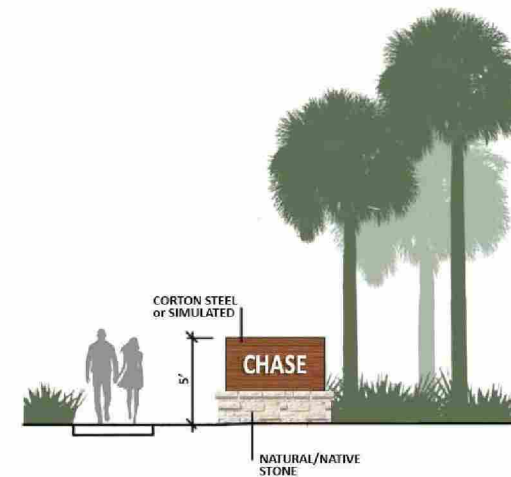
PRIMARY LANDMARK SIGN



MONUMENT PILLAR



COMMERCIAL MULTI-TENANT SIGN



COMMERCIAL SINGLE TENANT SIGN

DeLand Tech Park PD

City of DeLand, Florida

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Vertical Datum NAVD 1988

Conceptual Sign Elevations

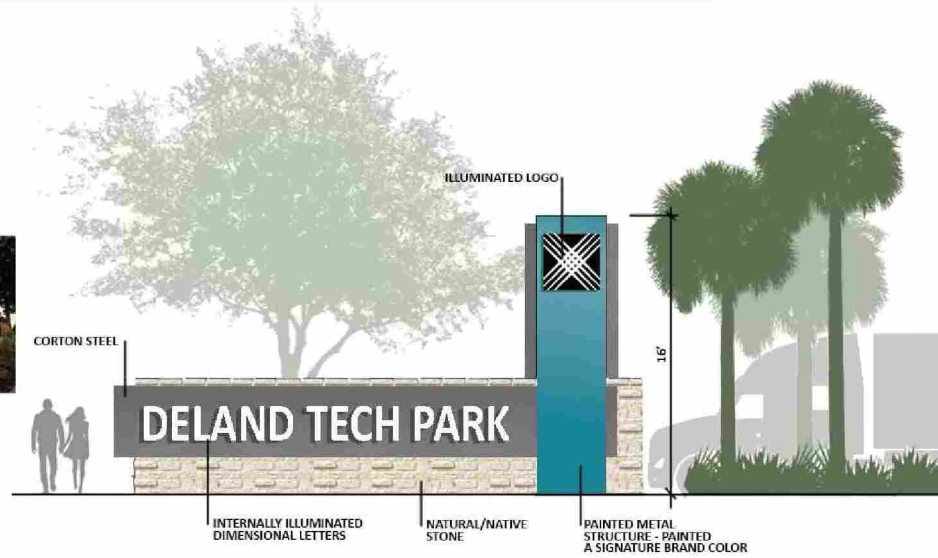
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DATE: Mar. 21, 2022 Project Number 64054.00

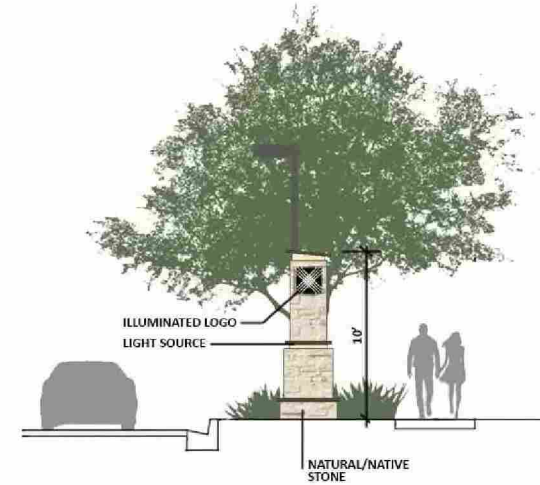
CONCEPTUAL SIGN ELEVATIONS



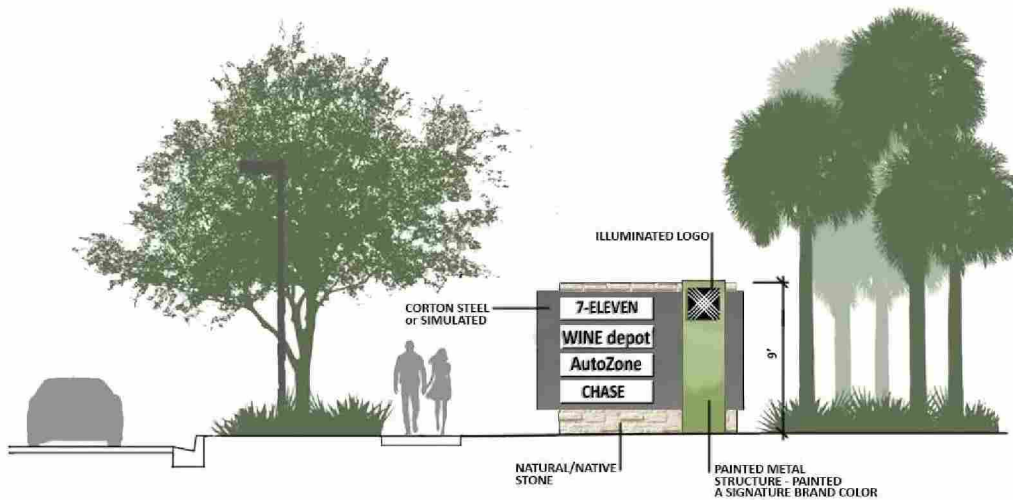
GUN METAL
GREY PANEL



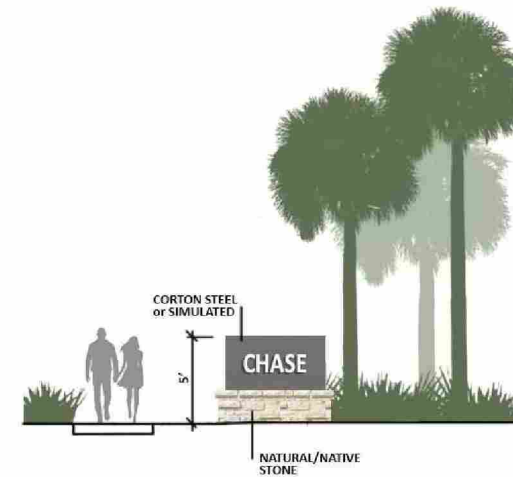
PRIMARY LANDMARK SIGN



MONUMENT PILLAR



COMMERCIAL MULTI-TENANT SIGN



COMMERCIAL SINGLE TENANT SIGN

DeLand Tech Park PD

City of DeLand, Florida

NO.	REVISION	DATE	BY	APP'D

March 21, 2022

Vertical Datum NAVD 1988

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 a golf course and palm trees. The middle photograph shows a street sign for 'SUNSET' and 'WILD INDIGO' above a red octagonal 'STOP' sign, with a large house in the background. The third photograph on the right shows a street sign for 'SUNRISE' above a red octagonal 'STOP' sign, with a golf course and a sand trap in the background.

Page 461 of 533

MEDIUM BRUSHED FINISH CONCRETE

ROCK-SALT FINISH AT ACCENT NODES

PEDESTRIAN & VEHICULAR CONCRETE PAVERS

STAMPED ASPHALT AT CROSSWALKS & INTERSECTIONS



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

The image block contains four photographs of different fence types. From left to right: 1. A retaining wall with a straight split design, featuring a concrete base and a brick top section, situated in a landscaped area with trees and a sidewalk. 2. A precast wall with decorative columns, showing a light-colored concrete wall with square columns and stone-textured pillars, bordered by greenery. 3. An aluminum picket fence, a black metal fence with vertical pickets, installed in a commercial setting with a parking lot and a yellow school bus visible in the background. 4. A security fence made of welded wire, a black metal fence with a diamond pattern, located in an industrial area with a paved walkway and a grassy field.

The image block contains four separate photographs arranged horizontally. From left to right: 1. A black metal bench with a built-in litter receptacle, situated on a paved area next to a stone wall and a body of water. 2. A black metal bicycle rack with three circular loops, mounted on a light-colored stone wall. 3. A black metal pedestrian railing with a glass infill panel, installed on a wooden deck. 4. A black metal traffic bollard, a thick vertical post, standing on a paved surface.

DeLand Tech Park PD		
City of DeLand, Florida		
No.	Description	Date
Approved by:	Reviewed By:	
Signed by:	Dated:	March 21, 2022
Vertical Datum NAVD 88 Drawing No.		
Hardscape and Site Furnishings		
Drawing Number		
L1.04		
Scale of		
Date:	Mar. 21, 2022	Project Number: 64054.00

A photograph showing two tall, black, modern streetlights in a park-like setting. The streetlights have a curved, modern design. They are positioned in a row, with trees and a clear blue sky in the background. The scene is bright and sunny.

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 in the foreground, with another similar lamp visible further down the path. The background features a clear blue sky, palm trees, and a building across the water.

A tall, black, modern outdoor lamp post stands on a sidewalk. The lamp post has a wide, flared top section that appears to be illuminated from within, casting a soft glow. The base is a simple, cylindrical pedestal. To the right of the lamp post is a red brick wall with a white-painted curb. In the background, there are concrete steps leading up to a building entrance with glass doors and a black metal handrail. The overall scene is captured in a slightly grainy, high-contrast photograph.

- 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 dark green, glossy leaves and large, white, bell-shaped 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 dark green, waxy leaves and small, white flowers.
- WALTER VIBURNUM**: A shrub with dense, green foliage and clusters of small, white flowers.
- HOLLY FERN**: A fern with large, deeply lobed, green fronds.
- FIREBUSH**: A shrub with green leaves and clusters of small, bright red flowers.
- CORDGRASS**: A grass with long, thin, green blades.
- MUHLY GRASS**: A grass with long, thin, green blades and a dense, rounded habit.
- FAKAHATCHEE GRASS**: A grass with long, thin, green blades and a dense, rounded habit.
- SWORD FERN**: A fern with long, narrow, green fronds.
- BLANKET FLOWER**: A plant with dense, green foliage and clusters of small, yellow and orange flowers.
- RUSTY LYONIA**: A shrub with green leaves and clusters of small, yellow flowers.
- YAUPON HOLLY**: A shrub with dense, green foliage and small, white flowers.
- SAW PALMETTO**: A plant with long, narrow, green fronds and a dense, rounded habit.
- COONTIE FERN**: A fern with long, narrow, green fronds.

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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

SMALL TREE	
Callistemon viminalis	Bottlebrush
Elaeocarpus decipiens	Japanese Blueberry
Eriobotrya japonica	Loquat
Lagerstroemia indica	Crape Myrtle
Ligustrum japonicum	Japanese Privet
Salix babingtoniae	Weeping Willow
Tabebuia caribaea	Purple Trumpet Tree
Tabebuia impetiginosa	Silver Trumpet Tree
Tabebuia umbellata	Yellow Trumpet Tree
Ulmus parvifolia	Chinese Elm

PALM TREES	
Arecife 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

SHRUBS	
Agapanthus africanus	Blue Lily of the Nile
Allamanda cathartica	Yellow Allamande
Alpinia zerumbet	Shell Ginger
Arborecola 'Trinette'	Schefflera arborecola '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
Drawing Title

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 GROUND COVER, 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

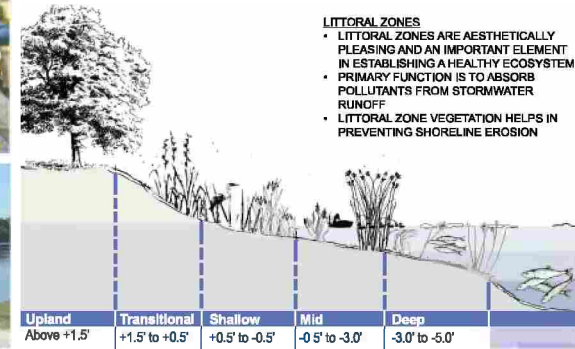
PICKERELWEED

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 bulrush
Canna flaccida	Garden canna
Elaeocharia cellulosa	Gulf Coast spikerush
Pontederica cordata	Pickersweed
Sagittaria stagnorum	Pondweed
Juncus effusus	Soft rush
Scirpus tabernaemontani	Softstem bulrush
Hypericum perforatum	St. John's wort
Vallisneria spiralis	Tape or eelgrass
Scirpus cyperinus	Wood grass bulrush

- 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

CORDEGRASS

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
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:

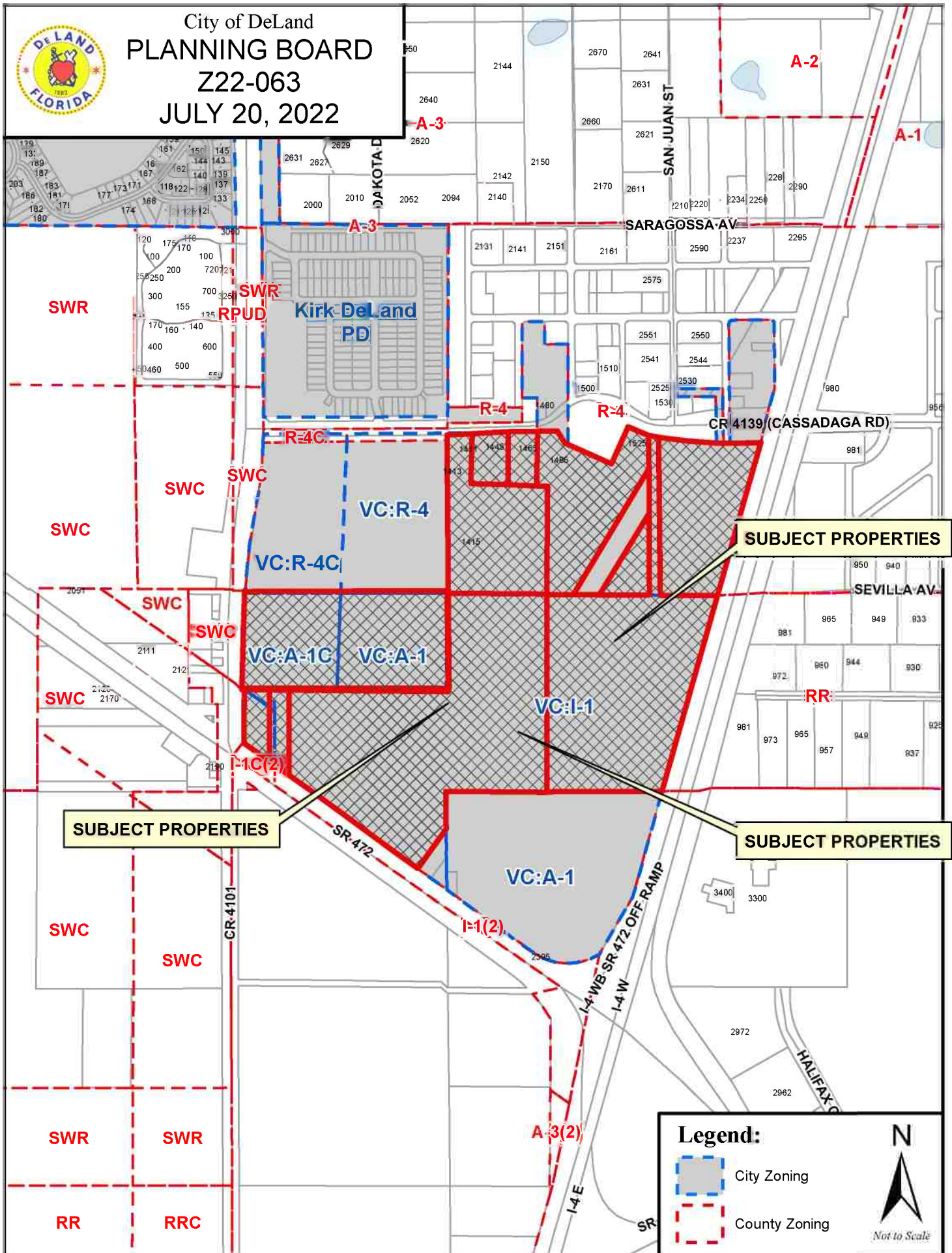
The applicant has addressed Planning Board comments as well as the TRC comments from the latest review, with only 2 minor comments remaining. Staff recommends that the Planning Board forward to the City Commission recommending approval for the rezoning request, subject to the outstanding comments being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

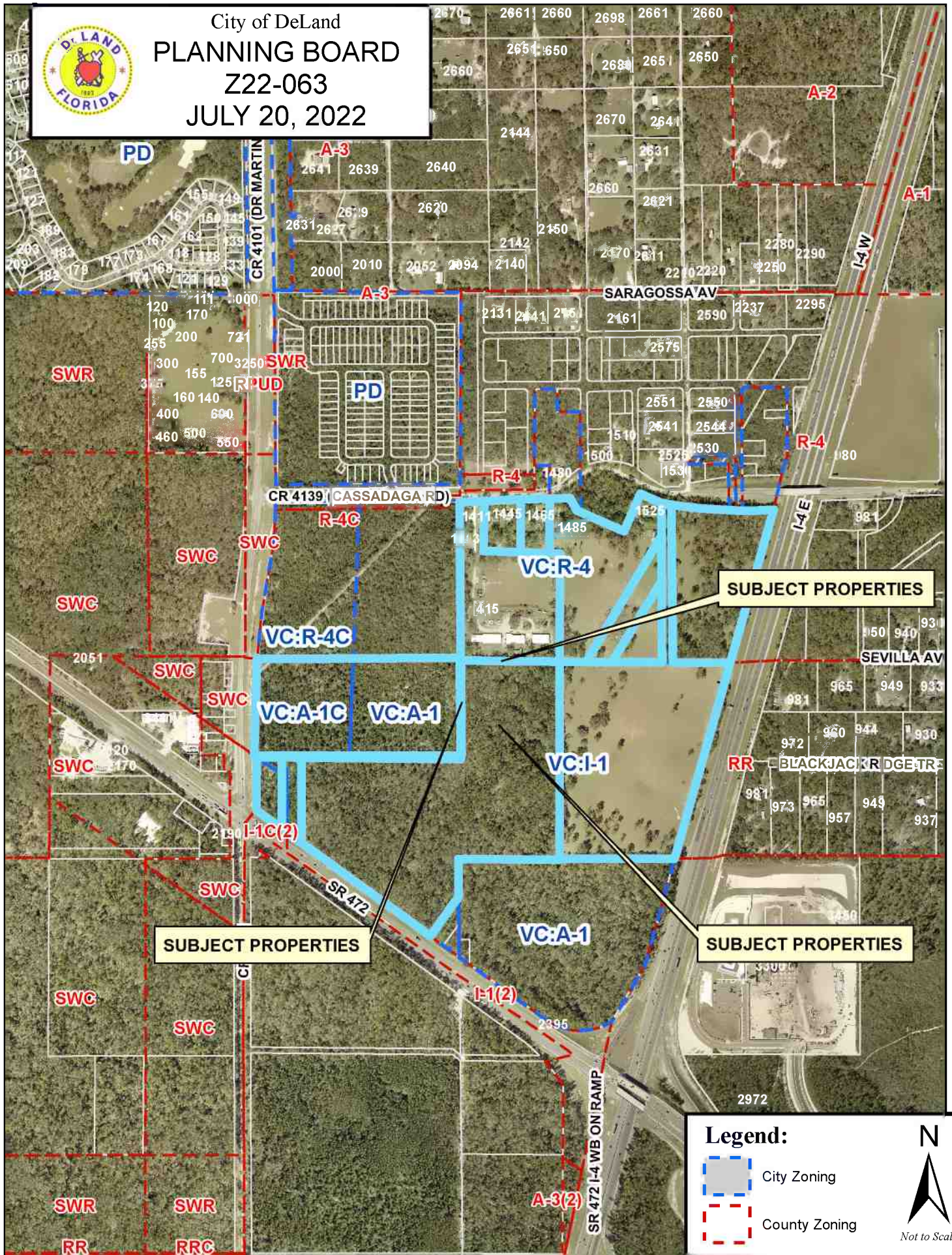


City of DeLand
PLANNING BOARD
Z22-063
JULY 20, 2022





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



Legend:

- City Zoning
- County Zoning

N
Not to Scale

CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: First Reading of Ordinance Changing the Land Use for Approximately 1.47 Acres of Property, Located on the Southeast Corner of South Clake Street and Voorhis Avenue, from Medium Density Residential to Downtown Commercial (Palm Garden Cottages PD).

DEPARTMENT: Planning

PREPARED BY: Mike Holmes, Planning Director

ATTACHMENTS: Ordinance, Exhibit A, SMLU22-116 Staff Report - DeLand Commons (Jul), SMLU22-116 Proposed Land Use, SMLU22-116 Current Land Use, SNLU22-116 Zoning and Location Map, SMLU22-116 Aerial Map

APPROVED BY: Michael Pleus, City Manager, August 10, 2022

SUMMARY/HIGHLIGHT:

The site is currently vacant and the applicant, Mark Watts, attorney for the owner, requests that the property be amended from a Medium Density Residential land use designation to the Downtown Commercial future land use designation. The property contains approximately 1.47 acres and is located at the southeast corner of Voorhis Avenue and Clake Street. The facility analysis presented in the attached staff report 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.

The Planning Board, at their July 20, 2022 meeting, recommended that the application be approved.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Strategic Focus Area: Institute Smart Growth Principles:

Strategies: Redevelopment

Action Steps:

1. Pursue downtown residential redevelopment.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff is recommending that the City Commission approve the request to change the land use to Downtown Commercial on first reading and direct staff to transmit the application to the VGMC for their review prior to second reading.

BACKGROUND/DISCUSSION:

The applicant has also submitted a rezoning application to change the subject property from R-1 to C-2A, Downtown Commercial. This land use application should be reviewed in conjunction with the rezoning application that is also on this agenda.

ORDINANCE NO. 2022 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF DELAND, BY CHANGING THE LAND USE DESIGNATION OF CERTAIN PROPERTY LOCATED ON THE SOUTHEAST CORNER OF SOUTH CLAKE STREET AND VOORHIS AVENUE; FROM MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION TO DOWNTOWN COMMERCIAL FUTURE LAND USE DESIGNATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

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

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

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

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

WHEREAS, the City Commission has received a request to amend the Comprehensive Plan by changing the land use designation of approximately 1.47 +/- acres of land located on the southeast corner of South Clake Street and Voorhis Avenue; from Medium Density Residential land use designation to Downtown Commercial future land use designation; and

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

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

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

Section 1. The City Commission hereby amends the Future Land Use Map for the incorporated area by changing the land use designation of that certain parcel of land located at the southeast corner of South Clake Street and Voorhis Avenue; consisting of approximately 1.47 +/- acres of land from Medium Density Residential Future Land Use designation to Downtown Commercial Future Land Use designation, as more particularly described in the Exhibit "A" attached hereto and by this reference made a part hereof.

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

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

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

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION: (PREPARED BY THIS FIRM)

LOTS A AND B, CLAKE'S RESUBDIVISION OF BLOCK 14, HOWRY'S ADDITION TO DELAND, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 5, PAGE 2 AND MAP BOOK 15, PAGE 179, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND LOTS 3 AND 4, BLOCK 14, MAP OF J.W. HOWRY'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 1, PAGE 137 AND MAP BOOK 21, PAGE 191, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND THE WEST 127 FEET OF LOTS 15 AND 16, CLAKE'S RESUBDIVISION IN BLOCK 14, HOWRY'S ADDITION TO THE CITY OF DELAND, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 2, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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**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

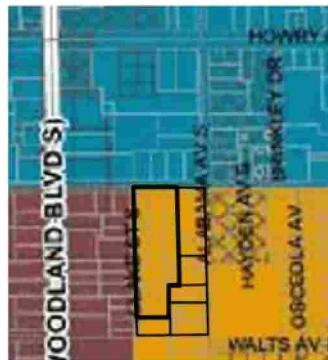
SURROUNDING USE:

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

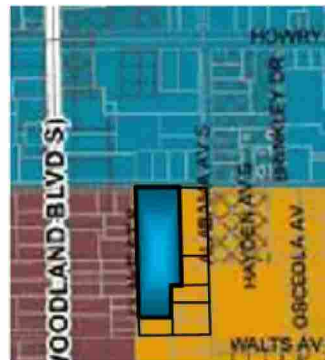
C. REQUESTED ACTION AND HISTORY:

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) |

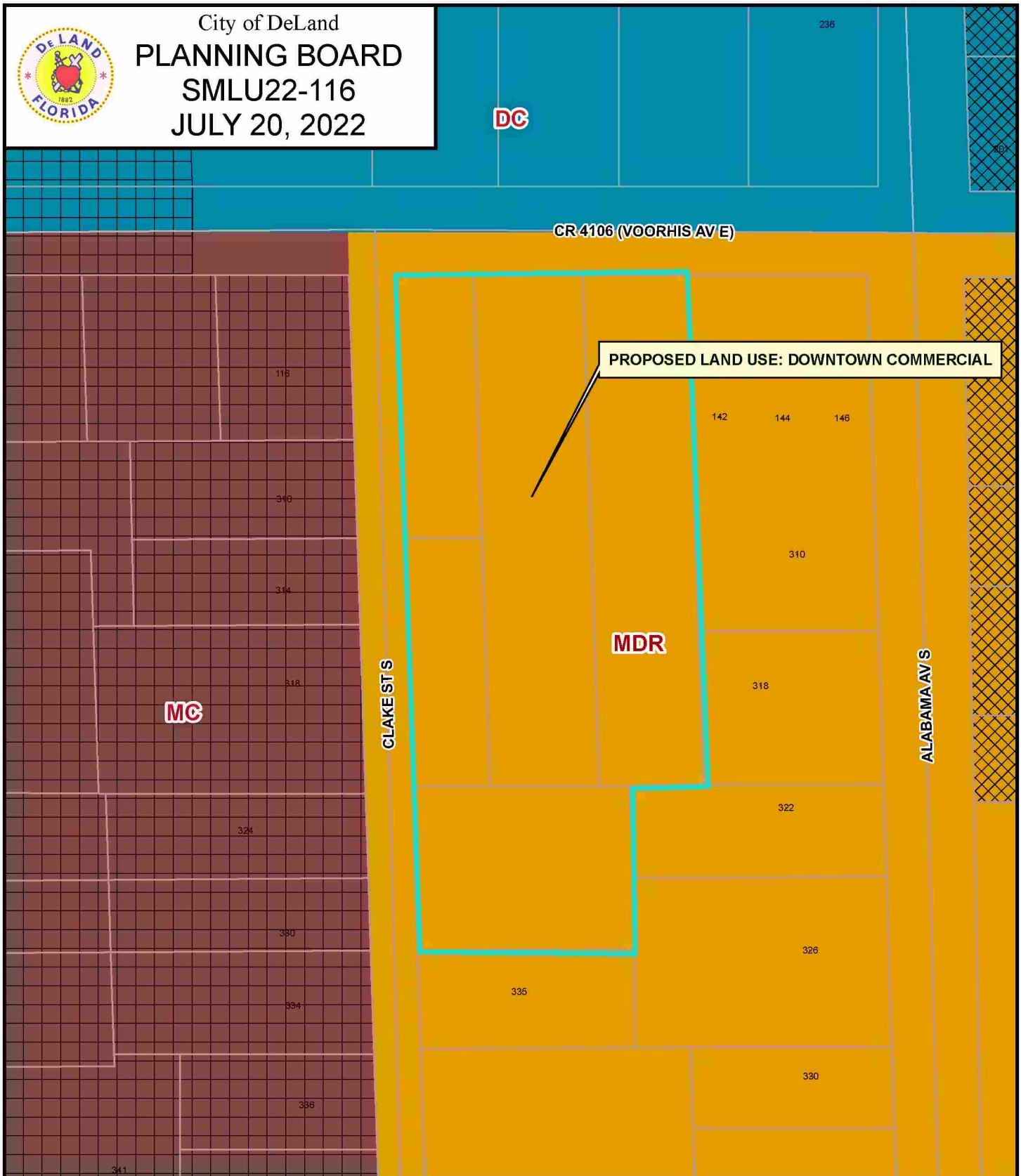
The proposed amendment results in increased impacts to all public infrastructure and services based on the theoretical maximum impact analysis, however none of the facilities will exceed the adopted LOS.

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



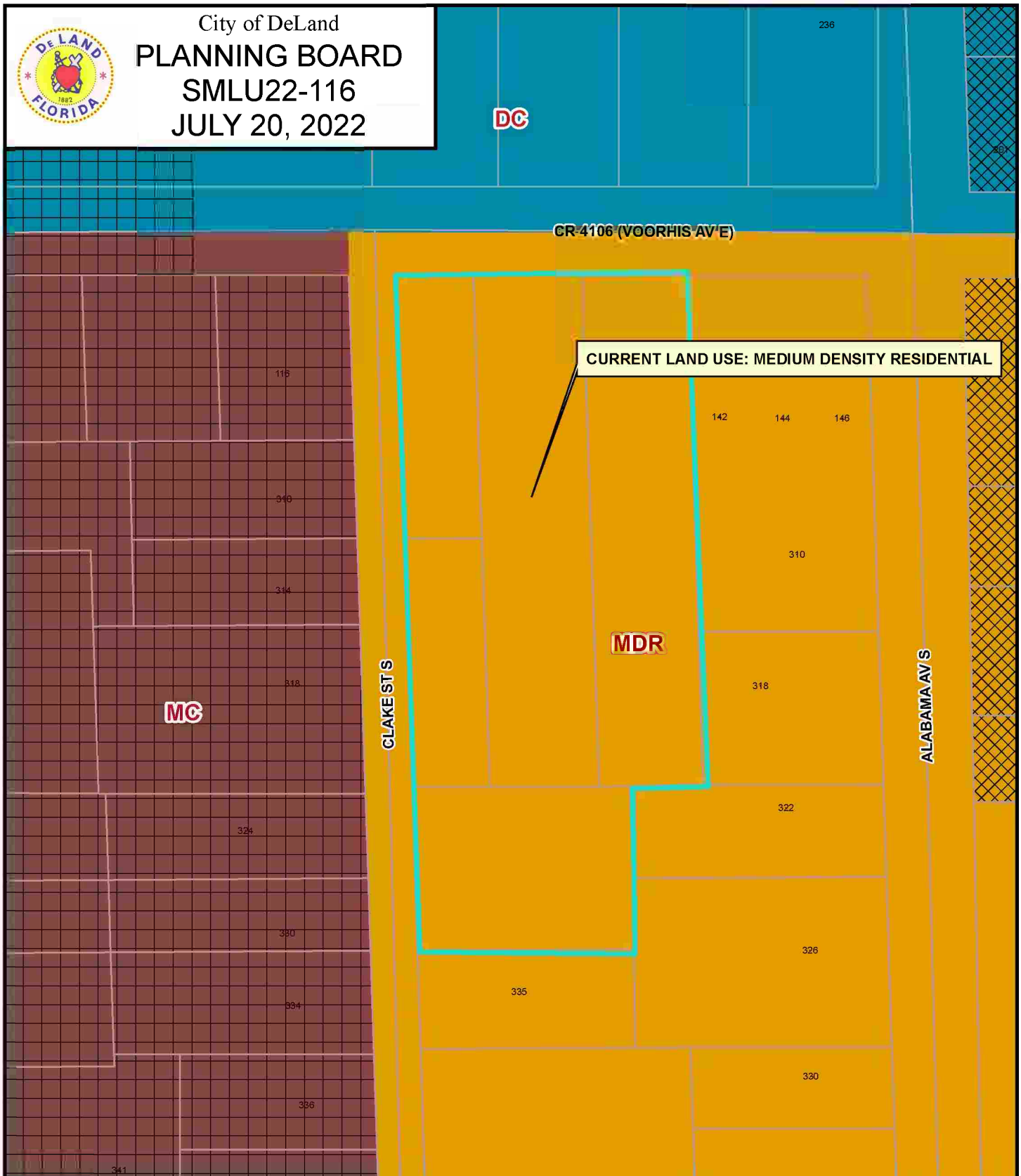
DeLand Future Land Use:

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
JULY 20, 2022



DeLand Future Land Use:

Agricultural Conservation	Educational	Downtown Commercial	New Community Development
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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

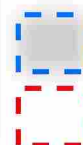
C-2

R-1

ALABAMA AV S

CLAKE ST S

Legend:



City Zoning

County Zoning





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



CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: First Reading of Ordinance Changing the Zoning from Palm Garden Cottages PD to C-2A, Downtown Commercial, on Approximately 1.47 Acres of Property, Located on the Southeast Corner of South Clake Street and Voorhis Avenue.

DEPARTMENT: Planning

PREPARED BY: Mike Holmes, Planning Director

ATTACHMENTS: Ordinance, Exhibit A, Z22-073 Staff Report - DeLand Commons (July), Z22-073 Zoning and Location Map, Z22-073 Aerial Map

APPROVED BY: Michael Pleus, City Manager, August 10, 2022

SUMMARY/HIGHLIGHT:

The applicant is requesting a rezoning from Palm Garden Cottages PD to C-2A, Downtown Commercial, to allow for the redevelopment of the property as part of a coordinated redevelopment project north of Voorhis Avenue. The subject property is located at the southeast corner of Voorhis Avenue and Clake Street. 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 the development of residential townhomes. The Palm Gardens Cottages PD currently allows for 13 townhomes and 4 attached single family dwellings. The subject property contains 1.47 acres.

The Planning Board, at their July 20, 2022 meeting, recommended approval of the change of zoning to C-2A, Downtown Commercial, as this is a logical expansion of the downtown area.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Strategic Focus Area: Institute Smart Growth Principles:

Strategies: Redevelopment

Action Steps:

1. Pursue downtown residential redevelopment.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends that the City Commission approve the rezoning to C-2A, Downtown Commercial on first reading and delay second reading until the associated land use amendment is brought back before the City Commission.

BACKGROUND/DISCUSSION:

This rezoning request will create consistency with the associated property that is to be developed in conjunction with this site directly to the north, which is already zoned C-2A, Downtown Commercial. A small scale land use amendment has been submitted for this property and once the designation has been updated for this site, the rezoning will bring the property into compliance with the land use designation.

ORDINANCE NO. 2022 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM PALM GARDEN COTTAGES PLANNED DEVELOPMENT (PD) TO CITY OF DELAND'S C-2A, DOWNTOWN COMMERCIAL ON PROPERTY LOCATED ON THE SOUTHEAST CORNER OF SOUTH CLAKE STREET AND VOORHIS AVENUE; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT ORDERS ON A DETERMINATION OF CAPACITY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the property located on the corner of South Clake Street and Voorhis Avenue more particularly described in the attached Exhibit "A", is currently zoned as Palm Gardens Cottages Planned Development (PD), pursuant to City of DeLand's Zoning Ordinances; and

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

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

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

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

Section 1. The City Commission has held a public hearing on the application for a change of zoning from Palm Garden Cottages, Planned Development (PD) to C-2A, Downtown Commercial, zoning designation, on the following described property:

See legal description attached hereto as Exhibit "A"

Tax Parcel Identification No. 701612000020

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

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

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

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

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

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

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

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION: (PREPARED BY THIS FIRM)

LOTS A AND B, CLAKE'S RESUBDIVISION OF BLOCK 14, HOWRY'S ADDITION TO DELAND, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 5, PAGE 2 AND MAP BOOK 15, PAGE 179, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND LOTS 3 AND 4, BLOCK 14, MAP OF J.W. HOWRY'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 1, PAGE 137 AND MAP BOOK 21, PAGE 191, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND THE WEST 127 FEET OF LOTS 15 AND 16, CLAKE'S RESUBDIVISION IN BLOCK 14, HOWRY'S ADDITION TO THE CITY OF DELAND, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 2, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

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

July 20, 2022

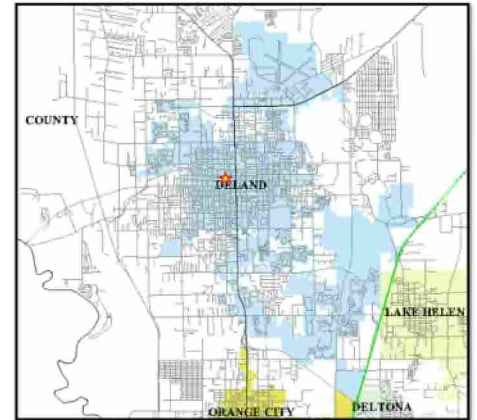
A. APPLICATION NO.: Z22-073 DeLand Commons

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.

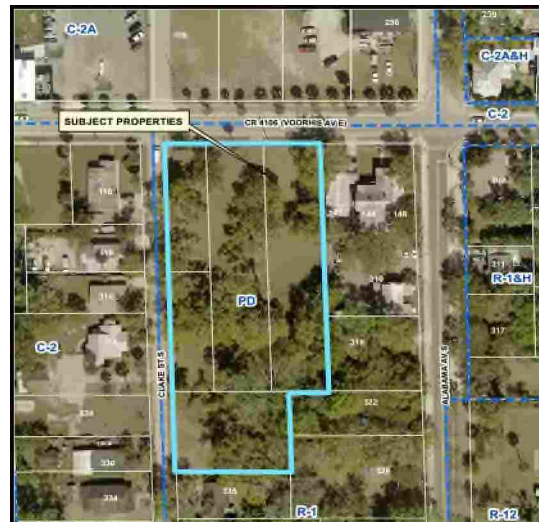
Parcel Size: 1.47 ± acres

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:

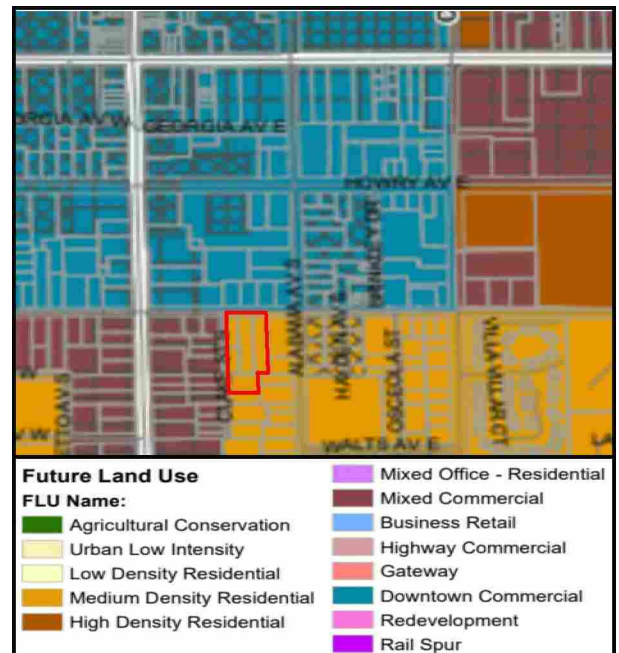
33-17.22. PD—Planned Development District.

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

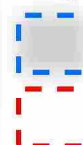
R-1

CLAKE ST-S

C-2&H

C-1

Legend:



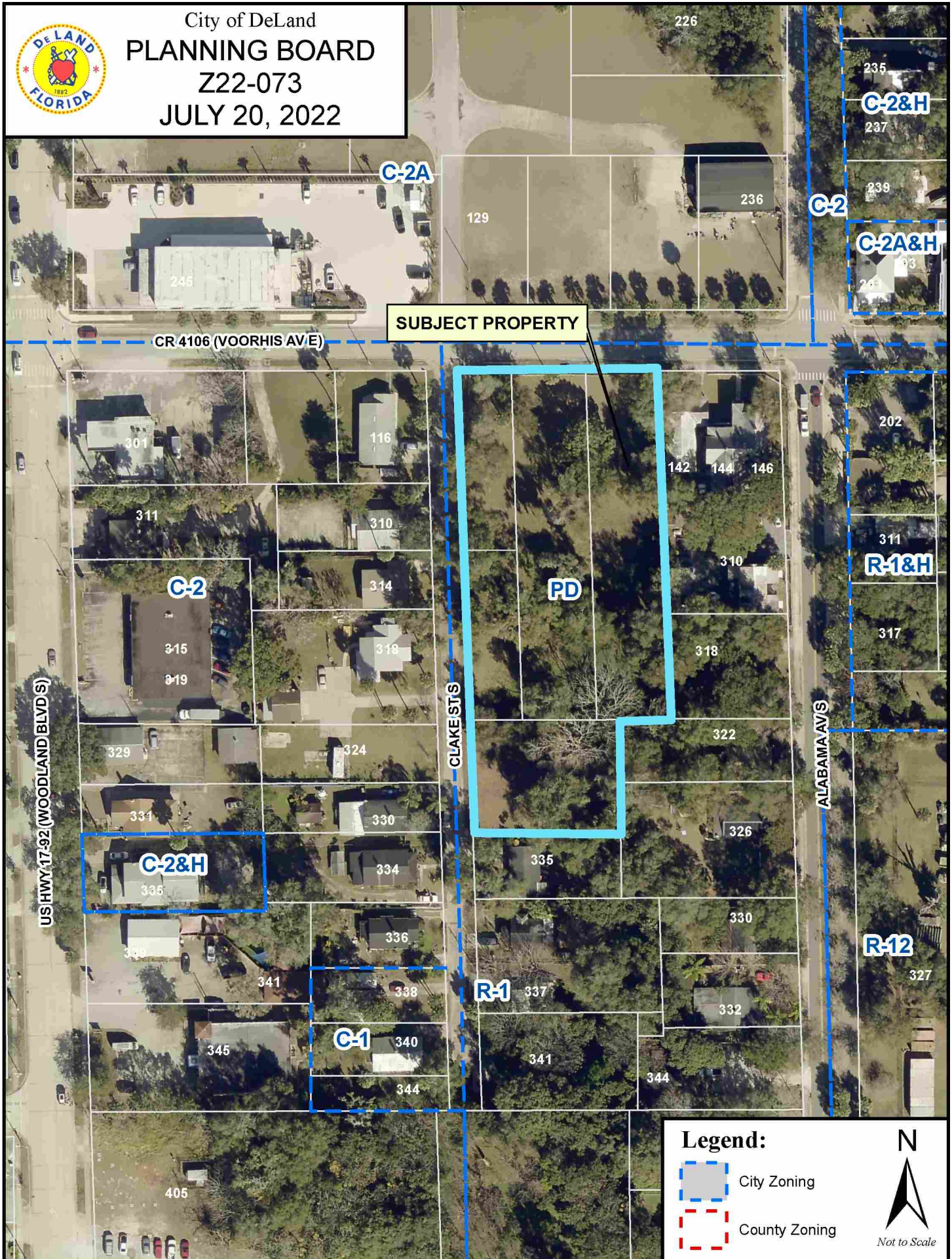
City Zoning

County Zoning





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



CITY OF DELAND
Request for Commission Action
August 15, 2022

SUBJECT: First Reading of Ordinance Amending 425 South PD for LAM Development, on Approximately 2.09 Acres of Property, Located at 425 South Woodland Boulevard.

DEPARTMENT: Planning

PREPARED BY: Mike Holmes, Planning Director

ATTACHMENTS: Ordinance, Exhibit A, Exhibit B-Amended 425 South Planned Development Agreement, Exhibit A to PD, Exhibit B to PD, Z22-080 Staff Report - 425 S. Woodland (Jul), Z22-080 Zoning and Location Map, Z22-080 Aerial Map

APPROVED BY: Michael Pleus, City Manager, August 10, 2022

SUMMARY/HIGHLIGHT:

The City Commission granted final approval on April 4, 2022 of the original PD from C-2 (General Commercial) and R-1(Single Family Residential) to 425 South PD. The applicant proposed 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.

Since that time, the site plan has been amended slightly and includes the addition of a building to be used for storage by the applicant, 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%.

The Planning Board recommended approval at their July 20, 2022 meeting with the conditions that the storage building only be one story and the design should be compatible with the main building.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

N/A

SUSTAINABILITY:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends that the City Commission approve the request to amend the 425 South PD subject to revising the PD agreement to address the two Planning Board comments.

BACKGROUND/DISCUSSION:

The 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.

ORDINANCE NO. 2022 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE 425 SOUTH PLANNED DEVELOPMENT (PD), ON PROPERTY LOCATED AT 425 SOUTH WOODLAND BOULEVARD; APPROVING AN AMENDMENT TO A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 2.09 +/- ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Applicant, Lee Munizzi, LAM Development, has filed for an amendment to the 425 South Planned Development (PD) of approximately 2.09 +/- acres of land located at 425 South Woodland Boulevard, which is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, the 425 South PD was approved by City Commission on April 4, 2022, City of DeLand's Ordinance No. 2022-04; and

WHEREAS, the applicant desires to amend the 425 South PD to allow for the addition of a building to be used for storage; and

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

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

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

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

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

Section 1. The City Commission has held a public hearing to approve the change of zoning to amend the 425 South PD, Planned Development Agreement of approximately 2.09 +/- acres of land located at 425 South Woodland Boulevard.

Section 2. Pursuant to the determination made at public hearing, the City Commission hereby amends the Comprehensive Zoning Map of the City to include the land described in Exhibit "A" as 425 South PD, Planned Development District.

Section 3. The zoning of the Property as PD, Planned Development District, is made pursuant to Section 33-32 of the Code and the development of the Property shall take place in accordance with that Section and in substantial compliance with the Development Plan Agreement, Maps and other supporting documentation which were previously submitted for the 425 South PD, Planned Development District, as well as the documentation submitted along with the current application, all of which has been filed and will be retained for public inspection in the office of the City Planning Department and constitute a supplement to the official Zoning Map of the City.

Section 4. The approved Development Plan and Development Agreement for 425 South PD, Planned Development District, shall be amended as per the attached Exhibit “B” which by this reference made a part hereof.

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

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

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

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

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

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

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

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

ALL OF LOTS 7 AND 10, AND LOTS 1, 4, 5, 8, AND 9, EXCEPT THE EAST 150 FEET, BLOCK 19, HOWRYS ADDITION TO DELAND, ACCORDING TO THE MAP IN MAP BOOK 22, PAGE 1, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND OR 5167, PG. 1563, AND OR 7455, PG. 2098.

1 PLANNED DEVELOPMENT AGREEMENT
2 IN THE CITY COMMISSION OF THE
3 CITY OF DELAND, FLORIDA

4 IN RE: Case No. Z22-080, Application of
5 LAM Development, LLC
6 ORDINANCE # _____
7

8 ORDER AND RESOLUTION
9 GRANTING A REQUEST FOR CHANGE OF ZONING FROM C-2 AND R-1 TO
10 425 SOUTH PD (PLANNED DEVELOPMENT)
11

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

GENERAL FINDINGS

A. That the application of LAM Development, LLC was duly and properly filed herein on as required by law.

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

C. That the applicant is the *Owner* of a **2.09-acre** (approx.) parcel of land which is situated in DeLand, Florida. This parcel of land is 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 # 2013-11, as amended.

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

1 FINDINGS REGARDING REZONING

2

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

4 zoning classification(s) of the parcel described in Exhibit "A" from **C-2** and **R-1** to **PD**

5 (Planned Development).

6

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

8 Comprehensive Plan Ordinance # 1990-04, as amended, and the intent and purpose of

9 the City of DeLand Land Development Regulations Ordinance # 2013-11, as amended,

10 and does promote the public health, safety, morals, general welfare and orderly growth

11 of the area affected by the rezoning request.

12

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

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

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

16 THIS ____ DAY OF _____, A.D., 2022, AS FOLLOWS:

17

18 A. That the Application of LAM Development, LLC for the rezoning of the

19 subject parcel is hereby granted.

20

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

22 attached hereto is hereby amended from **C-2** and **R-1** to **PD** as described in Article VII of

23 the City of DeLand, Land Development Regulations Ordinance # 2013-11, as amended.

24

1 C. That the Official Zoning Map of the City of DeLand, is hereby amended to
2 show the rezoning of said parcel to the “**425 South**” PD.
3

4 D. That the City of DeLand Land Development Regulations Ordinance # 2013-
5 11, as amended, is consistent with the provisions of the "Development Agreement" as
6 hereinafter set forth in this Ordinance and with respect to any conflict between Land
7 Development Regulations Ordinance # 2013-11, as amended, and the "Development
8 Agreement", the provisions of the "Development Agreement" shall govern. Ordinance No.
9 02-09, 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's Land
14 Development Regulations, Ordinance # 2013-11, as amended, shall apply to the 425
15 South PD in the same manner as proximate properties bearing a PD zoning classification
16 which are used for substantially the same purposes as this PD.
17

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

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 by Engineered Permits, Inc. ("EPI Engineering") and dated October 18, 2021, as amended, 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, review by the Fire prevention Division for code compliance, and action by the City Commission in the same manner as a rezoning of the parcel.

3. Subdivision Approval. **[intentionally omitted]**.

4. Final Site Plan Approval. After the Planned Development Plan is recorded, and prior to issuance of any permits for construction, including clearing (but not burning) and landfill, a Final Site Plan shall be prepared and submitted for review and approval in the manner required by Article 12 of the City of DeLand, Land Development Regulations Ordinance # 2013-11, as amended.

1 B. Unified Ownership. The Applicant or his successors shall maintain unified
2 ownership of the subject parcel until after issuance of the Final Site Plan Development
3 Order.

4
5 C. Phases of Development. There shall be only one (1) phase of development
6 for the subject project.

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

- 13 (1) Commercial building to include condominiums for retail, professional
14 offices, and related business uses;
15 (2) Parking area for guests, employees, and vendors;
16 (3) Owner's parking garage and equipment storage building; and
17 (4) Common Area and sidewalks as depicted in Exhibit "B"—sidewalk to be
18 included within front landscape buffer as depicted in Exhibit "B"; and
19 (4) signage (as depicted in Exhibit "B") within the front landscape buffer.

20 E. Development Standards. The PD shall abide by and require compliance
21 with the following minimum site design regulations:

- 22 1. *Minimum lot area:* **2.08 Acres**
23 2. *Minimum lot width and/or depth:* **130 ft. x 452 ft.**
24 3. *Minimum yard size (building)*
25 a. *Front yard:* **20 ft.**

1	b. Rear yard:	25 ft. Abutting Residential
2	c. Side yard:	10 ft.
3	d. Waterfront yard:	N/A
4	4. Minimum floor area ratio:	16,674 sq. ft. / 90,514 sq.
5		ft = 0.184 FAR
6		
7	5. Maximum lot coverage:	72%
8	6. Maximum building height:	35 ft.
9	7. Landscape buffer requirements	
10	a. Front:	20 ft.
11	b. Side:	10 ft.
12	c. Rear:	20 ft.
13	8. Perimeter building setbacks:	10 ft.
14	9. Minimum building separation:	Per LDR
15	10. Off-street parking requirements:	Per LDR
16	11. Signage requirements:	Per LDR
17	12. Open Space and/or Common Area requirements meeting the Land	
18	Development Regulations Ordinance # 2013-11.	
19		

20 F. Environmental Considerations. The PD shall abide by and require
21 compliance with the requirements of the Land Development Regulations Ordinance #
22 2013-11, as amended.

24 G. Sewage Disposal and Potable Water. Provision for sewage disposal and
25 potable water needs of the PD will be provided in accordance with the Comprehensive
26 Plan, Ordinance No.1990-04, as amended, the Land Development Regulations
27 Ordinance No. 2009-09, as amended, and State of Florida Administrative Code 64E-6.

1 H. Stormwater Drainage. Provision for stormwater retention shall be in
2 accordance with the Land Development Regulations Ordinance # 2013-11, as amended.

3
4 I. Access and Transportation System Improvements. All access and
5 transportation system improvements shall be provided in accordance with the Land
6 Development Regulations, Ord. 02-09, as amended. The parcel shall be developed in
7 substantial accordance with the following access and transportation system
8 improvements:

9 1. Access. A full access driveway onto South Woodland Boulevard
10 shall service the subject site.

11 2. Transportation System Improvements. A full access driveway
12 approved by the Florida Department of Transportation ("FDOT") shall service the subject
13 site.

14 J. Internal Roadways. As depicted in Exhibit "B" - The general site plan
15 demonstrates the minimum internal roadway and parking area that is privately maintained
16 that will service the site.

17 K. Building or Property Owners Association. It is the intent of the Applicant to
18 create a Condominium Association for the PD. The charter and by-laws of said
19 Association and any other agreements, covenants, easements or restrictions shall be
20 furnished to the City of DeLand at the time of creation. The applicant shall be responsible
21 for recording said information in the Public Records of Volusia County, Florida. Also, the
22 applicant shall bear and pay all costs for recording all of the aforementioned documents.

23 With respect to the enforcement of said agreements, covenants, easements or
24 restrictions entered into between the applicant and the owners or occupiers of property

1 within the 425 South PD, the City of DeLand shall only enforce the provisions of the
2 "Development Agreement" and City of DeLand Land Development Regulations
3 Ordinance # 2013-11, as amended, whichever is applicable, and not the private
4 agreements entered into between the aforementioned parties.

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

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

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

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

ATTEST: City Commission of DeLand Florida

Michael Plues
City Manager

Robert Apgar
Mayor

STATE OF FLORIDA
CITY OF DELAND

The foregoing instrument was acknowledged before me this _____ day
of _____ (mo/yr), by Michael Plues and Robert Apgar, as City
Manager and Mayor, City of DeLand, respectively, on behalf of the City of
DeLand, and who are personally known to me.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

Commission No.: _____

My Commission Expires: _____

1
2 WITNESSES:
3
4

5 _____
6 Lee Munizzi,
7 as Manager for LAM Development, LLC
8 *Applicant's Name, Title & Corporation*

9
10 _____
11 *Applicant's Name, Title & Corporation*
12

13
14 _____
15 *Owner of Property (if other than applicant)*
16
17
18
19

20 The foregoing instrument was acknowledged before me this _____ day
21 of _____, by LEE MUNIZZI, who is personally known
22 to me or who has produced Driver's License as identification.
23
24
25

26 NOTARY PUBLIC, STATE OF FLORIDA

27 Type or Print Name:

28 _____
29 Commission No.: _____

30 My Commission Expires: _____
31

32 *Revised June 23, 2022 u/p/zone/pd_doc*
33

EXHIBIT “A”

DEPICTION OF PARCEL

BOUNDARY SURVEY
FOR
LAM DEVELOPMENT, LLC

SECTION 16, TOWNSHIP 17 SOUTH, RANGE 30 EAST
VOLUSIA COUNTY, FLORIDA

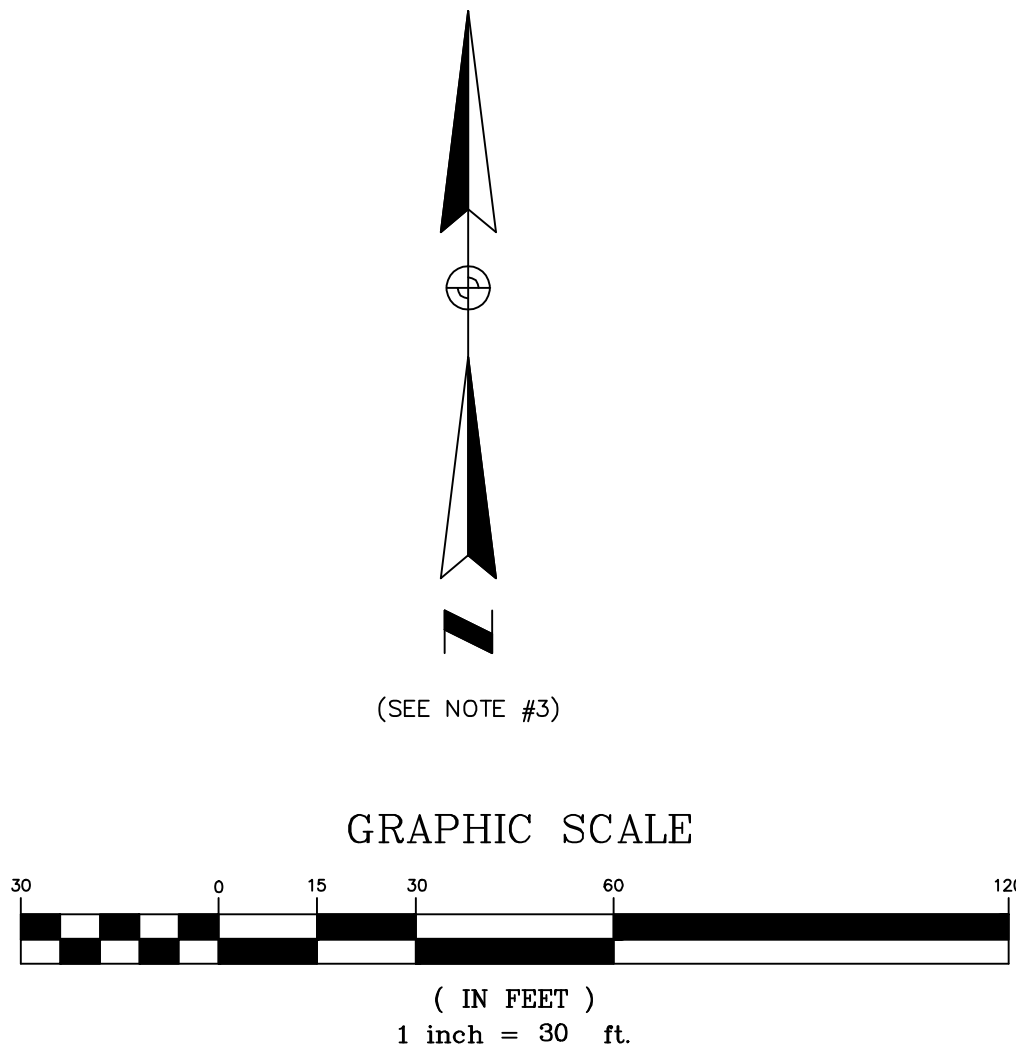
EXHIBIT "A"

SURVEYOR'S NOTES

- 1.) SURVEYOR HAS NOT ABSTRACTED LANDS SHOWN HEREON FOR EASEMENTS, RIGHTS-OF-WAY, OR ANY OTHER MATTER OF RECORD WHICH MIGHT AFFECT THE TITLE OR USE OF SAID LANDS.
- 2.) NO UNDERGROUND INSTALLATIONS OR VISIBLE IMPROVEMENTS LOCATED OTHER THAN SHOWN.
- 3.) BEARINGS ARE BASED ON THE EAST R/W LINE OF WOODLAND BLVD. ASSUMED AS N.89°31'20"W. PER PAST.
- 4.) THE PROPERTY DESCRIPTION WAS PROVIDED TO THE SURVEYOR BY THE CLIENT.
- 5.) THE MONIUMENTED AND OCCUPIED PROPERTY LINES WERE HELD TO FOR THIS SURVEY.
- 6.) THE SURVEYOR BELIEVES THAT IT SHOULD HAVE LESSED OUT THE EAST 175' NOT 150' DUE TO FIELD MEASUREMENTS.
- 7.) HAVING CONSULTED THE NATIONAL FLOOD INSURANCE PROGRAM FIRM, I HAVE DETERMINED THAT THE SUBJECT PROPERTY LIES IN ZONE "X", NOT A SPECIAL FLOOD AREA PER FIRM PANEL # 12127C0470 H, DATED 2/19/2014, VOLUSIA COUNTY, FLORIDA.

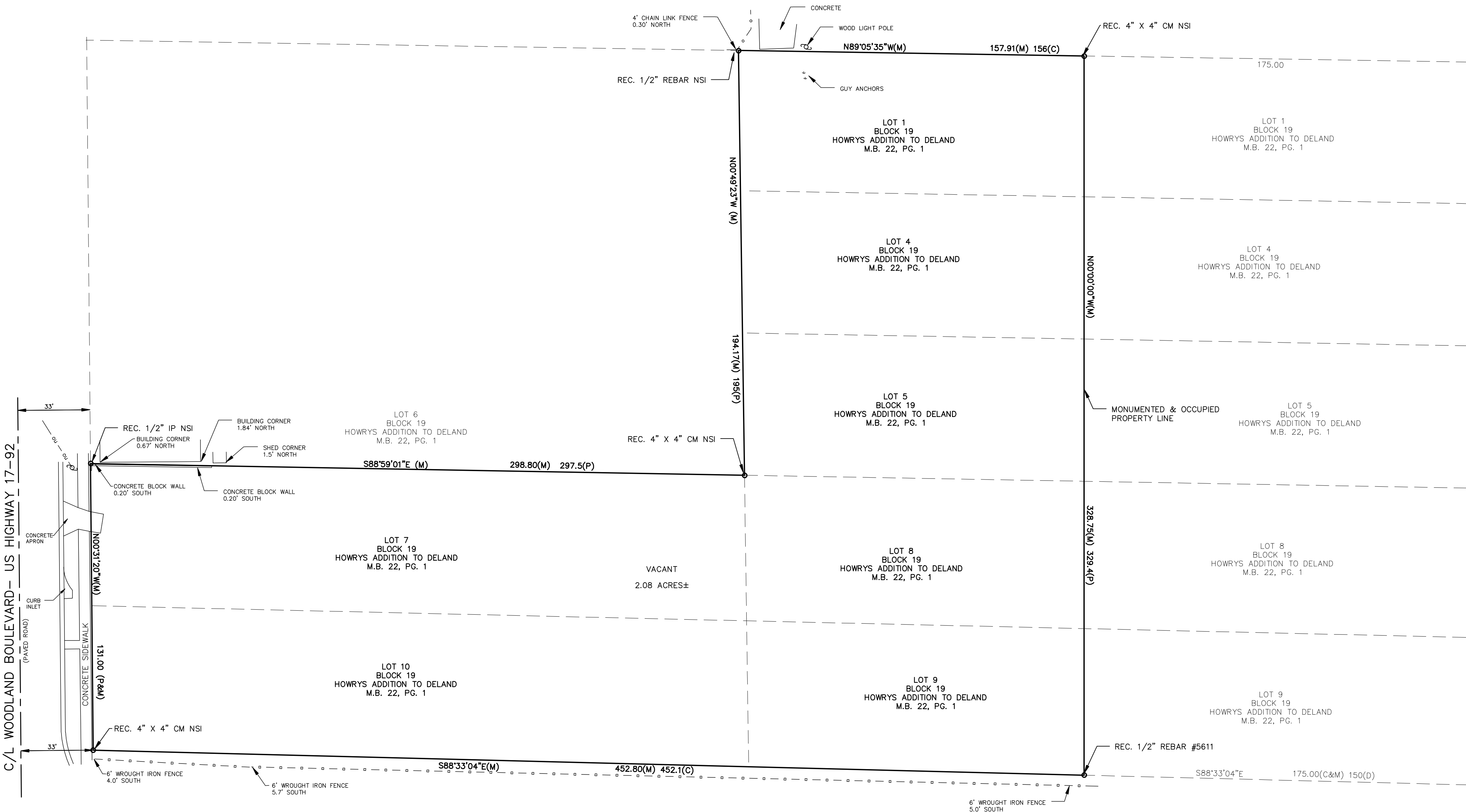
REAL PROPERTY DESCRIPTION

ALL OF LOTS 7 AND 10, AND LOTS 1, 4, 5, 8, AND 9, EXCEPT THE EAST 150 FEET, BLOCK 19, HOWRYS ADDITION TO DELAND, ACCORDING TO THE MAP IN MAP BOOK 22, PAGE 1, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND OR 5167, PG. 1563, AND OR 7455, PG. 2098.



ABBREVIATION LEGEND

N = NORTH
S = SOUTH
E = EAST
W = WEST
SEC. = SECTION
FND. = FOUND
CONC. MON. = CONCRETE MONUMENT
COR. = CORNER
NO. = NUMBER
P.B. = PLAT BOOK
PG. = PAGE
PP. = PAGES
REF. = REFERENCE
MEAS. = MEASURED
INFO. = INFORMATION
N.T.S. = NOT TO SCALE
C/L = CENTER LINE
ELEV. = ELEVATION
CONC. = CONCRETE
INV. = INVERT
NO # = NO IDENTIFICATION NUMBER
T = TOWNSHIP
R = RANGE
MSL = MEAN SEA LEVEL
U.T. = UNDERGROUND TELEPHONE
W.L. = UNDERGROUND WATER LINE
R.L. = UNDERGROUND RECLAIMED WATER LINE
R.C.P. = REINFORCED CONCRETE PIPE
(D.O.T.) = DEPARTMENT OF TRANSPORTATION
(RAD.) = RADIAL
O.R. = OFFICAL RECORD
D.B. = DEED BOOK
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
W// = WITH
P.L.S. # 3144 = PROFESSIONAL LAND SURVEYOR REGISTRATION NUMBER 3144
TYP. = TYPICAL
PROP. = PROPERTY
R. = RADIUS
Δ = DELTA
L = ARC LENGTH
P.C. = POINT OF CURVATURE
P.I. = POINT OF INTERSECTION
P.T. = POINT OF TANGENCY
TAN. = TANGENT
C. = CHORD
C.B. = CHORD BEARING
R/W = RIGHT-OF-WAY
(T) = TOP OF CURB
(B) = BOTTOM OF CURB
(A) = ACTUAL
(D) = PLAT
(D) = DESCRIPTION
(C) = COMPUTED
CALC. = CALCULATED
CCR # = CERTIFIED CORNER RECORD NUMBER
B.M. = BENCH MARK
O.U. = OVERHEAD UTILITY LINES
C.M.P. = CORRUGATED METAL PIPE
T.B.M. = TEMPORARY BENCH MARK
LB # = LICENSE BUSINESS NUMBER
(N.R.) = NON-RADIAL



CERTIFIED TO:

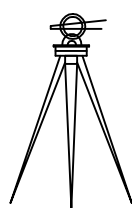
LAM DEVELOPMENT, LLC
RELIANT TITLE GROUP INC. dba VOLUISA TITLE SERVICES
CHICAGO TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS SURVEY, AS SHOWN HEREON, MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Scott Bechir

SCOTT BECHIR, P.S.M.
FLORIDA REGISTRATION NUMBER 5807
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DATE	REVISION	REVIEWED BY:	CHECKED BY:	



SCOTT'S SURVEYING SERVICES, INC.

LB # 7442

8 S. HWY. 17-92, SUITE 8-A
DEBARY, FLORIDA 32713

PH. (386) 668-7332 FAX 668-7337

COMPUTED BY: S.R.B.	DRAWN BY: S.R.B.	CHECKED BY: S.R.B.	FIELD BY: DATE: B.W. 4/24/18
------------------------	---------------------	-----------------------	---------------------------------

BOUNDARY SURVEY

FOR

LAM DEVELOPMENT, LLC

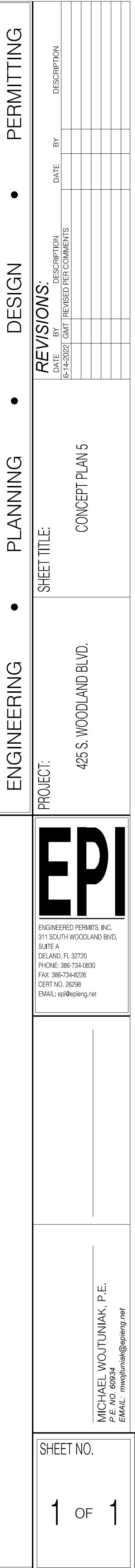
VOLUSIA COUNTY,

FLORIDA

PROJECT NUMBER: 18-65
DATE: 4/26/18
SCALE: 1" = 30'
SHEET 1 OF 1

EXHIBIT “B”

PLANNED DEVELOPMENT PLAN



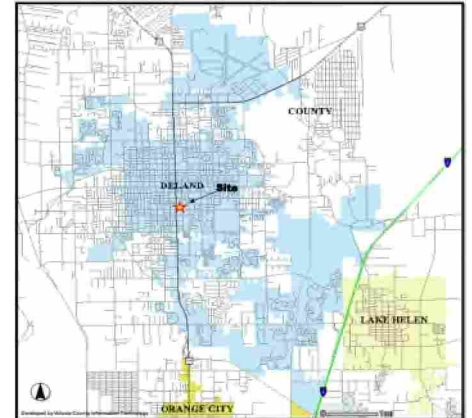
**PLANNING DEPARTMENT STAFF REPORT
TO
THE CITY OF DELAND PLANNING BOARD**

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:

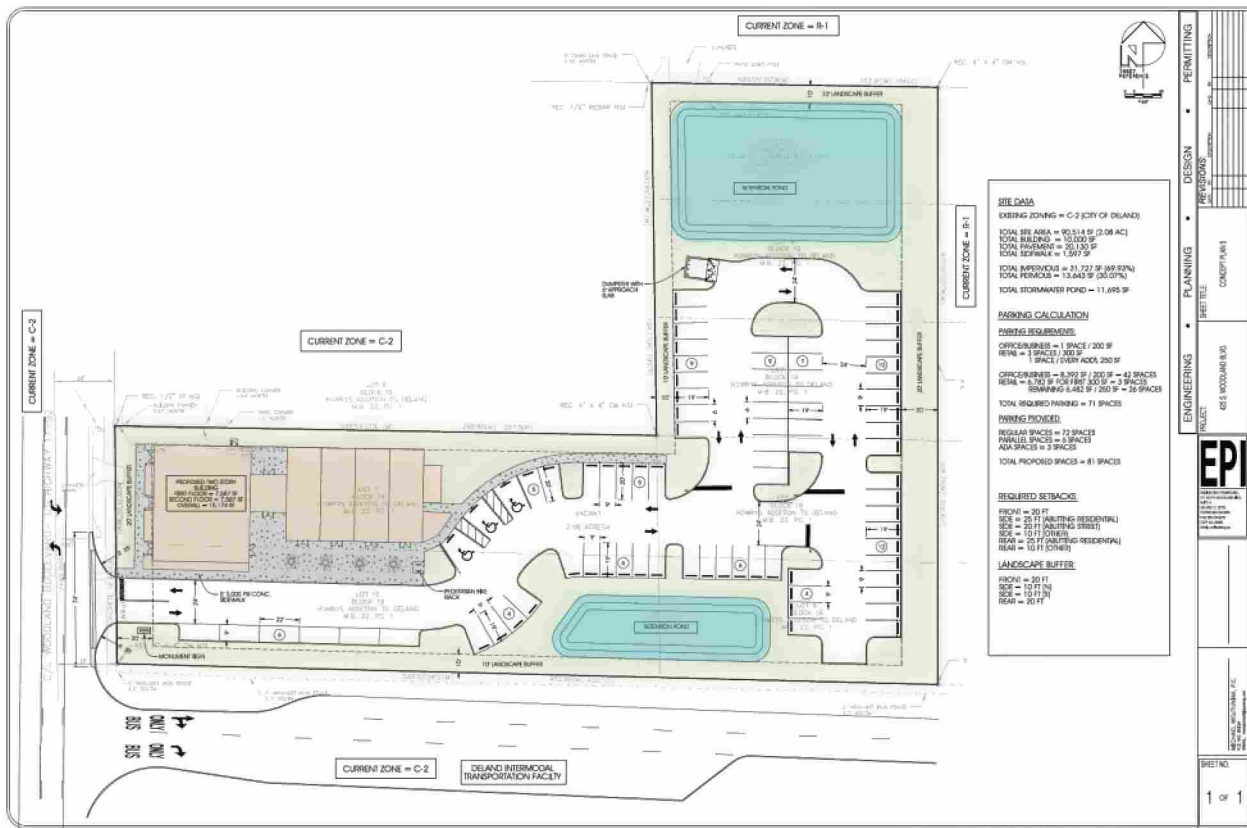
At the July 21, 2021 Planning Board meeting the applicant requested to rezone this parcel from C-2 (General Commercial) and R-1 (Single Family Residential) to 425 South PD. The applicant proposes to develop a 2-story office/business building and the associated parking, stormwater retention and open space 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.

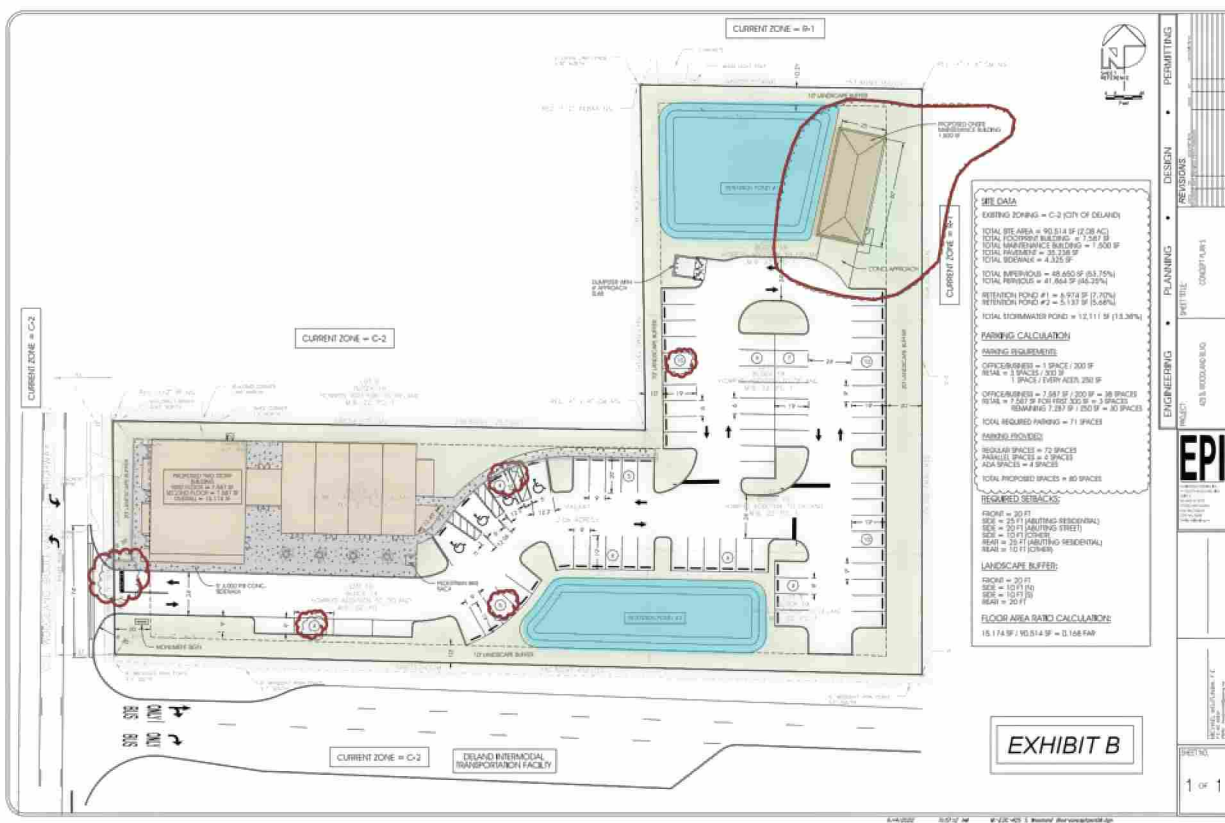
The City Commission granted final approval on April 4, 2022.

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.

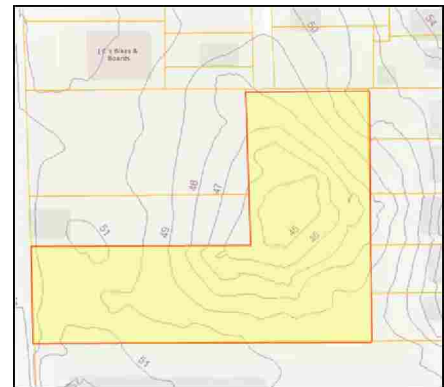
The additional rezoning request was required because of the change to the site layout. As stated in the development agreement and required by the land development regulations, changes to an approved PD are required to go through a full rezoning process. The development agreement has been amended to reflect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

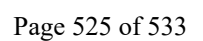
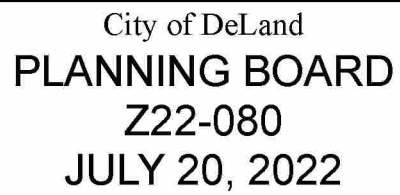
D. STAFF RECOMMENDATION:

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
Request for Commission Action
August 15, 2022

SUBJECT: Resolution Approving Lakewood Park Subdivision, Phase 2 Final Plat.

DEPARTMENT: Planning

PREPARED BY: Mike Holmes, Planning Director

ATTACHMENTS: Resolution, Lakewood Park Phase 2, Final Plat

APPROVED BY: Michael Pleus, City Manager, August 10, 2022

SUMMARY/HIGHLIGHT:

The Lakewood Park, Phase 2 subdivision has been submitted as a final plat for the purpose of recording the plat in order to commence the sale of the individual lots. Phase 2 contains 124 lots on 41.64 acres. Phase 2 is actually a replat of tract AC under Phase 1. The applicant has addressed all of staff comments, including from the City Surveyor and City Attorney.

The rezoning to approve the project was completed in November of 2019, which allowed 433 single family lots. The preliminary plat (which allows the installation of the infrastructure) was approved by the City Commission on July 20, 2020.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

N/A

SUSTAINABILITY:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends that the City Commission approve the final plat of Lakewood Park, Phase 2.

BACKGROUND/DISCUSSION:

N/A

RESOLUTION NO. 2022 –

**A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA,
APPROVING THE FINAL SUBDIVISION PLAT FOR LAKEWOOD
PARK, PHASE 2, LOCATED AT DR. MARTIN LUTHER KING, JR.,
BELTWAY AND COUNTY ROAD 4139; PROVIDING FOR A CONDITION
AND AN EFFECTIVE DATE.**

WHEREAS, the applicant, on behalf of the owner, Lakewood Park Project 1, LLC, has submitted a proper and complete application under Chapter 33, Article 13, of the City of DeLand Code of Ordinances (hereinafter the “Code”) for the final plat approval for Lakewood Park, Phase 2, located at Dr. Martin Luther King, Jr., Beltway and County Road 4139; and

WHEREAS, Phase 2 contains 124 residential lots on approximately 41.64 +/- acres of land; and

WHEREAS, on January 20, 2022, the Technical Review Committee (TRC) recommended conditional approval of the final subdivision plat for Lakewood Park, Phase 2.

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

Section 1. The City Commission hereby approves the final subdivision plat for Lakewood Park, Phase 2, located at Dr. Martin Luther King, Jr., Beltway and County Road 4139, on the condition that the applicant shall comply with any and all comments and or revisions from the City Surveyor, City Engineer, and City Attorney.

Section 2. This Resolution shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 15th day of August, 2022.

Robert F. Apgar
Mayor-Commissioner

ATTEST:

Julie A. Hennessy
City Clerk – Auditor

APPROVED AS TO FORM AND LEGALITY:

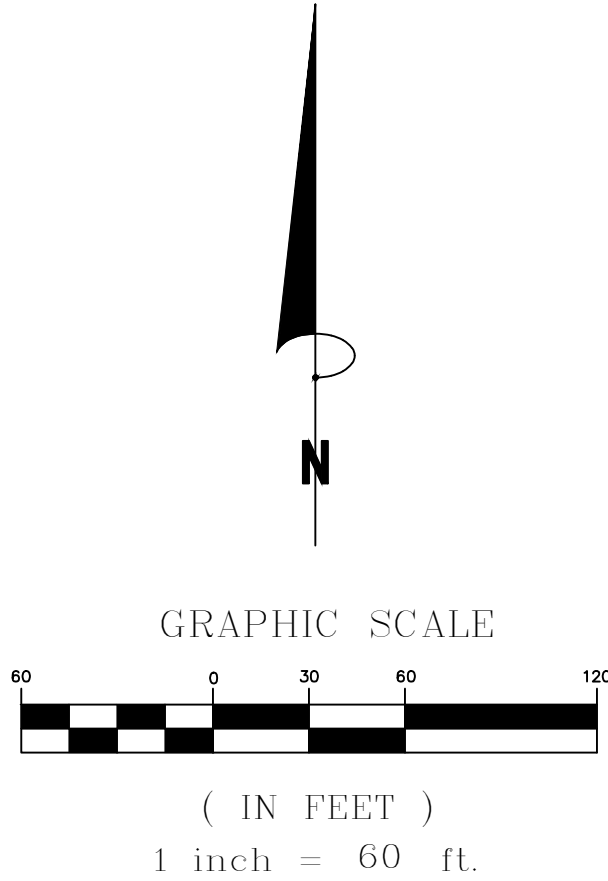
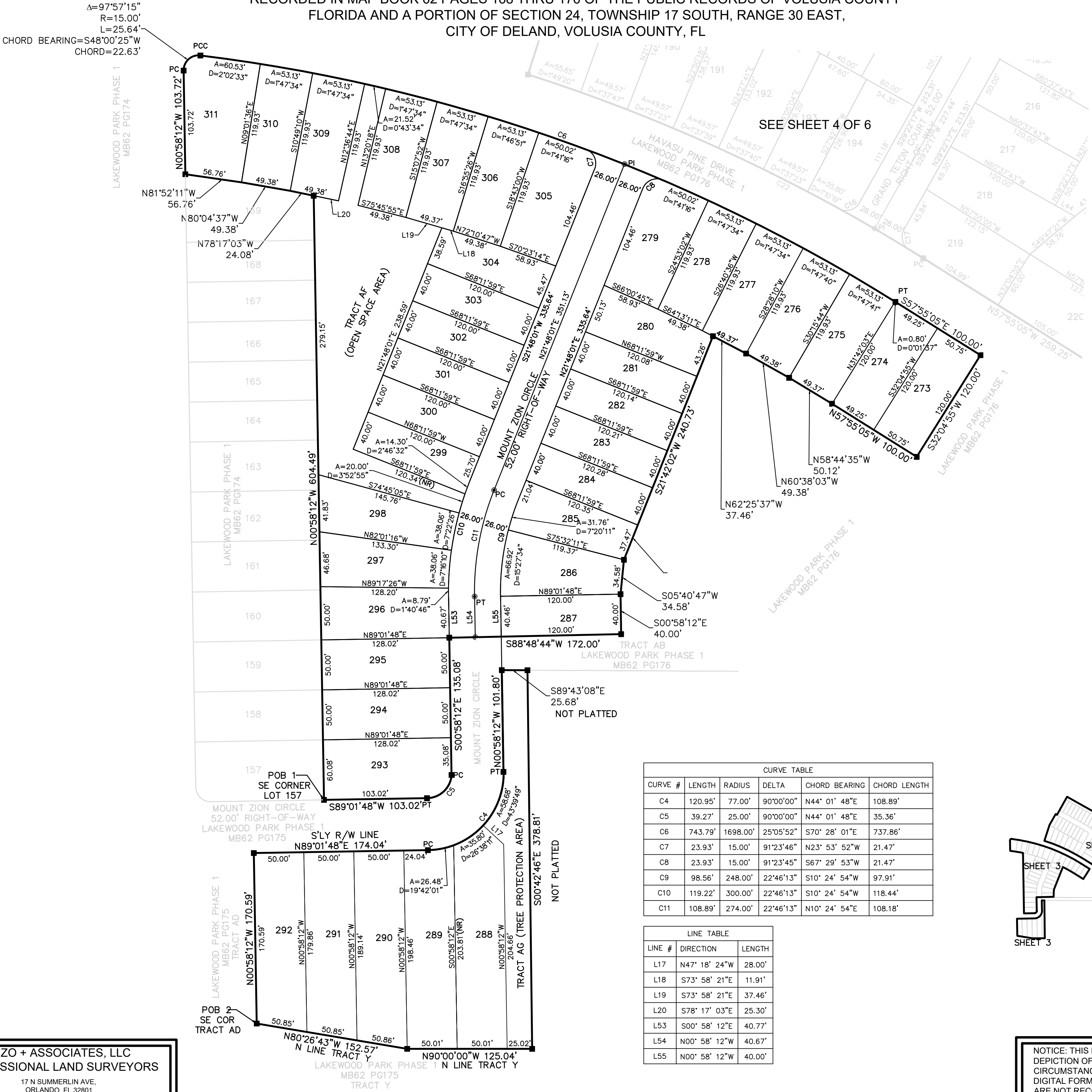
Darren J. Elkind
City Attorney

LAKEWOOD PARK PHASE 2

SHEET 3 OF 6

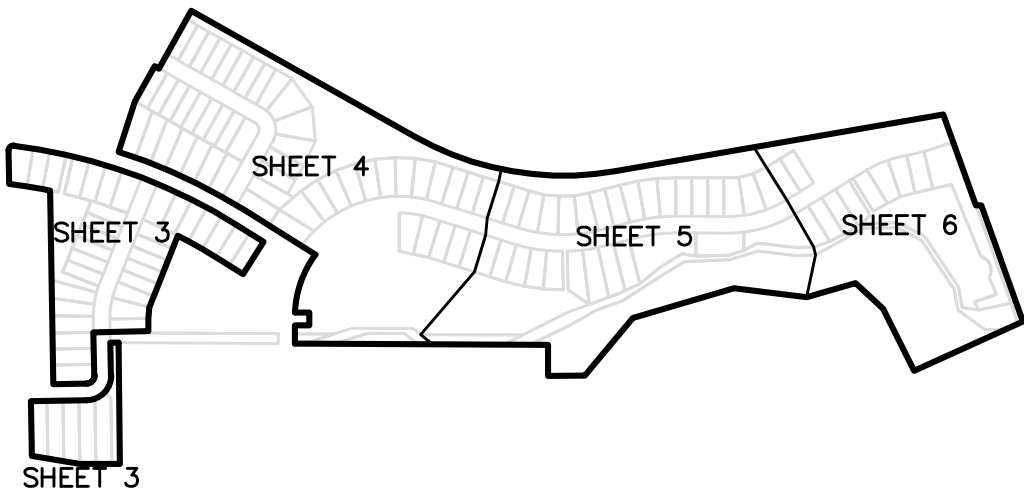
MAP BOOK : PAGE:

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CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C4	120.95'	77.00'	90°00'00"	N44° 01' 48"E	108.89'
C5	39.27'	25.00'	90°00'00"	N44° 01' 48"E	35.36'
C6	743.79'	1698.00'	25°05'52"	S70° 28' 01"E	737.86'
C7	23.93'	15.00'	91°23'46"	N23° 53' 52"W	21.47'
C8	23.93'	15.00'	91°23'45"	S67° 29' 53"W	21.47'
C9	98.56'	248.00'	22°46'13"	S10° 24' 54"W	97.91'
C10	119.22'	300.00'	22°46'13"	S10° 24' 54"W	118.44'
C11	108.89'	274.00'	22°46'13"	N10° 24' 54"E	108.18'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L17	N47° 18' 24"W	28.00'
L18	S73° 58' 21"E	11.91'
L19	S73° 58' 21"E	37.46'
L20	S78° 17' 03"E	25.30'
L53	S00° 58' 12"E	40.77'
L54	N00° 58' 12"W	40.67'
L55	N00° 58' 12"W	40.00'



MIZO + ASSOCIATES, LLC
PROFESSIONAL LAND SURVEYORS
17 N SUMMERLIN AVE,
ORLANDO, FL 32801
(321) 200-4904
LICENSED BUSINESS NUMBER 8497

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LAKEWOOD PARK PHASE 2

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SHEET 4 OF 6

MAP BOOK : _____ PAGE: _____

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C12	433.49'	350.00'	70°57'47"	N71° 49' 25"E	406.31'
C13	401.29'	324.00'	70°57'47"	N71° 49' 25"E	376.13'
C14	454.15'	376.00'	69°12'15"	N72° 42' 11"E	427.04'
C15	21.99'	15.00'	83°58'51"	N80° 05' 29"E	20.07'
C16	23.43'	15.00'	89°30'29"	N74° 07' 31"E	21.12'
C17	22.86'	15.00'	87°19'55"	S14° 17' 41"E	20.71'
C18	39.27'	25.00'	90°00'00"	N15° 37' 43"W	35.36'
C19	80.11'	51.00'	90°00'00"	S15° 37' 43"E	72.12'
C21	120.95'	77.00'	90°00'00"	S15° 37' 43"E	108.89'
C22	437.13'	1750.00'	14°18'43"	N65° 04' 26"W	436.00'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L22	N50° 55' 22"W	77.81'
L23	S50° 55' 22"E	29.93'
L24	S89° 43' 08"E	46.28'
L25	S89° 43' 08"E	94.35'
L26	S72° 22' 47"W	97.60'
L27	N89° 43' 08"W	29.11'
L28	N00° 16' 52"E	30.00'
L29	S00° 16' 52"W	26.83'
L30	N00° 16' 52"E	56.83'
L41	S89° 43' 08"E	45.00'
L42	N00° 16' 52"E	40.00'
L43	N89° 43' 08"W	44.80'
L44	S60° 37' 43"E	22.51'
L45	S51° 41' 26"W	29.65'
L46	S51° 41' 26"W	13.80'
L47	S34° 13' 34"E	21.23'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L48	S31° 27' 23"W	50.75'
L49	S29° 22' 17"W	20.29'
L50	N35° 57' 38"W	1.13'
L51	N29° 22' 17"E	30.00'
L52	S60° 37' 43"E	15.10'



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SHEET 5 OF 6

MAP BOOK : _____ PAGE: _____

CURVE TABLE

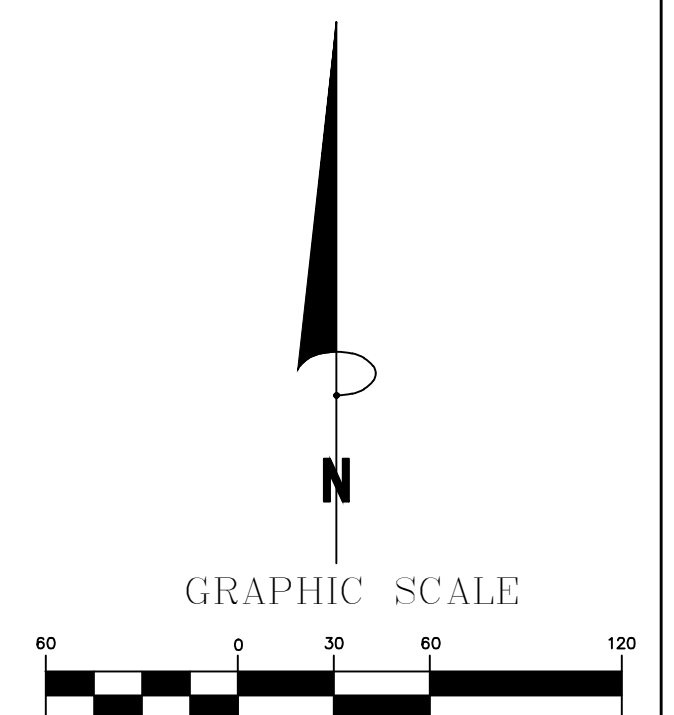
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C23	260.66'	474.00'	31°30'30"	S88° 26' 56"E	257.39'
C24	274.96'	500.00'	31°30'30"	S88° 26' 56"E	271.51'
C25	289.26'	526.00'	31°30'30"	S88° 26' 56"E	285.63'
C26	131.04'	526.00'	14°16'25"	N82° 56' 01"E	130.70'
C27	124.56'	500.00'	14°16'25"	N82° 56' 01"E	124.24'
C28	118.08'	474.00'	14°16'25"	N82° 56' 01"E	117.78'
C29	193.38'	349.00'	31°44'51"	N74° 11' 48"E	190.92'
C30	207.79'	375.00'	31°44'51"	N74° 11' 48"E	205.14'
C31	222.19'	401.00'	31°44'51"	N74° 11' 48"E	219.36'

LINE #	DIRECTION	LENGTH
L69	S50° 55' 22"E	47.88'
L70	N63° 16' 53"E	66.08'
L71	S89° 43' 08"E	82.24'
L72	S89° 43' 17"E	55.15'

(IN FEET)
1 inch = 60 ft.

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C23	260.66'	474.00'	31°30'30"	S88° 26' 56"E	257.39'
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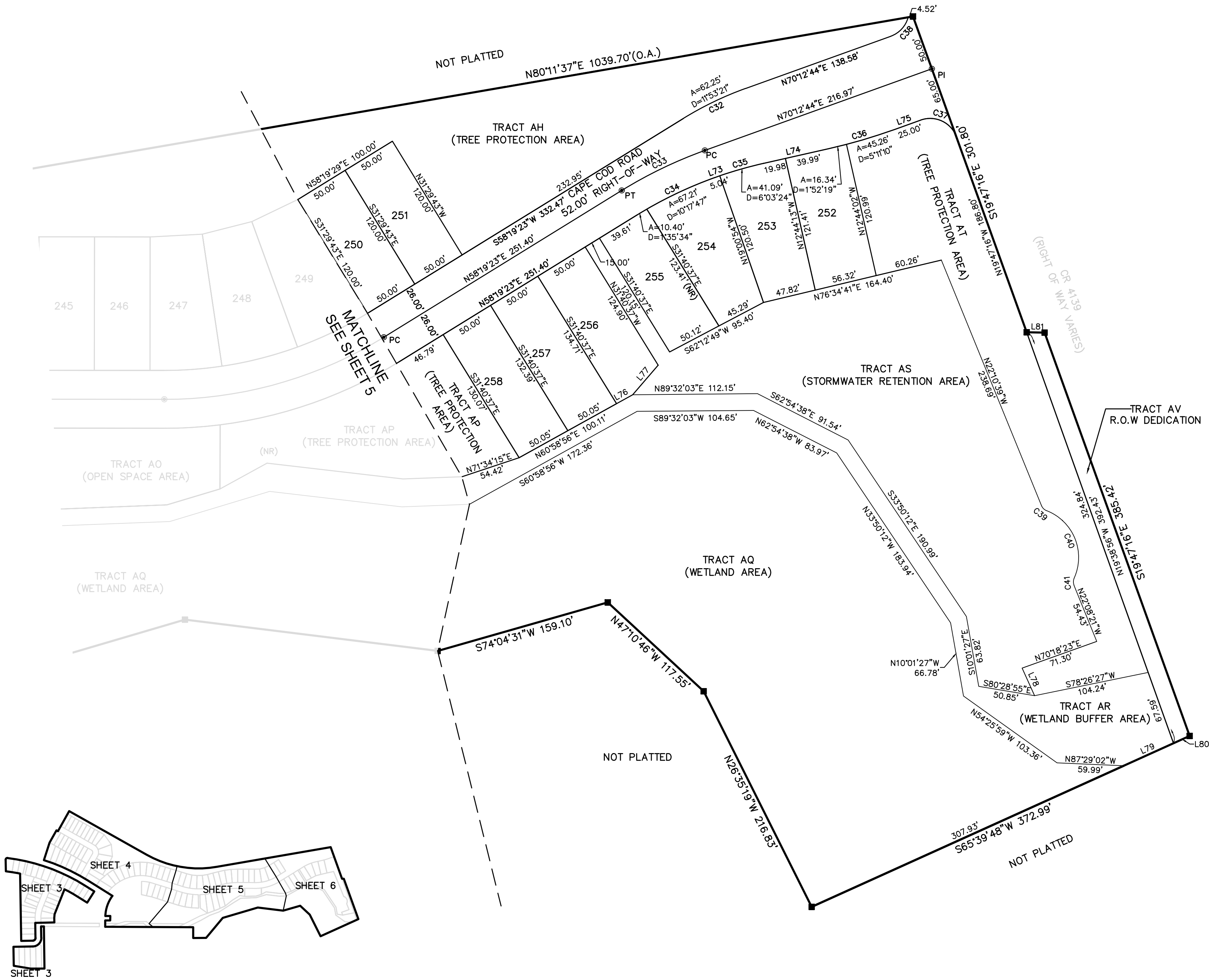
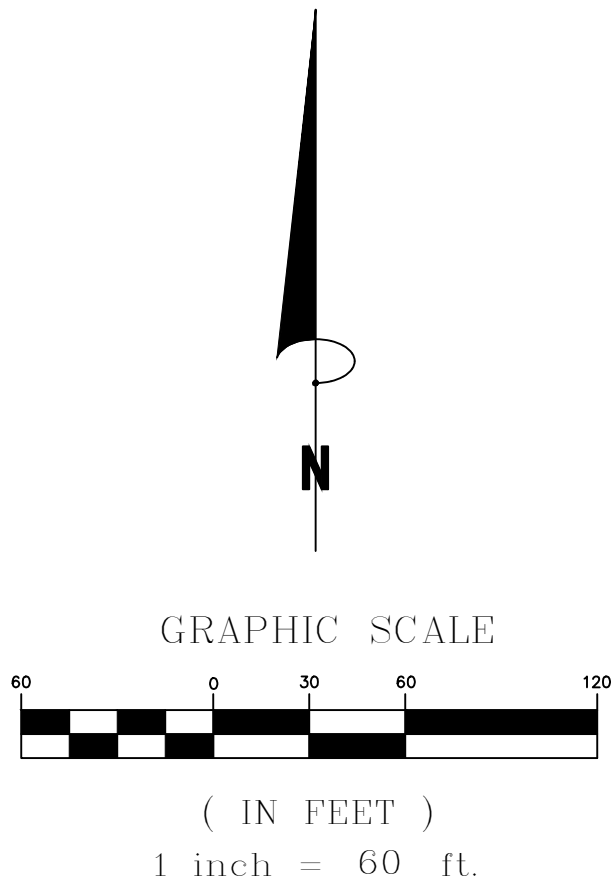
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LAKEWOOD PARK PHASE 2

SHEET 6 OF 6

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CURVE TABLE					
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C32	62.25'	300.00'	11°53'21"	N64° 16' 03"E	62.14'
C33	83.00'	400.00'	11°53'21"	N64° 16' 03"E	82.85'
C34	77.61'	374.00'	11°53'21"	N64° 16' 03"E	77.47'
C35	41.09'	388.71'	6°03'24"	N74° 10' 47"E	41.07'
C36	61.59'	500.00'	7°03'29"	N73° 44' 29"E	61.56'
C37	39.27'	25.00'	90°00'00"	S64° 47' 16"E	35.36'
C38	24.15'	25.00'	55°20'40"	N42° 32' 24"E	23.22'
C39	6.52'	8.00'	46°42'13"	N45° 31' 45"W	6.34'
C40	73.37'	45.00'	93°25'16"	N22° 10' 13"W	65.51'
C41	6.52'	8.00'	46°40'46"	N01° 12' 02"E	6.34'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L73	N70° 12' 44"E	5.04'
L74	N77° 16' 13"E	59.97'
L75	N70° 12' 44"E	25.00'
L76	N60° 58' 56"E	16.61'
L77	N40° 45' 18"E	35.05'
L78	N24° 14' 25"W	27.25'
L79	N65° 39' 48"E	49.06'
L80	N65° 39' 48"E	16.00'
L81	S88° 50' 41"E	16.06'

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