



CITY OF DELAND
REGULAR MEETING OF THE PLANNING BOARD
DECEMBER 14, 2022 AT 5:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

VERBAL REPORT ON CITY COMMISSION MEETINGS

MINUTES

1. Approval of the minutes from the November 16, 2022 meeting.

VARIANCE OLD BUSINESS

VARIANCE NEW BUSINESS

1. Applicant Name: Kenneth Ashley
Project Number: V22-233
Project Location: 627 S. Adelle Ave.
Project Description: A variance to reduce the required number of interior parking spaces from 2 spaces to 0 spaces.
2. (Withdrawn)
Applicant Name: Kenneth Ashley
Project Number: V22-234
Project Location: 920 E. Carolina Ave.
Project Description: Variance to reduce the required 4 off-street parking spaces (2 interior, 2 exterior), to 1 exterior parking space.
3. Applicant Name: Douglas Falasco
Project Number: V22-236
Project Location: 217 W. Michigan Ave.
Project Description: To reduce the side and rear setback for accessory structures from 7.5 feet to 5.5 feet.

PUBLIC PARTICIPATION PROCEEDINGS

PLANNING - OLD BUSINESS

PLANNING - NEW BUSINESS

1. Applicant Name: Mark Watts
Project Number: AN22-168 – Annexing 10.22 acres of property for Int'l Speedway Townhomes PD
Project Location: North side of Greens Dairy Rd., east of N. Spring Garden Ave.
Project Description: Annex 10.22 acres
2. Applicant Name: Mark Watts
Project Number: SMLU22-169 – Comprehensive Plan Amendment
Project Location: East of N. Spring Garden Ave., north and south of Greens Dairy Rd.
Project Description: Land use change for 33.55 acres from County Urban Low Intensity and City Business Retail to Medium Density Residential and Mixed Commercial.
3. Applicant Name: Mark Watts
Project Number: Z22-170 – Rezoning for Int'l Speedway Townhomes PD (Longbranch)
Project Location: East of N Spring Garden Ave., north and south of Greens Dairy Rd.
Project Description: Rezone 33.55 acres from VC: R-3, VC: R-3C and VC: R-3A to Int'l Speedway Townhomes PD, a mixed-use development
4. Applicant Name: Mark Watts
Project Number: Z22-171 – Rezoning for Spring Garden Townhomes
Project Location: West side of N. Spring Garden south of Plymouth, north of Minnesota
Project Description: Rezone 14.74 acres from C-2 (General Commercial) to Spring Garden Townhomes Planned Development to develop a multi-family residential project
5. Applicant Name: Pieter Ambachtsheer
Project Number: SMLU22-241 - Comprehensive Plan Amendment
Project Location: 3.66 acres of property located in the northwest quadrant of the intersection of Cassadaga Rd. and I-4
Project Description: Change of FLU from County ULI to City IND
6. Applicant Name: Pieter Ambachtsheer
Project Number: Z22-220 – Rezoning for Cassadaga Road Warehouse and Storage
Project Location: Northwest quadrant of the intersection of Cassadaga Rd. and I-4
Project Description: Rezone 3.66 acres from R-4, Urban Single Family Residential (Volusia County) to M-1, Industrial (City of DeLand)
7. Applicant Name: George Dennison
Project Number: AN22-244 – Annexation
Project Location: 309 W. Taylor Road
Project Description: Annex 3.023 acres
8. Applicant Name: George Dennison
Project Number: SMLU22-246 – Comprehensive Plan Amendment
Project Location: 309 W. Taylor Road
Project Description: Land use change for 3.023 acres from County Urban Medium Intensity and Commercial to City of DeLand Highway Commercial
9. Applicant Name: George Dennison
Project Number: Z22-248 – Rezoning
Project Location: 309 W. Taylor Road

Project Description: Rezone 3.023 acres from R-4, Urban Single Family Residential (Volusia County) and B-4C Commercial (Volusia County) to C-2, Highway Commercial (City of DeLand)

OTHER BUSINESS

ADJOURNMENT



**CITY OF DELAND
PLANNING BOARD REGULAR MEETING
MINUTES
WEDNESDAY, NOVEMBER 16, 2022 -5:00 P.M.
CITY HALL**

CALL TO ORDER

The meeting began at 5:00 p.m.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance – Ms. Comella, Chairperson

ROLL CALL

Nora Lewis	Present
Don Liska	Present – arrived at 5:08p.m.
Buz Nesbit	Present
Albert Neumann	Absent
Jeremy Owens, <i>Vice Chairperson</i>	Present
Virginia Comella, <i>Chairperson</i>	Present

Quorum: Yes

Present – Mike Holmes, Planning Director; Rick Werbiskis, Community Development Director; Carol Kuhn, Deputy Planning Director; Darren Elkind, City Attorney; Belinda Williams-Collins, Senior Planner; Kendall Story, Senior Planner; Melissa Winsett, Senior Planner; Vivian Ford, Administrative Coordinator; applicants; and members of the public.

VERBAL REPORT ON CITY COMMISSION MEETINGS

Mr. Holmes provided the verbal report.

MINUTES

1. Mr. Owens moved to approve the October 19, 2022 Meeting Minutes. Ms. Lewis seconded the motion. The motion passed unanimously.

VARIANCE OLD BUSINESS

None.

VARIANCE NEW BUSINESS

None.

PUBLIC PARTICIPATION PROCEEDINGS

Ms. Comella read the Public Participation procedures.

PLANNING – OLD BUSINESS

None.

PLANNING – NEW BUSINESS

1. Applicant Name: Sean Fortier
Project Number: PSB22-138 – Preliminary Plat for Trinity Gardens
Project Location: 183.93 acres located at the NE corner of S. Blue Lake Ave. and E. Beresford Ave.
Project Description: Development of 543 single-family homes

Public Participation: Sean Fortier, applicant, spoke and answered questions from the board.

Kathleen Miller spoke with concerns of traffic congestion, schools, and wildlife habitats. Applicant stated environmental studies was done through St. Johns. Mr. Elkind stated there was a concurrency study done as to schools, applicant confirmed it has been completed. Mr. Elkind stated right of way use permits would be required, along with a Traffic Impact Analysis, prior to construction being allowed. Mr. Elkind stated permits were also required for wildlife.

Ms. Lewis moved to approve the request. Mr. Owens seconded the motion.

Ms. Lewis expressed that she had concerns with the development, however was in favor of approval due to its meeting the standards of the planned development. The motion to approve passed 4 to 1 with Mr. Owens dissenting, stating due to a procedural issue he is having with the application.

2. Applicant Name: George Dennison
Project Number: Z22-161 – Rezoning for Residential
Project Location: 216 S. Florida Ave.
Project Description: Rezone 23,247 sq. ft. from C-2 (General Commercial) to C-2A (Downtown Commercial)

Public Participation: Applicant, George Dennison, spoke and answered questions from the board.

Mr. Owens moved to approve the request. Mr. Liska seconded the motion. The motion to approve passed unanimously.

3. Applicant Name: Mark Watts
Project Number: AN22-168 – Annexation for Longbranch DeLand
Project Location: North side of Greens Dairy Rd., east of N. Spring Garden Ave.
Project Description: Annex 10 acres

Public Participation: Staff announced continuation to the December 14, 2022 has been requested by applicant.

Mr. Owens moved to approve the continuance. Ms. Lewis seconded the motion. The motion to continue passed unanimously.

4. Applicant Name: Mark Watts
Project Number: SMLU22-169 – Comprehensive Plan Amendment
Project Location: East of N. Spring Garden Ave., north and south of Greens Dairy Rd.
Project Description: Land use change for 33.55 acres from County Urban Low Intensity and City Business Retail & Commercial to Mixed Commercial

Public Participation: Staff announced continuation to the December 14, 2022 has been requested by applicant.

Mr. Owens moved to approve the continuance. Ms. Lewis seconded the motion. The motion to continue passed unanimously.

5. Applicant Name: Mark Watts
Project Number: Z22-170 – Rezoning for Longbranch DeLand
Project Location: East of N Spring Garden Ave., north and south of Greens Dairy Rd.
Project Description: Rezone 33.55 acres from VC: R-3, VC: R-3C and VC: R-3A to Longbranch DeLand PD, a mixed-use development

Public Participation: Staff announced continuation to the December 14, 2022 has been requested by applicant.

Mr. Owens moved to approve the continuance. Ms. Lewis seconded the motion. The motion to continue passed unanimously.

6. Applicant Name: City of DeLand
Project Number: LDR22-178 – LDR Text Amendment
Project Location: N/A
Project Description: Sober Homes Ordinance

Public Participation: Mr. Elkind spoke and answered questions from the board on behalf of the City. Board discussed the need to have a 24-hour house manager. Mr. Elkind indicated he would conduct additional research and include any possible revisions in the draft for City Commission.

Mr. Owens moved to approve the request. Mr. Nesbit seconded the motion. The motion to approve passed 4 to 1, with Ms. Lewis dissenting.

OTHER BUSINESS

None.

ADJOURNMENT

The meeting ended at 7:00p.m.

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

December 14, 2022

A. APPLICATION NO: V22-233

APPLICANT: Kenneth Ashley (Applicant)

REQUEST: A variance to reduce the required number of interior parking spaces from 2 spaces to 0.

APPLICABLE ORDINANCES: *33-91.03 Number and type of parking spaces required. 33-91.05.(a) Alteration of conforming development.*

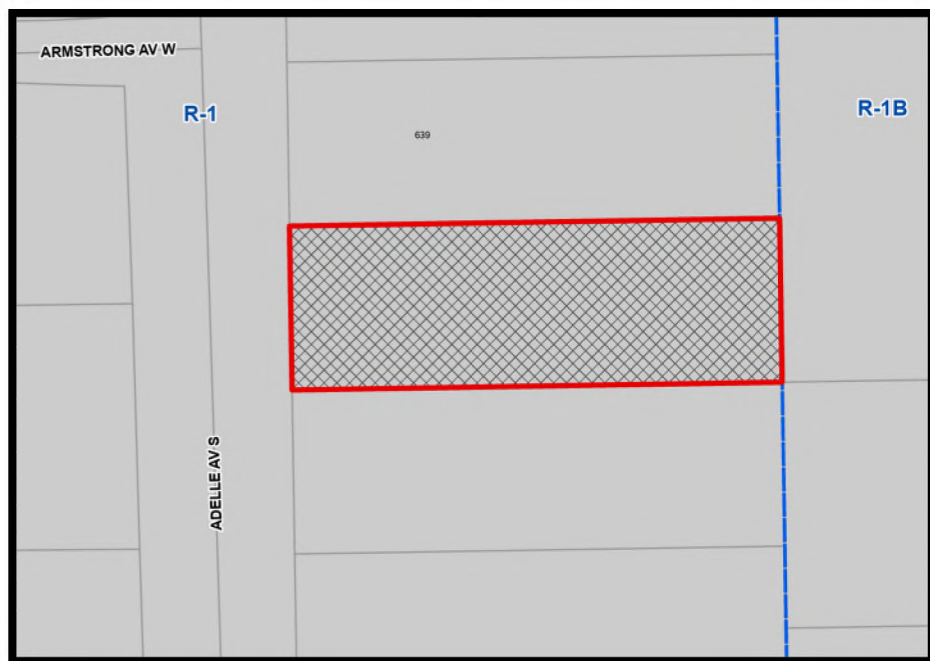
B. SITE FACTORS:

LOCATION: 627 S Adelle Ave

PARCEL SIZE: +/- 0.17 acres

EXISTING ZONING/USE: R-1 Single-Family Dwelling

Required Minimum Setbacks in Feet			
Front	Rear	Side	Corner Lot
30'	25'	10'	20'



Zoning Map

SURROUNDING USE:

SURROUNDING ZONING:

NORTH:	Single-Family Residential	R-1
SOUTH:	Single-Family Residential	R-1
EAST:	Single-Family Residential	R-1B
WEST:	Single-Family Residential	R-1

DOES THE APPLICANT OWN PROPERTY WHICH IS ADJACENT TO THE PROPERTY FORWHICH HE OR SHE SEEKS A VARIANCE? Yes ☐ No ☒

C. LAND USE PLAN DESIGNATION: Low Density Residential

CHRONOLOGY: The property located on 627 S Adelle Avenue is within the R-1 Single-Family Dwelling zoning district. The owner of this property is requesting a variance to reduce the required number of interior parking spaces from 2 spaces to 0. Section 33-91.03 requires that 1, 2, and 3-bedroom single-family residential homes include 2 interior parking spaces and 2 outdoor spaces. The applicant is providing the two required exterior parking spaces.





D. ANALYSIS:

This property abuts one (1) single-family residence to the north and a vacant lot to the south, which the owner of this current lot owns. The applicant is requesting a variance to reduce the number of required interior parking spaces from 2 to 0. The driveway will accommodate the two required exterior parking spaces. The applicant is proposing a 1,200 square foot home on the 50' x 150' lot (7,405.2 square feet). The exclusion of the interior parking spaces is unlikely to be injurious to the surrounding properties, as the existing, surrounding single-family residential homes were constructed prior to the 2019 ordinance requiring 2 interior and 2 exterior parking spaces. The applicant owns the property to the south and follows building setbacks to avoid encroaching on the neighbors to the north side.

E. VARIANCE CRITERIA: Per Section 33-103.03, as amended, the Planning Board will consider the following criteria in making a determination concerning the granting or denial of the requested variance:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district.

This 50-foot wide lot has no special conditions and circumstances that exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district. The applicant is proposing a 1,200 square foot home and will meet the outside parking requirement of two spaces.

The surrounding properties are older homes constructed prior to the City's

2019 Ordinance requiring 4 parking spaces – 2 interior and 2 exterior.

2. Granting of the variance request will not confer on the applicant any special privilege that is denied by the development code to other lands, building, or structures in the same zoning district.

Granting of the variance would confer special privileges, since 4 parking spaces are required – 2 interior and 2 exterior – for new single-family homes. However, based on the surrounding neighborhood context, this single-family home would have more parking spaces than the existing, surrounding residential homes.

3. Literal interpretation and enforcement of the development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the development code, and would work unnecessary and undue hardship on the applicant such as natural site conditions, size or shape of lot, or existing structures(s).

The literal interpretation and enforcement of the code would not deprive the applicant of rights commonly enjoyed by other properties in the neighborhood, as many of these homes have one or two exterior parking spaces with no interior spaces. The applicant could construct a smaller home to allow adequate spacing for an attached two-car garage. Alternatively, the applicant could also construct a detached two-car garage.

4. The granting of the variance will be in harmony with the general intent and purpose of this code and the Comprehensive Plan, as amended, and will not be injurious to the surrounding properties or detrimental to the public welfare.

Not adding the two-interior parking spaces to this property is unlikely to be injurious to the surrounding properties. The applicant will provide two outside spaces on the driveway. This newly constructed smaller home would provide another affordable housing option in the area.

5. The Variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure.

In order to add more space to the home and meet the minimum side yard setbacks, this is the minimum variance necessary to make possible the reasonable use of the land, building, or structure.

6. The special conditions or circumstances are not the result of actions of the applicant or owner.

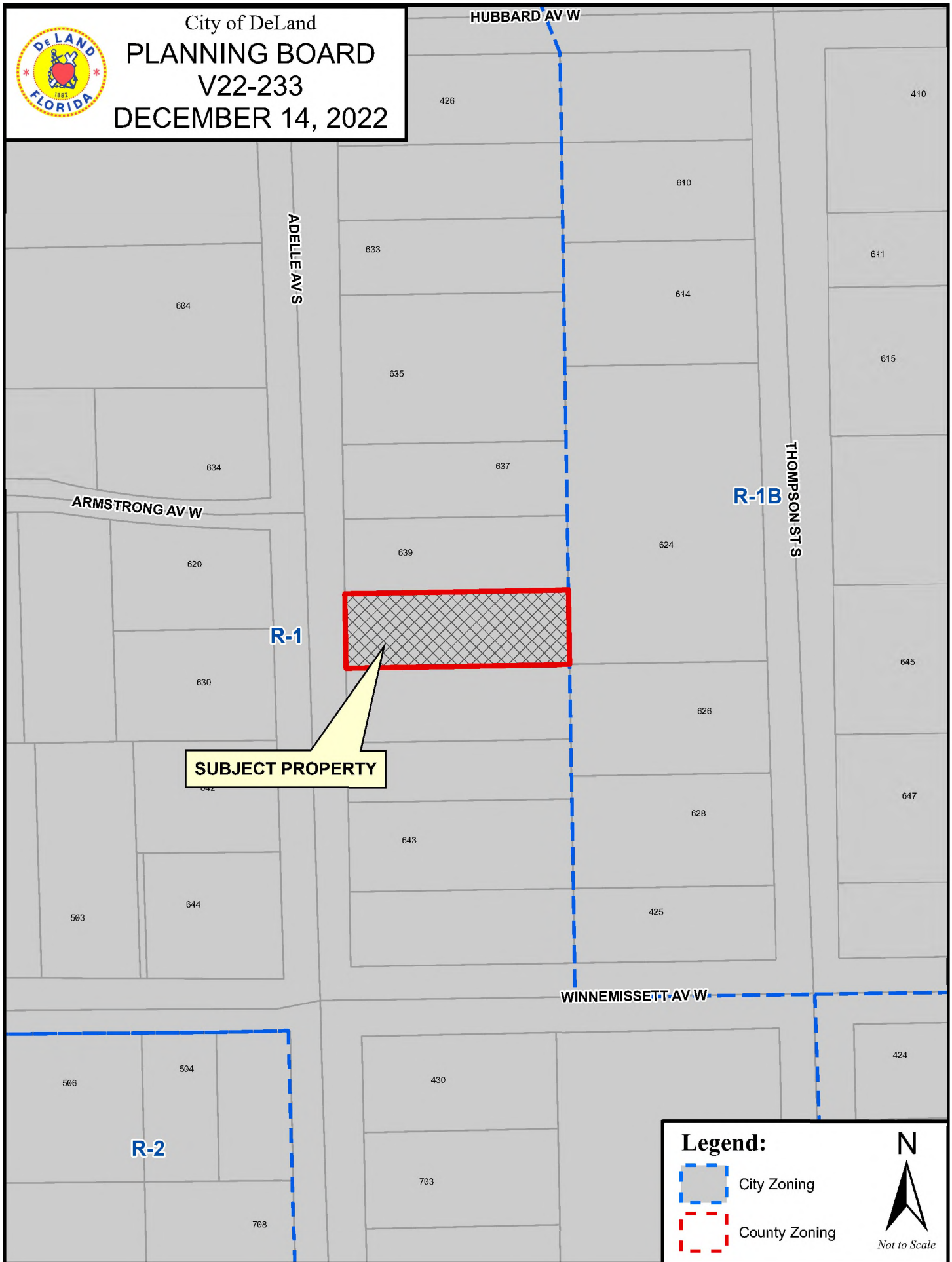
No special conditions or circumstances that are not the result of actions of the applicant or owner. The applicant could construct a smaller home or construct the two-car garage.

F. STAFF SUMMARY:

The applicant is requesting this variance to reduce the number of required interior parking spaces from 2 to 0. The current lot size measure 50' x150' which is 7,405.2 square feet. The exclusion of the interior parking spaces is unlikely to be injurious to the surrounding properties. The applicant owns the property to the south and follows building setbacks to avoid encroaching on the neighbors to the north side. Providing only exterior parking would be consistent with several of the existing, older, homes on the block and within the surrounding neighborhood.

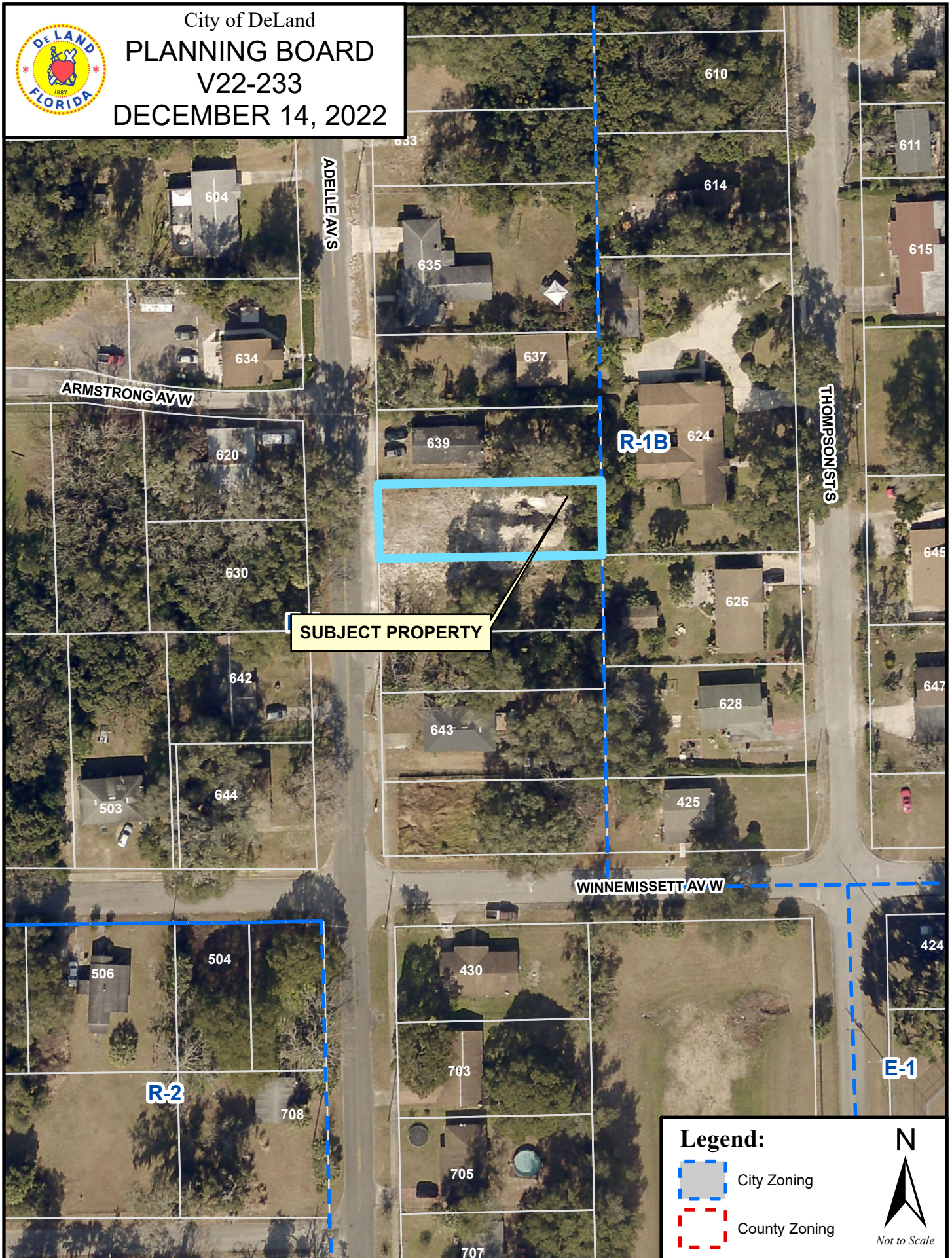


City of DeLand
PLANNING BOARD
V22-233
DECEMBER 14, 2022



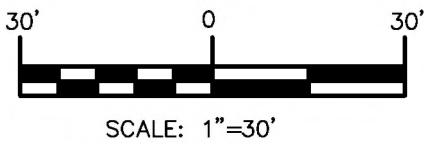
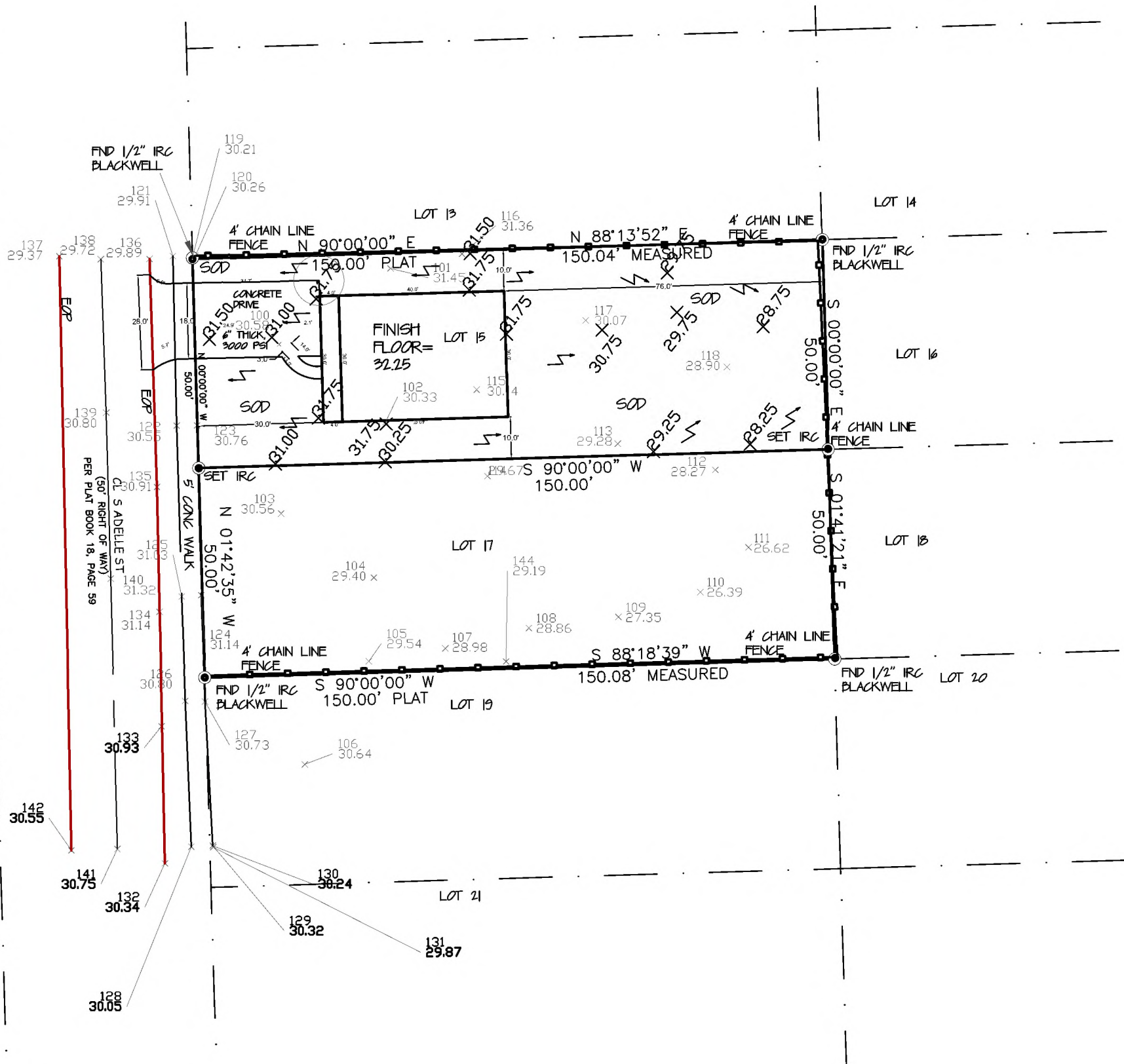


City of DeLand
PLANNING BOARD
V22-233
DECEMBER 14, 2022



PLOT PLAN
627 SOUTH ADELLE STREET

LOT 15 AND 17 BLOCK A, LOCKHART'S SUBDIVISION
PLAT BOOK 18, PAGE 59, OF THE PUBLIC RECORDS OF
VALUSIA COUNTY, FLORIDA.



LEGEND:

- | | |
|---|--|
| △ = FOUND NAIL AND DISC | C/L = CENTERLINE OF RIGHT-OF-WAY |
| ⊙ = FOUND 1" IRON PIPE (FIP) | (M) = MEASURED |
| ○ = FOUND 1/2" IRON ROD & CAP (FIRC) | CONCRETE |
| ✕ = FOUND DRILL & X-CUT | SWK = CONCRETE SIDEWALK |
| BOC = BACK OF CURB | N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM (1929) |
| (C) = CALCULATED | ORB or OR = OFFICIAL RECORDS |
| Δ = CENTRAL ANGLE | P.B. = PLAT BOOK |
| C = CHORD LENGTH | P.G. = PAGE |
| C# = CURVE NUMBER | P.K. = HARD CASE NAIL |
| CB = CHORD BEARING | PC = POINT OF CURVATURE |
| CBS = CONCRETE BLOCK STRUCTURE | PT = POINT OF TANGENCY |
| CBW = CONCRETE BLOCK WALL | POB = POINT OF BEGINNING |
| CONC. = CONCRETE | POC = POINT OF COMMENCEMENT |
| DB or D.B. = DEED BOOK | PVC = POLYVINYL CHLORIDE |
| DUE or D.U.E. = DRAINAGE & UTILITY EASEMENT | PRM = PERMANENT REFERENCE MONUMENT |
| EL or EL. = ELEVATION | R = RADIUS |
| EOP = EDGE OF PAVEMENT | (R) = RECORD |
| ERCP = ELLIPTICAL REINFORCED CONCRETE PIPE | R/W = RIGHT-OF-WAY |
| FFE or F.F. = FINISH FLOOR ELEVATION | WF = WOOD FENCE |
| FND or FND. = FOUND | |

103.38 PROPOSED ELEVATION
67.20 EXISTING ELEVATION

SURVEYOR'S NOTES:

- PREPARED AS A BOUNDARY SURVEY
- MAP IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS OR FREEDOM OF ENCUMBRANCES AND WAS PREPARED WITHOUT BENEFIT OF ABSTRACT OF TITLE AND ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.
- PARCEL MAY BE SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD. (RECORDED, UNRECORDED, WRITTEN AND UNWRITTEN).
- IMPROVEMENTS OTHER THAN THOSE SHOWN NOT LOCATED.
- THIS SURVEY WAS NOT INTENDED TO DELINEATE OR DEFINE ANY WETLANDS, ENVIRONMENTALLY SENSITIVE AREAS, WILDLIFE HABITATS OR JURISDICTIONAL LINES OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.
- THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF Tanager COURT, HAVING AN ASSUMED BEARING OF S42°20'41"E.
- SOME TOPOGRAPHIC FEATURES OR SYMBOLS MAY BE EXAGGERATED IN SCALE FOR CLARITY. THE CENTER OF THE SYMBOL OF SUCH FEATURES IS THE CORRECT LOCATION.
- DIMENSIONS OF IMPROVEMENTS SHOWN SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.

I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE MINIMUM STANDARDS OF PRACTICE SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17-0050 THRU 0052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 471.027, FLORIDA STATUTES. UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE LAND SURVEYOR LISTED, THIS DRAWING IS NOT VALID AND IS FOR INFORMATIONAL PURPOSES ONLY.

Michael David Barbee P.L.S. 6754
FLORIDA REGISTRATION NO. 6754
FOR THE FIRM



DATE SIGNED:

PROJECT: TANAGER
DRAWN BY: DLB
CHECKED BY: MDB
SCALE: 1"=30'
DATE DRAWN: 6.6.22

REVISIONS:



DLB

Land Consulting, LLC

DLBLANDLLC@GMAIL.COM
407-883-8148

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

December 14, 2022

A. APPLICATION NO: V22-236

APPLICANT: Douglas Falasco (Applicant)

REQUEST: Reduce the side and rear setback for accessory structures from 7.5 feet to 5.5 feet.

APPLICABLE ORDINANCES: **Sec. 33-87.02(d) (4).** *Setbacks, building separation, and lot coverage.* **Sec. 33-17.05 R-1—Single-Family Dwelling District**

B. SITE FACTORS:

LOCATION: 217 W Michigan Ave

PARCEL SIZE: +/- 12,196.8' Square Feet

EXISTING ZONING/USE: R-1A Single-Family Residential

Front	Required Minimum Setbacks in Feet			
	Rear	Side	Street Side	Accessory Structure
30'	25'	12.5'	20'	7.5'

Zoning Map

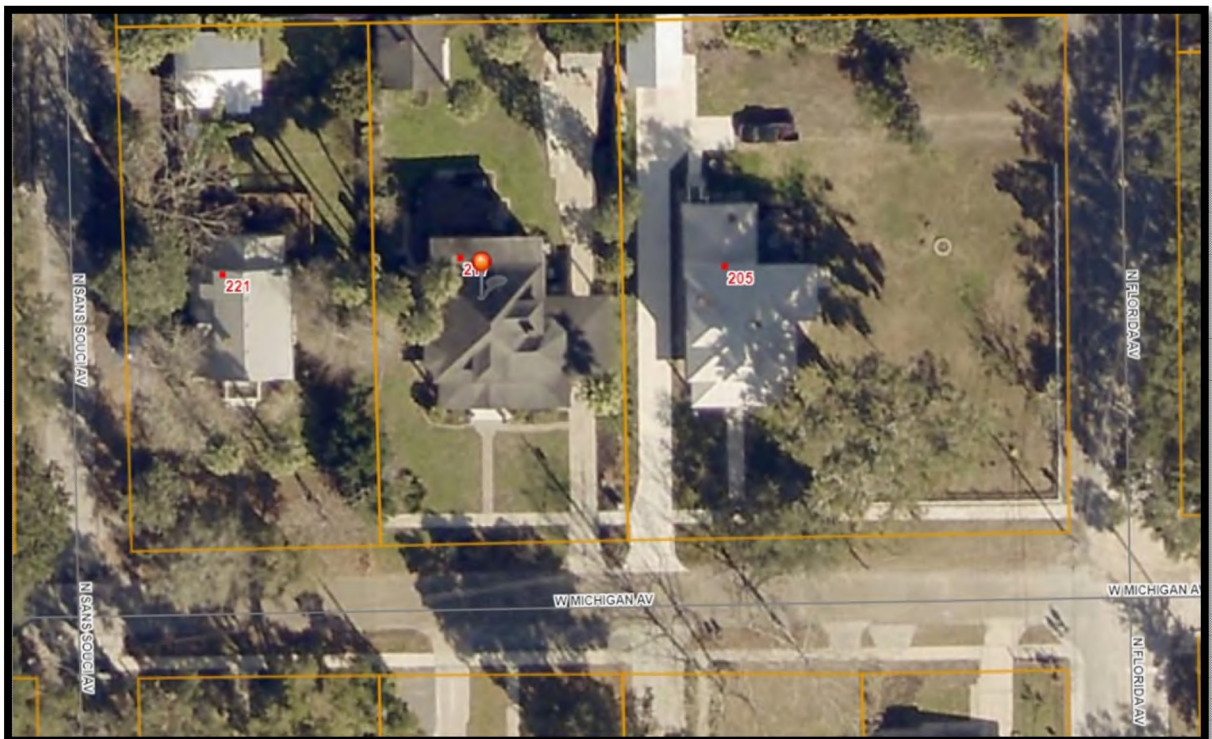


	SURROUNDING USE:	SURROUNDING ZONING:
NORTH:	Single-Family Residential	R-1A
SOUTH:	Single-Family Residential	R-1A
EAST:	Educational	E-1
WEST:	Single-Family Residential	R-1A

DOES THE APPLICANT OWN PROPERTY WHICH IS ADJACENT TO THE PROPERTY FORWHICH HE OR SHE SEEKS A VARIANCE? Yes ☐ No ☒

C. LAND USE PLAN DESIGNATION: Low Density Residential

CHRONOLOGY: The property located on 217 W Michigan Ave is in a R-1A Single Family Dwelling Zone. The applicant is seeking a variance to reduce the required accessory structure setbacks in order to replace a shed which was severely damaged during Hurricane Ian. The applicant intends to construct the new, slightly larger shed (12-feet by 18-feet) in approximately the same location as the former shed, on a new, slightly larger, concrete slab. The new concrete slab has been poured and is located 5.5 feet from the northeast property line. The new slab is connected to the existing driveway. The applicant is requesting a variance to reduce the accessory structure side and rear setbacks from 7.5 feet to 5.5 feet to accommodate this new shed and concrete slab. The applicant has notified the adjacent property owners and no objections have been raised. Therefore, the location of the shed is unlikely to be injurious to the surrounding properties. The applicant proposes to construct the shed with similar materials and colors as the existing home in order to minimize the impact to the abutting properties.



D. ANALYSIS:

This property abuts two single family homes on either side, the applicant is requesting a variance to add a concrete slab that encroaches the rear and side accessory structure setbacks by 2'. Accessory structure standards permit a side and rear setback of 7.5' on each side. Therefore, the location of the concrete slab is unlikely to be injurious to the surrounding properties. This variance will allow the applicant to obtain a building permit for the new shed and associated concrete slab.

E. VARIANCE CRITERIA: Per Section 33-103.03, as amended, the Planning Board will consider the following criteria in making a determination concerning the granting or denial of the requested variance:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district.

The subject property has no special conditions and circumstances that exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district. The applicant is constructing the shed in approximately the same location as the previous shed which was damaged during Hurricane Ian. The newer shed is slightly larger than the previous shed.

2. Granting of the variance request will not confer on the applicant any special privilege that is denied by the development code to other lands, building, or structures in the same zoning district.

Granting of the variance would confer special privileges, as the structure encroaches the required 7.5' setback. However, the abutting property owners have not objected to the location of the new concrete slab. The new shed will be placed in a similar location as the previous one.

3. Literal interpretation and enforcement of the development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the development code, and would work unnecessary and undue hardship on the applicant such as natural site conditions, size or shape of lot, or existing structures(s).

The literal interpretation and enforcement of the code would not deprive the applicant of rights commonly enjoyed by other properties in the neighborhood. The proposed structure will encroach setbacks however, the location of the new shed is in the same approximate location as the previous shed.

4. The granting of the variance will be in harmony with the general intent and purpose of this code and the Comprehensive Plan, as amended, and will not be injurious to the surrounding properties or detrimental to the public welfare.

The accessory structure is unlikely to be injurious to the surrounding properties. The applicant has notified the adjacent property owners and no objections have been raised.

5. The Variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure.

This is the minimum variance necessary to make possible the reasonable use of the land, building or structure. The applicant proposes to construct the shed with similar materials and colors as the existing home in order to minimize the impact to the abutting properties.

6. The special conditions or circumstances are not the result of actions of the applicant or owner.

The applicant is proposing a new, slightly larger shed in a similar location as the previous shed was damaged during hurricane Ian which is a circumstance that is not the result of actions of the applicant or owner.

- F. **STAFF SUMMARY:** The applicant is seeking a variance to reduce the required accessory structure setbacks in order to replace a shed which was severely damaged during Hurricane Ian. The applicant intends to construct the new, slightly larger shed (12-feet by 18-feet) in approximately the same location as the former shed, on a new, slightly larger, concrete slab. The new concrete slab has been poured and is located 5.5 feet from the northeast property line. The new slab is connected to the existing driveway. The applicant is requesting a variance to reduce the accessory structure side and rear setbacks from 7.5 feet to 5.5 feet to accommodate this new shed and concrete slab. This property abuts two single family homes on either side, the applicant is requesting a variance to add a concrete slab that encroaches the rear and side accessory structure setbacks by 2'. Accessory structure standards permit a side and rear setback of 7.5' on each side. Therefore, the location of the concrete slab is unlikely to be injurious to the surrounding properties. The applicant has notified the adjacent property owners and no objections have been raised. Therefore, the location of the shed is unlikely to be injurious to the surrounding properties. The applicant proposes to construct the shed with similar materials and colors as the existing home in order to minimize the impact to the abutting properties.

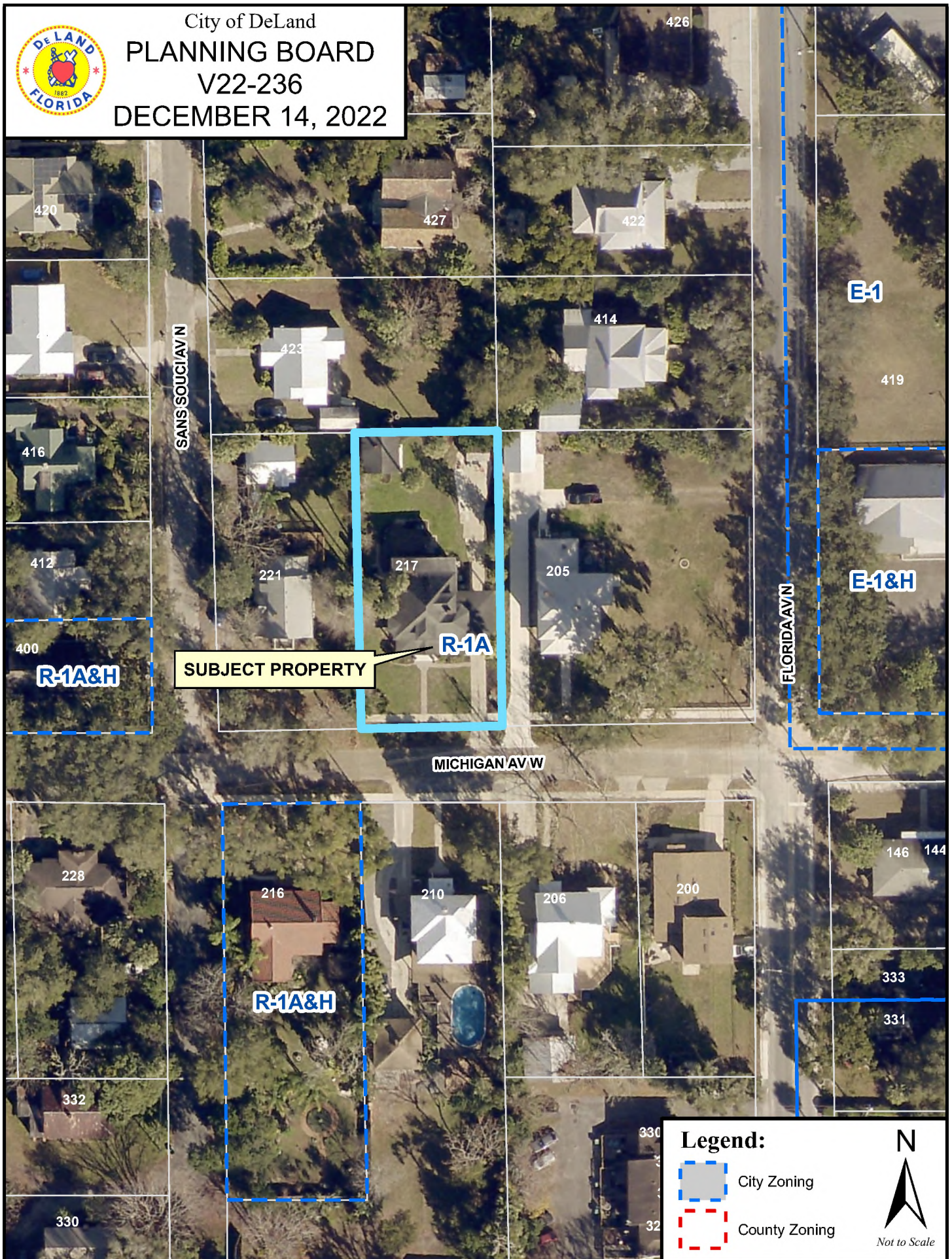


City of DeLand
PLANNING BOARD
V22-236
DECEMBER 14, 2022





City of DeLand
PLANNING BOARD
V22-236
DECEMBER 14, 2022



Legend:

-  City Zoning
-  County Zoning



LOT 4
BLOCK 3

LOT 10
BLOCK 3

SET 1/2" IRON ROD
LB #7893

SET 1/2" IRON ROD
LB #7893

• Replace existing concrete w/ 12x18 pad @ 5ft set back from rear & side of property line.

REMAINDER OF LOT 5
BLOCK 3
(NOT INCLUDED)

LOT 11
BLOCK 3

• 4000 PSI w/ fiber & rebar

REMAINDER OF LOT 6
BLOCK 3
(NOT INCLUDED)

THE E. 1/2 OF LOT 6
BLOCK 3
(INCLUDED)

LOT 12
BLOCK 3

FOUND 5/8" IRON PIPE @ BLOCK CORNER

FOUND 5/8" IRON PIPE 0.7' N.

FOUND 5/8" IRON PIPE

MICHIGAN AVENUE

ASPHALT ROAD

50' R/W

(IMPROVED)

SURVEY NOTES
CONCRETE DRIVE AND CONCRETE SIDEWALK CROSS PROPERTY LINE ON SOUTHERLY SIDE OF LOT.

THERE ARE FENCES NEAR THE BOUNDARY OF THE PROPERTY.

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.



**TARGE
SURVEYING, INC.**

LB #7893 Page 21 of 168



**PLANNING DEPARTMENT STAFF REPORT
TO
PLANNING BOARD**

December 14, 2022

APPLICATION: AN22-168

1. **Requested Action:** Annexation of property located in unincorporated Volusia County into the City limits of DeLand
2. **Location:** East of Spring Garden Ave., on the north side of Greens Dairy Rd. Ave.
3. **Petitioner:** Mark Watts, Cobb Cole
4. **Owner:** Greens Dairy LLC
5. **Size of parcel(s):** ± 10.22 acres
6. **Parcel ID:** 6032-00-00-0472
7. **Land Use Designation & Zoning of Subject Property:**

Future Land Use: Volusia County: Urban Low Intensity

Existing Zoning: VC: R-3A

Existing Use: Undeveloped

8. **Surrounding Land Use & Zoning:**

	LAND USE	ZONING
North:	VC: ULI; ULI	Addison Landing PD
South:	BR	VC: R-3
East:	ULI	Addison Landing PD; Garden Crossings PD
West:	VC: COM	VC: R-3AC

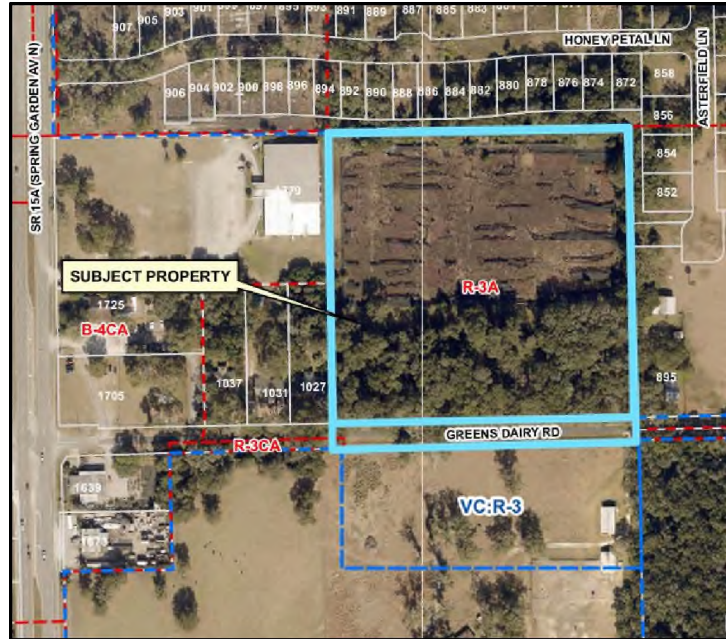
9. Physical Characteristics: The proposed annexation consists of ± 10.22 acres, and will also include all of the adjacent right-of-way. The subject property does not appear to contain wetlands and does not lie within the 100-year flood zone. The parcel is currently vacant and undeveloped.

10. Public Services & Utilities: The City's Utilities Department will determine the closest City water and sewer mains. The Police Department will determine the appropriate Patrol Zone, and the Fire Department will confirm that there is adequate fire protection. Furthermore, the County of Volusia will confirm that there are no code enforcement actions or liens associated with this property.

11. Growth Management Plan

Consistency: An application for a change in land use will be required to amend the future land use from Volusia County Urban Low Intensity (ULI) to the appropriate City land use designation. Additionally, an

application for a zoning change from Volusia County R-3A (Urban Single Family Residential) to the Int'l Speedway Townhomes PD will also be required. To the north and east of the subject property is the Addison Landing residential development which consists of 55-85-ft. wide parcels. To the south of the subject property is the Greens Dairy Rd. right-of-way and undeveloped property currently zoned VC: R-3. Immediately adjacent to the west are more residential parcels and commercial properties on Spring Garden Ave.



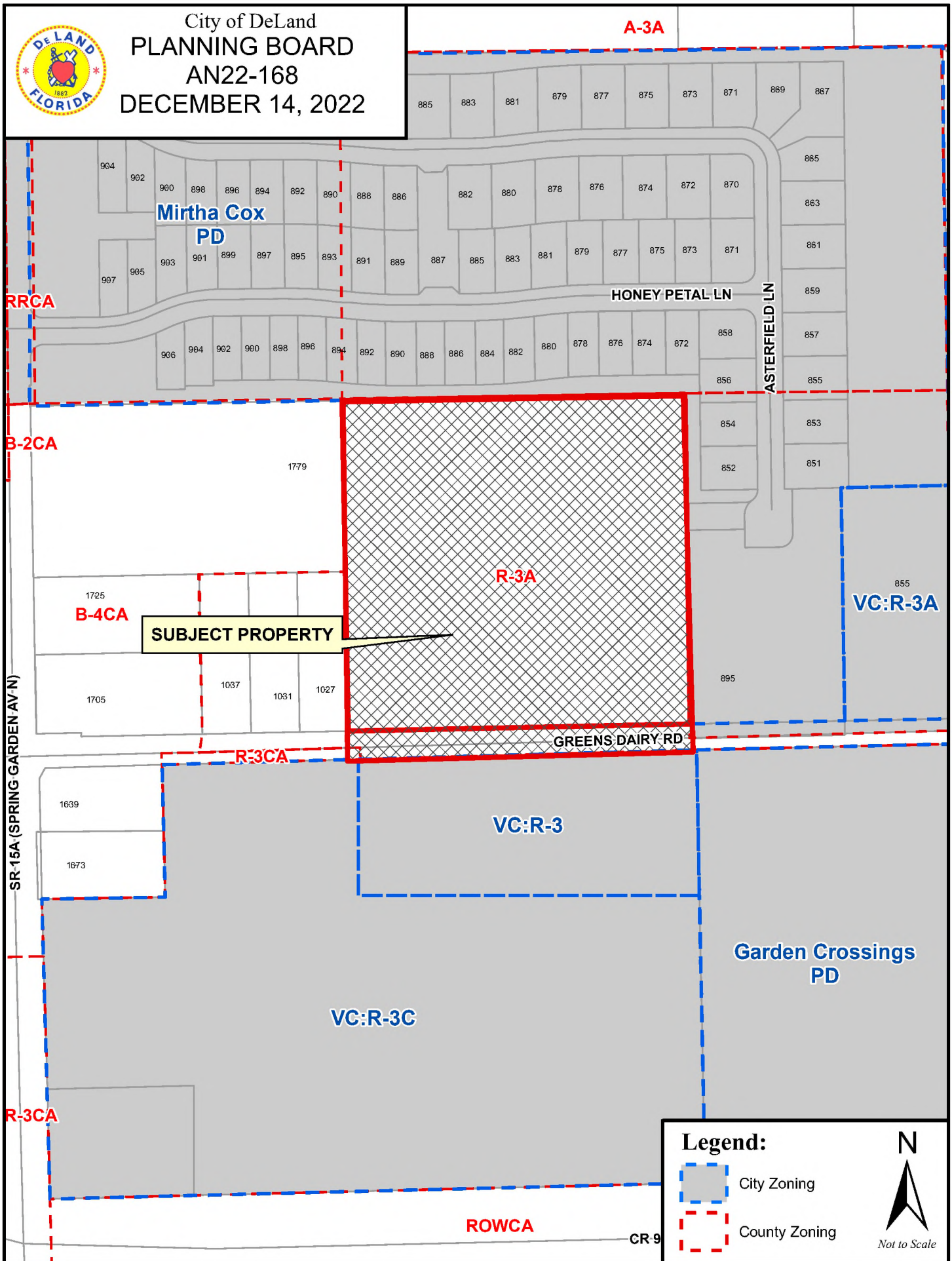
12. Analysis: The City's guidelines for annexation require a property be sufficiently contiguous to property already within the city limits and to be accessible to public services provided. In addition, the State requires the property be reasonably compact, not circuitous, and does not create an enclave. The subject property does not create an enclave, is contiguous to the City of DeLand, is reasonably compact and is not circuitous. The parcel is contiguous to the north by ± 664 ft., and to the east by ± 668 ft. To the south of the Greens Dairy Rd. right-of-way, the property is contiguous by ± 664 ft.

Recommendation: Staff recommends that the Planning Board forward this annexation petition to the City Commission, with a recommendation for approval.

Based upon the concurrency requirements of the State of Florida and the City's concurrency management plan, as adopted in Article 5, Sec. 33-41 of the Land Development Regulations, approval of the proposed annexation does not automatically provide vested development rights. At the time the developer applies for a development permit, adequate infrastructure must exist to support the proposed development. If such infrastructure does not exist, the developer may be required to incur additional expense to ensure that the necessary infrastructure is provided.



City of DeLand
PLANNING BOARD
AN22-168
DECEMBER 14, 2022





City of DeLand
PLANNING BOARD
AN22-168
DECEMBER 14, 2022



LEGAL DESCRIPTION
6032-00-00-0472

THE EAST $\frac{1}{2}$ OF THE SOUTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 32, TOWNSHIP 16 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 32; THENCE SOUTH $88^{\circ}34'42''$ WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST $\frac{1}{4}$, A DISTANCE OF 1328.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH $88^{\circ}34'42''$ WEST, ALONG THE SOUTH LINE OF THE EAST $\frac{1}{2}$ OF THE SOUTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 32, A DISTANCE OF 664.07 FEET; THENCE NORTH $01^{\circ}01'15''$ WEST, ALONG THE WEST LINE OF THE EAST $\frac{1}{2}$ OF THE SOUTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 32, A DISTANCE OF 671.63 FEET; THENCE NORTH $88^{\circ}49'32''$ EAST, ALONG THE NORTH LINE OF THE EAST $\frac{1}{2}$ OF THE SOUTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 32, A DISTANCE OF 664.38 FEET; THENCE SOUTH $00^{\circ}59'35''$ EAST, ALONG THE EAST LINE OF THE EAST $\frac{1}{2}$ OF THE SOUTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 32, A DISTANCE OF 668.77 FEET TO THE POINT OF BEGINNING.

CONTAINS 10.2194 +/- ACRES, MORE OR LESS.

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

December 14, 2022

A. APPLICATION NO.: SMLU22-169

APPLICANT: Mark Watts, Cobb Cole

REQUEST: To amend the future land use designation from Business Retail (BR) and County Urban Low Intensity (VC: ULI), to Mixed Commercial (MC) and Medium Density Residential (MDR).

B. SITE FACTORS:

Location: East of N. Spring Garden Ave., north & south of Greens Dairy Rd.
Parcel ID #: 7005-00-00-0160; 7005-00-00-0430; 6032-00-00-0472
Parcel Size: ± 33.55 acres
Land Use: Undeveloped
Existing Use: Agricultural/undeveloped

	SURROUNDING USE:
North:	VC: Rural; Urban Low Intensity
South:	Business Retail
East:	Business Retail; Urban Low Intensity
West:	ROW (Spring Garden Ave); VC: Commercial; VC: Urban Low Intensity; Mixed Commercial

C. REQUESTED ACTION & HISTORY:

REQUEST: The applicant is requesting the future land use designation be amended for three parcels, located on the east side of N. Spring Garden Ave., north and south of Greens Dairy Rd., from Business Retail (BR) and County Urban Low Intensity (VC: ULI), to Mixed Commercial (MC) and Medium Density Residential (MDR). All three of the subject parcels are vacant and undeveloped. The applicant is proposing a mixed-use development that will include 215 residential townhomes as well as a commercial component.

The parcel on the north side of Greens Dairy Rd. is 10.22 acres in size and has a current future land use of Volusia County's Urban Low Intensity (VC: ULI) which has a maximum density of 4 residential units per acre. On 10.22 acres, VC: ULI would yield as many as **40** residential units as-is. If developed as the proposed Medium Density Residential (MDR), the maximum density permitted would be 12 residential units per acre. If amended to MDR as proposed by the applicant, the site could yield as many as **122** residential units. That is a net increase of 82 units. Per the city's Comprehensive Plan,

... “Medium Density Residential land use, is intended to act as a transitional area between nonresidential or high-density residential and low-density residential land uses. 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...”

The parcels on the south side of Greens Dairy Rd. are a combined 23.33 acres in size and have a future land use designation of Business Retail (BR). The BR land use designation is not compatible with residential uses and may only be developed commercially. Under the existing BR land use, the 23.33-acre site permits a maximum floor area ratio of .25. This would allow approximately 254,063 sq. ft. of commercial use.

However, if amended to Mixed Commercial (MC) as proposed by the applicant, the 23.33-acre site would allow for a residential density of 10 dwelling units per acre. This would allow for up to 233 residential units. MC also limits the impervious surface area to 60%, approximately 609,753 sq. ft.



Per the City’s Comprehensive Plan, Mixed Commercial,

“...is characterized by a mixture of primarily single-family residential, office and retail/service land uses... residential land uses are compatible with nonresidential land uses and comprise a significant portion of the land uses.”

“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.”

The Applicant is requesting an annexation of the north 10.22-acre parcel into the City of DeLand (AN22-169) and to rezone the property from VC R-3A, VC R-3 and VC R-3C, to Int’l Speedway Townhomes PD. (Z22-170).

CHRONOLOGY OF PAST EVENTS: The land use of the subject property has not recently been changed. According to the city’s 2050 Vision, this area of the city transitions between the Urban Core, which is where the majority of the newer, higher intensity growth will take place, and the areas of the city that are to instead retain their existing land uses and development patterns. Greens Dairy Rd. acts as a demarcation line, with the Urban Core to the south, and the area of the City that is to mostly remain unchanged in its development patterns to the north.

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 an 8" water main located on N. Spring Garden Ave., along the frontage; a 4" force sewer main is also located along the frontage of N. Spring Garden Ave. Water and sewer adequacy will depend on future use/demand.

A Projected Trip Generation Report submitted by the applicant shows an average daily trip count of **12,515** trips; because the trips exceed the 1,000-trip threshold, the applicant is required to submit a Traffic Impact Analysis.

The change in designation will not generate a new demand for recreation.

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 general area is a mix of single-family residential and commercial development. An analysis of the proposed land uses is discussed below in two parts: north of Greens Dairy Rd. and south side of Greens Dairy Rd.

North side of Greens Dairy Rd. (10.22-acres):

North of Greens Dairy Rd., the Medium Density Residential land use designation would not be compatible with the other developments in the immediate, surrounding area. Additionally, the MDR designation is not consistent with the city's 2050 Vision Plan. Per the 2050 Vision Plan, extending north from Greens Dairy Rd., this area of the city is to maintain its existing development pattern and retain its existing land use. An increase in density from VC: Urban Low Intensity (4 du/acre), to Medium Density Residential (12 du/acre) is a significant intensification of density and does not match the current development pattern. To the north and to the east of the 10.22-acre parcel, the area consists of single-family residential development, having a future land use designation of Low Density Residential (5.8 du/acre). It would more be in-line with the city's long-range plans to either maintain the existing VC ULI land use or adopt the same LDR land use as the neighboring development.

South side of Greens Dairy Rd. (23.33 acres):

Extending south from Greens Dairy Rd., an amended land use designation from Business Retail to the proposed Mixed Commercial would be considered compatible with the city's 2050 Vision Plan. The 2050 Vision shows this area extending south of Greens Dairy Rd. as being within the Urban Core, Category 2. The Urban Core, Category 2, is where the new, higher intensity growth is to take place. The subject property is within the Activity Center (Overlay 2) which emphasizes an intensive mix of uses that are compatible with, and include residential uses.

3. **Future Land Use Map:** The change in land use designation to Medium Density Residential and Mixed Commercial will be shown on the revised Future Land Use Map, if approved.
4. **Location of Lakes, Floodplains, and Wetlands:** According to Volusia County's interactive map, the property is located outside of the 100-year floodplain and does not contain any wetlands.
5. **Analysis of Natural Resources:**
 - a. *Soil types:*
 - DeLand-Fine Sand, 0-5% slope
 - Astatula-Fine Sand, 0-8% slope
 - b. *Presence of Endangered Species:*
 - None known of at this time; however, the applicant will be required to submit an environmental report prior to construction.
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 will be addressed on-site.
 - d. *Solid Waste* – Solid waste services are available for the property.

- e. *Transportation* – In order to estimate traffic generation by development on the subject property, Staff must make theoretical projections based on the **most intense** uses that are allowed under the existing future land use designation versus the proposed future land use designation.

North side of Greens Dairy Rd. (10.22 acres)

- Existing VC ULI: Staff estimates that development of the 10.22 acres of property north of Greens Dairy Rd. under the existing land use at its **maximum residential density** of 4 dwelling units per acre, would generate **377** calculated trips per day at build-out, according to Trip Generation by the Institute of Transportation Engineers.
- Proposed MDR: land use designation is approved, at its **maximum residential density** of 12 dwelling units per acre, would generate 1,150 calculated trips per day at build-out, according to Trip Generation by the Institute of Transportation Engineers.

South side of Greens Dairy Rd. (23.33 acres)

- Existing BR: Staff estimates that development of the 23.33 acres of property south of Greens Dairy Rd. under the existing land use designation, at its **maximum commercial intensity** of 70% impervious area, 254,000 sq. ft. of business retail, would generate **9,401** calculated trips per day at build-out, according to Trip Generation by the Institute of Transportation Engineers.
- Proposed MC: Staff estimates that development of the 23.33 acres of property south of Greens Dairy Rd. under the proposed land use designation, at its **maximum residential density** of 10 dwelling units per acre, would generate **2,197** calculated trips per day at build-out, according to Trip Generation by the Institute of Transportation Engineers.

If the *existing* ULI (377 trips) and the *existing* BR (9,401 trips) land uses were to remain, up to **9,778** calculated trips per day would be generated at maximum build-out. However, with theoretical adoption of the *proposed* MDR (1,150 trips) and the *proposed* MC (2,197 trips) land uses, at its **maximum residential density/commercial intensity**, would generate **3,347** calculated trips per day at build-out.

Therefore, the requested land use amendment could result in an decrease of **-6,431** trips per day.

This area of N. Spring Garden Ave./between Plymouth Ave. and International Speedway Blvd., has a current Daily LOS of “C” per 2018 Volusia County Traffic Counts, and has an Allowable LOS of “D”.

- f. Fire/Rescue Service* - The Fire Department states that adequate fire protection can be provided and response time is under 5 minutes.
 - g. Police Service* - The Police Department states that adequate police protection can be provided and response time is approximately 5 minutes.
- 7. **Impact upon Recreation and Open Space:** Per the City's Capital Improvement Element, park facilities shall be provided at a rate of 7 acres per 1,000 residents. If approved for a land use amendment to Medium Density Residential and Mixed Commercial, with a maximum of 355 new dwelling units (with the most intense scenario), anticipated population would be **601** new residents;
- 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 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 a classification permitted by the new land use designation.
- 13. **Will the proposed land use change impact schools?** The Volusia County School Board must review the applicant's concurrency application and issue a finding of adequate school capacity for this project.
- 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) area – shall retain the existing land use and development pattern – *Not Consistent*
 - b. Located in the Urban Core (Category 2) – where the majority of the new, higher intensity growth will take place. – *Consistent*

c. DeLand 2050 Land Use Guidelines:

3. "Concentrate development at the core of the city or at transit oriented sites and corridors. The urban core is the key area to focus development, maintaining a strong job base and taking advantage of existing infrastructure. Locating higher intensity along select corridors or major centers will encourage transit and lessen traffic congestion."

MDR – *Not Consistent (north cf Greens Dairy Rd.)*

MC – *Consistent (south cf Greens Dairy Rd.)*

E. CONCLUSION: The Applicant is proposing an amendment to the future land use designation, with the intention of developing the subject property as a mixed-use townhome and commercial development. The proposed designation is not consistent with the development pattern of the surrounding area.

F. STAFF RECOMMENDATION: Staff recommends denial to amending the subject property's future land use designation to Medium Density Residential (north of Greens Dairy Rd.)

Staff recommends approval to amending the subject property's future land use designation to Mixed Commercial (south of Greens Dairy Rd.)

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

Table 4. Impact Analysis (Theoretical Max.)

Development Variable	Existing Future Land Use	Proposed Future Land Use	Net Change
	(Theoretical Maximum)		
Dwelling Units	40	355	+315
Non-residential (commercial) FAR	254,000 SF	762,000 SF	+508,000 SF
1. Population	98	866	+768
2. P.M. Peak Hour Trips/Daily Trips (residential) (commercial)	(38/377) res. (366/2796) com.	(334/3,347) res. (1,100/6,601) com.	(+296/+2,970) res. (+511/+3,805) com.
3. Sanitary Sewer (gallons per day)	8,000 /25,400	71,000/76,200	+63,000/+50,800
4. Potable Water (gallons per day)	12,000/25,400	106,500/76,200	+94,500/+50,800
5. Solid Waste (pounds per person)	337/2,540	2,937 /7,620	+2,600/+5,080
6. Stormwater Drainage	TBD	TBD	TBD
7. Rec. & Open Space (per person)	.74	6.41	+5.67

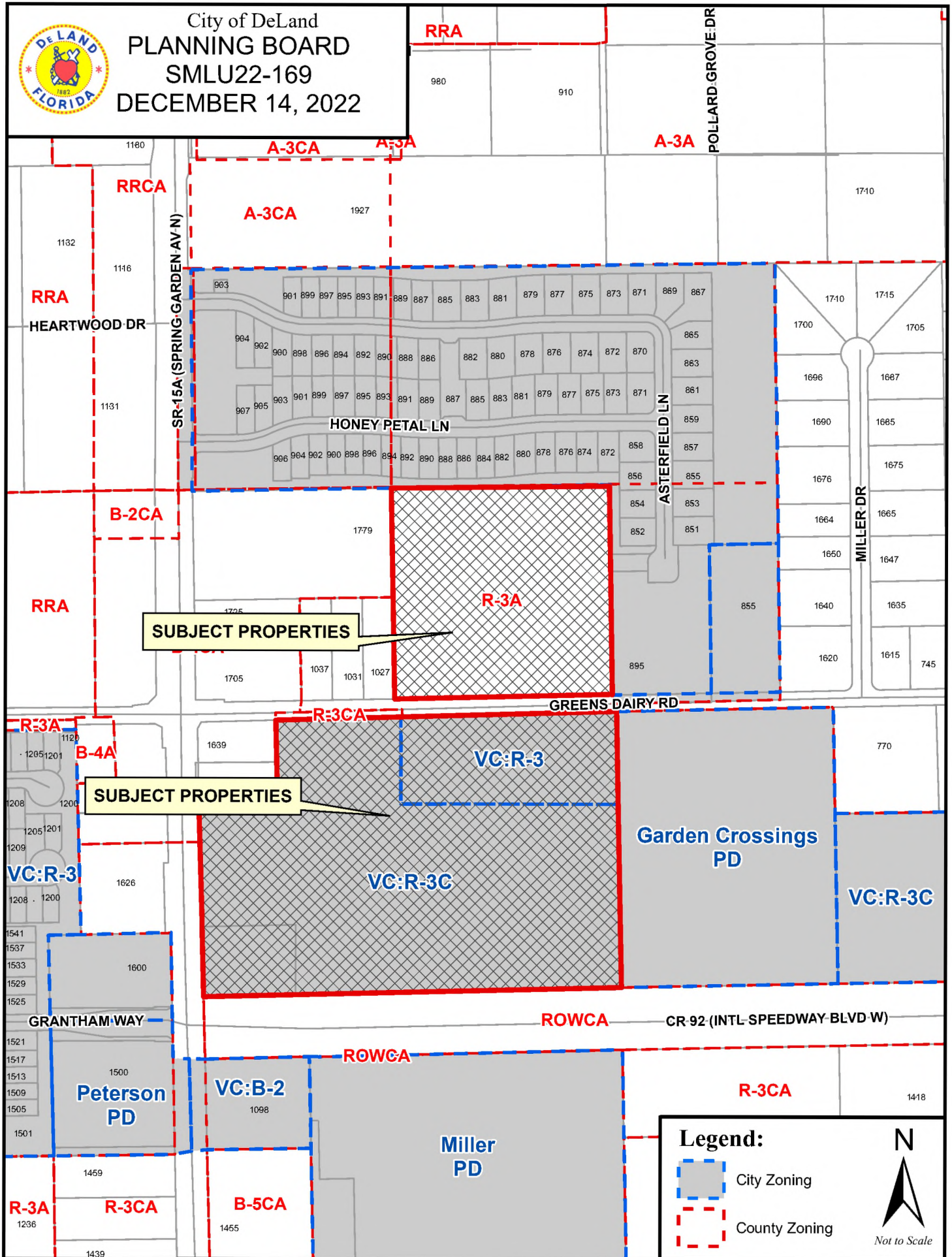
Notes:

- 1. Population: 2.44 persons per household (per 2020 Census)
- 2. Transportation: ITE Trip Generation Manual, 11th Edition:
(res.): 0.94 PM peak hr. trips/DU; and 9.43 daily trips/DU;
(com.): 1.44 PM peak hr. trips/1,000 sq. ft. office; & 10.84 daily trips/1,000 sq. ft. office.
- 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 per 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.



City of DeLand
PLANNING BOARD
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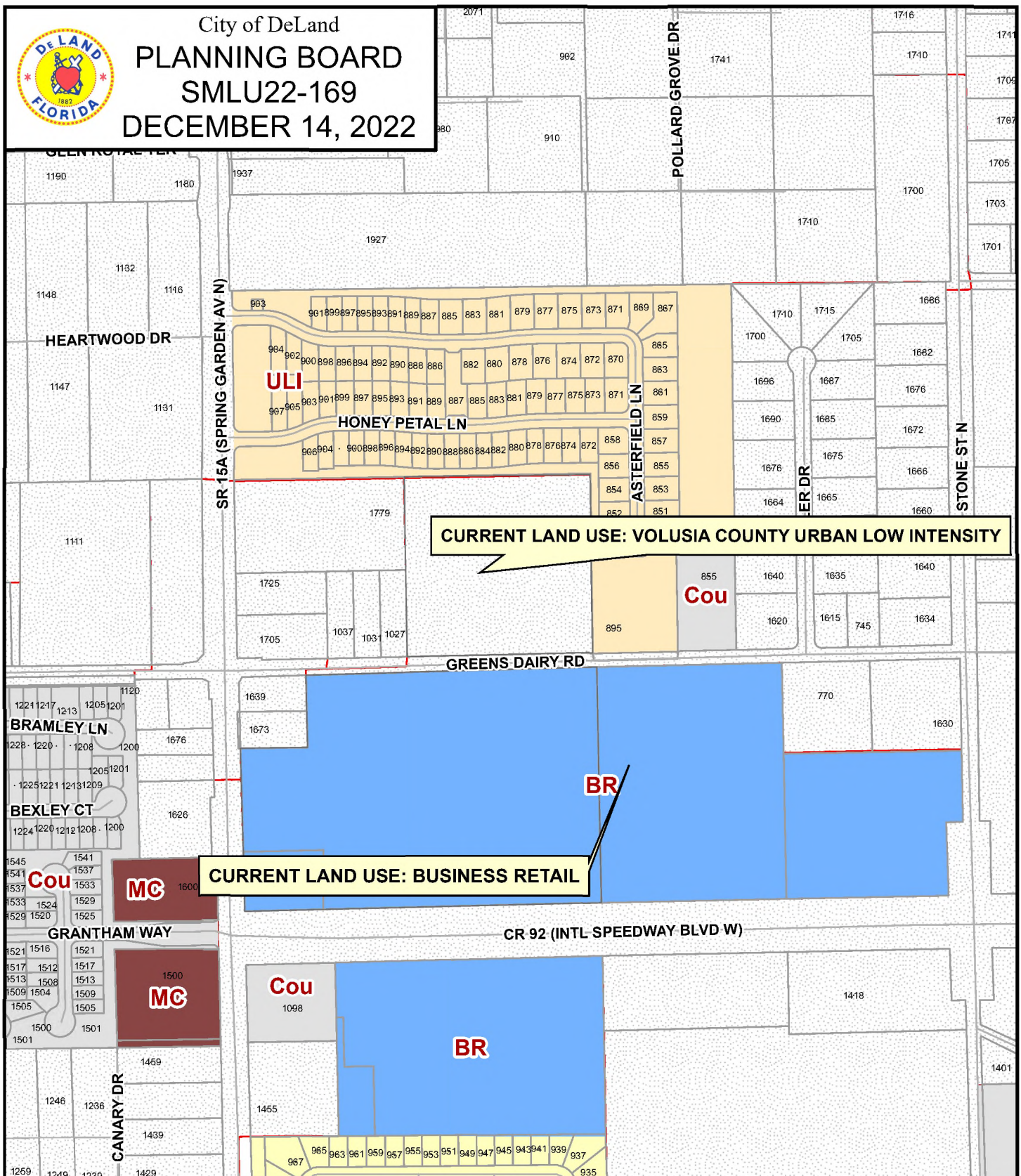


City of DeLand
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City of DeLand
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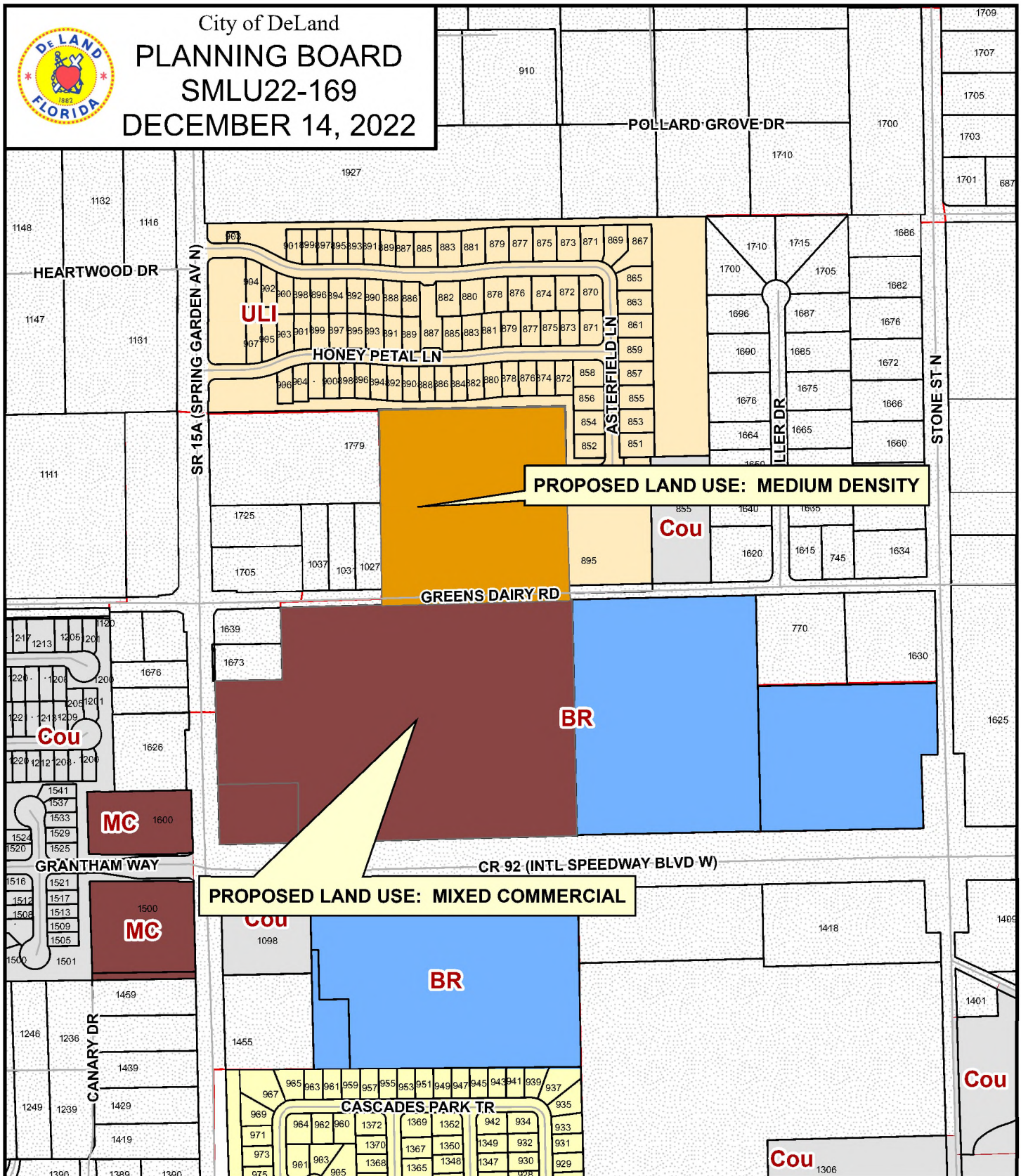
DeLand Future Land Use:

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





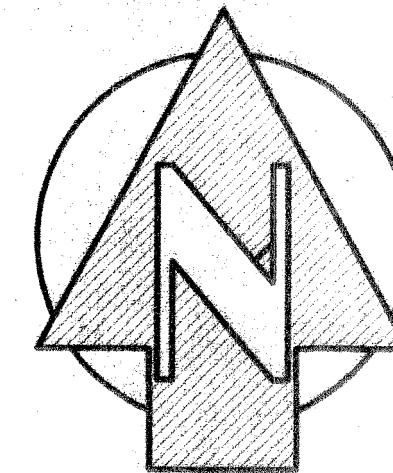
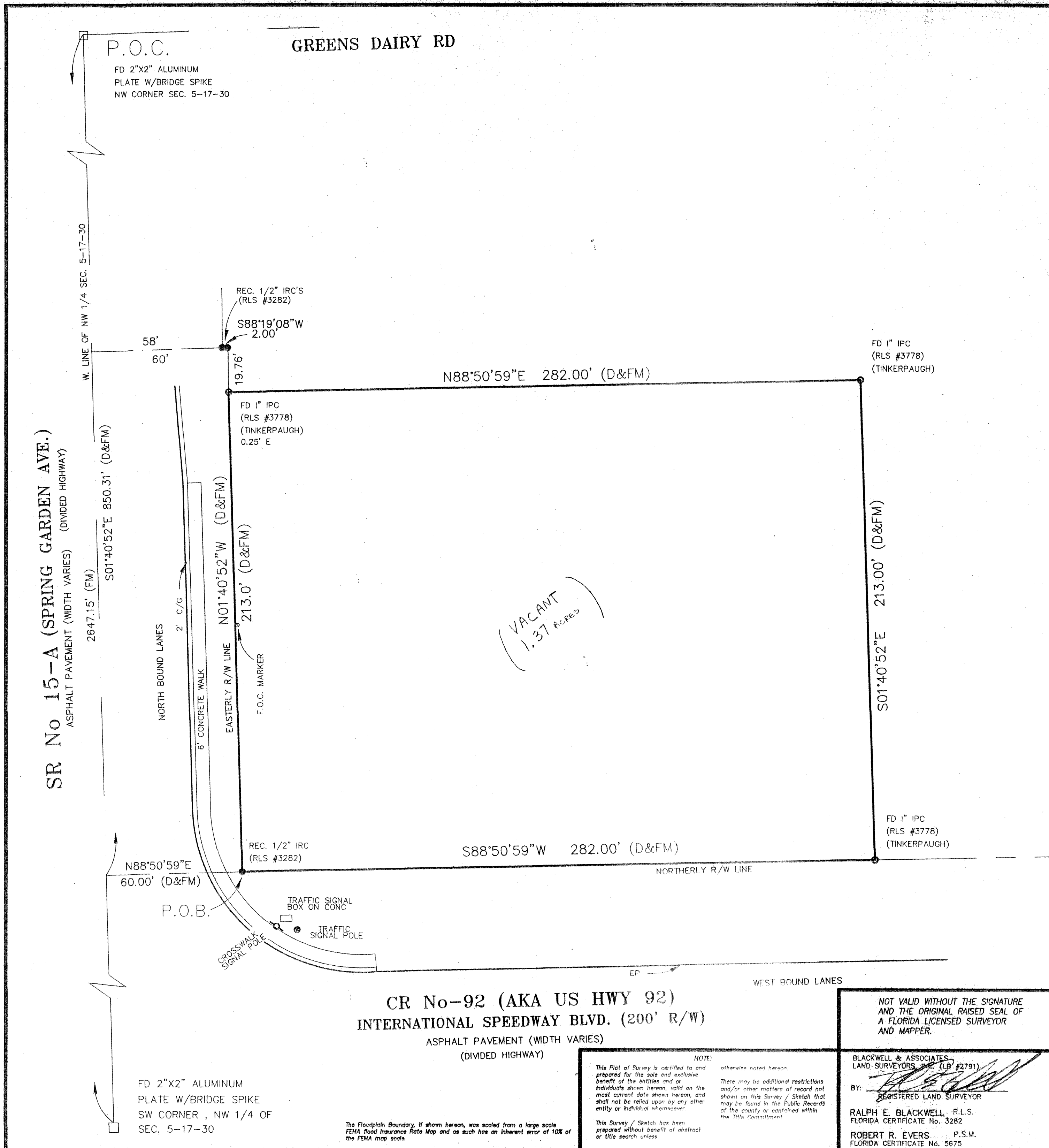
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DeLand Future Land Use:

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





1" = 30'

BEARINGS ARE BASED ON THE WEST LINE OF THE NW 1/4
OF SECTION 5-17-30, BEING S01°40'52"E (PER DEED)

LEGAL DESCRIPTION:

A parcel of land being a portion of the Northwest 1/4 of the
Northwest 1/4 of Section 5, Township 17 South, Range 30 East,
Volusia County, Florida, being more particularly described as
follows:

Commence at the Northwest corner of said Section 5; thence
run South 01°40'52" East along the West line of the Northwest 1/4
of said Section 5 and the centerline of State Road No. 15 A
(Spring Garden Avenue) as depicted on the Florida Department
Right of Way map for State Road 15 A, Section 79160-2511,
for a distance of 850.31 feet; thence departing said centerline,
North 88°50'59" East for a distance of 60.00 feet to the Point
of Beginning; thence North 01°40'52" West along the Easterly
Right of Way line of said State Road No. 15 A for a distance
of 213.00 feet; thence departing said Right of Way, North
88°50'59" East for a distance of 282.00 feet; thence South
01°40'52" East for a distance of 213.00 feet; thence South
88°50'59" West along the North Right of Way line of US
Highway No. 92 (International Speedway Boulevard - 200 foot
Right of Way) for a distance of 282.00 feet to the Point of
Beginning.

NOT VALID WITHOUT THE SIGNATURE
AND THE ORIGINAL RAISED SEAL OF
A FLORIDA LICENSED SURVEYOR
AND MAPPER.

BLACKWELL & ASSOCIATES
LAND SURVEYORS, INC.

P.O. BOX 1013 • ORANGE CITY, FL.
995 W. VOLUSIA AVE. • DELAND, FL. • PH: (386)-734-8050

BOUNDARY SURVEY CERTIFIED TO:

CHESTER F. DEMARSH AS TRUSTEE OF
CHESTER F. DEMARSH REVOCABLE TRUST;
WILLIAM F. DEMARSH;
CHESTER C. DEMARSH;
VOLUSIA TITLE SERVICES, INC.
FIRST AMERICAN TITLE INSURANCE CO.

BLACKWELL & ASSOCIATES
LAND SURVEYORS, INC. (LB #2791)

BY: *[Signature]*
REGISTERED LAND SURVEYOR

RALPH E. BLACKWELL - R.L.S.
FLORIDA CERTIFICATE No. 3282

ROBERT R. EVERS - P.S.M.
FLORIDA CERTIFICATE No. 5675

NOTE:

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

There may be additional restrictions
and/or other matters of record not
shown on this Survey / Sketch that
may be found in the Public Records
of the county or contained within
the Title Commitment.

This Survey / Sketch has been
prepared without benefit of abstract
or title search unless

SYMBOLS :

- = REBAR FOUND (SIZE SHOWN HEREON)
- = 1/2" REBAR & CAP SET
- = 4" CONCRETE MONUMENT & CAP SET
- = CONCRETE MONUMENT FOUND (SIZE SHOWN HEREON)
- = R.L.S. DISC/NAIL FOUND (SIZE SHOWN HEREON)
- = R.L.S. DISC/NAIL SET
- = IRON PIPE FOUND (SIZE SHOWN HEREON)
- = RAILROAD SPIKE FOUND
- = BOLT FOUND (SIZE SHOWN HEREON)
- = P/K NAIL FOUND

DATE : SEPTEMBER 22, 2005
W.O. No. 9-803-05
DRAWN BY : RRE
FIELD BOOK : 577
CADD FILE / FILE No. : 980305

LEGAL DESCRIPTION

(SOUTH PARCEL)

THE NORTHWEST OF THE NORTHWEST OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, LYING 14 OF THE NORTHWEST OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, LYING 14 OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, LYING NORTH OF INTERNATIONAL SPEEDWAY BOULEVARD (C.R. 92), EXCEPT THE NORTH 280 FEET OF THE WEST 300 FEET THEREOF, AND EXCEPT RIGHT-OF-WAY FOR STATE ROAD 15-A; SUBJECT TO RIGHT-OF-WAY FOR GREENS DAIRY ROAD.

LESS

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 5; THENCE RUN SOUTH 01°40'52" EAST ALONG THE WEST LINE OF THE NORTHWEST OF SAID SECTION 5 AND THE CENTERLINE OF STATE ROAD 15 A (SPRING GARDEN AVENUE) AS DEPICTED ON THE 14 OF SAID SECTION 5 AND THE CENTERLINE OF STATE ROAD 15 A (SPRING GARDEN AVENUE) AS DEPICTED ON THE FLORIDA DEPARTMENT RIGHT OF WAY MAP FOR STATE ROAD 15 A, SECTION 79160-2511, FOR A DISTANCE OF 850.31 FEET; THENCE DEPARTING SAID CENTERLINE, NORTH 88°50'59" EAST FOR A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°40'52" WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 15 A FOR A DISTANCE OF 213.00 FEET; THENCE DEPARTING SAID RIGHT OF WAY, NORTH 88°50'59" EAST FOR A DISTANCE OF 282.00 FEET; THENCE SOUTH 01°40'52" EAST FOR A DISTANCE OF 213.00 FEET; THENCE SOUTH 88°50'59" WEST ALONG THE NORTH RIGHT OF WAY LINE OF US HIGHWAY NO. 92 (INTERNATIONAL SPEEDWAY BOULEVARD - 200 FOOT RIGHT OF WAY) FOR A DISTANCE OF 282.00 FEET TO THE POINT OF BEGINNING. CONTAINING 21.95 ACRES, MORE OR LESS.

AND EXCEPT THAT PART DESCRIBED AS FOLLOWS:

COMMENCING AT A RAILROAD SPIKE, WITHOUT IDENTIFICATION, MARKING THE NORTH QUARTER (1/4) CORNER OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA; THENCE S 88°41'44" W ALONG THE NORTH LINE OF THE NORTHWEST QUARTER(1/4) OF SAID SECTION 5 A DISTANCE OF 2656.35 FEET TO A RAILROAD SPIKE, WITHOUT IDENTIFICATION, MARKING THE NORTHWEST CORNER OF SAID SECTION 5, BEING A POINT ON THE CENTERLINE OF SURVEY OF STATE ROAD 15-A, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, FINANCIAL PROJECT NUMBER 240856 1, SECTION 79160-2512; THENCE SOUTH 01°33'53" EAST, ALONG THE CENTERLINE OF SURVEY FOR SAID STATE ROAD 15-A AND THE WEST LINE OF SAID SECTION 5, A DISTANCE OF 618.11 FEET; THENCE DEPARTING SAID CENTERLINE AND WEST LINE OF SECTION 5, NORTH 88°26'07" EAST 50.00 FEET TO THE EASTERLY EXISTING RIGHT-OF-WAY LINE OF SAID STATE ROAD 15-A AND THE POINT OF BEGINNING, THENCE CONTINUE NORTH 88°26'07" EAST ALONG SAID EASTERLY EXISTING RIGHT-OF-WAY LINE 8.00 FEET; THENCE NORTH 01°33'53" WEST PARALLEL WITH SAID CENTERLINE OF SURVEY, 337.84 FEET TO THE SOUTH LINE OF THE SOUTH 125.00 FEET OF THE NORTH 280.00 FEET OF SAID SECTION 5; THENCE ALONG SAID SOUTH LINE SOUTH 88°41'44" WEST 8.00 FEET TO THE EASTERLY EXISTING RIGHT-OF-WAY LINE OF SAID STATE ROAD 15-A; THENCE SOUTH 01°33'53" EAST, ALONG THE SAID EASTERLY EXISTING RIGHT-OF-WAY LIEN OF STATE ROAD 15-A, A DISTANCE OF 337.88 FEET TO THE POINT OF BEGINNING.

(SOUTHWEST PARCEL)

A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 5; THENCE RUN SOUTH $01^{\circ}40'52''$ EAST ALONG THE WEST LINE OF THE EAST ALONG THE WEST LINE OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 5 AND THE CENTERLINE OF STATE ROAD NO. 15 A (SPRING GARDEN AVENUE) AS DEPICTED ON THE FLORIDA DEPARTMENT RIGHT OF WAY MAP FOR STATE ROAD 15 A, SECTION 79160-2511, FOR A DISTANCE OF 850.31 FEET; THENCE DEPARTING SAID CENTERLINE, NORTH $88^{\circ}50'59''$ EAST FOR A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH EAST FOR A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH $01^{\circ}40'52''$ WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 15 A FOR A DISTANCE OF 213.00 FEET; FOR WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 15 A FOR A DISTANCE OF 213.00 FEET; FOR DISTANCE OF 282.00 FEET; THENCE SOUTH $01^{\circ}40'52''$ EAST FOR DISTANCE OF 213.00 FEET; THENCE SOUTH $88^{\circ}50'59''$ WEST ALONG THE EAST FOR DISTANCE OF 213.00 FEET; THENCE SOUTH $88^{\circ}50'59''$ WEST ALONG THE WEST ALONG THE NORTH RIGHT OF WAY LIEN OF US HIGHWAY NO. 92 (INTERNATIONAL SPEEDWAY BOULEVARD - 200 FOOT RIGHT OF WAY) FOR A DISTANCE OF 282.00 FEET TO THE POINT OF BEGINNING.

(NORTH PARCEL)

THE EAST $\frac{1}{2}$ OF THE SOUTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 32, TOWNSHIP 16 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA.

Containing 33.55 acres, more or less.

**PLANNING DEPARTMENT STAFF REPORT
TO
PLANNING BOARD**

December 14, 2022

APPLICATION NO.: Z22-170

APPLICANT: Mark Watts, Cobb Cole

REQUEST: Request to amend the existing zoning designation from Volusia County R-3A, R-3C and R-3 to the Int'l Speedway Townhomes PD

APPLICABLE REGULATIONS:

Article IV OVERLAY AND FLOATING ZONES
Sec. 33-32 – Planned Development District.

Article XIII ADMINISTRATION AND ENFORCEMENT
Sec. 33-135 – Procedure for text amendments & rezoning.

A. SITE FACTORS:

Location: East of N Spring Garden Ave., north and south of Greens Dairy Rd.
Parcel Size: ± 33.55 acres
Land Use: Mixed Commercial & LDR (per staff recommendation)
Existing Zoning: VC: R-3A, VC: R-3C, VC: R-3
Existing Use: Agriculture/undeveloped

	SURROUNDING USE:	SURROUNDING ZONING:
North:	VC: ULI; ULI	Addison Landing PD
South:	BR	VC: B-2; Miller PD
East:	BR; ULI	Addison Landing PD; Garden Crossings PD
West:	ROW (Spring Garden Ave); VC: COM; VC: ULI; MC	VC: R-3CA; VC: R-3A; VC: 4-CA; Colonial Bank PD

B. ANALYSIS:

The proposed development consists of ± 33.55 acres of land located to the north of International Speedway Blvd. and to the east of N. Spring Garden Ave., on both the north and south sides of Greens Dairy Rd. The development plan includes two phases. Phase I includes the construction of up to 202 residential townhomes on 23.6 acres which will be distributed on both the north and south sides of Greens Dairy Rd. Phase II includes approximately 130,000 sq. ft. (on 9.95 acres) of future commercial/retail space located on the southern parcel (s), with frontage on International Speedway Blvd. and N. Spring Garden Ave.

The subject property is currently vacant and undeveloped and lies outside of the 100-year floodplain. The PD agreement addresses environmental considerations with respect to the handling of on-site stormwater by adding language incorporating Low Impact Development (LID) strategies and Best Management Practices (BMP) per the *Florida Green Industries Best Management Practices* handbook and guidelines.

The applicant is requesting to rezone the subject property from VC: R-3A, VC: R-3C, VC: R-3 to Int'l Speedway Townhomes PD.

Per the concept plan, 100 townhome units are proposed on the north 10.22-acre parcel. On the southern parcels, 102 townhome units are proposed, situated on 13.38 acres of property, south of Greens Dairy Rd. On the remaining 9.95 acres of property on the south side of Greens Dairy Rd., a commercial component is being proposed. The commercial area will be limited to a floor area ratio of .30 (130,000 sq. ft.).

Per the proposed development agreement, the project may be developed in one or multiple phases, however, mass clearing and burning are not permitted.



Access to the project will generally follow the PD's concept plan, providing access off of Greens Dairy Rd., N. Spring Garden Ave. and Int'l Speedway Blvd. Additionally, stabilized emergency access will be provided via a connection to Addison Landing to the east, for the northern parcel.

Landscape buffering for the north, east and south boundaries will be provided in accordance with Sec. 33-92.02 of the City's Land Development Code. Where the development abuts Int'l Speedway Blvd. and N. Spring Garden Ave. are within the Emerging Gateway Overlay District and shall follow Sec. 33-36 of the City's Land Development Code. Landscaping will use Florida-Friendly Landscaping as defined by the University of Florida/Institute of Food and Agricultural Sciences (UF/IFAS).

- North landscape buffers: 25' wide, Type C
- South landscape buffers: 20' wide, Type C
- East landscape buffers: 20' wide, Type C
- West landscape buffers: 40' wide, Emerging Gateway Corridor/Type D

On October 22, 2022, the Technical Review Committee recommended that the proposed Planned Development Agreement be forwarded on to the Planning Board, subject to addressing remaining Staff comments.

THE FOLLOWING TRC COMMENTS REMAIN:

Planning Comments:

1. Please describe the covered parking versus surface parking. Will each unit have a garage/carport/driveway, or will this parking be provided elsewhere?
2. PD Agreement pg. 12, line 4: TPA is to be calculated based on gross square footage of the entire site.
3. Min. 40' LS buffer required on ISB & Spring Garden per 33-36.05(c) Emerging Gateway
4. add the ROW and pavement widths.
5. Wrong parcel ID on cover sheet. Should be 700500000430 (*not 700500000186*)

Forestry Comments:

6. If this survey is correct, you may have several historic trees in your project area. Any impacts to historic trees will need to be reviewed by the Tree Advisory Committee and approved by the City Commission.
7. Change "Natural Preservation" areas to Tree Protection Areas or Natural Vegetation Retention Areas to remain consistent with Code language.
8. Due to the resolution of the tree information provided, I cannot determine whether your project will impact specimen or historic trees.

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 zoning classification of Int'l Townhomes Planned Development, as proposed, is not consistent with the Comprehensive Land Use Plan as the density being proposed is too high and does not maintain the existing land use, which conflicts with the city's 2050 Vision Plan. Per the 2050 Vision Plan, for property north of Greens Dairy Rd., it is to maintain its existing land use and development pattern.

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

The site is undeveloped, has no indication of wetlands and lies outside of the 100-year flood zone. 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, especially once the commercial component is built.

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 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?

New residential growth and development patterns of the area support a rezoning of the property to PD to allow for a mixture of uses, as proposed. However, the density being proposed for the acreage on the north side of Greens Dairy Rd. is too high and is not compatible with the immediate surrounding area or the city's 2050 Vision Plan.

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 is not anticipated to have a negative effect on the value of the area, as the proposed development provides more choices for housing in the area and would provide residents nearby with access to goods and services, without the need to travel.

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

Impacts upon public health, safety and welfare will be somewhat positive for the purposes of providing much-needed housing for the community. However, the increased traffic on Greens Dairy Rd. will require substantial improvements to the roadway and will change the character of the immediate area considerably. This would especially affect the residents currently living on Greens Dairy Rd.

C. CONCLUSION:

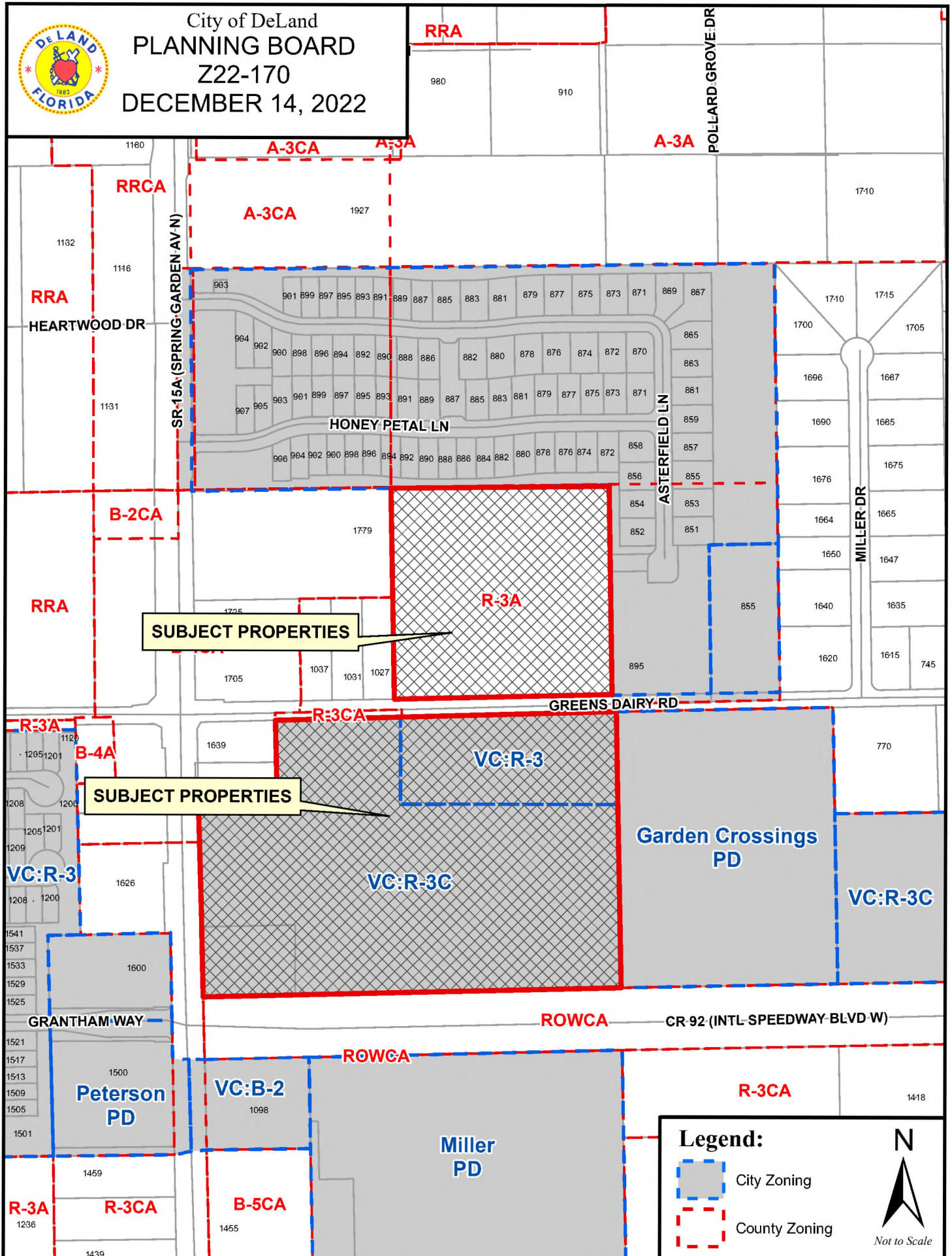
The Applicant is proposing a rezoning from VC: R-3A, VC: R-3C, VC: R-3 to Int'l Speedway Townhomes PD in order to develop the subject properties into a mixed-use development with both residential and commercial components.

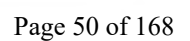
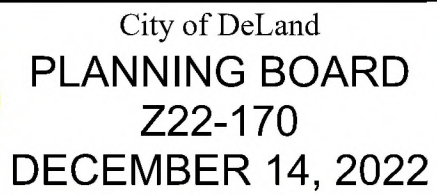
D. STAFF RECOMMENDATION:

Staff recommends that the Planning Board forward the request to rezone the subject property from VC: R-3A, VC: R-3C, VC: R-3 to Int'l Speedway Townhomes PD, recommending denial, due to the substantial increase in density being proposed that is incompatible with the surrounding area and with the city's 2050 Vision Plan.



City of DeLand
PLANNING BOARD
Z22-170
DECEMBER 14, 2022





1 PLANNED DEVELOPMENT AGREEMENT

2 IN THE CITY COMMISSION OF THE

3 CITY OF DELAND, FLORIDA

4 IN RE: Case # Z22-____, Application of

5 INT'L SPEEDWAY TH, LLC.

6 ORDINANCE # _____
7

8 ORDER AND RESOLUTION

9 GRANTING A REQUEST FOR CHANGE OF ZONING FROM VOLUSIA COUNTY (VC)

10 R-3A AND R-3C TO INT'L SPEEDWAY TOWNHOMES PD PLANNED UNIT

11 DEVELOPMENT ("INT'L SPEEDWAY TOWNHOMES PD")
12
13

14 The application of INT'L SPEEDWAY TH, LLC, hereinafter, "Applicant", for
15 rezoning was heard by and before the City Commission, DeLand Florida, on _____.

16 Based upon the verified Application and other supporting documents, maps, charts,
17 overlays, other evidence and instruments; the advice, report, and recommendations of
18 the Community Development, and other Departments and agencies of DeLand, Florida;
19 and the testimony adduced and evidence received at the Public Hearing on this
20 Application by the Planning Board on _____ and otherwise being fully advised, the City
21 Commission does hereby find and determine as follows:
22

GENERAL FINDINGS

A. That the application of INT'L SPEEDWAY TH, LLC was duly and properly filed herein on August 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 all or a portion of 33.55 +/- 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 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, I-4 Howland Investments, LLC and Greens Dairy, 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 parcel(s) described in Exhibit "A" from Volusia County R-3A and R-3C to INT'L SPEEDWAY TOWNHOMES 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 ____, 2022, AS FOLLOWS:

A. That the Application of INT'L SPEEDWAY TH, 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 R-3A and R-3C to INT'L SPEEDWAY TOWNHOMES 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(s) to INT'L SPEEDWAY TOWNHOMES PD.
3

4 D. That the City of DeLand Land Development Regulations Ordinance No.
5 2002-09, as amended, is consistent with the provisions of the "Development Agreement"
6 as 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
9 No. 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
14 Development Regulations Ordinance No. 2013-11, as amended, shall apply to the INT'L
15 SPEEDWAY TOWNHOMES PD.
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
20 City of DeLand Land Development Regulations, Ordinance No. 2013-11, as amended.
21 Further, nothing in the Development Agreement is intended to abridge the requirements
22 of Ordinance No. 2013-11, as amended, and any other City Ordinances.
23
24

DEVELOPMENT AGREEMENT

A. Development Concept. The +/- 33.55-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 Zev Cohen & Associates, Inc. and dated August 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 or Final 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 plat and/or final site plan, as applicable, 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.

1 Notwithstanding the previous sentence, the construction of no more than
2 four (4) dwelling units, including model homes and office space, as well as the
3 infrastructure necessary to support said homes, said infrastructure including but not
4 limited to stabilized road base for access and water service to said dwelling units, shall
5 be permitted prior to the recording of either the final plat or the area to be subdivided.
6 Notwithstanding the foregoing, no certificates of occupancy will be awarded to any of said
7 dwelling units until such time that the final plat(s) are recorded in the public records.

8
9 B. Unified Ownership. The Applicant or its successors shall maintain unified
10 ownership of the subject parcel until after approval and recording of the final plat or final
11 site plan.

12
13 C. Phases of Development. The project may be developed in one or more
14 than one phase, as more specifically detailed on the plan attached hereto as Exhibit "B"
15 and the phases may occur in any order. Grading may occur per phase. No burning shall
16 be permitted on site. No vertical construction or combustibles may be stored onsite until
17 the utilities and roads have been inspected and approved by utilities/engineering and fire
18 prevention. Each phase may maintain its agricultural use until the time of Final site plan
19 approval.

20
21 D. Land Uses Within the PD. The development of the parcel(s) shall be
22 consistent with the uses prescribed for each area within the proposed INT'L SPEEDWAY
23 TOWNHOMES PD. The location and size of said land use areas are shown on the
24 Development Plan Map, Exhibit "B".

Permitted Uses within Residential Area:

Family day care home.

Mini and neighborhood parks.

Townhomes.

Multiple-family dwellings.

Two-family dwellings and duplexes.

Community uses including but not limited to clubhouse, playground.

cabana, pool, community garden, mail kiosk, trash compactor, dog park,

and sports courts.

Agricultural uses.

Permitted Uses within Proposed Future Development Tract:

Convenience stores, with or without gas pumps and with or without car

washes.

General/Professional Offices.

Financial Institutions.

Medical office.

Laboratories, hospitals and clinics.

Nursing homes and adult congregate living facilities.

Mailbox and shipping shops.

Copying, printing and lithography.

Beauty salons, barbershops and day spas.

Day care facilities, adult or child.

Hotels.

Bed and breakfast inn.

- 1 Catering services.
- 2 Storage facilities.
- 3 Fitness center.
- 4 Indoor and outdoor motion picture exhibition.
- 5 Restaurants, including fast food and/or drive through facilities.
- 6 Bakery, pastry, gourmet, coffee and specialty beverage shops (retail).
- 7 Retail sales.
- 8 Parks, mini and neighborhood.
- 9 Vehicle repair and services.
- 10 Car washes.
- 11 Pharmacies.
- 12 Agricultural uses.

13

14 E. Development Standards.

15 Residential Structures:

- 16 1. Minimum lot area: 1,000 sf
- 17 2. Minimum lot width: 20 feet
- 18 3. Minimum lot depth: 50 feet
- 19 4. Minimum building setbacks:
 - 20 a. Front yard: 20 ft.
 - 21 b. Rear yard: 10 ft.
 - 22 c. Side yard: 0 ft.
 - 23 d. Between buildings
 - 24 (side to side): 15 ft.

- 1 e. Between buildings 20 ft.
2 (front to front or rear to rear):
3 f. Street side yard: 10 ft.
4 g. Minimum floor area: 575 sq. ft.
5 h. Maximum building height: 35 ft.
6 5. Accessory structures: Not permitted
7 6. Maximum number of units: 215
8 7. Off-Street Parking: There will be one (1) covered parking space for
9 each unit. There will be two (2) additional surface parking spaces
10 provided per unit. An additional 0.3 guest parking spaces per unit will
11 be provided within the residential area. Enforcement of parking and
12 maintenance of the access road shall be the responsibility of a
13 centrally managed maintenance association.
14 Proposed Future Development Tract: The Proposed Future Development Tract
15 may be developed as an additional phase of the Residential Area pursuant to the
16 Residential Structures lot development criteria described above or may be
17 developed pursuant to the site development criteria detailed below:
18 1. Maximum building height: 50 ft.
19 2. Maximum FAR: 0.30
20 3. Minimum lot area: 20,000 square ft.
21 4. Minimum lot width: 200 ft.
22 5. Minimum lot depth: 100 ft.
23 6. Minimum building setbacks:
24 a. Front Yard: 20 ft.

- b. Rear Yard: 10 ft.
- c. Side Yard: 5 ft.
- d. Between buildings: 20 ft.
- e. Perimeter building setback: 10 ft.

Site:

1. Landscaping and buffer requirements: All landscaping on the Property, including but not limited to landscaping located within buffers, shall predominantly utilize Florida-Friendly Landscaping, as defined by the University of Florida/Institute of Food and Agricultural Sciences ("UF/IFAS") Center for Landscape Conservation and Ecology, native, or low-water plant material. In addition, the following buffer requirements shall apply to the Property:

North, South, East, and West Landscape Buffers – Northern Residential Property

For the northern property above Green's Dairy Road, a 25 ft. buffer will run along all sides of the perimeter. The buffers shall meet the planting requirements of Buffer Standard "B" per Section 33-92.02(b)(2) of the City of DeLand Land Development Regulations.

North, South, East, and West Landscape Buffers – Southern Residential Property

A 25 ft. buffer will run along the north, south, east, and west sides of the southern residential portion of the Property and will meet Buffer Standard “C” of Section 33-92.02(b)(2) of the City of DeLand Land Development Regulations.

1 Proposed Future Development Tract Buffers:

2 The landscape buffers adjacent to right of way along the Proposed
3 Future Development Tract is to be consistent with Type “C” with a
4 minimum of 20 feet unless the area abuts International Speedway
5 Boulevard or Spring Garden Road, which requires a Type “D”,
6 minimum 40 feet buffer. There shall be no side or rear landscape
7 buffers required for parcels within the Proposed Future Development
8 Tract.

9 Existing vegetation within the buffers will be preserved to the extent
10 possible; however, changing the grade within the proposed landscape
11 buffer will be permitted, provided that the graded area will be replanted
12 using Florida-Friendly Landscaping, as defined by the University of
13 Florida/Institute of Food and Agricultural Sciences (“UF/IFAS”) Center for
14 Landscape Conservation and Ecology, native, or low-water plant material
15 and may use a combination of saved and planted material to meet this
16 standard.

17 2. Signage: Signage for the INT’L SPEEDWAY TOWNHOMES PD
18 shall be provided per the Land Development Regulations, however, each
19 parcel on the Future Development Tract shall be entitled to an individual
20 sign.

21 3. Impervious surface: Impervious surface for the INT’L SPEEDWAY
22 TOWNHOMES PD shall not exceed 60% for the entire Property, rather than
23 per site plan or area. Open space for the INT’L SPEEDWAY TOWNHOMES
24 PD shall be a minimum of 20% for the entire Property, rather than per site

1 plan or area. Common green space, as depicted on the Development Plan
2 Map, shall be provided throughout the development. The following are
3 permitted, but not required uses for the green space and amenity areas:
4 community garden, picnic area, playground, greenspace lawn, dog park,
5 sports courts, cabana area, and pool.
6

7 F. Environmental Considerations. The development shall comply with the
8 requirements for preservation of environmental resources as set forth in the Land
9 Development Regulations Ordinance No. 2013-11, as amended, unless specifically
10 stated herein. Tree Protection Areas preserving a minimum of 15% of the overall
11 Property, excluding any required right-of-way dedication areas, shall be maintained as
12 shown on Exhibit "B". For the purpose of payment for tree replacement and preservation,
13 Developer shall pay tree replacement costs for each phase of the project at the time of
14 subdivision or site plan approval for that phase. The development shall include landscape
15 designs such that plants will serve environmentally friendly functions including, but not
16 limited to, cooling, privacy screening, shade, aesthetics, wildlife habitat, runoff pollution
17 prevention, and directing traffic flow onto and within the community, such as low impact
18 development standards. All mulching will be conducted in accordance with the most
19 current version of the Florida Green Industries Best Management Practices (BMPs)
20 handbook guidelines. Mowing in common areas shall be done in accordance with the
21 most current version of the Florida Green Industries BMPs handbook and by certified
22 landscaping contractors. Mowing adjacent to swales shall be performed such that no
23 clippings are deposited into any swales or water bodies. All clippings that may have been
24 deposited on impervious surfaces will be swept back into the vegetated area. All pesticide

1 applications in common areas shall be done by a certified professional in accordance with
2 the most current version of the Florida Green Industries BMPs handbook.

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

9
10 H. Stormwater Drainage. Provision for stormwater retention shall be in
11 accordance with the Land Development Regulations Ordinance No. 2013-11, as
12 amended. General locations of the stormwater retention areas are shown on the
13 Development Plan Map but the location and sizes of the same may be modified during
14 engineering.

15
16 I. Access and Transportation System Improvements. All access and
17 transportation system improvements shall be provided in accordance with the Land
18 Development Regulations, Ordinance No. 2013-11, as amended. The parcel shall be
19 developed in substantial accordance with the following access and transportation system
20 improvements:

21 1. Access. Access to the site will be from Green's Dairy Road, Spring
22 Garden Avenue/SR 15A and US HWY 92/International Speedway Boulevard. The
23 Development Plan Map indicates the anticipated connection locations; however, the final
24 locations may vary due to final engineering design and permitting considerations. No

1 movement of the streets are allowed until approved by the fire prevention division of the
2 City to ensure access. The development must always meet height/weight/slope and
3 turning radius of apparatus.

4 2. Transportation System Improvements. Transportation system
5 improvements will be provided as required by permitting agencies and shall be
6 constructed based on the phase of development.

7
8 J. Internal Roadways. Road rights-of-way will be developed as detailed on
9 the Development Plan Map attached as Exhibit "B". All internal roads will be private and
10 may be gated and will be maintained by a management entity. If access to the internal
11 roadways is gated, appropriate emergency access equipment as required by the Fire
12 Marshall will be included in the specifications provided during preliminary plat or site plan
13 review.

14
15 K. Maintenance Association. The applicant shall provide for a centrally
16 managed maintenance entity to serve residents of the INT'L SPEEDWAY TOWNHOMES
17 PD and perform the ongoing duties set forth herein.

18 With respect to the enforcement of said agreements, covenants, easements or
19 restrictions entered into between the applicant and the owners or occupiers of property
20 within the INT'L SPEEDWAY TOWNHOMES PD, the City of DeLand shall only enforce
21 the provisions of the "Development Agreement" and City of DeLand Land Development
22 Regulations Ordinance No. 2013-11, as amended, whichever is applicable, and not the
23 private agreements entered into between the aforementioned parties.

1 L. Reverter Provision: The City Commission may rezone any portion of the
2 project which has not secured a final development order on or before 10 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 M. Binding Effect of Plans; Recording; and Effective Date. The Planned
8 Development Plan, including any and all amendments shall bind and inure to the benefit
9 of the Applicant and his successor in title or interest. The INT'L SPEEDWAY
10 TOWNHOMES PD zoning, provisions of the "Development Agreement," and all approved
11 plans shall run with the land and shall be administered in a manner consistent with Article
12 XII of the City of DeLand Land Development Regulations Ordinance No. 2013-11, as
13 amended.

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

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

1 ATTEST:

City Commission of DeLand Florida

2
3
4 Michael Pleus
5 City Manager

Robert Apgar
Mayor

6
7
8
9 STATE OF FLORIDA

10 CITY OF DELAND

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 Michael Pleus and Robert Apgar, as City
15 Manager and Mayor, City of DeLand, respectively, on behalf of the City of
16 DeLand, and who are personally known to me.
17

18
19 NOTARY PUBLIC, STATE OF FLORIDA

20 Type or Print Name:

21 _____
22 Commission No.: _____

23 My Commission Expires: _____

1 WITNESSES:

INT'L SPEEDWAY TH, LLC

2
3
4 _____

_____ , *Manager*

5
6
7 _____

8
9
10
11 The foregoing instrument was acknowledged before me by means of ☐
12 physical presence or ☐ online notarization this _____ day of
13 _____ (mo/yr), by _____, Manager of INT'L
14 SPEEDWAY TH, LLC, who is personally known to me or who has produced
15 _____ as identification.
16
17

18 NOTARY PUBLIC, STATE OF FLORIDA

19 Type or Print Name:

20 _____

21 Commission No.: _____

22 My Commission Expires: _____
23
24
25

1 WITNESSES:
2
3
4
5
6
7
8
9
10
11
12

I-4 Howland Investments, LLC

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

20 NOTARY PUBLIC, STATE OF FLORIDA

21 Type or Print Name:

22 _____
23 Commission No.: _____

24 My Commission Expires: _____
25
26

Greens Dairy, LLC

NOTARY PUBLIC, STATE OF FLORIDA

Commission No.: _____

My Commission Expires:_____

1 **EXHIBIT "A"**

2
3 **LEGAL DESCRIPTION**

4
5 **(SOUTH PARCEL)**

6 THE NORTHWEST OF THE NORTHWEST OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA
7 COUNTY, FLORIDA, LYING 14 OF THE NORTHWEST OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST,
8 VOLUSIA COUNTY, FLORIDA, LYING 14 OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA
9 COUNTY, FLORIDA, LYING NORTH OF INTERNATIONAL SPEEDWAY BOULEVARD (C.R. 92), EXCEPT THE
10 NORTH 280 FEET OF THE WEST 300 FEET THEREOF, AND EXCEPT RIGHT-OF-WAY FOR STATE ROAD 15-A;
11 SUBJECT TO RIGHT-OF-WAY FOR GREENS DAIRY ROAD.

12
13 LESS

14
15 COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 5; THENCE RUN SOUTH 01°40'52" EAST
16 ALONG THE WEST LINE OF THE NORTHWEST OF SAID SECTION 5 AND THE CENTERLINE OF STATE ROAD
17 15 A (SPRING GARDEN AVENUE) AS DEPICTED ON THE 14 OF SAID SECTION 5 AND THE CENTERLINE OF
18 STATE ROAD 15 A (SPRING GARDEN AVENUE) AS DEPICTED ON THE FLORIDA DEPARTMENT RIGHT OF
19 WAY MAP FOR STATE ROAD 15 A, SECTION 79160-2511, FOR A DISTANCE OF 850.31 FEET; THENCE
20 DEPARTING SAID CENTERLINE, NORTH 88°50'59" EAST FOR A DISTANCE OF 60.00 FEET TO THE POINT OF
21 BEGINNING; THENCE NORTH 01°40'52" WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID STATE
22 ROAD NO. 15 A FOR A DISTANCE OF 213.00 FEET; THENCE DEPARTING SAID RIGHT OF WAY, NORTH
23 88°50'59" EAST FOR A DISTANCE OF 282.00 FEET; THENCE SOUTH 01°40'52" EAST FOR A DISTANCE OF
24 213.00 FEET; THENCE SOUTH 88°50'59" WEST ALONG THE NORTH RIGHT OF WAY LINE OF US HIGHWAY
25 NO. 92 (INTERNATIONAL SPEEDWAY BOULEVARD - 200 FOOT RIGHT OF WAY) FOR A DISTANCE OF 282.00
26 FEET TO THE POINT OF BEGINNING. CONTAINING 21.95 ACRES, MORE OR LESS.

27
28 AND EXCEPT THAT PART DESCRIBED AS FOLLOWS:

29
30 COMMENCING AT A RAILROAD SPIKE, WITHOUT IDENTIFICATION, MARKING THE NORTH QUARTER (1/4)
31 CORNER OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA; THENCE S
32 88°41'44" W ALONG THE NORTH LINE OF THE NORTHWEST QUARTER(1/4) OF SAID SECTION 5 A
33 DISTANCE OF 2656.35 FEET TO A RAILROAD SPIKE, WITHOUT IDENTIFICATION, MARKING THE
34 NORTHWEST CORNER OF SAID SECTION 5, BEING A POINT ON THE CENTERLINE OF SURVEY OF STATE
35 ROAD 15-A, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP,
36 FINANCIAL PROJECT NUMBER 240856 1, SECTION 79160-2512; THENCE SOUTH 01°33'53" EAST, ALONG
37 THE CENTERLINE OF SURVEY FOR SAID STATE ROAD 15-A AND THE WEST LINE OF SAID SECTION 5, A
38 DISTANCE OF 618.11 FEET; THENCE DEPARTING SAID CENTERLINE AND WEST LINE OF SECTION 5, NORTH
39 88°26'07" EAST 50.00 FEET TO THE EASTERLY EXISTING RIGHT-OF-WAY LINE OF SAID STATE ROAD 15-A
40 AND THE POINT OF BEGINNING, THENCE CONTINUE NORTH 88°26'07" EAST ALONG SAID EASTERLY
41 EXISTING RIGHT-OF-WAY LINE 8.00 FEET; THENCE NORTH 01°33'53" WEST PARALLEL WITH SAID
42 CENTERLINE OF SURVEY, 337.84 FEET TO THE SOUTH LINE OF THE SOUTH 125.00 FEET OF THE NORTH
43 280.00 FEET OF SAID SECTION 5; THENCE ALONG SAID SOUTH LINE SOUTH 88°41'44" WEST 8.00 FEET TO
44 THE EASTERLY EXISTING RIGHT-OF-WAY LINE OF SAID STATE ROAD 15-A; THENCE SOUTH 01°33'53" EAST,
45 ALONG THE SAID EASTERLY EXISTING RIGHT-OF-WAY LIEN OF STATE ROAD 15-A, A DISTANCE OF 337.88
46 FEET TO THE POINT OF BEGINNING.

47
48 **(SOUTHWEST PARCEL)**

49 A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 5,
50 TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY

DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 5; THENCE RUN SOUTH 01°40'52" EAST ALONG THE WEST LINE OF THE EAST ALONG THE WEST LINE OF THE NORTHWEST ¼ OF SAID SECTION 5 AND THE CENTERLINE OF STATE ROAD NO. 15 A (SPRING GARDEN AVENUE) AS DEPICTED ON THE FLORIDA DEPARTMENT RIGHT OF WAY MAP FOR STATE ROAD 15 A, SECTION 79160-2511, FOR A DISTANCE OF 850.31 FEET; THENCE DEPARTING SAID CENTERLINE, NORTH 88°50'59" EAST FOR A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH EAST FOR A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°40'52" WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 15 A FOR A DISTANCE OF 213.00 FEET; FOR WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 15 A FOR A DISTANCE OF 213.00 FEET; FOR DISTANCE OF 282.00 FEET; THENCE SOUTH 01°40'52" EAST FOR DISTANCE OF 213.00 FEET; THENCE SOUTH 88°50'59" WEST ALONG THE EAST FOR DISTANCE OF 213.00 FEET; THENCE SOUTH 88°50'59" WEST ALONG THE WEST ALONG THE NORTH RIGHT OF WAY LIEN OF US HIGHWAY NO. 92 (INTERNATIONAL SPEEDWAY BOULEVARD - 200 FOOT RIGHT OF WAY) FOR A DISTANCE OF 282.00 FEET TO THE POINT OF BEGINNING.

(NORTH PARCEL)

THE EAST 1/2 OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 16 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA.

1
2
3

EXHIBIT "B"
MASTER PLAN

CITY OF DELAND - VOLUSIA COUNTY, FL
MASTER PLANS



LONGBRANCH DEVELOPMENT
122 MAGNOLIA STREET
SPARTANBURG, SC 29306
PHONE NUMBER: (704) 724-7019
FAX NUMBER
CONTACT PERSON: BRETT BASNIGHT
e-mail: bbasnigh@longbranchdevelopment.com

ZEY COHEN AND ASSOCIATES, INC.
300 INTERCHANGE BOULEVARD, SUITE C
ORMOND BEACH, FL 32174
PHONE NUMBER: (386) 677-2482
FAX NUMBER: (386) 677-2505
CONTACT PERSON: RANDY HUDAK, P.E.
e-mail: rhudak@zeycohen.com

BLACKWELL & ASSOCIATES LAND SURVEYORS,
INC.
995 WEST VOLUSIA AVENUE
DELAND, FL 32720
PHONE NUMBER: 734-8050
FAX NUMBER: (386) 734-7660
CONTACT PERSON: RALPH BLACKWELL, R.L.S.
e-mail: info@blackwellsurveying.com

ZEVE COHEN AND ASSOCIATES, INC.
300 INTERCHANGE BOULEVARD, SUITE C
ORMOND BEACH, FL 32174
PHONE NUMBER: (386) 677-2482
FAX NUMBER: (386) 776-2505
CONTACT PERSON: JAKE STEHR, R.L.A.
e-mail: jstehr@zevecohen.com

COBB & COLE
231 N. WOODLAND BOULEVARD
DELAND, FL 32720
PHONE NUMBER: (386) 736-7700
FAX NUMBER: (386) 785-1549
CONTACT PERSON: MARK WATTS
email: mark.watts@cobbcole.com

THIS PROJECT INCLUDES THE REZONING AND ANNEXATION OF 33.56 ACRES. PROJECT SHALL INCLUDE COMMERCIAL AND MULTIFAMILY USES.

[illegible]

VICINITY MAP
SCALE: 1" = 1000'



SOILS MAP
SCALE: 1" = 400'

THE SITE LIES WITHIN THE FOLLOWING VOLUSIA COUNTY SOIL CLASSIFICATIONS:
4 ASTATULA FINE SAND; 0 TO 8 PERCENT SLOPES - HSG: A
19 DELAND FINE SAND; 0 TO 5 PERCENT SLOPES - HSG: A
61 ST. JOHNS FINE SAND - HSG: B/D



ZONING MAP
SCALE: 1" = 400'

CURRENT ZONING FOR THIS SITE IS: RES AND R-3



FLOOD ZONE MAP
SCALE: 1" = 400'

THE PROPERTY LIES IN:
FLOOD ZONE X PER FEMA MAP #12127C0465H

SHEET INDEX	
C1	COVER SHEET
C2	OVERALL DEVELOPMENT EXHIBIT
C3	OPEN SPACE EXHIBIT
C4	TREE PRESERVATION EXHIBIT

THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, LYING NORTH OF INTERNATIONAL SPEEDWAY BOULEVARD (C.R. 92), EXCEPT THE NORTH 280 FEET OF THE WEST 300 FEET THEREOF, AND EXCEPT RIGHT-OF-WAY FOR STATE ROAD 15-A; SUBJECT TO RIGHT-OF-WAY FOR GREENS DAIRY ROAD.

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 5, THENCE RUN N 60° 02' 00" EAST ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 5 AND THE CENTERLINE OF STATE ROAD 15 A (SPRING GARDEN AVENUE) AS DEPICTED ON THE FORTY-NINE (49) PARCEL MAP OF WAY MAP FOR STATE ROAD 15 A, SECTION 17960-2017, FOR A DISTANCE OF 860.31 FEET; THENCE S 0° 00' 00" EAST ALONG THE CENTERLINE OF SAID STATE ROAD 15 A FOR A DISTANCE OF 450.50 FEET TO THE POINT OF BEGINNING; THENCE NORTH 15° 00' 00" WEST ALONG THE "RASTER" STYLE OF WAY LINE OF SAID STATE ROAD NO. 15 A FOR A DISTANCE OF 213.00 FEET; THENCE DEPARTING SAID RIGHT OF WAY, NORTH 88° 50' 59" EAST FOR A DISTANCE OF 282.80 FEET; THENCE SOUTH 02° 02' 00" EAST FOR A DISTANCE OF 213.00 FEET; THENCE SOUTH 88° 50' 59" WEST ALONG THE NORTH RIGHT OF WAY OF LINE OF US HIGHWAY NO. 92 (CENTRAL AVENUE), SKEWED BY 0.000 - 200 FOOT RIGHT OF WAY FOR A DISTANCE OF 282.80 FEET TO THE POINT OF BEGINNING, CONTAINING 21.30 ACRES, MORE OR LESS.

AND EXCEPT THAT PART DESCRIBED AS FOLLOWS:

[illegible]

(SOUTHWEST PARCEL)

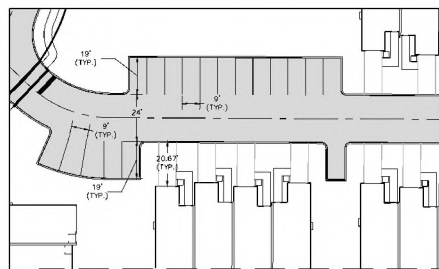
A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLusia COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 5; THENCE RUN SOUTH 01°40'52" EAST ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 5 AND THE CENTERLINE OF STATE ROAD NO. 15 (A SPRING GARDEN AVENUE) AS DEPICTED ON THE PLAT OF THE CENTERLINE OF SAID STATE ROAD NO. 15, FOR A DISTANCE OF 893.31 FEET; THENCE TURN 90° WEST, DEPARTING SAID CENTERLINE, NORTH 86°50'59" EAST FOR A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°40'52" WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 15 A FOR A DISTANCE OF 213.00 FEET; THENCE SOUTH 01°40'52" WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 15 A FOR A DISTANCE OF 282.00 FEET; THENCE SOUTH 01°40'52" EAST FOR A DISTANCE OF 213.00 FEET; THENCE SOUTH 86°50'59" WEST ALONG THE CENTERLINE OF THE RIGHT OF WAY OF THE INTERNATIONAL SPEEDWAY BOULEVARD - 300 FOOT RIGHT OF WAY) FOR A DISTANCE OF 282.00 FEET TO THE POINT OF BEGINNING.

(NORTH PARCEL)

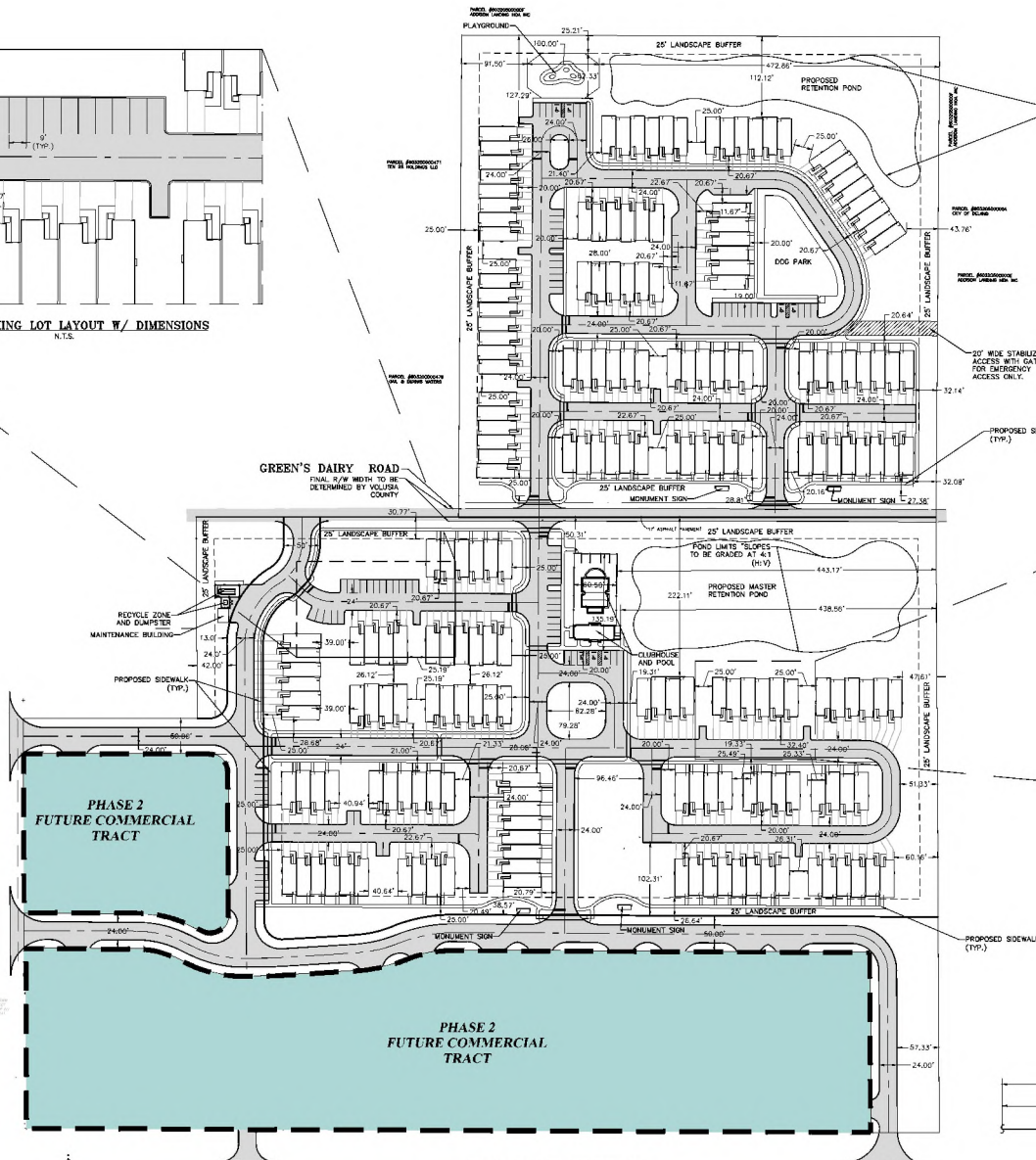
THE EAST 1/2 OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 16 SOUTH, RANGE 30 EAST, VOLUSA COUNTY, FLORIDA.

EXHIBIT-B

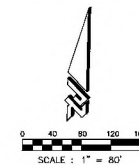


TYPICAL PARKING LOT LAYOUT W/ DIMENSIONS
N.T.S.

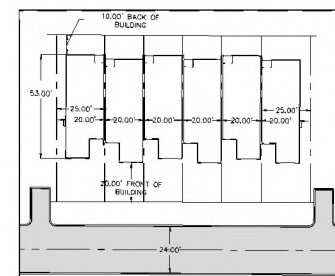
GREEN'S DAIRY ROAD
FINAL 6' W/ WIDTH TO BE
DETERMINED BY VOLusia COUNTY



CR No-92 (AKA US HWY 92)
INTERNATIONAL SPEEDWAY BLVD. (200' R/W)

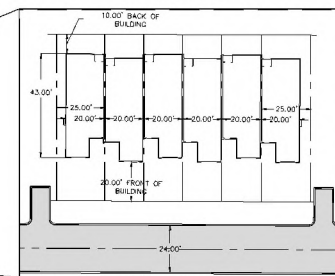


NOTE:
RETENTION AREAS SHOWN SHALL BE SHARED
BETWEEN THE RESIDENTIAL AND COMMERCIAL
AREAS.



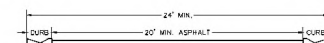
TYPICAL REAR LOAD 6 UNIT BUILDING

SCALE : 1"=30'



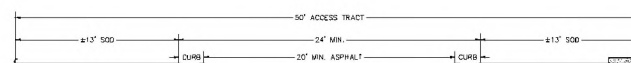
TYPICAL FRONT LOAD 6 UNIT BUILDING

SCALE : 1"=30'



TYPICAL INTERNAL ROADWAY
CROSS SECTION

SCALE : N.T.S.



TYPICAL 50' ACCESS TRACT
CROSS SECTION

SCALE : N.T.S.



CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

PROJECT NO. 2023-001
DATE: 10/20/23
BY: J. COHEN
CHECKED BY: J. COHEN
APPROVED BY: J. COHEN

INTERNATIONAL SPEEDWAY
TOWNHOMES
MASTER PLANS
OVERALL DEVELOPMENT
EXHIBIT

PROJECT NO. 2023-001

DESIGNED BY: RH

DRAWN BY: GH

CHECKED BY: RH

DATE: 10/20/23

PROJECT: 2023-001

SHEET: 2023-001

SCALE: 1"=80'

DATE: 10/20/23

PROJECT: 2023-001

SHEET: 2023-001

SCALE: 1"=80'

DATE: 10/20/23

PROJECT: 2023-001

SHEET: 2023-001

SCALE: 1"=80'

DATE: 10/20/23

PROJECT: 2023-001

SHEET: 2023-001

SCALE: 1"=80'

DATE: 10/20/23

PROJECT: 2023-001

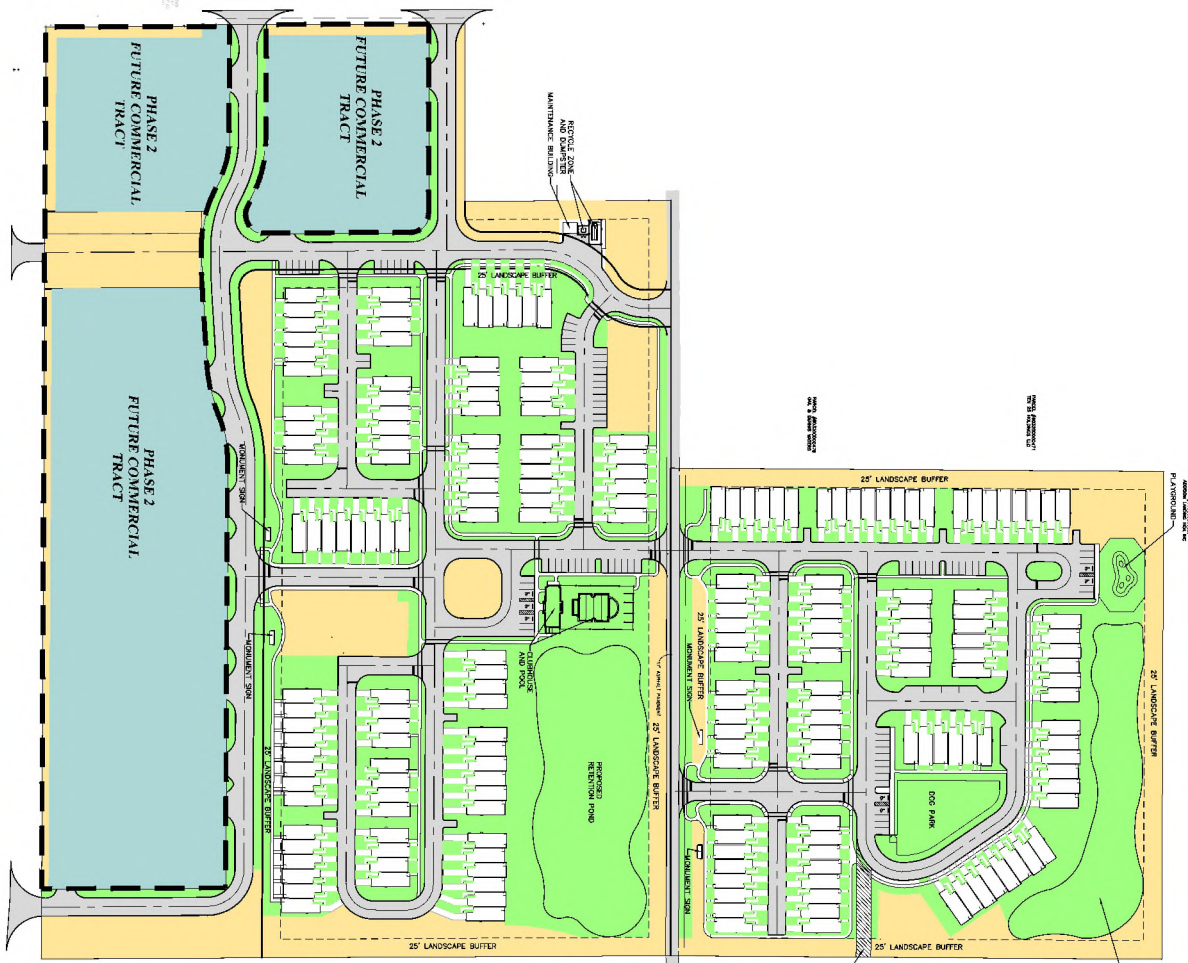
SHEET: 2023-001

SCALE: 1"=80'

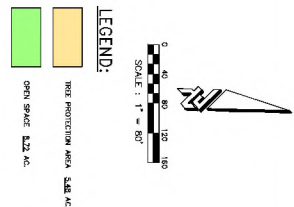
DATE: 10/20/23

PROJECT: 2023-001

SR No 15-A (SPRING GARDEN AVE.)



CR No-92 (AKA US HWY 92)
INTERNATIONAL SPEEDWAY BLVD. (200' R/W)



LEGEND:

OPEN SPACE 8.72 AC.

TREE PROTECTION AREA 5.42 AC.

TOTAL
OPEN SPACE &
NATURAL PRESERVATION
AREA 14.2 AC.

**INTERNATIONAL SPEEDWAY
TOWNHOMES
MASTER PLANS
OPEN SPACE EXHIBIT**

CITY OF DELAND

VOLUSIA COUNTY, FLORIDA

[illegible]

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION





INTERNATIONAL SPEEDWAY
TOWNHOMES
MASTER PLANS
TREE PRESERVATION EXHIBIT

CITY OF DELAWARE

PROJECT NO. 10-11-2016
DESIGNED BY: ZEV COHEN & ASSOCIATES, INC.
DRAWN BY: ZEV COHEN & ASSOCIATES, INC.
CHECKED BY: ZEV COHEN & ASSOCIATES, INC.
DATE: 10-11-2016

NO. 10-11-2016
BY: ZEV COHEN & ASSOCIATES, INC.
REVISION: 10-11-2016

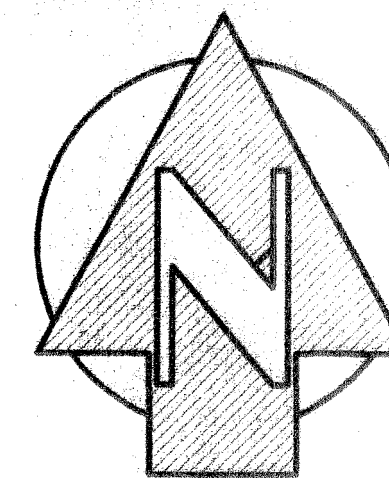
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

ZEV COHEN & ASSOCIATES, INC.
10-11-2016 10:00:00 AM
WWW.ZEVCOHEN.COM

P.O.C.

FD 2"x2" ALUMINUM
PLATE W/BRIDGE SPIKE
NW CORNER SEC. 5-17-30

GREENS DAIRY RD



1" = 30'

BEARINGS ARE BASED ON THE WEST LINE OF THE NW 1/4
OF SECTION 5-17-30, BEING S01°40'52"E (PER DEED)

LEGAL DESCRIPTION:

A parcel of land being a portion of the Northwest 1/4 of the Northwest 1/4 of Section 5, Township 17 South, Range 30 East, Volusia County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 5; thence run South 01°40'52" East along the West line of the Northwest 1/4 of said Section 5 and the centerline of State Road No. 15 A (Spring Garden Avenue) as depicted on the Florida Department Right of Way map for State Road 15 A, Section 79160-2511, for a distance of 850.31 feet; thence departing said centerline, North 88°50'59" East for a distance of 60.00 feet to the Point of Beginning; thence North 01°40'52" West along the Easterly Right of Way line of said State Road No. 15 A for a distance of 213.00 feet; thence departing said Right of Way, North 88°50'59" East for a distance of 282.00 feet; thence South 01°40'52" East for a distance of 213.00 feet; thence South 88°50'59" West along the North Right of Way line of US Highway No. 92 (International Speedway Boulevard - 200 foot Right of Way) for a distance of 282.00 feet to the Point of Beginning.

SR No 15-A (SPRING GARDEN AVE.)
ASPHALT PAVEMENT (WIDTH VARIES) (DIVIDED HIGHWAY)

W. LINE OF NW 1/4 SEC. 5-17-30

2647.15' (FM)
S01°40'52"E 850.31' (D&FM)

NORTH BOUND LANES

2' C/G

6' CONCRETE WALK

EASTERLY R/W LINE (D&FM)

N01°40'52"W (D&FM)

F.O.C. MARKER

N88°50'59"E
60.00' (D&FM)

P.O.B.

CROSSWALK
SIGNAL POLE

TRAFFIC SIGNAL
BOX ON CONC
TRAFFIC
SIGNAL POLE

FD 2"x2" ALUMINUM
PLATE W/BRIDGE SPIKE
SW CORNER, NW 1/4 OF
SEC. 5-17-30

CR No-92 (AKA US HWY 92)
INTERNATIONAL SPEEDWAY BLVD. (200' R/W)
ASPHALT PAVEMENT (WIDTH VARIES)
(DIVIDED HIGHWAY)

The Floodplain Boundary, if shown hereon, was scaled from a large scale FEMA Flood Insurance Rate Map and as such has an inherent error of 10% of the FEMA map scale.

NOTE:

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

This Survey / Sketch has been prepared without benefit of abstract or title search unless

otherwise noted hereon.
There may be additional restrictions and/or other matters of record not shown on this Survey / Sketch that may be found in the Public Records of the county or contained within the Title Commitment.

NOT VALID WITHOUT THE SIGNATURE
AND THE ORIGINAL RAISED SEAL OF
A FLORIDA LICENSED SURVEYOR
AND MAPPER.

BLACKWELL & ASSOCIATES
LAND SURVEYORS, INC. (LB #2791)

BY: *[Signature]*
REGISTERED LAND SURVEYOR

RALPH E. BLACKWELL - R.L.S.
FLORIDA CERTIFICATE No. 3282

ROBERT R. EVERS - P.S.M.
FLORIDA CERTIFICATE No. 5675

BLACKWELL & ASSOCIATES
LAND SURVEYORS, INC.

P.O. BOX 1013 • ORANGE CITY, FL.
995 W. VOLUSIA AVE. • DELAND, FL. • PH: (386)-734-8050

BOUNDARY SURVEY CERTIFIED TO:

CHESTER F. DEMARSH AS TRUSTEE OF
CHESTER F. DEMARSH REVOCABLE TRUST;
WILLIAM F. DEMARSH;
CHESTER C. DEMARSH;
VOLUSIA TITLE SERVICES, INC.
FIRST AMERICAN TITLE INSURANCE CO.

SYMBOLS:

- = REBAR FOUND (SIZE SHOWN HEREON)
- = 1/2" REBAR & CAP SET
- = 4"x4" CONCRETE MONUMENT & CAP SET
- = CONCRETE MONUMENT FOUND (SIZE SHOWN HEREON)
- = R.L.S. DISC/NAIL FOUND (SIZE SHOWN HEREON)
- = R.L.S. DISC/NAIL SET
- = IRON PIPE FOUND (SIZE SHOWN HEREON)
- = RAILROAD SPIKE FOUND
- = BOLT FOUND (SIZE SHOWN HEREON)
- = P/K NAIL FOUND

DATE: SEPTEMBER 22, 2005
W.O. No. 9-803-05
DRAWN BY: RRE
FIELD BOOK: 577
CADD FILE / FILE No.: 980305

VOLUSIA COUNTY PARCEL #7005-0000-0160

SYMBOLS :

- = REBAR FOUND
- = 1/2" REBAR
- = 4"x4" CONC.
- = CONCRETE M
- = R.L.S. DISC/
- = R.L.S. DISC/
- = IRON PIPE P
- ◆ = RAILROAD SP
- = BOLT FOUND
- = P/K NAIL F

DATE :
W.O. No.
DRAWN BY :
FIELD BOOK :

Page 78 of 16

LEGAL DESCRIPTION

(SOUTH PARCEL)

THE NORTHWEST OF THE NORTHWEST OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, LYING 14 OF THE NORTHWEST OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, LYING 14 OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, LYING NORTH OF INTERNATIONAL SPEEDWAY BOULEVARD (C.R. 92), EXCEPT THE NORTH 280 FEET OF THE WEST 300 FEET THEREOF, AND EXCEPT RIGHT-OF-WAY FOR STATE ROAD 15-A; SUBJECT TO RIGHT-OF-WAY FOR GREENS DAIRY ROAD.

LESS

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 5; THENCE RUN SOUTH 01°40'52" EAST ALONG THE WEST LINE OF THE NORTHWEST OF SAID SECTION 5 AND THE CENTERLINE OF STATE ROAD 15 A (SPRING GARDEN AVENUE) AS DEPICTED ON THE 14 OF SAID SECTION 5 AND THE CENTERLINE OF STATE ROAD 15 A (SPRING GARDEN AVENUE) AS DEPICTED ON THE FLORIDA DEPARTMENT RIGHT OF WAY MAP FOR STATE ROAD 15 A, SECTION 79160-2511, FOR A DISTANCE OF 850.31 FEET; THENCE DEPARTING SAID CENTERLINE, NORTH 88°50'59" EAST FOR A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°40'52" WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 15 A FOR A DISTANCE OF 213.00 FEET; THENCE DEPARTING SAID RIGHT OF WAY, NORTH 88°50'59" EAST FOR A DISTANCE OF 282.00 FEET; THENCE SOUTH 01°40'52" EAST FOR A DISTANCE OF 213.00 FEET; THENCE SOUTH 88°50'59" WEST ALONG THE NORTH RIGHT OF WAY LINE OF US HIGHWAY NO. 92 (INTERNATIONAL SPEEDWAY BOULEVARD - 200 FOOT RIGHT OF WAY) FOR A DISTANCE OF 282.00 FEET TO THE POINT OF BEGINNING. CONTAINING 21.95 ACRES, MORE OR LESS.

AND EXCEPT THAT PART DESCRIBED AS FOLLOWS:

COMMENCING AT A RAILROAD SPIKE, WITHOUT IDENTIFICATION, MARKING THE NORTH QUARTER (1/4) CORNER OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA; THENCE S 88°41'44" W ALONG THE NORTH LINE OF THE NORTHWEST QUARTER(1/4) OF SAID SECTION 5 A DISTANCE OF 2656.35 FEET TO A RAILROAD SPIKE, WITHOUT IDENTIFICATION, MARKING THE NORTHWEST CORNER OF SAID SECTION 5, BEING A POINT ON THE CENTERLINE OF SURVEY OF STATE ROAD 15-A, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, FINANCIAL PROJECT NUMBER 240856 1, SECTION 79160-2512; THENCE SOUTH 01°33'53" EAST, ALONG THE CENTERLINE OF SURVEY FOR SAID STATE ROAD 15-A AND THE WEST LINE OF SAID SECTION 5, A DISTANCE OF 618.11 FEET; THENCE DEPARTING SAID CENTERLINE AND WEST LINE OF SECTION 5, NORTH 88°26'07" EAST 50.00 FEET TO THE EASTERLY EXISTING RIGHT-OF-WAY LINE OF SAID STATE ROAD 15-A AND THE POINT OF BEGINNING, THENCE CONTINUE NORTH 88°26'07" EAST ALONG SAID EASTERLY EXISTING RIGHT-OF-WAY LINE 8.00 FEET; THENCE NORTH 01°33'53" WEST PARALLEL WITH SAID CENTERLINE OF SURVEY, 337.84 FEET TO THE SOUTH LINE OF THE SOUTH 125.00 FEET OF THE NORTH 280.00 FEET OF SAID SECTION 5; THENCE ALONG SAID SOUTH LINE SOUTH 88°41'44" WEST 8.00 FEET TO THE EASTERLY EXISTING RIGHT-OF-WAY LINE OF SAID STATE ROAD 15-A; THENCE SOUTH 01°33'53" EAST, ALONG THE SAID EASTERLY EXISTING RIGHT-OF-WAY LIEN OF STATE ROAD 15-A, A DISTANCE OF 337.88 FEET TO THE POINT OF BEGINNING.

(SOUTHWEST PARCEL)

A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 5; THENCE RUN SOUTH 01°40'52" EAST ALONG THE WEST LINE OF THE EAST ALONG THE WEST LINE OF THE NORTHWEST ¼ OF SAID SECTION 5 AND THE CENTERLINE OF STATE ROAD NO. 15 A (SPRING GARDEN AVENUE) AS DEPICTED ON THE FLORIDA DEPARTMENT RIGHT OF WAY MAP FOR STATE ROAD 15 A, SECTION 79160-2511, FOR A DISTANCE OF 850.31 FEET; THENCE DEPARTING SAID CENTERLINE, NORTH 88°50'59" EAST FOR A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH EAST FOR A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°40'52" WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 15 A FOR A DISTANCE OF 213.00 FEET; FOR WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 15 A FOR A DISTANCE OF 213.00 FEET; FOR DISTANCE OF 282.00 FEET; THENCE SOUTH 01°40'52" EAST FOR DISTANCE OF 213.00 FEET; THENCE SOUTH 88°50'59" WEST ALONG THE EAST FOR DISTANCE OF 213.00 FEET; THENCE SOUTH 88°50'59" WEST ALONG THE WEST ALONG THE NORTH RIGHT OF WAY LIEN OF US HIGHWAY NO. 92 (INTERNATIONAL SPEEDWAY BOULEVARD - 200 FOOT RIGHT OF WAY) FOR A DISTANCE OF 282.00 FEET TO THE POINT OF BEGINNING.

(NORTH PARCEL)

THE EAST 1/2 OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 16 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA.

Containing 33.55 acres, more or less.

PLANNING DEPARTMENT STAFF REPORT TO THE CITY OF DELAND PLANNING BOARD December 14, 2022

A. APPLICATION NO.: Z22-171 Spring Garden Townhomes PD

APPLICANT: Mark Watts, Cobb Cole,
REQUEST: The applicant is requesting to amend the zoning
 From: C-2 (General Commercial)
 To: Spring Garden Townhomes PD

To change the zoning from C-2 to PUD for residential and commercial.

APPLICABLE ORDINANCES:

Article XII ADMINISTRATION AND ENFORCEMENT

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

Location: N. Spring Garden Ave. (#700700000043)

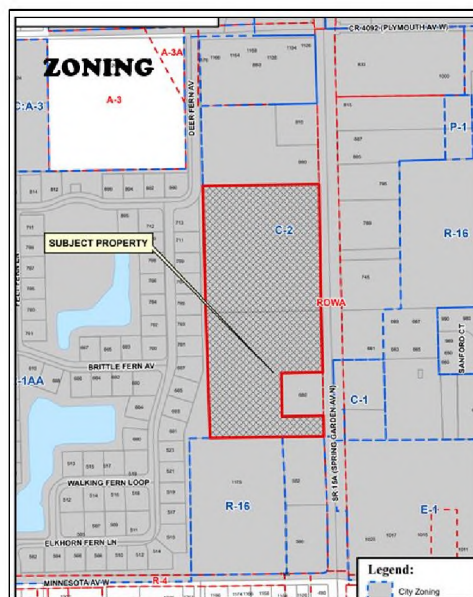
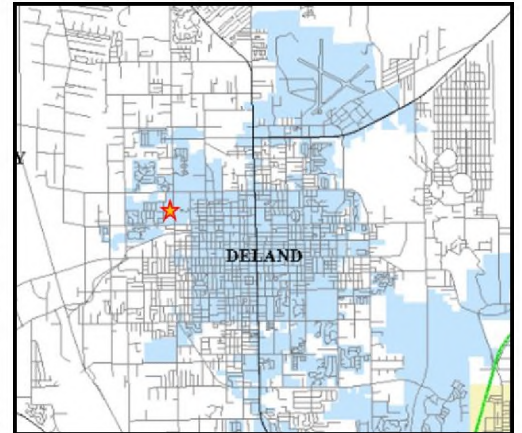
Parcel Size: 14.74± acres

Existing Use: Undeveloped

B. ANALYSIS:

This is an application rezoning a 14.74 acre property that is to be developed as a mixed-use development with a 90-unit multi-family residential project and a separate 1.4-acre portion of the tract to be used for commercial development.

The site, located on the west side of the city limits, along Spring Garden Avenue south of Plymouth and north of Minnesota, is currently vacant, undeveloped and heavily vegetated. Surrounding uses include a single-family residential neighborhood to the west, commercially zoned property to the north and along the east side of Spring Garden and commercial and multi-family zoned property directly adjacent to the south. A commercial property, in use as an automobile repair shop, is located amongst the acreage to be rezoned.



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 Highway Commercial. As outlined in the city's comprehensive plan, it is described as follows:

HIGHWAY COMMERCIAL DESIGNATION

Description: This land use designation includes office uses, service-oriented and commercial establishments which provide retail and related goods and services to local/sub-regional and regional markets. These types of centers include neighborhood convenience, neighborhood, community, and regional shopping centers. Maximum coverage of impervious surface is limited to 70% of the site. Although residential land uses may be included in this designation, such developments shall be limited to multiple family and manufactured housing developments. Single-family residential land uses are incompatible with this designation.

General Type of Development:

- o Multifamily residential development up to 16 DU/A
- 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. General characteristics include: 3,000 to 5,000 square feet; access to adjacent residential areas via sidewalk; and location may be part of existing multifamily structure.
- o Neighborhood Shopping Centers - a neighborhood shopping center is compatible with all types of residential development, recreation, and open space uses. The following descriptions present the general characteristics of small and typical neighborhood shopping centers.
 - Small Neighborhood Shopping Center. Major tenants include a variety or outlet store with a personal service or convenience store serving as an anchor. The travel time is up to three minutes, since the radius of the market area is approximately up to .5 mile and the gross leasable area is 5,000 to 30,000 square feet on 1/2 to 3 acres. The number of stores range from 2 to 5.
 - Typical Neighborhood Shopping Center. A supermarket or drug store serves as a major tenant with other stores serving convenience goods and personal service for the day-to-day living needs.
- o Community Shopping Center - the major tenant is a supermarket or junior department store, a major variety store, or a discount operation. Compatible land uses include banking, professional office, recreation, and in some instances, multifamily, where appropriate. Travel time to the center may be up to 20 minutes, with a market area of 3 to 5 miles. The average size is 100,000 to 300,000 square feet on 10 or more acres. The number of stores ranges from 15 to 40, or more.
- o Regional Shopping Center - the major tenant includes one or more major department stores of at least 100,000 square feet, providing items such as general merchandise, furniture, and home furnishings.

Compatible land uses include multifamily dwellings, office, motels/hotels, recreation, and vegetative buffer strips. The travel time to the center can be up to 30 minutes, with a market area of 8 miles or more. The average size ranges from 30 to 50 acres, with 300,000 to 1,000,000 square feet or more. The number of stores can range up to 80.

The existing zoning designation is described as follows:

C-2—General Commercial District

- (a) Statement of intent. The purpose of this zoning district is to provide for the general retail and service needs of the DeLand area. The uses that are permitted will draw from a wider area than the uses allowed in the neighborhood commercial zoning district.

The proposed zoning designation is generally described as follows:

Spring Garden Townhomes 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.	C-2	Spring Garden Townhomes PD
Min. lot area	9,000 s.f.	1000 sq. ft.
Min. width	75 ft.	20 ft.
Setbacks		
Front	20 ft.	20 ft.
Rear	25 ft./10 ft.	10 ft.
Sides	25 ft./10 ft.	0 ft.
Side -street	20 ft.	n/a
Max density	16 upa	6.1 upa
Min. floor area		500 s.f.
Max. lot coverage	0	70% (imp)
Max. bldg height	80 ft.	45 ft.
Max. bldg. coverage	60/70%	0.2

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. The applicant has indicated that low impact development practices will be used in the development of the property to minimize any environmental impacts. The presence of any wildlife will be investigated so that any adverse impacts can be avoided.

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 site development of residential and commercial uses on the site which will impact 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 the city's Utility Service Area and utilities will be readily available to the property.

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 Spring Garden corridor is a state highway and serves primarily as a commercial corridor. There are uses permitted in the highway commercial land use that provide a transition of uses between the commercial uses and the single-family uses in the area. The rezoning of this property provides the opportunity to develop those transitional uses.

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?

The proposed rezoning will change the uses that are permitted on the site. Although there are several permitted uses included in the development agreement, including a few that are currently not permitted by the existing zoning, the current zoning designation allows more uses than what the proposed PD will permit as shown below:

C-2 Permitted uses	Spring Garden Townhomes PD Uses
Bakery, pastry, gourmet, coffee and specialty beverage shops (retail) Beauty salons, barbershops and day spas Convenience stores without gas pumps Day care facilities, adult or child Drugstores and pharmacies Dry cleaning and laundry, retail Financial Institutions Furniture, appliances—retail General/Professional Offices Grocery Home improvement store Hospitals Hotels or motels and associated accessory uses, including restaurant and conference facilities Laboratories, hospitals and clinics Medical clinics over 5,000 square feet Medical Office Parks, mini and neighborhood Restaurants including fast food and/or drive through facilities Retail sales Tailor shops and shoe repair	Permitted Uses within Commercial Area: Bakery, pastry, gourmet, coffee and specialty beverage shops (retail). Beauty salons, barbershops and day spas. Convenience stores without gas pumps. Day care facilities, adult or child. Drugstores and pharmacies. Dry cleaning and laundry. Financial Institutions. Furniture, appliances retail. General/Professional Offices. Grocery. Home improvement store. Hospitals. Hotels or motels and associated accessory uses including restaurant and conference facilities. Laboratories, hospitals and clinics. Medical clinics. Medical office. Parks, mini and neighborhood. Restaurants including fast food and/or drive through facilities. Retail sales. Tailor shops and shoe repair.
Banquet facilities, Catering services Bed and breakfast inn Boarding houses Bowling alleys, billiard parlors, skating rinks and indoor recreation and amusement facilities and museums Business colleges, professional or commercial schools Churches, houses of worship and religious institutions with customary accessory educational and recreational uses Commercial parking lot Convalescent, rest and nursing homes; institutions and homes for children, the aged and disabled Copying, printing and lithography Dry cleaning and laundry, self-service Government and public land uses and buildings Greenhouses, nurseries and landscaping sales – retail Mailbox and shipping shops Mortuary, funeral homes and crematoriums Museums Music, dance, gymnasium, art school or studio, excluding discotheques Nursing homes and adult congregate living facilities Organized physical activity center- predominately scheduled instruction Pest control and exterminating services Swimming pool sales, installation and service Theatres and assembly halls Upholstering and reupholstering Used materials, sales, thrift or pawn shops; not including junk yard	Added/New uses Convenience stores with gas pumps. Pet shops and pet grooming with no overnight boarding of animals. Restaurants and establishments serving alcohol requiring a DBPR 2COP, 3PS or 4COP license with special class. Virtual Kitchen. Permitted Uses within Residential Area: Community uses including but not limited to clubhouse, cabana, dog park, community garden, and bicycle facilities. Mini and neighborhood parks. Multiple-family dwellings and duplexes. Two-family dwellings and duplexes. Prohibited Uses within Residential Area: Lanai/Florida room as an accessory structure.

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:

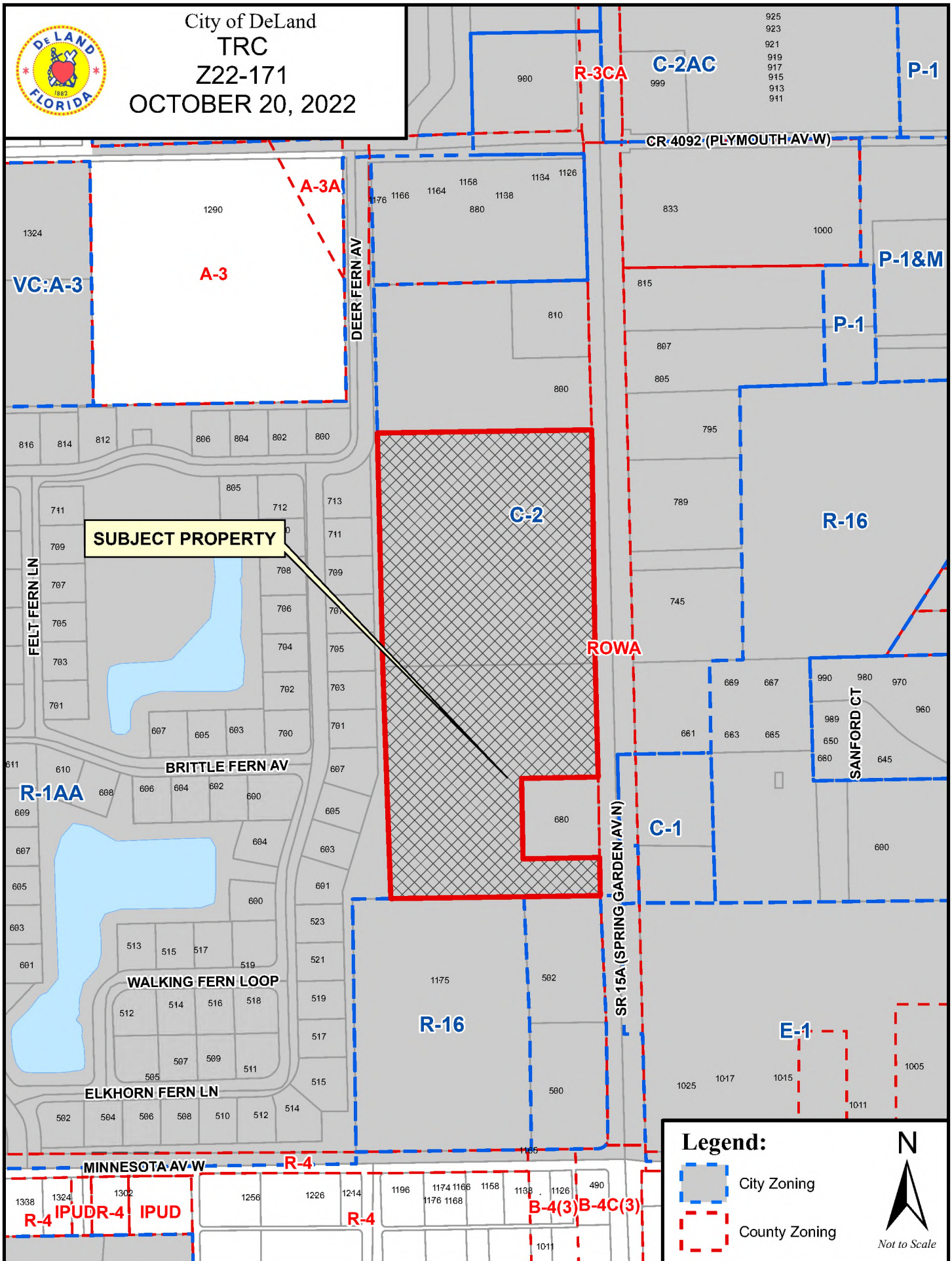
The land use designation of this property, Highway Commercial, permits neighborhood convenience, regional shopping centers as well as limited multi-family uses. The listed uses outlined within the development agreement align with these uses and the proposed use of the property is compatible with the intent of the land use designation.

D. STAFF RECOMMENDATION:

The TRC reviewed the project on October 20, 2022 and moved to forward the application to the Planning Board conditioned upon receipt of updated plans. Staff recommends that the Planning Board forward to the City Commission a recommendation of approval for the rezoning request.

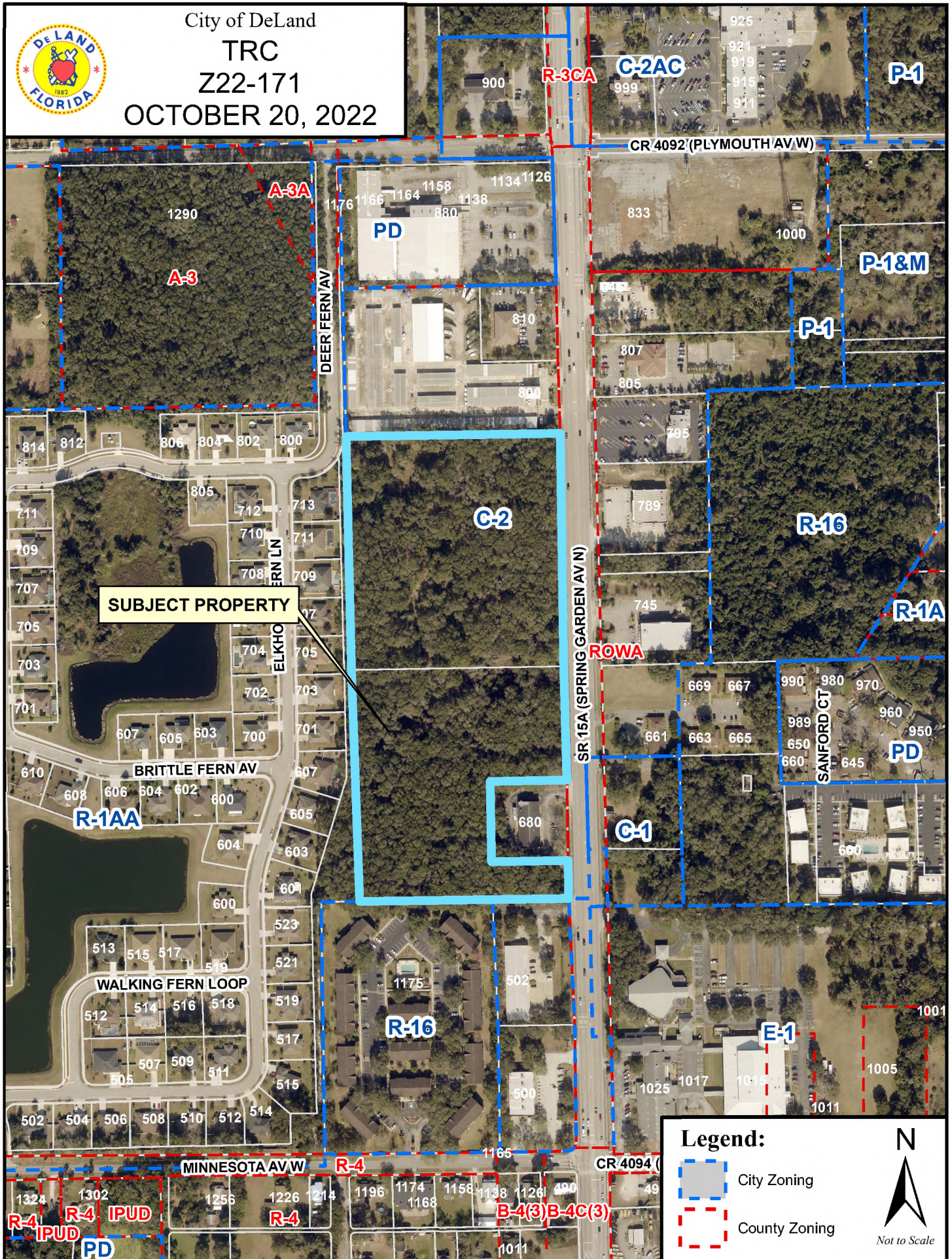


City of DeLand
TRC
Z22-171
OCTOBER 20, 2022





City of DeLand
TRC
Z22-171
OCTOBER 20, 2022



1 PLANNED DEVELOPMENT AGREEMENT

2 IN THE CITY COMMISSION OF THE

3 CITY OF DELAND, FLORIDA

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

5 DDC MANAGEMENT, LLC

6 ORDINANCE # 20____-_____
7

8 ORDER AND RESOLUTION

9 GRANTING A REQUEST FOR CHANGE OF ZONING FROM C-2 TO

10 SPRING GARDEN TOWNHOMES PD
11

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

GENERAL FINDINGS

A. That the application of DDC Management, 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 14.74 +/- acre parcels of land which is the subject of this application and which land is situated in DeLand, Florida.

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 owner of the properties, Frank A. Ford, TR, agrees 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 parcels described in Exhibit "A" from C-2 to SPRING GARDEN TOWNHOMES 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 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 DDC Management, LLC, a Florida limited liability company, for the rezoning of the subject parcels are hereby granted.

B. That the zoning classification of the subject parcels described in Exhibit "A" attached hereto is hereby amended from C-2 to SPRING GARDEN TOWNHOMES 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 parcels to SPRING GARDEN TOWNHOMES 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 PD in the same
15 manner as the C-2 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 AMENDMENT

A. Development Concept. The properties shall be developed as SPRING GARDEN TOWNHOMES 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 these parcels.

B. Planned Development Plan. The Planned Development Plan shall consist of the Development Plan Map prepared by AGMCi, and dated August 9, 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.

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

D. Subdivision Approval. After the Planned Development Plan is recorded, and prior to any construction, including clearing and landfill, a final plat of the area to be subdivided, 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

1 Regulations, Ordinance No. 2013-11, as amended.

2
3 E. Site Plan Approval. After the Planned Development Plan is recorded, and
4 prior to any construction, including clearing and fill, a preliminary and/or a final site plan, as
5 applicable, shall be submitted for review and approval in the manner required by Article 13
6 of the City of DeLand Land Development Regulations, Ordinance No. 2013-11, as
7 amended.

8
9 F. Unified Ownership. The applicant or his successors shall maintain unified
10 ownership of the individual phases of the subject parcels until after issuance of the Final
11 Subdivision Plat Development Order for a particular phase.

12
13 G. Phases of Development. The project may be developed in one or more than
14 one phase, and the phases may occur in any order. Grading may occur per phase. No
15 burning shall be permitted on site. No vertical construction or combustibles may be stored
16 onsite until the utilities and roads have been inspected and approved by
17 utilities/engineering and fire prevention.

18
19 H. Land Uses Within the PD. The development of the parcels shall be consistent
20 with the uses prescribed for each area within the proposed Spring Garden Townhomes PD.
21 The location and size of said land use areas are shown on the Development Plan Map,
22 attached hereto as Exhibit "B". The following land uses shall be allowed as permitted
23 principal uses and structures along with their customary accessory uses and structures:

24 Permitted Uses within Residential Area:

- 1 Two-family dwellings and duplexes.
- 2 Multiple-family dwellings and duplexes.
- 3 Mini and neighborhood parks.
- 4 Community uses including but not limited to clubhouse, cabana, dog
- 5 park, community garden, and bicycle facilities.

6

7 Prohibited Uses within Residential Area

- 8 Lanai/Florida room as an accessory structure.

9

10 Permitted Uses within Commercial Area:

- 11 General/Professional Offices.
- 12 Financial Institutions.
- 13 Medical office.
- 14 Drugstores and pharmacies.
- 15 Hospitals.
- 16 Laboratories, hospitals and clinics.
- 17 Medical clinics.
- 18 Beauty salons, barbershops and day spas.
- 19 Day care facilities, adult or child.
- 20 Dry cleaning and laundry.
- 21 Pet shops and pet grooming with no overnight boarding of animals.
- 22 Tailor shops and shoe repair.
- 23 Hotels or motels and associated accessory uses including restaurant
- 24 and conference facilities.

1 Restaurants including fast food and/or drive through facilities.

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

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

5 Convenience stores with gas pumps.

6 Convenience stores without gas pumps.

7 Furniture, appliances retail.

8 Grocery.

9 Retail sales.

10 Virtual kitchen.

11 Home improvement store.

12 Parks, mini and neighborhood.

13
14 I. Development Standards. All development for the property shall rely upon the
15 standards set forth below.

16 1. Residential Area:

17 a) Minimum Lot Area of 1,000 sq. ft.

18 b) Minimum Lot Width of 20 feet

19 c) Minimum Lot Depth of 50 feet

20 d) Minimum Individual Unit Size of 500 sq. ft.

21 e) Maximum Building Height of 35 ft.

22 f) Maximum Unit Count Per Building: 6 units

23 g) Minimum Setbacks:

24 a. Front yard: 20 ft.

Land Development Regulations Ordinance No. 2013-11, as amended.

4. Parking Standards.

1. Residential Area. There will be two (2) parking spaces provided per unit. An additional 0.5 guest parking spaces per unit will be provided within the residential area. Enforcement of parking and maintenance of the access road(s) shall be the responsibility of a centrally managed maintenance association.

2. Commercial Area. The parking standards shall adhere to the Land Development Regulations Ordinance No. 2013-11.

5. Buffer Standards. The following buffer requirements shall apply to the Property:

Residential Area

A 25 ft. buffer will run along the north, south, east, and west sides of residential portion of the Property and will meet Buffer Standard "C" of Section 33-92.02(b)(2) of the City of DeLand Land Development Regulations.

Commercial Area

A 25 ft. buffer will run along the north, south, east, and west sides of the commercial portion of the Property and will meet Buffer Standard "C" of Section 33-92.02(b)(2) of the City of DeLand Land Development Regulations.

6. Signage: Signage shall be provided per the Land Development Regulations.

Monument signs identifying the subdivision shall be placed at the primary entrance along North Spring Garden Avenue.

7. Open Space. Open Space and/or Common Area shall meet the requirements of the Land Development Regulations.

8. Model Homes and Temporary Sales Offices. Construction of a model home and/or temporary sales office for a particular phase may commence after final plat approval, and all the infrastructure improvements for said phase have been approved and accepted by the City of DeLand. The City Engineer shall make the final determination on the acceptance and approval.

9. 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.

J. Environmental Considerations. The development shall comply with the requirements for preservation of environmental resources as set forth in the Land Development Regulations Ordinance No. 2013-11, as amended. The development has been laid out in a manner to best accommodate the existing topography and drainage conditions identified on the property. However, the actual location and layout of the developed areas within the development shall be determined during subdivision and site plan review. In addition, all landscaping, including buffers, shall predominantly utilize Florida-Friendly Landscaping, as defined by the University of Florida/Institute of Food and Agricultural Sciences ("UF/IFAS") Center for Landscape Conservation and Ecology, native, or low-water plant material. The development shall include landscape designs such that plants will serve environmentally friendly functions including, but not limited to, cooling,

1 privacy screening, shade, aesthetics, wildlife habitat, runoff pollution prevention, and
2 directing traffic flow onto and within the community, such as low impact development
3 standards. All mulching will be conducted in accordance with the most current version of
4 the Florida Green Industries Best Management Practices (BMPs) handbook guidelines.
5 Mowing in common areas shall be done in accordance with the most current version of the
6 Florida Green Industries BMPs handbook and by certified landscaping contractors. Mowing
7 adjacent to swales shall be performed such that no clippings are deposited into any swales
8 or water bodies. All clippings that may have been deposited on impervious surfaces will be
9 swept back into the vegetated area. All pesticide applications in common areas shall be
10 done by a certified professional in accordance with the most current version of the Florida
11 Green Industries BMPs handbook.

12
13 K. Sewage Disposal, Potable Water and Reclaimed Water. Provision for
14 sewage disposal, potable and reclaimed water needs of the PD will be provided in
15 accordance with the Comprehensive Plan, Ordinance No. 1990-04, as amended, the Land
16 Development Regulations Ordinance No. 2013-11, as amended, and State of Florida
17 Administrative Code 64E-6.

18
19 L. Stormwater Drainage. Provision for stormwater retention shall be in
20 accordance with the Land Development Regulations Ordinance No. 2013-11, as amended.
21 All stormwater retention systems will be designed to meet all required governmental
22 regulations.

23
24 M. Access and Transportation System Improvements. All access and

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

5 1. Access. Access to the site will be from North Spring Garden Avenue.
6 Development Plan Map indicates the anticipated connection locations; however, the final
7 locations may vary due to final engineering design and permitting considerations. No
8 movement of the streets are allowed until approved by the fire prevention division of the
9 City to ensure access. The development must always meet height/weight/slope and turning
10 radius of apparatus.

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

15 N. Internal Roadways. Road rights-of-way will be developed as detailed on the
16 Development Plan Map. All internal roads will be private and may be gated. If access to
17 the internal roadways is gated, appropriate emergency access equipment as required by
18 the Fire Marshall will be included in the specifications provided during preliminary plat or
19 site plan review. The secondary roadway shall be stabilized for emergency access and
20 shall be maintained by the maintenance association.
21

22 O. Maintenance Association. The applicant shall provide for a centrally
23 managed maintenance entity to serve residents of the development and perform the
24 ongoing duties set forth herein.

1 With respect to the enforcement of said agreements, covenants, easements or
2 restrictions entered into between the Applicant and the owners or occupiers of property
3 within the Spring Garden Townhomes PD, the City of DeLand shall only enforce the
4 provisions of the "Development Agreement" and City of DeLand Land Development
5 Regulations Ordinance No. 2013-11, as amended, whichever is applicable, and not the
6 private agreements entered into between the aforementioned parties.

7
8 P. Reverter Provision: The terms of this Development Agreement shall be vested
9 upon issuance of a final development order for the first phase of the development, which
10 shall occur within five (5) years from the effective date of this ordinance. If not vested, the
11 City Commission may rezone the property as may be necessary or appropriate to protect
12 adjoining properties or the public health, safety and welfare, unless the City Commission,
13 for good cause shown, shall extend the time period indicated in this paragraph.

14
15 Q. Binding Effect of Plans; Recording; and Effective Date. The Planned
16 Development Plan, including any and all amendments shall bind and inure to the benefit of
17 the Applicant and his successor in title or interest. The Spring Garden Townhomes PD
18 zoning, provisions of the "Development Agreement," and all approved plans shall run with
19 the land and shall be administered in a manner consistent with Article 12 of the City of
20 DeLand Land Development Regulations Ordinance No. 2013-11, as amended.

21
22 This Ordinance and all subsequent amendments shall be filed with the Clerk of the
23 Court and recorded within forty-five (45) days following execution of the document by the
24 City Commission, in the Official Records of Volusia County, Florida. One copy of the

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

DONE and ORDERED by the City Commission, City of DeLand, Florida, this ____
day of _____, 20____.

ATTEST:

City Commission of DeLand Florida

Michael P. Pleus
City Manager

Robert F. Apgar
Mayor

STATE OF FLORIDA

CITY OF DELAND

The foregoing instrument was acknowledged before me by means of ☐ physical
presence or ☐ online notarization this ____ day of _____, 20____, by
Michael P. Pleus and Robert F. Apgar, as City Manager and Mayor of the City of
DeLand, respectively, on behalf of the City of DeLand, and who are personally
known to me.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

Commission No.: _____

My Commission Expires: _____

1 WITNESSES:

APPLICANT

DDC MANAGEMENT, LLC

a Florida limited liability company

7 By: _____

9 Name: _____

11 Title : _____

12 Printed Name

18 Printed Name

21 STATE OF _____

22 COUNTY OF _____

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

30 NOTARY PUBLIC, STATE OF FLORIDA

31 Type or Print Name:

33 Commission No.: _____

34 My Commission Expires: _____

1 WITNESSES:

OWNER:

Frank A. Ford, TR

2
3
4
5
6 _____
7
8
9
10 Printed Name

By: _____

Name: _____

11
12 _____
13
14
15 Printed Name

16
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 _____, trustee of Frank A. Ford TR, who is _____ personally known
25 to me or _____ who has produced _____ as identification.
26

27 NOTARY PUBLIC, STATE OF FLORIDA

28 Type or Print Name:

29 _____
30 Commission No.: _____

31 My Commission Expires: _____
32

EXHIBIT "A"
LEGAL DESCRIPTION

The East 600.00 feet of the Northeast 1/4 of Section 7, Township 17 South, Range 30 East, Volusia County, Florida, except the North 1,354.07 feet thereof, except the South 690.00 feet thereof, except the East 40.0 feet thereof for right of way for State Road 15-A and except the North 210.00 feet of the South 1000.00 feet of the West 200.00 feet of the East 240.00 feet of the Northeast 1/4 of said Section 7.

Together with rights of ingress, egress and utilities over and across that portion of the North 185.00 feet of the South 975.00 feet of the West 200.00 feet of the East 240.00 feet of the Northeast 1/4 of Section 7, Township 17 South, Range 30 East, Volusia County, Florida, described as follows:

Beginning at the point of intersection of the North line of the South 975.00 feet of the Northeast 1/4 of said Section 7 with the Westerly right of way line of State Road 15-A, run thence South 01°31'08" East along said right of way line a distance of 24.50 feet; thence South 89°04'47" West a distance of 50.00 feet; thence South 01°31'08" East a distance of 160.50 feet; thence South 89°04'47" West a distance of 24.00 feet; thence North 01°31'08" West a distance of 160.60 feet to the point of curvature of a curve concave to the Southwest, having a central angle of 89°24'05" and a radius of 10.00 feet; thence run Northwesterly along the arc of said curve a distance of 15.60 feet to the point of tangency thereof; thence South 89°04'47" West a distance of 21.79 feet to the point of curvature of a curve concave to the Southeast, having a central angle of 90°35'55" and a radius of 30.00 feet; thence run Southwesterly along the arc of said curve a distance of 47.44 feet to the point of tangency thereof; thence South 01°31'08" East a distance of 140.18 feet; thence South 89°04'47" West a distance of 24.00 feet; thence North 01°31'08" West a distance of 152.15 feet to the point of curvature of a curve concave to the Southeast, having a central angle of 43°37'12" and a radius of 24.50 feet; thence run Northeasterly along the arc of said curve a distance of 18.65 feet to the point of compound curvature of a curve concave to the Southeast, having a central angle of 46°58'43" and a radius of 50.00 feet; thence run Northeasterly along the arc of said curve a distance of 41.00 feet to the point of tangency thereof; thence North 89°04'47" East a distance of 116.52 feet to the Point of Beginning

AND

PARCEL 2:

LEGAL DESCRIPTION: (Per O.R. Book 3795, Page 4383, Public Records of Volusia County, Florida)

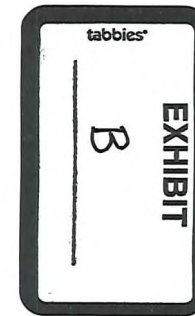
The South 610.07 feet of the North 1354.07 feet of the East 600.00 feet of the Northeast 1/4 of Section 7, Township 17 South, Range 30 East, Volusia County, Florida; excepting therefrom the East 40.00 feet for right of way of State Road No. 15-A. Together with an easement for ingress, egress and utilities described in Official Records Book 4852, Page 4488, of the Public Records of Volusia County, Florida.

1
2
3
4

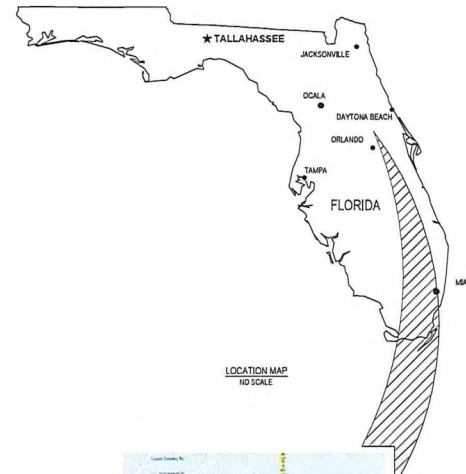
EXHIBIT "B"
DEVELOPMENT PLAN MAP

PLANNED DEVELOPMENT PLAN FOR SPRING GARDEN AVE TOWNHOMES BY CAP 5 DEVELOPMENT, LLC

PARCELS: 700700000047 & 700700000043
SPRING GARDEN AVE
DELAND, FLORIDA



REV.	DATE	DESCRIPTION	CLT APP. DATE
1	11/22		
2	11/22		
3			
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SHEET LIST TABLE	
SHEET NO.	SHEET TITLE
PD-1	COVER SHEET
PD-2	SURVEY
PD-3	PD CONCEPT PLAN

PROJECT OWNER AND CONSULTANTS:	
OWNER: FRANK A. FORD TRUST PO BOX 457 DELAND, FL 32721 PHONE: (386) 327-6532 CONTACT: ELIZABETH FORD WILLIAMS	ENGINEER: CESO, INC. 1323 BROOKHAVEN DR ORLANDO, FL 32833 PHONE: (407) 679-2165 CONTACT: GARRETT GEORGE, P.E.
DEVELOPER: CAP 5 DEVELOPMENT, LLC 1323 BROOKHAVEN DR ORLANDO, FL 32833 PHONE: (407) 624-2846 CONTACT: BRIAN MARTIN	LEGAL: COBBIN COLE 231 NORTH WOODLAND BLVD DELAND, FL 32709 PHONE: (407) 624-4339 CONTACT: MARK HAYES
SURVEYOR: MEO & ASSOCIATES, LLC 1401 COMBIE STREET ORLANDO, FL 32804 PHONE: (407) 205-4804	PLANNER: AGACI, LLC 235 S. HARTLAND AVE. SUITE 116 HARTLAND, FL 32751 PHONE: (407) 827-8884 CONTACT: GEOFFREY HANDEL

LEGAL DESCRIPTION (PER TITLE COMMITMENT):

PARCEL 1:
THE EAST 600.00 FEET OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, EXCEPT THE NORTH 135.437 FEET THEREOF, EXCEPT THE SOUTH 100.00 FEET THEREOF, EXCEPT THE EAST 40.0 FEET THEREOF FOR RIGHT OF WAY FOR STATE ROAD 15-A AND EXCEPT THE NORTH 210.00 FEET OF THE SOUTH 100.00 FEET OF THE WEST 200.00 FEET OF THE EAST 240.00 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 7, TOGETHER WITH RIGHTS OF EGRESS AND UTILITIES OVER AND ACROSS THAT PORTION OF THE NORTH 100.00 FEET OF THE SOUTH 100.00 FEET OF THE WEST 200.00 FEET OF THE EAST 240.00 FEET OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:
BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF THE SOUTH 100.00 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 7 WITH THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD 15-A, RUN THENCE SOUTH 01°31'00" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 24.00 FEET; THENCE SOUTH 89°44'47" WEST A DISTANCE OF 50.00 FEET; THENCE SOUTH 89°44'47" WEST A DISTANCE OF 140.00 FEET; THENCE SOUTH 89°44'47" WEST A DISTANCE OF 24.00 FEET; THENCE NORTH 89°44'47" WEST A DISTANCE OF 160.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A CENTRAL ANGLE OF 89°24'00" AND A RADIUS OF 10.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 15.00 FEET TO THE POINT OF TANGENCY THEREOF; THENCE SOUTH 89°44'47" WEST A DISTANCE OF 23.39 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A CENTRAL ANGLE OF 90°35'55" AND A RADIUS OF 30.00 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 41.44 FEET TO THE POINT OF TANGENCY THEREOF; THENCE SOUTH 89°44'47" WEST A DISTANCE OF 140.00 FEET; THENCE SOUTH 89°44'47" WEST A DISTANCE OF 24.00 FEET; THENCE NORTH 89°44'47" WEST A DISTANCE OF 150.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A CENTRAL ANGLE OF 47°37'12" AND A RADIUS OF 24.50 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 18.65 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A CENTRAL ANGLE OF 89°44'47" AND A RADIUS OF 10.00 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 41.00 FEET TO THE POINT OF TANGENCY THEREOF; THENCE NORTH 89°44'47" EAST A DISTANCE OF 115.52 FEET TO THE POINT OF BEGINNING.

AND

PARCEL 2:
LEGAL DESCRIPTION (PER D.B. BOOK 3765 PAGE 4280, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA):
THE SOUTH 145.00 FEET OF THE NORTH 135.437 FEET OF THE EAST 600.00 FEET OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, EXCEPTING THEREFROM THE EAST 40.00 FEET FOR RIGHT OF WAY OF STATE ROAD NO. 15-A, TOGETHER WITH AN EASEMENT FOR HIGHWAYS, EGRESS AND UTILITIES DESCRIBED IN OFFICIAL RECORDS BOOK 4852, PAGE 4488, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA

CAP 5 DEVELOPMENT
SPRING GARDEN AVE
TOWNHOMES
SPRING GARDEN AVE, DELAND, FL

ISSUE:	PRE-PERMIT
DATE:	8.9.2022
JOB NO.:	PC5720
SCALE:	AS SHOWN
DESIGN:	CMG
DRAWN:	CMG
CHECKED:	JTD
DRAWING TITLE:	

COVER SHEET

SHEET NO.
PD-1

LEGAL DESCRIPTION (PER TITLE COMMITMENT):

PARCEL 1:

THE EAST 600.00 FEET OF THE NORTH EAST 1/4 OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, EXCEPT THE NORTH 1354.07 FEET THEREOF, EXCEPT THE SOUTH 690.00 FEET THEREOF, EXCEPT THE EAST 40.0 FEET THEREOF FOR RIGHT OF WAY FOR STATE ROAD 15-A AND EXCEPT THE NORTH 210.00 FEET OF THE SOUTH 1000.00 FEET OF THE WEST 200.00 FEET OF THE EAST 240.00 FEET OF THE NORTH EAST 1/4 OF SAID SECTION 7.

TOGETHER WITH RIGHTS OF INGRESS, EGRESS AND UTILITIES OVER AND ACROSS THAT PORTION OF THE NORTH 185.00 FEET OF THE SOUTH 975.00 FEET OF THE WEST 200.00 FEET OF THE EAST 240.00 FEET OF THE NORTH EAST 1/4 OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF THE SOUTH 975.00 FEET OF THE NORTH EAST 1/4 OF SAID SECTION 7 WITH THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD 15-A, RUN THENCE SOUTH 01°31'08" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 24.50 FEET; THENCE SOUTH 89°04'47" WEST A DISTANCE OF 50.00 FEET; THENCE SOUTH 01°31'08" EAST A DISTANCE OF 160.50 FEET; THENCE SOUTH 89°04'47" WEST A DISTANCE OF 24.00 FEET; THENCE NORTH 01°31'08" WEST A DISTANCE OF 160.60 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A CENTRAL ANGLE OF 89°24'05" AND A RADIUS OF 10.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 15.60 FEET TO THE POINT OF TANGENCY THEREOF; THENCE SOUTH 89°04'47" WEST A DISTANCE OF 21.79 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A CENTRAL ANGLE OF 90°35'55" AND A RADIUS OF 30.00 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 47.44 FEET TO THE POINT OF TANGENCY THEREOF; THENCE SOUTH 01°31'08" EAST A DISTANCE OF 140.18 FEET; THENCE SOUTH 89°04'47" WEST A DISTANCE OF 24.00 FEET; THENCE NORTH 01°31'08" WEST A DISTANCE OF 152.15 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A CENTRAL ANGLE OF 49°37'12" AND A RADIUS OF 24.50 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 38.05 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A CENTRAL ANGLE OF 40°58'17" AND A RADIUS OF 50.00 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 41.00 FEET TO THE POINT OF TANGENCY THEREOF; THENCE NORTH 89°04'47" EAST A DISTANCE OF 116.52 FEET TO THE POINT OF BEGINNING.

AND

PARCEL 2:

LEGAL DESCRIPTION: (PER O.R. BOOK 3795, PAGE 4383, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA)

THE SOUTH 610.07 FEET OF THE NORTH 1354.07 FEET OF THE EAST 600.00 FEET OF THE NORTH EAST 1/4 OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, EXCEPT THEREFROM THE EAST 40.00 FEET FOR RIGHT OF WAY OF STATE ROAD NO. 15-A, TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES DESCRIBED IN OFFICIAL RECORDS BOOK 4852, PAGE 4488, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

COMMITMENT NUMBER: 1343905

COMMITMENT DATE: 03/22/2022 @ 11:00 PM

BN EXCEPTIONS

ITEM 6: AS SHOWN



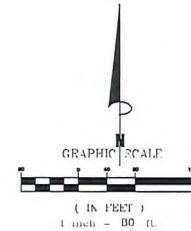
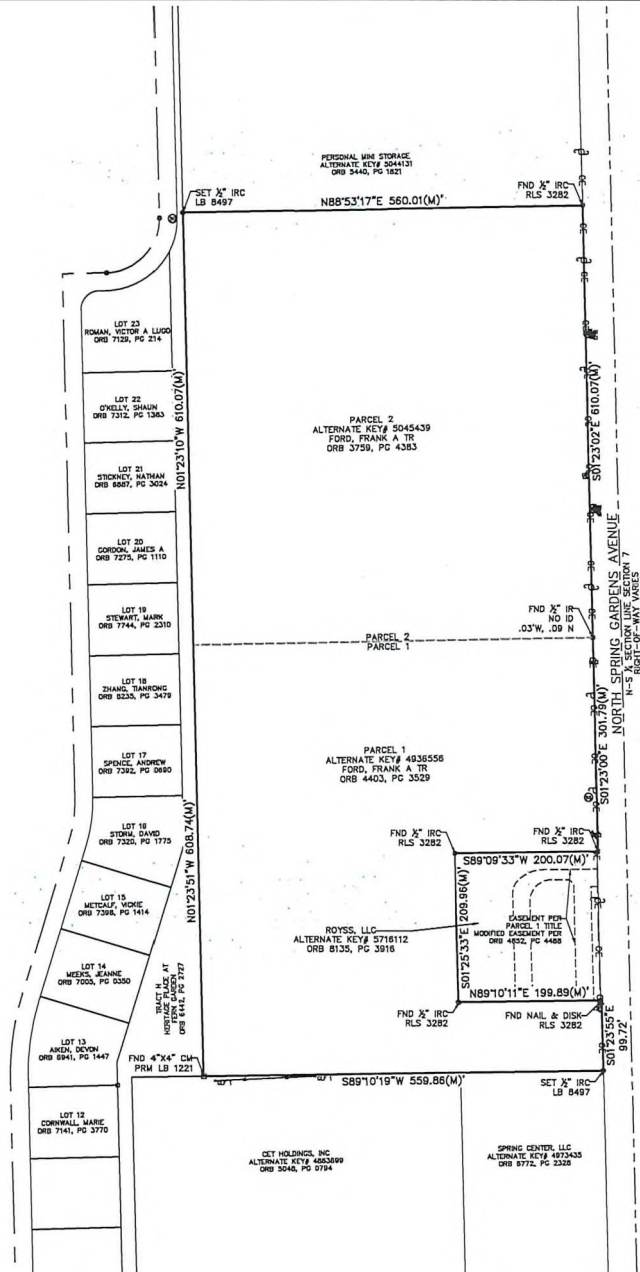
- THIS MAP OF SURVEY IS CERTIFIED TO:
TO BE DETERMINED
- THE SURVEY SHOWN AND DESCRIBED HEREON WAS REVIEWED BY THE CERTIFYING SURVEYOR AND MAPPER IN THE OFFICE AND IN THE FIELD ON THE FOLLOWING DATE: 07/24/22. THE SURVEY WAS LAST REVIEWED IN THE FIELD ON THE FOLLOWING DATE: 07/2022.
- THE LANDS SHOWN HEREON LIE WITHIN ZONE X ACCORDING TO "FIRM" MAP NUMBER 121270465H, EFFECTIVE 02/19/2014.
- BEARINGS SHOWN HEREON ARE RELATIVE TO THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD 83-2011 ADJUSTMENT) FOR THE EAST ZONE OF FLORIDA.
- THE MEASUREMENTS SHOWN HEREON ARE IN U.S. SURVEY FEET. THE ACCURACY OF THIS SURVEY EXCEEDS THE REQUIREMENTS OF FLORIDA ADMINISTRATIVE CODE 51-17.
- UNDERGROUND UTILITIES WERE NOT LOCATED BY THIS SURVEYOR.
- THERE WAS NO EVIDENCE OF RECENT EARTHWORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- THERE WAS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- THIS PROPERTY HAS DIRECT ACCESS TO NORTH SPRING GARDEN AVENUE, WHICH IS A PUBLIC RIGHT-OF-WAY.

CERTIFICATION:

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 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 1, 2, 3, 4, 6, 11, 13, 16 AND 18.

Edward J. Mizo

PROFESSIONAL SURVEYOR AND MAPPER NO. 3372
THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



MIZO & ASSOCIATES, LLC
PROFESSIONAL LAND SURVEYORS

1407 CLAMBER STREET
ORLANDO, FLORIDA 32804
TEL: 407.220.4084
FAX: 407.220.4085
LICENSE #SUSPENSE NUMBER 8497

ANNEAVER BOUNDARY

08/1/22

PREPARED FOR:

DDC MANAGEMENT
1323 BROOKHAVEN DRIVE
ORLANDO, FLORIDA

ALTA/NSPS LAND TITLE SURVEY
LYING IN
SECTIONS 7, TOWNSHIP 17 SOUTH, RANGE 30 EAST

SHEET
PD - 2

COPYRIGHT: THESE DRAWINGS ARE THE PROPERTY OF CESO, INC.

PLANNED DEVELOPMENT PLAN FOR SPRING GARDEN AVE TOWNHOMES BY CAP 5 DEVELOPMENT, LLC

PARCELS: 700700000047 & 700700000043
SPRING GARDEN AVE
DELAND, FLORIDA

LEGAL DESCRIPTION (PER TITLE COMMITMENT):

PARCEL 1
THE EAST 600.00 FEET OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, EXCEPT THE NORTH 1354.07 FEET THEREOF, EXCEPT THE SOUTH 690.00 FEET THEREOF, EXCEPT THE EAST 40.0 FEET THEREOF FOR RIGHT OF WAY FOR STATE ROAD 15-A AND EXCEPT THE NORTH 210.00 FEET OF THE SOUTH 1000.00 FEET OF THE WEST 200.00 FEET OF THE EAST 240.00 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 7, TOGETHER WITH RIGHTS OF INGRESS, EGRESS AND UTILITIES OVER AND ACROSS THAT PORTION OF THE NORTH 185.00 FEET OF THE SOUTH 975.00 FEET OF THE WEST 200.00 FEET OF THE EAST 240.00 FEET OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:
BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF THE SOUTH 975.00 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 7 WITH THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD 15-A, RUN THENCE SOUTH 01°31'08" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 24.50 FEET; THENCE SOUTH 89°04'47" WEST A DISTANCE OF 50.00 FEET; THENCE SOUTH 01°31'08" EAST A DISTANCE OF 180.90 FEET; THENCE SOUTH 89°04'47" WEST A DISTANCE OF 24.00 FEET; THENCE NORTH 01°31'08" WEST A DISTANCE OF 180.60 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A CENTRAL ANGLE OF 89°24'05" AND A RADIUS OF 10.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 15.60 FEET TO THE POINT OF TANGENCY THEREOF; THENCE SOUTH 89°04'47" WEST A DISTANCE OF 21.79 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A CENTRAL ANGLE OF 90°35'55" AND A RADIUS OF 30.00 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 47.44 FEET TO THE POINT OF TANGENCY THEREOF; THENCE SOUTH 01°31'08" EAST A DISTANCE OF 140.18 FEET; THENCE SOUTH 89°04'47" WEST A DISTANCE OF 24.00 FEET; THENCE NORTH 01°31'08" WEST A DISTANCE OF 152.15 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A CENTRAL ANGLE OF 43°37'12" AND A RADIUS OF 24.50 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 18.65 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A CENTRAL ANGLE OF 46°58'43" AND A RADIUS OF 50.00 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 41.00 FEET TO THE POINT OF TANGENCY THEREOF; THENCE NORTH 89°04'47" EAST A DISTANCE OF 116.52 FEET TO THE POINT OF BEGINNING.

AND

PARCEL 2:
LEGAL DESCRIPTION: (PER O.R. BOOK 3795, PAGE 4383, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA)
THE SOUTH 610.07 FEET OF THE NORTH 1354.07 FEET OF THE EAST 600.00 FEET OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA; EXCEPTING THEREFROM THE EAST 40.00 FEET FOR RIGHT OF WAY OF STATE ROAD NO. 15-A, TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES DESCRIBED IN OFFICIAL RECORDS BOOK 4852, PAGE 4488, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA

SHEET LIST TABLE	
SHEET NO.	SHEET TITLE
PD-1	COVER SHEET
PD-2	SURVEY
PD-3	PD CONCEPT PLAN

PROJECT OWNER AND CONSULTANTS:

OWNER:
FRANK A FORD TRUST
PO BOX 457
DELAND, FL 32721
PHONE: (386) 527-0533
CONTACT: ELIZABETH FORD WILLIAMS

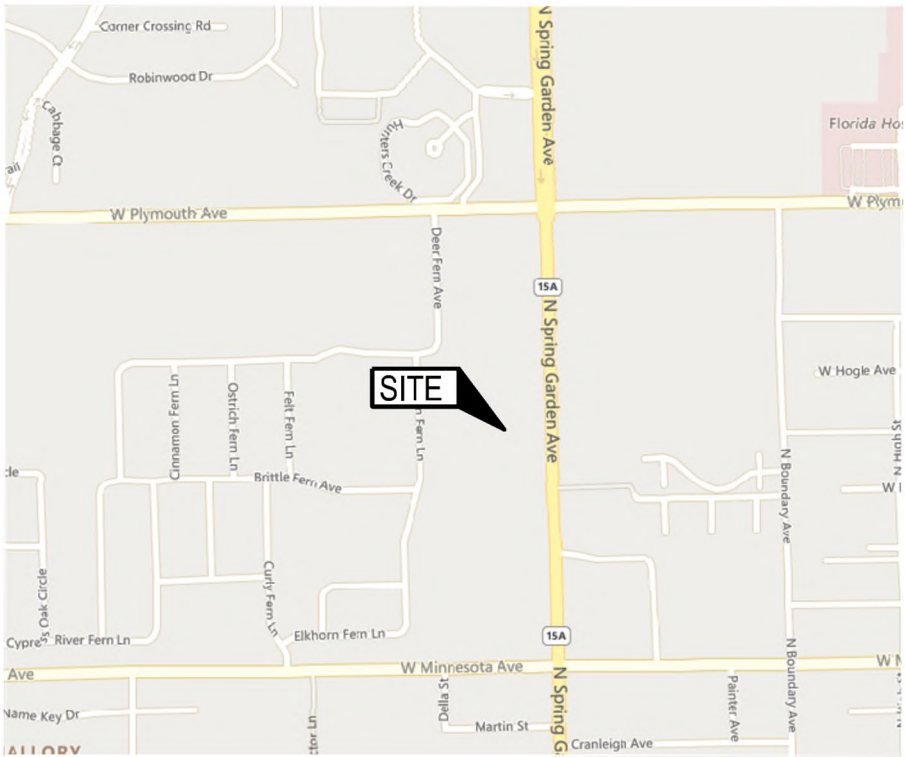
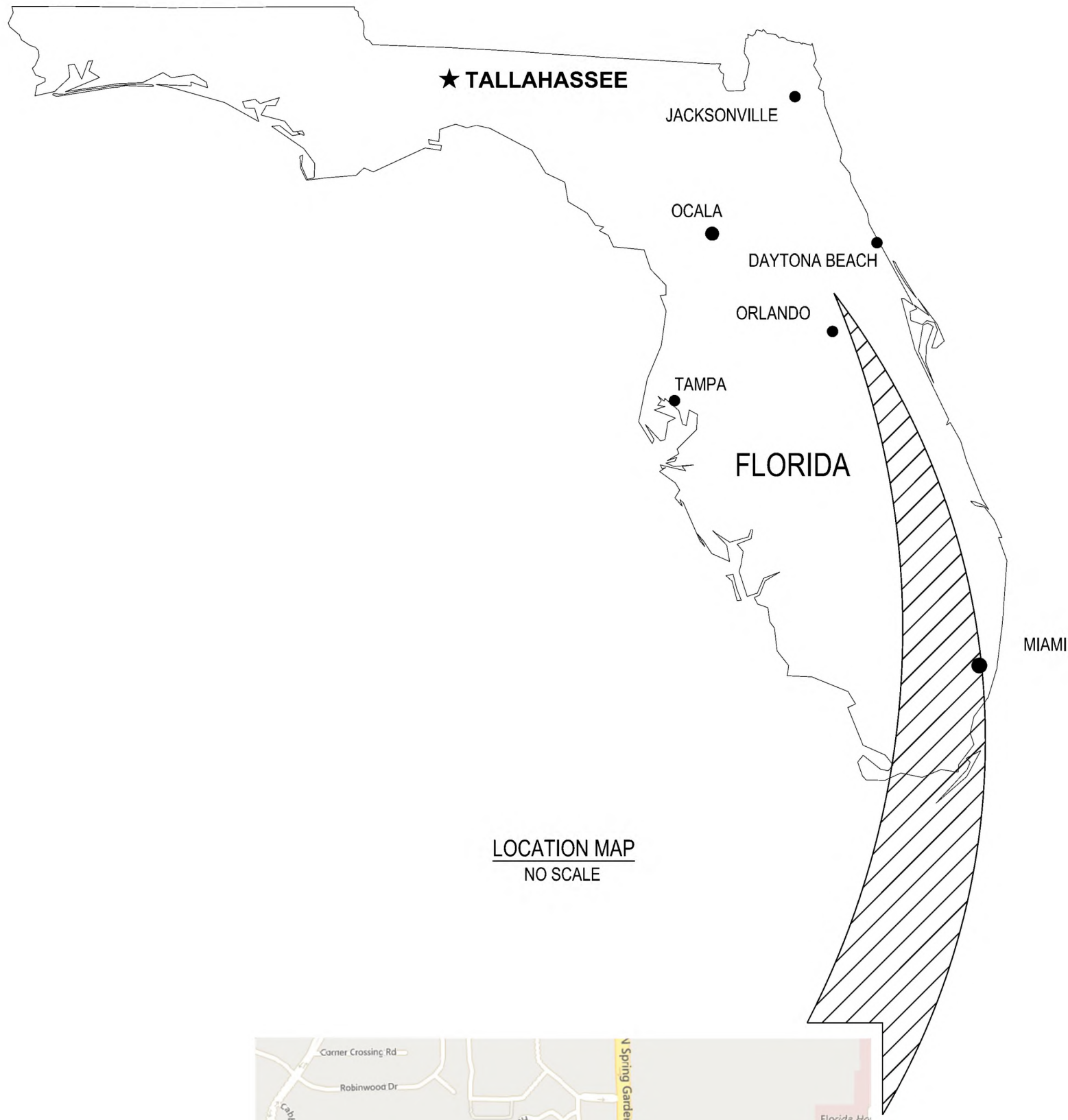
ENGINEER:
CESO, INC.
1323 BROOKHAVEN DR
ORLANDO, FL 32803
PHONE: (407) 670-2305
CONTACT: GARRETT GEORGE, P.E.

DEVELOPER:
CAP 5 DEVELOPMENT, LLC
1323 BROOKHAVEN DR
ORLANDO, FL 32803
PHONE: (407) 924-2846
CONTACT: BRIAN MARTIN

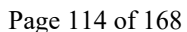
LEGAL:
COBB COLE
231 NORTH WOODLAND BLVD
DELAND, FL 32720
PHONE: (407) 629-9330
CONTACT: MARK WATTS

SURVEYOR:
MIZO & ASSOCIATES, LLC
1407 CUMBIE STREET
ORLANDO, FL 32804
PHONE: (321) 200-4904

PLANNER:
AGMC, LLC
235 S MAITLAND AVE, SUITE 116
MAITLAND, FL 32751
PHONE: (407) 822-9094
CONTACT: GEOFFREY McNEIL



TYPICAL ROADWAY SECTION WITH PARKING



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

December 14, 2022

A. APPLICATION NO.: SMLU22-241

APPLICANT: Pieter Ambachtsheer, owner

REQUEST: To amend the land use designation from Volusia County Urban Low Intensity to City of DeLand Industrial/Warehouse

B. SITE FACTORS:

Location: Located in the NW quadrant of the intersection of Cassadaga Rd. and I-4.
Parcel ID #: 81-06-03-04-0130; 81-06-03-04-0131; 81-06-03-03-0010;
81-06-03-03-0260; 81-06-03-03-0140; 81-06-03-03-0110
Parcel Size: ± 3.66 acres
Land Use: VC ULI
Existing Use: Vacant, undeveloped

	SURROUNDING USE:
North:	VC: ULI; SWACLDLDR
South:	COM
East:	I-4 Frontage; VC: UMI
West:	VC: ULI

C. REQUESTED ACTION & HISTORY:

1. REQUEST: A request is being made for the future land use designation to be amended for a parcel located in the northwest quadrant of the intersection of Cassadaga Rd. & I-4. The request is to change the future land use designation from Volusia County Urban Low Intensity (VC: ULI), to City of DeLand Industrial/Warehouse (IND). The parcel is currently vacant and heavily wooded.

A concurrent application to rezone the property from VC: R-4 to M-1 (Z22-226) was also submitted.

2. CHRONOLOGY OF PAST EVENTS: The request to amend the future land use designation consists of 6 parcels, all owned by Mr. Ambachtsheer, which total to approximately 3.66 acres of property. The two parcels to the west are not considered buildable due to their sizes but can be used as access to the remaining portions of the property. With a current future land use designation of VC: ULI, the density for residential uses allows up to 4 dwelling units per acre. If the land use is changed to City Industrial/Warehouse, residential uses would no longer be compatible, and would be restricted based on the maximum impervious surface area allowed under IND, 70%. The subject property is currently undeveloped and the plan is to establish an industrial use.

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):

Although the subject property is within the city's service area, this was not until recent. As of right now, utilities will still be provided by Volusia County.

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, the Industrial/Warehouse (IND) land use designation, "shall be located within reasonable commuting distance of residential areas". Where adjacent to other land uses, and where adjacent to a collector or arterial roadway, extensive buffering, is required. The subject property is situated immediately north of the SWAC, which will be developed with industrial uses.

3. Future Land Use Map: The proposed change in the land use designation to Industrial/Warehouse 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 or wetlands.

5. Analysis of Natural Resources:

a. Soil types:

Astatula Fine Sand, 0-8% slope

Apopka Fine Sand, 0-5% slope

b. Presence of Endangered Species:

None known of at this time.

6. Existing and Future Impact upon Infrastructure Capacity:

a. Water – obtained from Volusia County

b. Sewer – obtained from Volusia County

- 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 2021 Volusia County Traffic Counts, this segment of Cassadaga Rd. 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 mitigation and minimize any off-site stormwater impacts that the development may create.
 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 may be amended upon approval of the land use amendment to M-1 (Industrial) which is compatible with the Industrial/Warehouse future land use. The zoning request is being reviewed concurrent to the land use amendment.
 13. **Will the proposed land use change impact schools?** The proposed amendment is to Industrial/Warehouse; this will not have an impact on schools.
 14. **How does this proposal fit with the guidelines developed for DeLand 2050 and the City’s Strategic Plan?**
 - a. Located in the Urban Core/Activity Center Overlay (Category 2) – “higher intensity along select corridors or major centers will encourage transit and lessen traffic congestion” – *Consistent* – it is located along I-4 and adjacent to other industrial uses such as the SWAC to the south.
 - b. DeLand 2050 Land Use Guidelines: “...emphasizes an intensive mix of uses, that are compatible with and include residential. These centers will become major commercial areas.”– *Consistent* – this center, along with the surrounding commercial and light industrial areas, such as the SWAC to the south, and other mixed uses.

- E. 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 land use designation, Industrial/Warehouse (IND), is consistent with the surrounding area, and is not expected to create any land use incompatibilities.
- F. STAFF RECOMMENDATION:** Staff recommends approval of the proposed amendment of the subject property's future land use designation from VC Urban Low Intensity (VC: ULI), to City of DeLand's Industrial/Warehouse (IND) land use.
- 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
2. Sanitary Sewer
3. Potable Water
4. Solid Waste
5. Stormwater Drainage
6. Recreation
7. Schools

Table 4. Impact Analysis (Theoretical Max.)

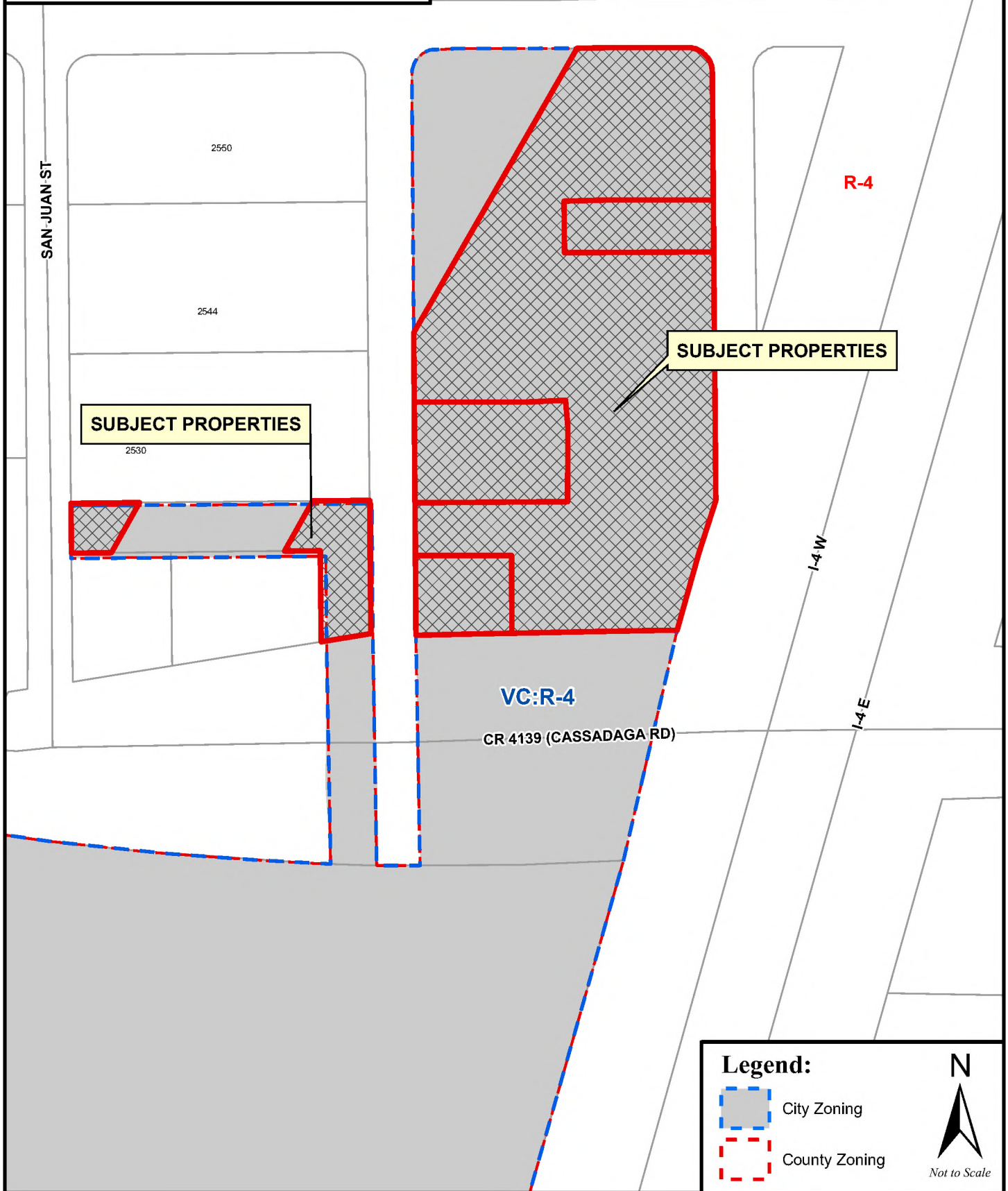
Development Variable	Existing Future Land Use	Proposed Future Land Use	Net Change
	<i>Theoretical Maximums</i>		
Permitted Density/Intensity	4 du/acre	70% Impervious	N/A
Dwelling Units	14	0	-14
Non-residential Sq. Ft.	0	111,600	+111,600
1. Population	34	0	-34
2. PM Peak Hr. Trips/Daily Trips	13/132	20/190	+7/+58
3. Sanitary Sewer (gallons/day)	2,800	11	-1,989
4. Potable Water (gallons/day)	4,200	11	-4,189
5. Solid Waste (pounds/day)	109	1,110	+1001
6. Stormwater Drainage	N/A	N/A	N/A
7. Recreation/Open Space	0.24	N/A	-.24

Notes:

1. Population: 2.44 persons per household (per 2020 Census)
2. Transportation: ITE Trip Generation Manual, 11th Edition:
Warehousing (150): **0.18 PM peak** hr trips/1,000 sq. ft. & **1.71 ADT**/1,000 sq. ft.
Single Family Residential (210): **0.94 PM peak** hr trips/du & **9.43 ADT**/du
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)



City of DeLand
PLANNING BOARD
SMLU22-241
DECEMBER 14, 2022



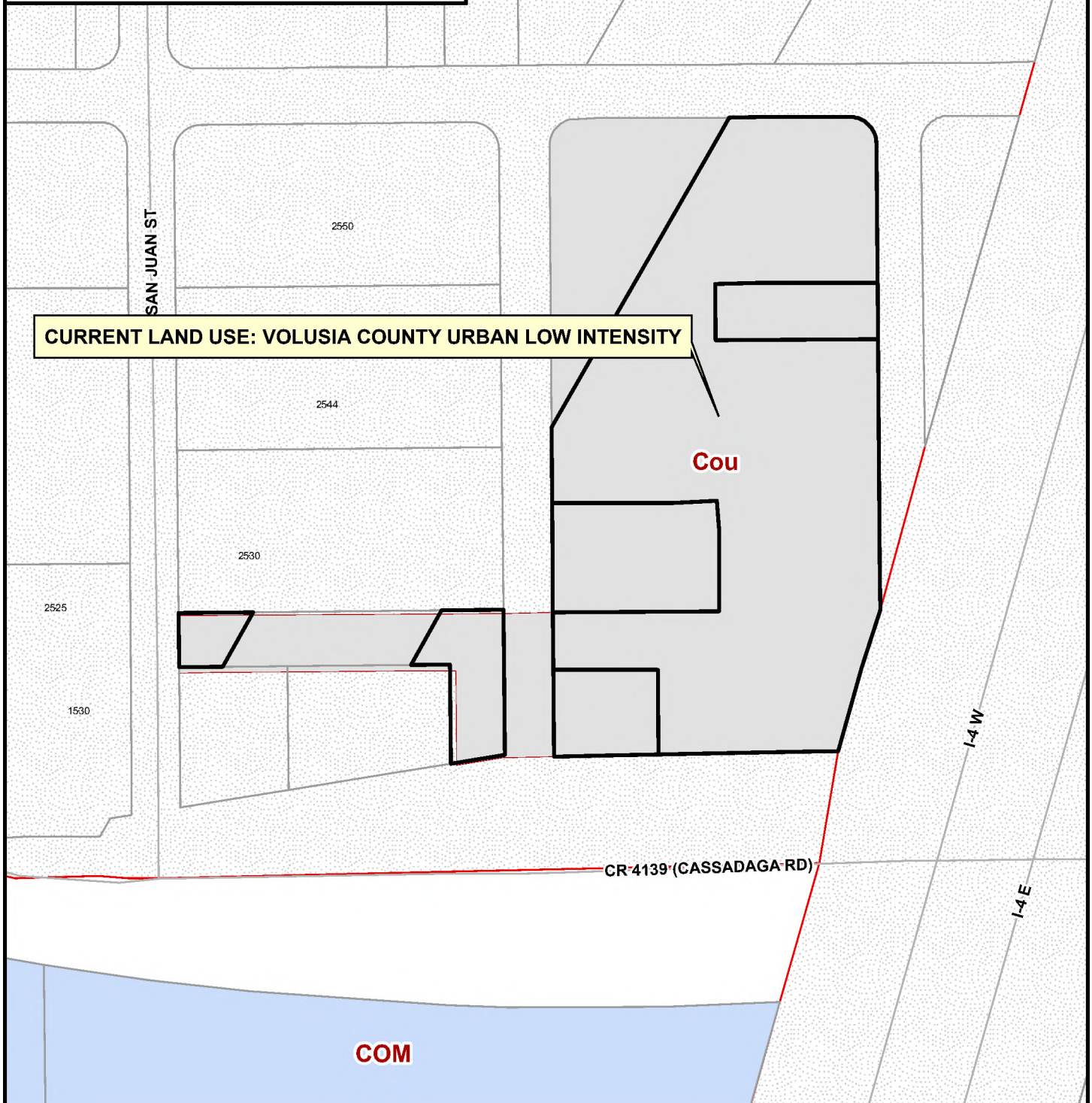


City of DeLand
PLANNING BOARD
SMLU22-241
DECEMBER 14, 2022





City of DeLand
PLANNING BOARD
SMLU22-241
DECEMBER 14, 2022



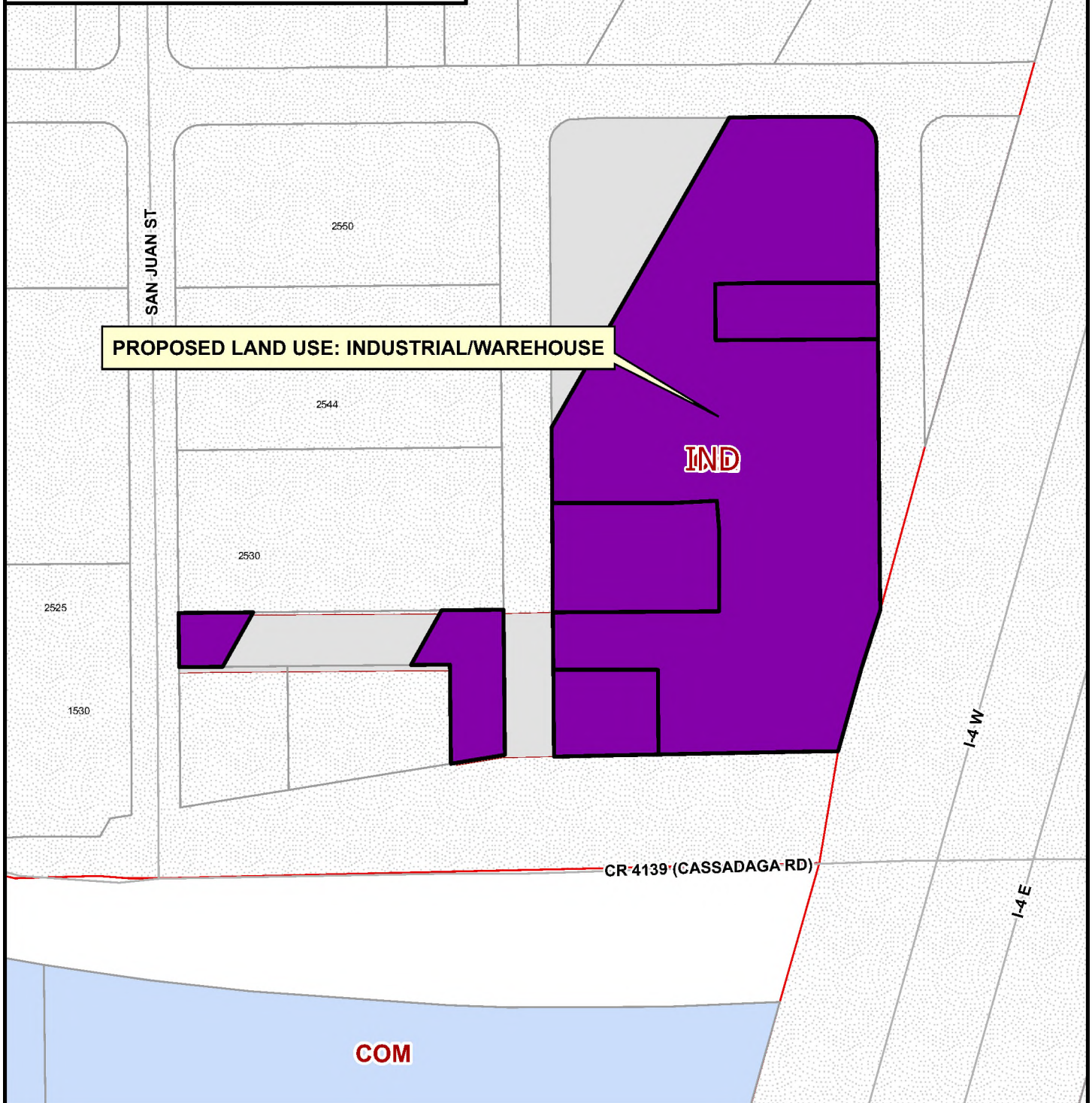
DeLand Future Land Use:

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
SMLU22-241
DECEMBER 14, 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



LEGAL DESCRIPTION:

(OR 7003 PG 624)

LOTS 13, 19, AND 20, BLOCK 4, FIRST ADDITION TO YOURLANDO IN THE PINES, A SUBDIVISION ACCORDING TO MAP BOOK 10, PAGE 185, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

LESS THAT CERTAIN PORTION CONVEYED IN THAT CERTAIN WARRANTY DEED TO THE COUNTY OF VOLUSIA, RECORDED IN OFFICIAL RECORDS BOOK 5706, PAGE 1700, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA

AND

(OR 7003 PG 627)

LOTS 14 AND 15, BLOCK 3, EXCEPT THE SOUTH 55 FEET LYING IN STATE ROAD #400, YOURLANDO FIRST ADDITION, ACCORDING TO MAP IN MAP BOOK 10, PAGE 185, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND

(OR 7003 PG 627)

LOTS 1 TO 10, INCLUSIVE, AND LOTS 13 AND LOTS 16 TO 25, INCLUSIVE, BLOCK 3, FIRST ADDITION OF YOURLANDO, A SUBDIVISION IN SECTION 6, TOWNSHIP 18 SOUTH, RANGE 31 EAST, ACCORDING TO MAP IN MAP BOOK 10, PAGE 185, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPT THAT PORTION HERETOFORE TAKEN FOR STATE ROAD RIGHT OF WAY PURPOSES AS SHOWN IN OFFICIAL RECORDS BOOK 128, PAGE 297, OFFICIAL RECORDS BOOK 128, PAGE 299, AND OFFICIAL RECORDS BOOK 128, PAGE 301, AND LESS LANDS DESCRIBED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 5706, PAGE 1704, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND

(OR 7003 PG 625)

LOTS 11, 12 AND 26, BLOCK 3, YOURLANDO IN THE PINES 1ST ADDITION, ACCORDING TO MAP IN MAP BOOK 10, PAGE 185, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

3.66 acres

**PLANNING DEPARTMENT STAFF REPORT
TO
PLANNING BOARD
December 14, 2022**

APPLICATION NO.: Z22-220

APPLICANT: Pieter Ambachtsheer, owner

REQUEST: Amend the existing zoning designation from Volusia County R-4 to City of DeLand Industrial M-1

APPLICABLE REGULATIONS:

Article XII

ADMINISTRATION AND ENFORCEMENT

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

A. SITE FACTORS:

Location: Located at the NW quadrant of the intersection of Cassadaga Rd. and Interstate-4

Parcel Size: ± 3.66 acres

Parcel ID: 81-06-03-04-0130; 81-06-03-04-0131; 81-06-03-03-0010; 81-06-03-03-0260; 81-06-03-03-0140; 81-06-03-03-0110

Land Use: Industrial/Warehouse (IND)

Existing Zoning: VC: R-4

Existing Use: Undeveloped

	SURROUNDING USE:	SURROUNDING ZONING:
North:	VC: ULI	VC: R-4
South:	COM	DeLand Tech Park PD
East:	I-4 frontage; VC: UMI	I-4 frontage; VC: R-4
West:	VC: ULI	VC: R-4

B. ANALYSIS:

The site currently consists of 6 individual parcels that together total ± 3.66 acres. The applicant wishes to develop the property in 2 phases. The first phase will include a 10,000 sq. ft. warehouse building that will have 3 large garage doors and be equipped with standard utilities. Phase 1 will also include space for outside storage, a retention pond and fencing. Phase 2 will include a second 10,000 sq. ft. building with covered, outdoor storage. The property will be used as the location for Mr. Ambachtsheer's business where he will utilize the space for storage of equipment. The applicant has also applied for concurrent review of a land use amendment (SMLU22-241) from VC ULI, to City IND, compatible with the requested M-1 zoning.

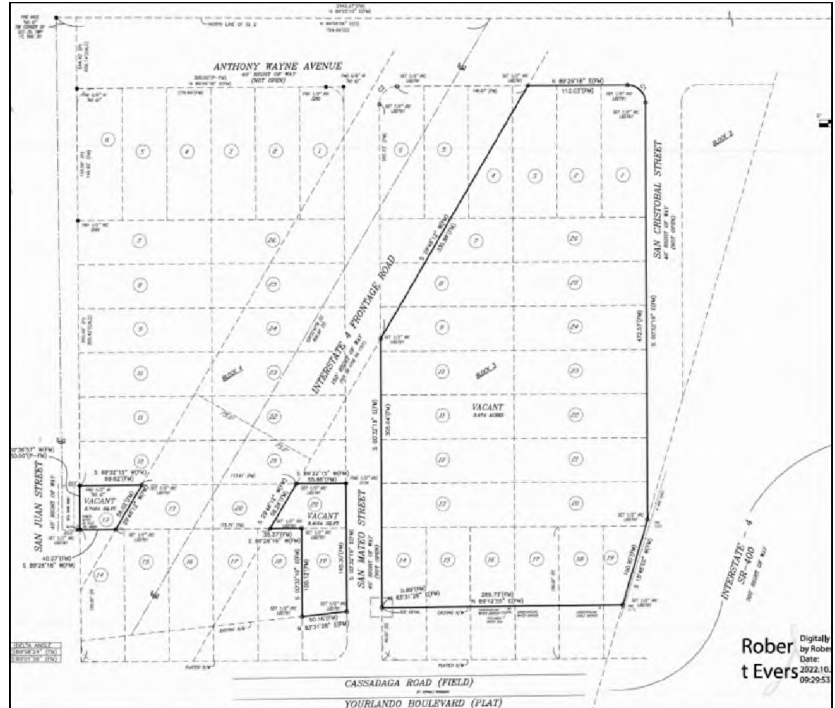
Review by the Technical Review Committee was not required.

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 Interstate 4 to the east, residential to the north and west, and DeLand Tech Park to the south. Where the property abuts residential land uses, significant buffering will be required.

The development is consistent with the Comprehensive Plan in that the underlying proposed land use category of Industrial/Warehouse is compatible with M-1 zoning.



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

This request is for an amendment to the zoning designation only, and no site plan has been submitted at this time. Review of the environmental impacts will occur once a site plan is received.

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

The property is currently vacant. The rezone to M-1, and development of the property, should have a positive impact on the City's tax base.

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 and County.

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

It is not anticipated that local traffic will be negatively impacted by this rezone.

6. Was there a mistake in the original classification?

No; the property was previously annexed into the City but the land use and zoning of the County was never changed.

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

This should not have a negative impact on the general area. It is directly adjacent to the interstate and will have substantial landscaping where adjacent to residential.

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 due to the proximity to the interstate and future light industrial development, along with provisions for additional landscape buffering to mitigate impacts to nearby residential.

C. CONCLUSION:

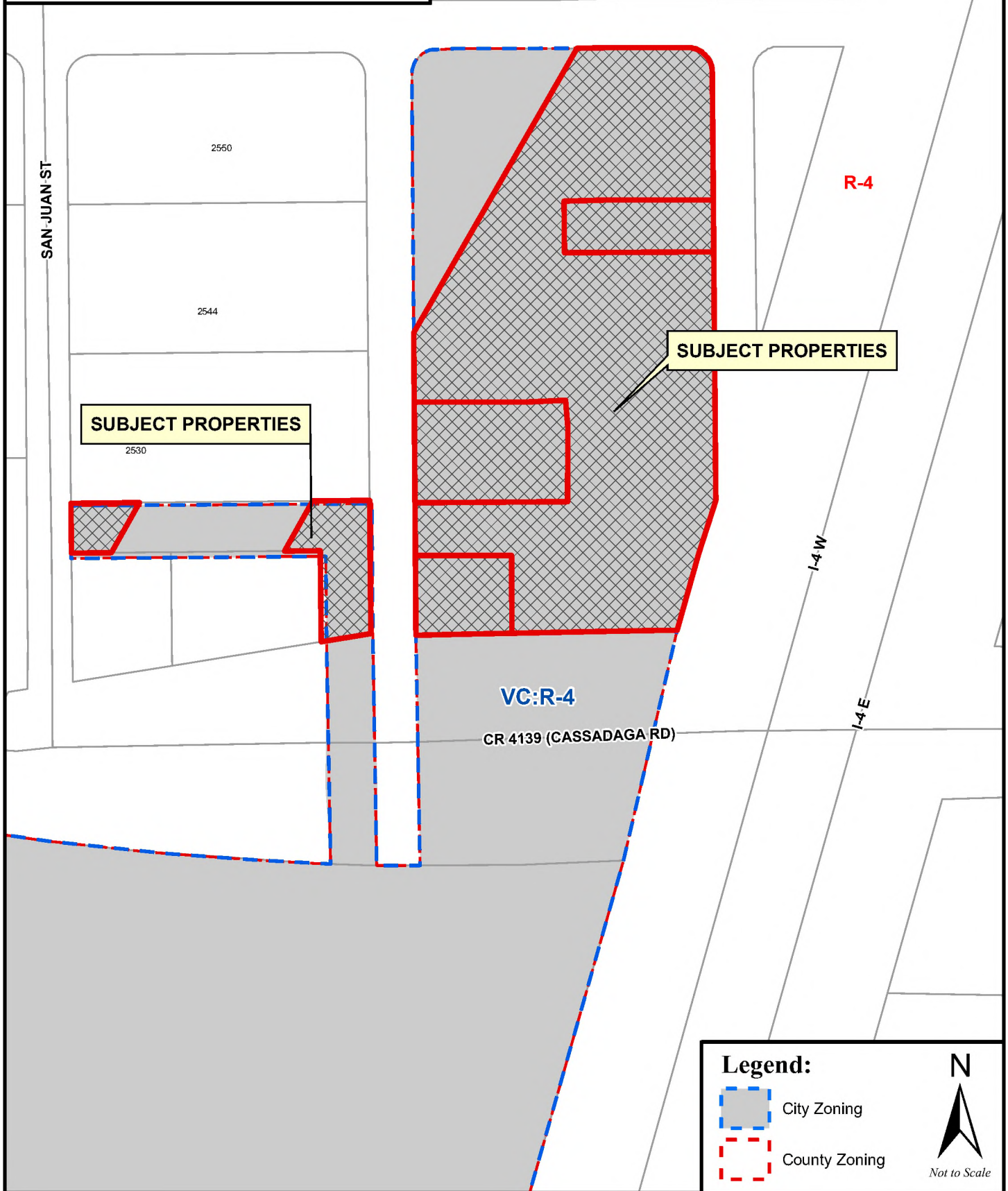
The request is to rezone the subject property from Volusia County R-4, Urban Single Family, to City of DeLand M-1, Industrial.

D. STAFF RECOMMENDATION:

Staff recommends that the Planning Board forward the zoning request to the City Commission with a recommendation for approval, subject to addressing all comments from the Planning Board.



City of DeLand
PLANNING BOARD
Z22-220
DECEMBER 14, 2022





City of DeLand
PLANNING BOARD
Z22-220
DECEMBER 14, 2022



LEGAL DESCRIPTION

(OR 7003 PG 624)
LOTS 13, 19, AND 20, BLOCK 4, FIRST ADDITION TO YOURLANDO IN THE PINES, A SUBDIVISION ACCORDING TO MAP BOOK 10, PAGE 185, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

LESS THAT CERTAIN PORTION CONVEYED IN THAT CERTAIN WARRANTY DEED TO THE COUNTY OF VOLUSIA, RECORDED IN OFFICIAL RECORDS BOOK 5706, PAGE 1700, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND

(OR 7003 PG 627)

LOTS 14 AND 15, BLOCK 3, EXCEPT THE SOUTH 55 FEET LYING IN STATE ROAD 4400, YOURLANDO FIRST ADDITION, ACCORDING TO MAP IN MAP BOOK 10, PAGE 185, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND

(OR 7003 PG 627)

LOTS 1 TO 10, INCLUSIVE, AND LOTS 13 AND LOTS 16 TO 25, INCLUSIVE, BLOCK 3, FIRST ADDITION TO YOURLANDO, A SUBDIVISION IN SECTION 6, TOWNSHIP 18 SOUTH, RANGE 31 EAST, ACCORDING TO MAP IN MAP BOOK 10, PAGE 185, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPT THAT PORTION HERETOFORE TAKEN FOR STATE ROAD RIGHT OF WAY PURPOSES AS SHOWN IN OFFICIAL RECORDS BOOK 128, PAGE 297, OFFICIAL RECORDS BOOK 128, PAGE 299, AND OFFICIAL RECORDS BOOK 128, PAGE 301, AND LESS LANDS DESCRIBED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 5706, PAGE 1704, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND

(OR 7003 PG 625)

LOTS 11, 12 AND 26, BLOCK 3, YOURLANDO IN THE PINES 1ST ADDITION, ACCORDING TO MAP IN MAP BOOK 10, PAGE 185, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

NOTES

BEARINGS SHOWN HEREON ARE BASED ON THE EAST RIGHT-OF-WAY LINE OF SAN JUAN STREET AS BEING A BEARING OF N 07°36'57" W (ASSUMED).

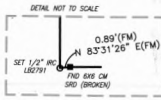
THE FLOODPLAIN BOUNDARY, IF SHOWN HEREON, WAS SCALED FROM A LARGE SCALE FEMA FLOOD INSURANCE MAP AND AS SUCH HAS AN INHERENT ERROR OF 10% OF THE FEMA MAP SCALE.

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

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE UNDER MY RESPONSIBLE CHARGE AND THAT IT HAS BEEN PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE (MINIMUM TECHNICAL STANDARDS) AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 32-17, OF THE FLORIDA ADMINISTRATIVE CODE, SECTION 472.027, FLORIDA STATUTES.

FLOOD CERTIFICATION

(Per map dated February 18, 2014)
This is to certify that I have consulted the Federal Insurance Flood Hazard Boundary Map and found the ABOVE named Property IS NOT located in a special flood hazard area, according to Community Panel Map No. 12127C-0810-J Map Panel 610 of 930, Zone "X".



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	20.00°(P-FM)	31.41°(FM)	28.28°(FM)	N 45°31'31" W(FM)	89°58'24" (FM)
C2	20.00°(P-FM)	31.43°(FM)	28.29°(FM)	S 44°28'29" W(FM)	90°01'36" (FM)

ABBREVIATIONS

ADJ. L&P	ADJ. L&P	ADJ. L&P	ADJ. L&P	ADJ. L&P	ADJ. L&P
ADJ. L&P	ADJ. L&P	ADJ. L&P	ADJ. L&P	ADJ. L&P	ADJ. L&P
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NOTE

otherwise noted hereon.

This Plat of Survey is certified to and prepared for the sole and exclusive benefit of the parties and individuals shown hereon, valid on the most current date shown hereon, and shall not be relied upon by any other party or individual whatsoever.

This Survey / Detail has been prepared without benefit of abstract or title search unless otherwise noted hereon.

BOUNDARY SURVEY CERTIFIED TO:

PIETER AMBACHTSHEER
KATHY AMBACHTSHEER

BLACKWELL & ASSOCIATES LAND SURVEYORS, INC.

995 W. VOLUSIA AVE., SUITE 100, VOLUSIA, FL 32089
CERTIFICATE OF AUTHORIZATION NUMBER LB 2791

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BLACKWELL & ASSOCIATES
LAND SURVEYORS, INC.
ROBERT R. EVERS
FLORIDA CERT. NO. 13758

SYMBOLS :

- RIGHT OF WAY (SEE SHOWN HEREON)
- 1/2" IRON PIPE (SEE SHOWN HEREON)
- 1/4" IRON PIPE (SEE SHOWN HEREON)
- 1/2" IRON PIPE (SEE SHOWN HEREON)
- 1/4" IRON PIPE (SEE SHOWN HEREON)
- 1/2" IRON PIPE (SEE SHOWN HEREON)
- 1/4" IRON PIPE (SEE SHOWN HEREON)
- 1/2" IRON PIPE (SEE SHOWN HEREON)
- 1/4" IRON PIPE (SEE SHOWN HEREON)
- 1/2" IRON PIPE (SEE SHOWN HEREON)

DATE: 10/25/2022
DRAWN BY: R. EVERS
CHECKED BY: R. EVERS
DATE FILE / FILE NO.: 10-25-2022 / 10-25-2022

10-1964

LEGAL DESCRIPTION:

(OR 7003 PG 624)

LOTS 13, 19, AND 20, BLOCK 4, FIRST ADDITION TO YOURLANDO IN THE PINES, A SUBDIVISION ACCORDING TO MAP BOOK 10, PAGE 185, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

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(OR 7003 PG 627)

LOTS 14 AND 15, BLOCK 3, EXCEPT THE SOUTH 55 FEET LYING IN STATE ROAD #400, YOURLANDO FIRST ADDITION, ACCORDING TO MAP IN MAP BOOK 10, PAGE 185, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND

(OR 7003 PG 627)

LOTS 1 TO 10, INCLUSIVE, AND LOTS 13 AND LOTS 16 TO 25, INCLUSIVE, BLOCK 3, FIRST ADDITION OF YOURLANDO, A SUBDIVISION IN SECTION 6, TOWNSHIP 18 SOUTH, RANGE 31 EAST, ACCORDING TO MAP IN MAP BOOK 10, PAGE 185, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPT THAT PORTION HERETOFORE TAKEN FOR STATE ROAD RIGHT OF WAY PURPOSES AS SHOWN IN OFFICIAL RECORDS BOOK 128, PAGE 297, OFFICIAL RECORDS BOOK 128, PAGE 299, AND OFFICIAL RECORDS BOOK 128, PAGE 301, AND LESS LANDS DESCRIBED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 5706, PAGE 1704, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND

(OR 7003 PG 625)

LOTS 11, 12 AND 26, BLOCK 3, YOURLANDO IN THE PINES 1ST ADDITION, ACCORDING TO MAP IN MAP BOOK 10, PAGE 185, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

3.66 acres

**PLANNING DEPARTMENT STAFF REPORT
TO
PLANNING BOARD**

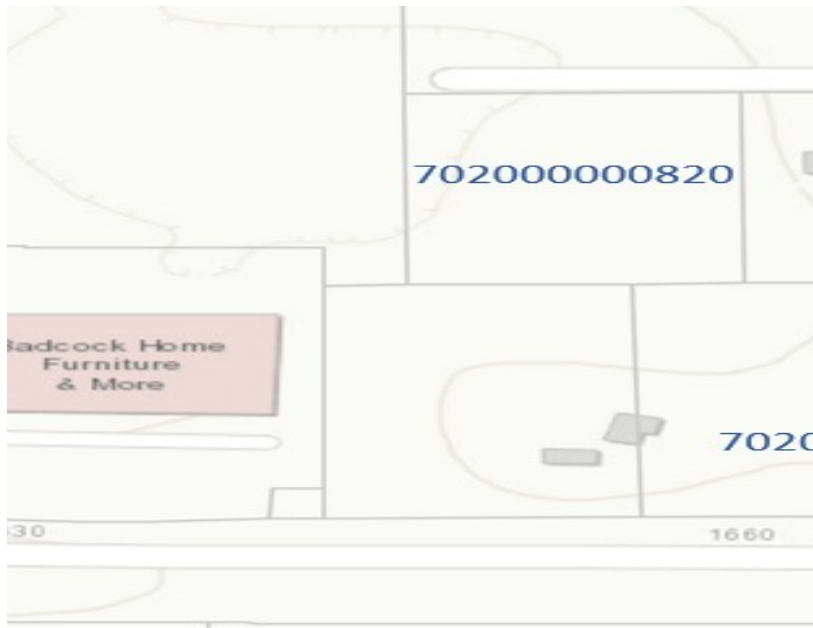
December 14, 2022

APPLICATION: AN22-244

1. **Requested Action:** Annexation of property currently located in unincorporated Volusia County into the City limits of DeLand
2. **Location:** Northwest quadrant of West Taylor Road (SR 15A) & South Clara Avenue intersection
3. **Petitioner:** George Dennison II, Esq., Dennison Matthews, PLLC
4. **Owner:** Eastover Holdings, LLC
5. **Size of parcel(s):** ± 3.03 acres

Parcel ID Number	Acreage
702000000800	1.44
702000000820	0.81
702000000860	0.78

6. **Parcel ID:** 7020-00-00-0800; 7020-00-00-0820; 7020-00-00-0860



7. **Land Use Designation & Zoning of Subject Property:**

Existing Future Land Use:

Parcel ID Number	Existing Land Use
702000000800	Volusia County (VC): Urban Medium Intensity (UMI)
702000000820	Volusia County (VC): Urban Medium Intensity (UMI)
702000000860	Volusia County (VC): Urban Medium Intensity (UMI)

Existing Zoning:

Parcel ID Number	Existing Zoning
702000000800	Volusia County: General Commercial (B-4)
702000000820	Volusia County: Urban Single Family Residential (R-4)
702000000860	Volusia County: Urban Single Family Residential (R-4)

Existing Use:

Parcel ID Number	Existing Use(s)
702000000800	Single-family home, vacant, civic group
702000000820	Vacant/undeveloped, single-family homes
702000000860	Vacant/undeveloped, single-family home

8. Surrounding Land Use & Zoning:**Parcel #702000000800**

	LAND USE	ZONING
North:	VC: Urban Medium Intensity (UMI)	VC: Urban Single-Family Res (R-4)
South:	VC: Commercial City: Highway Commercial	VC: Heavy Commercial (B-5), City: Neighborhood Commercial (C-1)
East:	VC: UMI & VC: Commercial	VC: Heavy Commercial (B-5)
West:	City: Highway Commercial	City: General Commercial (C-2)

Parcel #702000000820

	LAND USE	ZONING
North:	VC: Urban Medium Intensity (UMI)	VC: Urban Single-Family Res (R-4)

South:	VC: Urban Medium Intensity (UMI) City Highway Commercial	VC: General Commercial (B-4) City: General Commercial (C-2)
East:	VC: Urban Medium Intensity (UMI)	VC: Urban Single-Family Res (R-4)
West:	City: Highway Commercial	City: Santa Cruz PD

Parcel #702000000860

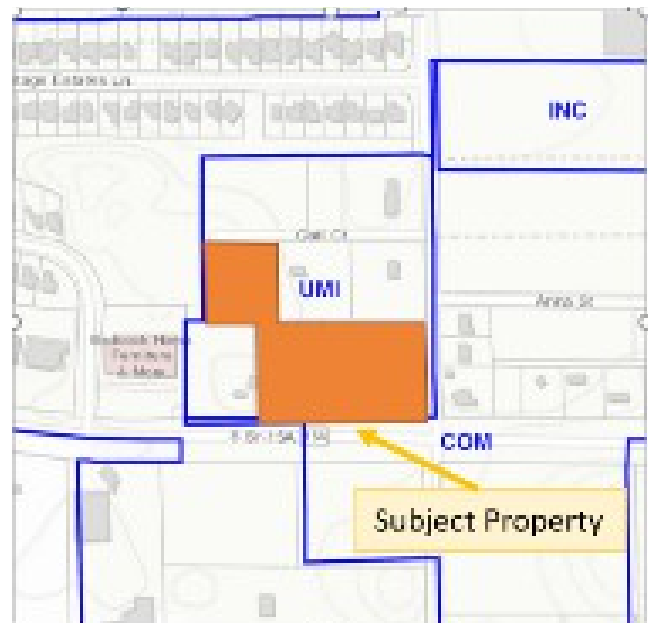
	LAND USE	ZONING
North:	VC: Urban Medium Intensity (UMI)	VC: Urban Single-Family Res (R-4)
South:	VC: Urban Medium Intensity (UMI)	VC: General Commercial (B-4)
East:	VC: Commercial	VC: Heavy Commercial (B-5)
West:	VC: Urban Medium Intensity (UMI)	VC: General Commercial (B-4)

9. Physical Characteristics: The proposed annexation consists of 3 parcels that total $\pm$ 3.03 acres, and will also include all of the adjacent right-of-way.

The subject property does not appear to contain wetlands and does not lie within the 100-year flood zone. The parcels are currently vacant and undeveloped. A residential home was on parcel #702000000860; however, it has recently been demolished.

10. Public Services & Utilities: Existing city infrastructure and service availability were analyzed as part of this review. The City's Utilities Department confirmed that the closest water main is located on the north side of Taylor Road under the sidewalk and the closest sewer main is located on the north side of Taylor Road at the lift station. The Police Department stated that the appropriate police patrol zone will be determined for the properties; however, emergency response time and travel distance data had not been provided as of the time of this report. The Fire Department confirmed that fire protection service is available with an estimated response time of 5 minutes or less.

Outside agency coordination was also analyzed as part of this review. The County of Volusia Growth and Resource Management confirmed that none of the properties had been involved in code enforcement actions. Since access to the city's water and sewer mains exists, the Florida Health Department was not required to provide septic system and water well information.



11. Growth Management Plan Consistency: Concurrent with the proposed annexation are required applications for future land use amendments, from Volusia County UMI to City Highway Commercial, and zoning amendments, from Volusia County R-4 and Volusia County B-4 to City General Commercial (C-2).

To the north and west of parcel #702000000820 is the Santa Cruz Planned Development, which consists of 50-ft. wide single-family residential lots (excluding corner lots) and 4 commercial lots (including the existing Badcock furniture store), which has a maximum of 38,700 commercial square-footage adjacent to Taylor Road. To the east of the respective parcel are two approximate 0.80-acre single-family residential units. To the south, with the exception of parcel #702000000800 that is part of this annexation application, the property is vacant and zoned C-2. On the north side, the property accesses Gail Court, which is a private road not maintained by the county or city.

To the north of parcels #702000000800 and #702000000800 are two approximate 0.80-acre single-family residential homes. To the east are three single-family residential homes ranging between 0.21 and 0.36 acres and zoned for commercial uses. The properties on the south and east sides are vacant and zoned for commercial uses. Both properties' east boundaries are adjacent to South Clara Avenue right-of-way. Additionally, the south side of property #702000000800 is adjacent to Taylor Road/SR 15A right-of-way.

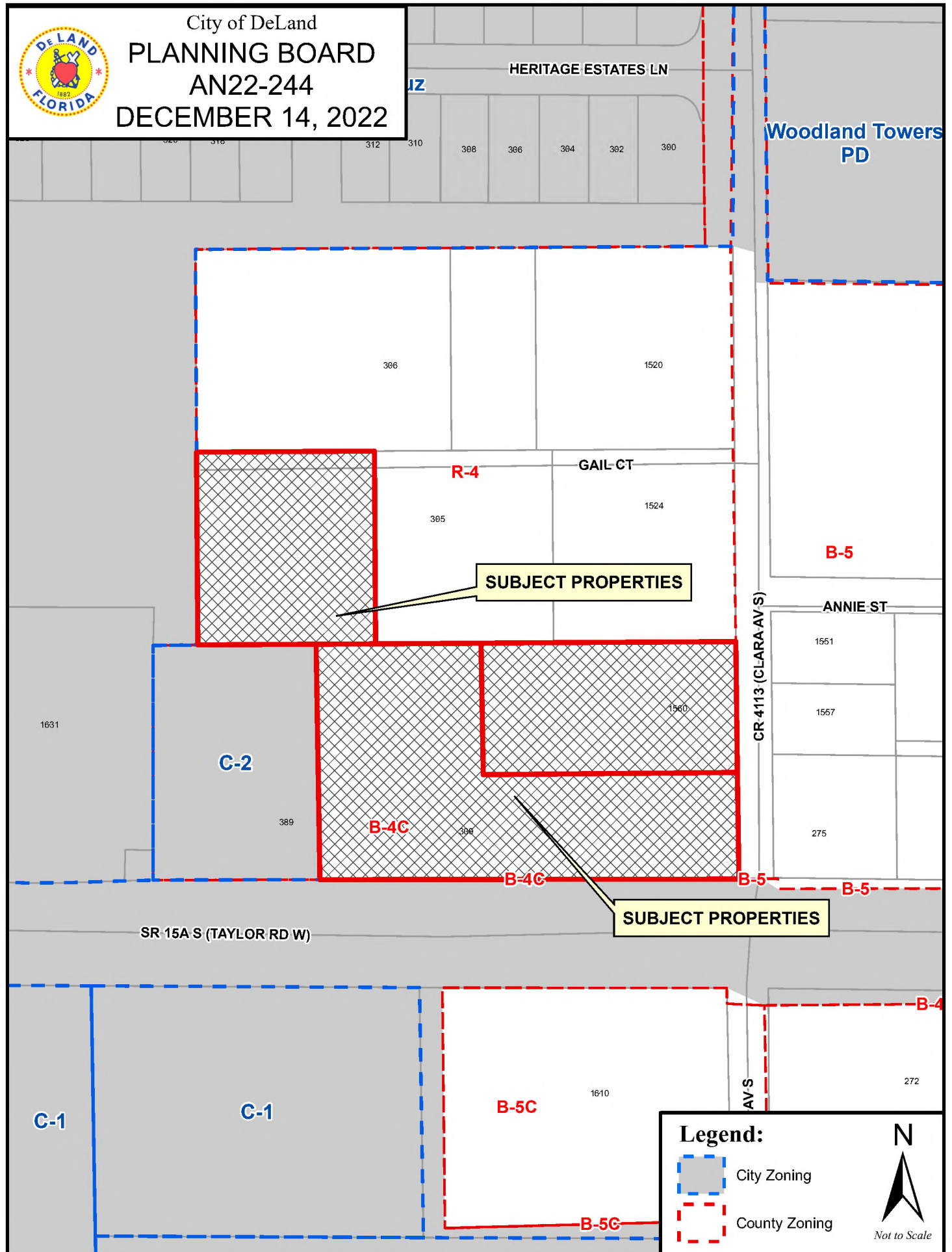
2. Analysis: The City's guidelines for annexation require a property be sufficiently contiguous to property already within the city limits and to be accessible to public services provided. In addition, the State requires the property be reasonably compact, not circuitous, and does not create an enclave. The subject property does not create an enclave, is contiguous to the City of DeLand, is reasonably compact and is not circuitous. Parcel #702000000820 is contiguous to the west by ± 196 -ft., parcel #702000000800 is contiguous to the west by ± 238 -ft., and parcel #702000000860 would be contiguous to the west through the annexation of parcel #702000000800, on of the parcels in this proposed annexation, to the south.

Recommendation: Staff recommends that the Planning Board forward this annexation petition to the City Commission, with a recommendation for approval.

Based upon the concurrency requirements of the State of Florida and the City's concurrency management plan, as adopted in Article 5, Sec. 33-41 of the Land Development Regulations, approval of the proposed annexation does not automatically provide vested development rights. At the time the developer applies for a development permit, adequate infrastructure must exist to support the proposed development. If such infrastructure does not exist, the developer may be required to incur additional expense to ensure that the necessary infrastructure is provided.

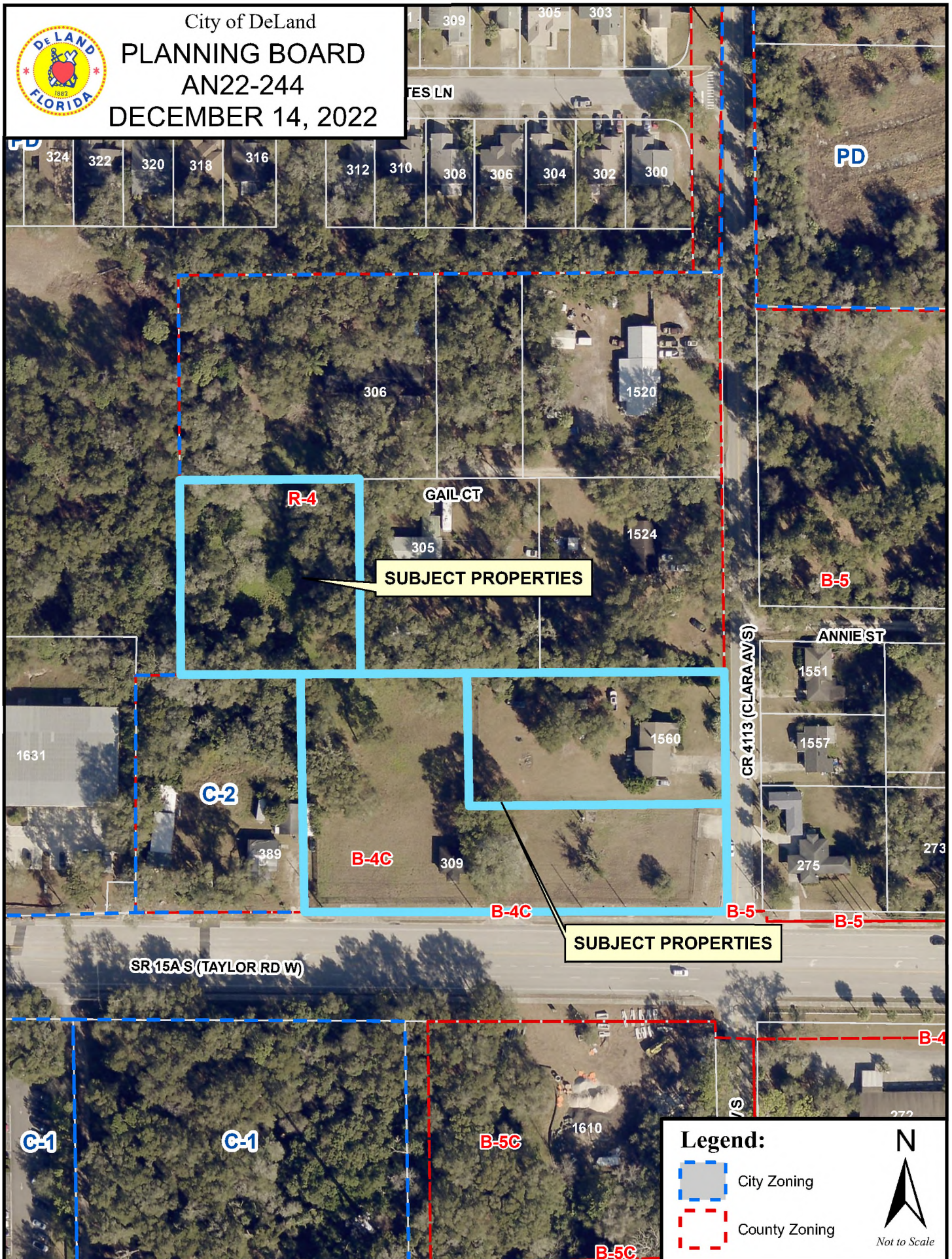


City of DeLand
PLANNING BOARD
AN22-244
DECEMBER 14, 2022





City of DeLand
PLANNING BOARD
AN22-244
DECEMBER 14, 2022



LEGAL DESCRIPTION:

(OR 6848 PG 1001)

PARCEL 1:

A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION TWENTY (20), TOWNSHIP SEVENTEEN (17) SOUTH, RANGE THIRTY (30) EAST, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION TWENTY (20); RUN THENCE WEST ALONG SOUTH LINE OF SAID SECTION A DISTANCE OF TWO HUNDRED FIFTY-NINE (259) FEET TO A POINT; RUN THENCE NORTH AND PARALLEL WITH THE EAST LINE OF SAID SECTION A DISTANCE OF ONE HUNDRED THIRTY-FIVE AND NINE-TENTHS (135.9) FEET TO A POINT; RUN THENCE EAST AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION A DISTANCE OF TWO HUNDRED FIFTY-NINE (259) FEET TO A POINT IN THE EAST LINE OF SAID SECTION; RUN THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION TO THE PLACE OF BEGINNING, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND (OR 6848 PG 1001)

PARCEL 2:

A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 20, TOWNSHIP 17 SOUTH, RANGE 30 EAST, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION 20, 259 FEET WEST OF THE SOUTHEAST (SE) CORNER OF SAID SECTION 20; THENCE WEST ALONG THE SOUTH LINE OF SECTION, A DISTANCE OF 163 FEET TO A POINT; THENCE NORTH AND PARALLEL WITH EAST LINE OF SAID SECTION, A DISTANCE OF 268 FEET TO A POINT; THENCE EAST A DISTANCE OF 163 FEET ALONG A LINE PARALLEL WITH THE SOUTH LINE OF SAID SECTION TO A POINT; THENCE SOUTH AND PARALLEL WITH THE EAST LINE OF SAID SECTION A DISTANCE OF 268 FEET TO THE POINT OF BEGINNING IN THE SOUTH LINE OF SAID SECTION, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

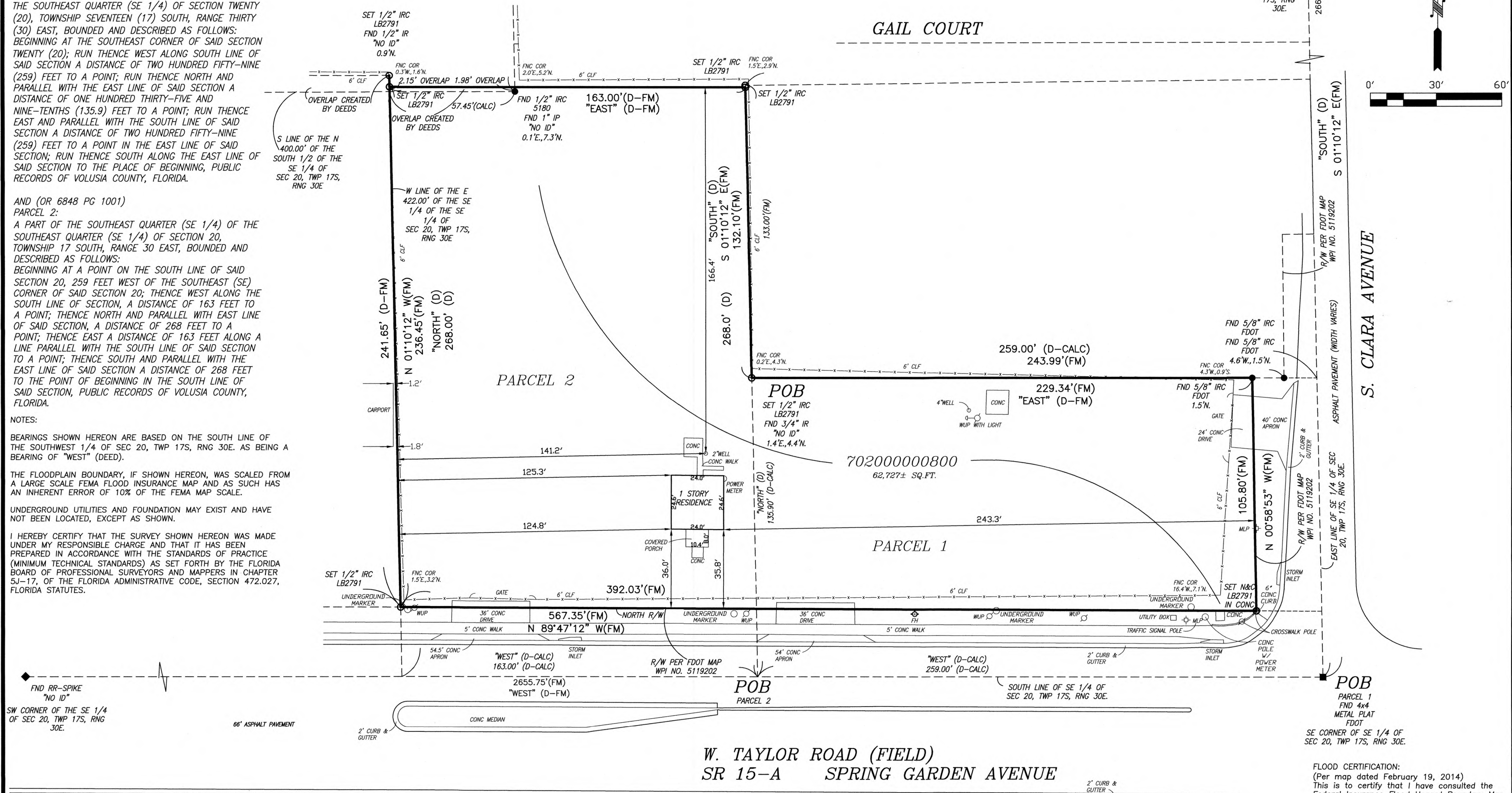
NOTES:

BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SEC 20, TWP 17S, RNG 30E. AS BEING A BEARING OF "WEST" (DEED).

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

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

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



ABBREVIATIONS

A=Arc Length	CONC=Concrete	F/W=Field Wire Fence	N&C=Nail & Cap	POL=Point on Line	TB=Tangent Bearing
AC=Acres	COR=Corner	GA=Guy Anchor	NO ID=No Identification	PRC=Point of Reverse Curve	TEL or T=Telephone Service
A/C=Air Conditioning Unit	CUP=Concrete Utility Pole	GL=Government Lot	OR=Official Records Book	PRM=Permanent Reference Mon.	
ASP=Asphalt	(D)=Deed call	GLO=Government Land Office	O/_=Overhead	PT=Point of Tangency	U/_=Underground
BFP=Back Flow Preventer	HDW=Headwall	IDW=Invert Elevation	(P)=Plot	PVC=Poly Vinyl Chloride	UP=Utility Pole
BLDG=Building	ELEC or E=Electric	INV=Invert Elevation	PC=Point of Curvature	PWM=Pavement	WDF=Wood Fence
BLK=Block	ELEV or EL=Elevation	IR=Iron Rod	PCC=Point of Compound Curvature	R=Radius or Radial Line	WFF=Wood Privacy Fence
BM=Benchmark	ESMT=Easement	IR&C=Iron Rod & Cap	PQ=Page	RCR=Reinforced Conc. Pipe	WM=Water Meter
CALC=Computed Data	FND=Found	L=Arc Length	PI=Point of Intersection	REC=Recovered	W/M=Water Main
CATV=Cable TV Service	F/F=Field Floor Elev.	LS=Registered Land Surveyor	POB=Point of Beginning	RNG=Range	W/SL=Water Service Line
C/B=Catch Basin	FM=Field Measured	MB=Map Book	POC=Point of Commencement	R/S=Railroad Spike	W/_=With
CB=Chord Bearing	FR=Frame Construction	MH=Manhole	POL=Point on Line	R/W=Right of Way	WC=Witness Corner
CHD=Chord Distance	F/W=Field Wire Fence	MON=Monument	PRC=Point of Reverse Curve	SEC=Section	WUP=Wood Utility Pole
CLF=Chain Link Fence				SANI=Sanitary Sewer	
OMP=Corrugated Metal Pipe				SD=Storm Sewer	
				T=Tangent	

NOTE:

This Plot of Survey is certified to and prepared for the sole and exclusive benefit of the entities and or individuals shown hereon, valid on the most current date shown hereon, and shall not be relied upon by any other entity or individual whomsoever.

This Survey / Sketch has been prepared without benefit of abstract or title search unless otherwise noted hereon.

There may be additional restrictions and/or other matters of record not shown on this Survey / Sketch that may be found in the Public Records of the county or contained within the Title Commitment.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BLACKWELL & ASSOCIATES
LAND SURVEYORS, INC. (LB #2791)

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

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LAND SURVEYORS, INC.

WWW.BLACKWELLSURVEYING.COM
995 W. VOLUSIA AVE. * DELAND, FL. * PH: (386)-734-8050

BOUNDARY SURVEY CERTIFIED TO:

DENNISON LAW & TITLE
FIDELITY NATIONAL TITLE INSURANCE CO.
AMERICAN LAND TITLE ASSOCIATION
COMMITMENT FOR TITLE INSURANCE

SYMBOLS :

- = REBAR FOUND (SIZE SHOWN HEREON)
- = 1/2" REBAR & CAP SET
- = 4"x4" CONCRETE MONUMENT & CAP SET
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- = IRON PIPE FOUND (SIZE SHOWN HEREON)
- ◆ = RAILROAD SPIKE FOUND
- = BOLT FOUND (SIZE SHOWN HEREON)
- = P/K NAIL FOUND

DATE :	12/13/21
W.O. No. :	11-642-21
DRAWN BY :	JT
FIELD BOOK :	748-67
CADD FILE / FILE No. :	11-642-21 M-

LEGAL DESCRIPTION:

(OR 6848 PG 1001)
PARCEL 3:
THE WEST 180 FEET OF THE SOUTH 195 FEET OF THE NORTH 400 FEET
OF THE EAST 544.5 FEET OF THE* SOUTHEAST ONE-QUARTER (SE 1/4)
OF THE SOUTHEAST ONE-QUARTER (SE 1/4), SECTION 20, TOWNSHIP 17
SOUTH, RANGE 30 EAST, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

*SHOULD READ: "THE SOUTH 1/2 OF THE" SOUTHEAST ONE-QUARTER
(SE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4)

EAST LINE OF
SANTA CRUZ
SUBDIVISION
MB 45, PGS 157-158

NOTES:

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SOUTH LINE OF THE SOUTHEAST 1/4 OF SEC 20,
TWP 17 S, RNG 30 E. AS BEING A BEARING OF
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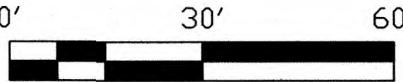
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- ◆ = RAILROAD SPIKE FOUND
- ◆ = BOLT FOUND (SIZE SHOWN HEREON)
- = P/K NAIL FOUND

DATE :	12/12/21
W.O. No.	11-643-21
DRAWN BY :	JT
FIELD BOOK :	748-67
CADD FILE / FILE No. :	11-643-21 M-

FND N&C
3293
NE CORNER
OF THE
SE 1/4 OF
SEC 20, TWP
17S, RNG
30E.



S. CLARA AVENUE

2668.35' (FM)

462.09' (CALC)
EAST LINE OF SE 1/4 OF SEC
20, TWP 17S, RNG 30E.

FND 4x4
METAL PLAT
FDOT
SE CORNER OF SE 1/4 OF
SEC 20, TWP 17S, RNG 30E.

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

LEGAL DESCRIPTION:

(OR 3847 PG 0138)

A PORTION OF THE SE 1/4 OF THE SE 1/4 OF SECTION 20, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF SAID SECTION, RUN THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 259 FEET TO A POINT; RUN THENCE NORTH AND PARALLEL TO THE EAST LINE OF SAID SECTION A DISTANCE OF 135.9 FEET TO THE POINT OF BEGINNING; FROM THE POINT OF BEGINNING RUN THENCE NORTH AND PARALLEL TO THE EAST LINE OF SAID SECTION A DISTANCE OF 133 FEET; RUN THENCE EASTERLY TO A POINT IN THE EAST LINE OF SAID SECTION WHICH IS 271.8 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SECTION; RUN THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION 135.9 FEET TO A POINT; THENCE WESTERLY AND PARALLEL TO THE SOUTH LINE OF SAID SECTION TO THE POINT OF BEGINNING, VOLUSIA COUNTY, FLORIDA.

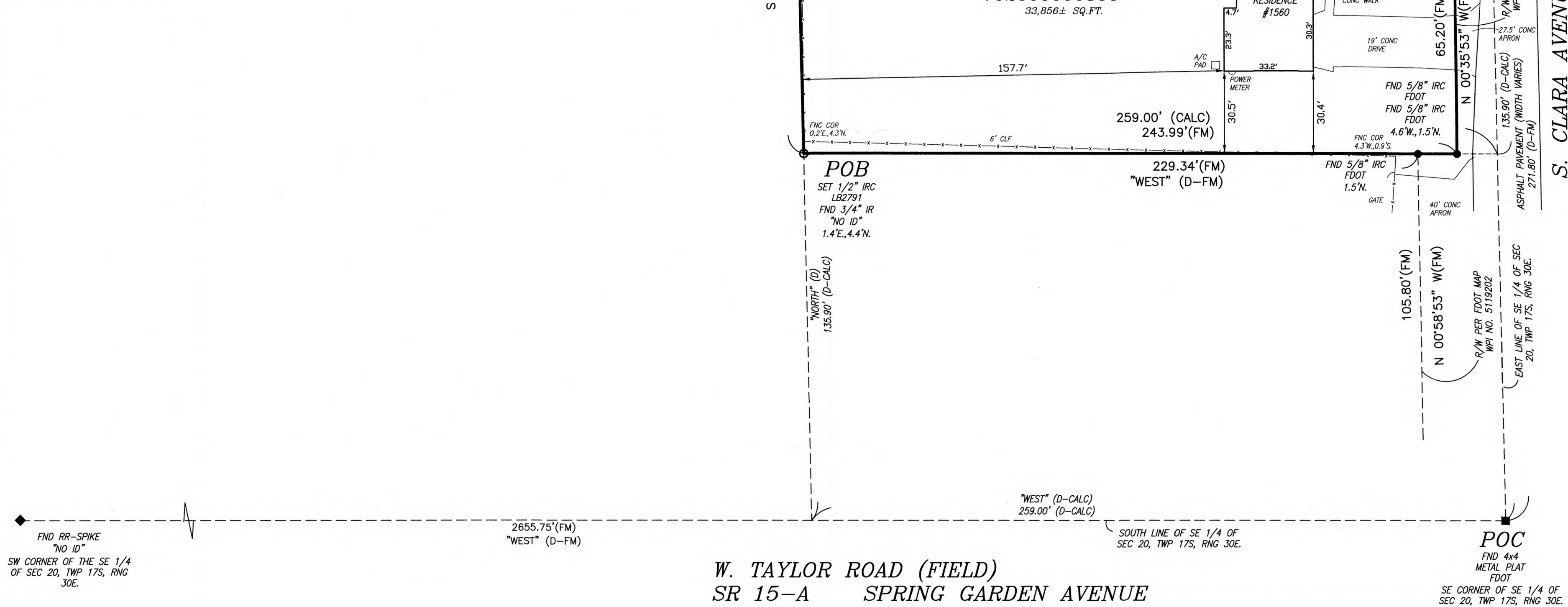
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BOUNDARY SURVEY CERTIFIED TO:
DENNISON LAW & TITLE
FIDELITY NATIONAL TITLE INSURANCE CO.
AMERICAN LAND TITLE ASSOCIATION
COMMITMENT FOR TITLE INSURANCE

FLOOD CERTIFICATION:
(Per map dated February 19, 2014)
This is to certify that I have consulted the Federal Insurance Flood Hazard Boundary Map and found the ABOVE named Property IS NOT located in a special flood hazard area, according to Community Panel Map No. 12127C-0470-H Map Panel 470 of 930, Zone "X".
SYMBOLS :
● = REBAR FOUND (SIZE SHOWN HEREON)
○ = 1/2" REBAR & CAP SET
□ = 4"x4" CONCRETE MONUMENT & CAP SET
■ = CONCRETE MONUMENT FOUND (SIZE SHOWN HEREON)
○ = R.L.S. DISC/NAIL FOUND (SIZE SHOWN HEREON)
○ = R.L.S. DISC/NAIL SET
○ = IRON PIPE FOUND (SIZE SHOWN HEREON)
◆ = RAILROAD SPIKE FOUND
● = BOLT FOUND (SIZE SHOWN HEREON)
● = P/K NAIL FOUND
DATE : 12/13/21
W.O. No. : 11-644-21
DRAWN BY : JT
FIELD BOOK : 748-67
CADD FILE / FILE No. : 11-644-21 M-

LEGAL DESCRIPTIONS:
PARCELS: 702000000800; 702000000820; and 702000000860

PARCEL NO.: 7020-00-00-0800 & 7020-00-00-0820:

TOTAL ACREAGE: 2.36 ACRES

PARCEL 1:

A portion of the Southeast quarter (SE 1/4) of the Southeast quarter (SE ¼) of Section 20, Township 17 South, Range 30 East, bounded and described as follows: Beginning at the Southeast corner of said Section 20, run thence West along South line of said Section a distance of 259 feet to a point; run thence North and parallel with the East line of said Section a distance of 135.9 feet to a point; run thence East and parallel with the South line of said Section a distance of 259 feet to a point in the East line of said Section; run thence South along the East line of said Section to the Place of Beginning, Public Records of Volusia County, Florida.

PARCEL 2:

A part of the SE ¼ of the SE ¼ of Section 20, Township 17 South, Range 30 East, bounded and described as follows:

Beginning at a point on the South line of said Section 20, 259 feet West of the SE corner of said Section 20; thence West along the South line of the Section, a distance of 163 feet to a point; thence North and parallel with the East line of said Section a distance of 268 feet to a point; thence East a distance of 163 feet along a line parallel with the South line of said Section to a point; thence South and parallel with the East line of said Section a distance of 268 feet to the Point of Beginning in the South line of said Section, Public Records of Volusia County, Florida.

PARCEL 3:

The West 180 feet of the South 195 feet of the North 400 feet of the East 544.5 feet of the SE ¼ of the SE 1/4, Section 20, Township 17 South, Range 30 East, Public Records of Volusia County, Florida.

PARCEL NO.: 702000000860

TOTAL ACREAGE: 0.78 ACRES

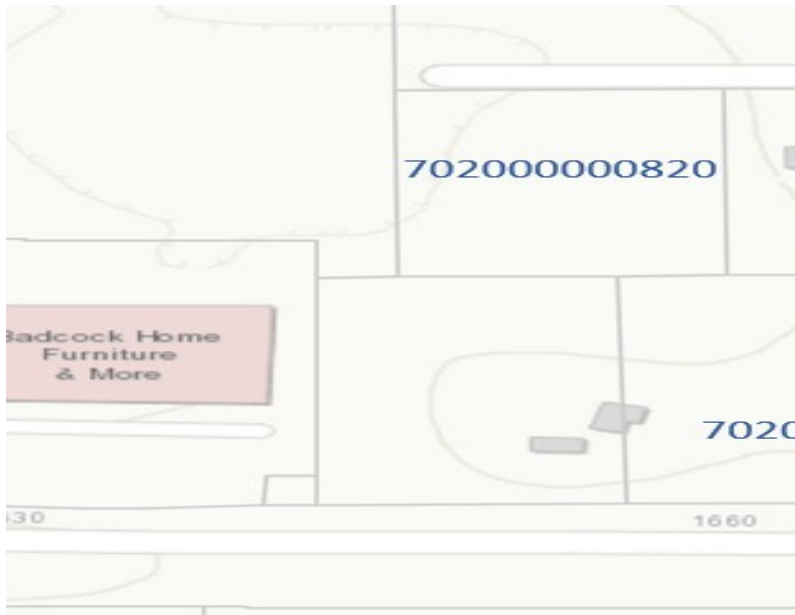
A portion of the Southeast 1/4 of the Southeast 1/4 of Section 20, Township 17 South, Range 30 East, Volusia County, Florida, described as follows:

Commencing at the Southeast corner of said section, run thence West along the South line of said section 259 feet to a point; run thence North and parallel to the East line of said section a distance of 135.9 feet to the Point of Beginning; from the Point of Beginning run thence North and parallel to the East line of said section a distance of 133 feet; run thence Easterly to a point in the East line of said section which is 271.8 feet North of the Southeast corner of said section; run thence South along the East line of said section 135.9 feet to a point; thence Westerly and parallel to the South line of said section to the Point of Beginning, Volusia County, Florida.

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

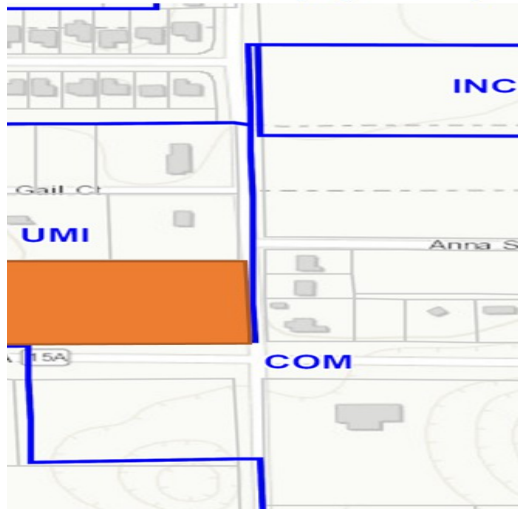
December 14, 2022

- A. APPLICATION NO.:** SMLU22-246
- APPLICANT:** George Dennison II, Esq., Dennison Matthews, PLLC
- PROPERTY OWNER:** Eastover Holdings, LLC
- REQUEST:** To amend the future land use designation from Volusia County (VC) Urban Medium Intensity (UMI) to City Highway Commercial (HC).
- B. SITE FACTORS:**
- Location: Northwest quadrant of West Taylor Road (SR 15A) & South Clara Avenue intersection.
 - Parcel ID #: 7020-00-00-0800; 7020-00-00-0820; 7020-00-00-0860
 - Total Size Parcels: ± 3.03 acres
 - Land Use: Urban Medium Intensity (UMI)
 - Existing Use: Vacant/Undeveloped

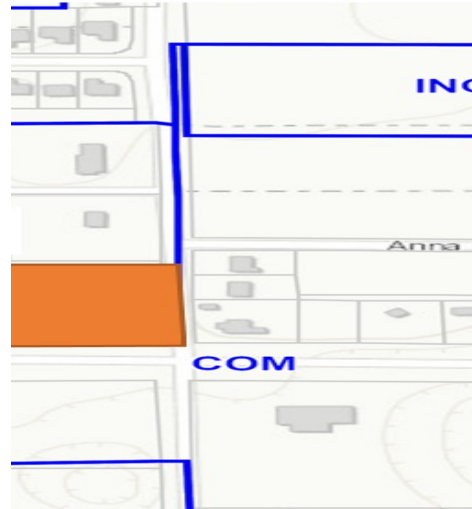


Parcel ID Number	Acreage
702000000800	1.44
702000000820	0.81
702000000860	0.78

Land Use (Volusia County) Urban Medium Intensity (UMI)



Land Use (City) Highway Commercial (HC)



Surrounding Land Use:

Parcel #702000000800

	SURROUNDING LAND USE:
North:	VC: Urban Medium Intensity (UMI)
South:	ROW: Taylor Road VC: Commercial City: Highway Commercial
East:	ROW (S. Clara Ave) VC: UMI; VC: Commercial
West:	City: Highway Commercial

Parcel #702000000820

	SURROUNDING LAND USE
North:	Private Road: Gail Ct.; VC: Urban Medium Intensity (UMI)
South:	VC: Urban Medium Intensity (UMI) City Highway Commercial
East:	VC: Urban Medium Intensity (UMI)
West:	City: Highway Commercial

Parcel #702000000860

	SURROUNDING LAND USE
North:	VC: Urban Medium Intensity (UMI)

South:	VC: Urban Medium Intensity (UMI)
East:	ROW (S. Clara Ave) VC: Commercial
West:	VC: Urban Medium Intensity (UMI)

C. REQUESTED ACTION & HISTORY:

REQUEST: The applicant is requesting a future land use designation amendment for three parcels, located on or near the northwest quadrant of Taylor Road (SR 15A) and South Clara Ave intersection., from Volusia County (VC) Urban Medium Intensity (UMI) to City Highway Commercial (HC). All three of the subject parcels are vacant and undeveloped.

The parcels total 3.03-acres in size, are self-contiguous on the north side of Taylor Road, and have a current future land use of VC UMI, which has a maximum density of 8 residential units per acre and allows up to 50,000-square feet of non-residential land use based on location criteria. Considering the location is at the intersection of a state thoroughfare roadway and city-maintained collector, the site meets the location criteria. Theoretically, the 3.03-acres could develop up to 50,000-square feet of retail/commercial and 16 residential units although this is unlikely due to the size of the property.

Per the County's Comprehensive Plan –

...Urban Medium Intensity “is primarily a residential designation but may allow neighborhood business areas and office development that meet the Comprehensive Plan’s location criteria. The commercial intensity shall be no more than a fifty percent Floor Area Ratio (.50 FAR) and shall be limited in a manner to be compatible with the allowable residential density.”

If developed under the proposed Highway Commercial (HC), the maximum density, considering the maximum floor area ratio of 0.10, would be 118,788-square-feet of retail/commercial although this is unlikely due to the size of the property. Under the theoretical maximum development scenario, this equates to a net increase of 68,788-square-feet with -16 residential units.

Per the city's Comprehensive Plan --

...Highway Commercial “land use designation includes office uses, service-oriented and commercial establishments which provide retail and related goods and services to local/sub-regional and regional markets. These types of centers include neighborhood convenience, neighborhood, community, and regional shopping centers.”

	Acreage	Gross Total Square Footage	Gross Density	Max Floor Area Ratio	Maximum SF or Units	Theoretical
County Urban Medium Intensity (MI) (Non-Residential Allowance)	1.03	50,000		0.5	50,000	Retail/Commercial
County Urban Medium Intensity (MI) (SFDU Residential Allowance)	2	87,120	8 units per acre		16	Single Family
TOTAL Acreage	3.03					

The Applicant is requesting the annexation of all three parcels into the City of DeLand (AN22-244) and rezoning from County Urban Single Family Residential (R-4) and General Commercial (B-4) to City General Commercial (C-2) (Z22-248).

CHRONOLOGY OF PAST EVENTS: The land use of the subject property has not recently been changed. According to the city's 2050 Vision, this area is within and on the southern boundary of the Urban Core (Category 2), which is where the majority of newer, higher intensity growth is envisioned to take place. The focus is on development and also maintaining a strong job base and utilizing existing infrastructure. Taylor Road serves as a demarcation line with the Urban Core/Category 2, residing north of Taylor Road, and Category 1, residing south of Taylor Road. Category 1's vision is to retaining existing zoning classifications.

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):

Existing City infrastructure and service availability were analyzed as part of this review:

- The City's Utilities Department confirmed that the closest water main is located on the north side of Taylor Road under the sidewalk and the closest sewer main is located on the north side of Taylor Road at the lift station. Water and sewer capacity availability would depend on the potential future development's use and demand. As with all development, the developer would be required to meet concurrency requirements during the final site plan phase.
- The City is able to provide an adequate Police level-of-service. The Police Department stated that the appropriate police patrol zone will be determined for the properties; however, emergency response time and travel distance data had not been provided as of the time of this report.

- The City is able to provide an adequate Fire/Rescue level-of-service. The Fire Department confirmed that fire protection service is available with an estimated response time of 5 minutes or less.
- The change in designation will not generate a new demand for recreation.

Existing City/County/State infrastructure and service availability was also analyzed as part of this review:

- Volusia County provides a sanitary landfill for the disposal of solid waste. The county's landfill has adequate capacity at this time.
- A Trip Generation Summary was submitted by the applicant, which showed that the existing land use, under the theoretical maximum development scenario ("worst case"), would generate 2018 daily, 91 AM peak-hour, and 241 PM peak-hour trips. The report compared the existing to the proposed land use development scenario, under the same theoretical maximum conditions, and stated the proposed land use would generate 1650 daily, 72 AM peak-hour, and 200 PM peak-hour trips. The summary stated that the adoption of the proposed land use amendment would result in a net trip decrease; however, staff's computations vary from the applicant's as shown on page 6. Regardless, during the final site plan review phase, the developer would be required to meet concurrency requirements and provide a TIA approval if the project(s) generates 1,000 or more average daily trips.

Outside agency coordination was analyzed as part of this review:

- The County of Volusia Growth and Resource Management confirmed that none of the properties had been involved in code enforcement actions.
- Since access to the city's water and sewer mains exists, the Florida Health Department was not required to provide septic system and water well information.

2. Compatibility with Land Use and Other Elements: The Future Land Use element requires that the subject property be consistent with surrounding development. The general area is a mix of vacant property, commercial development and single-family residential – a large majority of which has commercial land use and zoning. An analysis of the proposed land uses is discussed below:

- North and west of parcel #7020-00-00-0820 resides the Santa Cruz Planned Development, which was envisioned as a mixed-use development and is comprised of retail/commercial adjacent to Taylor Road and 63 single-family residential north of the retail/commercial portion. With the exception of corner lots, residential lots have a consistent lot width of +/-50-ft. With required landscape buffers between the residential and respective parcel, Highway Commercial land use designation would be compatible with this development.

- Directly east of parcel #7020-00-00-0820 and immediately north of parcels #7020-00-00-0860 and #7020-00-00-0800 are two single-family residential homes that have County UMI land use and R-4 zoning. Lot widths are approximately 180-185-ft and acreage is approximately 0.80. The land use amendment would not be compatible with these two properties, which reside on the south side of Gail Court.
- West, south, and east of the three subject parcels are various properties that are vacant, civic (West Volusia Shrine Club), or residential uses, but also have commercial land use designations. Highway Commercial land use designation would be compatible with these areas.

The Highway Commercial land use designation is consistent with the city's 2050 Vision Plan. Per the 2050 Vision Plan, the parcels reside in the Urban Core (Category 2) section, where new, higher intensity development is envisioned. Approximately 0.25 miles to the east is US 17-92/Woodland Blvd, which resides in Transit Oriented Development Corridor (Category 3) and is envisioned to have high densities and mixed uses that support transit-oriented development.

3. Future Land Use Map: The change in land use designation to Highway Commercial will be shown on the revised Future Land Use Map, if approved.

4. Location of Lakes, Floodplains, and Wetlands: According to Volusia County's interactive map, the property is located outside of the 100-year floodplain and does not contain any wetlands.

5. Analysis of Natural Resources:

a. Soil types:

Astatula-Fine Sand, 0-8% slope

b. Presence of Endangered Species:

None known of at this time; however, the applicant will be required to submit an environmental report prior to construction.

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. The closest water main is located on the north side of Taylor Road under the sidewalk. Water capacity availability would depend on the potential future development's use and demand. As with all development, the developer would be required to meet concurrency requirements during the final site plan phase.
- b. Sewer* – The City's Utility Department has indicated sufficient existing capacity. The closest sewer main is located on the north side of Taylor Road at the lift station. Sewer capacity availability would depend on the potential future development's use and demand. As with all development, the developer would be required to meet concurrency requirements during the final site plan phase.
- c. Drainage* – The City adheres to the County's 100-year frequency, 24-hour storm event standard for landlocked basins. Stormwater capture would be addressed on-site.

- d. *Solid Waste* – Solid waste services are available for the property.
- e. *Transportation* – In order to estimate traffic generation by development on the subject property, staff must make theoretical projections based on the **most intense** uses that are allowed under the existing future land use designation versus the proposed future land use designation.
- Existing VC UMI: Staff estimates that development of the 3.03 acres of property, under the existing land use designation's **maximum intensity** of 50,000-square feet of retail/shopping and 16 single-family residential units (See Table 1), could generate 3,269 average daily trips per day and 313 average PM peak-hour trips at build-out, according to the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11th Edition*. However, considering the smaller size and land development regulation requirements that would impact the development size, staff estimates that the site could potentially build-out at a maximum of 35% lot coverage. See Table 2 below.
 - Proposed City HC: Staff estimates that development of the 3.03 acres of property, under the proposed land use designation's **maximum density** of 131,987-square feet of retail/commercial, could generate 8,231 average daily trips and 787 average PM peak-hour trips at build-out, according to *ITE Trip Generation, 11th Edition*. However, like the existing scenario above, staff considered the smaller size and land development regulation requirements that would impact the amount of development able to occur, staff estimates that the site could potentially build-out at a maximum of 35% lot coverage. Considering the realistic maximum development scenario, both the existing and proposed would be able to develop 46,195.4-square-feet of retail/commercial, with Shopping Plaza being the highest trip generator. Hence, no trip increase would occur as a result of the land use amendment. See Table 2 below.

	Acreage	Gross Total Square Footage	Lot Coverage, FAR, Impervious Surface Area**	Maximum SF or Units**	Theoretical Max Land Use*	PM Peak Hour Trip Generation	Daily Gener
County Urban Medium Intensity (UMI) (Non-Residential Allowance)**	3.03	131,987	0.35	46,195.4	Shopping Plaza	171	
City Highway (Combined Parcels**)	3.03	131,987	0.35	46,195.4	Shopping Plaza	171	
					Net Trip Impact	0	0
<i>of ITE Trip Generation Manual</i> <i>Shopping Plaza (40K-150KSF), 5.19 PM Peak Hour Trips per 1000 SF. 67.52 daily trips per 1000 SF. 34% Pass-By Capture Rate Applied.</i> <i>Single Family Residential: 0.94 PM Peak Hour Trips per unit. 9.43 daily trips per unit.</i> <i>.50 and city FAR is 1.0. Due to small lot sizes and combined property size, the maximum density was reduced to 35% lot coverage to produce a more realistic</i>							

The roadways within a 2-mile radius of the site operate within the adopted level-of-service (LOS) with the exception of the following segments:

- US 17-92 between Beresford Ave and Euclid Ave
- US 17-92 between SR 44 and Plymouth Ave
- Orange Camp Road between US 17-92 and Princeton Drive

If the property were to develop, any commercial/retail/service uses would be anticipated to service the proposed amendment's residential population – generally west of Woodland Blvd/US 17-92. Trip impacts to either of the 3 segments would not be direct or significant. The developer would be required to provide a TIA and meet transportation concurrency during the final site plan phase.

f. Fire/Rescue Service - The Fire Department states that adequate fire protection can be provided and response time is under 5 minutes.

g. Police Service - The Police Department states that adequate police protection can be provided and response time is approximately 5 minutes.

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 an existing deficiency within the City. Any development on this site will be required to manage its own stormwater.
- Per staff's transportation analysis above (Table 2), no additional trip impacts are anticipated to occur on the existing or future transportation network; however, the site developed under either land use designation could potentially impact the roadway capacity deficiencies on segments of US 17-92 and Orange Camp Road. Potential mitigation could be required through the concurrency evaluation that occurs during the final site plan phase.

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 only if the subject land use amendment is approved and the classification is permitted by the new land use designation.

13. **Will the proposed land use change impact schools?** No impacts to schools are anticipated with the non-residential uses. In the case that multifamily is developed, the Volusia County School Board must review the applicant's concurrency application and issue a finding of adequate school capacity for this project.

14. **How does this proposal fit with the guidelines developed for DeLand 2050 and the City's Strategic Plan?**

- a. Located in the Urban Core (Category 2) – where the majority of the new, higher intensity growth will take place. – *Consistent*
- b. DeLand 2050 Land Use Guidelines:
“Concentrate development at the core of the city or at transit-oriented sites and corridors. The urban core is the key area to focus development, maintaining a strong job base and taking advantage of existing infrastructure. Locating higher intensity along select corridors or major centers will encourage transit and lessen traffic congestion.” Highway Commercial –*Consistent*

E. **CONCLUSION:** The Applicant is proposing an amendment to the future land use map with a concurrent rezoning application to amend the zoning to General Commercial. Development plans for the property are unknown at the time of this staff report. The proposed designation is consistent with the development pattern of the surrounding area.

F. **STAFF RECOMMENDATION:** Staff recommends approval to amending 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
- 2. Sanitary Sewer
- 3. Potable Water
- 4. Solid Waste
- 5. Stormwater Drainage
- 6. Recreation

7. Schools

Table 4. Impact Analysis (Theoretical Maximum)

Development Variable	Future Land Use	Proposed Future Land Use	Net Change
	(Theoretical Maximum)		
Dwelling Units	0	0	-16
Non-residential (Commercial)	46,195.4 SF	46,195.4 SF	0
1. Population	39	0	-41
2. P.M. Peak Hour Trips/Daily Trips	171/2,059	171/2,059	0 / 0
3. Sanitary Sewer (gallons per day)	3,200 Res./5000 Com.	13,199 Com.	-9,999 Res./+8199 Com.
4. Potable Water (gallons per day)	4,800 Res./5000 Com.	13,199 Com.	-4,800 Res./+8199 Com.
5. Solid Waste (pounds per person)	133 Res./500 Com.	0 Res./1,320 Com.	-133 Res./+820 Com.
6. Stormwater Drainage	TBD	TBD	TBD
7. Rec. & Open Space (per person)	.29 Res./0 Com.	0 Res./0 Com.	+0.29 Res./0 Com.

Notes:

1. Population: 2.44 persons per household (per 2020 Census)
2. Transportation: ITE *Trip Generation Manual*, 11th Edition:
(Commercial.): Shopping Plaza w/34% pass-by reduction applied (ITE Code #821)
5.19 PM peak-hour trips per 1,000 SF; & 67.52 daily trips per 1,000 SF
3. Sanitary Sewer: 200 GPD per Equivalent Residential Unit; 0.10 GPD per SF commercial use
4. Potable Water: 300 GPD per Equivalent Residential Unit; 0.10 GPD per SF commercial use
5. Solid Waste: 3.21 pounds per person per day; 10 lbs. per 1,000 SF 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 per 1,000 persons (0.007 acres/person)

The proposed amendment results in increased impacts to the following public infrastructure and services based on the theoretical maximum impact analysis: PM peak-hour and daily trip generation/traffic impacts, Sanitary Sewer gallons per day, potable water gallons per day, and Solid Waste pounds per day. Decreased impacts would occur in the following areas: Population and Recreation/Open Space requirements.

L:\COMMDEV\PLANNING\SR\2022\SR-SMLU22-246 309 W. Taylor



City of DeLand
PLANNING BOARD
SMLU22-246
DECEMBER 14, 2022

HERITAGE ESTATES LN

Woodland Towers
PD

386

1520

R-4

GAIL CT

385

1524

SUBJECT PROPERTIES

B-5

ANNIE ST

1551

1557

275

CR 4113 (CLARA AV S)

1631

C-2

389

B-4C

388

B-4C

B-5

B-5

SR 15A S (TAYLOR RD W)

SUBJECT PROPERTIES

B-4

C-1

C-1

B-5C

1610

B-5C

272

AV S

Legend:



City Zoning

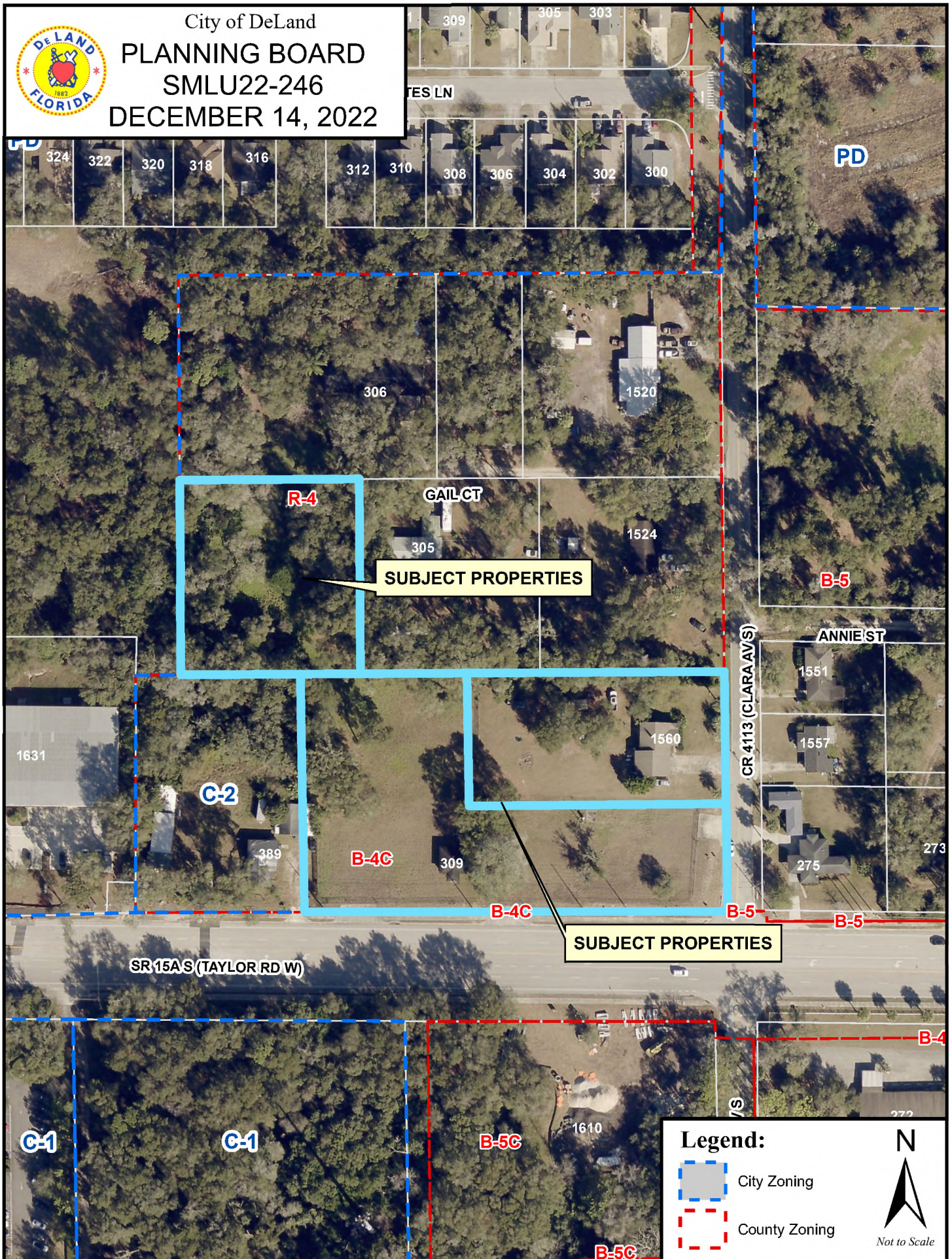


County Zoning



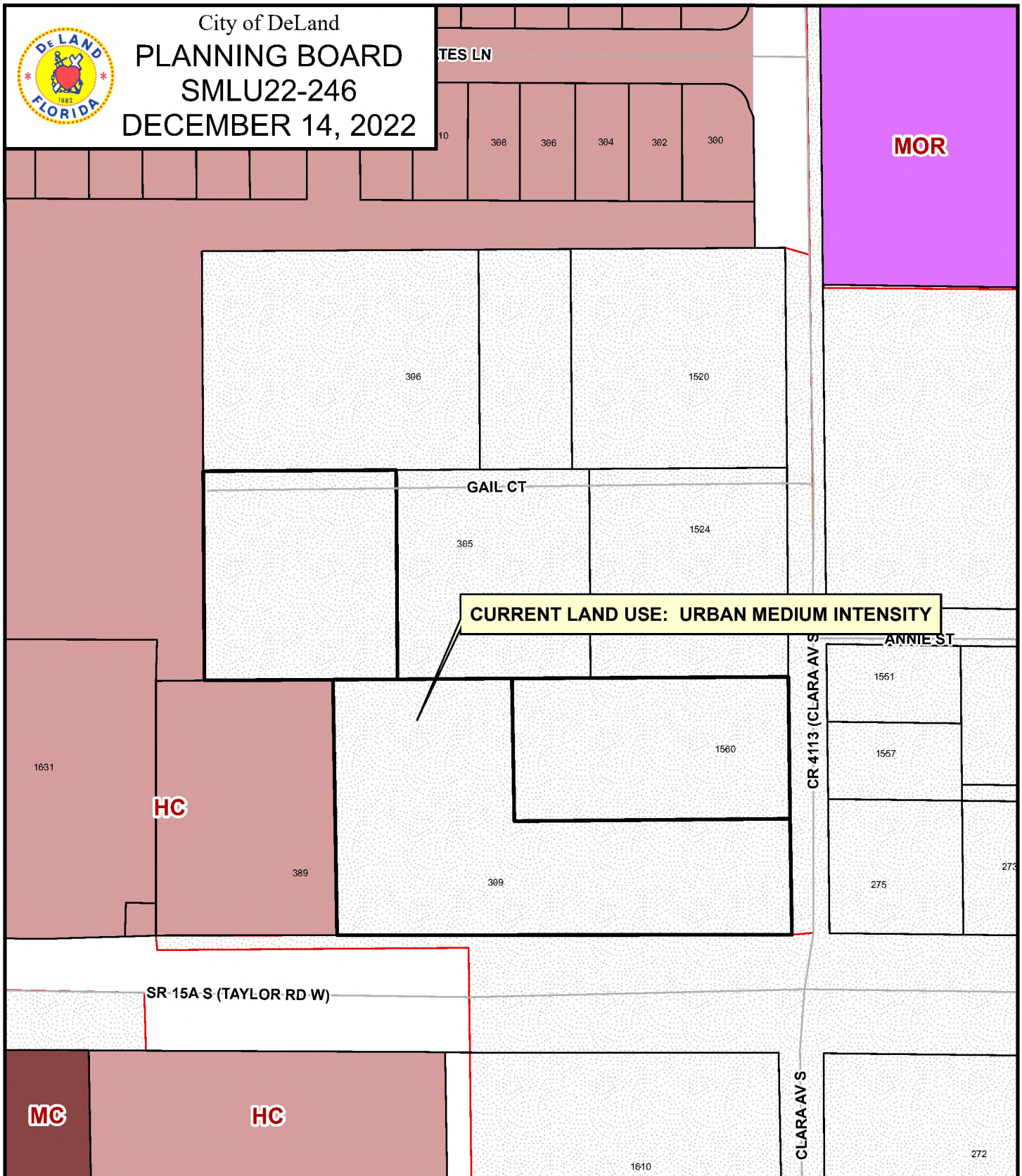


City of DeLand
PLANNING BOARD
SMLU22-246
DECEMBER 14, 2022





City of DeLand
PLANNING BOARD
SMLU22-246
DECEMBER 14, 2022



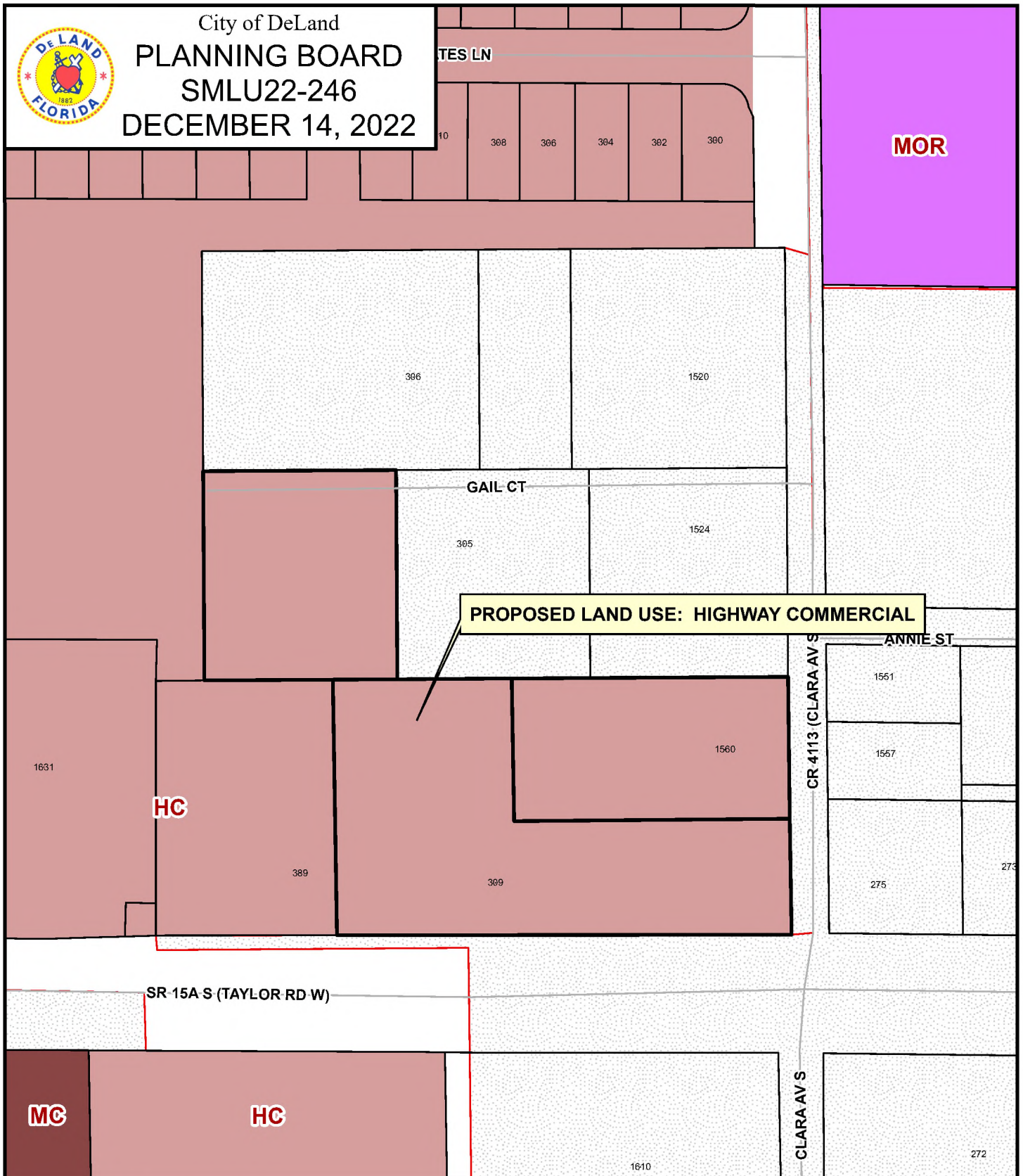
DeLand Future Land Use:

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
SMLU22-246
DECEMBER 14, 2022



DeLand Future Land Use:

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



**PLANNING DEPARTMENT STAFF REPORT
TO
PLANNING BOARD**

December 14, 2022

APPLICATION NO.: Z22-248 309 West Taylor Road

APPLICANT: George Dennison II, Esq., Dennison Matthews, PLLC

PROPERTY OWNER: Eastover Holdings, LLC

REQUEST: The applicant is requesting to amend the zoning of three (3) properties located at the northwest quadrant of West Taylor Road (SR 15A) & South Clara Ave intersection
From: Volusia County Urban Single-Family Residential (R-4)(1.59 Ac.);
Volusia County General Commercial (B-4) (1.44 Acres)
To: City General Commercial (C-2)

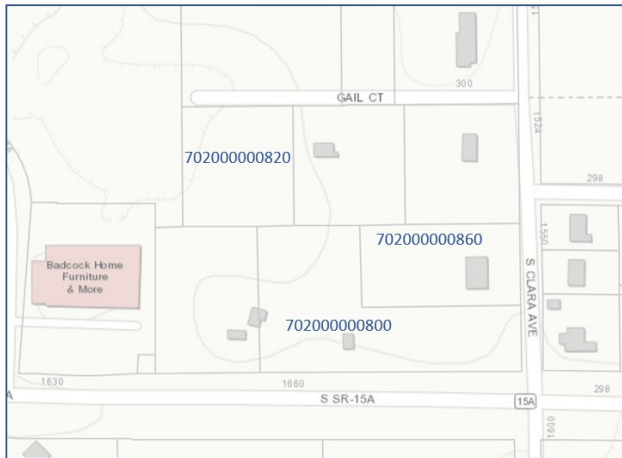
APPLICABLE REGULATIONS:

Article IV	OVERLAY AND FLOATING ZONE Sec. 33-36.04(b): Redevelopment Gateway Corridor
Article XII	ADMINISTRATION AND ENFORCEMENT Sec. 33-135 – Procedure for text amendments & rezoning.

A. SITE FACTORS:

Location:	Northwest quadrant of West Taylor Road (SR 15A) & South Clara Avenue intersection.
Parcel ID #:	7020-00-00-0800; 7020-00-00-0820; 7020-00-00-0860
Total Size Parcels:	Size: ± 3.03 acres
Land Use:	Urban Medium Intensity (UMI)
Existing Zoning:	Volusia County Urban Single-Family Residential (R-4) & General Commercial (B-4)
Existing Use:	Single-Family Residential & undeveloped

Parcels



Parcel ID Number	Acreage
702000000800	1.44
702000000820	0.81
702000000860	0.78

Surrounding Land Use & Zoning:

***See Zoning Abbreviation Reference table at bottom of page.*

Parcel #702000000800

	SURROUNDING LAND USE, ZONING & USE
North:	Land Use: VC Urban Medium Intensity (UMI) Zoning: VC R-4 Use(s): Single-Family Home
South:	ROW: Taylor Road Land Use: VC Commercial; City Highway Commercial Zoning: City C-1; VC B-5 Use(s): West Volusia Shrine Club
East:	ROW: S. Clara Ave Land Use: VC UMI; VC Commercial Zoning: VC B-5 Use(s): Single-Family Home
West:	Land Use: City Highway Commercial Zoning: City C-2 Use(s): Undeveloped

Parcel #702000000820

	SURROUNDING LAND USE, ZONING & USE
North:	Private Road: (Gail Ct.); Land Use: VC Land Use: Urban Medium Intensity (UMI) Zoning: VC R-4 Use(s): Single-Family Home
South:	Land Use: VC Urban Medium Intensity (UMI); City Highway Commercial Zoning: VC B-4; City C-2 Use(s): Undeveloped
East:	Land Use: VC Urban Medium Intensity (UMI) Zoning: VC R-4 Use(s): Single-Family Home
West:	Land Use: City Highway Commercial Zoning: City Santa Cruz Planned Development Use(s): Undeveloped

Parcel #702000000860

	SURROUNDING LAND USE, ZONING & USE
North:	Land Use: VC Urban Medium Intensity (UMI) Zoning: VC R-4 Use(s): Undeveloped/trees

South:	Land Use: VC Urban Medium Intensity (UMI) Zoning: VC B-4 Use(s): Undeveloped
East:	ROW: (S. Clara Ave) Land Use: VC Commercial Zoning: VC B-5 Use(s): Single-Family Home
West:	Land Use: VC Urban Medium Intensity (UMI) Zoning: VC B-4 Use(s): Undeveloped

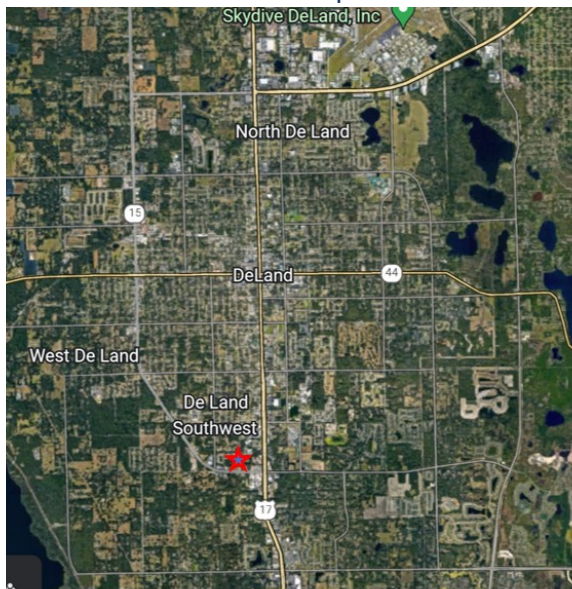
****Zoning Reference:**

<u>Volusia County (VC)</u>	<u>City</u>
R-4 (Urban Single-Family Residential)	C-1 (Neighborhood Commercial)
B-4 (General Commercial)	C-2 (General Commercial)
B-5 (Heavy Commercial)	

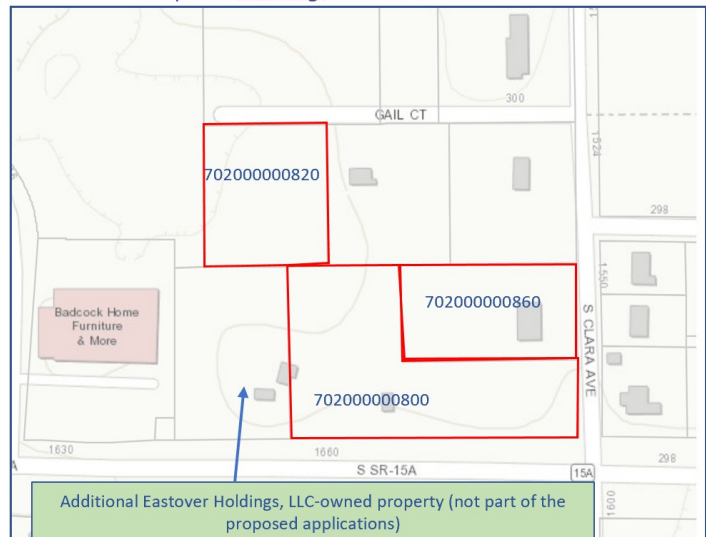
B. ANALYSIS:

The proposed rezoning application consists of three parcels that total $\pm$ 3.03 acres and are predominately located at the northwest quadrant of West Taylor Road (SR 15A)/South Clara Ave intersection. (See red star on location map.) Since a home was recently demolished on one of the parcels (7020-0-00-00-0860), all properties are currently vacant/undeveloped and are located 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 and B-4 zoning classifications to the City's C-2 zoning district.

Location Map

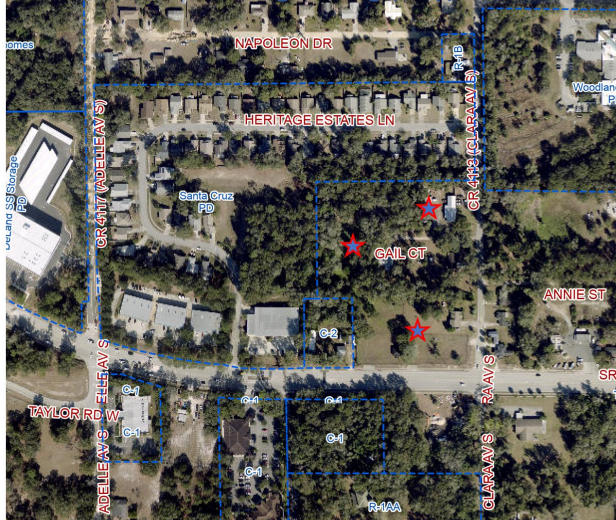


Proposed Rezonings & Parcel ID Numbers

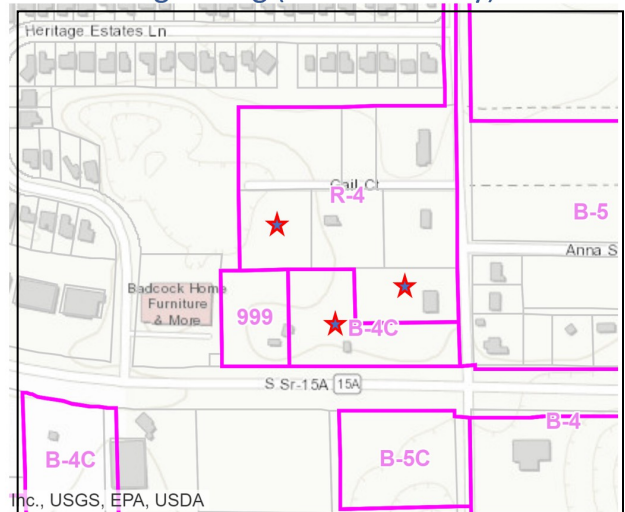


The applicant is requesting concurrent applications for annexation (AN22-244), small-scale land use amendment (SMLU22-246), and rezoning (Z22-248). Development plans associated with the respective parcels, as well as an additional contiguous property to the west that is owned by Eastover Holdings, LLC, are unknown at this time. The purpose of the amendment is to rezone the properties to General Commercial (C-2).

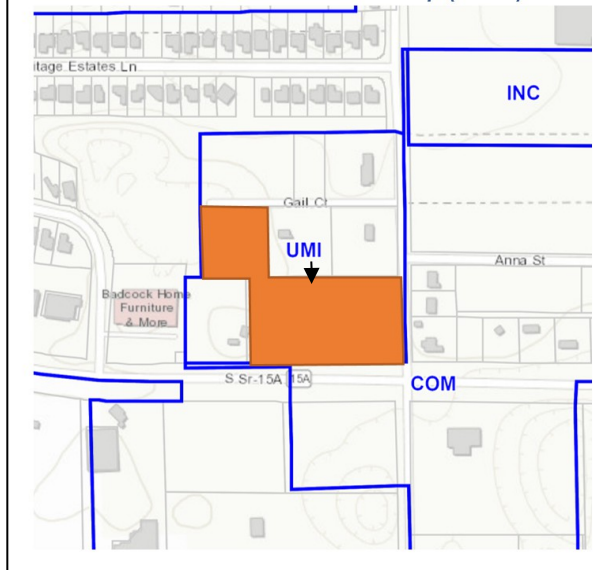
Existing Zoning (City)



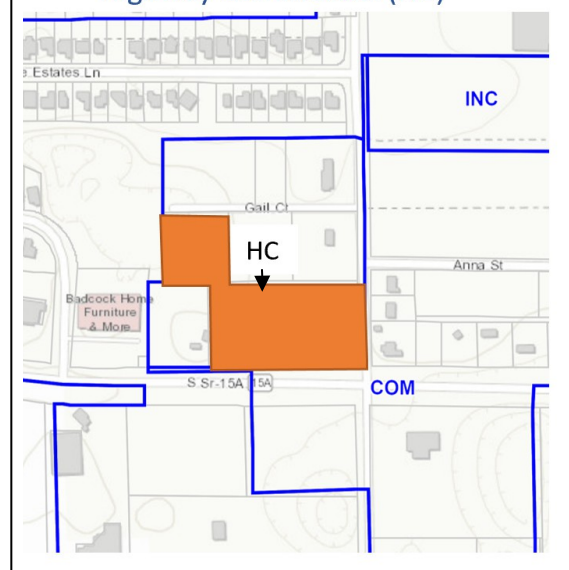
Existing Zoning (Volusia County)



Existing Future Land Use (Volusia County)
Urban Medium Intensity (UMI)



Proposed Future Land Use (City)
Highway Commercial (HC)



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 designations are described as follows:

Volusia County Code of Ordinances, Section 72-241 (Classifications) – *R-4 Urban Single-Family Residential Classification.*

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.”

Volusia County Code of Ordinances, Section 72-241 (Classifications) – *B-4 General Commercial Classification.*

Purpose and intent: “The purpose and intent of the B-4 General Commercial Classification is to encourage the development of intensive commercial areas providing a wide range of goods and services, and located adjoining at least one major collector or arterial road. The B-4 classification is intended to be applied to existing or developing strip retail areas which, because of the nature of existing development, are not appropriate for inclusion in the B-3 Shopping Center Classification.”

The proposed zoning designation is described as follows:

33-17.17. C-2—*General Commercial District.*

- (a) *Statement of intent.* “The purpose of this zoning district is to provide for the general retail and service needs of the DeLand area. The uses that are permitted will draw from a wider area than the uses allowed in the neighborhood commercial zoning district.”

The properties currently have a County Urban Medium Intensity (UMI) land use designation, which does permit up to 50,000-square-feet of neighborhood convenience (non-residential) uses along with up to eight single-family residential units per acre. Along with an application for annexation of this site into the city limits, a small-scale land use amendment, which is required to enable the proposed rezoning, is pending approval. The concurrent small-scale land use amendment proposes to change the County UMI to the City’s Highway Commercial designation. This rezoning is consistent with the proposed/pending City Highway Commercial designation.

Below is a description of the three parcels’ surrounding areas:

- North and west of parcel #7020-00-00-0820 resides the Santa Cruz Planned Development, which has residential and commercial PD zoning designation and was envisioned as a mixed-use development comprised of retail/commercial adjacent to Taylor Road and 63 single-family residential north of the retail/commercial portion. With the exception of corner lots, residential lots have a consistent lot width of +/-50-ft. With required landscape buffers between the residential and respective parcel, C-2 zoning would be compatible with this development.
- Directly east of parcel #7020-00-00-0820 and immediately north of parcels #7020-00-00-0860 and #7020-00-00-0800 are two single-family residential homes that have County UMI land use and R-4 zoning. Lot widths are approximately 180-185-ft and acreage is approximately 0.80-0.83 acres. The proposed zoning amendment would not be compatible with these two properties, which reside on the south side of Gail Court.
- West, south, and east of the three parcels are various properties that are vacant or have residential uses along with County B-5 and City C-1 zoning classifications. C-2 zoning classification compatible with these areas.

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

Rezoning of the property would amend the permitted uses of the properties, however, would not impact the environment or natural resources. The properties are currently undeveloped, with only grass and trees. No water bodies exist on either of the parcels.

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

The properties are undeveloped now that a residential home on one of the lots is now demolished. If the rezoning were approved, the properties could develop and/or redevelop with one or more of the permitted uses under C-2 such as, but not limited to, an office, bank, retail store, or service uses (such as dry cleaner). The rezoning action would likely have a positive impact on the economy compared to what currently exists since the properties are vacant. Additionally, the property will add more to the tax base if it developed under the proposed zoning.

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

The proposed rezoning would not negatively impact governmental services such as potable water, sewer, and transportation. The property is located within an existing urban area where redevelopment is desired by the city. The proposed rezoning would not require any new services or facilities. If approved, any development(s) on the parcels would be required to meet the city's concurrency requirements at the time of final site plan or preliminary plat.

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 original zoning classification was approved by Volusia County when the zoning code went into effect 30+ years ago. Since then, the city has identified Taylor Road, adjacent to or within close proximity of the parcels proposed to be rezoned, as a designated Redevelopment Gateway Corridor. Per Section 33-36.01, Gateway Overlay Districts, such as Emerging Gateway and Redevelopment Gateway, were adopted to ensure the gateway corridors, leading into and out of the city, are developed under uniform design standards that prevent unplanned and uncoordinated land uses and development, promote high quality new development, encourage redevelopment, preserve historic areas and structures, promote alternative transportation modes, and provide scenic or aesthetically-pleasing attributes such as wider landscaped buffers and landscaped parking areas.

6. Was there a mistake in the original classification?

There does not appear to be any mistake in the designation. The property currently has a residential land use designation which is consistent with other property in the area. The County's comprehensive plan can allow the commercial zoning to remain within certain parameters.

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

The proposed rezoning will permit development/redevelopment of property that is overall 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.

The proposed rezoning will enable the development of development of non-residential uses such as offices, retail shops, convenience stores, etc., all of which will positively contribute jobs in the area as well as provide nearby convenience-oriented services and products to the nearby residents that reside west of Woodland Blvd/US 17-92, along South Clara Ave, and further west. The rezoning would also have a positive impact on the transportation system by providing nearby homes and neighborhoods with access to closer retail/commercial uses,

which would reduce area trip lengths and remove or redirect trips away busy roadways. The proposed rezoning will not have an effect on the use or negatively affect the value of the area since the proposed rezoning is consistent with the City's long-range plans.

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:

If the zoning amendment were amended on the subject three parcels, the rezoned parcels would be consistent with the surrounding properties. Concurrent annexation and small-scale land use amendment applications have been submitted for the properties. Thus, the zoning amendment is contingent upon the approval of both the proposed annexation and land use amendment.

D. STAFF RECOMMENDATION:

Staff recommends that the Planning Board forward to the City Commission a recommendation of approval for the rezoning request. *(It is anticipated that the City Commission will address the proposed rezoning for first reading at 7 p.m., January 17, 2022.)*



City of DeLand
PLANNING BOARD
Z22-248
DECEMBER 14, 2022

HERITAGE ESTATES LN

Woodland Towers
PD

386

1520

R-4

GAIL CT

385

1524

SUBJECT PROPERTIES

B-5

ANNIE ST

1551

1557

275

CR 4113 (CLARA AV S)

1631

C-2

389

B-4C

388

B-4C

B-5

B-5

SR 15A S (TAYLOR RD W)

SUBJECT PROPERTIES

B-4

C-1

C-1

B-5C

1610

B-5C

272

AV S

Legend:



City Zoning

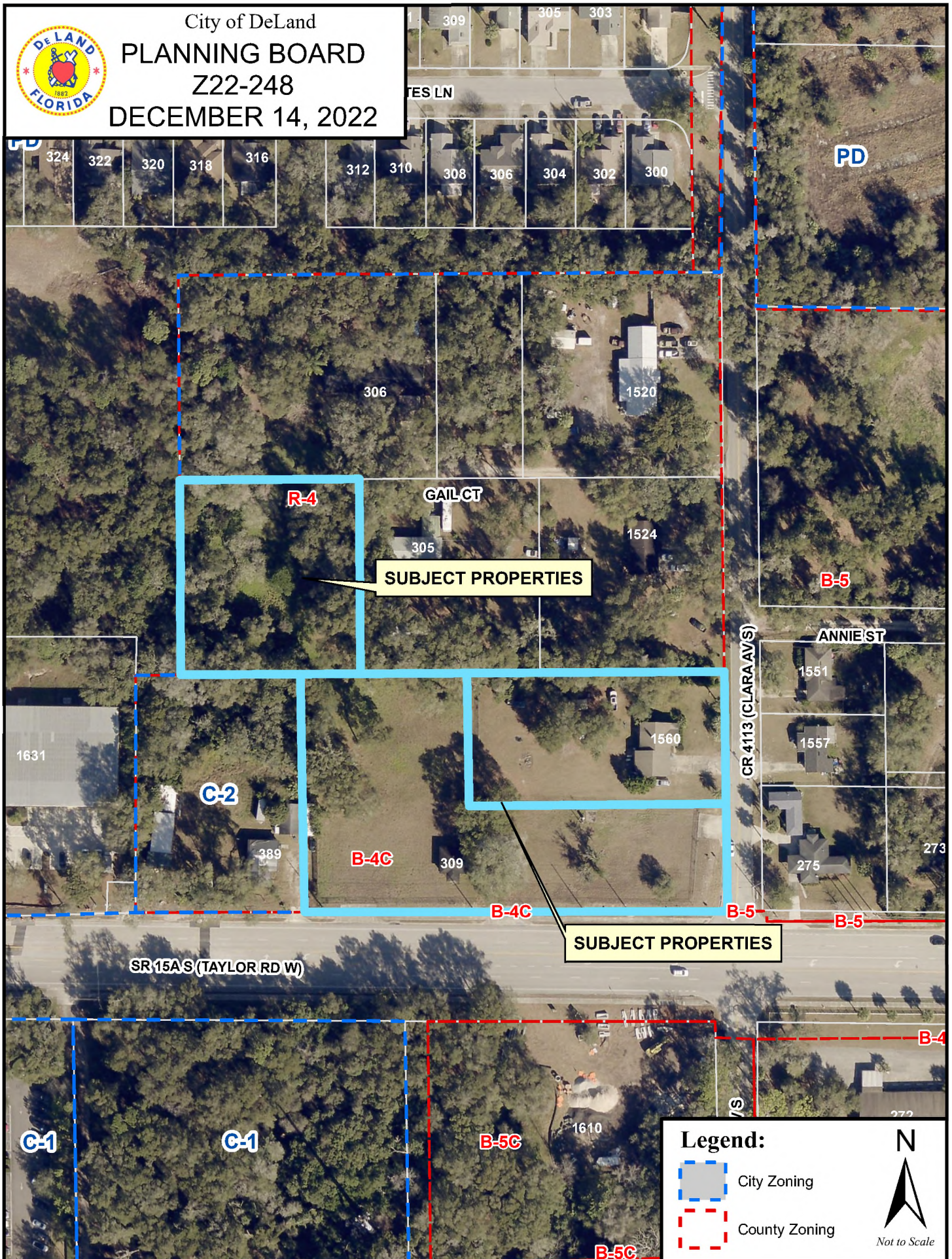


County Zoning





City of DeLand
PLANNING BOARD
Z22-248
DECEMBER 14, 2022



LEGAL DESCRIPTION:

(OR 6848 PG 1001)

PARCEL 1:

A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION TWENTY (20), TOWNSHIP SEVENTEEN (17) SOUTH, RANGE THIRTY (30) EAST, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION TWENTY (20); RUN THENCE WEST ALONG SOUTH LINE OF SAID SECTION A DISTANCE OF TWO HUNDRED FIFTY-NINE (259) FEET TO A POINT; RUN THENCE NORTH AND PARALLEL WITH THE EAST LINE OF SAID SECTION A DISTANCE OF ONE HUNDRED THIRTY-FIVE AND NINE-TENTHS (135.9) FEET TO A POINT; RUN THENCE EAST AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION A DISTANCE OF TWO HUNDRED FIFTY-NINE (259) FEET TO A POINT IN THE EAST LINE OF SAID SECTION; RUN THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION TO THE PLACE OF BEGINNING, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND (OR 6848 PG 1001)

PARCEL 2:

A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 20, TOWNSHIP 17 SOUTH, RANGE 30 EAST, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION 20, 259 FEET WEST OF THE SOUTHEAST (SE) CORNER OF SAID SECTION 20; THENCE WEST ALONG THE SOUTH LINE OF SECTION, A DISTANCE OF 163 FEET TO A POINT; THENCE NORTH AND PARALLEL WITH EAST LINE OF SAID SECTION, A DISTANCE OF 268 FEET TO A POINT; THENCE EAST A DISTANCE OF 163 FEET ALONG A LINE PARALLEL WITH THE SOUTH LINE OF SAID SECTION TO A POINT; THENCE SOUTH AND PARALLEL WITH THE EAST LINE OF SAID SECTION A DISTANCE OF 268 FEET TO THE POINT OF BEGINNING IN THE SOUTH LINE OF SAID SECTION, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

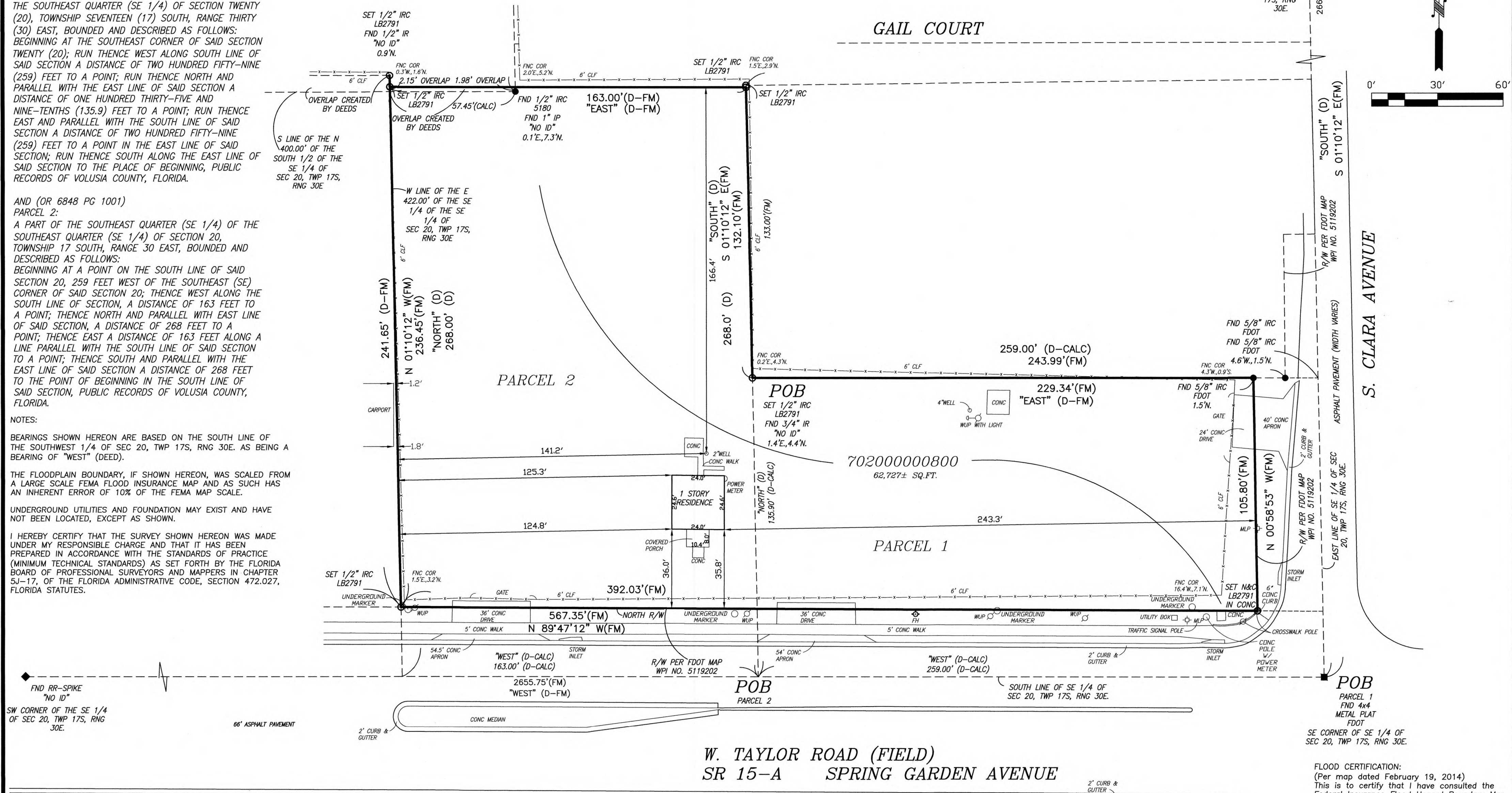
NOTES:

BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SEC 20, TWP 17S, RNG 30E. AS BEING A BEARING OF "WEST" (DEED).

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

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

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



FND RR-SPIKE
"NO ID"
SW CORNER OF THE SE 1/4
OF SEC 20, TWP 17S, RNG
30E.

66' ASPHALT PAVEMENT

2' CURB &
GUTTER

CONC MEDIAN

W. TAYLOR ROAD (FIELD)
SR 15-A SPRING GARDEN AVENUE

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

ABBREVIATIONS			
A=Arc Length AC=Acres A/C=Air Conditioning Unit ASP=Asphalt BFP=Back Flow Preventer BLDG=Building BLK=Block BM=Benchmark (CALC)=Computed Data CATV=Cable TV Service C/B=Catch Basin CB=Chord Bearing CHD=Chord Distance CLF=Chain Link Fence CMP=Corrugated Metal Pipe	CONC=Concrete COR=Corner CUP=Concrete Utility Pole (D)=Deed call DRA=Drainage Retention Area ELEC or E=Electric ELEV of EL=Elevation ESMT=Easement FND=Found FOD=Fiber Optic Cable FF=Finish Floor Elev. FH=Fire Hydrant (FM)=Field Measured FR=Frame Construction F/WF=Field Wire Fence	F/WF=Field Wire Fence GA=Guy Anchor GL=Government Lot GLO=Government Land Office HDW=Headwall ID=Identification INV=Invert Elevation IP=Iron Pipe IR=Iron Rod IRO=Iron Rod & Cap L=Arc Length LBS=Licensed Business LS=Registered Land Surveyor MB=Map Book MH=Manhole MON=Monument	N&C=Nail & Cap NO ID=No Identification OR=Official Records Book O/_=Overhead (P)=Plot PC=Point of Curvature POC=Point of Compound Curvature PG=Page PI=Point of Intersection POB=Point of Beginning POC=Point of Commencement POC=Point on the Curve POL=Point on Line PRC=Point of Reverse Curve
POL=Point on Line PRC=Point of Reverse Curve PRM=Permanent Reference Mon. PT=Point of Tangency PVC=Poly Vinyl Chloride PWT=Pavement R=Radius or Radial Line RCP=Reinforced Conc. Pipe REC=Recovered RNG=Range RRS=Railroad Spike R/W=Right of Way SEC=Section SANI=Sanitary Sewer SD=Storm Sewer T=Tangent	TB=Tangent Bearing TEL or T=Telephone Service TWP=Township UL=Underground UP=Utility Pole WDF=Wood Fence WPF=Wood Privacy Fence WM=Water Meter W/M=Water Main WSL=Water Service Line W/With WC=Witness Corner WUP=Wood Utility Pole		

NOTE:
This Plot of Survey is certified to and prepared for the sole and exclusive benefit of the entities and or individuals shown hereon, valid on the most current date shown hereon, and shall not be relied upon by any other entity or individual whomsoever.
This Survey / Sketch has been prepared without benefit of abstract or title search unless

otherwise noted hereon.
There may be additional restrictions and/or other matters of record not shown on this Survey / Sketch that may be found in the Public Records of the county or contained within the Title Commitment.

NOT VALID WITHOUT THE SIGNATURE
AND THE ORIGINAL RAISED SEAL OF
A FLORIDA LICENSED SURVEYOR
AND MAPPER.

BLACKWELL & ASSOCIATES
LAND SURVEYORS, INC. (LB #2791)

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

BLACKWELL & ASSOCIATES
LAND SURVEYORS, INC.

WWW.BLACKWELLSURVEYING.COM
995 W. VOLUSIA AVE. * DELAND, FL. * PH: (386)-734-8050

BOUNDARY SURVEY CERTIFIED TO:

DENNISON LAW & TITLE
FIDELITY NATIONAL TITLE INSURANCE CO.
AMERICAN LAND TITLE ASSOCIATION
COMMITMENT FOR TITLE INSURANCE

SYMBOLS :
● = REBAR FOUND (SIZE SHOWN HEREON)
○ = 1/2" REBAR & CAP SET
□ = 4"x4" CONCRETE MONUMENT & CAP SET
■ = CONCRETE MONUMENT FOUND (SIZE SHOWN HEREON)
● = R.L.S. DISC/NAIL FOUND (SIZE SHOWN HEREON)
○ = R.L.S. DISC/NAIL SET
● = IRON PIPE FOUND (SIZE SHOWN HEREON)
◆ = RAILROAD SPIKE FOUND
● = BOLT FOUND (SIZE SHOWN HEREON)
● = P/K NAIL FOUND

DATE : 12/13/21
W.O. No. : 11-642-21
DRAWN BY : JT
FIELD BOOK : 748-67
CADD FILE / FILE No. : 11-642-21 M-

LEGAL DESCRIPTION:

(OR 6848 PG 1001)
PARCEL 3:
THE WEST 180 FEET OF THE SOUTH 195 FEET OF THE NORTH 400 FEET
OF THE EAST 544.5 FEET OF THE* SOUTHEAST ONE-QUARTER (SE 1/4)
OF THE SOUTHEAST ONE-QUARTER (SE 1/4), SECTION 20, TOWNSHIP 17
SOUTH, RANGE 30 EAST, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

*SHOULD READ: "THE SOUTH 1/2 OF THE" SOUTHEAST ONE-QUARTER
(SE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4)

EAST LINE OF
SANTA CRUZ
SUBDIVISION
MB 45, PGS 157-158

NOTES:

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472.027, FLORIDA STATUTES.

ABBREVIATIONS

A=Arc Length	COR=Concrete	F/WF=Field Wire Fence	N&C=Nail & Cap	POL=Point on Line	TB=Tangent Bearing
AC=Acres	COR=Corner	GA=Guy Anchor	NO ID=No Identification	PRC=Point of Reverse Curve	TEL or T=Telephone Service
A/C=Air Conditioning Unit	CUP=Concrete Utility Pole	GL=Government Lot	OR=Official Records Book	PRM=Permanent Reference Mon.	TWP=Township
ASPW=Asphalt	(D)=Deed call	GL=Government Land Office	OJ=Overhead	PT=Point of Tangency	UL=Underground
BFP=Back Flow Preventer	DRA=Drainage Retention Area	HDW=Headwall	(P)=Plot	PVC=Poly Vinyl Chloride	UP=Utility Pole
BLD=Building	ELEC or E=Electric	ID=Identification	PC=Point of Curvature	PVMT=Pavement	WDF=Wood Fence
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CATV=Cable TV Service	FF=Fish Floor Elev.	IRC=Iron Rod & Cap	POB=Point of Beginning	RNG=Range	WSL=Water Service Line
C/B=Catch Basin	FI=Fire Hydrant	L=Arc Length	POC=Point of Commencement	RRS=Railroad Spike	W/W=With
CID=Chord Distance	(FM)=Field Measured	LS=Licensed Business	POC=Point on the Curve	R/W=Right of Way	WC=Witness Corner
CLF=Chain Link Fence	FR=Frame Construction	MB=Map Book	POL=Point on Line	SEC=Section	WUP= Wood Utility Pole
CMP=Corrugated Metal Pipe	F/WF=Field Wire Fence	MH=Manhole	PRC=Point of Reverse Curve	SANI=Sanitary Sewer	
		MON=Monument		SD=Storm Sewer	
				T=Tangent	

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DATE :	12/12/21
W.O. No.	11-643-21
DRAWN BY :	JT
FIELD BOOK :	748-67
CADD FILE / FILE No. :	11-643-21 M-

FND N&C
3293
NE CORNER
OF THE
SE 1/4 OF
SEC 20, TWP
17S, RNG
30E.

0' 30' 60'

S. CLARA AVENUE

2668.35' (FM)
462.09' (CALC)
EAST LINE OF SE 1/4 OF SEC
20, TWP 17S, RNG 30E.

FND 4x4
METAL PLAT
FDOT
SE CORNER OF SE 1/4 OF
SEC 20, TWP 17S, RNG 30E.

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

LEGAL DESCRIPTION:

(OR 3847 PG 0138)
A PORTION OF THE SE 1/4 OF THE SE 1/4 OF SECTION 20, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF SAID SECTION, RUN THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 259 FEET TO A POINT; RUN THENCE NORTH AND PARALLEL TO THE EAST LINE OF SAID SECTION A DISTANCE OF 135.9 FEET TO THE POINT OF BEGINNING; FROM THE POINT OF BEGINNING RUN THENCE NORTH AND PARALLEL TO THE EAST LINE OF SAID SECTION A DISTANCE OF 133 FEET; RUN THENCE EASTERLY TO A POINT IN THE EAST LINE OF SAID SECTION WHICH IS 271.8 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SECTION; RUN THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION 135.9 FEET TO A POINT; THENCE WESTERLY AND PARALLEL TO THE SOUTH LINE OF SAID SECTION TO THE POINT OF BEGINNING, VOLUSIA COUNTY, FLORIDA.

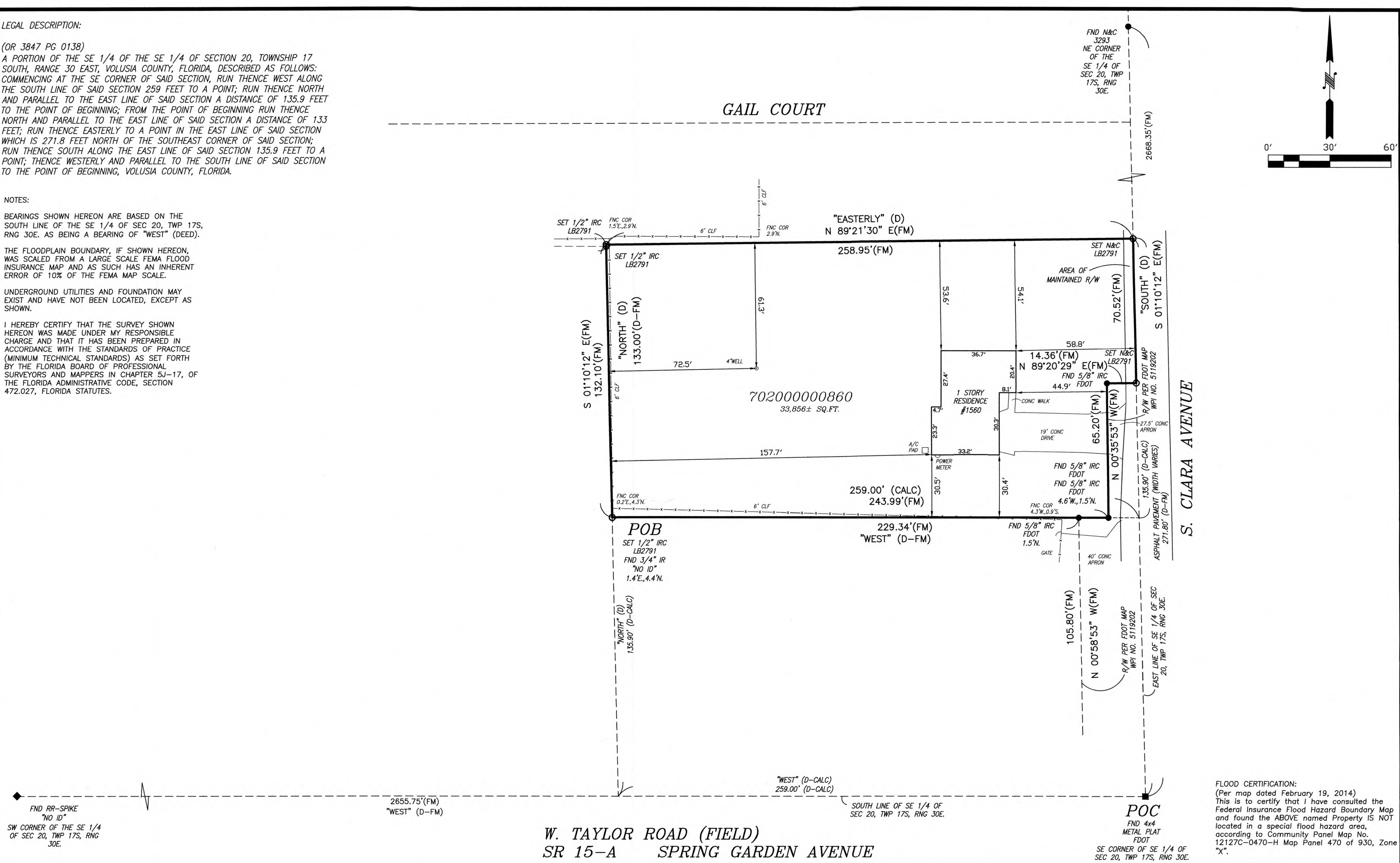
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ABBREVIATIONS			
A=Arc Length AC=Access A/C=Air Conditioning Unit ASPH=Asphalt BFP=Back Flow Preventer BLDG=Building BLK=Block BM=Benchmark (CALC)=Computed Data CATV=Cable TV Service CB=Catch Basin CB=Chord Bearing CLF=Chain Link Fence CMP=Corrugated Metal Pipe	CONC=Concrete COR=Corner CUP=Concrete Utility Pole (D)=Deed call DRA=Drainage Retention Area ELEC=E=Electric ELEV=ELEV of EL=Elevation ESMT=Easement FND=Found FNC=Found Fiber Optic Cable FF=Finish Floor Elev. FH=Fire Hydrant (FM)=Field Measured FR=Frame Construction F/W=Field Wire Fence	F/W=Field Wire Fence GA=Guy Anchor GL=Government Lot GLO=Government Land Office HDW=Headwall ID=Identification INV=Invert Elevation IP=Iron Pipe IR=Iron Rod IRC=Iron Rod & Cap L=Arc Length LB=Licensed Business LS=Registered Land Surveyor MB=Map Book MH=Manhole MON=Monument	N&C=Nail & Cap NO ID=No Identification OR=Official Records Book O/_=Overhead P=Plat PC=Point of Curvature PCC=Point of Compound Curvature PG=Page PI=Point of Intersection POB=Point of Beginning POC=Point of Commencement POL=Point on Line PRC=Point of Reverse Curve
POL=Point on Line PRC=Point of Reverse Curve PRM=Permanent Reference Mon. PT=Point of Tangency PVC=Poly Vinyl Chloride PVM=Pavement R=Radius or Radial Line RCP=Reinforced Conc. Pipe REC=Recovered RNG=Range RRS=Railroad Spike R/W=Right of Way SEC=Section SAN=Sanitary Sewer SD=Storm Sewer T=Tangent	TB=Tangent Bearing TEL or T=Telephone Service TWP=Township U/_=Underground UP=Utility Pole WDF=Wood Fence WPT=Wood Privacy Fence WM=Water Meter WSL=Water Service Line W/_=With WC=Witness Corner WUP=Wood Utility Pole		

NOTE:
This Plat of Survey is certified to and prepared for the sole and exclusive benefit of the entities and or individuals shown hereon, valid on the most current date shown hereon, and shall not be relied upon by any other entity or individual whomsoever.
There may be additional restrictions and/or other matters of record not shown on this Survey / Sketch that may be found in the Public Records of the county or contained within the Title Commitment.
This Survey / Sketch has been prepared without benefit of abstract or title search unless otherwise noted hereon.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BLACKWELL & ASSOCIATES
LAND SURVEYORS, INC. (LB #2791)

BY: *Robert R. Evers*

ROBERT R. EVERS, PSM
FLORIDA CERTIFICATE No. 5675

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BOUNDARY SURVEY CERTIFIED TO:
DENNISON LAW & TITLE
FIDELITY NATIONAL TITLE INSURANCE CO.
AMERICAN LAND TITLE ASSOCIATION
COMMITMENT FOR TITLE INSURANCE

SYMBOLS :

- = REBAR FOUND (SIZE SHOWN HEREON)
- = 1/2" REBAR & CAP SET
- = 4"x4" CONCRETE MONUMENT & CAP SET
- = CONCRETE MONUMENT FOUND (SIZE SHOWN HEREON)
- = R.L.S. DISC/NAIL FOUND (SIZE SHOWN HEREON)
- = R.L.S. DISC/NAIL SET
- = IRON PIPE FOUND (SIZE SHOWN HEREON)
- ◆ = RAILROAD SPIKE FOUND
- = BOLT FOUND (SIZE SHOWN HEREON)
- = P/K NAIL FOUND

DATE : 12/13/21
W.O. No. : 11-644-21
DRAWN BY : JT
FIELD BOOK : 748-67
CADD FILE / FILE No. : 11-644-21 M-

LEGAL DESCRIPTIONS:
PARCELS: 702000000800; 702000000820; and 702000000860

PARCEL NO.: 7020-00-00-0800 & 7020-00-00-0820:

TOTAL ACREAGE: 2.36 ACRES

PARCEL 1:

A portion of the Southeast quarter (SE 1/4) of the Southeast quarter (SE ¼) of Section 20, Township 17 South, Range 30 East, bounded and described as follows: Beginning at the Southeast corner of said Section 20, run thence West along South line of said Section a distance of 259 feet to a point; run thence North and parallel with the East line of said Section a distance of 135.9 feet to a point; run thence East and parallel with the South line of said Section a distance of 259 feet to a point in the East line of said Section; run thence South along the East line of said Section to the Place of Beginning, Public Records of Volusia County, Florida.

PARCEL 2:

A part of the SE ¼ of the SE ¼ of Section 20, Township 17 South, Range 30 East, bounded and described as follows:

Beginning at a point on the South line of said Section 20, 259 feet West of the SE corner of said Section 20; thence West along the South line of the Section, a distance of 163 feet to a point; thence North and parallel with the East line of said Section a distance of 268 feet to a point; thence East a distance of 163 feet along a line parallel with the South line of said Section to a point; thence South and parallel with the East line of said Section a distance of 268 feet to the Point of Beginning in the South line of said Section, Public Records of Volusia County, Florida.

PARCEL 3:

The West 180 feet of the South 195 feet of the North 400 feet of the East 544.5 feet of the SE ¼ of the SE 1/4, Section 20, Township 17 South, Range 30 East, Public Records of Volusia County, Florida.

PARCEL NO.: 702000000860

TOTAL ACREAGE: 0.78 ACRES

A portion of the Southeast 1/4 of the Southeast 1/4 of Section 20, Township 17 South, Range 30 East, Volusia County, Florida, described as follows:

Commencing at the Southeast corner of said section, run thence West along the South line of said section 259 feet to a point; run thence North and parallel to the East line of said section a distance of 135.9 feet to the Point of Beginning; from the Point of Beginning run thence North and parallel to the East line of said section a distance of 133 feet; run thence Easterly to a point in the East line of said section which is 271.8 feet North of the Southeast corner of said section; run thence South along the East line of said section 135.9 feet to a point; thence Westerly and parallel to the South line of said section to the Point of Beginning, Volusia County, Florida.