



**CITY OF DELAND**  
**REGULAR MEETING OF THE CITY COMMISSION**  
**OCTOBER 2, 2023 AT 7:00 PM**  
**CITY HALL, COMMISSION CHAMBERS**  
**120 SOUTH FLORIDA AVENUE**

**AGENDA**

**CALL TO ORDER**

**INVOCATION-Pastor Don Jaegers, Life Point Church**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENTATIONS**

1. Super Star Students of the Month.
2. Presentation From Dr. Primrose Cameron.
3. Presentation From Lois Paritsky Volusia League of Cities.
4. Presentation re Red Speed Photo/Radar Enforcement in School Zones.
5. Proclamation, Fire Prevention Week.
6. Proclamation, October National Community Planning Month.
7. Proclamation, AVM (Arteriovenous Malformation) Month.
8. Employee Years of Service Award.
9. Introduction of Officer Terriona Gilbert.

**CONSENT AGENDA**

1. Consideration re Renewal of Contract Agreement with the DeLand Area Chamber of Commerce, FY 2023-2024.

It is recommended that the City Commission approve the Economic Retention Services Agreement with the DeLand Area Chamber of Commerce.

2. Consideration re Renewal of Contract Agreement with Team Volusia Economic Development Corporation, FY 2023-2024.

It is recommended that the City Commission approve the Cooperative Economic Development Agreement with Team Volusia Economic Development Corporation, Inc.

3. Consideration re Approval of Consumption of Alcoholic Beverages on City Property for Stetson University's Annual Homecoming Party.

The organizer of Stetson University Homecoming Party event is requesting West Georgia Avenue and Lot #13 be authorized for the consumption of alcohol (beer, wine and liquor).

4. Resolution Approving Amendment # 5, FDOT Public Transportation Grant Agreement -FM 438416-1-94-01 for Hangars - Construction.

Staff recommends that the City Commission approve the resolution and authorize the Mayor/Commissioner to execute the agreement on behalf of the City.

5. Consideration re Change Order No. 3, Construction of T-Hangars and Box Hanger Facilities.

Staff recommends that the City Commission approve the Change order No. 3 to Crunch Construction in the amount of \$ 346,445.89

6. Consideration re Change Order No. 1, Marsh Road & Jacob's Landing-Stormwater Improvement.

Staff recommends that the City Commission approve Change Order No. 1, allowing All Terrain Tractor Service, Inc to re-pave 50 ft of Marsh Rd for this project, and add 8 days to the contract to complete the work.

7. Consideration re Recommended Short List of Utility Engineering and Surveying Consultants.

Staff recommends that the City Commission approve the Selection Committee's recommendation that McKim & Creed, Mead & Hunt, Wright-Pierce, Freese & Nichols and Atkins be interviewed and further evaluated by the Selection Committee. The Staff will start negotiations with top three ranked Surveying firms; namely, Blackwell & Associates, McKim & Creed, and SSMC.

## **PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT**

### **OLD BUSINESS**

1. CONTINUATION of Second Reading of Ordinance No. 2023-18, Amending Land Development Regulations Text to Remove the Minimum Acreage for Planned Developments in the Core Gateway Overlay District 1st RDG. 8-21-23.

Remove the minimum lot size for a PD within the Core Gateway Overlay District.

2. Second Reading of Ordinance No. 2023-19, Changing the Zoning for Approximately 198.02 Acres of Property, Located within the Park Lake Estates PD, to Remove a 6.105-Acres Parcel, Designated as Right-of-Way and Tree Protection Area, from the Overall PD to Accommodate Modified Right-of-Way Dedication Requirements 1st RDG. 8-21-23.

Amending the Park Lake Estates PD to remove 6.105 acres of right-of-way and tree protection area and amending the Park Lake Estates PD to reduce the size of the PD from 198.02 acres to 191.915 acres, but also reduce the required Tree Protection Area (TPA) from 15% developable area (21.59 acres) to 10.83% (15.485 acres) pursuant to an interlocal agreement between the City, the Volusia County School Board and Volusia County relating to the construction of the Beresford Avenue Extension from the Dr. Martin Luther King, Jr. Beltway to Summit Avenue.

3. Second Reading of Ordinance No. 2023-20, Changing the Land Use of 6.105 Acres from Low Density Residential (LDR) to E-Educational Located on the North Side of the Future Beresford Avenue Extension West of Martin Luther King, Jr. Boulevard 1st RDG. 8-21-23.

Amend the future land use designation from Low Density Residential (LDR) to Educational (E) for a 6.105 acres parcel located East of Martin Luther King Boulevard and North of Beresford Avenue extension to Summit Avenue associated with an interlocal agreement between the City, the Volusia County School Board and the Volusia County relating to the construction of the Beresford Avenue Extension from the Dr. Martin Luther King, Jr. Beltway to Summit Avenue.

4. Second Reading of Ordinance No. 2023-21, Changing the Zoning for +/-6.105 Acres of Property, Located within the Park Lake Estates PD, from PD to E-1 (Educational) 1st RDG. 8-21-2023.

To amend the zoning designation from Park Lake Estates Planned Development (PD) to E-1 (Educational) on a 6.105 acres parcel located East of Martin Luther King Boulevard and North of Beresford Avenue extension to Summit Avenue, associated with an interlocal agreement between the City, the Volusia County School Board and the Volusia County relating to the construction of the Beresford Avenue Extension from the Dr. Martin Luther King, Jr. Beltway to Summit Avenue.

## **NEW BUSINESS**

1. First Reading of Ordinance Removing, 6.105 Acres of Land from Lakewood Park CDD for Transfer to School Board.

Approval of ordinance removing 6.105 acres of land from the Lakewood Park CDD.

## **CITY MANAGER REPORT**

## **CITY ATTORNEY REPORT**

## **CITY CLERK REPORT**

## **CITY COMMISSION**

## **ADJOURNMENT**

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

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

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

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

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

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

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

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

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





TO: Julia Hewitt, Deputy City Clerk

FROM: Teri Byrnes, Executive Assistant to the City Manager

DATE: October 2, 2023

SUBJECT: City of DeLand Super Star Student of the Month - October

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For the October 2, 2023 agenda, the City of DeLand Super Star Student of the Month recognizes:

**Blue Lake Elementary:** Oliver Vidaurrazaga

**Citrus Grove Elementary:** Brielle Myles

**DeLand High School:** Sarah Gautney

**DeLand Middle School:** Maia Natal

**DeLand Preparatory Academy:** Benjamin Rickman

**Freedom Elementary:** Dominick Rawls

**George Marks Elementary:** Madison Salvatore

**Southwestern Middle School:** No submission

**St. Barnabas:** No submission

**St. Peter's Catholic School:** Noah Blackman

**Starke Elementary:** No submission

**Stetson Baptist:** No submission

**TOP Academy:** No submission

**Woodward Avenue:** Madison Johnson



# The CITY OF DELAND

Volusia County, Florida

## Proclamation

*Whereas, since 1922, the National Fire Protection Association has sponsored the public observance of Fire Prevention Week making it the longest-running public health observance in the United States of America; and*

*Whereas, the DeLand Fire Department, in partnership with the National Fire Protection Association, is steadfastly committed to ensuring the safety and security of all those residing in and visiting DeLand, Florida; and*

*Whereas, Fire Prevention Week is observed each year during the week of October 9th in commemoration of the Great Chicago Fire which began on October 8, 1871 and caused devastating damage. This horrific conflagration killed more than 250 people, left 100,000 homeless, destroyed more than 17,400 structures, and burned more than 2,000 acres of land; and*

*Whereas, the 2023 Fire Prevention Week theme; "Cooking safety starts with YOU! Pay attention to fire prevention" effectively serves to remind us that we need to take personal steps to increase our safety from fire; and*

*Whereas, statistics indicate the vast majority of citizens are at risk of structure fire in their homes. In 2016, more than 2,700 citizens across our country lost their lives due to residential fires and Fire Departments across the United States responded to 352,000 home fires; and*

*Whereas, during Fire Prevention Week, children, adults, and educators learn to stay safe in case of a fire and Firefighters provide lifesaving public outreach in an effort to drastically decrease casualties caused by fire.*

*Now, therefore, I, Christopher M. Cloudman, Mayor of the City of DeLand, do hereby proclaim, October 8 -14, 2023 as:*

## ***"Fire Prevention Week"***

*in the City of DeLand and urge all citizens to remember "Cooking safety starts with YOU! Pay attention to fire prevention."*

***Done and proclaimed*** this 2<sup>nd</sup> day of October 2023.

*Attest:*

\_\_\_\_\_  
Christopher M. Cloudman, Mayor

\_\_\_\_\_  
Julie A. Hennessy, City Clerk - Auditor



# The CITY OF DELAND

Volusia County, Florida

## Proclamation

*Whereas, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and*

*Whereas, planning is the process of envisioning, mapping or otherwise conceiving how a community will look, grow, and define itself; and*

*Whereas, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and*

*Whereas, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and*

*Whereas, the full benefits of planning require public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and*

*Whereas, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and*

*Whereas, American Planning Association endorses National Community Planning Month as an opportunity to highlight how planning is essential to recovery and how planners can lead communities to equitable, resilient and long-lasting recovery; and*

*Whereas, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of City Commission, Planning Board, Technical Review Committee and City Planners who have contributed their time and expertise to the improvement of the City of DeLand; and*

*Whereas, we recognize the many valuable contributions made by professional community and regional planners of the City of DeLand and extend our heartfelt thanks for the continued commitment to public service by these professionals;*

*Now, Therefore, I, Christopher M. Cloudman, Mayor of the City of DeLand, do hereby proclaim October 2023 as **Community Planning Month** in the City of DeLand in conjunction with the celebration of National Community Planning Month.*

*Done and Proclaimed this 2<sup>nd</sup> day of October 2023.*

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Christopher M. Cloudman, Mayor

Attest:

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Julie A. Hennessy, City Clerk - Auditor



## The CITY OF DELAND

Volusia County, Florida

### *Proclamation*

*Whereas, an arteriovenous malformation (AVM) is a complex tangle of arteries and veins that bypasses normal brain tissue and directly diverts blood from the arteries to the veins, potentially resulting in devastating ruptures, seizures or death; and*

*Whereas, an estimated 18 in 100,000 people in the United States have an AVM in the brain; and*

*Whereas, after an AVM ruptures there is a 10-15% risk of death and a 20-30% chance of permanent brain damage after each bleed; and*

*Whereas, approximately 10-58% of AVM patients have various kinds of aneurysms, a weak area in a blood vessel that enlarges like a balloon, and is at risk for bleeding or rupture resulting in possible brain damage or long-term disability; and*

*Whereas, 50% of AVM patients present as sudden hemorrhage, bleeding in the brain, or a form of stroke; and*

*Whereas, access to accurate information, expertise, and community to support survivors, caregivers, families and friends, in making educated decisions about treatment and coping can make a critical difference in minimizing risks and increasing the quality of life for those affected; and*

*Whereas, more research is needed to determine the causes, discover better treatment options, and find a cure for AVM. Increased public awareness is necessary so that individuals are better able to recognize symptoms and understand available resources and options.*

*Now, therefore, I, Christopher M. Cloudman, Mayor of the City of DeLand, do hereby proclaim, October 2023 as:*

### *AVM Awareness Month*

*in the City of DeLand and urge all citizens of DeLand to raise awareness of Aneurysms and AVMs and support efforts being made to help those affected by these brain conditions.*

*Done and proclaimed this 2<sup>nd</sup> day of October 2023.*

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*Christopher M. Cloudman, Mayor*

*Attest:*

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*Julie A. Hennessy, City Clerk - Auditor*

**CITY OF DELAND**  
**Request for Commission Action**  
**October 2, 2023**

**SUBJECT:** Employee Years of Service Award.

**DEPARTMENT:** Human Resources

**PREPARED BY:** Mark Hayward, HR Director

**ATTACHMENTS:**

**APPROVED BY:** Michael Pleus, City Manager, September 27, 2023

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**SUMMARY/HIGHLIGHT:**

The City of DeLand is fortunate to have so many dedicated employees who have served the DeLand community for many years. To honor these outstanding employees, the City Commission presents them with a plaque.

25 Years of Service:

Cindy Bonaccorsy, Finance Department

**STRATEGIC PLAN FOCUS AREA/ACTION STEP:**

N/A

**SUSTAINABILITY:**

N/A

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

It is recommended the City Commission present the service award.

**BACKGROUND/DISCUSSION:**

N/A

**CITY OF DELAND**  
**Request for Commission Action**  
**October 2, 2023**

**SUBJECT:** Consideration re Renewal of Contract Agreement with the DeLand Area Chamber of Commerce, FY 2023-2024.

**DEPARTMENT:** Community Development

**PREPARED BY:** Rick Werbiskis, Community Dev. Director

**ATTACHMENTS:** DeLand Chamber Economic Retention Services Agreement

**APPROVED BY:** Michael Pleus, City Manager, September 27, 2023

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**SUMMARY/HIGHLIGHT:**

The City of DeLand has an annual contract with the DeLand Area Chamber of Commerce to perform a business retention and expansion program with all DeLand-based business sectors. The purpose of the program is to enhance business retention by facilitating communication between the public and private sector and to assist DeLand businesses in growing and expanding their operations.

**STRATEGIC PLAN FOCUS AREA/ACTION STEP:**

High value job creation - retention and expansion of existing business and sites and new business development (business recruitment and site development).

**SUSTAINABILITY:**

N/A

**FISCAL IMPACT:**

This item has a fiscal impact of \$22,500 which has been included in the approved FY 2023/24 budget.

**RECOMMENDATION:**

It is recommended that the City Commission approve the attached Economic Retention Services Agreement with the DeLand Area Chamber of Commerce.

**BACKGROUND/DISCUSSION:**

Renewal of contract between the City of DeLand and the DeLand Area Chamber of Commerce

## ECONOMIC RETENTION SERVICES AGREEMENT

This Agreement is made this 1<sup>st</sup> day of October, 2023, by and between the City of DeLand, a Florida municipal corporation (hereinafter "City") and the DeLand & Greater West Volusia Chamber of Commerce, a Florida not-for-profit corporation (hereinafter "Chamber") and in consideration of the mutual conditions and covenants contained herein, the parties agree as follows:

1. Services. The Chamber shall perform the following services for the City:
  - Identify, in consultation with City staff, approximately 25 existing businesses to cold call every month in an attempt to set up a visitation by appropriate members of the Chamber's Economic Retention Committee.
  - Appropriate members of the Chamber's Economic Retention Committee will visit no fewer than five (6) existing businesses in the Greater DeLand Area each month to determine business needs and encourage future growth.
  - Advise the City of any business that needs a follow up visit from City staff.
  - Serve as a "community liaison" to work with local businesses who have particular needs about which the community liaison can provide input or direction in solving.
  - Interface with Team Volusia as needed to facilitate meetings or other activities which will facilitate dissemination of information regarding the economic development strategy which is developed by Team Volusia for the area in which DeLand is located.
  - Provide a summary to the City each quarter which summarizes the efforts undertaken by the Chamber pursuant to this Agreement.
  - Provide individual reports to the city.
  - Invite city staff to Retention Program Committee meetings.
2. Term. This Agreement shall be for a term of one (1) year commencing on October 01, 2023, and ending on September 30, 2024.

3. Compensation. The City shall pay the Chamber for the work to be performed hereunder the total sum of \$22,500.00 by check on or before October 30, 2023.

4. Termination. If the City's city manager or his designee determines that the Chamber is not satisfactorily performing its obligations under this contract, City shall give Chamber written notice of the deficiency. In the event that the Chamber does not cure the deficiency to the satisfaction of the City, in its sole discretion, then the City may terminate this Agreement and no further compensation will be payable to the Chamber. In the event that any compensation has been pre-paid to Chamber, such compensation will be promptly refunded to the City.

5. Governing Law and Venue. This Agreement, the rights and obligations of the parties hereto, any and claims or disputes relating thereto, shall be exclusively governed by and construed in accordance with the laws of the State of Florida. Venue for any dispute under this Agreement shall exclusively be in the state courts of competent jurisdiction sitting in Volusia County, Florida.

6. Costs of Enforcement. In the event of any litigation between parties hereto to enforce any of the provisions of this Agreement or any right of either party hereunder, the unsuccessful party to such litigation agrees to pay to the successful party all costs and expenses, including all reasonable attorney's fees, court costs and all other costs and expenses incurred therein by the successful party.

7. Headings. Section and other headings contained in this Agreement are for reference purposes only and are not intended to describe, interpret, define, or limit the scope, extent, or intent of this Agreement or any provision hereof.

8. Severability. In case any one or more of the provisions contained in this Agreement shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions of this Agreement, but this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained in this Agreement.

9. Waiver. No waiver of any breach of any agreement or provision in this Agreement shall be deemed a waiver on any preceding or succeeding



breach of this Agreement. No extension of time or performance of any obligation or act shall be deemed an extension of time for performance of any other obligation or act.

10. Entire Agreement. This Agreement represents the entire agreement of the parties with respect of the subject matter of this Agreement, and all other prior agreements, written or oral, are hereby merged in this Agreement and are of no further force of effect. This Agreement may not be changed orally, but only by agreement in writing, signed, by the party against whom enforcement of any waiver, change, modification or discharge is sought.

11. Interpretation. It is the express agreement of the parties under the circumstances calling for the construction of interpretation of any of the provisions or terms herein, that this Agreement shall not be construed against a party by reason of responsibility for its drafting.

ATTEST:

City of DeLand

\_\_\_\_\_  
Julie Hennessy  
City Clerk - Auditor

By: \_\_\_\_\_  
Christopher Cloudman  
Mayor - Commissioner

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Darren Elkind  
City Attorney

DeLand & Greater West Volusia Chamber of Commerce

By:   
Janet Knauff  
CEO

**CITY OF DELAND**  
**Request for Commission Action**  
**October 2, 2023**

**SUBJECT:** Consideration re Renewal of Contract Agreement with Team Volusia Economic Development Corporation, FY 2023-2024.

**DEPARTMENT:** Community Development

**PREPARED BY:** Rick Werbiskis, Community Dev. Director

**ATTACHMENTS:** City of DeLand Letter, DeLand 2023-2024 Cooperative Agreement

**APPROVED BY:** Michael Pleus, City Manager, September 27, 2023

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**SUMMARY/HIGHLIGHT:**

In 2010, the City along with the County of Volusia and other municipalities and businesses formed the Team Volusia Economic Development Corporation. The purpose of the organization is to bring public and private sector leaders together for the purpose of business recruitment. The attached agreement outlines our commitment as an Executive Level partner in the amount of \$25,000 which was included and approved in the FY 2023/2024 budget.

**STRATEGIC PLAN FOCUS AREA/ACTION STEP:**

High value job creation - retention and expansion of existing business and sites and new business development (business recruitment and site development).

**SUSTAINABILITY:**

N/A

**FISCAL IMPACT:**

This item has a fiscal impact of \$25,000 which has been included in the approved FY 2023/24 budget.

**RECOMMENDATION:**

It is recommended that the City Commission approve the attached Cooperative Economic Development Agreement with Team Volusia Economic Development Corporation, Inc.

**BACKGROUND/DISCUSSION:**

Renewal of Team Volusia Agreement for economic development services.



July 10, 2023

Michael Pleus, City Manager  
City of DeLand  
120 S. Florida Ave.  
DeLand, FL 32720

Dear Michael:

As the City of DeLand enters the 2023/2024 budget and planning cycle, please accept this new draft of your Team Volusia Economic Development Corporation Agreement.

We have reflected the program requirements of the 2022/2023 agreement, as well as updated population figures which we obtained from the University of Florida's Bureau of Economic Business Research (BEBR) Population Studies Program. This site is located at <http://www.bebr.ufl.edu/population>.

Investing in our community is a choice. Recognizing the value of each and every dollar in our lives, choosing to support a shared team mission that directly impacts economic vitality for Volusia County is a serious investment for today, and the future.

Over the past 12+ years, Team Volusia EDC has been entrusted with the business recruitment mission for our area. Working closely with our public and private investors and community partners, Team Volusia successfully attracts high value companies which impacts our infrastructure, opportunities for our workforce, and quality of life for our families, friends and neighbors.

Recently, our Funding Task Force, chaired by Joyce Shanahan, and our Executive Committee recommended a first ever increase in investment levels, after an 18-month long, comprehensive review of our budgetary needs moving forward. The Board of Directors approved this increase at their June 2, 2023 Meeting.

On behalf of the Team Volusia Board of Directors, we are counting on our municipal partners to deepen their investment in our mission, by shifting your investment to 60 cents per capita, an increase of only 10 cents per capita over current rates.

Our organization is that much stronger because of your investment. We look forward to many more years of working for, and with, each and every one of you!

Sincerely,

Keith Norden  
President & CEO  
386.506.9542

P. 386-265-6332  
One Daytona Blvd., Suite 240  
Daytona Beach, FL 32114

## COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT

THIS AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2023 by and between the City of DeLand, a Florida municipal corporation, hereinafter referred to as "City", and Team Volusia Economic Development Corporation, a Florida non-profit corporation, hereinafter "TVEDC".

WHEREAS TVEDC intends to engage in a cooperative venture between the public and private sectors for the purpose of recruiting new businesses to Volusia County and, when requested by the City, fostering expansion of existing businesses within Volusia County; and

WHEREAS, to avoid a fragmentation of efforts and jurisdictional competition, various municipalities of Volusia County and the business community have come together to support a unified business development effort through TVEDC; and

WHEREAS the City Commission of the City of DeLand have agreed to appropriate the amount of **Twenty-Five Thousand Dollars and .00 cents (\$25,000.00)** in the budget for the fiscal year 2023-2024 to support economic development activities, such sum qualifies the City for a seat on TVEDC Executive Committee.

WHEREAS the City desires to contract with TVEDC to perform such economic development activities and to insure accountability for use of public funds.

NOW, THEREFORE, in consideration of the covenants hereinafter set forth, the City and TVEDC hereby agree as follows:

1. **Purpose of Agreement.** The purpose of this Agreement is to support and implement a program of economic and business development and expansion throughout Volusia County in order to enhance the economic well-being of the citizens of the City. To this end, the City desires to contract with TVEDC in order to provide for implementation of the economic and business development program and to ensure accountability for the use of public funds.
2. **Program Funding.** The City shall pay to TVEDC the sum of **Twenty-Five Thousand Dollars and .00 cents (\$25,000.00)** ("City Funding"), such sum being the total compensation to be paid by the City for the work performed under this Agreement, unless this amount is reduced or rescinded as provided herein. The City may make one (1) annual payment equal to the City Funding on or before October 15, 2023. The City will receive quarterly reports which details the activities of TVEDC including the revenues and expenses for the period. The City shall contact TVEDC in writing when future funding for TVEDC is discussed at a public meeting.

### 3. **Program Requirements.**

- a. TVEDC shall plan, implement and evaluate a program to recruit new businesses to the City; to foster expansion of existing businesses within the City upon the City's request; and in a manner provided herein to forestall the relocation of businesses located in the City to a location outside of Volusia County. TVEDC will not assist the City or any existing business with the City's and/or existing business' attempt to relocate such existing business from any other city or Volusia County who is a member of TVEDC ("Other Governmental Entity"), unless either the City or such business provides TVEDC with written consent for such assistance from the Other Governmental Entity. TVEDC will not assist any Other Governmental Entity or any existing business with such Other Governmental Entity's and/or existing business' attempt to relocate such existing business from the City to any Other Governmental Entity, unless the Other Governmental Entity or such existing business provides TVEDC with written consent for such assistance from the City, which the City may refuse to provide in the City's sole discretion.
  - b. It is the desire of the parties that businesses within Volusia County provide stable and rewarding employment for local citizens and that businesses respect the environment, appearance, and well-being of the City. TVEDC shall engage in good faith efforts to foster the goals of diversity and equitable minority participation in its economic development outreach, planning and programming actions. TVEDC shall pursue the goal of full economic participation in actions supportive of the ethnic and racial diversity of the City's community. Except as provided in Section 3.a. above, TVEDC shall disregard boundaries within Volusia County in its program and shall make all reasonable efforts to work with all sectors of local government and the Chamber Alliance, who shall be composed of the executives of several area Chambers of Commerce, in the implementation of its program. TVEDC shall use the funds herein provided for expenditures generally recognized as appropriate for economic and business development purposes. TVEDC shall separately account for use of public funds provided under this Agreement through generally accepted accounting methods. TVEDC shall also provide promotional materials and statistical studies to the City related to economic development.
4. **Promotional Efforts** TVEDC also agrees to create and maintain a landing page for the City on TVEDC's website providing factual redevelopment/economic development information requested by TVEDC and supplied by the City. The City will timely provide TVEDC with information regarding the City as requested from time to time by TVEDC for inclusion by TVEDC on the City's landing page. In addition, it is hereby agreed that TVEDC in its promotional materials will specifically include positive aspects of the City and, upon request, will provide (a) prospective businesses and industry outside Volusia County's jurisdictional limits and only as contemplated in Section 3.a. above, in Other Governmental Entity jurisdictional limits, and (b) existing businesses and industry inside the City's jurisdictional limits with the latest statistics on the City's growth and desirable features as a place to locate and expand. The City agrees to provide TVEDC with access to whatever information it has available to accomplish this task. Consistent

with the purposes set forth in Paragraph 1 above, TVEDC will promote the City's special districts and all other industrial/commercial sites located in the City.

5. **Fiscal Impact Analysis.** TVEDC will provide professional advice on proposed industrial/commercial sites located in the City and any other future areas deemed important by the City. As part of its scope of services, TVEDC shall perform, at the City's request, a fiscal impact analysis of its recommendation; such analysis shall include but not be limited to:
  - Present cost of direct out-of-pocket City and County incentives if any
  - Cost of tax revenues forgone, if any, plus interest
  - The amount of other tax revenue streams to be collected by the City
  - An estimate of any economic multipliers to be derived based upon a company's local purchases, etc.
  - An estimate of the break-even year
6. **Economic Development Intent** TVEDC's primary focus its effort on job creation and economic development. TVEDC shall actively work with and coordinate its efforts with the City and the Chamber Alliance. The City shall assign a staff member to serve on any of TVEDC Committees as needed and required. TVEDC shall provide the City with an annual report outlining the creation of all jobs within Volusia County and the City.
7. **Report of Operations.** Upon request, TVEDC shall provide the City with a copy of its annual audit performed by an independent certified public accounting firm.
8. **Future Funding.** Nothing in this Agreement shall obligate or commit the City to appropriate any funds in any subsequent fiscal year.
9. **Term of Agreement.** This Agreement shall commence on October 1, 2023 and shall continue in force for a one-year period ending September 30, 2024. In addition, this Agreement may be terminated upon any of the following events;
  - a. Written notice by TVEDC to the City terminating the Agreement with or without cause.
  - b. Written notice by the City to TVEDC of termination of the Agreement for failure or breach of TVEDC to perform its obligations hereunder.
  - c. Approval of a resolution by the City Commission amending the City budget to reduce or rescind the funds provided under this Agreement in accordance with Paragraph 2 above.

Because TVEDC is reasonably likely to have made financial commitments based upon the City Funding received, the effective date of any termination of this Agreement contemplated herein shall be effective thirty (30) calendar days after receipt by the non-terminating party ("Termination Effective Date"). Unless otherwise agreed by the City and TVEDC, upon termination of this Agreement by the City or by TVEDC prior to the end of the Term, TVEDC will reimburse to the City one quarter (1/4<sup>th</sup>) of the City Funding for each full calendar quarter of the Term remaining from the Termination Effective Date through the end of the Term, with payment being made within ten (10) business days after the Termination Effective Date.

10. **Notices.** Notices required under this Agreement shall be sent by U. S. Mail, first class, certified return receipt requested, or nationally recognized express document service to the following persons representing the parties:

City: Michael Pleus, City Manager  
City of DeLand  
120 S Florida Avenue  
DeLand, FL 32720

TVEDC: Keith A. Norden, CEcD  
President and CEO  
Team Volusia Economic Development Corporation  
One Daytona Blvd., Suite 240  
Daytona Beach, FL 32114

11. **Indemnification.** TVEDC shall indemnify and hold harmless the City from and against all claims, damages, losses and expenses, including attorneys' fees and costs, arising out of or resulting from the performance of its operations under this Agreement.

12. **Amendments.** This Agreement may be amended or modified only by an instrument of equal formality signed by the respective parties.

13. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties. There are no further or other agreements or understandings, written or oral in effect between the parties relating to the subject matter of this Agreement.

IN WITNESS WHEREOF, the parties hereto set their hands and seals this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**CITY OF DELAND** a Florida Municipal Corporation.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
City of DeLand, Mayor

Attest: \_\_\_\_\_ Date: \_\_\_\_\_  
City of DeLand, City Manager

Attest: \_\_\_\_\_ Date: \_\_\_\_\_  
City of DeLand, City Clerk

**Team Volusia Economic Development Corporation, Inc.,** a Florida not-for-profit corporation

By: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

Attest: \_\_\_\_\_ Date: \_\_\_\_\_

**CITY OF DELAND**  
**Request for Commission Action**  
**October 2, 2023**

**SUBJECT:** Consideration re Approval of Consumption of Alcoholic Beverages on City Property for Stetson University's Annual Homecoming Party.

**DEPARTMENT:** Admin Services

**PREPARED BY:** Michael Grebosz, Asst. City Manager

**ATTACHMENTS:** Stetson Homecoming Block Party

**APPROVED BY:** Michael Pleus, City Manager, September 27, 2023

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**SUMMARY/HIGHLIGHT:**

Stetson University will be hosting their annual Homecoming Party event on October 21, 2023 from 6:00 PM to 10:00 PM on W. Georgia Avenue and Lot #13.

The organizer is requesting that W. Georgia Avenue be closed from Woodland Blvd. to Florida Ave. and Lot # 13. The organizer is requesting the consumption of alcohol (beer, wine and liquor). In accordance with city policy Section 3-15, "on any other city property other than parks, an applicant for the consumption of alcoholic beverages must have specific City Commission approval."

To define the area where alcohol is permitted the barricades will be erected by Public Works. This is a security measure proposed by the staff to ensure people consuming alcohol do not leave the defined area.

Public access to businesses/residences for non-event attendees has been addressed with the event organizer.

**STRATEGIC PLAN FOCUS AREA/ACTION STEP:**

N/A

**SUSTAINABILITY:**

N/A

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

It is recommended that the City Commission approve the consumption of alcohol beverages on Georgia Avenue and Lot #13 for Saturday, October 21, 2023 for Stetson University Homecoming Party event.

**BACKGROUND/DISCUSSION:**

The event organizer is requesting that W. Georgia Ave. and Lot #13 be authorized for the consumption of alcohol (beer, wine and liquor) for the Stetson University Homecoming Party event.





#### SES EQUIPMENT LIST:

- (22) Hightop Tables
- (10) 60" Round Tables
- (7) 8' Banquet Tables
- (88) Black Folding Chairs

Siteplan Version 2: 9/5/23 CC

**Stetson Homecoming**  
**Bloc Party: Downtown DeLand**  
**October 21, 2023**

**CITY OF DELAND**  
**Request for Commission Action**  
**October 2, 2023**

**SUBJECT:** Resolution Approving Amendment # 5, FDOT Public Transportation Grant Agreement -FM 438416-1-94-01 for Hangars - Construction.

**DEPARTMENT:** Airport

**PREPARED BY:** John Eiff, Airport Manager

**ATTACHMENTS:** Resolution, EXHIBIT A-Amendment #5 PTGA to Sponsor 438416-1 Eastside Hangar Development at DED

**APPROVED BY:** Michael Pleus, City Manager, September 27, 2023

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**SUMMARY/HIGHLIGHT:**

At the June 6, 2022 Commission meeting, an agreement was approved accepting FDOT grant Amendment #1 in the amount of \$2,045,000 to design and construct T-Hangars in the East Hangar Complex at the DeLand Airport. At the November 7th Commission meeting, Amendment #2 was approved by adding \$600,000 of FDOT funding to the project budget. At the December 5<sup>th</sup> Commission meeting, Amendment #3 was approved, which allowed an additional 7 T-hangar units to be built and increased the total project budget to \$3,743,750. At the April 3<sup>rd</sup> Commission meeting, Amendment #4 was approved and extended the grant contract time to be valid until June 1, 2024. This fifth amendment to the FDOT agreement will increase the necessary grant budget by an additional \$277,158 to allow for additional work, and budget increases for the 20 T-Hangars being built on the east side of the Airport.

**STRATEGIC PLAN FOCUS AREA/ACTION STEP:**

High Value Government, Sustainability.

**SUSTAINABILITY:**

N/A

**FISCAL IMPACT:**

The new total project cost of \$4,090,197 is memorialized in the amendment. This would require an increase from the City's original match of \$748,750 up to \$818,039 or an increase of \$69,290. Funding is available in the Airport Fund as prior airport CARES Funding received is being used to cover operating expenses for fiscal year 2023 which will be used to pay for the City's anticipated additional costs for this project.

**RECOMMENDATION:**

Staff recommends that the City Commission approve the attached resolution and authorize the Mayor/Commissioner to execute the agreement on behalf of the City.

**BACKGROUND/DISCUSSION:**

The City worked with FDOT to establish the original grant budget early in 2022. Due to changes in the project scope, which include painting the steel beams, adding additional fencing and gates, and an increase on the third row of T-Hangars, we were required to request additional funding from the FDOT.



**RESOLUTION NO. 2023 -**

**A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PUBLIC TRANSPORTATION GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, FINANCIAL MANAGEMENT NO. 438416-1-94-01 AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Department of Transportation has offered the City an Amendment to the Public Transportation Grant Agreement, a copy of which is attached hereto as Exhibit “A”, which will provide funding for the Construction of Hangars at the DeLand Municipal Airport; and

**WHEREAS**, the aforesaid agreement requires the City of DeLand to pay 20% of the anticipated project cost; and

**WHEREAS**, this project is necessary to provide for the needs of the aviation-related businesses and public users at DeLand Municipal Airport.

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

**Section 1.** The City Commission hereby sets aside the additional amount of \$69,290 pay for its share (20%) of the anticipated cost.

**Section 2.** The Mayor-Commissioner is authorized to execute the Amendment to the Public Transportation Grant Agreement for this project.

**Section 3.** This Resolution shall take effect immediately upon its adoption.

**PASSED AND DULY ADOPTED** this 2<sup>nd</sup> day of October 2023.

\_\_\_\_\_  
Christopher M. Cloudman  
Mayor-Commissioner

**ATTEST:**

\_\_\_\_\_  
Julie A. Hennessy  
City Clerk – Auditor

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
Darren J. Elkind  
City Attorney

**PUBLIC TRANSPORTATION  
AMENDMENT TO THE PUBLIC TRANSPORTATION  
GRANT AGREEMENT**

|                                                                              |                                              |          |                 |                |
|------------------------------------------------------------------------------|----------------------------------------------|----------|-----------------|----------------|
| Financial Project Number(s):<br><small>(item-segment-phase-sequence)</small> | Fund(s):                                     | DDR,DPTO | FLAIR Category: | 088719         |
| 438416-1-94-01                                                               | Work Activity Code/Function:                 | 215      | Object Code:    | 751000         |
|                                                                              | Federal Number/Federal Award                 |          | Org. Code:      | 55052000531    |
|                                                                              | Identification Number (FAIN) – Transit only: |          | Vendor Number:  | VF596000307028 |
| Contract Number: G1Q81                                                       | Federal Award Date:                          |          | Amendment No.:  | 5              |
| CFDA Number: N/A                                                             | SAM/UEI Number:                              |          |                 |                |
| CFDA Title: N/A                                                              |                                              |          |                 |                |
| CSFA Number: 55.004                                                          |                                              |          |                 |                |
| CSFA Title: Aviation Grant Program                                           |                                              |          |                 |                |

THIS AMENDMENT TO THE PUBLIC TRANSPORTATION GRANT AGREEMENT ("Amendment") is made and entered into on \_\_\_\_\_, by and between the State of Florida, Department of Transportation ("Department"), and City of DeLand, ("Agency"), collectively referred to as the "Parties."

**RECITALS**

WHEREAS, the Department and the Agency on 10/5/2020 (date original Agreement entered) entered into a Public Transportation Grant Agreement ("Agreement").

WHEREAS, the Parties have agreed to modify the Agreement on the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the mutual covenants in this Amendment, the Agreement is amended as follows:

1. **Amendment Description.** The project is amended to add funds to the PTGA.
2. **Program Area.** For identification purposes only, this Agreement is implemented as part of the Department program area selected below (select all programs that apply):
  - ☒ **Aviation**
  - ☐ **Seaports**
  - ☐ **Transit**
  - ☐ **Intermodal**
  - ☐ **Rail Crossing Closure**
  - ☐ **Match to Direct Federal Funding** (Aviation or Transit)
  - (Note: Section 15 and Exhibit G do not apply to federally matched funding)
  - ☐ **Other**
3. **Exhibits.** The following Exhibits are updated, attached, and incorporated into this Agreement:
  - ☒ Exhibit A: Project Description and Responsibilities
  - ☒ Exhibit B: Schedule of Financial Assistance
  - ☐ \*Exhibit B1: Deferred Reimbursement Financial Provisions
  - ☐ \*Exhibit B2: Advance Payment Financial Provisions
  - ☐ \*Exhibit C: Terms and Conditions of Construction
  - ☒ Exhibit D: Agency Resolution
  - ☐ Exhibit E: Program Specific Terms and Conditions
  - ☐ Exhibit F: Contract Payment Requirements
  - ☒ \*Exhibit G: Financial Assistance (Single Audit Act)
  - ☐ \*Exhibit H: Audit Requirements for Awards of Federal Financial Assistance
  - ☐ \*Exhibit I: Certification of Disbursement of Payment to Vehicle and/or Equipment Vendor

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**PUBLIC TRANSPORTATION**  
**AMENDMENT TO THE PUBLIC TRANSPORTATION**  
**GRANT AGREEMENT**

Form 725-000-03  
STRATEGIC  
DEVELOPMENT  
OGC 4/25/2023

\_\_\_ \*Additional Exhibit(s):

**4. Project Cost.**

The estimated total cost of the Project is X increased/ \_\_\_ decreased by \$346,447 bringing the revised total cost of the project to \$4,090,197.

The Department's participation is X increased/ \_\_\_ decreased by \$277,158. The Department agrees to participate in the Project cost up to the maximum amount of \$3,272,158, and, additionally the Department's participation in the Project shall not exceed 80.00% of the total eligible cost of the Project.

Except as modified, amended, or changed by this Amendment, all of the terms and conditions of the Agreement and any amendments thereto shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amendment on the day and year written above.

AGENCY City of DeLand

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: C. Jack Adkins  
Title: Director of Transportation Development

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

Legal Review: Daniel L. McDermott

\_\_\_\_\_

## **EXHIBIT A**

### **Project Description and Responsibilities**

**A. Project Description** (description of Agency's project to provide context, description of project components funded via this Agreement (if not the entire project)): Construction Hangars - The project consists of the construction for three (3) buildings with a total of twenty (20) T-Hangar units to be constructed in the previously prepared area located on the east side of the Airport. Site work will include building foundations, aprons and connections to existing taxilanes, drainage connections, utility connections, security fencing and gates with access card readers, and vehicular parking to serve each new hangar building. Alternate bids were received for the construction of the additional T-Hangar building.

**B. Project Location** (limits, city, county, map): DeLand Municipal - Sidney H Taylor Field/Deland, FL/Volusia

**C. Project Scope** (allowable costs: describe project components, improvement type/service type, approximate timeline, project schedule, project size): T-Hangars (Construction): As required by 215.971, F.S., this scope of work includes but is not limited to consultant and design fees, survey and geotechnical costs, permitting, construction inspection and material testing costs, mobilization and demobilization, maintenance of traffic, erosion control, demolition, pavement (access roadways, parking lots, and sidewalks), drainage, utilities, primary and back-up power supplies, building (foundation, structure, roof, MEP, drainage, interior/exterior paint, and fire prevention and protection), pavement marking, lighting and signage, fencing and gates with access card readers, landscaping (including outdoor lighting), and indoor/outdoor security systems, including all materials, equipment, labor, and incidentals required to complete the T-hangars project. Alternate bids were received for the construction of an additional T-Hangar building that was included in the design.

The specifics of the Project Scope for construction are described in and limited by the Project Construction Plans identified as "Construct T-Hanger and Box Hangar Facilities" at Deland Municipal Airport prepared by AVCON, Inc., dated December 2021, together with all plan updates, necessary design variation, exceptions, and change orders approved by the Agency." The Sponsor will comply with Aviation Program Assurances

**D. Deliverable(s)**: Final closeout documents to be uploaded into JACIP.

The project scope identifies the ultimate project deliverables. Deliverables for requisition, payment and invoice purposes will be the incremental progress made toward completion of project scope elements. Supporting documentation will be quantifiable, measurable, and verifiable, to allow for a determination of the amount of incremental progress that has been made, and provide evidence that the payment requested is commensurate with the accomplished incremental progress and costs incurred by the Agency.

**E. Unallowable Costs** (including but not limited to): Stored materials.

**F. Transit Operating Grant Requirements (Transit Only):**

Transit Operating Grants billed as an operational subsidy will require an expenditure detail report from the Agency that matches the invoice period. The expenditure detail, along with the progress report, will be the required deliverables for Transit Operating Grants. Operating grants may be issued for a term not to exceed three years from execution. The original grant agreement will include funding for year one. Funding for years two and three will be added by amendment as long as the grantee has submitted all invoices on schedule and the project deliverables for the year have been met.







STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**PUBLIC TRANSPORTATION  
GRANT AGREEMENT EXHIBITS**

Form 725-000-02  
STRATEGIC  
DEVELOPMENT  
OGC 4/25/2023

**EXHIBIT B**

**Schedule of Financial Assistance**

FUNDS AWARDED TO THE AGENCY AND REQUIRED MATCHING FUNDS PURSUANT TO THIS AGREEMENT  
CONSIST OF THE FOLLOWING:

**A. Fund Type and Fiscal Year:**

| Financial Management Number       | Fund Type | FLAIR Category | State Fiscal Year | Object Code | CSFA/CFDA Number | CSFA/CFDA Title or Funding Source Description | Funding Amount        |
|-----------------------------------|-----------|----------------|-------------------|-------------|------------------|-----------------------------------------------|-----------------------|
| 438416-1-94-01                    | DDR       | 088719         | 2022              | 751000      | 55.004           | Aviation Grant Program                        | \$600,000.00          |
| 438416-1-94-01                    | DDR       | 088719         | 2023              | 751000      | 55.004           | Aviation Grant Program                        | \$600,000.00          |
| 438416-1-94-01                    | DDR       | 088719         | 2024              | 751000      | 55.004           | Aviation Grant Program                        | \$277,158.00          |
| 438416-1-94-01                    | DPTO      | 088719         | 2021              | 751000      | 55.004           | Aviation Grant Program                        | \$1,445,000.00        |
| 438416-1-94-01                    | LF        | 088719         | 2021              | 751000      | 55.004           | Aviation Grant Program                        | \$361,250.00          |
| 438416-1-94-01                    | LF        | 088719         | 2022              | 751000      | 55.004           | Aviation Grant Program                        | \$150,000.00          |
| 438416-1-94-01                    | LF        | 088719         | 2023              | 751000      | 55.004           | Aviation Grant Program                        | \$150,000.00          |
| 438416-1-94-01                    | LF        | 088719         | 2024              | 751000      | 55.004           | Aviation Grant Program                        | \$69,289.00           |
| 438416-1-94-01                    | DDR       | 088719         | 2023              | 751000      | 55.004           | Aviation Grant Program                        | \$350,000.00          |
| 438416-1-94-01                    | LF        | 088719         | 2023              | 751000      | 55.004           | Aviation Grant Program                        | \$87,500.00           |
| <b>Total Financial Assistance</b> |           |                |                   |             |                  |                                               | <b>\$4,090,197.00</b> |

**B. Estimate of Project Costs by Grant Phase:**

| Phases*                                     | State                 | Local               | Federal       | Totals                | State % | Local % | Federal % |
|---------------------------------------------|-----------------------|---------------------|---------------|-----------------------|---------|---------|-----------|
| Land Acquisition                            | \$0.00                | \$0.00              | \$0.00        | \$0.00                | 0.00    | 0.00    | 0.00      |
| Planning                                    | \$0.00                | \$0.00              | \$0.00        | \$0.00                | 0.00    | 0.00    | 0.00      |
| Environmental/Design/Construction           | \$3,272,158.00        | \$818,039.00        | \$0.00        | \$4,090,197.00        | 80.00   | 20.00   | 0.00      |
| Capital Equipment/ Preventative Maintenance | \$0.00                | \$0.00              | \$0.00        | \$0.00                | 0.00    | 0.00    | 0.00      |
| Match to Direct Federal Funding             | \$0.00                | \$0.00              | \$0.00        | \$0.00                | 0.00    | 0.00    | 0.00      |
| Mobility Management (Transit Only)          | \$0.00                | \$0.00              | \$0.00        | \$0.00                | 0.00    | 0.00    | 0.00      |
| <b>Totals</b>                               | <b>\$3,272,158.00</b> | <b>\$818,039.00</b> | <b>\$0.00</b> | <b>\$4,090,197.00</b> |         |         |           |

\*Shifting items between these grant phases requires execution of an Amendment to the Public Transportation Grant Agreement.

|                                                                  |  |
|------------------------------------------------------------------|--|
| <b>Scope Code and/or Activity Line Item (ALI) (Transit Only)</b> |  |
|------------------------------------------------------------------|--|

**BUDGET/COST ANALYSIS CERTIFICATION AS REQUIRED BY SECTION 216.3475, FLORIDA STATUTES:**

**PUBLIC TRANSPORTATION  
GRANT AGREEMENT EXHIBITS**

I certify that the cost for each line item budget category (grant phase) has been evaluated and determined to be allowable, reasonable, and necessary as required by Section 216.3475, Florida Statutes. Documentation is on file evidencing the methodology used and the conclusions reached.

Joseph A. Jerkins

Department Grant Manager Name

Signature

Date

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**PUBLIC TRANSPORTATION  
GRANT AGREEMENT EXHIBITS**

Form 725-000-02  
STRATEGIC  
DEVELOPMENT  
OGC 4/25/2023

**EXHIBIT D**

**AGENCY RESOLUTION**

***PLEASE SEE ATTACHED***

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**PUBLIC TRANSPORTATION  
GRANT AGREEMENT EXHIBITS**

Form 725-000-02  
STRATEGIC  
DEVELOPMENT  
OGC 4/25/2023

**EXHIBIT G**

**AUDIT REQUIREMENTS FOR AWARDS OF STATE FINANCIAL ASSISTANCE**

**THE STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:**

**SUBJECT TO SECTION 215.97, FLORIDA STATUTES:~**

**Awarding Agency:** Florida Department of Transportation

**State Project Title:** Aviation Grant Program

**CSFA Number:** 55.004

**\*Award Amount:** \$3,272,158

\*The award amount may change with amendments

Specific project information for CSFA Number 55.004 is provided at: <https://apps.fldfs.com/fsaa/searchCatalog.aspx>

**COMPLIANCE REQUIREMENTS APPLICABLE TO STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT:**

State Project Compliance Requirements for CSFA Number 55.004 are provided at:  
<https://apps.fldfs.com/fsaa/searchCompliance.aspx>

The State Projects Compliance Supplement is provided at: <https://apps.fldfs.com/fsaa/compliance.aspx>

**CITY OF DELAND**  
**Request for Commission Action**  
**October 2, 2023**

**SUBJECT:** Consideration re Change Order No. 3, Construction of T-Hangars and Box Hanger Facilities.

**DEPARTMENT:** Airport

**PREPARED BY:** John Eiff, Airport Manager

**ATTACHMENTS:** CO #3 - Backup Justification, Change Order No. 3

**APPROVED BY:** Michael Pleus, City Manager, September 27, 2023

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**SUMMARY/HIGHLIGHT:**

At the November 7, 2022 meeting, the City Commission awarded a contract to Crunch Construction, LLC for the construction of 14 T-hangars in the East Hangar Complex at the DeLand Airport.

On February 6, 2023, the City Commission approved Change order No. 1 to Crunch Construction to build an additional 6 T-hangars in the East Hangar Complex.

On September 6, 2023, the City Commission approved Change order No. 2 to compensate the contractor for the additional permitting costs. The allowance the City had provided in the bid packet for the T-hangar project was not enough to cover all of the permitting costs and has exceeded the limit. This additional cost of \$18,340.50 will be added to the project with the approval of this change order.

This Change order No. 3, if approved, will compensate the contractor for some minor changes to the project, including fence and gate realignment and fire hydrant removal /relocation have been added. Sales tax for T-Hangar 3 has been added to the Contract. DeLand Municipal Airport has requested steel on T-Hangars 1, 2, and 3 be painted. Due to the time between bid opening and award of Additive Bid #1 (T-Hangar 3) exceeding 60 days, the Contractor is entitled to revised costs due to escalation. See attachments for justification for these items. Due to permitting delays beyond the Contractor's control, 175 calendar days will be added to the contract. The total cost increase for change order #3 will be a total of \$346,445.86

**STRATEGIC PLAN FOCUS AREA/ACTION STEP:**

New Business Development, High Value Government

**SUSTAINABILITY:**

N/A

**FISCAL IMPACT:**

Change order No.3, if approved, will require an increase from the City's original match of \$748,750 up to \$818,039 or an increase of \$69,290. Funding is available in the Airport Fund as prior airport CARES Funding received is being used to cover operating expenses for fiscal year 2023 which will be used to pay for the City's anticipated additional costs for this project. The FDOT will cover the additional 80% or \$277,157 of the change order cost.

**RECOMMENDATION:**

Staff recommends that the City Commission approve the attached Change order No. 3 to Crunch Construction in the amount of \$ 346,445.89

**BACKGROUND/DISCUSSION:**

N/A

| PAY<br>ITEM                       | DESCRIPTION                              | UNIT | ORIGINAL<br>CONTRACT<br>QUANTITY | CHANGE IN<br>CONTRACT<br>QUANTITY | CONTRACT<br>UNIT PRICE | CONTRACT<br>PRICE<br>ADJUSTMENT | ASSOCIATED<br>CHANGE<br>PROPOSAL<br>REQUEST |
|-----------------------------------|------------------------------------------|------|----------------------------------|-----------------------------------|------------------------|---------------------------------|---------------------------------------------|
| F-162-4                           | Fencing and Gate Realignment             | LS   | 0                                | 1                                 | \$ 7,734.62            | \$ 7,734.62                     | J                                           |
| W-405-2                           | Remove Fire Hydrant and Cap Water Line   | LS   | 0                                | 1                                 | \$ 3,537.34            | \$ 3,537.34                     | K                                           |
| W-405-3                           | Relocate Fire Hydrant                    | LS   | 0                                | 1                                 | \$ 5,654.80            | \$ 5,654.80                     | L                                           |
| 13 34 19-T3-1                     | Sales Tax for T-Hangar 3                 | LS   | 0                                | 1                                 | \$ 10,527.22           | \$ 10,527.22                    | H                                           |
| 09 91 00-1                        | Painting Steel for T-Hangars 1, 2, and 3 | LS   | 0                                | 1                                 | \$ 139,630.84          | \$ 139,630.84                   | I                                           |
| -                                 | Additive Bid #1 (T-Hangar 3) Escalation* | -    | -                                | -                                 | -                      | \$ 179,361.04                   |                                             |
| <b>Total Contract Adjustment:</b> |                                          |      |                                  |                                   |                        | \$ 346,445.86                   |                                             |

\* See Attached Additive Bid #1 Escalation Analysis for justification



## Change Proposal Request

Project: Deland Municipal Airport - T-Hangars

CPR #: H

Submitted By: RL

Re: PEMB - T-Hangar #3- Sales Tax

Date: 8/22/2023

**Additional General Conditions**

\$ \_\_\_\_\_

| <u>Labor Classification</u> | <u>Total Hours</u> | <u>Hourly Rate</u> | <u>Total</u> |
|-----------------------------|--------------------|--------------------|--------------|
| Supervision                 | @                  | 90.00              | \$ -         |
| Labor                       | - @                | 30.00              | \$ -         |
| Sub-Total Direct Labor:     |                    |                    | \$ -         |
| <b>Total Labor:</b>         |                    |                    | \$ -         |

**Materials/Misc.**

|                         |    |   |
|-------------------------|----|---|
|                         | \$ |   |
|                         | \$ |   |
| Sub-Total Material:     | \$ | - |
| <b>Total Materials:</b> | \$ | - |

**Fuel:**

|                         |    |   |
|-------------------------|----|---|
|                         | \$ |   |
|                         | \$ |   |
| Sub-Total Material:     | \$ | - |
| <b>Total Materials:</b> | \$ | - |

**Equipment:**

|                             |    |   |
|-----------------------------|----|---|
|                             | \$ |   |
|                             | \$ |   |
| Sub-Total Equipment:        | \$ |   |
| <b>Total Equip. Rental:</b> | \$ | - |

**Subcontractors:**

|                                                                          |    |                    |
|--------------------------------------------------------------------------|----|--------------------|
| Dean Steel Building's Original Quote did not include a Sales Tax amount. | \$ |                    |
| Sales Tax would be calculated at Final Invoice. (see attached)           | \$ |                    |
| T-Hangar #3 Sales Tax                                                    |    | 10,336.00          |
|                                                                          | \$ |                    |
|                                                                          | \$ |                    |
|                                                                          | \$ |                    |
|                                                                          | \$ |                    |
| Sub-Total Subcontractors:                                                | \$ | 10,336.00          |
| <b>Total Subs:</b>                                                       |    | <b>\$10,336.00</b> |

Sub-Total Direct Costs: \$10,336.00

10% Overhead NC

5% Profit NC

1.85% Performance and Payment Bond \$191.22

**TOTAL CHANGE ORDER REQUEST: \$10,527.22**





2929 Industrial Ave. • Ft. Myers, FL 33901 • (P) 239-334-1051 • (F) 239-334-1014  
 500 Tenth Street • Cedartown, GA 30125 • (P) 770-748-7900 • (F) 770-748-5300  
 71 Airport Road • Thomasville, GA 31757 • (P) 229-225-1112 • (F) 229-225-1175

## C.O.D. PAYMENT NOTICE

DATE: 07/12/2023

|                     |                                     |                  |                       |
|---------------------|-------------------------------------|------------------|-----------------------|
| <b>Name:</b>        | <b>CRUNCH CONSTRUCTION, INC.</b>    | <b>Job #:</b>    | <b>TV01640</b>        |
| <b>Address:</b>     | <b>375 FENTRESS BLVD.</b>           | <b>Job Name:</b> | <b>T-HANGAR #3</b>    |
| <b>City, State:</b> | <b>DAYTONA BEACH, FL 32114</b>      | <b>Location:</b> | <b>DELAND, FL</b>     |
| <b>Phone:</b>       | <b>386-274-1234</b>                 | <b>County:</b>   | <b>VOLUSIA COUNTY</b> |
| <b>Fax:</b>         | <b>386-274-5678</b>                 | <b>Rep:</b>      | <b>AM</b>             |
| <b>eMail:</b>       | <b>bryan@crunchconstruction.net</b> |                  |                       |

| Quantity                                                                                                                                                                                                                          | Description              | Unit Price           | Total                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|----------------------|----------------------|
| 1                                                                                                                                                                                                                                 | STEEL BUILDING MATERIALS | \$171,850.00         | \$171,850.00         |
| <b>PAYMENT TERMS:</b><br><br><div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;">           20% DEPOSIT RECEIVED<br/>           BALANCE COD,<br/>           CASHIER'S CHECK         </div> |                          | <b>SUB-TOTAL</b>     | <b>\$171,850.00</b>  |
|                                                                                                                                                                                                                                   |                          | <b>FREIGHT</b>       | <b>\$5,250.00</b>    |
|                                                                                                                                                                                                                                   |                          | <b>FL 6.5% TAX</b>   | <b>\$10,336.00</b>   |
|                                                                                                                                                                                                                                   |                          | <b>SUB-TOTAL</b>     | <b>\$187,436.00</b>  |
|                                                                                                                                                                                                                                   |                          | <b>DOWN PAYMENTS</b> | <b>(\$35,420.00)</b> |
|                                                                                                                                                                                                                                   |                          | <b>BALANCE DUE</b>   | <b>\$152,016.00</b>  |

**THANK YOU FOR USING DEAN STEEL BUILDINGS**



## Additional Work Order

Project: Deland Municipal Airport - T-Hangars

CPR #: I

Submitted By: Rick Lennis

Re: Paint the PEMB structural framing members white

Date: 8/17/2023

### Additional General Conditions

\$ TBD

| Labor Classification    | Total Hours | Hourly Rate | Total              |
|-------------------------|-------------|-------------|--------------------|
| Supervision             | 40.00 @     | 90.00       | \$ 3,600.00        |
| Labor                   | - @         | 30.00       | \$ -               |
| Sub-Total Direct Labor: |             |             | \$ 3,600.00        |
| <b>Total Labor:</b>     |             |             | <b>\$ 3,600.00</b> |

### Materials/Misc.

|                         |    |   |
|-------------------------|----|---|
|                         | \$ |   |
|                         | \$ |   |
| Sub-Total Material:     | \$ | - |
| <b>Total Materials:</b> | \$ | - |

### Fuel:

|                         |    |   |
|-------------------------|----|---|
|                         | \$ |   |
|                         | \$ |   |
| Sub-Total Material:     | \$ | - |
| <b>Total Materials:</b> | \$ | - |

### Equipment:

|                             |    |   |
|-----------------------------|----|---|
|                             | \$ |   |
|                             | \$ |   |
| Sub-Total Equipment:        | \$ |   |
| <b>Total Equip. Rental:</b> | \$ | - |

### Subcontractors:

Steve Harper Painting Inc.: Paint the structural red iron frame for the T-Hangars.

Scope of Work: Pressure clean, 1 coat primer, 1 coat dryfall paint

|                           |    |            |
|---------------------------|----|------------|
|                           | \$ |            |
|                           | \$ |            |
|                           | \$ |            |
| Bldg. #1                  | \$ | 40,200.00  |
| Bldg. #2                  | \$ | 40,200.00  |
| Bldg. #3                  | \$ | 35,400.00  |
|                           | \$ |            |
| Sub-Total Subcontractors: | \$ | 115,800.00 |

**Total Subs: \$115,800.00**

NOTE: We reserve the right to submit a claim for additional time, extended General Conditions and re-mobilization fees.

Sub-Total Direct Costs: \$119,400.00

10% Overhead \$11,940.00

5% Profit \$6,567.00

1.85% Performance and Payment Bond \$1,723.84

**TOTAL CHANGE ORDER REQUEST: \$139,630.84**



*Stripes of a Different Color*

# Steve Harper Painting Inc.

880 Airport Road Suite 104 Ormond Beach FL 32174

Tel (386) 672-9850

Crunch Construction  
375 Fentress Road  
Daytona Beach FL 32114

August 17, 2023

Attn: Rick

Estimate is for painting at Deland Airport Hanger

Exterior:

1. Pressure clean the exterior metal purlins and beams where necessary.
2. Apply a xylene metal primer to all metal surfaces.
3. Apply 1 coat of dryfall paint to surfaces.

|                |                   |
|----------------|-------------------|
| Large building | \$ 40,200.00 Each |
| Large building | \$ 40,200.00 Each |
| Small building | \$ 35,400.00 Each |
| Total          | \$ 115,800.00     |



## Change Proposal Request

Project: Deland Municipal Airport - T-Hangars

CPR #: J

Submitted By:

Date: 8/10/2023

ESI #005

**Additional General Conditions**

Total Direct Costs x 9.5%

\$ NA

**Labor Classification**

**Total Hours**

**Hourly Rate**

**Total**

Supervision

@

90.00

\$ -

Labor

@

30.00

\$ -

Sub-Total Direct Labor: \$ -

**Total Labor:** \$ -

**Materials/Misc.**

\$

\$

Sub-Total Material: \$ -

**Total Materials:** \$ -

**Fuel:**

\$

\$

Sub-Total Material: \$ -

**Total Materials:** \$ -

**Equipment:**

\$

\$

Sub-Total Equipment: \$

**Total Equip. Rental:** \$ -

**Subcontractor:**

All Rite Fence

\$ 6,575.00

\$

\$

\$

\$

\$

\$

Sub-Total Subcontractors: \$ 6,575.00

**Total Subs:** \$6,575.00

Sub-Total Direct Costs: \$6,575.00

10% Overhead \$657.50

5% Profit \$361.63

1.85% Performance and Payment Bond \$140.49

**TOTAL CHANGE ORDER REQUEST: \$7,734.62**

August 7, 2023

Crunch Construction  
Attn: Rick Lennis

**Reference: Deland Hangar ESI 005**

Dear Rick,

I am pleased to offer the following quote on fencing as referenced above.

- To furnish and install 1 – 4' wide x 6' high black vinyl chain link manual pedestrian gate surmounted with 3 strands of barb wire @ \$1,100.00 EA = \$1,100.00
- To furnish and install an additional 31 LF of 6' high black vinyl chain link fencing surmounted with 3 strands of barb in between hangars @ \$45.00 PLF = \$1,395.00
- To remove 105 LF of existing 6' high black vinyl chain link fencing including 1 – 24' wide cantilever gate @ \$8.00 PLF = \$840.00
- To relocate 90 LF of 6' high black vinyl chain link fencing surmounted with 3 strands of barb wire including 1 – 24' wide cantilever gate @ \$36.00 PLF = \$3,240.00

**TOTAL = \$6,575.00**

Thank you,  
All-Rite Fence Services, LLC.

***Bryce Lasseigne***

Commercial Sales

[bryce@allritefence.com](mailto:bryce@allritefence.com)





## Change Proposal Request

Project: Deland Municipal Airport - T-Hangars

CPR #: K

Budget Allowance to cap-off existing Fire Hydrant

Submitted By:

Date: 8/25/2023

Additional General Conditions Total Direct Costs x 9.5% \$ 417.00

| <u>Labor Classification</u> | <u>Total Hours</u> | <u>Hourly Rate</u> | <u>Total</u>                 |
|-----------------------------|--------------------|--------------------|------------------------------|
| Supervision                 | 1.00 @             | 90.00              | \$ 90.00                     |
| Labor                       | - @                | 30.00              | \$ -                         |
| Sub-Total Direct Labor:     |                    |                    | \$ 90.00                     |
|                             |                    |                    | <b>Total Labor: \$ 90.00</b> |

|                        |                         |      |
|------------------------|-------------------------|------|
| <b>Materials/Misc.</b> | \$                      |      |
|                        | \$                      |      |
| Sub-Total Material:    | \$                      | -    |
|                        | <b>Total Materials:</b> | \$ - |

|                     |                         |      |
|---------------------|-------------------------|------|
| <b>Fuel:</b>        | \$                      |      |
|                     | \$                      |      |
| Sub-Total Material: | \$                      | -    |
|                     | <b>Total Materials:</b> | \$ - |

|                      |                             |      |
|----------------------|-----------------------------|------|
| <b>Equipment:</b>    | \$                          |      |
|                      | \$                          |      |
| Sub-Total Equipment: | \$                          |      |
|                      | <b>Total Equip. Rental:</b> | \$ - |

|                                       |                    |                   |
|---------------------------------------|--------------------|-------------------|
| <b>Subcontractors:</b>                |                    |                   |
| Hardy Construction, Inc: Budget quote | \$                 | 2,500.00          |
|                                       | \$                 |                   |
|                                       | \$                 |                   |
|                                       | \$                 |                   |
|                                       | \$                 |                   |
|                                       | \$                 |                   |
|                                       | \$                 |                   |
| Sub-Total Subcontractors:             | \$                 | 2,500.00          |
|                                       | <b>Total Subs:</b> | <b>\$2,500.00</b> |

Sub-Total Direct Costs: \$3,007.00

10% Overhead \$300.70

5% Profit \$165.39

1.85% Performance and Payment Bond \$64.25

**TOTAL CHANGE ORDER REQUEST: \$3,537.34**



## Change Proposal Request

Project: Deland Municipal Airport - T-Hangars

CPR #: L

Submitted By:

Date: 8/25/2023

Budget Allowance to relocate Fire Hydrant

**Additional General Conditions** Total Direct Costs x 9.5% \$ 417.00

| <u>Labor Classification</u> | <u>Total Hours</u> | <u>Hourly Rate</u> | <u>Total</u>                 |
|-----------------------------|--------------------|--------------------|------------------------------|
| Supervision                 | 1.00 @             | 90.00              | \$ 90.00                     |
| Labor                       | - @                | 30.00              | \$ -                         |
| Sub-Total Direct Labor:     |                    |                    | \$ 90.00                     |
|                             |                    |                    | <b>Total Labor: \$ 90.00</b> |

|                         |    |   |
|-------------------------|----|---|
| <b>Materials/Misc.</b>  | \$ |   |
|                         | \$ |   |
| Sub-Total Material:     | \$ | - |
| <b>Total Materials:</b> | \$ | - |

|                         |    |   |
|-------------------------|----|---|
| <b>Fuel:</b>            | \$ |   |
|                         | \$ |   |
| Sub-Total Material:     | \$ | - |
| <b>Total Materials:</b> | \$ | - |

|                             |    |   |
|-----------------------------|----|---|
| <b>Equipment:</b>           | \$ |   |
|                             | \$ |   |
| Sub-Total Equipment:        | \$ |   |
| <b>Total Equip. Rental:</b> | \$ | - |

|                                                       |    |                   |
|-------------------------------------------------------|----|-------------------|
| <b>Subcontractors:</b>                                |    |                   |
| Hardy Construction, Inc.: based on a distance of 20LF | \$ | 4,300.00          |
|                                                       | \$ |                   |
|                                                       | \$ |                   |
|                                                       | \$ |                   |
|                                                       | \$ |                   |
|                                                       | \$ |                   |
|                                                       | \$ |                   |
| Sub-Total Subcontractors:                             | \$ | 4,300.00          |
| <b>Total Subs:</b>                                    |    | <b>\$4,300.00</b> |

Sub-Total Direct Costs: 4,807.00

10% Overhead 480.70

5% Profit 264.39

1.85% Performance and Payment Bond 102.71

**TOTAL CHANGE ORDER REQUEST: \$5,654.80**

**ADDITIVE BID 1 - NESTED T-HANGAR #3 ESCALATION ANALYSIS**

| INDEX | PAY ITEM       | DESCRIPTION                                                            | UNIT | EST. QTY | ORIGINAL CONTRACT PRICE | REVISED CONTRACT PRICE | CHANGE TO CONTRACT PRICE |
|-------|----------------|------------------------------------------------------------------------|------|----------|-------------------------|------------------------|--------------------------|
| 1     | C-100-1        | Contractor Quality Control Program (CQCP)                              | LS   | 1        | \$ 7,020.00             | \$7,651.80             | \$631.80                 |
| 2     | C-102-1        | Temporary Air and Water Pollution, Soil Erosion, and Siltation Control | LS   | 1        | \$ 1,170.00             | \$1,275.30             | \$105.30                 |
| 3     | C-105-1        | Mobilization                                                           | LS   | 1        | \$ 1,170.00             | \$50,000.00            | \$48,830.00              |
| 4     | C-106-1        | Safety, Security and Maintenance of Traffic                            | LS   | 1        | \$ 3,861.00             | \$4,208.49             | \$347.49                 |
| 5     | P-100-1        | Construction Survey                                                    | LS   | 1        | \$ 10,350.00            | \$11,477.70            | \$1,127.70               |
| 6     | P-151-1        | Clearing and Stripping                                                 | SY   | 3,190    | \$ 2.05                 | \$2.34                 | \$925.10                 |
| 7     | P-152-1        | Unclassified Excavation                                                | CY   | 271      | \$ 5.85                 | \$6.49                 | \$173.44                 |
| 8     | P-211-1        | Lime Rock Base Course (6-inch Thick)                                   | SY   | 833      | \$ 32.76                | \$35.71                | \$2,457.35               |
| 9     | 32 12 00.334-1 | Asphalt Surface Course (3-inch Thick Type SP 12.5 Traffic A)           | TN   | 143      | \$ 193.05               | \$211.46               | \$2,632.63               |
| 10    | P-610-1        | Concrete (6-inch Thick Ribbon Apron)                                   | SY   | 156      | \$ 100.04               | \$109.04               | \$1,404.00               |
| 11    | P-610-2        | Concrete (6-inch Thick Pad)                                            | SY   | 22       | \$ 117.00               | \$127.53               | \$231.66                 |
| 12    | D-701-1        | ADS N12WT HDPE Double Wall Smooth Interior Pipe (8-inch Diameter)      | LF   | 240      | \$ 28.08                | \$30.59                | \$602.40                 |
| 13    | D-701-2        | ADS N12WT HDPE Double Wall Smooth Interior Pipe (10-inch Diameter)     | LF   | 24       | \$ 35.10                | \$38.26                | \$75.84                  |
| 14    | D-701-3        | ADS N12WT HDPE Double Wall Smooth Interior Pipe (12-inch Diameter)     | LF   | 291      | \$ 37.44                | \$40.81                | \$980.67                 |
| 15    | D-751-3        | 10-inch Nyloplast ADS Drain Basin                                      | EA   | 2        | \$ 2,281.50             | \$2,486.84             | \$410.68                 |
| 16    | D-751-4        | 12-inch Nyloplast ADS Drain Basin                                      | EA   | 4        | \$ 4,680.00             | \$5,101.20             | \$1,684.80               |
| 17    | D-751-5        | 8-inch Cleanout                                                        | EA   | 4        | \$ 1,872.00             | \$2,040.48             | \$673.92                 |
| 18    | T-904-1        | Sodding                                                                | SY   | 1,473    | \$ 6.35                 | \$6.92                 | \$839.61                 |
| 19    | 13 34 19-T3    | T-hangar 3                                                             | LS   | 1        | \$ 668,876.13           | \$724,663.00           | \$55,786.87              |
| 20    | W403-1         | 1-inch Polyethylene Water Service Line and Fittings                    | LF   | 56       | \$ 17.55                | \$19.12                | \$87.92                  |



|                                        |            |                                                                             |    |    |             |             |                     |
|----------------------------------------|------------|-----------------------------------------------------------------------------|----|----|-------------|-------------|---------------------|
| 21                                     | W403-3     | 1 1/2-inch Polyethylene Water Service Line and Fittings                     | LF | 19 | \$ 26.91    | \$29.33     | \$45.98             |
| 22                                     | W405-1     | Fire Hydrant Assembly                                                       | EA | 1  | \$ 7,956.00 | \$9,564.75  | \$1,608.75          |
| 23                                     | W407-1     | Connection to Existing Water Main with Tapping Sleeve and Tapping Valve     | EA | 1  | \$ 7,020.00 | \$7,848.00  | \$828.00            |
| 24                                     | W407-2     | 2-inch Temporary Jumper Connection                                          | EA | 1  | \$ 4,680.00 | \$5,580.80  | \$900.80            |
| 25                                     | W407-3     | Pressure and Leakage Testing                                                | LS | 1  | \$ 1,755.00 | \$1,798.50  | \$43.50             |
| 26                                     | W407-4     | Disinfection and Bacteriological Testing                                    | LS | 1  | \$ 1,170.00 | \$1,253.50  | \$83.50             |
| 27                                     | W409-1     | 6-inch Ductile Iron Pipe Water Main and Fittings with All Restrained Joints | LF | 12 | \$ 58.50    | \$63.76     | \$63.12             |
| 28                                     | W409-2     | 8-inch Ductile Iron Pipe Water Main and Fittings with All Restrained Joints | LF | 12 | \$ 65.52    | \$78.15     | \$151.56            |
| 29                                     | W411-1     | 1-inch Water Service Meter with Reduced Pressure Zone Backflow Preventer    | EA | 1  | \$ 3,508.03 | \$4,180.15  | \$672.12            |
| 30                                     | 26 05 00-1 | T-Hangar Electrical Installation                                            | LS | 1  | \$ -        | \$54,954.53 | \$54,954.53         |
| <b>CHANGE TO ADDITIVE BID #1 COST:</b> |            |                                                                             |    |    |             |             | <b>\$179,361.04</b> |

### CHANGE ORDER NO. 3

**Date:** September 14, 2023

**Project:** CONSTRUCTION of T-HANGAR AND BOX HANGAR FACILITIES

**Contractor:** Crunch Construction  
375 Fentress Blvd.  
Daytona Beach, FL 32114

**Description:** Minor changes to the project, including fence and gate realignment and fire hydrant removal /relocation have been added. Sales tax for T-Hangar 3 has been added to the Contract. DeLand Municipal Airport has requested steel on T-Hangars 1, 2, and 3 be painted. Due to the time between bid opening and award of Additive Bid #1 (T-Hangar 3) exceeding 60 days, the Contractor is entitled to revised costs due to escalation. See attachments for justification for these items. Due to permitting delays beyond the Contractor's control, 175 calendar days will be added to the contract.

#### ADJUSTED SCHEDULE OF CONTRACT COSTS

**Original Contract Amount.....\$2,620,022.89**

**Change Order No. 1 .....\$861,500.00**

**Change Order No. 2 .....\$18,340.50**

**This Change Order No. 3 .....\$346,445.86**

**Adjusted Contract Cost.....\$3,846,309.25**

**Additional Contract Days: 175**

#### **ENGINEER'S CERTIFICATION:**

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

\_\_\_\_\_  
Ray Bahrami, P.E, PMP, CPM, CFM  
Deputy Public Services Director

\_\_\_\_\_  
Date

#### **CONTRACTOR ACCEPTANCE:**

**Crunch Construction**

\_\_\_\_\_  
Bryan Collyer  
Contractor Executive

\_\_\_\_\_  
Date

**CITY OF DELAND, FLORIDA**

\_\_\_\_\_  
Christopher M. Cloudman  
Mayor - Commissioner

\_\_\_\_\_  
Date

**ATTEST:**

\_\_\_\_\_  
Julie Hennessy  
City Clerk

\_\_\_\_\_  
Date

**CITY OF DELAND**  
**Request for Commission Action**  
**October 2, 2023**

**SUBJECT:** Consideration re Change Order No. 1, Marsh Road & Jacob's Landing-Stormwater Improvement.

**DEPARTMENT:** Public Works

**PREPARED BY:** Ray Underwood, Public Works Director

**ATTACHMENTS:** change order no 1 Marsh Rd

**APPROVED BY:** Michael Pleus, City Manager, September 27, 2023

---

**SUMMARY/HIGHLIGHT:**

In April of 2023, The City awarded the Marsh Rd and Jacob's Landing Stormwater Improvements project to All Terrain Tractor Service. During the Pre-Construction meeting, it was discovered that an unrevised plan set had been issued for bidding purposes, and the contractor unknowingly bid on incorrect quantities. The plan set that was available during the bidding process was missing comments from Volusia County that pertained to restoration, Maintenance of Traffic (MOT) and repaving of the roadway. Staff requested that All Terrain Tractor Service, Inc provide the City with updated pricing for the revised scope, which is outlined in the attached change order. Also included in the change order is a request for an additional eight days. This is due in part to weather delays from Hurricane Idalia.

**STRATEGIC PLAN FOCUS AREA/ACTION STEP:**

High Value Government

**SUSTAINABILITY:**

Natural Resource Protection

**FISCAL IMPACT:**

Approval of this Change Order No. 1 will result in an additional expenditure of \$20,687.25 for the restoration, maintenance of traffic (MOT), and re-paving of 50 ft of Marsh Rd. Funds are available in the Stormwater Enterprise fund to cover this expense.

**RECOMMENDATION:**

Staff recommends that the City Commission approve Change Order No. 1, allowing All Terrain Tractor Service, Inc to re-pave 50 ft of Marsh Rd for this project, and add 8 days to the contract to complete the work.

**BACKGROUND/DISCUSSION:**

Staff from the City, Volusia County and Bechtol Engineering worked together to find a solution surrounding the standing water issues along Marsh Rd during the rainy season. The water originates from Jacobs Landing sub-division which is under the City's jurisdiction for Stormwater maintenance. Although the original Stormwater overflow design was approved, it had unintended consequences which allowed water to sit alongside and even cover Marsh Rd at times. A permanent solution has been designed that will eliminate any standing water along Marsh Rd that is related to Jacobs Landing.



**CHANGE ORDER NO. 1**

**Date:** October 2, 2023

**Project:** Marsh Road & Jacob's Landing Drainage Improvements

**Contractor:** All Terrain Tractor Service, Inc  
1980 Cameron Ave  
Sanford, FL, 32771

**Description:** Mill and Overlay per adjusted quantities; Eight additional contract days

**ADJUSTED SCHEDULE OF CONTRACT COSTS**

|                                       |                    |
|---------------------------------------|--------------------|
| <b>Original Contract Amount</b> ..... | <b>\$56,009.00</b> |
| <b>This Change Order No. 1</b> .....  | <b>\$20,687.25</b> |
| <b>Adjusted Contract Cost</b> .....   | <b>\$76,696.25</b> |

*ENGINEER'S CERTIFICATION:*

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

Raymond Bahrami, P.E.  
City Engineer

\_\_\_\_\_

**CONTRACTOR ACCEPTANCE:** All Terrain Tractor Service, Inc

All Terrain Tractor Service, Inc  
James Crow Jr.

Date

\_\_\_\_\_

**CITY OF DELAND, FLORIDA**

\_\_\_\_\_  
Christopher M. Cloudman  
Mayor - Commissioner

\_\_\_\_\_  
Date

**ATTEST:**

\_\_\_\_\_  
Julie Hennessy  
City Clerk

\_\_\_\_\_  
Date

**CITY OF DELAND**  
**Request for Commission Action**  
**October 2, 2023**

**SUBJECT:** Consideration re Recommended Short List of Utility Engineering and Surveying Consultants.

**DEPARTMENT:** Engineering

**PREPARED BY:** Ray Bahrami, City Engineer

**ATTACHMENTS:** RFQ Names Only Tab - Engineering, RFQ Names Only Tab - Survey, RFQ Final

**APPROVED BY:** Michael Pleus, City Manager, September 27, 2023

---

**SUMMARY/HIGHLIGHT:**

Staff initiated a selection process for utility engineering and surveying consultants in order to provide a current contract with two or more firms to perform utility engineering and surveying services. Staff issued a Request for Expressions of Interest and Statements of Qualifications which is attached to this RCA. Submittals were received from thirteen (13) firms as listed on the attached tabulation.

A selection committee consisting of Ray Bahrami, Jim Ailes, Scott Zender and Don James ranked the submittals in accordance with the evaluation criteria issued with the City's request for submittals. Commissioner Kevin Reid was unable to make it. The Selection Committee ranked firms in two categories which includes Utility Engineering and Surveying services.

The Committee's consensus recommendation of the top five Utility Engineering firms to be interviewed and further considered are:

1. McKim & Creed
2. Mead & Hunt
3. Wright-Pierce
4. Freese & Nichols
5. Atkins

The Selection Committee recommended to select Blackwell & Associates, McKim & Creed, and SSMC as the top three Surveying firms since all of them ranked the top three by all Selection Committee members; therefore, no interviews will be scheduled. Staff will begin negotiations with all three surveying firms.

**STRATEGIC PLAN FOCUS AREA/ACTION STEP:**

Preparing for the future (Sustainability).

**SUSTAINABILITY:**

N/A

**FISCAL IMPACT:**

No fiscal impact is anticipated as a result of short listing of the various firms.

**RECOMMENDATION:**



Staff recommends that the City Commission approve the Selection Committee's recommendation that McKim & Creed, Mead & Hunt, Wright-Pierce, Freese & Nichols and Atkins be interviewed and further evaluated by the Selection Committee. The Staff will start negotiations with top three ranked Surveying firms; namely, Blackwell & Associates, McKim & Creed, and SSMC.

**BACKGROUND/DISCUSSION:**

N/A



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

## REQUEST FOR QUALIFICATIONS - NAMES ONLY TABULATION SHEET

**RFQ Title: Utility Engineering Services**

**RFPQ No: RFQ-23-02**

**OPENING DATE & TIME: September 8, 2023 @ 2:00 P.M.**

**POSTING DATE: September 14, 2023**

**POSTED BY: Corey McMillen**

### PROPOSALS WERE RECEIVED FROM THE FOLLOWING:

| VENDOR                           | VENDOR CITY/STATE  |
|----------------------------------|--------------------|
| Arminius Consultants, LLC        | Orlando, FL        |
| Atkins                           | Orlando, FL        |
| Bowman                           | Melbourne, FL      |
| CHA Consulting, Inc.             | Winter Springs, FL |
| CPH                              | Sanford, FL        |
| Dewberry Engineers, Inc.         | DeLand, FL         |
| Freese & Nichols                 | Palm Coast, FL     |
| Florida Technical Consultants    | Boynton Beach, FL  |
| Infrastructure Solution Services | Melbourne, FL      |
| Mead & Hunt                      | Port Orange, FL    |
| McKim & Creed                    | Daytona Beach, FL  |
| RK&K                             | Orlando, FL        |



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

|               |              |
|---------------|--------------|
| Wright-Pierce | Maitland, FL |
|---------------|--------------|



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

## REQUEST FOR QUALIFICATIONS - NAMES ONLY TABULATION SHEET

**RFQ Title: Utility Surveying Services**

**RFPQ No: RFQ-23-02**

**OPENING DATE & TIME: September 8, 2023 @ 2:00 P.M.**

**POSTING DATE: September 14, 2023**

**POSTED BY: Corey McMillen**

### PROPOSALS WERE RECEIVED FROM THE FOLLOWING:

| VENDOR                            | VENDOR CITY/STATE |
|-----------------------------------|-------------------|
| Blackwell & Associates            | DeLand, FL        |
| Bowman                            | Melbourne, FL     |
| CPH                               | Sanford, FL       |
| Dewberry Engineers, Inc.          | DeLand, FL        |
| ECHO Utility Engineering & Survey | Oviedo, FL        |
| Infrastructure Solution Services  | Melbourne, FL     |
| McKim & Creed                     | Daytona Beach, FL |
| NV5                               | Orlando, FL       |
| SSMC                              | Orlando, FL       |



**City of DeLand**

**REQUEST FOR QUALIFICATIONS**

**RFQ-23-02**

---

**Utility Engineering & Surveying Services**

City of DeLand  
120 S. Florida Ave.  
DeLand, Florida 32720  
(321) 626-7000



**CITY OF DELAND**  
**NOTICE TO BIDDERS**  
**RFQ-23-02**

NOTICE IS HEREBY GIVEN that the City of DeLand will receive sealed proposals at the City Hall 2<sup>nd</sup> floor receptionist, 120 South Florida Avenue, DeLand, Florida, until 2:00 P.M. on September 6, 2023 and will open the submitted bids in the Commission Chambers, first floor, immediately following the submittal closing time for the following:

**"Utility Engineering & Surveying Services"**

Proposals must comply and be submitted in accordance with the project technical specifications which may be obtained at the office of the City Hall, 120 S. Florida Avenue, DeLand, Florida, any time prior to the bid opening. Questions shall be directed to the office of the Purchasing Manager, Corey McMillen at 386-626-7078 or by email at [mcmillenc@deland.org](mailto:mcmillenc@deland.org) or [Purchasing@deland.org](mailto:Purchasing@deland.org).

A handwritten signature in blue ink, appearing to read "Michael Pleus", with a stylized flourish at the end.

Michael Pleus  
City Manager

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# **REQUEST FOR QUALIFICATIONS (RFQ)**

**RFQ-23-02**

## **Utility Engineering & Surveying Services**

### **I. PURPOSE, SCOPE OF SERVICES**

The City of DeLand hereby solicits Requests for Qualification from qualified firms that are interested in providing Professional Utility Engineering and Surveying Services for various City projects. Firms shall submit individual proposals for each category.

The City is interested in establishing multi-year continuing engineering and surveying professional services contracts with one or more professional engineering and surveying firms to provide planning, design, permitting and construction phase Utility Engineering and Surveying Services for projects related to City of DeLand infrastructure, Water & Wastewater Treatment Plants and other facilities. The City has an extensive capital improvements program and can be expected to add projects to this program in the future. A qualified firm should be able to demonstrate expertise in the following areas:

- Design of water, wastewater and reclaimed water facilities similar to those currently owned and contemplated in the future by the City of DeLand which includes but not limited to potable water/reclaimed water main design and permitting, BMAP requirements, MFL issues, wells, water quality, wellfields, water plants and treatment, Consumptive Use Permits, PFOS and Lead and copper regulations.
- Ability of the firm to coordinate work assignments through a single point of contact (project manager)
- Potential for the selected firm to avoid conflict of interest with land development projects
- Experience in obtaining and renewing permits from all applicable regulatory agencies
- Construction Engineering Inspection (CEI) and Administration experience on municipal utility projects
- Experience in obtaining and supporting SRF, SJRWMD, FDEP and other grants and loans
- Provide surveying services which includes but not limited to topographic, boundary, platting, and all other necessary land surveying tasks, as specified by the City.

Qualified responses will be reviewed and ranked by the City's Selection Committee at a Public Meeting. At this meeting, the Selection Committee may make a final selection of the firm or firms; or the Selection Committee may choose to shortlist a minimum of the three (3) top-ranked firms. If shortlisting is done, the shortlisted firms will be requested to make a presentation to the Selection Committee followed by an interview by the Selection Committee.

At least five (5) business days prior to the presentations/interviews the Selection Committee will provide those firms selected for a presentation/interview with a document that sets forth information regarding how the presentation and interview will be conducted, evaluated and ranked.

After the interviews, the Selection Committee will rank the finalists to determine the selected firm(s). The Negotiating Committee will then negotiate with the top-ranked firm(s). Selection will be made in accordance with the Florida "Consultants' Competitive Negotiations Act" (§ 287.055, F.S.) and City of DeLand Purchasing Policy. The City reserves the right to revise, delete portions, and/or limit the scope of professional services and to reject any and all Responses.



Responses to this Request for Qualifications for **Utility Engineering & Surveying Services** will be received until **2:00 PM on September 6, 2023**.

Qualifications shall be submitted to the City of DeLand, Attn: Corey McMillen, 120 S. Florida Ave., DeLand, Florida 32720.

\*NOTE: Please ensure that if you use a third-party carrier (DHL Express, FedEx, UPS, USPS, etc.) that they are properly instructed to deliver your bid only to the City of DeLand at the address above. To be considered, an RFQ must be accepted by the Purchasing Coordinator or designee no later than the closing date and time.

All firms and their agents are hereby placed on notice that they are not to contact members of the DeLand City Commission or staff regarding this RFQ, with the exception of the designated liaison. Public meetings of the Selection Committee are the only acceptable forum for the discussion of merits of products/services requested by this Request for Qualifications and written correspondence in regards to this Request for Qualifications is to be submitted to the designated liaison.

The staff member designated as the liaison for this Request for Qualifications is Corey McMillen, Purchasing Manager, (386) 626-7078; e-mail [mcmillenc@deland.org](mailto:mcmillenc@deland.org) and [purchasing@deland.org](mailto:purchasing@deland.org).

#### TIMELINE

| <b>Event</b>         | <b>Date</b>                   |
|----------------------|-------------------------------|
| Solicitation Date    | August 14, 2023               |
| Pre-Proposal Meeting | N/A                           |
| Question Deadline    | August 30, 2023 @ 5:00 P.M.   |
| Submission Deadline  | September 6, 2023 @ 2:00 P.M. |

## II. RECORD INFORMATION AND SITE VIEWING

Complete package is available on DemandStar® (<https://www.demandstar.com>) & VendorLink <https://www.myvendorlink.com/common/default.aspx>.

You may also contact the Purchasing Manager's office at:

City of DeLand – Finance Department  
Attn: Corey McMillen  
120 S. Florida Ave.  
DeLand, Florida 32720  
(386) 626-7078 / Email: [mcmillenc@deland.org](mailto:mcmillenc@deland.org)

The City will not provide access to these sites before the Contractors submittal of their qualifications. Contractors that make the shortlist will be allowed limited access to the sites prior to their presentations and interviews.

1. All responses shall become the property of the City. The details of the sealed response documents submitted by a respondent will remain exempt from public inspection consistent with Chapter 119.071 of the Florida Statutes, General Exemptions from Inspection or Copying of Public Records.

2. All Contractors must acknowledge and conform to the statement on Public Entity Crimes prior to entering into a Contract with the City.
3. The City will not reimburse a respondent for any costs associated with preparation and submittal of responses to this solicitation.
4. Contractors acknowledge that all information contained within their responses are ultimately public records to the extent required by the State of Florida Public Records Laws.
5. Awards made pursuant to this Request for Qualifications are subject to the provisions of Chapter 112, Part III, Florida Statutes, "Code of Ethics for Public Officers and Employees." All respondents must disclose in their responses the name of any officer, director, or agent who is also an employee of the City. Furthermore, all Contractors must disclose the name of any City employee who owns, directly or indirectly, any interest of five percent (5%) or more in the Contractor's firm or any of the respondent's branches or subsidiaries.
6. Contractors, their agents, and associates shall not contact any City official or member of the City staff regarding this Request for Qualifications during the selection process. Failure to comply with this provision will result in disqualification of the Contractor. Only the designated liaison identified in this response may be contacted.
7. Contractor shall not discriminate with respect to age, race, color, gender, religion, disability, or national origin in any manner with regard to this solicitation.
8. The responsibility for determining the extent of the professional engineering & surveying services required rests solely with the respondent. Neither the City nor its representatives shall be responsible for determining the final scope of services that may be required.
9. All timely responses will be considered. Contractors are requested to clearly indicate any deviations from the submittal requirements.
10. Each Contractor is responsible for full and complete compliance with all laws, rules and regulations including those of the Federal Government, State of Florida and applicable local ordinances. Failure or inability on the part of the respondent to have complete knowledge and intent to comply with such laws, rules and regulations shall not relieve any Contractor from its obligation to honor its response and to perform completely in accordance with its response.
11. The City, at its discretion, reserves the right to waive minor informalities or irregularities in any response, request clarification of information from Contractors, to reject any and all responses in whole or in part, with or without cause, and to accept any response, which, in the City's judgment, will be in the City's best interest.
12. Any interpretation, clarification, correction or change to the Request for Qualifications will be made by written addendum issued by the City Purchasing Coordinator or designee. Any oral or other type of communication concerning the Request for Qualifications shall not be binding upon the City.
13. Responses must be signed by an individual of the Contractor's organization legally authorized to commit the Contractor's organization to the performance of the services contemplated by this Request for Qualifications.
14. Any Responses submitted before the deadline may be withdrawn by written request received by the City before the time fixed for receipt of Responses. Withdrawal of any

Response will not prejudice the right of the respondent to submit a new or amended Response as long as the City receives the Response by the deadline as provided herein.

15. For good and sufficient reason, up to forty-eight (48) hours before the advertised deadline, the City may extend the Response deadline.
16. Any consultant or subconsultant selected to prepare the design criteria package for this project will not be allowed to propose or perform design or consultant services as part of the design/build team.

#### SCRUTINIZED CONTRACTORS

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

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

The Contractor agrees to observe the above requirements for applicable subcontracts entered into for the performance of work under this Agreement.

As provided in Subsection 287.135(8), F.S., if federal law ceases to authorize these contracting prohibitions, this section shall become inoperative and unenforceable.

### III. SPECIAL TERMS AND CONDITIONS OF THE SOLICITATION

1. A Contractor with which the City successfully negotiates terms and conditions for the Work shall be required to enter into a contract with the City that incorporates the requirements of this Request for Qualifications and terms and conditions. If the parties cannot agree to the services and/or fees for the project, the City reserves the right to cease negotiations with the subject Contractor and initiate negotiations with the Second-ranked Contractor (and so on).
2. The successful Contractor shall hold harmless, indemnify and defend the City, its Council members, employees, representatives and agents against any claim, action, loss, damage, injury, liability, cost and/or expense arising out of or incidental to respondent's services

under this Agreement. Consideration for this indemnification provision will be included in the Contractor's hourly rate.

3. **The successful Contractor shall not be allowed to substitute project team members named in this response during the course of the contract without prior written permission of the City. This requirement is not negotiable.**
4. The successful Contractor, prior to signing of the contract, and before starting work on any projects, shall be required to submit all certificates of insurance as follows:
  - a. Workers' Compensation – Workers Compensation insurance providing statutory benefits as required in the State of Florida. The Contractor shall require any subcontractor to provide evidence of this coverage. Additionally, if the contract requires working on or around a navigable waterway, the Contractor and all subcontractors shall provide evidence of United States Longshoremen's and Harbor Workers (USL&H) coverage and contingent coverage of Jones Act (Marine Employers Liability) in compliance with Federal statutes or proof of exemption. The Contractor shall be responsible for compliance with these requirements by each subcontractor, Contractor or supplier when applicable.
  - b. Comprehensive General Liability and Auto Liability – Including but not limited to bodily injury, property damage, and personal injury with limits of not less than \$1,000,000 combined single limit per occurrence including Contractual Liability incurred under this Contract.
  - c. Professional Liability Insurance – For errors and omissions in the amounts of \$3,000,000 per claim.
5. Tie - Award of all tie rankings shall be made by the Purchasing Coordinator in accordance with State Statutes, which allows a respondent certified as a Drug-Free Workplace to have precedence. When evaluation of responses to solicitations results in the identical ranking with regards to the responses from two or more Contractors, the City shall determine the order of award using the following criteria in order of preference listed below (from highest priority to lowest priority):
  - a. Priority shall be given to the respondent certifying that it is a Drug-Free Workplace as defined within §287.087, Florida Statutes;
  - b. Should a tie still exist, priority shall be given until the tie is broken, to the respondent with the highest total of raw scores for each evaluation criteria, progressing from the highest weighted criteria to the lowest rated criteria. If multiple evaluation criteria have identical weights, the combined total weights of the identically weighted criteria shall be used;
  - c. In the event that a tie still exists after progressing through a-b, the decision shall be made by lot or coin toss. The drawing of lots or coin toss shall be conducted in the presence of the affected Contractors if they elect to be present.

#### IV. SUBMITTAL REQUIREMENTS

Responses will be evaluated based on the written document submitted as the response to this RFQ; therefore, the response must give a clear, concise, and complete statement of qualifications. For reasons of maintaining fairness and for ease of evaluation, responses to this Request for Qualifications must comply with the following directions and must be presented in this format and in this order:

##### SUBMITTAL FORMAT:

Submittals shall be printed on 8-1/2 × 11-inch paper, bound in booklet style, typed in Arial, Century, Courier, or Verdana typeface, in at least 12-point size. Both sides of the page may

be printed. Number all pages. Covers, tables of contents, and divider tabs will not be counted in the section page limits. **Please submit five (5) paper executed signed copies with the original clearly marked and one (1) electronic copy on USB flash drive.** The booklet shall be divided and organized with tabs as follows:

Tab 1: Letter of Introduction (maximum 2 pages)

- 1) Contractor's Basic Information – Contractor's name, mailing address, email address, and phone number(s).
- 2) Primary Contact Person – Name and contact information for the Contractor's primary contact person. This person will be the contact person for all matters related to the response to this RFQ, scheduling, negotiating, and contracting.
- 3) Contractor's Qualifications – Summary and highlights of the Contractor's qualifications and ability to provide the services identified in the purpose and scope paragraph of this RFQ (Section II).
- 4) Additional Information - Additional information the Contractor believes relevant and important to his or her submittal not otherwise requested.

Tab 2: Organizational Profile and Subcontractors (maximum 8 pages)

- 1) Project Manager - Name, address, background, education, and experience of the Consultant's project manager for all the services to be provided. This person will be the contact person for all technical services performed by the Contractor for The City of DeLand.
- 2) Key Team Members - Name, address, background, education, and experience of each key team member for the services to be provided.
- 3) Subcontractors – Identify services to be provided by subcontractors, and provide the name and contact information for each subcontractor's contact person, including address. Provide summaries of each subcontractor's experience relative to the portion of the services they intend to provide.
- 4) Organizational Chart – Graphical illustration of the service delivery structure.

Tab 4: Experience (maximum 4 pages)

Project Summaries – Identify similar projects that demonstrate expertise regarding scope. For each project, provide the following:

- 1) Name and description of the project/services provided
- 2) Project owner, contact name, and phone number
- 3) Scope of the total project and the scope of the Contractor's portion
- 4) Total project cost
- 5) Name of the Contractor's project manager

Tab 5: Required Proposal Forms

- 1) Public Entity Crime Form
- 2) Non-Collusion Affidavit
- 3) Proposer's Certification
- 4) Drug-Free Workplace Form
- 5) Contractor Affidavit Regarding Scrutinized Company List
- 6) G.S.A. Standard Form SF 330
- 7) Statement of Litigation
- 8) Financial Statement
- 9) Certificate(s) of Insurance

V. EVALUATION CRITERIA

In accordance with Section 287.055, Florida Statutes or most recent supplement, final rankings of the firm will be presented to The DeLand City Commission for approval and authorization to

negotiate with top-ranked firms. Each response will be evaluated by the Selection Committee members and subjectively scored on Compliance with Instructions, Introduction, Organizational Profile and Subcontractors, Experience, and Design Approach for a maximum of 100 points as outlined below. The format of the submittal constitutes part of the RFQ response.

**Responsiveness (10 Points)**

Firm has provided all required documentation and has adhered to qualifications and proposal criteria.

**Organizational Profile (45 points maximum)**

The respondent shall submit a Service Plan identifying its staffing and approach to providing the scope of services contained in this RFQ. Said plan shall provide the following:

- (1) Description of the firm's plan to perform the services required, including the systems, procedures, and quality control processes used.
- (2) Description of staffing and supervision assigned to complete the work. If the Offeror plans to subcontract any portion of the work, Offeror shall indicate in its plan the identity of the sub-contractor(s) and the role of said sub- contractor(s).
- (3) Schedule of events for the most expeditious completion of the design criteria package, and estimated time required for completion of each service requirement.
- (4) Description of, and assurances regarding, the firm's available capacity to timely complete the services.

**Qualifications & Experience (45 points maximum)**

- (1) Length of time company has operated; length of time providing both the Professional Services similar to those required in the RFQ; extent of Offeror current and prior similar contracts; location(s) of Offeror's office(s); and current and past project references.
- (2) Company has considerable and readily quantified experience in providing similar Professional Services, particularly design-bid-build, design-build and construction management at risk (CMAR) projects performed in compliance with §287.055, Florida Statutes.
- (3) Company has a proven ability to effectively manage multiple projects. Company shall provide relevant experience data and references.
- (4) Company's policy in recruitment, hiring, testing and assignment to ensure that only qualified persons are hired and that the appropriate skill sets are deployed to fit any project-specific needs.
- (5) Company has adequate organizational size, structure, and qualified key personnel to be assigned to City projects. Provide an organization chart and resumes of key individuals including any industry related and professional designations held by key individuals.
- (6) If any services are expected to be subcontracted, the Offeror shall also provide all of the above information for the sub-contractor(s).

**100 Points (Maximum)**

## **PUBLIC ENTITY CRIME FORM**

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

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

Acknowledged: \_\_\_\_\_ Date: \_\_\_\_\_

## NON-COLLUSION AFFIDAVIT

State of \_\_\_\_\_)

County of \_\_\_\_\_)

\_\_\_\_\_ being first duly sworn, deposes and says that:

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

By: \_\_\_\_\_

Signature of Individual

\_\_\_\_\_  
Printed Name of Individual

\_\_\_\_\_  
Title of Individual

Signed, sealed and delivered in the presence of:

\_\_\_\_\_



Witness

Witness

State of \_\_\_\_\_

County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023\_\_\_\_\_ by \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did (did not) take an oath.

WITNESS my hand and official seal.

\_\_\_\_\_  
NOTARY PUBLIC

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

### PROPOSER'S CERTIFICATION

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

\_\_\_\_\_ day of \_\_\_\_\_, 2023.

By: \_\_\_\_\_  
Signature of Individual

\_\_\_\_\_  
Printed Name of Individual

\_\_\_\_\_  
Witness

Business Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Business Phone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

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

WITNESS my hand and official seal.

\_\_\_\_\_  
NOTARY PUBLIC

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

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

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

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

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

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Business Name

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Bid Number and Name

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Authorized Representative's Signature

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Date

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Name

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Position

## CONTRACTOR AFFIDAVIT REGARDING SCRUTINIZED COMPANY LIST

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

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

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned authority, personally appeared

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

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

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

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

\_\_\_\_\_  
Signature

Sworn to and subscribed before me in the state and county first mentioned above on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(AFFIX SEAL or STAMP)

\_\_\_\_\_  
Notary Public

My commission expires:

**CITY OF DELAND**  
**Request for Commission Action**  
**October 2, 2023**

**SUBJECT:** CONTINUATION of Second Reading of Ordinance No. 2023-18, Amending Land Development Regulations Text to Remove the Minimum Acreage for Planned Developments in the Core Gateway Overlay District 1st RDG. 8-21-23.

**DEPARTMENT:** Planning

**PREPARED BY:** Carol Kuhn, Planning Director

**ATTACHMENTS:** ORD-2023-18 , Minimum size for PD - 8-3-23 PB Staff Report

**APPROVED BY:** Michael Pleus, City Manager, September 28, 2023

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**SUMMARY/HIGHLIGHT:**

**Request to continue item due to public notice error.**

In order provide additional options for infill and redevelopment within the Core Gateway Overlay District, staff has proposed removing the minimum lot size for a Planned Developments within the Core Gateway Overlay:

**33-32.02. Criteria and standards for approval.**

(a) *Minimum conditions for approval.* The approval of Planned Development rezoning or development plan may not be approved unless the following minimum conditions are met:

1. Except in the ~~Downtown Commercial land use designation~~ Core Gateway Overlay District, the minimum size of the proposed development shall be one acre for both residential and nonresidential development. Planned Developments in the ~~Downtown Commercial land use designation~~ Core Gateway Overlay District have no minimum size.
2. Minimum setbacks established in the PD ~~at the perimeter of the development~~ shall be consistent with those of the abutting zone districts, except in the ~~Downtown Commercial land use designation~~ Core Gateway Overlay District, where the minimum setback established in the PD shall be compatible with the setbacks of the adjacent properties.
3. ~~The development shall be consistent with the DeLand Comprehensive Plan, unless a corresponding amendment to the Comprehensive Plan is also adopted.~~

On August 21, 2023, the City Commission approved the request on first reading.

**STRATEGIC PLAN FOCUS AREA/ACTION STEP:**

Community and Change Focus Areas - Land Development Code Review - Review of codes to address future development patterns and issues.

Community Consistent Growth - Encourage use of Planned Development Agreements in zonings.

Preparing for the Future/Sustainability - Increase opportunities for affordable housing.

**SUSTAINABILITY:**

Institute Smart Growth Principles:

3. Create housing opportunities and choices – providing quality housing for people of all income levels and age

groups.

8. Strengthen and direct development to existing communities – development directed to communities already served by infrastructure, use resources of existing neighborhoods and maintain value of public and private investment.

9. Make development decisions predictable, fair, and cost effective – to be able to meet the future demand for development; the concept must be accepted and endorsed by private sector. Predictability assures developers their projects can be approved.

#### Land Use Guidelines:

3. Concentrate development in the urban core region or at transit oriented sites and corridors. The urban core is the key area to focus development, maintain a strong job base and take advantage of existing infrastructure.

4. Create housing opportunities and choices by providing quality housing for people of all income levels and age groups.

5. Accept styles of housing other than single family dwellings to accommodate the shift in demographics where there will be fewer households with children and provide for households with adult children or aging parents

10. Take advantage of compact development design that uses less land for building size as well as parking.

Appropriate locations for cluster or compact development are dependent upon neighborhood qualities.

17. Encourage new growth to locate in the existing developed areas through infill of undeveloped lands and the reuse or better use of existing buildings.

#### **FISCAL IMPACT:**

By eliminating the minimum size for a Planned Development Overlay within the Core Gateway Overlay, additional opportunities for redevelopment and infill could be achieved in this area. By encouraging development within the Core Gateway area where there is existing infrastructure and services, there could be a reduced need for expansion of City services.

#### **RECOMMENDATION:**

Staff recommends this item be continued due to a public notice error.

#### **BACKGROUND/DISCUSSION:**

The City's current Land Development Regulations provide limited options for redevelopment of existing properties. Property owners have expressed concerns regarding the lack of flexibility for infill projects. Currently, the only options for seeking relief from the current development standards is through either the Planned Development (PD) or Variance processes. However, outside of the Downtown Commercial District, the minimum size for a PD is 1 acre. Often, the opportunities for infill and redevelopment within the Core Gateway district can be found on lots smaller than 1 acre in size. In order to provide additional opportunities for redevelopment and infill projects, staff is proposing to expand the options for PD's by removing the minimum 1 acre size for properties within the Core Gateway Overlay District. Further, staff has proposed revised setback requirements for PD's within the Core Gateway to allow for the setbacks of the adjacent properties to be used as a guide for the PD standards.

Understanding that PD's can present additional costs for the developers, staff will be drafting infill and redevelopment standards as part of the overall, full code update. These proposed infill and redevelopment standards would include performance standards and criteria that would enhance or replace the PD option within the Core Gateway Overlay District.

**ORDINANCE NO. 2023 - 18**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA,  
AMENDING THE CODE OF ORDINANCES OF THE CITY OF  
DELAND/LAND DEVELOPMENT REGULATIONS MODIFYING THE  
MINIMUM ACREAGE FOR PLANNED DEVELOPMENTS IN THE CORE  
GATEWAY OVERLAY DISTRICT BY AMENDING SECTION 33-32.02(a)  
“MINIMUM CONDITIONS FOR APPROVAL; PROVIDING FOR  
CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE  
DATE.**

**WHEREAS**, the City’s Land Development Regulations currently require a minimum area of one acre in order to obtain planned development (PD) zoning in all future land use categories except the Downtown Commercial future land use category, in which there is no minimum area requirement; and

**WHEREAS**, planned development zoning provides for flexibility to permit projects on lots that may be small, irregular in shape or have other unique characteristics; and

**WHEREAS**, it is oftentimes difficult to develop small infill projects within the City’s “core” area because of the difficulty in complying with all existing land development regulations; and

**WHEREAS**, in order to provide additional options for infill and redevelopment within the Core Gateway Overlay District, the City Commission desires to expand the areas in which there is no minimum area requirement for planned development zonings to include all areas within the City’s Core Gateway Overlay District; and

**WHEREAS**, staff has undertaken a comprehensive review of the City’s Land Development Regulations and it has been determined that the revisions set forth in this ordinance will be beneficial to the efficient administration of Chapter 33 of the Code of Ordinances of the City of DeLand

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

**Section 1.** Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending Section 33-32.02(a), “*Minimum conditions for approval.*” by adding the new underlined language and by deleting the ~~strike-through language~~, to be read in full as follows:

33-32.02. *Criteria and standards for approval.*

- (a) *Minimum conditions for approval.* The approval of Planned Development rezoning or development plan may not be approved unless the following minimum conditions are met:
  - 1. Except in the ~~Downtown Commercial land use designation~~ Core Gateway Overlay District, the minimum size of the proposed development shall be one acre for both residential and nonresidential development. Planned Developments in



the ~~Downtown Commercial land use designation~~ Core Gateway Overlay District have no minimum size.

2. Minimum setbacks ~~established in the PD at the perimeter of the development~~ shall be consistent with those of the abutting zone districts, except in the ~~Downtown Commercial land use designation~~ Core Gateway Overlay District, where the minimum setback established in the PD shall be compatible with the setbacks of the adjacent properties.
3. ~~The development shall be consistent with the DeLand Comprehensive Plan, unless a corresponding amendment to the Comprehensive Plan is also adopted.~~

**Section 2. Conflicts.** All Ordinances or parts of Ordinances and other actions of the City Commission in conflict with this Ordinance are hereby repealed.

**Section 3. Severability.** If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

**Section 4. Codification; Directions to Code Codifier; Correction of Scrivener's Errors.**

(a). The provisions of Section 1 of this Ordinance shall become and be made a part of the Code of Ordinances of the City of DeLand and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 2 through 5 shall not be codified.

(b). The Code codifier shall instruct the Municipal Code Corporation to make all changes necessary in the Code of Ordinances of the City of DeLand to implement the provisions of this Ordinance and is granted liberal authority to codify the provisions of this Ordinance in such manner and in such places as deemed advisable.

(c). In accordance with the City's ongoing codification program; the City Clerk, in conjunction with the City Attorney, may make corrections to the provisions of this Ordinance relative to Scrivener's errors of whatever type or nature.

**Section 5. Effective Date.** This Ordinance shall become effective immediately upon its adoption.

**PASSED AND DULY ADOPTED** this 2<sup>nd</sup> day of October, 2023.

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Christopher M. Cloudman  
Mayor–Commissioner

**ATTEST:**

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Julie A. Hennessy  
City Clerk - Auditor

Passed on first reading: August 21, 2023  
Adopted on second reading: October 02, 2023

**APPROVED AS TO FORM AND LEGALITY:**

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Darren J. Elkind  
City Attorney

**PLANNING STAFF  
REPORT TO  
CITY OF DELAND PLANNING  
BOARD  
August 9, 2023**

**APPLICATION NO:** LDR23-148

**APPLICANT:** City of DeLand

**REQUEST:** **City-Initiated Land Development Regulations - Text Amendment to the Modify the Minimum Acreage for Planned Developments in the Core Gateway Overlay District**

**APPLICABLE ORDINANCES:** *Sec. 33-135. Procedure for text amendments.*

*33-135.01(a)* Amendments to the text of this chapter may be initiated by the city or upon application of any interested person.

*33-135.12(b)* The Planning board shall review proposed changes in this chapter, which shall make a recommendation to the city commission prior to final action adopting or not adopting the amendment. However, at the request of the planning board or the city commission, or in the discretion of the city manager, proposed amendments may be taken directly to the city commission for action.

**LOCATION:** City-wide

**BACKGROUND:** The City's current Land Development Regulations provide limited options for redevelopment of existing properties. Property owners have expressed concerns regarding the lack of flexibility for infill projects. Currently, the only options for seeking relief from the standards is through the Planned Development (PD) and Variance processes. However, outside of the Downtown Commercial District, the minimum size for a PD is 1 acre. Often, the opportunities for infill and redevelopment can be found on lots smaller than 1 acre. In order to provide additional opportunities for redevelopment and infill projects, staff is proposing to expand the options for PD's by removing the minimum 1 acre size for properties within the Core Gateway Overlay District. Further, Staff has revised the setback requirements for PD's within the Core Gateway to allow for the setbacks of the adjacent properties to be used as a guide for the PD standards.

Understanding that PD's can present additional costs for the developers, staff will be drafting infill and redevelopment standards as part of the overall, full code update. These proposed infill and redevelopment standards would include performance standards and criteria and would enhance or replace the PD option within the Core Gateway Overlay District.

**STAFF SUMMARY:** In order provide additional options for infill and redevelopment within the Core Gateway Overlay District, staff has proposed the following revisions:

**33-32.02. Criteria and standards for approval.**

- (a) *Minimum conditions for approval.* The approval of Planned Development rezoning or development plan may not be approved unless the following minimum conditions are met:
1. Except in the ~~Downtown Commercial land use designation~~ Core Gateway Overlay District, the minimum size of the proposed development shall be one acre for both residential and nonresidential development. Planned Developments in the ~~Downtown Commercial land use designation~~ Core Gateway Overlay District have no minimum size.
  2. Minimum setbacks established in the PD at the perimeter of the development shall be consistent with those of the abutting zone districts, except in the ~~Downtown Commercial land use designation~~ Core Gateway Overlay District, where the minimum setback established in the PD shall be compatible with the setbacks of the adjacent properties.
  3. ~~The development shall be consistent with the DeLand Comprehensive Plan, unless a corresponding amendment to the Comprehensive Plan is also adopted.~~

The public notice for this text amendment has been published in a newspaper of general circulation.

**STAFF RECOMMENDATION:** Staff recommends that the Planning Board forward this proposed text amendment, project number LDR23-148, Text Amendment to Modify the Minimum Acreage for Planned Developments within the Core Gateway Overlay District, to the City Commission for review and approval.

**CITY OF DELAND**  
**Request for Commission Action**  
**October 2, 2023**

**SUBJECT:** Second Reading of Ordinance No. 2023-19, Changing the Zoning for Approximately 198.02 Acres of Property, Located within the Park Lake Estates PD, to Remove a 6.105-Acres Parcel, Designated as Right-of-Way and Tree Protection Area, from the Overall PD to Accommodate Modified Right-of-Way Dedication Requirements 1st RDG. 8-21-23.

**DEPARTMENT:** Planning

**PREPARED BY:** Carol Kuhn, Planning Director

**ATTACHMENTS:** ORD-2023-19 , Exhibit A - Park Lake Estates PD Amendment Ord Z23-152 - ADA, Park Lake Estates Exhibit B, Staff Report Z23-152 - ADA (Planning Board), Zoning Map Z23-152 - ADA, Aerial Map Z23-152 - ADA, Park Lake Estates PD Plan Original Z23-152 - ADA

**APPROVED BY:** Michael Pleus, City Manager, September 27, 2023

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**SUMMARY/HIGHLIGHT:**

Amendment to the existing Park Lake Estates Planned Development to remove 6.105 acres from the PD, reduce the required amount of Tree Protection Area from 15% to 10.83% and to allow for the possibility of creating a future trail head to Lake Moore in an area currently designated as tree preservation. These modifications are associated with Volusia County's future extension of Beresford Avenue between Martin Luther King, Jr. Blvd and SR 44/Summit Avenue.

On August 21, 2023, the City Commission approved the request on first reading.

**STRATEGIC PLAN FOCUS AREA/ACTION STEP:**

Creating the connected community: Key Corridors - important entry ways into the City need to be consistent or complementary to the City both the enhance the sense of community as well as permeate across the City the image of DeLand as a distinctive place which attracts high value wage earners and high value jobs.

**SUSTAINABILITY:**

Recognize and where possible facilitate or participate in mobility (transportation) planning for the community in the regional context.

**FISCAL IMPACT:**

This property has been transferred to the City and this property will then be transferred to the Volusia County School Board, pursuant to an interlocal agreement between the City, the Volusia County School Board, and Volusia County.

**RECOMMENDATION:**

Staff recommends approval of the Ordinance amending Park Lake Estates Planned Development to reduce the size of the PD from 198.02 acres to 191.915 acres and reduce the required Tree Protection Area (TPA) from 15% developable area (21.59 acres) to 10.83% (15.485 acres).

## **BACKGROUND/DISCUSSION:**

The Lakewood Park developer deeded 6.105 acres of property within the Park Lake Estates PD to the City. The City will transfer this property to the Volusia County School Board, pursuant to an interlocal agreement between the City, the Volusia County School Board and Volusia County relating to the construction of the Beresford Avenue Extension from Dr. Martin Luther King, Jr. Beltway to Summit Avenue. This PD amendment is necessary not only to reduce the size of the PD from 198.02 acres to 191.915 acres, but also reduce the required Tree Protection Area (TPA) from 15% developable area (21.59 acres) to 10.83% (15.485 acres). The existing TPA is located in the northeast portion of the PD. The need to avoid Lake Diamond left few options to avoid impacts to the TPA. Since the TPA is proposed to be reduced, the city is also amending the PD to allow for the possible future creation of a trailhead in an area that is currently designated as tree preservation. Since the acquisition and preservation of the Lake Moore tract adjacent to the Park Lake Estates development was accomplished subsequent to the approval of the PD, the City has created significant additional tree preservation in the immediate area and wants to allow for the possibility of creating a trail head, which would require some tree removal, in an area within the Park Lake Estates PD which is immediately adjacent to the Lake Moore tract. At the August 9, 2023 Planning Board meeting, the Planning Board recommended that the City Commission approve this item.

**ORDINANCE NO. 2023 - 19**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA,  
AMENDING THE PARK LAKE ESTATES PD FOR THE PURPOSE OF  
REMOVING PROPERTY FROM THE PLANNED DEVELOPMENT AND  
AMENDING THE TREE PRESERVATION AREA REQUIREMENTS  
RELATED THERETO; PROVIDING FOR CONFLICTS, CODIFICATION,  
SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of DeLand (the “City”) adopted Ordinance 2019-38, which is recorded in Official Records Book 7933, Page 3590 *et. seq.* of the Public Records of Volusia County, Florida which ordinance approved the planned development zoning for Park Lake Estates Planned Development (the “Park Lake Estates PD”); and

**WHEREAS**, a portion of the property which comprises the Park Lake Estates PD, measuring 6.105 acres in area and more particularly described in the attached Exhibit A (the “School Board Property”), has been deeded by the developer thereof to the City so that the City can in turn transfer this property to the Volusia County School Board pursuant to an interlocal agreement between the City, the Volusia County School Board and the County of Volusia relating to the construction of the Beresford Avenue Extension from the Dr. Martin Luther King, Jr. Beltway to Summit Avenue; and

**WHEREAS**, it is necessary to administratively remove the School Board Property from the Park Lake Estates PD; and

**WHEREAS**, contemporaneously with the removal of the School Board Property from the Park Lake Estates PD, the City will administratively amend the future land use designation of the School Board Property in the City’s Comprehensive Plan and rezone the School Board Property; and

**WHEREAS**, a portion of the School Board Property comprises a portion of the required tree preservation area for the Park Lake Estates PD and it is therefore necessary to amend the tree preservation requirements of the Park Lake Estates PD to account for the removal of the School Board Property; and

**WHEREAS**, the City Commission also desires to allow for the potential of locating trail heads or other public infrastructure within the tree preservation area of the Park Lake Estates PD to afford public access to the Lake Moore public property; and

**WHEREAS**, the City Commission finds that these administrative changes to the Park Lake Estates PD is in the public interest and otherwise supports the health, safety, and welfare of the citizens of the City of DeLand and the traveling public.

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

**Section 1.** The Park Lake Estates PD is hereby amended by removing therefrom the School Board Property, more particularly described in the attached Exhibit A. The School Board Property shall no longer be subject to the provisions of the Park Lake Estates PD or otherwise be a part of the development related thereto.

**Section 2.** The tree preservation requirements of the Park Lake Estates PD, referenced in Section F and Exhibit B thereof, are hereby modified such that the required amount of tree preservation area is reduced by the amount of tree preservation area located within the School Board Property.

**Section 3.** The tree preservation requirements of the Park Lake Estates PD, referenced in Section F and Exhibit B thereof, are hereby modified to provide that if ownership of any other property which is located within the tree preservation area of the Park Lake Estates PD is transferred to and accepted by the City of DeLand to support public infrastructure projects, including but not limited to the activation of the Lake Moore public property, then the tree preservation area requirements shall be reduced based upon the acreage of the property so transferred.

**Section 4. Conflicts.** All Ordinances or parts of Ordinances and other actions of the City Commission in conflict with this Ordinance are hereby repealed.

**Section 5. Severability.** If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon its adoption.

**PASSED AND DULY ADOPTED** this 2<sup>nd</sup> day of October, 2023.

\_\_\_\_\_  
Christopher M. Cloudman  
Mayor – Commissioner

**ATTEST:**

\_\_\_\_\_  
Julie A. Hennessy  
City Clerk - Auditor

Passed on first reading: August 21, 2023  
Adopted on second reading: October 02, 2023

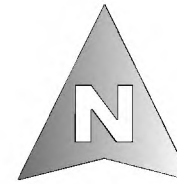
**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
Darren J. Elkind, City Attorney



# EXHIBIT A

| Line Table |               |          |
|------------|---------------|----------|
| Line #     | Direction     | Distance |
| L1         | N 50°56'03" E | 207.62'  |
| L2         | N 81°43'16" E | 200.20'  |
| L3         | S 71°55'50" E | 91.35'   |
| L4         | N 81°58'43" E | 145.51'  |
| L5         | N 46°35'12" E | 71.00'   |
| L6         | N 40°09'24" E | 104.12'  |
| L7         | N 31°32'26" E | 79.52'   |
| L8         | N 29°07'44" E | 94.19'   |
| L9         | N 06°02'08" E | 82.90'   |
| L10        | N 05°42'10" E | 64.93'   |
| L11        | N 16°38'35" W | 56.27'   |
| L12        | S 89°35'56" E | 280.45'  |
| L13        | S 05°24'57" W | 337.14'  |
| L14        | S 29°22'36" W | 341.55'  |



SCALE: 1" = 300'

SOUTH LINE OF LANDS  
DESCRIBED IN OFFICIAL RECORDS  
BOOK 7707, PAGE 4683

STATE ROAD 44  
(R/W VARIES)

SOUTHERLY R/W LINE

WESTERLY LINE OF LANDS  
DESCRIBED IN OFFICIAL RECORDS  
BOOK 3755, PAGE 4964

1/4 SECTION CORNER

PROPOSED  
BERESFORD AVE.  
EXTENSION

POINT OF  
COMMENCEMENT  
S.W. CORNER OF  
SECTION 13

NORTH LINE OF  
TRACT 1

TRACT 1  
(ORB 8108, PG 4428)

POINT  
OF BEGINNING

TRACT 2  
(ORB 8108, PG 4428)

TRACT 1  
(ORB 8108, PG 4428)

TRACT 3  
(ORB 8108, PG 4428)

WEST LINE OF  
SECTION 13-17-30

WEST LINE OF  
SECTION 24-17-30

SKETCH NO :

1. THIS IS NOT A BOUNDARY SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE W. 1/4 OF SECTION 13-17-30 AS BEING S 89°43'31" E (ASSUMED).
3. DISTANCES ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.



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

BERESFORD AVENUE EXTENSION  
CITY OF DELAND - V.C. SCHOOL BOARD TRANSFER

SKETCH OF DESCRIPTION ONLY / NOT A BOUNDARY SURVEY  
SECTION 13, TWP. 17 SOUTH, RNG. 30 EAST, VOLUSIA COUNTY, FLORIDA

DRAWING #

2528

SHEET #

1 OF 2

# EXHIBIT A

## Legal Description:

A portion of Tract 1 and all of Tract 2 being described as part of those lands described in Official Records Book 8108, Page 4428 of the Public Records of Volusia County, Florida, said lands also being a portion of Section 13, Township 17 South, Range 30 East, Volusia County, Florida and being more particularly described as follows:

Commence at the Southwest corner of aforesaid Section 13; thence run S 89°43'31" E, along the South line of said Section 13, a distance of 992.51 feet to the POINT OF BEGINNING; thence, departing said South line, run N 50°56'03" E, a distance of 207.62 feet; thence N 81°43'16" E, a distance of 200.20 feet; thence S 71°55'50" E, a distance of 91.35 feet; thence N 81°58'43" E, a distance of 145.51 feet; thence N 46°35'12" E, a distance of 71.00 feet; thence N 40°09'24" E, a distance of 104.12 feet; thence N 31°32'26" E, a distance of 79.52 feet; thence N 29°07'44" E, a distance of 94.19 feet; thence N 06°02'08" E, a distance of 82.90 feet; thence N 05°42'10" E, a distance of 64.93 feet; thence N 16°38'35" W, a distance of 56.27 feet to a point of intersection with the South line of those lands described in Official Records Book 7707, Page 4683 of the aforementioned Public Records; thence run S 89°53'56" E, along said South line, a distance of 280.45 feet to the point of intersection with the Westerly line of those lands described in Official Records Book 3755, Page 4964 of said Public records; thence run S 05°24'57" W (S 05°14'52" W, deed), along said Westerly line, a distance of 337.14; thence S 29°22'36" W (S 29°12'12" W, deed), a distance of 341.55 feet to its intersection with the South line of aforesaid Section 13; thence run N 89°43'31" W, along said South line, a distance of 876.55 feet to the Point of Beginning.

The above-described parcel contains 6.105 acres more or less.

REVISED: 10/11/22 (MEM)

## BERESFORD AVENUE EXTENSION CITY OF DELAND – V.C. SCHOOL BOARD TRANSFER

SKETCH OF DESCRIPTION ONLY / NOT A BOUNDARY SURVEY  
SECTION 13, TWP. 17 SOUTH, RNG. 30 EAST, VOLUSIA COUNTY, FLORIDA



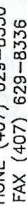
**COUNTY OF VOLUSIA**  
PUBLIC WORKS DEPARTMENT  
CONSTRUCTION ENGINEERING  
SURVEY DIVISION  
123 W. INDIANA AVE. DELAND, FL. 32720  
PHONE 1-386-736-5967 FAX 1-386-822-5736

| NAME        | DATE | PLOT DATE: | DRAWING # |
|-------------|------|------------|-----------|
| CADD        | MEM  | 10/22      | 2528      |
| SURVEY DATE | N/A  | N/A        |           |
| CHECKED     | EAB  | 10/22      |           |
| PROJECT #   |      | FIELD BOOK | SHEET #   |
| T.B.D.      |      | N/A        | 2 OF 2    |

# PARK LAKE ESTATES, PARCEL B

DR MARTIN L KING JR PKWY  
CITY OF DELAND, FLORIDA

**PHONE: (407) 924-2846**



Page 87 of 135









**PLANNING DEPARTMENT STAFF REPORT  
TO  
PLANNING BOARD**

**August 9, 2023**

**APPLICATION NO.:** Z23-152

**APPLICANT:** City of DeLand

**PROPERTY OWNER:** City of DeLand

**REQUEST:** Amendment to the existing Park Lake Estates Planned Development to remove 6.105 acres from the PD, reduce the required amount of Tree Protection Area from 15% to 10.83%, and add a trailhead to allow public access to Lake Moore. These modifications are associated with Volusia County's future extension of Beresford Avenue between Martin Luther King, Jr. Blvd and SR 44/Summit Avenue:

**APPLICABLE REGULATIONS:**

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

**A. SITE FACTORS:**

|                  |                                                                                           |
|------------------|-------------------------------------------------------------------------------------------|
| Location:        | East of Martin Luther King Blvd & North of Beresford Ave extension to SR 44/Summit Avenue |
| Parcel Size:     | 198.02 ± acres                                                                            |
| Land Use:        | Low Density Residential                                                                   |
| Existing Zoning: | Park Lake Estates PD                                                                      |
| Existing Use:    | Portions Developing, Portions Vacant Awaiting Development                                 |

|               | <b>SURROUNDING LAND USE:</b>                                                 | <b>SURROUNDING ZONING:</b>                                                                                                    |
|---------------|------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>North:</b> | City: Low Density Residential, Educational, Gateway; VC: Urban Low Intensity | City: R-R (Rural Residential), C-2 (General Commercial), E-1 (Educational), Royal Oaks PD; VC: R-3/R-3C (Urban Single-Family) |
| <b>South:</b> | City: Educational, Low Density Residential, New Community Development        | City: R-1A (Single Family Residential) Victoria Park PD, VC: A-2 (Agriculture)                                                |
| <b>East:</b>  | VC: Public/Semi-public Educationa                                            | VC: Public/Semi-Public                                                                                                        |
| <b>West:</b>  | City: Low Density Residential                                                | City: C-2 (General Commercial), The Reserve at Victoria PD                                                                    |



**B. ANALYSIS:**

The existing Park Lake Estates Planned Development consists of 198.02 acres, formerly part of the proposed Royal Oaks Planned Development and presently called Lakewood Park, which is now in the midst of phasing and development. The development is located to the east of Martin Luther King Jr. (MLK) Blvd and north of Beresford Avenue Extension. As part of the PD, the western ~1,000 feet of the Beresford Avenue extension is planned to be constructed by the Lakewood Park development. The remainder of Beresford Avenue extension is planned to be built by Volusia County and will connect Beresford Avenue to SR 44 at the current intersection of SR 44/Summit Avenue. Summit Avenue will be re-aligned and intersect Beresford Avenue. This capital improvement will provide an alternative route for east-west traffic on SR 44 and relieve congestion at the SR 44/Kepler Road intersection, which fails during peak hours.



The Lakewood Park developer deeded 6.105 acres to the City so that the City can in turn transfer this property to the Volusia County School Board, pursuant to an interlocal agreement between the City, the Volusia County School Board and the County of Volusia relating to the construction of the Beresford Avenue Extension from the Dr. Martin Luther King, Jr. Beltway to Summit Avenue. This PD amendment is necessary not only to reduce the size of the PD from 198.02 acres to 191.915 acres, but also reduce the Tree Protection Area (TPA) from 15% developable area (21.59 acres) to 10.83% (15.485 acres). The existing TPA is located in the northeast portion of the PD, as circled on the approved PD's conceptual plan (See below). The need to avoid Lake Diamond left few options to avoid impacts to the TPA. Since the TPA is proposed to be reduced, the city is requiring the PD to be amended to require the developer to construct a trailhead adjacent to Lake Moore to provide public access.

Since the amendments are being generated administratively, the PD amendment application did not go before the Technical Review Committee. Related to this amendment are two companion amendments for future land use and zoning on the 6.105-acre property. The future land use is proposed to be amended from Low Density Residential to Educational (SMLU23-153), and the zoning is proposed to be amended from Park Lake Estates Planned Development (PD) to Educational (E-1) (Z23-154).





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

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

The proposed amendment to the existing Park Lake Estates PD is consistent with the Comprehensive Plan with the exception of the reduced TPA from 15% to 10.83%. Because of the economic significance and benefits to the public's health, safety, and welfare associated with the roadway's extension, the respective inconsistency is outweighed by the public benefit brought by the roadway extension.

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

Due to the location of the proposed Beresford Avenue extension and Lake Diamond constraints, the zoning changes proposed under the current request will impact the Park Lake Estates PD's TPA by reducing it from 15% developable area (21.59 acres) to 10.83% (15.485 acres). Because of the economic significance and benefits to the public's health, safety, and welfare associated with roadway's extension, the respective impact upon the environment or natural resources is viewed as negligible. Since the TPA was reduced, the city is requiring the PD to be amended to require a trailhead adjacent to Lake Moore provide public access.

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

The proposed amendment is associated with Volusia County's ability to plan and construct the Beresford Avenue extension, which will provide an additional east-west roadway connection between SR 44, near I-4, and Kepler Road/MLK Blvd (West Volusia Beltway) and relieve peak hour congestion at SR 44/Kepler Road intersection. The additional roadway connection will subsequently improve the area's economy by increasing the transportation system's ability to accommodate trips from new development.

**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. The proposed amendment, which removes 6.105 acres, will not adversely impact these services. The Beresford Avenue extension, once constructed, will have a beneficial impact on government emergency services by enabling faster response times associated with reduced traffic congestion and alternative routes.

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

When the Park Lake Estates PD was under review and approved, Volusia County had not yet determined the Beresford Avenue extension alignment. The alignment, approved by Volusia County Council in November of 2022, has mandated ROW acreage and a TPA reduction from what was originally approved in the PD.

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

The approved PD included two possible locations for the Beresford Avenue extension. The final alignment was approved in late 2022 and the PD amendment addresses the new roadway alignment.,

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

The proposed amendment will not have an affect upon the value of the affected area beyond that of the original PD and, as part of the agreement, will provide a trailhead to Lake Moore

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

The Beresford Avenue extension will provide an alternative route for east-west traffic on SR 44 and relieve congestion at the SR 44/Kepler Road intersection, which fails during peak hours. The reduction in congestion will reduce the likelihood for crashes and increased emissions' impact on air quality.

**C. CONCLUSION:**

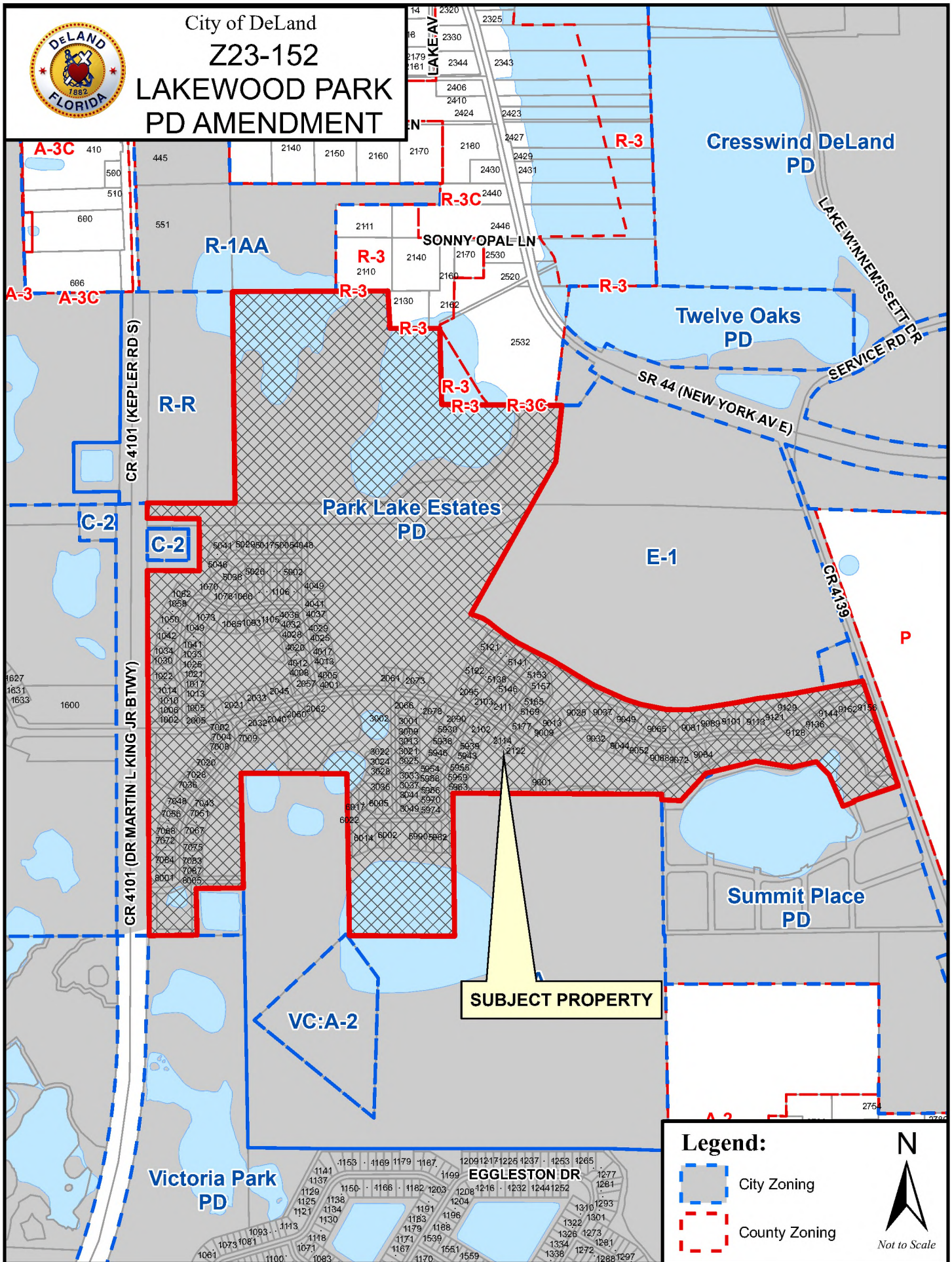
The City of DeLand is proposing an amendment to the Park Lake Estates PD associated with the developer reducing the PD's size by 6.105 acres to accommodate the future Beresford Avenue extension ROW needs. Additionally, the PD amendment ordinance would allow for a reduction to the minimum required TPA from 15% to 10.83% and would include a trailhead to be constructed by the developer to provide public access to Lake Moore.

**D. STAFF RECOMMENDATION:**

Staff recommends that the Planning Board advance the request to the City Commission with a recommendation for approval, subject to addressing remaining Staff comments.



City of DeLand  
Z23-152  
LAKEWOOD PARK  
PD AMENDMENT







City of DeLand  
Z23-152  
LAKEWOOD PARK  
PD AMENDMENT







**CITY OF DELAND**  
**Request for Commission Action**  
**October 2, 2023**

**SUBJECT:** Second Reading of Ordinance No. 2023-20, Changing the Land Use of 6.105 Acres from Low Density Residential (LDR) to E-Educational Located on the North Side of the Future Beresford Avenue Extension West of Martin Luther King, Jr. Boulevard 1st RDG. 8-21-23.

**DEPARTMENT:** Planning

**PREPARED BY:** Carol Kuhn, Planning Director

**ATTACHMENTS:** ORD-2023-20 LUA, Exhibit A, Staff Report SMLU23-153 - ADA (Planning Board), Land Use Change SMLU23-153 - ADA

**APPROVED BY:** Michael Pleus, City Manager, September 27, 2023

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**SUMMARY/HIGHLIGHT:**

The applicant is requesting a future land use designation amendment for 6.105 acres of land, located on the north side of the future Beresford Avenue extension west of MLK Blvd, from Low Density Residential (LDR) to Educational (E). The subject parcel, which currently resides within the Park Lake Estates Planned Development, is vacant and undeveloped. Two related amendments are proposed that would amend the PD to remove the 6.105 acres from the project, and the other would amend the zoning on the 6.105 acres to E-1.

On August 21, 2023, the City Commission approved the request on first reading.

**STRATEGIC PLAN FOCUS AREA/ACTION STEP:**

Creating the connected community: Key Corridors - important entry ways into the City need to be consistent or complementary to the City both the enhance the sense of community as well as permeate across the City the image of DeLand as a distinctive place which attracts high value wage earners and high value jobs.

**SUSTAINABILITY:**

Recognize and, where possible, facilitate or participate in mobility (transportation) planning for the community in the regional context.

**FISCAL IMPACT:**

This property has been transferred to the City and this property will then be transferred to the Volusia County School Board, pursuant to an interlocal agreement between the City, the Volusia County School Board, and Volusia County. The City received right-of-way as part of the PD agreement.

**RECOMMENDATION:**

Staff recommends approval of the Ordinance changing the land use of 6.105 acres from Low Density Residential (LDR) to E-Educational.

**BACKGROUND/DISCUSSION:**

The applicant is requesting a future land use designation amendment for 6.105 acres of land, located on the

north side of the future Beresford Avenue extension west of MLK Blvd, from Low Density Residential (LDR) to Educational (E). The subject parcel, which currently resides within the Park Lake Estates Planned Development, is vacant and undeveloped. Two related amendments are proposed that would amend the PD to remove the 6.105 acres from the project, and the other would amend the zoning on the 6.105 acres to E-1.

The parcel has a current future land use of Low Density Residential, which has a maximum residential density of 5.8 units per acre, allows clustering, and requires convenient access to recreation, shopping, schools and public amenities. Theoretically, the 6.105-acres could develop a maximum of 35 single-family residential units. Per the city's Comprehensive Plan - ...Low Density Residential "land use is typified by detached single-family dwelling units and both agricultural and conservation land uses. A maximum density of 5.8 dwelling units per gross acre shall be permitted. " If developed under the proposed Educational land use, the site could yield a one-story 132,967 square-foot or two-story 265,934 square-foot school-most likely elementary level. Larger schools and higher-level schools, such as a high-school, are unlikely due to the size of the property. Per the city's Comprehensive Plan - Educational "land use designation applies to all public and private schools. This designation also applies to higher education institutions within the greater DeLand area." The land use of the subject property has not recently been changed. According to the city's 2050 Vision, this area is within the Retaining Existing Zoning (Category 1), which is where the majority of newer, higher intensity growth is envisioned to "further in the future." This is likely due to the Beresford Avenue extension not having an approved alignment or funding until 2022, long before the 2050 Vision was written. Since the 2050 Vision was adopted, multiple large residential developments have been approved and are developing.

At the August 9, 2023 Planning Board meeting, the Planning Board recommended that the City Commission approve this item.

**ORDINANCE NO. 2023 - 20**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF DELAND, BY CHANGING THE LAND USE DESIGNATION OF CERTAIN PROPERTY LOCATED ON THE NORTH SIDE OF THE FUTURE BERESFORD AVENUE EXTENSION WEST OF MARTIN LUTHER KING, JR., BOULEVARD; FROM CITY OF DELAND'S LOW DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION TO CITY OF DELAND'S EDUCATIONAL FUTURE LAND USE DESIGNATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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

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

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

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

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

**WHEREAS**, the City Commission has received a request to amend the Comprehensive Plan by changing the land use designation of approximately 6.105 +/- acres of land located at the on the north side of the future Beresford Avenue extension west of Martin Luther King, Jr., Boulevard; from City of DeLand's Low Density Residential future land use designation to City of DeLand's Educational Future land use designation; and

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

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

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

**Section 1.** The City Commission hereby amends the Future Land Use Map for the incorporated area by changing the land use designation of that certain parcel of land located on the north side of the future Beresford Avenue extension west of Martin Luther King, Jr., Boulevard; consisting of approximately 6.105 +/- acres of land from City of DeLand's Low



Density Residential Future Land Use Designation to City of DeLand's Educational Future Land Use designation, as more particularly described in the Exhibit "A" attached hereto and by this reference made a part hereof.

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

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

**PASSED AND DULY ADOPTED** this 2<sup>nd</sup> day of October, 2023.

\_\_\_\_\_  
Christopher M. Cloudman  
Mayor - Commissioner

**ATTEST:**

\_\_\_\_\_  
Julie A. Hennessy  
City Clerk - Auditor

Passed on first reading: August 21, 2023  
Adopted on second reading: October 02, 2023

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
Darren J. Elkind  
City Attorney

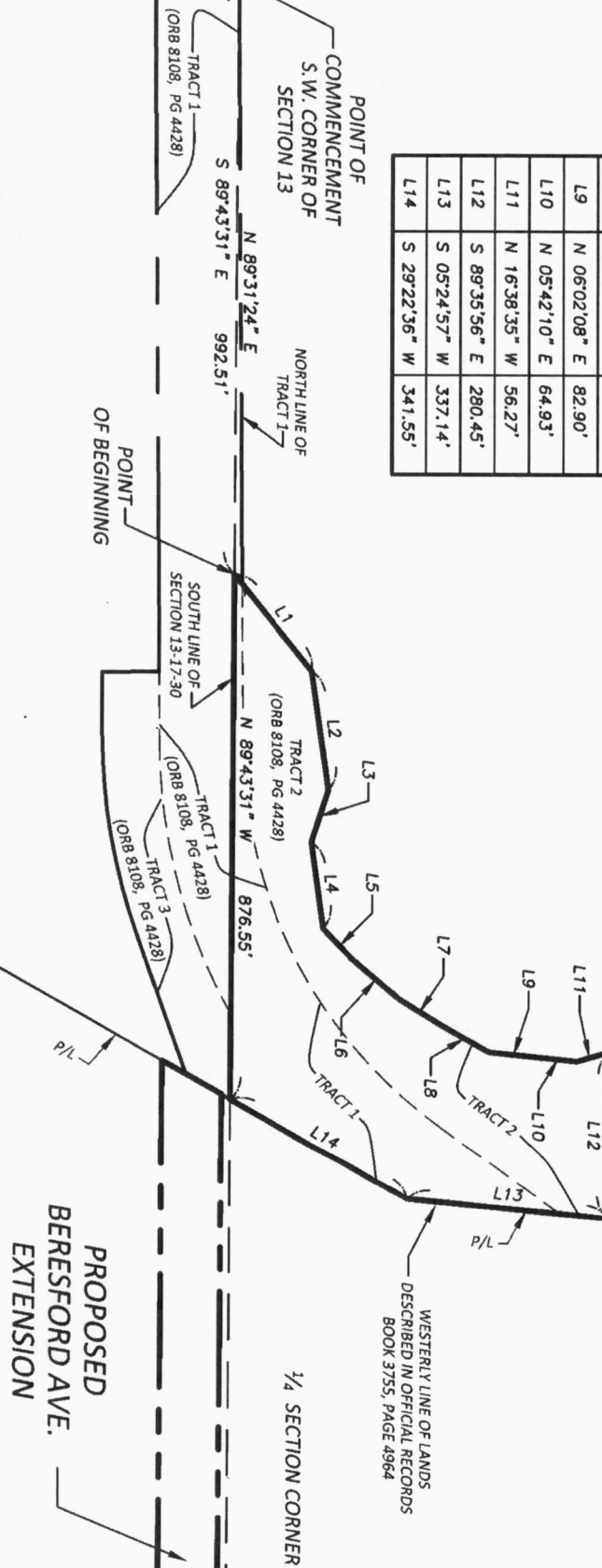
# "EXHIBIT A"

| Line Table |               |          |
|------------|---------------|----------|
| Line #     | Direction     | Distance |
| L1         | N 50°56'03" E | 207.62'  |
| L2         | N 81°43'16" E | 200.20'  |
| L3         | S 71°55'50" E | 91.35'   |
| L4         | N 81°58'43" E | 145.51'  |
| L5         | N 46°35'12" E | 71.00'   |
| L6         | N 40°09'24" E | 104.12'  |
| L7         | N 31°32'26" E | 79.52'   |
| L8         | N 29°07'44" E | 94.19'   |
| L9         | N 06°02'08" E | 82.90'   |
| L10        | N 05°42'10" E | 64.93'   |
| L11        | N 16°38'35" W | 56.27'   |
| L12        | S 89°35'56" E | 280.45'  |
| L13        | S 05°24'57" W | 337.14'  |
| L14        | S 29°22'36" W | 341.55'  |

- SKETCH NO. :
1. THIS IS A BOUNDARY SURVEY.
  2. BEARING SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE W. 1/4 OF SECTION 13-17-30 AS BEING S 89°43'31" E (ASSUMED).
  3. DISTANCES ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.

WEST LINE OF  
SECTION 24-17-30

WEST LINE OF  
SECTION 13-17-30



**COUNTY OF VOLUSIA**  
PUBLIC WORKS DEPARTMENT  
CONSTRUCTION ENGINEERING  
SURVEY DIVISION  
123 W. INDIANA AVE. DELAND, FL 32720  
PHONE 1-386-736-6967 FAX 1-386-822-6736

**BERESFORD AVENUE EXTENSION**  
**CITY OF DELAND - V.C. SCHOOL BOARD TRANSFER**  
SKETCH OF DESCRIPTION ONLY / NOT A BOUNDARY SURVEY  
SECTION 13, TWP. 17 SOUTH, RNG. 30 EAST, VOLUSIA COUNTY, FLORIDA

DRAWING #  
2528  
SHEET #  
1 OF 2

# "EXHIBIT A"

## Legal Description:

A portion of Tract 1 and all of Tract 2 being described as part of those lands described in Official Records Book 8108, Page 4428 of the Public Records of Volusia County, Florida, said lands also being a portion of Section 13, Township 17 South, Range 30 East, Volusia County, Florida and being more particularly described as follows:

Commence at the Southwest corner of aforesaid Section 13; thence run S 89°43'31" E, along the South line of said Section 13, a distance of 992.51 feet to the POINT OF BEGINNING; thence, departing said South line, run N 50°56'03" E, a distance of 207.62 feet; thence N 81°43'16" E, a distance of 200.20 feet; thence S 71°55'50" E, a distance of 91.35 feet; thence N 81°58'43" E, a distance of 145.51 feet; thence N 46°35'12" E, a distance of 71.00 feet; thence N 40°09'24" E, a distance of 104.12 feet; thence N 31°32'26" E, a distance of 79.52 feet; thence N 29°07'44" E, a distance of 94.19 feet; thence N 06°02'08" E, a distance of 82.90 feet; thence N 05°42'10" E, a distance of 64.93 feet; thence N 16°38'35" W, a distance of 56.27 feet to a point of intersection with the South line of those lands described in Official Records Book 7707, Page 4683 of the aforementioned Public Records; thence run S 89°53'56" E, along said South line, a distance of 280.45 feet to the point of intersection with the Westerly line of those lands described in Official Records Book 3755, Page 4964 of said Public records; thence run S 05°24'57" W (S 05°14'52" W, deed), along said Westerly line, a distance of 337.14; thence S 29°22'36" W (S 29°12'12" W, deed), a distance of 341.55 feet to its intersection with the South line of aforesaid Section 13; thence run N 89°43'31" W, along said South line, a distance of 876.55 feet to the Point of Beginning.

The above-described parcel contains 6.105 acres more or less.

REVISED: 10/11/22 (MEM)

## BERESFORD AVENUE EXTENSION CITY OF DELAND – V.C. SCHOOL BOARD TRANSFER

SKETCH OF DESCRIPTION ONLY / NOT A BOUNDARY SURVEY  
SECTION 13, TWP. 17 SOUTH, RNG. 30 EAST, VOLUSIA COUNTY, FLORIDA



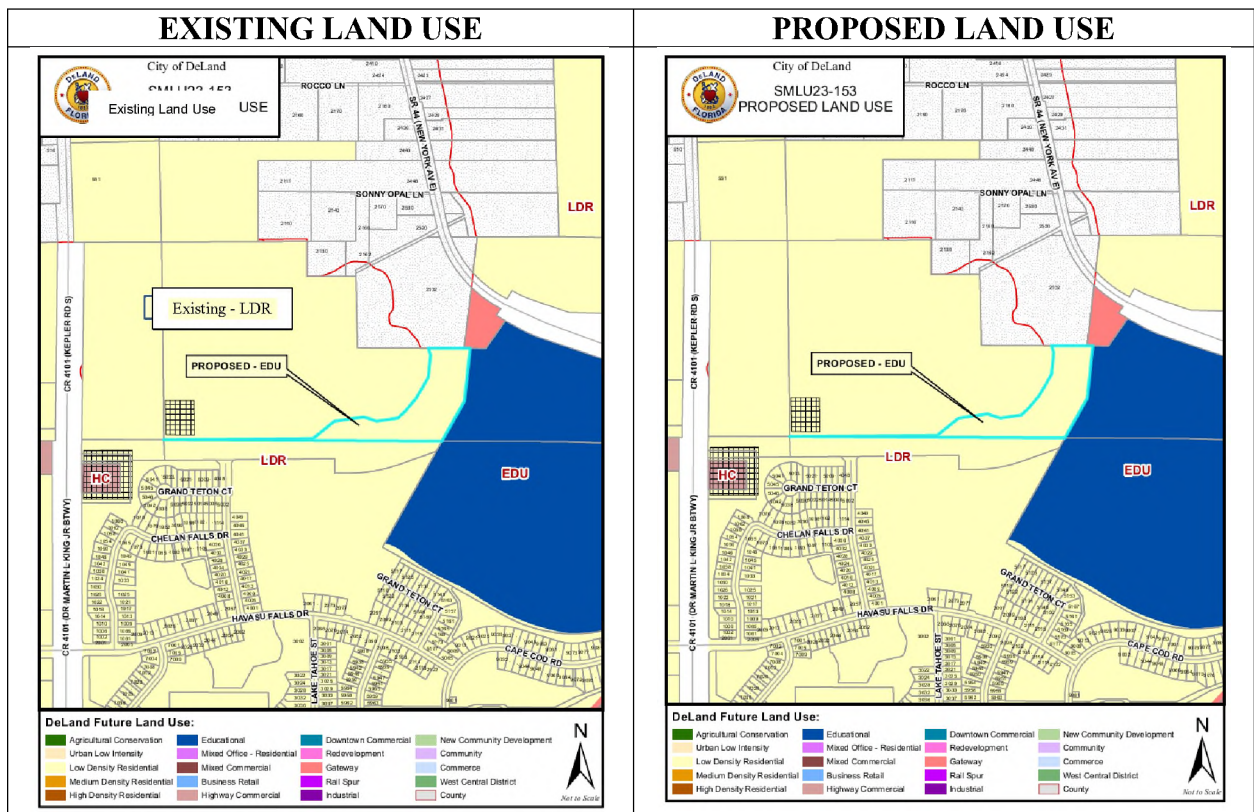
**COUNTY OF VOLUSIA**  
PUBLIC WORKS DEPARTMENT  
CONSTRUCTION ENGINEERING  
SURVEY DIVISION  
123 W. INDIANA AVE. DELAND, FL. 32720  
PHONE 1-386-736-6967 FAX 1-386-822-5736

|             | NAME   | DATE  | PLOT DATE: | DRAWING # |
|-------------|--------|-------|------------|-----------|
| CADD        | MEM    | 10/22 | 10/11/22   | 2528      |
| SURVEY DATE | N/A    | N/A   | SCALE:     |           |
| CHECKED     | EAB    | 10/22 | N/A        |           |
| PROJECT #   |        |       | FIELD BOOK | SHEET #   |
|             | T.B.D. |       | N/A        | 2 OF 2    |

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

**August 9, 2023**

- A. APPLICATION NO.:** SMLU23-153 School Board Transfer from Park Lake Estates PD
- APPLICANT:** City of DeLand
- PROPERTY OWNER:** City of DeLand
- REQUEST:** To amend the future land use designation from City Low Density Residential (LDR) to City Educational (E)
- B. SITE FACTORS:**
- Location: East of Martin Luther King Blvd & North of Beresford Ave extension to Summit Avenue
  - Parcel ID #: 7013-00-00-0015
  - Total Size Parcels: ± 6.105 acres
  - Land Use: Low Density Residential
  - Existing Use: Undeveloped



**Surrounding Land Use & Zoning:**

|               | <b>SURROUNDING LAND USE:</b>                                                 | <b>SURROUNDING ZONING:</b>                                                                                                    |
|---------------|------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>North:</b> | City: Low Density Residential, Educational, Gateway; VC: Urban Low Intensity | City: R-R (Rural Residential), C-2 (General Commercial), E-1 (Educational), Royal Oaks PD; VC: R-3/R-3C (Urban Single-Family) |
| <b>South:</b> | City: Educational, Low Density Residential, New Community Development        | City: R-1A (Single Family Residential) Victor Park PD, VC: A-2 (Agriculture)                                                  |
| <b>East:</b>  | VC: Public/Semi-public Educational                                           | VC: Public/Semi-Public                                                                                                        |
| <b>West:</b>  | City: Low Density Residential                                                | City: C-2 (General Commercial), The Reserve at Victoria PD                                                                    |

**C. REQUESTED ACTION & HISTORY:**

The applicant is requesting a future land use designation amendment for 6.105 acres of land, located on the north side of the future Beresford Avenue extension west of MLK Blvd, from City Low Density Residential to City Educational. The subject parcel, which currently resides within the Park Lake Estates Planned Development, is vacant and undeveloped. Two related amendments are proposed that would amend the PD to remove the 6.105 acres from the project, and the other would amend the zoning on the 6.105 acres to E-1.

The parcel has a current future land use of City Low Density Residential, which has a maximum residential density of 5.8 units per acre, allows clustering, and requires convenient access to recreation, shopping, schools and public amenities. Theoretically, the 6.105-acres could develop a maximum of 35 single-family residential units.

Per the city's Comprehensive Plan –

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

If developed under the proposed Educational land use, the site could yield a one-story 132,967 square-foot or two-story 265,934 square-foot school – most likely elementary level. Larger schools and higher-level schools, such as a high-school, are unlikely due to the size of the property.

Per the city's Comprehensive Plan --

*...Educational “land use designation applies to all public and private schools. This designation also applies to higher education institutions within the greater DeLand area.”*

The land use of the subject property has not recently been changed. According to the city's 2050 Vision, this area is within the Retaining Existing Zoning (Category 1), which is where the majority of newer, higher intensity growth is envisioned to “further in the future.” This is likely due to the Beresford Avenue extension not having an approved alignment or funding until 2022, long before the 2050 Vision was written. Since the 2050 Vision was adopted, multiple large residential developments have been approved and are developing.

## **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 services the developed sections of the Lakewood Park; therefore, water and sewer service is available for development on the 6.105 acres. Water and sewer capacity availability would depend on the potential future development's use and demand. As with all development, concurrency requirements would need to be met during the final site plan phase.
- Because the city is able to serve Lakewood Park, the City would be able to provide adequate Police and Fire/Rescue levels-of-service
- 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 not submitted by the applicant; however, a theoretical maximum trip generation estimate ("worst case") for the existing land use (35 residential units) would generate 33 PM peak hour and 330 daily trips. A theoretical maximum PM peak-hour trip generation estimate for the proposed land use (750 student elementary school) would generate 120 PM peak hour and 1,680 daily trips. Though the school trip generation estimates are significantly higher than those of the residential, the transportation impacts would not be as significant. If a new school were constructed on the proposed 6.105 acres, it would serve students from the immediate area – mostly from new residential areas on both sides of MLK Blvd and Beresford Avenue. Without a school in place, absorbing trips produced from residential uses, school trips would still occur – but bus trip and parent trip lengths would be longer because of the need to travel longer distances to schools further away.

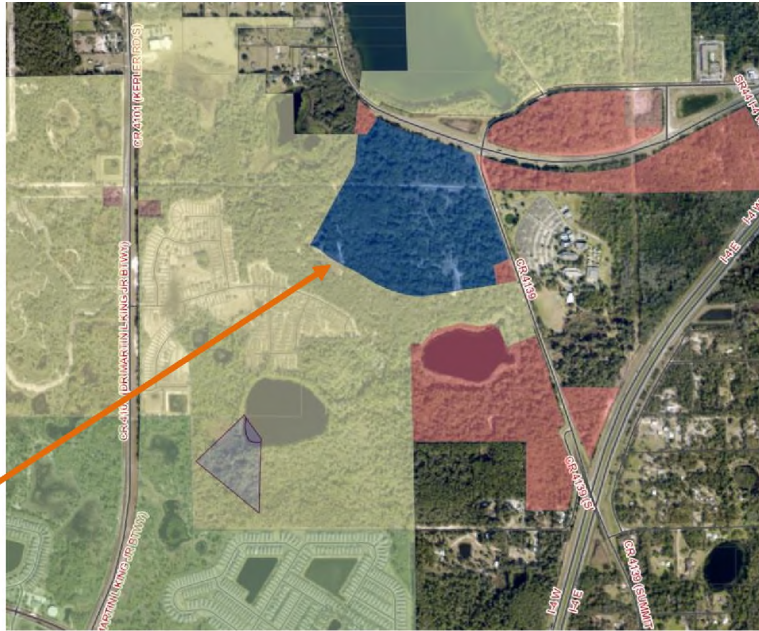
- 2. Compatibility with Land Use and Other Elements:** The Future Land Use element requires that the subject property be consistent with surrounding development. The general area is a mix of vacant and developing Low Density Residential, Gateway, and Educational designated land uses. The proposed land use amendment would be adjacent to a larger area of Educational land use, and would enable the respective larger area to have direct access to the Beresford Avenue extension.



## FLU

### Future Land Use

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



Future Land Use Map – Area Designations

3. **Future Land Use Map:** The change in land use designation to Educational 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, a portion of the property is located within the 100-year floodplain and does not contain any wetlands.
5. **Analysis of Natural Resources:**
  - a. *Soil types:*  
Cassia Fine Sand
  - 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* – Consistent with utility availability associated with the Park Lake Estates PD approval, the City's Utility Department indicates sufficient water supply is available for the proposed use. Water capacity availability would depend on the potential future development's use and demand. As with all development, the developer will be required to meet concurrency requirements during the final site plan phase.
  - b. *Sewer* – Consistent with utility availability associated with the Park Lake Estates PD approval, the City's Utility Department has indicated sufficient existing capacity. Sewer capacity availability would depend on the potential future development's use and demand. As with all development, the developer will 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* – Consistent with utility availability associated with the Park Lake Estates PD approval, solid waste services are available for the property.
- e. *Transportation* - A theoretical maximum PM peak-hour trip generation estimate for the proposed land use (750 student elementary school) would generate 120 PM peak hour and 1,680 daily trips. Though the trip generation estimates for a school are significantly higher than those of the residential, the transportation impacts would not be as significant. If a new school were constructed on the proposed 6.105 acres, it would serve students from the immediate area – mostly from new residential areas on both sides of MLK Blvd and Beresford Avenue. Without a school in place, absorbing trips produced from residential uses, school trips would still occur – but bus trip and parent trip lengths would be longer because of the need to travel longer distances to schools further away.

As with all development plans, site access needs, including bus and parent loop turn lanes and on-site queue storage, would be assessed and determined during the site plan review process. Also, a transportation impact analysis (TIA) and concurrency would be required.

- f. *Fire/Rescue Service* - Consistent with utility availability associated with the Park Lake Estates PD approval, the Fire Department states that adequate fire protection can be provided and response time is under 5 minutes.
- g. *Police Service* - Consistent with utility availability associated with the Park Lake Estates PD approval, 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. As part of the land agreement between the City, the Developer of Park Lake Estates PD, and the Volusia County School District, the developer will construct a trailhead and provide public access to Lake Moore.

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.

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.
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)\* – *Inconsistent*.

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 –*Inconsistent*\*

*\*The 2050 Vision Plan is outdated, and was written prior to the approval of the Beresford Avenue extension alignment and multiple large residential developments were approved.*

E. **CONCLUSION:** The Applicant is proposing an amendment to the future land use map with a concurrent rezoning application to amend the zoning from PD (Planned Development) to E-1 (Educational). Development plans for the property are unknown at this time. 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 Educational.

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)**

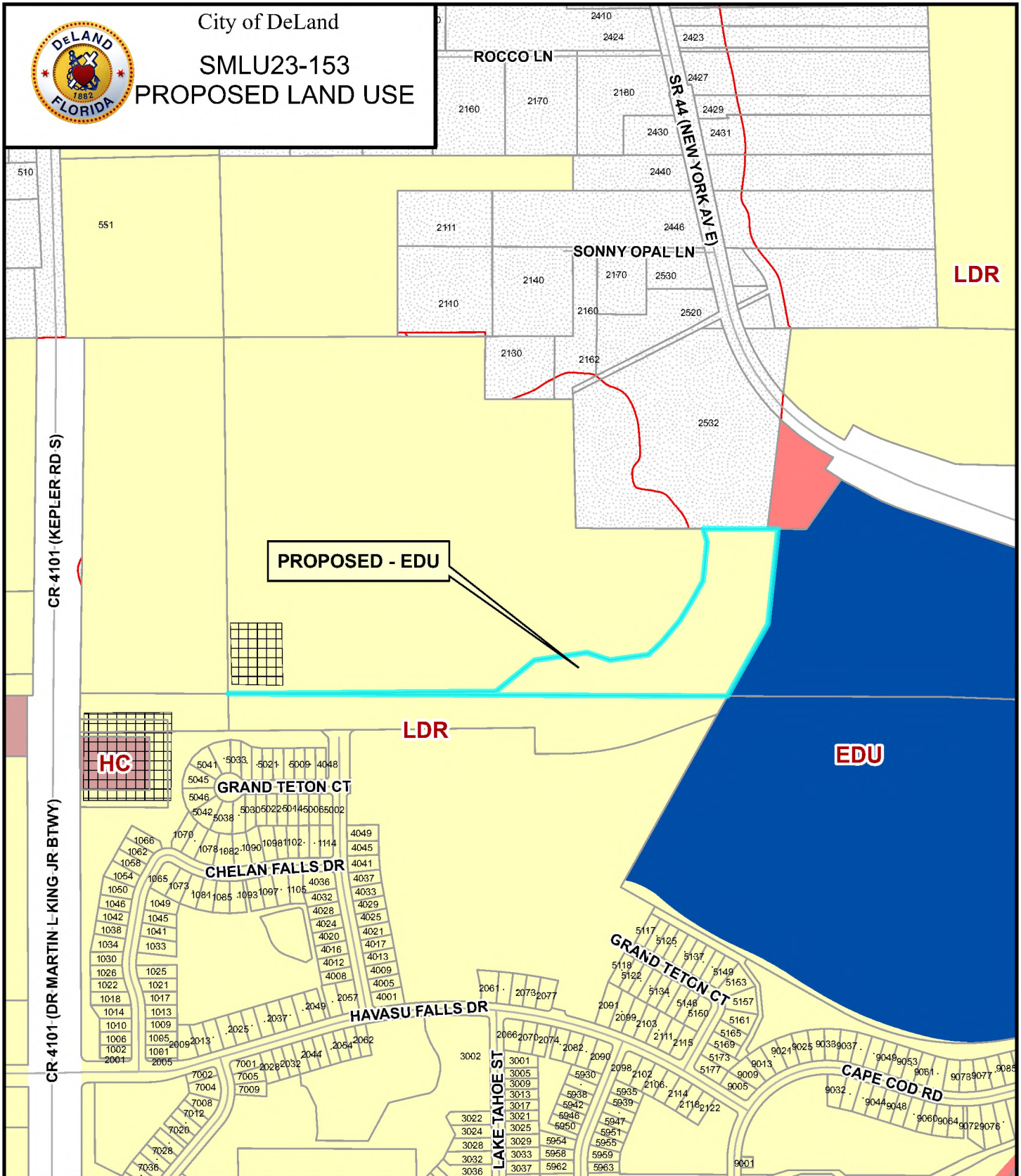
| Development Variable                | Future Land Use       | Proposed Future Land Use                      | Net Increase           |
|-------------------------------------|-----------------------|-----------------------------------------------|------------------------|
|                                     | (Theoretical Maximum) |                                               |                        |
| Dwelling Units                      | 35                    | 0                                             | -35                    |
| Non-residential (Commercial)        | 0                     | 200,000 SF (750 student)<br>elementary school | 0                      |
| 1. Population                       | 85                    | 0                                             | -85                    |
| 2. P.M. Peak Hour Trips/Daily Trips | 33/133                | 120/1680                                      | 0 /0                   |
| 3. Sanitary Sewer (gallons per day) | 7,000 Res.            | 13,199 Com.                                   | -3,200 Res./+8199 Com. |
| 4. Potable Water (gallons per day)  | 10,500 Res.           | 13,199 Com.                                   | -4,800 Res./+8199 Com. |
| 5. Solid Waste (pounds)             | 273 Res               | 2,000 Non-Res.                                | -273 Res./+2,000 Com.  |
| 6. Stormwater Drainage              | TBD                   | TBD                                           | TBD                    |
| 7. Rec. & Open Space (per person)   | .60 Res.              | 0 Com.                                        | -.60 Res./0 Com.       |

Notes:

1. Population: 2.44 persons per household (per 2020 Census)
2. Transportation: ITE *Trip Generation Manual*, 11th Edition:
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)



City of DeLand  
SMLU23-153  
PROPOSED LAND USE



DeLand Future Land Use:

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



**CITY OF DELAND**  
**Request for Commission Action**  
**October 2, 2023**

**SUBJECT:** Second Reading of Ordinance No. 2023-21, Changing the Zoning for +/-6.105 Acres of Property, Located within the Park Lake Estates PD, from PD to E-1 (Educational) 1st RDG. 8-21-2023.

**DEPARTMENT:** Planning

**PREPARED BY:** Carol Kuhn, Planning Director

**ATTACHMENTS:** ORD-2023-21 , Exhibit A, Staff Report Z23-154 - ADA (Planning Board), Zoning Map Z23-154 - ADA, Aerial Map Z23-154 - ADA

**APPROVED BY:** Michael Pleus, City Manager, September 27, 2023

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**SUMMARY/HIGHLIGHT:**

To amend the zoning designation from Park Lake Estates Planned Development (PD) to E-1 (Educational) on a 6.105 acres parcel located East of Martin Luther King Boulevard and North of Beresford Avenue extension to Summit Avenue, associated with an interlocal agreement between the City, the Volusia County School Board and the Volusia County relating to the construction of the Beresford Avenue Extension from the Dr. Martin Luther King, Jr. Beltway to Summit Avenue. On August 21, 2023, the City Commission approved the request on first reading.

**STRATEGIC PLAN FOCUS AREA/ACTION STEP:**

Creating the connected community: Key Corridors - important entry ways into the City need to be consistent or complementary to the City both the enhance the sense of community as well as permeate across the City the image of DeLand as a distinctive place which attracts high value wage earners and high value jobs.

**SUSTAINABILITY:**

Recognize and where possible facilitate or participate in mobility (transportation) planning for the community in the regional context.

**FISCAL IMPACT:**

This property has been transferred to the City and this property will then be transferred to the Volusia County School Board, pursuant to an interlocal agreement between the City, the Volusia County School Board, and Volusia County.

**RECOMMENDATION:**

Staff recommends approval of the Ordinance to amend the zoning designation from Park Lake Estates Planned Development (PD) to E-1 (Educational) on a 6.105 acre parcel located east of Martin Luther King Boulevard and North of Beresford Avenue extension to Summit Avenue.

**BACKGROUND/DISCUSSION:**

The proposed rezoning application consists 6.105 acres located on the north side of the future Beresford Avenue extension east of Martin Luther King Jr. (MLK) Blvd. The property is part of the Park Lake Estates

PD, which is in the midst of phasing and development. The property has been conveyed to the City of DeLand so that the City can in turn transfer this property to the Volusia County School Board pursuant to an interlocal agreement between the City, the Volusia County School Board and the County of Volusia relating to the construction of the Beresford Avenue Extension from the Dr. Martin Luther King, Jr. Beltway to Summit Avenue. It is the intent that this parcel will be conveyed and combined with adjacent land currently owned by the Volusia County School Board. The applicant is requesting to rezone the subject property from Park Lake Estates PD to E-1 (Educational) zoning district to facilitate the transfer of ownership. The property is currently vacant/undeveloped.

At the August 9, 2023 Planning Board meeting, the Planning Board unanimously recommended that the City Commission approve this item.



**ORDINANCE NO. 2023 - 21**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM PARK LAKE ESTATES PLANNED DEVELOPMENT (PD) TO CITY OF DELAND'S E-1, EDUCATIONAL, ON PROPERTY LOCATED EAST OF MARTIN LUTHER KING, JR., BOULEVARD AND NORTH OF BERESFORD AVENUE EXTENSION TO SUMMIT AVENUE; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT ORDERS ON A DETERMINATION OF CAPACITY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the property located east of Martin Luther King, Jr., Boulevard and north of Beresford Avenue extension to Summit Avenue and more particularly described in the attached Exhibit "A", is currently zoned as Park Lake Estates Planned Development (PD), pursuant to City of DeLand's Zoning Ordinances; and

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

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

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

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

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

**See legal description attached hereto as Exhibit "A"**

**Tax Parcel Identification No. 7013-00-00-0015**

**Section 2.** The City Commission hereby finds that the City of DeLand's E-1, Educational, zoning designation is consistent with the property's Educational future land use designation.

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

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

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



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

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

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

**PASSED AND DULY ADOPTED** this 2<sup>nd</sup> day of October, 2023.

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Christopher M. Cloudman  
Mayor - Commissioner

**ATTEST:**

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Julie A. Hennessy  
City Clerk - Auditor

Passed on first reading: August 21, 2023  
Adopted on second reading: October 02, 2023

**APPROVED AS TO FORM AND LEGALITY:**

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Darren J. Elkind  
City Attorney

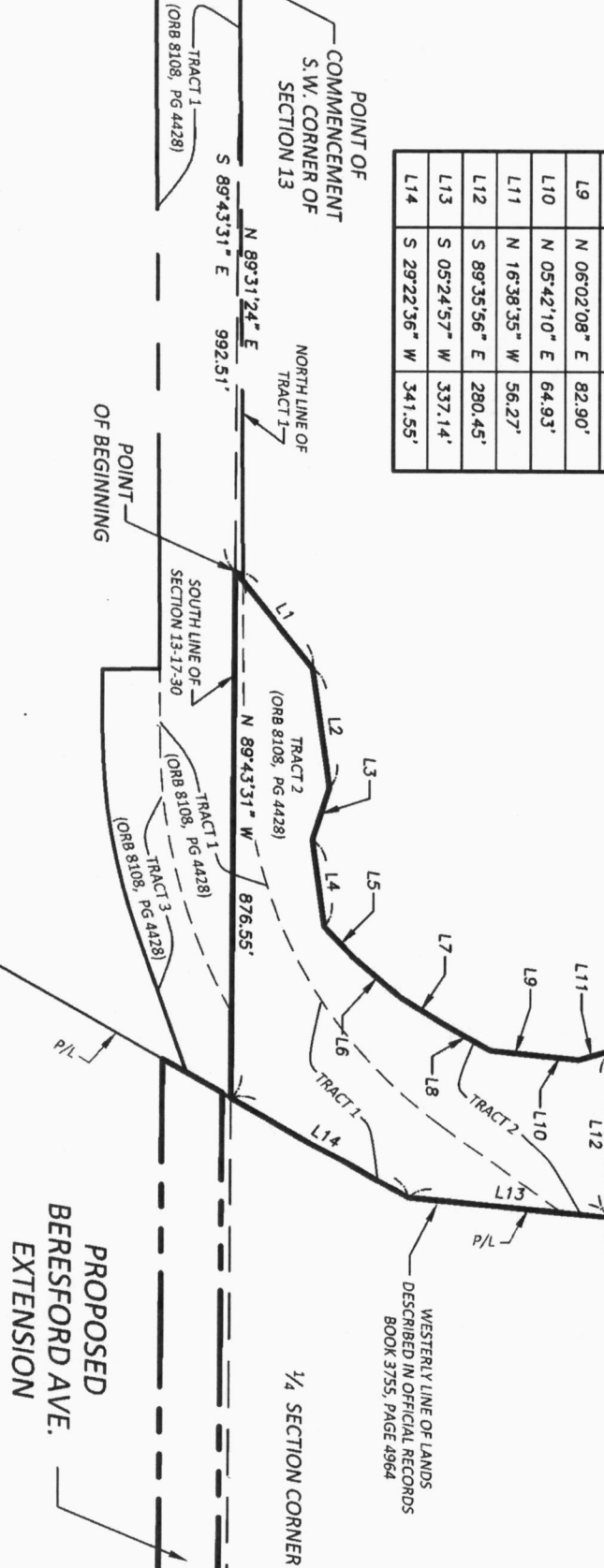
# "EXHIBIT A"

| Line Table |               |          |
|------------|---------------|----------|
| Line #     | Direction     | Distance |
| L1         | N 50°56'03" E | 207.62'  |
| L2         | N 81°43'16" E | 200.20'  |
| L3         | S 71°55'50" E | 91.35'   |
| L4         | N 81°58'43" E | 145.51'  |
| L5         | N 46°35'12" E | 71.00'   |
| L6         | N 40°09'24" E | 104.12'  |
| L7         | N 31°32'26" E | 79.52'   |
| L8         | N 29°07'44" E | 94.19'   |
| L9         | N 06°02'08" E | 82.90'   |
| L10        | N 05°42'10" E | 64.93'   |
| L11        | N 16°38'35" W | 56.27'   |
| L12        | S 89°35'56" E | 280.45'  |
| L13        | S 05°24'57" W | 337.14'  |
| L14        | S 29°22'36" W | 341.55'  |

- SKETCH NO. :
1. THIS IS A BOUNDARY SURVEY.
  2. BEARING SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE W. 1/4 OF SECTION 13-17-30 AS BEING S 89°43'31" E (ASSUMED).
  3. DISTANCES ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.

WEST LINE OF  
SECTION 24-17-30

WEST LINE OF  
SECTION 13-17-30



**COUNTY OF VOLUSIA**  
PUBLIC WORKS DEPARTMENT  
CONSTRUCTION ENGINEERING  
SURVEY DIVISION  
123 W. INDIANA AVE. DELAND, FL 32720  
PHONE 1-386-736-6967 FAX 1-386-822-6736

**BERESFORD AVENUE EXTENSION**  
**CITY OF DELAND - V.C. SCHOOL BOARD TRANSFER**  
SKETCH OF DESCRIPTION ONLY / NOT A BOUNDARY SURVEY  
SECTION 13, TWP. 17 SOUTH, RNG. 30 EAST, VOLUSIA COUNTY, FLORIDA

DRAWING #  
2528  
SHEET #  
1 OF 2

# "EXHIBIT A"

## Legal Description:

A portion of Tract 1 and all of Tract 2 being described as part of those lands described in Official Records Book 8108, Page 4428 of the Public Records of Volusia County, Florida, said lands also being a portion of Section 13, Township 17 South, Range 30 East, Volusia County, Florida and being more particularly described as follows:

Commence at the Southwest corner of aforesaid Section 13; thence run S 89°43'31" E, along the South line of said Section 13, a distance of 992.51 feet to the POINT OF BEGINNING; thence, departing said South line, run N 50°56'03" E, a distance of 207.62 feet; thence N 81°43'16" E, a distance of 200.20 feet; thence S 71°55'50" E, a distance of 91.35 feet; thence N 81°58'43" E, a distance of 145.51 feet; thence N 46°35'12" E, a distance of 71.00 feet; thence N 40°09'24" E, a distance of 104.12 feet; thence N 31°32'26" E, a distance of 79.52 feet; thence N 29°07'44" E, a distance of 94.19 feet; thence N 06°02'08" E, a distance of 82.90 feet; thence N 05°42'10" E, a distance of 64.93 feet; thence N 16°38'35" W, a distance of 56.27 feet to a point of intersection with the South line of those lands described in Official Records Book 7707, Page 4683 of the aforementioned Public Records; thence run S 89°53'56" E, along said South line, a distance of 280.45 feet to the point of intersection with the Westerly line of those lands described in Official Records Book 3755, Page 4964 of said Public records; thence run S 05°24'57" W (S 05°14'52" W, deed), along said Westerly line, a distance of 337.14; thence S 29°22'36" W (S 29°12'12" W, deed), a distance of 341.55 feet to its intersection with the South line of aforesaid Section 13; thence run N 89°43'31" W, along said South line, a distance of 876.55 feet to the Point of Beginning.

The above-described parcel contains 6.105 acres more or less.

REVISED: 10/11/22 (MEM)

## BERESFORD AVENUE EXTENSION CITY OF DELAND – V.C. SCHOOL BOARD TRANSFER

SKETCH OF DESCRIPTION ONLY / NOT A BOUNDARY SURVEY  
SECTION 13, TWP. 17 SOUTH, RNG. 30 EAST, VOLUSIA COUNTY, FLORIDA



COUNTY OF VOLUSIA  
PUBLIC WORKS DEPARTMENT  
CONSTRUCTION ENGINEERING  
SURVEY DIVISION  
123 W. INDIANA AVE. DELAND, FL. 32720  
PHONE 1-386-736-6967 FAX 1-386-822-5736

|             | NAME   | DATE  | PLOT DATE: | DRAWING # |
|-------------|--------|-------|------------|-----------|
| CADD        | MEM    | 10/22 | 10/11/22   | 2528      |
| SURVEY DATE | N/A    | N/A   | SCALE:     |           |
| CHECKED     | EAB    | 10/22 | N/A        |           |
| PROJECT #   |        |       | FIELD BOOK | SHEET #   |
|             | T.B.D. |       | N/A        | 2 OF 2    |

**PLANNING DEPARTMENT STAFF REPORT  
TO  
PLANNING BOARD**

**August 9, 2023**

**APPLICATION NO.:** Z23-154 School Board Transfer from Park Lake Estates PD

**APPLICANT:** City of DeLand  
**PROPERTY OWNER:** City of DeLand

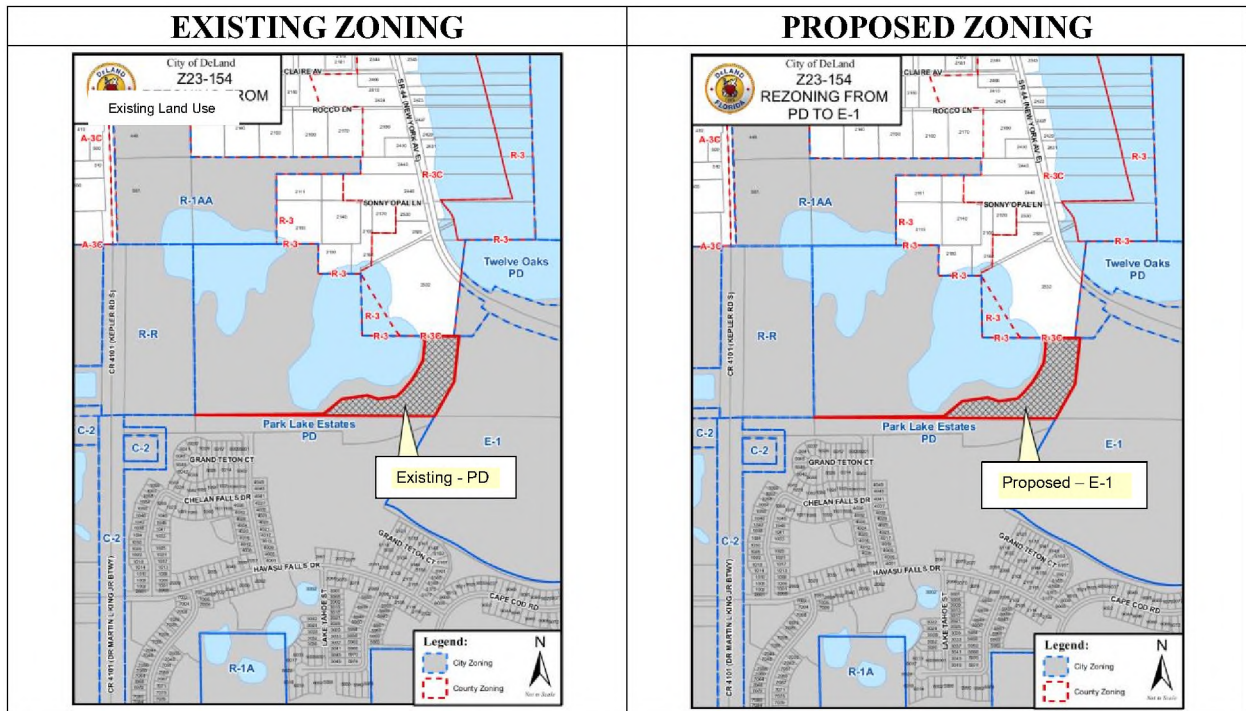
**REQUEST:** To amend the Zoning District from Park Lake Estates Planned Development (PD) to E-1 (Educational)

**APPLICABLE REGULATIONS:**

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

**A. SITE FACTORS:**

|                     |                                                                                     |
|---------------------|-------------------------------------------------------------------------------------|
| Location:           | East of Martin Luther King Blvd & North of Beresford Ave extension to Summit Avenue |
| Parcel ID #:        | 7013-00-00-0015                                                                     |
| Total Size Parcels: | ± 6.105 acres                                                                       |
| Land Use:           | Low Density Residential                                                             |
| Zoning:             | Park Lake Estates PD                                                                |
| Existing Use:       | Undeveloped                                                                         |



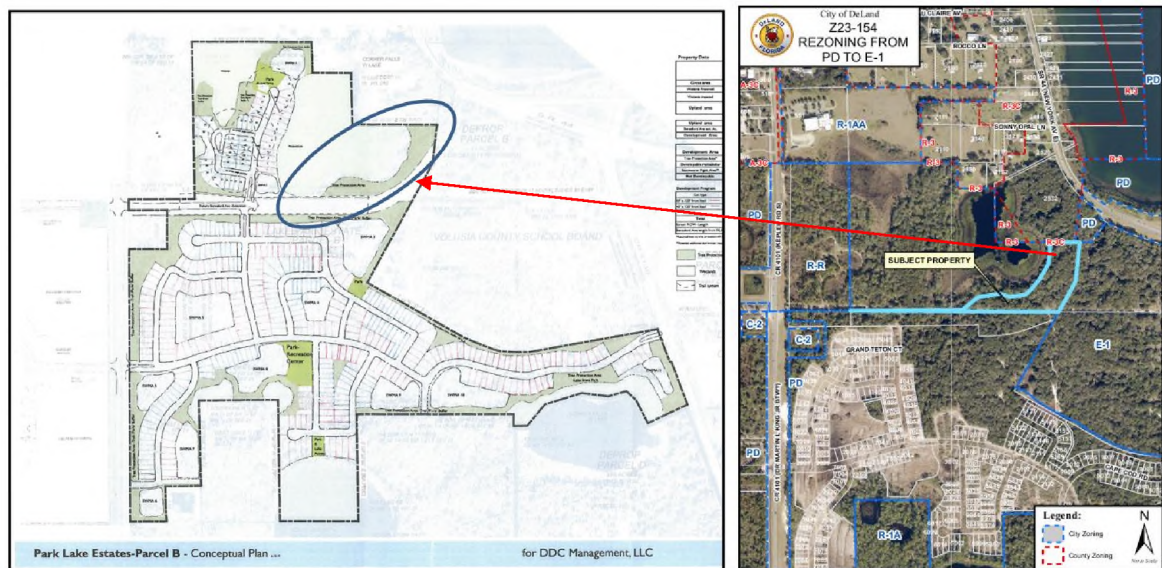
**Surrounding Land Use & Zoning:**



|               | <b>SURROUNDING LAND USE:</b>                                                 | <b>SURROUNDING ZONING:</b>                                                                                                    |
|---------------|------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>North:</b> | City: Low Density Residential, Educational, Gateway; VC: Urban Low Intensity | City: R-R (Rural Residential), C-2 (General Commercial), E-1 (Educational), Royal Oaks PD; VC: R-3/R-3C (Urban Single-Family) |
| <b>South:</b> | City: Educational, Low Density Residential, New Community Development        | City: R-1A (Single Family Residential) Victoria Park PD, VC: A-2 (Agriculture)                                                |
| <b>East:</b>  | VC: Public/Semi-public Educational                                           | VC: Public/Semi-Public                                                                                                        |
| <b>West:</b>  | City: Low Density Residential                                                | City: C-2 (General Commercial), The Reserve at Victoria PD                                                                    |

## B. ANALYSIS:

The proposed rezoning application consists 6.105 acres located on the north side of the future Beresford Avenue extension east of Martin Luther King Jr. (MLK) Blvd. (See location maps below.) The property is part of the Park Lake Estates PD, which is in the midst of phasing and development. The property has been conveyed to the City of Deland so that the City can in turn transfer this property to the Volusia County School Board pursuant to an interlocal agreement between the City, the Volusia County School Board and the County of Volusia relating to the construction of the Beresford Avenue Extension from the Dr. Martin Luther King, Jr. Beltway to Summit Avenue and will be It is the intent that this parcel will be conveyed and combined with adjacent land currently owned by the Volusia County School Board. The applicant is requesting to rezone the subject property from Park Lake Estates PD to E-1 (Educational) zoning district to facilitate the transfer of ownership. The property is currently vacant/undeveloped.



Location Map–Subject property (right map) & Approximate location within Park Lake Estates PD (left map)

The applicant is requesting a concurrent application for a small-scale land use amendment (SMLU23-153). To date, no associated development plans for the 6.105 acres have been discussed or shared with the city.

Section 33-135 provides the following criteria, which the Planning Board and 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:

*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.”*

The proposed zoning designation is described as follows:

*33-17.12. E-1—Educational District.*

*(a) Statement of intent: “The purpose and intent of this district is to provide the varied land uses associated with public and private primary and secondary schools and institutions of higher learning.”*

The property currently has a Low-Density Residential land use designation, which permits up to 5.8 residential units per acre. Along with an application for rezoning of this site, there is a request for a small-scale land use amendment that would change the land use designation to Educational. Approval of the land use change is required to enable the proposed rezoning. This rezoning is consistent with the proposed/pending Educational land use designation.

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

- North, south, and west of parcel #7013-00-00-0015 resides Park Lake Estates PD and the development of Lakewood Estates residential community, which is approved for a maximum of 450 single-family dwelling units and is currently in the midst of phasing and developing. The Beresford Avenue extension, a proposed east-west county thoroughfare roadway, is planned to cross the area between MLK Blvd and SR 44/Summit Avenue toward the northeast.
- Directly east of parcel #7013-00-00-0015 is an undeveloped 50-acre property owned by Volusia County School Board.

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

Rezoning of the property would amend the property’s permitted use(s), however, would not impact the environment or natural resources. The property is currently undeveloped, with only grass and trees.

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

If the rezoning were approved, the property could be developed as an educational-related use. The rezoning action would likely have a positive impact on the economy compared to what currently exists since the properties are vacant. Development under the proposed zoning could provide jobs for teachers, paraprofessionals, administration, support services, etc.

**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 a developing area where development has been planned and approved. The proposed rezoning would not require any new services or facilities – just extensions from Park Lake Estates PD and/or Summit Place

Z23-154 (MW)

3 of 4

PD. 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.

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

The proposed rezoning is associated with 6.105 acres of the Park Lake Estates PD being deeded to Volusia County Schools as part of an agreement pertaining to Beresford Avenue extension ROW needs. When Park Lake Estates PD was planned in 2019-2020, the exact location of the Beresford Avenue extension was unknown.

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

The approved PD included two possible locations for the Beresford Avenue extension. The final alignment was approved in late 2022 and the associated PD amendment addresses the new roadway alignment.,

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

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. The proposed rezoning will approve educational uses on 6.105-acres. Schools and educational uses are overall consistent, and often desired, in residential areas.

**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:**

The proposed zoning amendment is consistent with the surrounding properties and would not have a negative impact on property values or planned infrastructure and services. A concurrent small-scale land use amendment application has also been submitted for the property. Thus, the subject zoning amendment is contingent upon the approval of that proposed land use amendment.

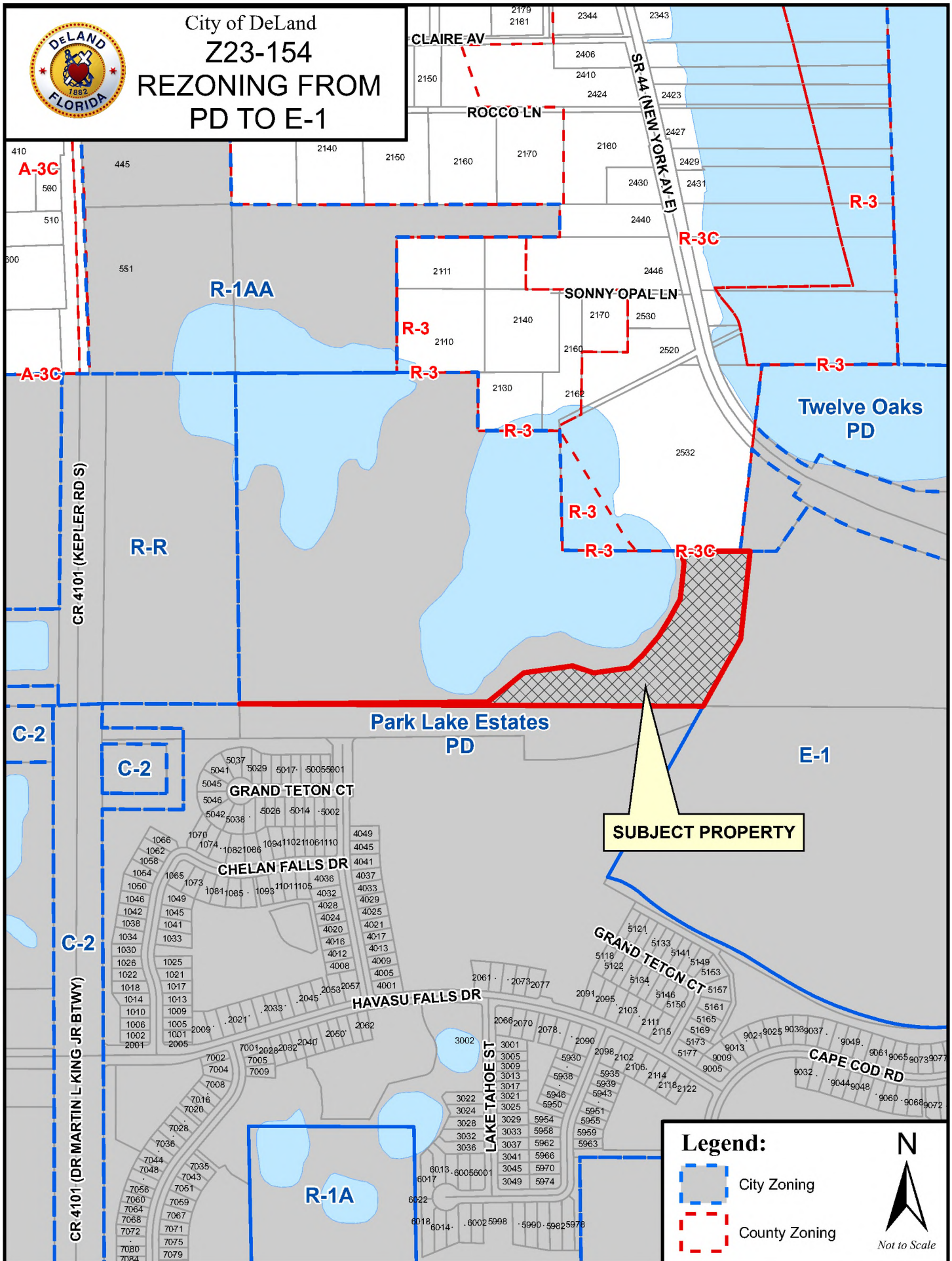
**D. STAFF RECOMMENDATION:**

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





City of DeLand  
Z23-154  
REZONING FROM  
PD TO E-1







City of DeLand  
Z23-154  
REZONING FROM  
PD TO E-1





**CITY OF DELAND**  
**Request for Commission Action**  
**October 2, 2023**

**SUBJECT:** First Reading of Ordinance Removing, 6.105 Acres of Land from Lakewood Park CDD for Transfer to School Board.

**DEPARTMENT:** Legal

**PREPARED BY:** Darren Elkind, City Attorney

**ATTACHMENTS:** Ordinance w/ Exhibit A, Lakewood Park CDD Boundary Amended

**APPROVED BY:** Michael Pleus, City Manager, September 27, 2023

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**SUMMARY/HIGHLIGHT:**

6.105 acres of land has been conveyed to the City the developer of the Lakewood Park (Lake Park Estates) development, which land will in turn be conveyed to the Volusia County School Board as part of the three-party agreement relating to the construction of the Beresford Avenue extension. This acreage, although currently undeveloped, needs to be removed from the limits of the Lakewood Park Community Development District (CDD). The attached ordinance is statutorily required in order to remove the property from the CDD.

**STRATEGIC PLAN FOCUS AREA/ACTION STEP:**

High value government.

**SUSTAINABILITY:**

N/A

**FISCAL IMPACT:**

There is no fiscal impact to the City directly related to the removal of this acreage from the CDD.

**RECOMMENDATION:**

It is recommended that the City Commission approve the attached Ordinance.

**BACKGROUND/DISCUSSION:**

When the Lakewood Park PD was approved by the City and the Lakewood Park CDD was established, there was a different alignment for Beresford Avenue that took Beresford up to SR44. The Volusia County School Board, Volusia County and the City were able to work together to come up with an alternative and preferential alignment for Beresford which takes it out to Summitt Avenue. That, however, necessitated the area that was designated for the original alignment of the road, plus some additional acreage, being transferred to the School Board. That property cannot be part of the CDD and is therefore being removed from the CDD.

**ORDINANCE NO. 2023-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF DELAND, VOLUSIA COUNTY,  
STATE OF FLORIDA, AMENDING ORDINANCE NO. 2020-25 AND  
GRANTING THE PETITION FOR REDUCTION OF THE LAKEWOOD  
PARK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO  
CHAPTER 190, FLORIDA STATUTES (2023); DESCRIBING THE  
EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR A  
SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Petitioner is Lakewood Park Community Development District, a special purpose government established pursuant to Chapter 190, Florida Statutes, and City of DeLand Ordinance 2020-25, containing approximately 198.02 acres, and has filed a Petition to contract the District boundaries;

**WHEREAS**, the parcel proposed to be removed is approximately 6.105 acres (Amended Parcel), more specifically described in the Petition. The Petition represents that the District is in the process of financing, constructing, and installing the services it intends on providing to the Amended Parcel, which include roads, stormwater management systems, utilities and landscaping;

**WHEREAS**, the Petition provides that should the District seek to finance, construct, and install any additional facilities, acceptance of offer of dedication of such facilities shall be at the sole discretion of the City Commission and nothing herein shall be construed as affirmative acceptance by the City Commission of improvements or acceptance of any operating maintenance obligations of the District;

**WHEREAS**, the filing of the Petition to contract the boundaries of the District by the District Board of Supervisors constitutes consent of all landowners within the District, pursuant to Chapter 190, Florida Statutes;

**WHEREAS**, all interested persons and affected units of general purpose local government were afforded an opportunity to present oral and written comments on the Petition at the duly noticed public hearing conducted by the City on October 16, 2023;

**WHEREAS**, upon consideration of the record established at the hearing, the City determined that statements within the Petition were true and correct, that the amended boundary of the District is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the City of DeLand Comprehensive Plan, that the amended boundary within the District is of sufficient size, is sufficiently compact and sufficiently contiguous to be developable as a functionally interrelated community, that the District is the best alternative available for delivering community development services and facilities to the area served by the District, that the services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities, and that the amended boundary of the area to be served is amenable to separate special district governance; and

**WHEREAS**, the amended boundary of the District will constitute a timely, efficient, effective, responsive, and economic way to deliver community development services in the area described in the Petition.

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

**SECTION 1. RECITALS.** The above recitals are adopted as Findings of Fact in support of this Ordinance.

**SECTION 2. AUTHORITY.** This Ordinance is enacted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes.

**SECTION 3. CDD BOUNDARIES.** The Petition to contract the boundary of the District is hereby granted. The boundary of the District established in Ordinance No. 2020-25 is amended as described and depicted in Exhibit A. The amended boundary of the District encompasses 192 acres of land.

**SECTION 4. FUNCTIONS AND POWERS.** The Functions and Powers of the District established in Ordinance 2020-25 continue to apply.

**SECTION 5. SAVING CLAUSE.** The requirements and obligations of the District established in Ordinance No. 2020-25 shall continue to apply to the extent it does not conflict with this Ordinance. Nothing in this Ordinance shall be deemed as affirmative acceptance by the City of DeLand of any financial, operational, maintenance, or other responsibilities of the District nor be deemed as affirmative acceptance of any proposed improvement.

**SECTION 6. SEVERABILITY.** If any provision of this Ordinance or application thereof is formally determined by a court of competent jurisdiction to be illegal, invalid or unenforceable, such provisions shall be deemed to be severable and the remaining provisions shall continue in full force and effect provided that the illegal, invalid or unenforceable provision is not material to the logical and intended interpretation of this Ordinance.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall take effect pursuant to Florida Law.

**PASSED AND DULY ADOPTED** this \_\_\_ day of October, 2023.

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Christopher M. Cloudman  
Mayor–Commissioner

**ATTEST:**

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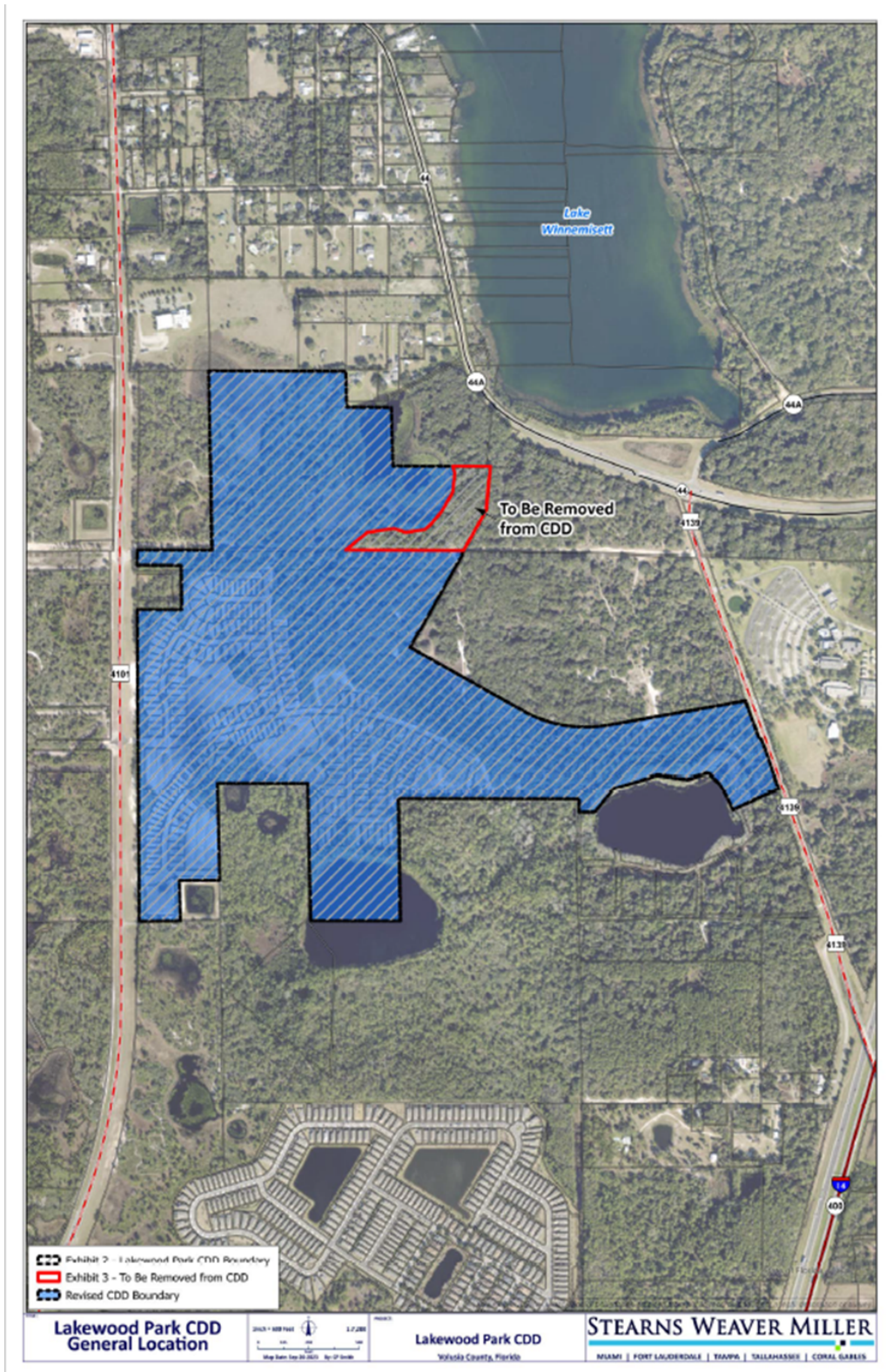
Julie A. Hennessy  
City Clerk - Auditor

**APPROVED AS TO FORM AND LEGALITY:**

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Darren J. Elkind  
City Attorney

## EXHIBIT A





# Lakewood Park

## COMMUNITY DEVELOPMENT DISTRICT

### Statement of Estimated Regulatory Costs

September 26, 2023



Provided by

***Wrathell, Hunt and Associates, LLC***

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Website: [www.whhassociates.com](http://www.whhassociates.com)

## **STATEMENT OF ESTIMATED REGULATORY COSTS**

### **1.0 Introduction**

#### **1.1 Purpose and Scope**

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to amend the boundaries of the Lakewood Park Community Development District ("District"). The District was established by Ordinance No. 2020-25, passed by the City Commission of the City of Deland, Florida on October 19, 2020. The current size of the District is approximately 198.02 +/- acres and the District is located entirely within the City of Deland, Florida (the "City"). The petition to amend the boundaries of the District seeks to subtract approximately 6.105 +/- acres located in the City from the District ("Amendment Area"). After the amendment, the District will be projected to contain approximately 191.915 +/- acres and is planned to be developed with a total of 434 residential dwelling units. The limitations on the scope of this SERC are explicitly set out in Section 190.002(2)(d), Florida Statutes ("F.S.") (governing District establishment) as follows:

*"That the process of establishing such a district pursuant to uniform general law be fair and based only on factors material to managing and financing the service delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant (emphasis added)."*

#### **1.2 Overview of the Lakewood Park Community Development District**

The District is designed to provide public infrastructure, services, and facilities along with operation and maintenance of the same to a master planned residential development currently anticipated to contain a total of approximately 434 residential dwelling units following the amendment of the District's boundaries.

A community development district ("CDD") is an independent unit of special purpose local government authorized by the Act to plan, finance, construct, operate and maintain community-wide infrastructure in planned community developments. CDDs provide a "solution to the state's planning, management and financing needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers." Section 190.002(1)(a), F.S.

A CDD is not a substitute for the local, general purpose government unit, i.e., the City or County in which the CDD lies. A CDD does not have the permitting, zoning or policing powers possessed by general purpose governments. A CDD is an alternative means of financing, constructing, operating and maintaining public infrastructure for developments, such as Lakewood Park.

#### **1.3 Requirements for Statement of Estimated Regulatory Costs**

Section 120.541(2), F.S., defines the elements a statement of estimated regulatory costs must contain:

(a) An economic analysis showing whether the rule directly or indirectly:

1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule;
2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or
3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

(b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

(c) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

(d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this section, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.

(e) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined in s. 120.52. The impact analysis for small businesses must include the basis for the agency's decision not to implement alternatives that would reduce adverse impacts on small businesses. (City of Deland, according to Census 2020, has a population of 37,351; therefore, it is not defined as a small City for the purposes of this requirement.)

(f) Any additional information that the agency determines may be useful.

(g) In the statement or revised statement, whichever applies, a description of any regulatory alternatives submitted under paragraph (1)(a) and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

Note: the references to "rule" in the statutory requirements for the Statement of Estimated Regulatory Costs also apply to an "ordinance" under section 190.005(2)(a), F.S.

## **2.0 An economic analysis showing whether the ordinance directly or indirectly:**

- 1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance;**
- 2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance; or**
- 3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1**

**million in the aggregate within 5 years after the implementation of the ordinance.**

The ordinance amending the boundaries of the District is not anticipated to have any direct or indirect adverse impact on economic growth, private sector job creation or employment, private sector investment, business competitiveness, ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation. Any increases in regulatory costs, principally the anticipated increases in transactional costs as a result of imposition of special assessments by the District on the Amended Area will be the direct result of facilities and services provided by the District to the landowners within the Amendment Area. However, as property ownership in the District is voluntary and all additional costs will be disclosed to prospective buyers prior to sale, such increases should be considered voluntary, self-imposed and offset by benefits received from the infrastructure and services provided by the District.

**2.1 Impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.**

The sole reason for the amending of the District's boundaries is to remove the Amendment Area. The development of the smaller, approximately 191.915 +/- acres, parcel will promote local economic activity, create local value, lead to local private sector investment and is likely, at least in the short term, to support local private sector employment and/or lead to local new job creation to a degree likely similar to that of a slightly larger, pre-amendment, approximately 198.02 +/- acre, parcel contained within the existing District boundaries.

Amending the boundaries of the District will allow it to plan, fund, implement, operate and maintain, for the benefit of the landowners within the amended and smaller District, various public facilities and services for a smaller-sized development. Such facilities and services, as further described in Section 5, will allow for the development of the land within the amended District. The provision of District's infrastructure and the subsequent development of land will generate private economic activity, economic growth, investment and employment, and job creation. The District intends to use proceeds of indebtedness to fund construction of public infrastructure, which will be constructed by private firms, and once constructed, is likely to use private firms to operate and maintain such infrastructure and provide services to the landowners and residents of the amended and smaller District. The private developer of the land in the amended and smaller District will use its private funds to conduct the private land development and construction of an anticipated approximately 434 residential dwelling units the construction, sale, and continued use/maintenance of which will involve private firms. While similar economic growth, private sector job creation or employment, or private sector investment could be achieved without amending the District's boundaries by the private sector alone, the private developer considers the amendment of the District's boundaries and continued operation of the District as beneficial to the process of land development and the future economic activity taking place within the amended and smaller District, which in turn will lead directly or indirectly to economic growth, likely private sector job growth and/or support private sector employment, and private sector investments.

**2.2 Impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.**

When assessing the question of whether the amending of the boundaries of the District is likely to directly or indirectly have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation, one has to compare these factors in the presence and in the absence of the amended District boundaries in the development. When the question is phrased in this manner, it can be surmised that the amendment of the District's boundaries is likely to not have a direct or indirect adverse impact on business competitiveness, productivity, or innovation versus that same development without the amended and smaller District. Similar to a purely private solution, District contracts will be bid competitively as to achieve the lowest cost/best value for the particular infrastructure or services desired by the landowners, which will insure that contractors wishing to bid for such contracts will have to demonstrate to the District the most optimal mix of cost, productivity and innovation. Additionally, the amendment of the District's boundaries for the development is not likely to cause the award of the contracts to favor non-local providers any more than if there was a slightly larger District. The amended and smaller District, in its purchasing decisions, will not vary from the same principles of cost, productivity and innovation that guide private enterprise.

### **2.3 Likelihood of an increase in regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.**

The amendment of the District's boundaries will not increase any regulatory costs of the State or the City by virtue that the District has already been established and amending its size does not change the regulatory requirements that the District will be subject to after the initial review of the petition to amend its boundaries by the City and approval of such petition by the City. As described in more detail in Section 4, the District will pay a one-time filing fee to the City to offset any expenses that the City may incur in the processing of this petition to amend the District's boundaries.

The amending of the District's boundaries will, however, directly increase regulatory costs to the landowners within the Amendment Area. Such increases in regulatory costs, principally the anticipated increases in transactional costs as a result of likely imposition of special assessments and use fees by the District, will be the direct result of facilities and services provided by the District to the landowners within the Amendment Area. However, as property ownership in the District is completely voluntary, all current property owners within the Amendment Area must consent to the amendment of the District's boundaries and the likelihood of additional transaction costs, and all initial prospective buyers will have such additional transaction costs disclosed to them prior to sale, as required by State law. Such costs, however, should be considered voluntary, self-imposed, and as a tradeoff for the service and facilities provided by the District. As to the anticipated amount of the transactional costs in the aggregate within 5 years, they are anticipated to not exceed \$5,000,000.

### **3.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the ordinance, together with a general description of the types of individuals likely to be affected by the ordinance.**

The proposed amended District will serve land that comprises an approximately 191.915 +/- acre master planned residential development currently anticipated to contain a total of approximately 434 residential dwelling units, although the development plan can change. Assuming an average density of 3.5 persons per residential dwelling unit, the estimated residential population of the proposed District at build out would be approximately 1,519 +/- and all of these residents as well as the landowners within the District will be

affected by the ordinance. The City and certain state agencies will not be affected by or required to comply with the ordinance as more fully discussed hereafter.

#### **4.0 A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed ordinance, and any anticipated effect on state or local revenues.**

There is no state agency promulgating any rule relating to this project and there is no anticipated effect of the ordinance amending the District's boundaries on state or local revenues.

#### **4.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance**

Because the result of adopting the ordinance is the amendment of the boundaries of an existing independent local special purpose government, there will be no additional enforcing responsibilities of any other government entity, but there will be various implementing responsibilities which are identified with their costs herein.

##### State Governmental Entities

Amending the boundaries of an already existing independent local special purpose government will result in no costs to any State governmental entities to implement and enforce the proposed amended and enlarged District.

##### City of Deland, Florida

The existing District as well as the Amendment Area are both located within the City of Deland, Florida. The City and its staff may process, analyze, conduct a public hearing, and vote upon the petition to amend the boundaries of the District. These activities will absorb some resources; however, these costs incurred by the City will be modest for a number of reasons. First, the City approved ordinance establishing the District in 2020 and that petition possessed much information about the District and City staff should be generally familiar with the District. Second, review of the petition to amend the boundaries of the District does not include analysis of the project itself. Third, the petition itself provides much of the information needed for a staff review. Fourth, the City already possesses the staff needed to conduct the review without the need for new staff. Fifth, there is no capital required to review the petition. Sixth, the potential costs are offset by a filing fee included with the petition to offset any expenses the City may incur in the processing of this petition. Finally, the City already processes similar petitions, though for entirely different subjects, for land uses and zoning changes that are far more complex than the petition to amend the boundaries of a community development district.

Further, there will be no increase in the very small annual costs to City, because of the amendment of the District's boundaries. The District is an independent unit of local government. The only annual costs the City faces, which will not change with the amendment of the District's boundaries, are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the City, or any monitoring expenses the City may incur if it maintains a monitoring program for this District.

#### **4.2 Impact on State and Local Revenues**

Adoption of the proposed ordinance will have no negative impact on state or local revenues. The District



is an independent unit of local government. It is designed to provide infrastructure facilities and services to serve the development project and it has its own sources of revenue. No state or local subsidies are required or expected.

Any non-ad valorem assessments levied by the District will not count against any millage caps imposed on other taxing authorities providing services to the lands within the District. It is also important to note that any debt obligations the District may incur are not debts of the State of Florida or any other unit of local government. By Florida law, debts of the District are strictly its own responsibility.

**5.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the ordinance.**

Please note that there is no additional facilities infrastructure resulted from the proposed contraction. Therefore, the proposed facilities and services and the estimated costs of construction in the entire CDD after contraction will remain the same as the original CDD.

**6.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.**

There will be little impact on small businesses because of the amendment of the District's boundaries. If anything, the impact may be positive because the District must competitively bid all of its contracts and competitively negotiate all of its contracts with consultants over statutory thresholds. This affords small businesses the opportunity to bid on District work.

City of Deland has a population of 37,351 according to the Census 2020 conducted by the United States Census Bureau and is therefore not defined as a "small" City according to Section 120.52, F.S.

**7.0 Any additional useful information.**

The analysis provided above is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from the Petitioner's Engineer and other professionals associated with the Petitioner.

**8.0 A description of any regulatory alternatives submitted under section 120.541(1)(a), F.S., and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed ordinance.**

No written proposal, statement adopting an alternative or statement of the reasons for rejecting an alternative have been submitted.

Based upon the information provided herein, this Statement of Estimated Regulatory Costs supports the petition to amend the boundaries of the Lakewood Park Community Development District.