

ORDINANCE NO. 2022 - 29

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

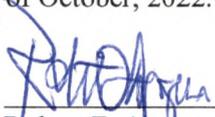
Section 11. No rights to obtain final development orders nor any rights to develop the property have been granted or implied by this Ordinance. Final development orders for the property including, but not limited to, subdivision and site plan approval shall be subject to a determination of concurrency.

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

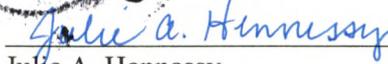
Section 13. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 3rd day of October, 2022.

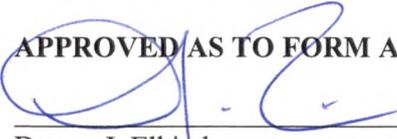




Robert F. Appar
Mayor - Commissioner


Julie A. Hennessy
City Clerk - Auditor

Passed on first reading: August 15, 2022
Adopted on second reading: October 03, 2022

APPROVED AS TO FORM AND LEGALITY:


Darren J. Elkind
City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

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

BEING DESCRIBED AS FOLLOWS:

BEGIN AT A POINT ON THE SOUTH RIGHT OF WAY LINE OF CASSADAGA ROAD PER OFFICIAL RECORDS BOOK 3779, PAGE 3745 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND THE EASTERLY LINE OF SAID GOVERNMENT LOT 4; THENCE RUN SOUTH 00°14'44" EAST ALONG SAID EASTERLY LINE, FOR A DISTANCE OF 1028.00 FEET; THENCE DEPARTING SAID EASTERLY LINE RUN NORTH 89°43'30" WEST, FOR A DISTANCE OF 118.80 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY; THENCE RUN NORTHWESTERLY ALONG SAID CURVE: HAVING A CENTRAL ANGLE OF 15°36'56", A RADIUS OF 1000.00 FEET, AN ARC LENGTH OF 272.54 FEET, A CHORD BEARING OF NORTH 81°55'02" WEST AND A CHORD DISTANCE OF 271.70 FEET TO THE POINT OF TANGENCY; THENCE RUN NORTH 74°06'34" WEST, FOR A DISTANCE OF 169.10 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY; THENCE RUN NORTHWESTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 3°39'55", A RADIUS OF 1520.00 FEET, AN ARC LENGTH OF 97.24 FEET, A CHORD BEARING OF NORTH 75°56'32" WEST AND A CHORD DISTANCE OF 97.22 FEET TO THE POINT ON A RADIAL LINE; THENCE RUN SOUTH 12°13'31" WEST ALONG SAID RADIAL LINE, FOR A DISTANCE OF 80.00 FEET TO THE POINT ON A CURVE CONCAVE SOUTHERLY; THENCE DEPARTING SAID RADIAL LINE, RUN NORTHWESTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 12°42'11", A RADIUS OF 1440.00 FEET, AN ARC LENGTH OF 319.26 FEET, A CHORD BEARING OF NORTH 84°07'35" WEST AND A CHORD DISTANCE OF 318.61 FEET TO THE POINT OF TANGENCY; THENCE RUN SOUTH 89°31'20" WEST, FOR A DISTANCE OF 362.16 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF MARTIN LUTHER KING JR. BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 3779, PAGE 3819 OF SAID PUBLIC RECORDS AND A NON-TANGENT CURVE CONCAVE EASTERLY; THENCE RUN NORTHEASTERLY ALONG SAID CURVE AND EASTERLY RIGHT OF WAY LINE HAVING A CENTRAL ANGLE OF 2°43'48", A RADIUS OF 5629.58 FEET, AN ARC LENGTH OF 268.24 FEET, A CHORD BEARING OF NORTH 06°53'12" EAST AND A CHORD DISTANCE OF 268.22 FEET TO THE POINT OF TANGENCY; THENCE RUN NORTH 08°15'06" EAST, FOR A DISTANCE OF 225.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY; THENCE RUN NORTHEASTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 04°38'00", A RADIUS OF 5829.58 FEET, AN ARC LENGTH OF 471.41 FEET, A CHORD BEARING OF NORTH 05°56'07" EAST AND A CHORD DISTANCE OF 471.28 FEET TO A POINT ON THE SAID SOUTH RIGHT OF WAY LINE OF CASSADAGA ROAD; THENCE RUN NORTH 89°31'20" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, FOR A DISTANCE OF 1223.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 28.642 ACRES OF LAND, MORE OR LESS.

"EXHIBIT B"

1 PLANNED DEVELOPMENT AGREEMENT

2 IN THE CITY COMMISSION OF THE

3 CITY OF DELAND, FLORIDA

4 IN RE: Case # Z-22-053, Application of

5 TM BTR OF FLORIDA, LLC

6 ORDINANCE # 2022-29

7
8 ORDER AND RESOLUTION

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

10 TO CTC DELAND PD

11
12 The application of TM BTR of Florida, LLC, hereinafter, "Applicant", for rezoning was
13 heard by and before the City Commission, DeLand Florida, on March 15, 2022, Based
14 upon the verified Application and other supporting documents, maps, charts, overlays,
15 other evidence and instruments; the advice, report, and recommendations of the
16 Community Development, and other Departments and agencies of DeLand, Florida; and
17 the testimony adduced and evidence received at the Public Hearing on this Application by
18 the Planning Board on May 18, 2022, and otherwise being fully advised, the City
19 Commission does hereby find and determine as follows:
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GENERAL FINDINGS

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A. That the application of TM BTR of Florida, LLC was duly and properly filed herein on March 15, 2022 as required by law.

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

C. That the Applicant is the Contract Purchaser of a 28.64 +/- acre parcel of land which is the subject of this application and which land is situated in DeLand, Florida and more particularly described in the attached Exhibit "A" (hereinafter the "Property").

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

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

F. That the owner of the Property, Stonekirk Ventures, LLC and J. Scott Kirk, agree with the provisions of the Development Agreement.

FINDINGS REGARDING REZONING

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A. That the applicant has applied for a change of zoning from the present zoning classification of the Property from County R-4C & R-4 to CTC DELAND PD (Planned Development).

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

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY COMMISSION CHAMBERS, 120 SOUTH FLORIDA AVENUE, DELAND, FLORIDA, THIS 3rd DAY OF OCTOBER, 2022, AS FOLLOWS:

A. That the Application of TM BTR of Florida, LLC, a Florida limited liability company, for the rezoning of the Property is hereby granted.

B. That the zoning classification of the Property is hereby amended from County R-4C & R-4 to CTC DELAND PD as described in Article VII of the City of DeLand, Land Development Regulations Ordinance No. 2013-11, as amended.

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C. That the Official Zoning Map of the City of DeLand is hereby amended to show the rezoning of the Property to CTC DELAND PD.

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

E. Unless otherwise provided for herein the City of DeLand, Land Development Regulations Ordinance No. 2013-11, as amended, shall apply to the Property and the PD in the same manner as the R-12 zoning classification.

F. Except as otherwise stated herein, nothing in the Development Agreement is intended to abridge the requirements of Ordinance No. 2013-11, as amended, and any other City Ordinances.

1 DEVELOPMENT AGREEMENT

2 A. Development Concept. The Property shall be developed as CTC DELAND
3 PD, substantially in accordance with the Planned Development Plan. The Planned
4 Development Plan shall govern the development of the Property as a PD and shall regulate
5 the future land use of this parcel.

6
7 B. Planned Development Plan. The Planned Development Plan shall consist of
8 the PD Plan Map prepared by LevelUp Consulting, LLC, and dated August 30, 2022 and
9 this Development Agreement. The PD Plan Map is hereby approved and incorporated in
10 this Ordinance and Development Agreement by reference as Exhibit "B". The Planned
11 Development Plan shall be filed and retained for public inspection in the Planning
12 Department, and it shall constitute a supplement to the Official Zoning Map of the City of
13 DeLand.

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

20
21 D. Site Plan Approval. After the Planned Development Plan is recorded, and
22 prior to any construction, including clearing and landfill, a site plan of the area, whether one
23 phase or multiple phases, shall be submitted for review and approval in the manner
24 required by Article 13 of the City of DeLand Land Development Regulations, Ordinance No.

1 2013-11, as amended.

2

3 E. Unified Ownership. The applicant or its successors shall maintain unified
4 ownership of the Property. The applicant and its successors and assigns are prohibited
5 from platting or otherwise conveying fee simple ownership of individual residential units.
6 The applicant and its successors are also prohibited from converting the residential units
7 into a condominium form of ownership. The City of DeLand approved the planned
8 development in part due to the project providing a unique rental housing product that would
9 be owned and managed by one property manager/operator.

10

11 F. Phases of Development. The project may be developed in one or more than
12 one phase. Grading may occur by phase. No open burning shall be permitted on the
13 property.

14

15 G. Land Uses Within the PD. The development of the Property shall be
16 consistent with the uses prescribed for each area within the proposed CTC DELAND PD.
17 The location and size of said land use areas are shown on the PD Plan Map, Exhibit "B".
18 The following land uses shall be allowed as permitted principal uses and structures along
19 with their customary accessory uses and structures:

20 Permitted Uses within Residential Areas:

21 1. Multi-family Residences:

22 Single-unit cottages.

23 Two-family dwellings and duplexes.

24 Multiple-family dwellings and duplexes.

1 Mini and neighborhood parks.
2 Community uses including but not limited to clubhouse, cabana, dog
3 park, community garden, and bicycle facilities.

4
5 H. Development Standards. All development for the property shall rely upon the
6 standards set forth below for each phase of development as identified on the Planned
7 Development Plan. The maximum number of residential dwelling units permitted for all
8 phases shall not exceed 233.

9 1. Residential Structures:

- 10 a. Minimum individual residential dwelling unit size:
- 11 1. 1 bedroom unit: 700 sf
- 12 2. 2-bedroom unit: 1,000 sf
- 13 b. Minimum lot area: N/A
- 14 c. Minimum lot width: N/A
- 15 d. Minimum building separation: 10 feet
- 16 e. Maximum building coverage: 25%
- 17 f. Maximum building height: 35 ft
- 18 g. Minimum open space: 20%
- 19 h. Minimum tree protection: 15%
- 20 i. Maximum impervious surface: 50%
- 21 j. Maximum proposed density: 9 du/acre
- 22 k. Minimum property perimeter building setbacks and landscape buffers:
- 23 a. Cassadaga ROW: 40 ft.
- 24 b. MLK ROW: 40 ft.

- 1 c. Eastern Property Line: 40 ft.
- 2 d. Southern Property Line: 20 ft.
- 3 I. Maximum number of residential dwelling units: 233

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5 2. Accessory Structures.

6 a. Residential Accessory Structures: No accessory structures shall be
7 permitted within the fenced yards of the residential dwelling units.

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

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

13 a. Maximum Height: 18 feet

14 b. Maximum Square Footage: 900 sq ft

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16 3. Parking Standards. There will be a combination of enclosed garages and
17 surface parking. There will be a total of 414 parking units for the residences
18 and an additional 52 surface parking spaces provided for guest parking.
19 Enforcement of parking and maintenance of the parking areas shall be the
20 responsibility of the property owner.

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

- 1 5. Open Space. Open space and/or common area shall meet the requirements
2 of the Land Development Regulations Ordinance No. 2013-11, as amended.
3 6. Compliance. In the event that future development cannot comply with the
4 standards set forth herein, then said entitlements shall be processed through
5 an amendment to this Development Agreement.

6
7 I. Environmental Considerations. The development shall comply with the
8 requirements for preservation of environmental resources as set forth in the Land
9 Development Regulations Ordinance No. 2013-11, as amended unless otherwise noted in
10 this section. For the purpose of payment for tree replacement and preservation, Developer
11 shall pay tree replacement costs for each phase of the project. Trees planted to
12 supplement buffers or as part of the approval of the landscape plan shall be permitted to
13 count against the tree mitigation costs. It is noted that the Property was historically in use
14 as a tree farm and the current tree density may be abnormally high based on the nature of
15 the tree plantings. Due to the previous management of the Property resulting in a higher-
16 than-average tree density, tree preservation and replacement requirements for specimen
17 trees on the Property shall consist of preserving six (6) of the eleven (11) specimen trees.
18 Any trees planted along street frontages, ponds, or mitigated through the contribution of
19 funds for off-site mitigation efforts to preserve tree areas shall count toward both tree
20 mitigation and tree protection area requirements. Removal of any historic trees shall occur
21 through separate approval by the City Commission. All landscaping, including buffers, shall
22 predominantly utilize Florida-Friendly Landscaping, as defined by the University of
23 Florida/Institute of Food and Agricultural Sciences (“UF/IFAS”) Center for Landscape
24 Conservation and Ecology, native, or low-water plant material. The PD Plan encourages

1 environmental preservation and sustainable development through the provision of
2 substantial perimeter buffers, natural areas, open space, the incorporation of Low Impact
3 Development (“LID”) stormwater strategies, as developed by the UF/IFAS, Center for
4 Landscape Conservation and Ecology, and use of Florida-Friendly Landscaping. The
5 development shall include landscape designs such that plants will serve environmentally
6 friendly functions including, but not limited to, cooling, privacy screening, shade, aesthetics,
7 wildlife habitat, runoff pollution prevention, and directing traffic flow onto and within the
8 community.

9

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

15

16 K. Stormwater Drainage. Provision for stormwater retention shall be in
17 accordance with the Land Development Regulations Ordinance No. 2013-11, as amended.
18 All stormwater retention systems will be designed to meet all required governmental
19 regulations. Low Impact Development (LID) shall be incorporated in the Planned
20 Development stormwater management master plan. LID design may include elements
21 such as bioretention swales, rain gardens, stormwater reuse and harvesting, and BMP
22 treatment train to minimize runoff pollutant and increase stormwater recharge and natural
23 infiltration processes. Maintenance of the stormwater ponds shall be a private
24 responsibility.

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

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

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

M. Enhanced Development Conditions. Notwithstanding anything contained herein to the contrary, the following enhanced development conditions shall be required:

1. Amenity Features.

a. Trail Network. An internal mulch trail network shall be constructed throughout the Property as depicted on Exhibit "B". There shall be a connection of the trail network to Kirk Drive. The trail network shall be

1 constructed prior to certificate of occupancy for the final residential
2 structure in the development. The trail network shall be maintained by
3 the property owner.

4 b. Amenity center. An amenity center with a pool and clubhouse shall
5 be constructed within the first phase of the development.

6 c. Dog park. A dog park shall be constructed within the first phase of the
7 development.

8 d. Butterfly garden. A butterfly garden shall be constructed within the
9 first phase of the development.

10 e. Trail on Luther King Dr. Martin, Jr. Blvd. A paved trail shall be
11 constructed parallel to the Luther King Dr. Martin, Jr. Blvd in
12 conjunction with the site infrastructure for the development.

13 f. Perimeter Landscape Buffer Minimum. A landscape buffer, no less
14 than 20 feet wide, shall be provided around the perimeter of the
15 Property. Specific dimensional callouts are provided within the PD
16 Plan Map.

17
18 N. Reverter Provision. The terms of this Development Agreement shall be
19 vested upon issuance of a site plan for the development, which shall occur within five (5)
20 years from the effective date of this ordinance. If a site plan has not been issued within
21 five (5) years, or if the site plan lapses without the project being completed, the City
22 Commission may rezone the property as may be necessary or appropriate to protect
23 adjoining properties or the public health, safety, and welfare, unless the City Commission,
24 for good cause shown, shall extend the time period indicated in this paragraph.

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

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

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1 DONE and ORDERED by the City Commission, City of DeLand, Florida, this

2 20th day of February, 2023.

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5 ATTEST:

City Commission of DeLand Florida

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8 Michael P. Pleus
9 City Manager

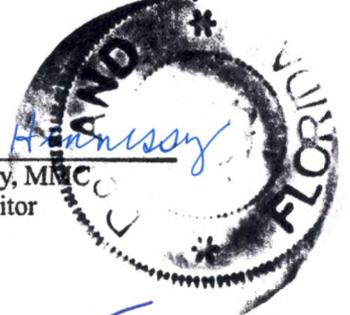


Christopher M. Cloudman
Mayor

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12 STATE OF FLORIDA
13 CITY OF DELAND

ATTEST:


14 Julie A. Hennessy, M.A.C.
15 City Clerk - Auditor



16 The foregoing instrument was acknowledged before me by means of physical
17 presence or online notarization this 20th day of February, 2023, by
18 Michael P. Pleus and Christopher M. Cloudman, as City Manager and Mayor of
19 the City of DeLand, respectively, on behalf of the City of DeLand, and who are
20 personally known to me.



21 NOTARY PUBLIC, STATE OF FLORIDA

22 Type or Print Name:

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24 Commission No.: _____

25 My Commission Expires: _____
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1 WITNESSES:

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APPLICANT
TM BTR of Florida, LLC
a Florida limited liability company

Julia A. Aragona

JULIA A. ARAGONA
Printed Name

[Signature]

Debra Cunningham
Printed Name

By: [Signature]
Nicholas Gluckman, Vice President

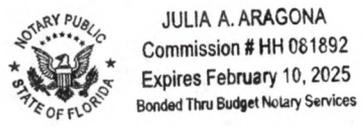
STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of physical presence
or online notarization this 15th day of February, 2023, by Nicholas Gluckman
as Vice President of TM BTR of FLORIDA, LLC, who is personally known to me or who has
produced _____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name: Julia A. Aragona

[Signature]
Commission No.: HH081892

My Commission Expires: February 10, 2025



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WITNESSES:

Cayla Moseley
Cayla Moseley
Printed Name

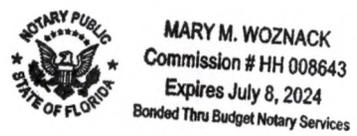
Veronica M. Peralta
Veronica M. Peralta
Printed Name

OWNER
Stonekirk Ventures, L.L.C.
a Florida limited liability company

By: William L. Kirk, Jr.
William L. Kirk, Jr., Manager

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 14th day of February, 2023, by William L. Kirk, Jr., as Manager of Stonekirk Ventures, L.L.C., who is personally known to me or who has produced _____ as identification.



NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name: MARY M. WOZNACK
Mary M. Woznack
Commission No.: HH 008643
My Commission Expires: 7-8-2024

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WITNESSES:

OWNER

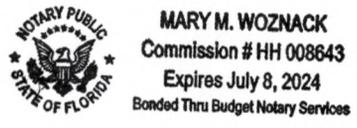
Patricia M. Quilty
Patricia M. Quilty
Printed Name

J. SCOTT KIRK
[Signature]
J. Scott Kirk

[Signature]
Jason Bullman
Printed Name

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of physical presence
or online notarization this 14th day of February, 2023, by J. Scott Kirk, who is
personally known to me or who has produced _____ as identification.



NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name: **MARY M. WOZNACK**
[Signature]
Commission No.: HH008643
My Commission Expires: 7-8-2024

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EXHIBIT "A"
LEGAL DESCRIPTION

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

BEING DESCRIBED AS FOLLOWS:

BEGIN AT A POINT ON THE SOUTH RIGHT OF WAY LINE OF CASSADAGA ROAD PER OFFICIAL RECORDS BOOK 3779, PAGE 3745 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND THE EASTERLY LINE OF SAID GOVERNMENT LOT 4; THENCE RUN SOUTH 00°14'44" EAST ALONG SAID EASTERLY LINE, FOR A DISTANCE OF 1028.00 FEET; THENCE DEPARTING SAID EASTERLY LINE RUN NORTH 89°43'30" WEST, FOR A DISTANCE OF 118.80 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY; THENCE RUN NORTHWESTERLY ALONG SAID CURVE: HAVING A CENTRAL ANGLE OF 15°36'56", A RADIUS OF 1000.00 FEET, AN ARC LENGTH OF 272.54 FEET, A CHORD BEARING OF NORTH 81°55'02" WEST AND A CHORD DISTANCE OF 271.70 FEET TO THE POINT OF TANGENCY; THENCE RUN NORTH 74°06'34" WEST, FOR A DISTANCE OF 169.10 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY; THENCE RUN NORTHWESTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 3°39'55", A RADIUS OF 1520.00 FEET, AN ARC LENGTH OF 97.24 FEET, A CHORD BEARING OF NORTH 75°56'32" WEST AND A CHORD DISTANCE OF 97.22 FEET TO THE POINT ON A RADIAL LINE; THENCE RUN SOUTH 12°13'31" WEST ALONG SAID RADIAL LINE, FOR A DISTANCE OF 80.00 FEET TO THE POINT ON A CURVE CONCAVE SOUTHERLY; THENCE DEPARTING SAID RADIAL LINE, RUN NORTHWESTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 12°42'11", A RADIUS OF 1440.00 FEET, AN ARC LENGTH OF 319.26 FEET, A CHORD BEARING OF NORTH 84°07'35" WEST AND A CHORD DISTANCE OF 318.61 FEET TO THE POINT OF TANGENCY; THENCE RUN SOUTH 89°31'20" WEST, FOR A DISTANCE OF 362.16 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF MARTIN LUTHER KING JR. BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 3779, PAGE 3819 OF SAID PUBLIC RECORDS AND A NON-TANGENT CURVE CONCAVE EASTERLY; THENCE RUN NORTHEASTERLY ALONG SAID CURVE AND EASTERLY RIGHT OF WAY LINE HAVING A CENTRAL ANGLE OF 2°43'48", A RADIUS OF 5629.58 FEET, AN ARC LENGTH OF 268.24 FEET, A CHORD BEARING OF NORTH 06°53'12" EAST AND A CHORD DISTANCE OF 268.22 FEET TO THE POINT OF TANGENCY; THENCE RUN NORTH 08°15'06" EAST, FOR A DISTANCE OF 225.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY; THENCE RUN NORTHEASTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 04°38'00", A RADIUS OF 5829.58 FEET, AN ARC LENGTH OF 471.41 FEET, A CHORD BEARING OF NORTH 05°56'07" EAST AND A CHORD DISTANCE OF 471.28 FEET TO A POINT ON THE SAID SOUTH RIGHT OF WAY LINE OF CASSADAGA ROAD; THENCE RUN NORTH 89°31'20" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, FOR A DISTANCE OF 1223.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 28.642 ACRES OF LAND, MORE OR LESS.

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EXHIBIT "B"
PD PLAN MAP



TREE LEGEND	
	PINE
	MAGNOLIA
	FAN PALM
	SABAL PALM
	BOTTLEBRUSH
	OAK
	CRAPE



CTC DELAND
 Rendered Master Plan

