

ORDINANCE NO. 2022 - 15

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM R-1B, SINGLE FAMILY TO CITY'S PLANNED DEVELOPMENT, NORTH WEST SQUARE PD, ON PROPERTY LOCATED AT 306 WEST WISCONSIN AVENUE; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 1.45 +/- ACRES OF PROPERTY MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the applicant, Mark Watt, Esq., (hereinafter referred to as "Applicant"), on behalf of the owner, Trinity Methodist Church, owns approximately 1.45 +/- acres of land located at 306 West Wisconsin Avenue, which is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, the Applicant has applied for a change of zoning designations from R-1B, Single Family, to North West Square PD, Planned Development; and

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

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

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

WHEREAS, the proposed development plan is consistent with the Mixed Commercial future land use designation.

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

Section 1. The City Commission has held a public hearing to approve the change of zoning from R1-B, Single Family to North West Square Planned Development (PD), on property located at 306 West Wisconsin Avenue, consisting of approximately 1.45 +/- acres of property.

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

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

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

Section 5. The failure of the approved Development Plan to address a particular permit, condition, term or restriction shall not relieve the Applicant of the necessity of complying with any law governing said

permitting requirements, conditions, terms or restrictions, as same may be amended or enacted from time to time in the future. All current land development regulations of the City are applicable to the PD District except to the extent that they conflict with a specific provision of the approved Development Plan.

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

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

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

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

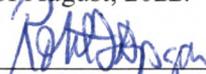
Section 10. The City Engineer, Planning Director, and Building Department are hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

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

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

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

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



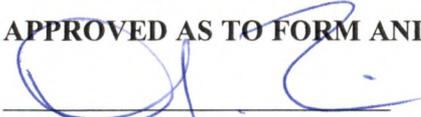
Robert F. Apgar
Mayor - Commissioner




Julie Hennessy 2.20.2023
City Clerk - Auditor

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

APPROVED AS TO FORM AND LEGALITY:



Darren J. Elkind
City Attorney

EXHIBIT "A"
Legal Description

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

1.45 ACRES, MORE OR LESS

"EXHIBIT B"

PLANNED DEVELOPMENT AGREEMENT

IN THE CITY COMMISSION OF THE

CITY OF DELAND, FLORIDA

IN RE: Case #Z22-__ Application of

NORTHWEST SQUARE LLC

ORDINANCE # 15

ORDER AND RESOLUTION

GRANTING A REQUEST FOR CHANGE OF ZONING FROM R-1B TO

NORTH WEST SQUARE PD

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

GENERAL FINDINGS

A. That the application of Northwestsquare LLC was duly and properly filed herein on March 21, 2022 as required by law.

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

1 C. That the applicant is the owner of a +/- 1.46 acre parcel of land which is
2 situated in DeLand, Florida. This parcel of land is described more particularly in the
3 survey and legal description, a true copy of which is attached hereto as Exhibit "A".
4

5 D. That the Applicant has complied with the concept plan provision as required
6 by Land Development Regulations Ordinance No. 2013-11, as amended.
7

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

12 FINDINGS REGARDING REZONING
13

14 A. That the Applicant has applied for a change of zoning from the present
15 zoning classification(s) of the parcel described in Exhibit "A" from R-1B to North West
16 Square PD.
17

18 B. That the said rezoning to North West Square PD is consistent with both the
19 City of DeLand Comprehensive Plan Ordinance No. 1990-04, as amended, and the intent
20 and purpose of the City of DeLand Land Development Regulations Ordinance No. 2013-
21 11, as amended, and does promote the public health, safety, morals, general welfare and
22 orderly growth of the area affected by the rezoning request.
23

24 NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF

1 DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY
2 COMMISSION CHAMBERS, 120 SOUTH FLORIDA, DELAND, FLORIDA, THIS
3 15th DAY OF August, A.D., 2022, AS FOLLOWS:
4

5 A. That the Application of Northwestsquare LLC for the rezoning of the subject
6 parcel is hereby granted.
7

8 B. That the zoning classification of the subject parcel described in Exhibit "A"
9 attached hereto is hereby amended from R-1B to North West Square PD as described in
10 Article VII of the City of DeLand, Land Development Regulations Ordinance No. 2013-11,
11 as amended.
12

13 C. That the Official Zoning Map of the City of DeLand is hereby amended to
14 show the rezoning of said parcel to North West Square PD.
15

16 D. That the City of DeLand Land Development Regulations Ordinance No.
17 2013-11, as amended, is consistent with the provisions of the "Development Agreement"
18 as hereinafter set forth in this Ordinance and with respect to any conflict between Land
19 Development Regulations Ordinance No. 2013-11, as amended, and the "Development
20 Agreement", the provisions of the "Development Agreement" shall govern. Ordinance
21 No. 2013-11, as amended, shall govern with respect to any matter not covered by the
22 "Development Agreement." The City of DeLand will ensure overall compliance with this
23 Ordinance.
24

1 E. Unless otherwise provided for herein, the C-1 limited neighborhood
2 commercial zoning district of the City of DeLand Land Development Regulations
3 Ordinance No. 2013-11, as amended, shall apply to the PD.

4
5 F. Nothing in this Ordinance shall abridge the requirements of any City of
6 DeLand Ordinance other than Ordinance No. 2013-11, as amended. Timing and review
7 procedures contained in this Order and Resolution may be modified to comply with the
8 City of DeLand Land Development Regulations, Ordinance No. 2013-11, as amended.
9 Further, nothing in the Development Agreement is intended to abridge the requirements
10 of Ordinance No. 2013-11, as amended, and any other City Ordinances.

1 DEVELOPMENT AGREEMENT

2

3 A. Development Concept. The property +/- 1.46-acre property (the "Property")

4 shall be developed as a PD substantially in accordance with the Planned Development

5 Plan. The Planned Development Plan shall govern the development of the property as a

6 PD and shall regulate the future land use of this parcel.

7 1. Planned Development Plan The Planned Development Plan shall

8 consist of the Development Plan Map prepared by KMA Design Group, LLC dated May

9 31, 2022 and this Development Agreement. The Development Plan Map is hereby

10 approved and incorporated in this Ordinance 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 2. Amendments. All amendments of the Planned Development Plan,

15 other than those deemed by the Planning Department to be minor amendments as set

16 out in Ordinance No. 2013-11, as amended, shall require the review and recommendation

17 of the Planning Board and action by the City Commission in the same manner as a

18 rezoning of the parcel.

19 3. Final Site Plan Approval. After the Planned Development Plan is

20 recorded, and prior to issuance of any permits for construction, including clearing and

21 landfill, a final site plan shall be prepared and submitted for review and approval in the

22 manner required by Article XII of the City of DeLand, Land Development Regulations

23 Ordinance No. 2013-11, as amended.

1 B. Unified Ownership. The Applicant or his successors shall maintain unified
2 ownership of the subject parcel except that all or a portion of the Property may be put into
3 condominium ownership.

4
5 C. Phases of Development. This is an existing building that is being
6 redeveloped and phasing is therefore not an issue.

7
8 D. Land Uses Within the PD. The development of the parcel shall be
9 consistent with the uses prescribed for each area within the proposed North West Square
10 PD. The location and size of said land use areas are shown on the Development Plan
11 Map, Exhibit "B". The hours of operation for the non-residential portion of the project shall
12 be Monday through Sunday, 7:00AM to 11:00PM.

13
14 Permitted Uses:

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

16 Bed and breakfast homestay.

17 Churches, houses of worship, and religious institutions, with their customary
18 accessory educational and recreational uses and buildings.

19 Day care facilities.

20 Family day care home.

21 General/Professional Offices.

22 Grocery.

23 Mini and neighborhood parks.

24 Multiple-family dwellings.

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

2 Restaurants, except fast food and/or drive through facilities.

3 Restaurants and establishments serving alcohol requiring a DBPR 2COP or SRX
4 license.

5 Special events may include alcohol with a licensed caterer requiring a 3PS or
6 4COP license.

7 Retail sales, including merchandising barns.

8 Theatres and assembly halls.

9
10 E Development Standards for Residential.

11 1. Minimum Floor Area:

12 Efficiency (no separate bedroom)	275 square feet
13 One bedroom	525 square feet
14 Two + bedroom	725 square feet
15	plus 150 square
16	feet for each
17	additional bedroom

18
19 2. Minimum yard size (building): As existing on date
20 of this Agreement.

21 3. Maximum building height: 65 ft.

22 4. Maximum Dwelling Units: 15 within existing
23 building

24 5. Maximum Impervious surface: 60%

25 6. Off-street parking requirements: The Property shall consist of a
26 minimum of 40 parking spaces and an additional 4 handicap spaces.

27 7. Signage requirements: Signage provided per the Land Development
28 Regulations.

29 8. Landscape buffer requirements: As existing on the Property as of the

1 date of this Agreement.

2
3 Development Standards for Non-Residential.

- 4 1. Minimum lot area: 1,000 sq. ft.
5 2. Minimum yard size (building): As is existing on the date of
6 this Agreement.
7 3. Maximum building height: 65 ft.
8 4. Off-street parking requirements: The Property shall consist of a
9 minimum of 40 parking spaces and an additional 4 handicap spaces.
10 Large events may require shuttles or other modes of transportation
11 to and from remote parking lots to provide for additional parking.
12 5. Landscape buffer requirements: As is existing on the Property on the
13 date of this Agreement.
14 6. Maintenance of Building Exterior: The existing exterior of the
15 building shall be preserved to the extent practicable.
16

17 F. Environmental Considerations. The development shall comply with the
18 requirements for preservation of environmental resources as set forth in the Land
19 Development Regulations Ordinance No. 2013-11, as amended unless specifically stated
20 herein.
21

22 G. Sewage Disposal and Potable Water. Provision for sewage disposal and
23 potable water needs of the North West Square PD will be provided in accordance with
24 the Comprehensive Plan, Ordinance No.1990-04, as amended, the Land Development
25 Regulations Ordinance No. 2013-11, as amended, and State of Florida Administrative
26 Code 64E-6.
27

28 H. Stormwater Drainage. Provision for stormwater retention shall be in

1 accordance with the Land Development Regulations Ordinance No. 2013-11, as
2 amended.

3
4 I. Access and Transportation System Improvements. All access and
5 transportation system improvements shall be provided in accordance with the Land
6 Development Regulations, Ordinance No. 2013-11, as amended. The parcel shall be
7 developed in substantial accordance with the following access and transportation system
8 improvements:

9 1. Access. Access to the site will be from Clara Avenue. A secondary
10 and emergency access point will be from the Property to Wisconsin Avenue. The
11 Development Plan indicates the anticipated connection locations; however, the final
12 locations may vary due to final engineering design and permitting considerations.

13 2. Transportation System Improvements. Transportation system
14 improvements will be provided as required by permitting agencies.

15
16 J. Reverter Provision: If a final site plan is not issued and a certificate of
17 completion for all improvements required thereby issued within five (5) years of the date
18 of this Development Agreement, then this Agreement shall automatically terminate and
19 be of no further force or effect.

20
21 K. Binding Effect of Plans; Recording; and Effective Date. The Planned
22 Development Plan, including any and all amendments shall bind and inure to the benefit
23 of the Applicant and his successor in title or interest. The North West Square PD zoning,
24 provisions of the "Development Agreement," and all approved plans shall run with the

1 land and shall be administered in a manner consistent with Article 12 of the City of DeLand
2 Land Development Regulations Ordinance No. 2013-11, as amended.

3
4 This Ordinance and all subsequent amendments shall be filed with the Clerk of the
5 Court and recorded within forty-five (45) days following execution of the document by the
6 City Commission, in the Official Records of Volusia County, Florida. One copy of the
7 document, bearing the book and page number of the Official Record in which the
8 document was recorded, shall be submitted to the Planning Department for placement in
9 the public file. The date of recording of this document shall constitute the effective date
10 of the North West Square PD or its subsequent amendments. The applicant shall pay all
11 filing costs for recording documents.

1 DONE and ORDERED by the City Commission, City of DeLand, Florida,
2 this 20th day of February (mo/yr). 2023
3
4

5 ATTEST:

City Commission of DeLand Florida

6
7 Michael Pleus
8 Michael Pleus
9 City Manager

Chris Cloudman
Chris Cloudman
Mayor

10
11 ATTEST:

12 Julie A. Hennessy
13 Julie A. Hennessy, MMC
14 City Clerk - Auditor 2.20.2023



15
16 STATE OF FLORIDA
17 CITY OF DELAND

18 The foregoing instrument was acknowledged before me by means of
19 physical presence or online notarization this 20th day of February (mo/yr), by Michael Pleus and Chris Cloudman, as City
20 Manager and Mayor, City of DeLand, respectively, on behalf of the City of
21 DeLand, and who are personally known to me.



22 NOTARY PUBLIC, STATE OF FLORIDA

23 Type or Print Name:

24 Julia M. Hewitt

25 Commission No.: _____

26 My Commission Expires: _____
27

1 WITNESSES:

2
3
4 Darlene Feliciano

5
6 Darlene Feliciano

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8
9 REGINA R. EPPLE

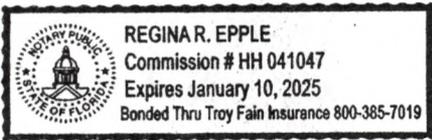
10
11 REGINA R. EPPLE

12
13 Christopher Robert Levings
14 Christopher Robert Levings

15
16 Jessica Levings
17 Jessica Levings

18 STATE OF FLORIDA
19 CITY OF DELAND

20 The foregoing instrument was acknowledged before me by means of physical
21 presence or online notarization this 15TH day of FEBRUARY 2023
22 (mo/yr), by Christopher Robert Levings and Jessica Levings, , who are personally
23 known to me or who have produced _____ and
24 _____ as identification.



25
26 REGINA R. EPPLE
27 NOTARY PUBLIC, STATE OF FLORIDA
28 Type or Print Name:
29 REGINA R. EPPLE
30 Commission No.: _____
My Commission Expires: _____

EXHIBIT "A"
Legal Description

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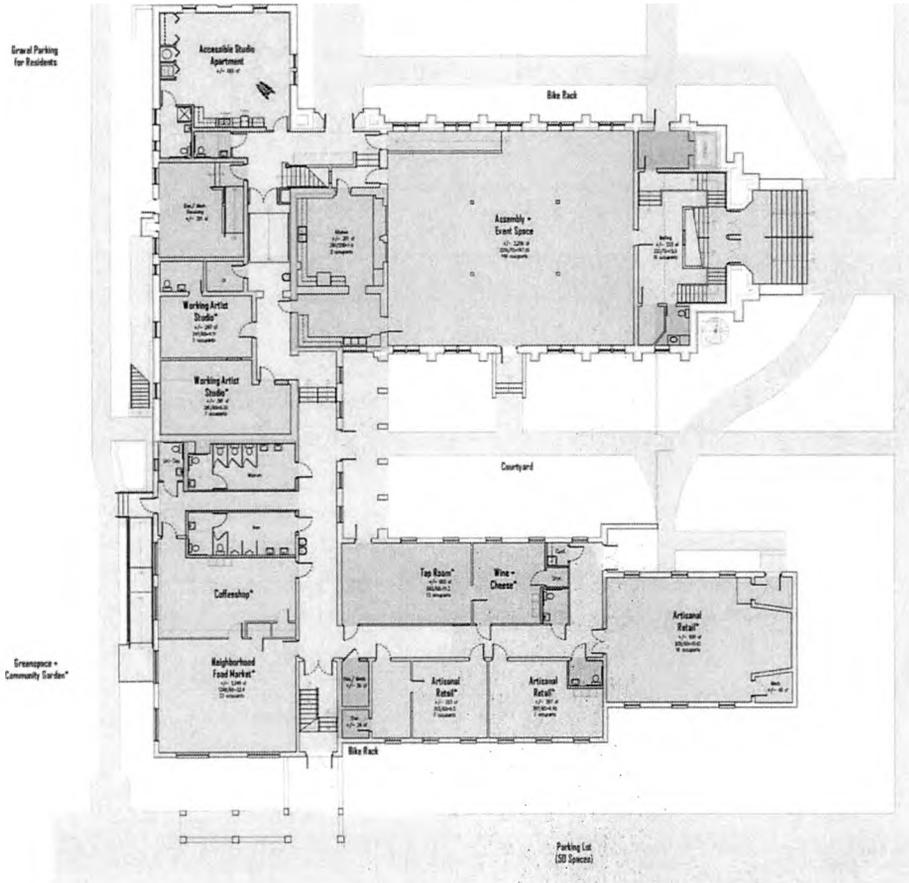
E 227.5 FT OF LOT A & E, 227.5 FT OF N 57 FT & S 75 FT OF LOT 8 BLK 7 RICHES
ADD DELAND

1.45 ACRES, MORE OR LESS

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EXHIBIT "B"

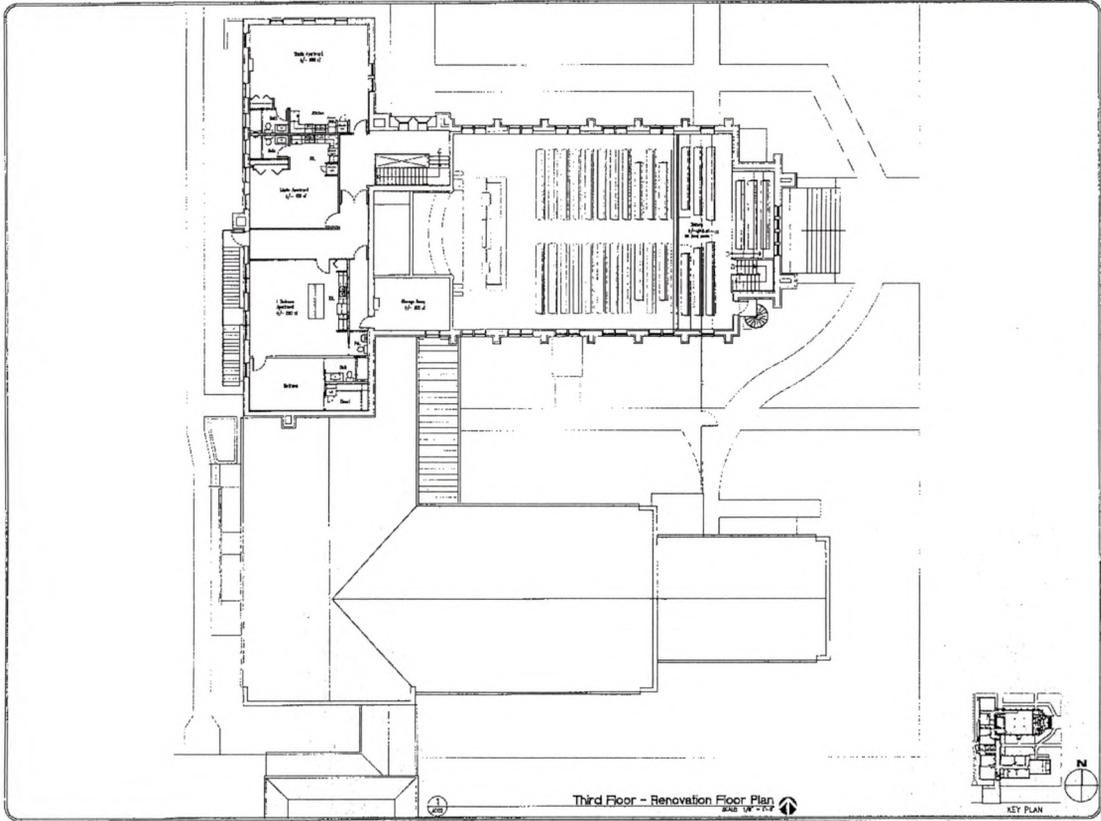
DEVELOPMENT PLAN



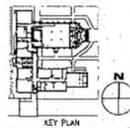
Programming_1st Floor
 * or other permitted uses

5

1



Third Floor - Renovation Floor Plan
300 W. Wisconsin Ave.



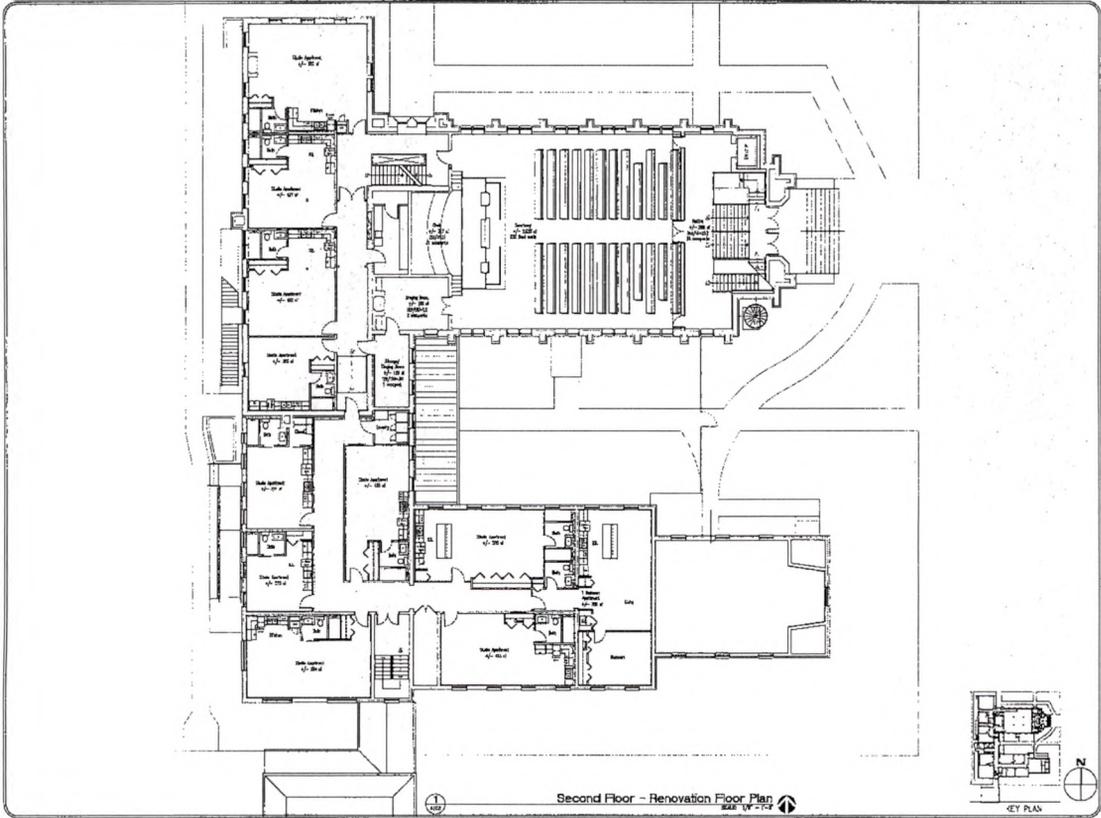
km
KIMMEL ENGINEERING & ARCHITECTURE

1100 N. West Chicago
Chicago, IL 60642
312.467.1000

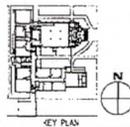
Project No. 17-00018
Date: 08/29/2017
Drawn By: MGL
Checked By: JWC

2nd Floor Renovation Plan
A103
Not For Construction

2



Second Floor - Renovation Floor Plan
300 W. Wisconsin Ave.



km
KIMMEL ENGINEERING & ARCHITECTURE

1100 N. West Chicago
Chicago, IL 60642
312.467.1000

Project No. 17-00018
Date: 08/29/2017
Drawn By: MGL
Checked By: JWC

2nd Floor Renovation Plan
A102
Not For Construction