

ORDINANCE 94-55

01/19/1995 10:13  
Instrument # 95007487  
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Page: 708

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA CHANGING THE ZONING FROM R-1, SINGLE FAMILY RESIDENTIAL DISTRICT, AND C-2, GENERAL COMMERCIAL DISTRICT, TO PD, PLANNED DEVELOPMENT DISTRICT, ON DESCRIBED PROPERTY LOCATED IN THE SOUTHWEST QUADRANT, FROM CLARA AVENUE ON THE WEST, TO WOODLAND BOULEVARD ON THE EAST, AND FROM DIVISION STREET ON THE NORTH, TO VOLUSIA AVENUE ON THE SOUTH; APPROVING A DEVELOPMENT PLAN FOR ALLIANCE COMMUNITY, A RESIDENTIAL PLANNED DEVELOPMENT CONSISTING OF APPROXIMATELY 19.6 ACRES OF PROPERTY; DIRECTING A CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT APPROVAL ON A DETERMINATION OF CONCURRENCY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

**WHEREAS**, The Alliance Community for Retirement Living, Inc. (hereinafter referred to as "the Applicant") owns a 19.6 acre parcel of land located in the southwest quadrant, from Clara Avenue on the west, to Woodland Boulevard on the east, and from Division Street on the north, to Volusia Avenue on the south, 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 from the present zoning classification of R-1, Single Family Residential District, and C-2, General Commercial District, to PD, Planned Development District; and

**WHEREAS**, said rezoning as a PD District 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 approval of a development plan for Alliance Community to encompass all of 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 Planned Development 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 Medium Density Residential and Mixed Commercial land use designations, which: encourage intensified development in outlying or newly developed areas for a variety of residential needs; encourage clustering of new development to promote shared facilities and access and to discourage

linear development along collector and arterial level roadways; permit energy and cost effective delivery of services; and, require properly designed ingress and egress to avoid undue traffic hazards or congestion;

**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 R-1, Single Family Residential District, and C-2, General Commercial District, to PD, Planned Development District.

**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 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 Report, Narrative, Maps and other supporting documentation submitted by the 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 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 5.** The approved Development Plan for Alliance Community, including the Development Plan Report, Maps and other supporting documentation (on file with the City Planning Department), are incorporated herein by reference and shall be amended to include the conditions as set forth in the document entitled "Conditions for the Approval of the Alliance Community Planned Development," which is attached hereto as Exhibit "B" and incorporated herein by reference.

**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 supercede comparable standards contained in the Code of Ordinances.

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**Section 7.** Pursuant to Article 5 of the City's Land Development Regulations, the Applicant shall comply with all applicable infrastructure regulations.

**Section 8.** The City Commission may rezone any phase of the Project which has not obtained a certificate of occupancy within five years from the date of adoption of this Ordinance.

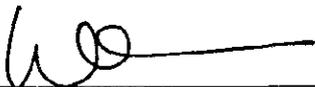
**Section 9.** The City Engineer, Planning Director and Building Department are hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

**Section 10.** 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 11.** 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 12.** This Ordinance shall become effective immediately upon its adoption.

**PASSED AND DULY ADOPTED** this 21st day of November, 1994.



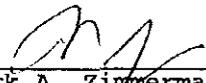
David C. Rigsby  
Mayor-Commissioner

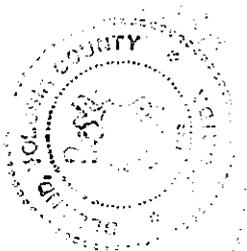
**ATTEST:**

  
Viola H. Ballentine  
City Clerk - Auditor

Passed on first reading: November 7, 1994  
Adopted on second reading: November 21, 1994

**APPROVED AS TO FORM AND LEGALITY:**

  
Mark A. Zimmerman  
City Attorney





**STEINMAN SURVEYING, INC.**  
professional land surveyors

COMPOSITE DESCRIPTION FOR THE  
ALLIANCE COMMUNITY FOR RETIREMENT LIVING, INC.  
Project Code No. 94060  
October 25, 1994

All of Block 31, Howry's Addition to DeLand, according to map in Map Book 1, Page 137, Public Records of Volusia County, Florida; AND

Lots 1 through 23, inclusive, Schuman's Subdivision of the North 1/2 of Block 32, Howry's Addition to DeLand, as recorded in Map Book 5, Page 194, Public Records of Volusia County, Florida; AND

Lots 22 through 24, inclusive, Block 2, Lots 1 through 6, inclusive, and Lots 9 through 12, inclusive, Block 3, and Lots 3 through 12, inclusive, Block 4, A.M. Kitchen's Redivision of the South 1/2 of Block 32, Howry's Addition to DeLand and of Block 197, City of DeLand, as recorded in Map Book 4, Page 103, Public Records of Volusia County, Florida, except that part of Lot 3, said Block 4, described as follows: Beginning at the southeast corner of said Lot 3, thence run northerly along the east line thereof a distance of 35 feet; thence westerly parallel with the south line of said Lot 3 a distance of 99.71 feet; thence southwesterly a distance of 49.50 feet to the southwest corner of said Lot 3; thence easterly along the south line of said Lot 3 to the Point of Beginning.  
AND

Lots 26, 27 and 29, Shimer's Subdivision of Block 25, Howry's Addition to DeLand, as recorded in Map Book 4, Page 68, Public Records of Volusia County, Florida; AND

Lots 1, 2 and 4, Subdivision of a part of Block 198, City of DeLand, as recorded in Map Book 8, Page 210, Public Records of Volusia County, Florida; AND

The Northerly 100 feet of the Easterly 150 feet of Block 198, City of DeLand, as recorded in Map Book 2, Page 45, Public Records of Volusia County, Florida; AND

That portion of Block 198, City of DeLand, as recorded in Map Book 2, Page 45, Public Records of Volusia County, Florida, described as follows: Beginning at a point on the South line of Winnemissett Avenue, said point being 150 feet West of the West line of Florida Avenue, run thence Southerly and parallel with the West line of Florida Avenue a distance of 106 feet; thence Westerly and parallel with the South line of Winnemissett Avenue a distance of 94 feet; thence Northerly and parallel with the West line of Florida Avenue a distance of 106 feet to a point on the South line of Winnemissett Avenue; thence Easterly along said South line a distance of 94 feet to the Point of Beginning; AND

That portion of Block 198, City of DeLand, as recorded in Map Book 2, Page 45, Public Records of Volusia County, Florida, described as follows: Commencing at a point on the South line of Winnemissett Avenue, said point being 150 feet West of the West line of Florida Avenue, run thence Southerly and parallel with the West line of Florida Avenue a distance of 106 feet to the POINT OF BEGINNING; thence continue Southerly and parallel with the West line of Florida Avenue a distance of 100 feet; thence westerly and parallel with the South line of Winnemissett Avenue a distance of 94 feet; thence Northerly and parallel with the West line of Florida Avenue a distance of 100 feet; thence Easterly and parallel with the South line of Winnemissett Avenue a distance of 94 feet to the Point of Beginning, less and except the South 3 feet thereof; AND

The South 3 feet of the West 94 feet of the East 244 feet of the North 209 feet of Block 198, City of DeLand, as recorded in Map Book 2, Page 45, Public Records of Volusia County, Florida; AND

That portion of Block 198, City of DeLand, as recorded in Map Book 2, Page 45, Public Records of Volusia County, Florida, described as follows: Commencing at the Northeast corner of said Block 198, being at the center of West Winnemissett Avenue and South Florida Avenue, run thence South 234.0 feet to a point; thence West 145 feet to the POINT OF BEGINNING; run thence West 132 feet to a point; run thence South 60 feet to a point; run thence East 132 feet to a point; run thence North 60 feet to the Point of Beginning; AND

The North 60 feet of the South 210 feet of the West 132 feet of the East 244 feet of Block 198, City of DeLand, as recorded in Map Book 2, Page 45, Public Records of Volusia County, Florida; AND

The Westerly 100 feet of the Easterly 364 feet of the North 150 feet of Block 198, City of DeLand, as recorded in Map Book 2, Page 45, Public Records of Volusia County, Florida; AND

The South 50 feet of the North 225 feet of the West 100 feet of the East 397 feet of Block 198, City of DeLand, as recorded in Map Book 2, Page 45, Public Records of Volusia County, Florida; AND

The South 100 feet of the North 300 feet of the West 100 feet of the East 364 feet of Block 198, City of DeLand, as recorded in Map Book 2, Page 45, Public Records of Volusia County, Florida; AND

The North 79.39 feet of the South 309.39 feet of the West 100 feet of the East 364 feet of Block 198, City of DeLand, as recorded in Map Book 2, Page 45, Public Records of Volusia County, Florida; AND

The North 1/2 of the East 75.5 feet of the West 218.5 feet of Block 198, City of DeLand, as recorded in Map Book 2, Page 45, Public Records of Volusia County, Florida.

CONDITIONS FOR THE APPROVAL OF THE  
ALLIANCE COMMUNITY PLANNED DEVELOPMENT

It is recommended that the Commission approve the proposed Planned Development Ordinance for the Alliance Community with the following conditions:

1. The applicant provide a traffic impact study for any deviation from the development in Phase 1 resulting in additional traffic impact or for which a building permit is applied for on or after March 1, 1997 and all development proposed in Phase 2
2. For Phase Two, any development, other than the 121 new residential units identified in the approved PD document, will require an amendment to the ordinance and development plan.
3. In Section 7, Generalized Landscaping Plan, delete the existing text and revise as follows:

"The development of the campus will meet or exceed the applicable requirements of Section 33-92 of the City of DeLand Land Development Regulations, except in the following locations:

- a. That portion of the southeastern boundary of Phase One abutting the existing commercial development shall be buffered from the adjacent property by a minimum 6' high fence constructed on the property line.
  - b. That portion of the northwestern boundary of Phase One abutting the existing single family residence shall have a minimum 7.5' landscape buffer and a maximum 8' high opaque screening on the property line between the subject property and the existing residence."
4. In Section 10, Development Standards, for the Planned Development, paragraph B, Residential Density, delete the existing text and revise as follows:

"For the proposed development, the maximum number of dwelling units shall be determined by the maximum number of dwelling units per acre allowed by the land use designation(s), which is 12 units per acre, multiplied by the gross acreage. The beds of the skilled nursing facility and the assisted living units shall not be counted toward the total number of dwelling units. The

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Diane M. Matousek  
Volusia County, Clerk of Court

existing 114 dwelling units (66 single family residences and duplexes and the 48 apartments) shall be counted as part of the total 235 dwelling units permitted within the development. Dwelling units may be distributed throughout the entire development."

5. If the City requires any utility lines to be relocated, at his own expense, the applicant will relocate any utility lines located within the Palmetto Avenue right-of-way, between Winnemissett and Armstrong.
6. Concur with the proposed language of the PD ordinance which reads, "The City Commission may rezone Phase One of the project if all work has not obtained a certificate of occupancy by April 30, 1997 and Phase Two of the project if all work has not obtained a certificate of occupancy by April 30, 2000."
7. Revise the PD report to read:

"The acreage of the Alliance Community may increase not to exceed five (5) acres without the Planned Development being revised".

Based upon the concurrency requirements of the State of Florida and the City's concurrency management plan, approval of the proposed rezoning does not automatically provide vested development rights. At the time the developer applies for a development permit, adequate infrastructure must exist to support the proposed development. If such infrastructure does not exist, the developer may be required to incur additional expense to ensure that the necessary infrastructure is provided.

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007487

## DEVELOPMENT PLAN REPORT

### ALLIANCE COMMUNITY FOR RETIREMENT LIVING, INC.

This information is submitted in support of the proposed Alliance Community for Retirement Living planned development pursuant to section 33-133(B)(5), City of DeLand land development regulations.

#### 1. Purpose and Intent of the Project

The Alliance Community is a multi-level continuing care retirement facility. Four different levels of service are offered: independent living cottages, congregate living apartments, assisted living, and skilled nursing care. These service levels are fully integrated, designed to serve senior adults as their needs change through the aging process. The Community holds licenses as a CCRC under Chapter 651, Florida Statutes; as an adult congregate living facility; and as a skilled nursing facility. The planned development zoning designation provides an ideal and flexible zoning designation for the unique, comprehensive and varied service package that a retirement community of this nature provides. Some of the services offered are unique to each level of service and some are integrated across all levels of service. Services available to all residents include recreational activities; social services; spiritual services; accounting and business services; grounds care and security. Services unique to each area of service include: 1. Private cottages - home maintenance, 2. Apartments - meals, housekeeping and laundry services, 3. Assisted Living - personal care and assistance with medications, 4. Skilled nursing care - nursing services delivered by health professionals such as licensed nurses, certified nursing assistants, registered dietician, physicians, and physical and occupational therapists.

The project, which will expand the program of services described in the preceding paragraph, will be completed in two or more phases as follows:

- a. **Phase One:** Phase one will be health care expansion. The health care expansion site, within the Community's 18 acre campus, and as noted on the development plan map, is bounded by South Woodland to the east, Armstrong to the north, S. Florida to the west and Winnemissett to the south. Health care expansion is comprised of three components: (1) A 120 bed licensed skilled nursing facility comprised of 60 general nursing care beds, 40 alzheimer care beds, (housed in a distinct care unit), and, 20 sub-acute beds. Also included within this facility are physical, occupational, speech and hearing therapy spaces.

This two story facility is approximately 50,000 square feet. (2) A new central kitchen of approximately 3,000 square feet. This facility, connected to and located between the new skilled nursing facility and the existing nursing home, will provide meals for all areas of the Alliance Community. (3) The existing nursing center of 60 beds (12,200 sq. feet) will be converted to provide 16 additional assisted living suites. Also housed within this facility will be an adult day care program.

Available land constraints and nursing facility design criteria requires that the SNF building straddle the 600 block of Palmetto Street east and west. The Alliance Community has acquired all contiguous properties. Therefore with this application ACRL requests that the City abandon the 600 block of Palmetto to The Alliance Community. This application to vacate is compatible with city criteria in that the requested vacation is: (1) consistent with the Traffic Circulation Element of the City Comprehensive Plan; (2) The right-of-way does not provide the sole access to any property and remaining access shall not be by easement; (3) The vacation will not jeopardize the current or future location of any utility; (4) The proposed vacation is not detrimental to the public interest, and provides a positive benefit to the city in that storm water will be managed on site, there is no negative circulation impact, the city must no longer maintain the street, the property will generate storm water utility fees under this arrangement, and, significant additional health care facilities and services will be available to the City of DeLand because of this development.

Phase one development will contain additional parking, sidewalks and landscaped outdoor areas which support the proposed health care programs.

Other existing retirement facilities of the Alliance Community which will continue include: (1) a 30 bed assisted living facility. (2) an apartment complex housing 66 garden style apartments with four different floor plans. (3) 48 private cottages and duplexes ranging in size from 1 bedroom, 1 bath (650 sq. feet) to 3 bedroom, 2 bath (1,450 sq. feet).

- b. **Phase Two:** Phase two development will be expansion of independent living units. This expansion is primarily targeted for the area (see development plan map) bounded by South Woodland to the east, Hubbard to the north, South Florida to the west and Armstrong to the south. This expansion is envisioned to be apartments housed in a mid-rise structure which would not exceed height standards of

present development regulations pursuant to Article 8 of the City's land development regulations. In addition, single story villa units (2 bedroom, 2 bath) will be considered. Mix and number of units constructed will be based on market demand and density limits of the planned development.

Additional common spaces are also proposed for this phase and would include a multi-purpose auditorium, activity room, lounge, library, offices and possibly additional dining space. These common spaces would be constructed on both sides of Armstrong Street at South Florida. This development would be contingent upon control of all contiguous land, street abandonment and city approval of an amendment to the planned development.

An existing two story building on the northwest corner of South Florida and Winnemissett, an historical building, would be renovated into a Wellness Center and an adjacent pool installed to the north. New maintenance facilities including a storage warehouse would be constructed in the 500 block of South Florida. Also envisioned for this area is a child day care center. Parking and landscaping supporting this phase would also be provided.

Additional independent living units of different types (mid-rise apartments, duplex, triplex, quadplex or single family dwellings) may also be constructed within this phase, or subsequent phases, in the area bounded by South Florida to the east, Hubbard to the north, Clara to the west and Winnemissett to the south. Finally, additional ILU units - (duplex, triplex, quadplex or single family) may be developed, based on market demand and density limits, on the east and west sides of the 700 block of South Florida and Sans Souci Avenues, on land that the Alliance Community now owns or would purchase in the future. If additional land is purchased, the Community would seek to amend the boundaries of the planned development.

2. Planned Development Compliance with City's Comprehensive Plan:

The Alliance Community campus is located within an area of mixed commercial and medium density residential designations. A wide variety of uses are permitted within such areas including convalescent centers, residential facilities and adult congregate living facilities. Therefore, the uses proposed within the Alliance Community planned development are comparable with the intent of the mixed commercial and medium density residential land use designations.

3. Statement of Internal and External Land Use Relationships and Compatibility

The proposed development is on land which has been utilized for single family houses, a small automotive shop, and a retirement center featuring independent living, assisted care, and skilled nursing facilities. It is bounded on the west by small to moderate single family dwellings, on the north and south by small older single family houses characterized by neighborhood decline, and on the east and north by commercial properties comprised of a small insurance office, an Adult Congregate Living Facility, a printing company and other single merchant shops.

Whereas, the Alliance Community for Retirement Living has been situated on the westerly part of this proposed development for 40 years, this development will be an expansion and upgrading but does not constitute a major change of usage as it relates to both the internal and external land use relationships and compatibility.

Hence, the proposed development is compatible in relationship to both the present internal land use as well as the external land use and should have a positive renewal effect upon the surrounding community.

4. Plan for Pedestrian, Bikeway and Vehicular Circulation

A traffic impact study, conducted by Traffic Planning and Design, Inc., is submitted as part of this application. The study examines existing roadway/traffic characteristics as well as the traffic impact of the proposed development.

5. Statistical Information

- a. Total site area: 19.6 acres
- b. The maximum building coverage in the planned development will be 30%.
- c. The maximum impervious surface in the planned development will be 50%.
- d. The residential density for the planned development will be 12 units per acre.
- e. The total number of residential dwelling units on the acreage included in the planned development will not exceed 235.

f. The non-residential uses are accessory type uses to the primary retirement living use. These include: Skilled Nursing, Assisted Living, Adult Day Care, Dining, Administrative Offices, Outdoor Recreation Areas, Parking, etc.

The only non-accessory type use is the proposed Child Day Care program projected as part of the Phase II effort. In addition to supporting staff members who need such a service, the program will serve the community at large.

g. The specific acreage for each use is:

1) Residential, including accessory uses: 19.36 acres

2) Non-residential (child day care ): .24 acre

h. Land devoted to public areas: non-applicable.

#### 6. Drainage Concept Plan

The drainage system will be designed and constructed to meet all applicable discharge and treatment requirements of the City of DeLand and the St. Johns River Water Management District.

#### 7. Generalized Landscaping Plan

The development of the campus will meet or exceed the applicable requirements of the City of DeLand Land Development Regulations for Landscaping, Article 8, Section 33-92. It is proposed that the required 10-foot landscape buffer be waived along the western boundary of the commercial property located at the northwest corner of the intersection of Woodland Boulevard and Winnemissett Avenue. This is the only location where the proposed planned development abuts a commercial property. The required buffer will be provided along the northern edge of this property.

#### 8. Design Standards for Street and Off-Street Parking

Design standards for newly constructed vehicular circulation, parking and loading facilities will be consistent with appropriate sections of the City of DeLand Land Development Regulations. The number of parking spaces will be computed as follows:

Independent Living Units:	0.5 spaces/unit*
Skilled Nursing Beds:	1.0 space/4 beds
Assisted Living Units:	1.0 space/4 beds

All spaces required by these formulae will be paved. The excess spaces which may be provided will be unpaved.

\* Historical data has determined that this is a realistic need for this population.

9. Development Schedule

	<u>Item</u>	<u>Schedule</u>
a)	Phase One	
(1)	Preconstruction Activity (Development of construction plans, finalization of financing, zoning and AHCA plan approvals, local permitting)	Oct. 1994 - Feb. 1995
(2)	New Construction (120 bed skilled nursing facility & central kitchen)	March 1995 - Feb. 1996
(3)	Obtain State licensure and local certificates of occupancy; open SNF and kitchen.	March 1996
(4)	Remodel existing nursing facility for assisted living and adult day care.	April 1996 - June 1996
(5)	Obtain State licensure and local certificate of occupancy; Open remodeled facility.	July 1996
b)	Phase Two: *	
(1)	Independent living pre-construction activity.	To be determined
(2)	Construct independent living apartments and villas	To be determined
(3)	Obtain state and local certificates of occupancy.	To be determined
(4)	Construct independent living common space areas.	To be determined
(5)	Obtain local certificate of occupancy.	To be determined

\* A schedule for this phase has not been determined and will ultimately be based on market demand and financial feasibility studies.

10. Development Standards for the Planned Development

Conditions existing at the time of submission as shown on the accompanying certified survey will remain in place.

New development will adhere to the following development standards:

- a) Setbacks: At perimeter, per setback requirements of abutting district -

Front (Woodland) = 20'  
Rear (Clara) = 25'  
Side = 7.5'

Building setbacks and space between buildings will be consistent with the City of DeLand Land Development Regulations for planned development zoning except that setbacks along the west and northwest sides of the property located on the northwest corner of the intersection of Woodland Boulevard and Winnemissett Avenue will be zero feet (0').

- b) Residential Density: For the proposed development, the maximum number of dwelling units shall be determined by the maximum number of dwelling units allowed by the land use designations, which is 12 dwelling units per acre or a maximum of 235. The beds or units of skilled nursing, assisted living and ACLF facilities, and, other support facilities shall not be counted as dwelling units but may be counted as acreage for the purpose of determining density. Dwelling units may be distributed throughout the entire development.
- c) Impervious Surface Ratio: 50%
- d) Building Heights: 70' maximum
- e) Right of Way and Paving Width: No public streets are planned within the Planned Development. Sidewalks will be constructed in accordance with 33090.04 of the City of DeLand Land Development Regulations.

- f) Utilities: Utilities provided by the City of DeLand are adequate for the present facilities and proposed development. All utilities will be installed consistent with City of DeLand Land Development Regulations.

11. Additional Development Regulations

- a) The issuance of all final development orders for the Alliance Community shall be subject to a determination of concurrency.
- b) Any deviation of more than eight months from the proposed phasing schedule will require a revision to the PD plan.
- c) All traffic impact, environmental and other studies, required by the City at the time of subdivision and/or site plan review, will be reviewed by a consultant of the City's choosing. The developer will reimburse the City for the cost of such reviews.
- d) Unless identified in the PD report, the development of the subject property, site plan and/or subdivision, shall comply with all relevant development standards adopted at the time of the site plan or subdivision.

WEST DIVISION STREET

7.5' SIDE YARD SETBACK  
MAINTENANCE  
PHASE II

DAY CARE  
PHASE II

WEST HUBBARD AVENUE

INDEPENDENT LIVING  
(INCLUDING PARKING & RETENTION)

COMMONS  
PHASE II

PHASE II

ARMSTRONG STREET

MAIN ENTRANCE

SKILLED NURSING  
AND CENTRAL KITCHEN  
(INCLUDING PARKING & RETENTION)

PHASE I

ASSISTED LIVING /  
ADULT DAY CARE

PALMETTO  
(ABANDONED)

WEST WINNEMISSETT AVENUE

PARKING

SOUTH PALMETTO AVENUE

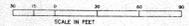
PROPOSED PLANNED DEVELOPMENT

- LAND AREA = 19.6 ACRES
- AVERAGE RESIDENTIAL DENSITY = 12 DU/ACRE
- TOTAL DWELLING UNITS = 235 (INCLUDING EXISTING)
- MAXIMUM BUILDING COVERAGE = 30%
- MAXIMUM IMPERVIOUS AREA = 50%



the Alliance  
Community  
for RETIREMENT LIVING,  
DeLAND, FLORIDA **HHCP**

Helman Hurley Charvat Peacock/Architects, Inc.  
October 7, 1994



PLANNED DEVELOPMENT MASTER SITE USE PLAN

SOUTH CLARA AVENUE

25' REAR YARD SETBACK

INDEPENDENT LIVING  
(EXISTING)

ADMINISTRATION  
/ DINING

A.L.U.  
(EXISTING)

RECREATION  
PHASE II

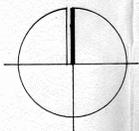
SOUTH FLORIDA AVENUE

INDEPENDENT LIVING  
(EXISTING)

SOUTH SAN SOUCI AVENUE

7.5' SIDE YARD SETBACK

WEST VOLUSIA AVENUE



RECEIVED  
OCT 10 1994



ORDINANCE 97-10

06/26/1997 13:11  
Instrument # 97105510  
Book: 4213  
Page: 1572

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, AMENDING ORDINANCE NO. 94-55 WHICH APPROVED THE DEVELOPMENT PLAN FOR THE ALLIANCE COMMUNITY PD, BY AMENDING THE PLANNED DEVELOPMENT DOCUMENT WHICH WAS ATTACHED TO AND INCORPORATED BY REFERENCE IN ORDINANCE NO. 94-55 REGARDING MINIMUM SETBACK REQUIREMENTS TO ALLOW FOR CANOPY STRUCTURES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, The Alliance for Retirement Living, Inc. (the applicant) has suggested an amendment to the Alliance Community Development Plan (hereinafter the "Plan") regarding minimum setback requirements for the perimeter of the development; and

WHEREAS, the proposed amendment to the Plan will allow for canopy structures within setback areas upon certain conditions, thereby providing shade and protection from the elements for the elderly residents; and

WHEREAS, the proposed amendment will not have a detrimental effect on surrounding properties and it is in the best interests of the City to grant the requested amendment to the Alliance Community Development;

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

**Section 1.** City of DeLand Ordinance No. 94-55, approving the Development Plan for the Alliance Community PD, is hereby amended by adding the following language to the existing text of Section 10(a) of the Development Plan:

Canopies, not exceeding twelve (12) feet in width and ten (10) feet in height, may be permitted in front, rear and side yard setback areas, as long as there is a minimum separation of seven and one-half (7-1/2) feet between the canopy and an adjacent property not owned by the Alliance Community and as long as the City Fire Marshall determines that such canopy does not create restricted access for emergency vehicles.

This amended language shall supersede any similar or conflicting provisions of the Planned Development Document.

**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.** All ordinances, or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

**Section 4.** This Ordinance shall become effective immediately upon its adoption.

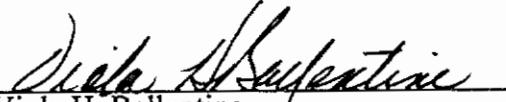
BOOK: 4213  
PAGE: 1573  
Diane H. Matousek  
Volusia County, Clerk of Court

PASSED AND DULY ADOPTED this 17th day of February, 1997.



David C. Rigsby  
Mayor - Commissioner

ATTEST:



Viola H. Ballentine  
City Clerk - Auditor

Passed on first reading: February 3, 1997  
Adopted on second reading: February 17, 1997

APPROVED AS TO FORM AND LEGALITY:



Mark A. Zimmerman  
City Attorney



**ORDINANCE 97-35**

08/28/1997 14:19  
Instrument # 97143277  
Book: 4230  
Page: 695

**AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, AMENDING ORDINANCE NO. 94-55 WHICH APPROVED THE DEVELOPMENT PLAN FOR THE ALLIANCE COMMUNITY PD, AS SUBSEQUENTLY AMENDED BY ORDINANCE NO. 97-10, BY AMENDING THE PLANNED DEVELOPMENT DOCUMENT WHICH WAS ATTACHED TO AND INCORPORATED BY REFERENCE IN ORDINANCE NO. 94-55 REGARDING RECREATIONAL AREA REQUIREMENTS AND THE THRESHOLD FOR SUBMISSION OF A CLASS III SITE PLAN; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS,** The Alliance for Retirement Living, Inc. (the applicant) has suggested an amendment to the Alliance Community Development Plan (hereinafter the "Plan") regarding recreational area requirements and the threshold requirements for submission of a Class III site plan; and

**WHEREAS,** the proposed amendment to the Plan will allow for expansion of the recreational area, and for the completion of small (500 square feet or less) additions and/or improvements without submission of a Class III site plan; and

**WHEREAS,** the proposed amendment will not have a detrimental effect on surrounding properties and it is in the best interests of the City to grant the requested amendment to the Alliance Community Development;

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

**Section 1.** City of DeLand Ordinance No. 94-55, approving the Development Plan for the Alliance Community PD, as subsequently amended by Ordinance No. 97-10, is hereby amended by adding to the Development Plan the language as shown on the attached Exhibit A,

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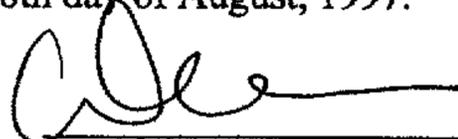
which is by this reference incorporated herein. This amended language shall supersede any similar or conflicting provisions of the Planned Development Document.

**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.** All ordinances, or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

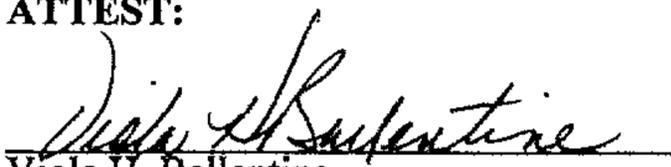
**Section 4.** This Ordinance shall become effective immediately upon its adoption.

**PASSED AND DULY ADOPTED** this 18th day of August, 1997.



David C. Rigsby  
Mayor - Commissioner

**ATTEST:**



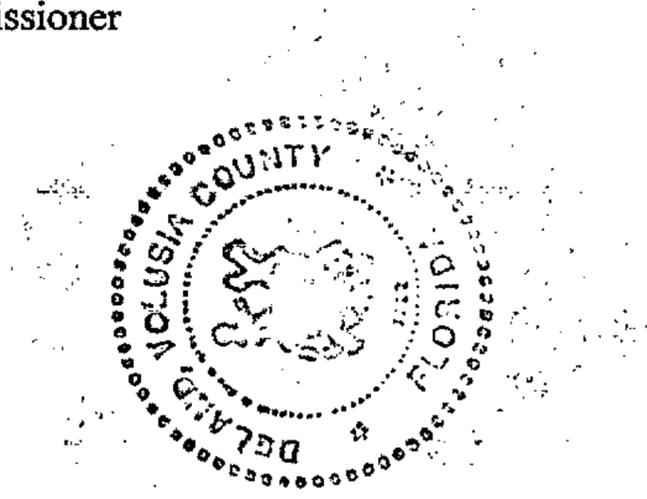
Viola H. Ballentine  
City Clerk - Auditor

Passed on first reading: August 4, 1997  
Adopted on second reading: August 18, 1997

**APPROVED AS TO FORM AND LEGALITY:**



Mark A. Zimmerman  
City Attorney



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PAGE: 697

Diane M. Matousek  
Valusia County, Clerk of Court

EXHIBIT A

CONDITIONS FOR THE AMENDMENT OF THE ALLIANCE COMMUNITY PD PLAN

1. There will be a 6' high fence between the proposed recreation area and the single family residences along the east side of Clara
2. Any structure within the proposed recreation area will have a minimum 10' setback from the western property.