

ORDINANCE NO. 2002 - 20

10/30/2002 12:14
Instrument # 2002-249000
BOOK: 4954
PAGE: 4611

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, CHANGING THE ZONING FROM COUNTY R-3 (URBAN SINGLE FAMILY RESIDENTIAL) TO PD (PLANNED DEVELOPMENT) ON DESCRIBED PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF HILL AVENUE AND BERESFORD AVENUE; APPROVING A DEVELOPMENT PLAN FOR THE WOODS AT SOUTHRIDGE, A RESIDENTIAL PLANNED DEVELOPMENT CONSISTING OF APPROXIMATELY 9.28 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 owner, Michael Murray, (hereinafter referred to as "Applicant"), owns a 9.28 acre parcel of land located at the Northeast corner of the intersection of Hill Avenue and Beresford 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, Applicant has applied for a change of zoning from the present zoning classification of County R-3, Urban Single Family Residential, 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, Applicant has submitted an application for approval of a development plan for the Woods at Southridge 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 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 Low Density Residential land use designation which: encourages intensified development in outlying or newly developed areas for a variety of residential needs; encourages clustering of new development to promote open space; permits energy and cost effective delivery of services; and, requires 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 County R-3, Urban Single Family Residential, 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 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 the Woods at Southridge including the Development Plan Report, Narrative, Maps and other supporting documentation (on file with the City Planning Department), are incorporated herein by reference and 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. 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 portion of the Project which has not obtained a final development order 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.

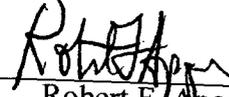
Section 10. No rights to obtain final development orders nor any rights to develop the property have been granted or implied by this Ordinance. Final development orders for the property including, but not limited to, subdivision and site plan approval shall be subject to a determination of concurrency.

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. The effective date of this Ordinance shall be the later date of the following events: (1) the date of issuance of a certificate of consistency or conditional certificate of consistency with regard to the land use designation of the subject property by the Volusia Growth Management Commission; (2) thirty-one (31) days after its adoption by the City Commission; or (3) if properly challenged by an affected person, after the state land planning agency or the Administration Commission, respectively, issues a final order determining this adopted small scale development amendment to be in compliance. No development orders, development permits or land uses dependent on this Ordinance may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this Ordinance may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

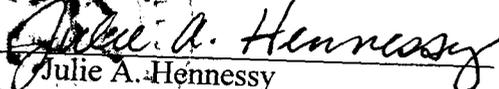
PASSED AND DULY ADOPTED this 15th day of July, 2002.

BOOK: 4954
PAGE: 4613



Robert F. Apgar
Mayor-Commissioner

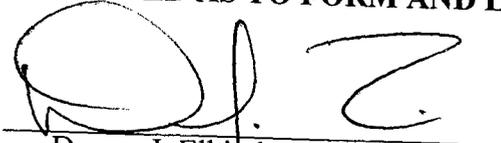




Julie A. Hennessy
City Clerk - Auditor

Passed on first reading: July 1, 2002
Adopted on second reading: July 15, 2002

APPROVED AS TO FORM AND LEGALITY:



Darren J. Elkind
City Attorney

Duplicate

Woods @ Southridge PD

EXHIBIT "A"

BOOK: 4954
PAGE: 4614
Diane M. Matousek
Volusia County, Clerk of Court

LEGAL DESCRIPTION:

THE SOUTH WEST 1/4 OF THE SOUTH WEST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 15, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA; SUBJECT TO THOSE CERTAIN EASEMENTS AND PHOSPHATE, MINERAL METAL AND PETROLEUM INTERSECTS HELD BY THE TRUSTEE OF THE INTERNATIONAL IMPROVEMENT FUND OF THE STATE OF FLORIDA RECORDED IN DEED BOOK 315, PAGE 516, AND DEED BOOK 440, PAGE 401, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; AND BEING SUBJECT TO BERESFORD AVENUE RIGHT-OF-WAY; AND BEING SUBJECT TO HILL AVENUE RIGHT-OF-WAY; AND BEING SUBJECT TO THAT CERTAIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 435, PAGE 283 PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; AND ALSO BEING SUBJECT TO ANY AND ALL OTHER RESTRICTIONS AND RESERVATIONS OF RECORD AND ALL ZONING ORDINANCES AND REGULATIONS.

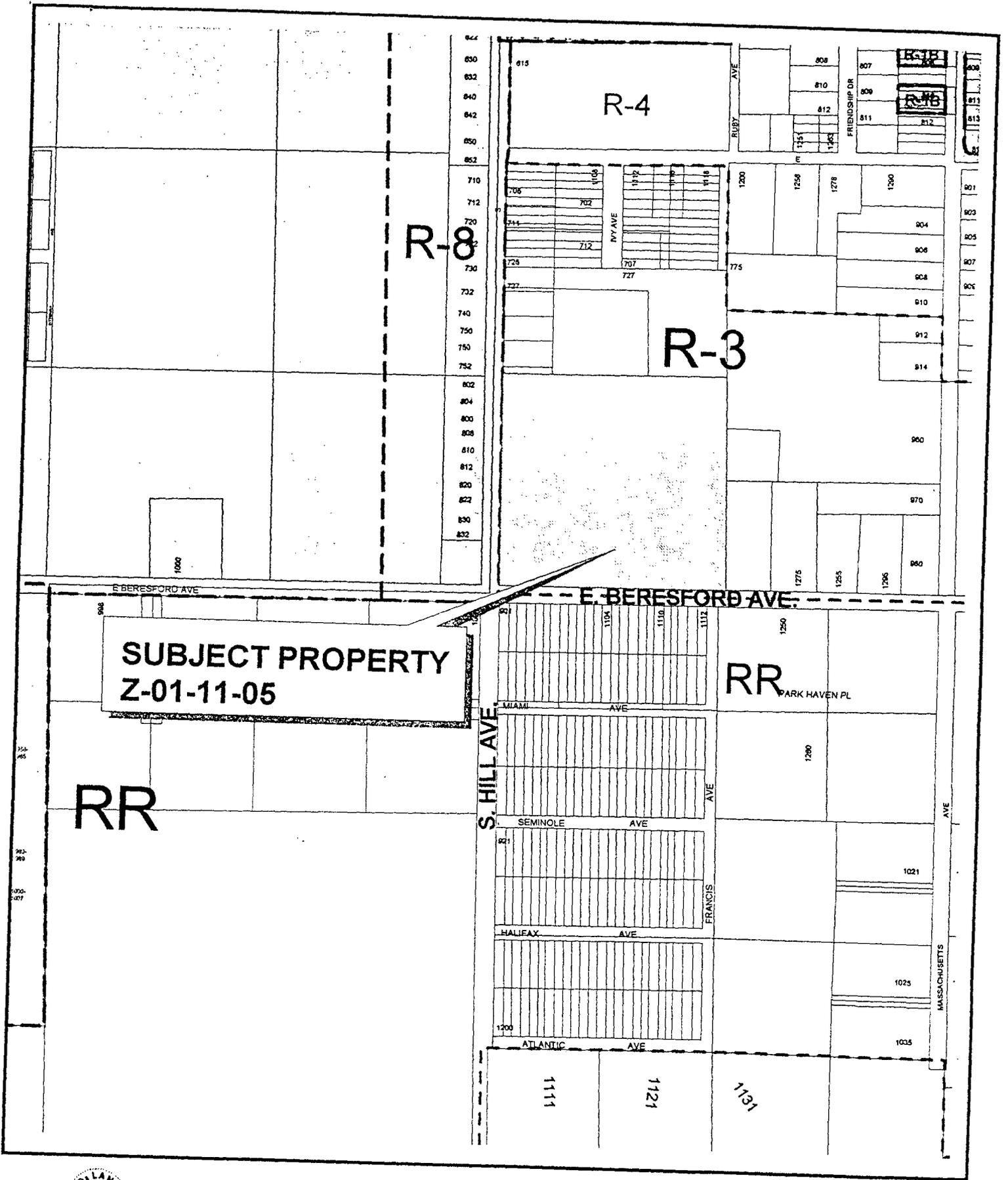
CONTAINING HEREIN 9.28 ACRES.

RE-SUBMITTAL OF
Z-01-06-03

RECEIVED

NOV 21 2011

2011-05



Faith, Hope, & Charity

City of DeLand
12/19/01
Planning Board

 City Limits

Z-01-11-05



**NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF DELAND, FLORIDA**

NOTICE IS HEREBY GIVEN that there will be a Public Hearing on the following ordinance on Monday, July 15, 2002, at a regular meeting of the DeLand City Commission. The meeting will take place at 7:00 P.M. in the City Commission Chambers, 121 West Rich Avenue, City Hall Annex. All interested parties are invited to attend and be heard on the matter.

Any person who appeals any decision made by the City Commission with respect to any matter considered at this meeting will need a record of the proceeding and, thus, may need to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which an appeal may be based.

The original of the ordinance is on file in the office of the City Clerk and may be inspected Monday through Friday from 8:00 A.M. to 4:30 P.M.

ORDINANCE NO. 2002 - 20

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Please publish the above legal advertisement one time on the following date: Friday, July 5, 2002; and send proof of publication to:

City Clerk
City of DeLand
120 South Florida Avenue
DeLand, FL 32720

The News-Journal

Published Daily and Sunday
Daytona Beach, Volusia County, Florida

**State of Florida,
County of Volusia:**

Before the undersigned authority personally appeared

Kathleen Mayes

Who, on oath says that she is

Classified Sales Manager

of The News-Journal, a daily and Sunday newspaper,
published at Daytona Beach in Volusia County, Florida;
that the attached copy of advertisement, being a
Notice of Public Hearing

in the matter of Ordinance No. 2002-20

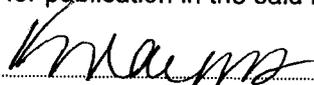
the

Court was

published in said newspaper in the issues

July 5, 2002

Affiant further says that The News-Journal is a newspaper published at Daytona Beach, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida, each day and Sunday and has been entered as second-class mail matter at the post office in Daytona Beach, in said Volusia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



Sworn to and subscribed before me

this 5th day of July

A.D. 2002



LEGAL ADVERTISEMENT

**NOTICE OF PUBLIC HEARING
CITY COMMISSION**

CITY OF DELAND, FLORIDA.
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Legal L48275, July 5, 2002 lt.

RECEIVED

Woods at Southridge

PROJECT NARRATIVE

MAY 23 2002
Z-01-11-05
CITY DEVELOPMENT

Revised

LOCATION AND DESCRIPTION

The Woods at Southridge (the Project) is a 9.28 acre parcel of land located at the northeast corner of the intersection of East Beresford Avenue and South Hill Street. The Project has recently been annexed into the City of DeLand; a condition of the annexation being that maximum density for the Project will be capped at no more than 4 dwelling units per acre. A Comprehensive Plan Land Use amendment and Planned Development rezoning application have been filed with the City and will subject the Project to regulation by the current City of DeLand Land Development Regulations (LDR), and the City's Comprehensive Plan.

The Project is heavily wooded with a mature canopy of mixed hardwoods predominated by Live Oak and Laurel Oak. Understory growth is sparse throughout most of the site with the exception of the southwest corner where some moderate vegetation occurs. The site has significant topographic relief, ranging in elevation from a high of 75 at the northwest property corner to a low of elevation 50 in the depressional area north of the intersection of Beresford and Hill. Stormwater runoff in the predeveloped condition appears to flow south and west to the previously mentioned depression. According to Volusia County's Soils Survey as well as a geotechnical report prepared by Qore Property Sciences, Inc., the in situ soils are excessively well drained and should pose no difficulties in achieving the proposed development plan.

The City of DeLand, and the immediate vicinity of this project continue to be a desirable community for residential development as growth continues to expand from the traditional City core as well as eastward from the Interstate 4 corridor. A companion development project, known as Southridge Pointe, at the southwest corner of the Beresford Avenue/Hill Street intersection is proposing a similar residential product. The proposed development of this Project is a natural progression of the current and foreseeable growth trends in this area.

DEVELOPMENT CHARACTER

The proposed Project is intended to be developed as a small enclave of secluded homesites in a heavily wooded setting. Sidewalks will be provided as required by the LDR along the rights-of-way of Beresford and Hill adjacent to the Project as well as internal to the development. Layout of the internal sidewalks will be coordinated with the design of the roadway and lot grading plans in an effort to preserve existing trees and may involve areas of sidewalk easements within front yard setbacks of lots.

OPEN SPACE/TREE PRESERVATION

Every effort will be made to preserve as many of the existing canopy trees as possible. This is reflected on the current Preliminary Plan which depicts large areas of tree preservation at the southwest corner of the site. This area is being preserved, in accordance with the LDR, by incorporation into a dry bottom retention pond. No changes in grade are proposed at this time

to this area in order to preserve the trees. Additionally, a minimum twenty-five foot wide, undisturbed landscape buffer is proposed along the north and east property boundaries which abut existing large tract, rural residential properties. This buffer area contains approximately fifty-four or more existing trees which are to be preserved via the landscape buffer easement. Additional xeric landscape plantings will be proposed as well to augment the screening capabilities of the buffer in order to reduce sight lines into the Project from adjacent properties. A fifteen foot wide buffer is proposed adjacent to the south and west property boundaries as required by the LDR

The Project is proposing to provide open space both in a common ownership tract (the retention pond/tree preservation area) as well as in the form of landscape buffer easements for a project total of 3.30 acres.

DEVELOPMENT SCHEDULE

The development of the Project infrastructure is proposed to occur as one phase, with individual lot build out expected to occur over a period of a number of years following certification of completion of the subdivision.

PROJECTED AD VALOREM TAXES

The development of the project will generate an estimated tax revenue of \$28,645.65 for the City and \$90,913.18 for the County. The following table illustrates the breakdown of residential values and millage rates.

Residential Values

Quantity	Product	Estimated Value	Taxable Value	Taxable Base
18	75' x 120'	\$300,000	\$275,000	\$4,950,000

Total Taxes

	2001 Millages	Residential Taxes
City	5.787	\$28,645.65
County	18.3663	\$90,913.18

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MAY 23 2002

COMMUNITY DEVELOPMENT

Revised

PUBLIC FACILITIES IMPACTS

POPULATION- Based on City of DeLand data utilized in developing the Comp Plan population projections, the Project will house approximately 44 people at buildout (2.42 persons per household).

WASTEWATER - The proposed development will generate an additional 5,016 gallons per day of wastewater capacity based upon Comp Plan data assuming 114 gallons per capita per day. The City of DeLand is the proposed service provider for this project.

Woods at Southridge
revised May 22, 2002

POTABLE WATER - The proposed development will generate an additional 9,460 gallons per day of potable water capacity based upon Comp Plan data assuming 215 gallons per capita per day. The City of DeLand is the proposed service provider for this project.

SOLID WASTE - The proposed development will generate an additional 378 pounds of solid waste per day based upon Comp Plan data assuming 8.6 pounds per capita per day. The County of Volusia is the proposed service provider for this project.

STORMWATER - The Project will meet the City's minimum LOS as well as the requirements of the St. Johns River Water Management District by providing private, on-site retention of stormwater runoff.

RECREATION - Due to the small scale of the Project, no provisions for active recreation are planned however it is assumed that the tree preservation area at the southwest corner of the site will be utilized for passive recreation by the residents via the designation of walking paths and benches placed throughout the area. Active recreation needs are assumed to be met by the City's Earl Brown Park to the west.

TRANSPORTATION - The Project is expected to generate an additional 182 trips per day.

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MAY 23 2002

CITY DEVELOPMENT

Revised

PROJECT DEVELOPMENT DATA

Total Site Area	9.28 acres
E. Beresford Ave. R/W	0.49 acre
Net Developable Area	8.79 acres
Proposed Development Yield	18-single family lots (min. 9,000 sf)
Project Density	2.05 du/ac (max. 4 du/ac)
Open Space Provided	3.30 acres (37.5%)
Tree Preservation Area Provided	2.20 acres (25%)
Maximum Project Impervious Surface	40% (3.52 acres)

PROJECT DIMENSIONAL STANDARDS

Front Setback	30' typical
Rear Setback	25'
Side Setback	12.5'
Street Side Setback	15' min.
Minimum Lot Size	9,000 s.f. (average lot size 10,147 s.f.)
Minimum Lot Width	75'
Minimum Lot Depth	120'
Maximum Building Height	35'
Minimum Floor Area	1,900 s.f. one story; 1,000 s.f./500 s.f two story)

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JUL 17 2002

COMMUNITY DEVELOPMENT

12/19/02

ATTACHMENT #1 For October 2002 Bill

RECEIPT #84141

02-224655 Waterford Lakes

Plat

RECEIPT #84291

02-225161 Ordinance 2002-34

02-225162 Ordinance 2002-35

02-225163 Covenant to Support Annexation; Douglas & Laura Summers, 1068 Torchwood Drive; Parcel #7028-11-20-0100

02-225164 Covenant to Support Annexation; Arthur Brown, 1600 Old Daytona Road Parcel #6035-04-00-0051

\$ 190.00

\$ 10.50

\$ 19.50

\$ 15.00

\$ 10.50

RECEIPT #89650

02-238437 Claim of Lien; Michael Jones; \$127.72; 142 N Adelle; Parcel #7008-43-10-0012 \$ 6.00

02-238438 Claim of Lien; Frances Moore; \$1030.41; 713 W New York; Parcel #7008-43-12-0070

02-238439 Claim of Lien; Talicorp, Inc.; \$596.36; 227 N San Souci; Parcel #7009-09-00-0340 \$ 6.00

02-238440 Claim of Lien; Thomas & Jacqueline Aton; \$515.38; 541 W Rich; Parcel #7008-48-00-0090

02-238441 Claim of Lien; Bonnie McMillan; \$97.08; 544 W Ohio; Parcel #7008-40-00-0122 \$ 6.00

02-238442 Claim of Lien; Josefa Tipton; \$40.58; 1515 S Elsasser; Parcel #7020-00-00-1659 \$ 6.00

02-238443 Claim of Lien; Mildred Edwards; \$15.09; 335 N Kentucky; Parcel #7009-56-01-0340

02-238444 Claim of Lien; Allan Klein; \$252.48; 1328 N Woodland; Parcel #7004-00-00-2181 \$ 6.00

02-238445 Claim of Lien; Pauline Mosley; \$102.31; 242 S Kentucky; Parcel #7016-18-00-0310

02-238446 Claim of Lien; Volusia Lake Realty; \$49.44; 500 E Howry; Parcel #7016-17-00-0030

02-238447 Claim of Lien; Woodie Guilford; \$962.25; 330 S Clake; Parcel #7016-12-00-0050 \$ 6.00

02-238448 Claim of Lien; Bernadine Mauro; \$125.40; 614 S Amelia; Parcel #7016-31-01-0290

02-238449 Claim of Lien; Gregory Washburn; \$78.21; 595 E Samuel; Parcel #7021-00-00-0050

02-238450 Claim of Lien; William Bohlen; \$212.20; 433 S Woodland; Parcel #7016-51-00-0010

02-238451 Claim of Lien; Michael Bruno; \$123.05; 4136 Woodland Circle; Parcel #6038-17-02-0140

02-238452 Claim of Lien; James Griffith; \$33.65; 1440 E Wisconsin; Parcel #7011-09-00-0090

\$ 6.00

RECEIPT #91425

02-243006 Plat Map for Victoria Park

\$ 65.00

RECEIPT #93020

02-247084 Ordinance 2002-39

02-247085 Covenant to Support Annexation; John W & Patti Blocker; 141 Grace Street; Parcel #6033-00-00-0600 \$ 10.50

02-247086 Covenant to Support Annexation; Gloria Stinger & Anna Lovett; 202 Rosehill; Parcel #7004-10-00-0420 \$ 10.50

\$ 10.50

RECEIPT #93820

02-248997 Ordinance 2002-22

02-248998 Ordinance 2002-23

02-248999 Ordinance 2002-21

02-249000 Ordinance 2002-20

02-249001 Covenant to Support Annexation; Thomas & Amy Flowers; 1520 Brittain Ave; Parcel #7018-12-01-0300

\$ 19.50

\$ 19.50

\$ 15.00

\$ 19.50

\$ 10.50

SUBTOTAL

\$ 522.00

TOTAL

\$ 522.00

INVOICE

DIANE M. MATOUSEK
CLERK OF CIRCUIT COURT - VOLUSIA COUNTY
P. O. BOX 6043
DELAND, FL 32721-6043

(386) 822-5726

TO: CITY OF DELAND
120 SOUTH FLORIDA AVENUE
DELAND, FL 32720

INVOICE NO: 32223
DATE: 11/08/02

CUSTOMER NO: 110

CUSTOMER TYPE: GC/ 110

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	REC. DEPT. TRANSACTIONS Transaction from the Recording Department, as reported from the recording system. (See attached) CHARGES FOR THE PREVIOUS MONTH.	522.00	522.00

RECEIVED
NOV 15 2002
CLERK

TOTAL DUE: \$522.00

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 11/08/02

DUE DATE: 11/18/02

CITY OF DELAND

REMIT AND MAKE CHECK PAYABLE TO:
CLERK OF THE CIRCUIT COURT
ATTENTION: ACCOUNTING DEPT. (A/R)
P.O. BOX 6043
DELAND

FL 32721-6043

(386) 822-5726

CUSTOMER NO: 110

INVOICE NO: 32223
CUSTOMER TYPE: GC/ 110

TERMS: NET 10 DAYS

AMOUNT: \$522.00



City of DeLand

www.deland.org

120 South Florida Avenue
DeLand, Florida 32720-5422
Telephone: (386) 740-5700
Fax: (386) 740-6869

October 29, 2002

Diane M. Matousek
Clerk of Circuit Court
Post Office Box 43
DeLand, FL 32721-0043

Dear Madam:

Please record and return the originals to our office.

City of DeLand
City Clerk
120 South Florida Avenue
DeLand, FL 32721-0449

Sincerely,

Kimberly K. Cline
Deputy City Clerk

Enclosures:

1. **Ordinance 2002-22: Change of Zoning from R-2, R-6, & R-4 to Planned Development....Oak Hill.**
2. **Ordinance 2002-23: Change of Zoning from R-8 & R-1B to Planned Development Garfield Place Apartments.**
3. **Ordinance 2002-21: Change of Zoning from R-R to Planned Development ... Southridge Point.**
4. **Ordinance 2002-20: Change of Zoning from R-3 to Planned Development ... Woods at Southridge.**
5. **Covenant to Support Annexation; 1520 Brittain Avenue; Parcel #7018-12-01-0300.**