

**ORDINANCE NO. 2014-02**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING ORDINANCE NO. 93-66; WHICH APPROVED THE DEVELOPMENT PLAN FOR THE WOODLAND TOWERS PD; AS AMENDED BY ORDINANCE NO. 95-10; ORDINANCE NO. 2004-28; AND ORDINANCE NO. 2005-11; BY AMENDING THE PD DOCUMENT TO ALLOW FOR THE DEVELOPMENT OF ADDITIONAL PROPERTY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, Ordinance No. 93-66, adopted August 16, 1993, approved a Development Plan for the "Woodland Towers PD", which Ordinance was subsequently amended by Ordinance No. 95-10, adopted February 20, 1995, Ordinance 2004-28, adopted September 8, 2004, and Ordinance No. 2005-11, adopted on March 21, 2005; and

**WHEREAS**, the Applicant, Glenn Storch, P.A, on behalf of Morris Esformes, WECRE DeLand, LLC, SYM Real Estate, LLC and 132 Havemeyer St. Realty Corp., is requesting that the existing Planned Development document be amended to allow for a 60 bed Memory Treatment Facility, improvements to Chipola Avenue and overall site beautification; and

**WHEREAS**, the proposed amendment will not have a detrimental effect on the surrounding properties, and it is in the best interests of the City to grant the requested amendments to the Woodland Towers Planned Development.

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

**Section 1.** City of DeLand Ordinance 93-66, approving the Development Plan for the Woodland Towers PD, as amended by City of DeLand Ordinance 95-10, Ordinance 2004-28, and Ordinance No. 2005-11, is hereby amended by amending the PD document to allow for the development of additional property as more particularly set forth in the revised PD Agreement.

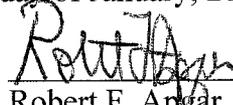
**Section 2.** At the time of development, the developer shall comply with all relevant building codes and development standards contained in the City's Code of Ordinances or in the Development Plan; provided, however, that the development standards contained in the adopted Development Plan, as amended, shall supersede comparable standards contained in the Code of Ordinances.

**Section 3.** 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 4.** All Ordinances or parts of Ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

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

**PASSED AND DULY ADOPTED** this 6<sup>th</sup> day of January, 2014.



Robert F. Apgar  
Mayor-Commissioner

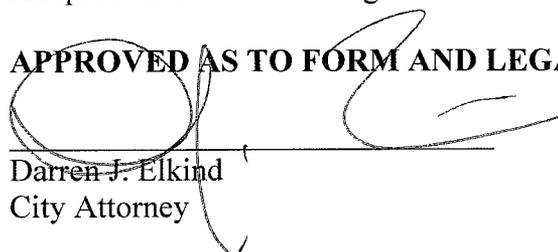
**ATTEST:**



Julie A. Hennessy  
City Clerk - Auditor

Passed on First Reading: December 16, 2013  
Adopted on Second Reading: January 6, 2014

**APPROVED AS TO FORM AND LEGALITY:**



Darren J. Elkind  
City Attorney

1 PLANNED DEVELOPMENT AGREEMENT  
2 IN THE CITY COMMISSION OF THE  
3 CITY OF DELAND, FLORIDA  
4 IN RE: Z-13-63 Application of  
5 GLENN D. STORCH, P.A., as attorney for Owners  
6 ORDINANCE # 2014-02  
7 GRANTING A REQUEST FOR AMENDMENT TO  
8 WOODLAND TOWERS PLANNED DEVELOPMENT  
9

10 The application of Glenn D. Storch, Esq., hereinafter "Applicant," attorney for Morris  
11 Esformes, WECRE DeLand, LLC, SYM Real Estate, LLC, and 132 Havemeyer St. Realty Corp.,  
12 hereinafter "Owners," for amendment of the Woodland Towers Planned Development was heard  
13 by and before the City Commission, DeLand, Florida, on December 16, 2013 and January 06,  
14 2014. Based upon the verified Application and other supporting documents, maps, charts,  
15 overlays, other evidence and instruments; the advice, report, and recommendations of the  
16 Community Development Department, and other Departments and agencies of DeLand, Florida;  
17 and the testimony adduced and evidence received at the Public Hearing on this Application by  
18 the Planning Board on November 20, 2013, and otherwise being fully advised, the City  
19 Commission does hereby find and determine as follows:  
20

21 GENERAL FINDINGS  
22

23 A. That the application of Applicant was duly and properly filed herein on  
24 September 20, 2013 as required by law.  
25

26 B. That all fees and costs which are by law, regulation, or Ordinance required to be  
27 borne and paid by the Applicant have been paid.  
28

29 C. That the Applicant is the attorney for the Owners of 14 +/- acres of land situated  
30 in DeLand, Florida. This property is described more particularly in the survey and legal  
31 description, a true copy of which is attached hereto as Exhibit "A."

1  
2 D. That the Applicant has complied with the concept plan provision as required by  
3 Land Development Regulations Ordinance #2013-11, as amended.

4  
5 E. That the Applicant has complied with the "Due Public Notice" requirements of  
6 the City of DeLand, Land Development Regulations Ordinance # 2013-11 (hereinafter the  
7 LDR's), as amended.

8  
9 F. That the Owners of the property, Morris Esformes, SYM Real Estate, LLC,  
10 WECRE DeLand, LLC, and 132 Havemeyer St. Realty Corp., agree with the provisions of the  
11 Development Agreement.

12  
13 FINDINGS REGARDING AMENDMENT TO DEVELOPMENT AGREEMENT

14  
15 A. That the Applicant has applied for an amendment to the Development Agreement  
16 for Woodland Towers PD, a Planned Development, as set forth below in the Amended  
17 Development Agreement.

18  
19 B. That the provisions of the said Amended Development Agreement are consistent  
20 with both the City of DeLand Comprehensive Plan Ordinance # 1990-04, as amended, and the  
21 intent and purpose of the City of DeLand Land Development Regulations Ordinance # 2013-11,  
22 as amended, and does promote the public health, safety, morals, general welfare and orderly  
23 growth of the area affected by the rezoning request.

24  
25 NOW THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF  
26 DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY  
27 COMMISSION CHAMBERS, 120 SOUTH FLORIDA AVENUE, DELAND, FLORIDA, THIS  
28 6th DAY OF January, A.D., 2014, AS FOLLOWS:

29  
30 A. That the Application for the Planned Development Amendment regarding the  
31 subject parcels is hereby granted.

1  
2 B. That the Development Agreement for the Woodland Towers Planned  
3 Development is hereby amended as set forth herein below.

4  
5 C. That the City of DeLand Land Development Regulations Ordinance # 2013-11, as  
6 amended, is consistent with the provisions of the "Amended Development Agreement" as  
7 hereinafter set forth in this Ordinance and with respect to any conflict between Land  
8 Development Regulations Ordinance # 2013-11, as amended, and the "Amended Development  
9 Agreement," the provisions of said Agreement shall govern. Ordinance No. 13-11, as amended,  
10 shall govern with respect to any matter not covered by the "Amended Development Agreement."  
11 The City of DeLand will ensure overall compliance with this Ordinance.

12  
13 D. Unless otherwise provided for herein, the City of Deland Land Development  
14 Regulations Ordinance # 2013-11, as amended, shall apply to the PD in the same manner as the  
15 zoning classification of R-16.

16  
17 E. Nothing in this Ordinance shall abridge the requirements of any City of DeLand  
18 Ordinance other than Ordinance 2013-11, as amended. Timing and review procedures contained  
19 in this Ordinance may be modified to comply with the City of DeLand Land Development  
20 Regulations, Ordinance No. 2013-11, as amended. Further, nothing in the Development  
21 Agreement is intended to abridge the requirements of Ordinance No. 2013-11, as amended, and  
22 any other City Ordinances.

23  
24 AMENDED DEVELOPMENT AGREEMENT

25  
26 A. Development Concept. The property shall be developed as a PD substantially in  
27 accordance with the Planned Development Plan. The Planned Development Plan shall govern  
28 the development of the property as a PD and shall regulate the future land use of this parcel.

29 1. Planned Development Plan. The Planned Development Plan shall consist  
30 of the Conceptual Development Plan prepared by Itamar Goldenholz and dated August 5, 2013  
31 and this amended development agreement. The Conceptual Development Plan is hereby

1 approved and incorporated in this Ordinance by reference as Plan Exhibit "B." The Planned  
2 Development Plan shall be filed and retained for public inspection in the Planning Department  
3 and it shall constitute a supplement to the Official Zoning Map of the City of DeLand.

4 2. Amendments. All amendments of the Planned Development Plan, other  
5 than those deemed by the Planning Department to be minor amendments as set out in Ordinance  
6 # 2013-11, as amended, shall require the review and recommendation of the Planning Board and  
7 action by the City Commission in the same manner as a rezoning of the parcel.

8 3. Subdivision Approval. Subdivision approval for the property is not  
9 contemplated and is not required, but if same should become necessary in the future, it will be  
10 executed according to Ordinance #2013-11, as amended.

11 4. Final Site Plan Approval. After the Planned Development Plan is  
12 recorded, and prior to issuance of any permits for construction, including clearing and landfill, a  
13 Final Site Plan shall be prepared and submitted for review and approval in the manner required  
14 by Article 12 of the City of DeLand Land Development Regulations Ordinance # 2013-11, as  
15 amended.

16  
17 B. Unified Ownership. The Owners or their successors shall maintain unified  
18 ownership of the subject parcel until after issuance of the Final Site Plan Development Order.

19  
20 C. Phases of Development. This is the only phase presently requested, but said  
21 phase is an addition to an existing project.

22  
23 D. Land Uses Within the PD. The development of the parcel shall be consistent with  
24 the uses prescribed for each area within the WOODLAND TOWERS PLANNED  
25 DEVELOPMENT. The location and size of said land use areas are shown on the Conceptual  
26 Development Plan, Plan Exhibit "B." The following land uses shall be allowed as permitted  
27 principal uses and structures along with their customary accessory uses and structures:  
28 Residential duplex, nursing center, apartments, related office and amenities (clubhouse, pool,  
29 other residential amenities). In addition, a sixty (60) bed Memory Treatment Facility is  
30 specifically permitted as a principal use within the Woodland Towers Planned Development,  
31 along with related parking and stormwater management facilities.

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E. Development Standards.

1. Minimum lot area: N/A
2. Minimum lot width and/or depth: N/A
3. Minimum yard size (building)
  - a. Front yard Setback: 20 ft.
  - b. Rear yard Setback: 20 ft.
  - c. Side yard Setback: 10 ft.
  - d. Waterfront yard Setback: N/A
4. Minimum floor area: N/A  
(This requirement is for PD within single and/or multiple family dwellings)
5. Maximum lot coverage: N/A
6. Maximum building height: 3 stories. There are existing structures that exceed this limit, and those structures which exist as of January 06, 2014 shall be deemed consistent with this PD and may be repaired or rebuilt even if substantially destroyed.
7. Landscape buffer requirement: In accordance with the LDR's.
8. Perimeter building setbacks: In accordance with the LDR's.
9. Minimum building separation: In accordance with the LDR's.
10. Off-street parking requirements: In accordance with the LDR's.
11. Signage: Additional signage may be permitted to identify the Memory Treatment Facility.
12. Open Space and/or Common Area requirements meeting the Land Development Regulations Ordinance # 2013-11. [In accordance with the PD Agreement.]

Note: If a Development Standard is not set forth in this PD Agreement or shown on the Conceptual Development Plan, attached hereto as Plan Exhibit "B," then the City's Land Development Regulations shall be met by any new development.

1 F. Environmental Considerations. The requirements of the Land Development  
2 Regulations Ordinance # 2013-11, as amended, shall be met.

3  
4 G. Sewage Disposal and Potable Water. Provision for sewage disposal and potable  
5 water needs of the PD will be provided in accordance with the Comprehensive Plan, Chapter 30  
6 of the DeLand Code of Ordinances, Ordinance No. 1990-04, as amended, the Land Development  
7 Regulations Ordinance No. 2013-11, as amended, and State of Florida Administrative Code 64E-  
8 6.

9  
10 H. Stormwater Drainage. Provision for stormwater retention shall be in accordance  
11 with the Land Development Regulations Ordinance # 2013-11, as amended.

12  
13 I. Access and Transportation System Improvements. All access and transportation  
14 system improvements shall be provided in accordance with the Land Development Regulations,  
15 Ord. 13-11, as amended. The parcel shall be developed in substantial accordance with the  
16 following access and transportation system improvements:

- 17  
18 1. Access. Per attached Plan Exhibit "B."  
19 2. Transportation System Improvements. Per attached Plan Exhibit "B."  
20 3. Traffic calming measures, such as decorative roundabouts and other traffic  
21 calming devices, shall be permitted within the Chipola Avenue Right-of-Way as provided in the  
22 Conceptual Development Plan, Plan Exhibit "B"; however, the specifics of said roundabouts and  
23 traffic calming devices will be determined during the Site Plan approval process, including the  
24 location of pedestrian and golf cart crossings on Chipola Avenue. In the event that the City's  
25 Technical Review Committee determines that any of these amenities cannot be safely  
26 constructed, then nothing in this Amended Development Agreement shall be deemed to grant the  
27 Developer a right to install such improvements. Developer shall be solely responsible for the  
28 construction and maintenance of said roundabouts, which shall be subject to a license agreement  
29 for same, in substantially the form attached hereto as Exhibit "C."

30 4. An emergency access drive from Clara Avenue may be required by the  
31 City for secondary emergency access to the Memory Treatment Facility. The requirement for

1 this secondary access, as well as the location of such access if required, will be determined by  
2 the Technical Review Committee during the site plan review process.

3  
4 J. Internal Roadways. Per attached Plan Exhibit "B."

5  
6 K. Building or Property Owners Association. All properties owned by unified  
7 owner. There is no building or property owners' association required.

8  
9 L. Wall. The project may be surrounded by a brick, masonry or stucco 6' high wall  
10 with caps as provided on the Conceptual Development Plan. The wall may be moved to avoid  
11 trees and shall be setback and landscaped on the section facing the street.

12  
13 M. Reverter Provision: The City Commission may rezone any portion of the project  
14 which has not secured a final development order on or before 5 years from the effective date of  
15 this ordinance as may be necessary or appropriate to protect adjoining properties or the public  
16 health, safety and welfare, unless the City Commission, for good cause shown, shall extend the  
17 time period indicated in this paragraph.

18  
19 N. Binding Effect of Plans; Recording; and Effective Date. The Planned  
20 Development Plan, including any and all amendments, shall bind and inure to the benefit of the  
21 Owners and their successors in title or interest. The WOODLAND TOWERS PLANNED  
22 DEVELOPMENT zoning, provisions of the "Development Agreement," and all approved plans  
23 shall run with the land and shall be administered in a manner consistent with Article 12 of the  
24 City of DeLand Land Development Regulations Ordinance # 2013-11, as amended.

25  
26 This Ordinance and all subsequent amendments shall be filed with the Clerk of the Court  
27 and recorded within forty-five (45) days following execution of the document by the City  
28 Commission, in the Official Records of Volusia County, Florida. One copy of the document,  
29 bearing the book and page number of the Official Record in which the document was recorded,  
30 shall be submitted to the Planning Department for placement in the public file. The date of

1 recording of this document shall constitute the effective date of the PD or its subsequent  
2 amendments. The Applicant shall pay all filing costs for recording documents.

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DONE and ORDERED by the City Commission, City of DeLand, Florida, this 6<sup>th</sup> day  
of January, 2014.

[Signatures on following pages.]

1 ATTEST:

City Commission of DeLand, Florida

2

3

4

Michael Pleus

5 Michael Pleus, City Manager

6

7

8 STATE OF FLORIDA

9 COUNTY OF VOLUSIA

10

11 The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of January,  
12 2014, by Michael Pleus and Robert Apgar, as City Manager and Mayor, City of DeLand,  
13 respectively, on behalf of the City of DeLand, and who are personally known to me.

14

15

NOTARY PUBLIC, STATE OF FLORIDA

16

17

Kendra R. Curry

18

Kendra R. Curry

19

20

21



KENDRA R. CURRY  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# EE099155  
Expires 8/19/2015

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1 WITNESSES:

OWNERS:

MORRIS ESFORMES, individually and as  
Manager of WECRE DELAND, LLC, and  
SYM REAL ESTATE, LLC

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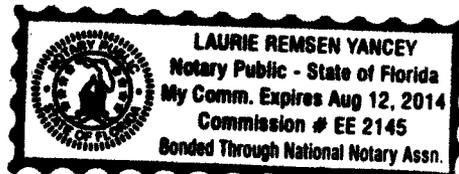
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\_\_\_\_\_  
Morris Esformes

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 24 day of April,  
2014, by MORRIS ESFORMES, individually and as Manager of WECRE DELAND, LLC and  
SYM REAL ESTATE, LLC, who is personally known to me or who produced  
\_\_\_\_\_ as identification.

NOTARY PUBLIC, STATE OF FLORIDA

*[Handwritten signature]*  
\_\_\_\_\_  
*[Handwritten signature]*  
\_\_\_\_\_  
Laurie Remsen Yancey



1 WITNESSES:

OWNER:

132 HAVEMEYER ST. REALTY CORP.

2  
3  
4 [Signature]  
5  
6 \_\_\_\_\_

[Signature]  
Sylvia Yolinsky, CEO

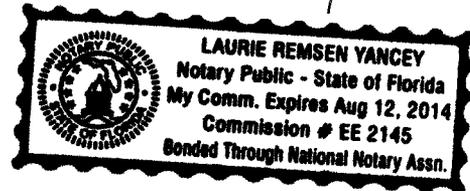
9 STATE OF \_\_\_\_\_

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

11  
12 The foregoing instrument was acknowledged before me this 24 day of April  
13 2014 by SYLVIA YOLINSKY, as Chief Executive Officer of 132 HAVEMEYER ST.  
14 REALTY CORP., who is personally known to me or who produced \_\_\_\_\_ as  
15 identification.

18 NOTARY PUBLIC

19  
20 [Signature]  
21  
22 [Signature]  
23



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Parcel # 7021-07-00-0092

The South ½ of Lot 9, CRANOR'S SUBDIVISION, except the East 75 feet thereof, according to the plat thereof, as recorded in Map Book 5, Page 178, of the Public Records of Volusia County, Florida.

Parcel # 7021-09-00-0010

All of WILLS G. STEVENS REPLAT OF CHEROKEE PARK SUBDIVISION of Lots 4 to 8, inclusive, of CRANOR'S SUBDIVISION OF Section 21, Township 17 South, Range 30 East, as recorded in Map Book 9, Page 217, of the Public Records of Volusia County, Florida, except the South 533.00 feet of the East 627.50 feet thereof; except the South 300.00 feet of the West 659.50 feet thereof; except the North 361.00 feet thereof and except the East 450.00 feet thereof.

Parcel # 7021-09-00-0051

The West 100.00 feet of the East 450.00 feet of WILLIS G. STEVENS REPLAT OF CHEROKEE PARK SUBDIVISION of Lots 4 to 8, inclusive, of CRANOR'S SUBDIVISION of Section 21, Township 17 South, Range 30 East, as recorded in Map Book 9, Page 217, of the Public Records of Volusia County, Florida, except the South 533.00 feet thereof and except the North 247.00 feet thereof.

Parcel # 7021-09-00-0070

The North 361 feet, less the East 450 feet thereof, WILLIS G. STEVENS RE-PLAT OF CHEROKEE PARK, according to the Plat, thereof as recorded in Map Book 9, Page 217, Public Records of Volusia County, Florida.

Parcel # 7021-09-00-0060

The West 100 feet of the East 450 feet of the North 247 feet, of the WILLIS G. STEVENS REPLAT OF CHEROKEE PARK, according to the plat thereof recorded in Map Book 9, Page 217 of the Public Records of Volusia County, Florida.

**LEGAL DESCRIPTION (continued)**

Parcel # 7021-07-00-0020 (Five parcels)

Parcel 1:

Being a part of Lots 2 and 3, JOHN CRANOR'S SUBDIVISION, according to the Plat thereof, as recorded in Map Book 5 at Page 178, of the Public Records of Volusia County, Florida, being more particularly described as follows:

Commencing at the West  $\frac{1}{4}$  corner of Section 21, Township 17 South, Range 30 East, Volusia County, Florida run thence South along the West line of said  $\frac{1}{4}$  section, a distance of 1375.33 feet to the R.L.S. cap #2299, set at the intersection of South Clara Avenue and Chipola Drive; thence run South 88 degrees 36' 26'' East, along the centerline of Chipola Drive, as established by proportional breakup and according to the Plat of said JOHN CRANORS SUBDIVISION, a distance of 660.37 feet; thence run North 00 degrees 00' 34'' East, a distance of 20.0 feet to the Point of Beginning; thence continue North 00 degrees 00' 34'' East, a distance of 229.36 feet; thence run North 88 degrees 36' 33'' West, a distance of 307.00 feet to a concrete monument; thence run North ;degrees 00' 34'' East, a distance of 229.35 feet to a concrete monument; thence run South 88 degrees 37' 16'' East, a distance of 553.77 feet to a concrete monument; thence run South 00 degrees 05' 36'' East, a distance 248.72 feet; thence run North 88 degrees 36' 26'' West a distance of 149.21 feet; thence run South 00 degree; 00' 34'' West, a distance of 210 feet; thence run North 88 degrees 36' 26'' West, a distance of 98.0 feet to the Point of Beginning.

Parcel 2:

The East 75 feet of the South  $\frac{1}{2}$  of Lot 9, CRANORS SUBDIVISION, according to the Plat thereof, as recorded in Map Book 5 at Page 178, of the Public Records of Volusia County, Florida.

Parcel 3:

The West 127 feet of Lot 3, JOHN CRANORS SUBDIVISION, according to the Plat thereat, as recorded in Map Book 5 at Page 178, of the Public Records of Volusia County, Florida.

**LEGAL DESCRIPTION (continued)**

Parcel 4:

The East 80 feet of the West 207 feet of Lot 3, JOHN CRANORS SUBDIVISION, according to the Plat thereof, as recorded in Map Book 5 at Page 178, of the Public Records of Volusia County, Florida.

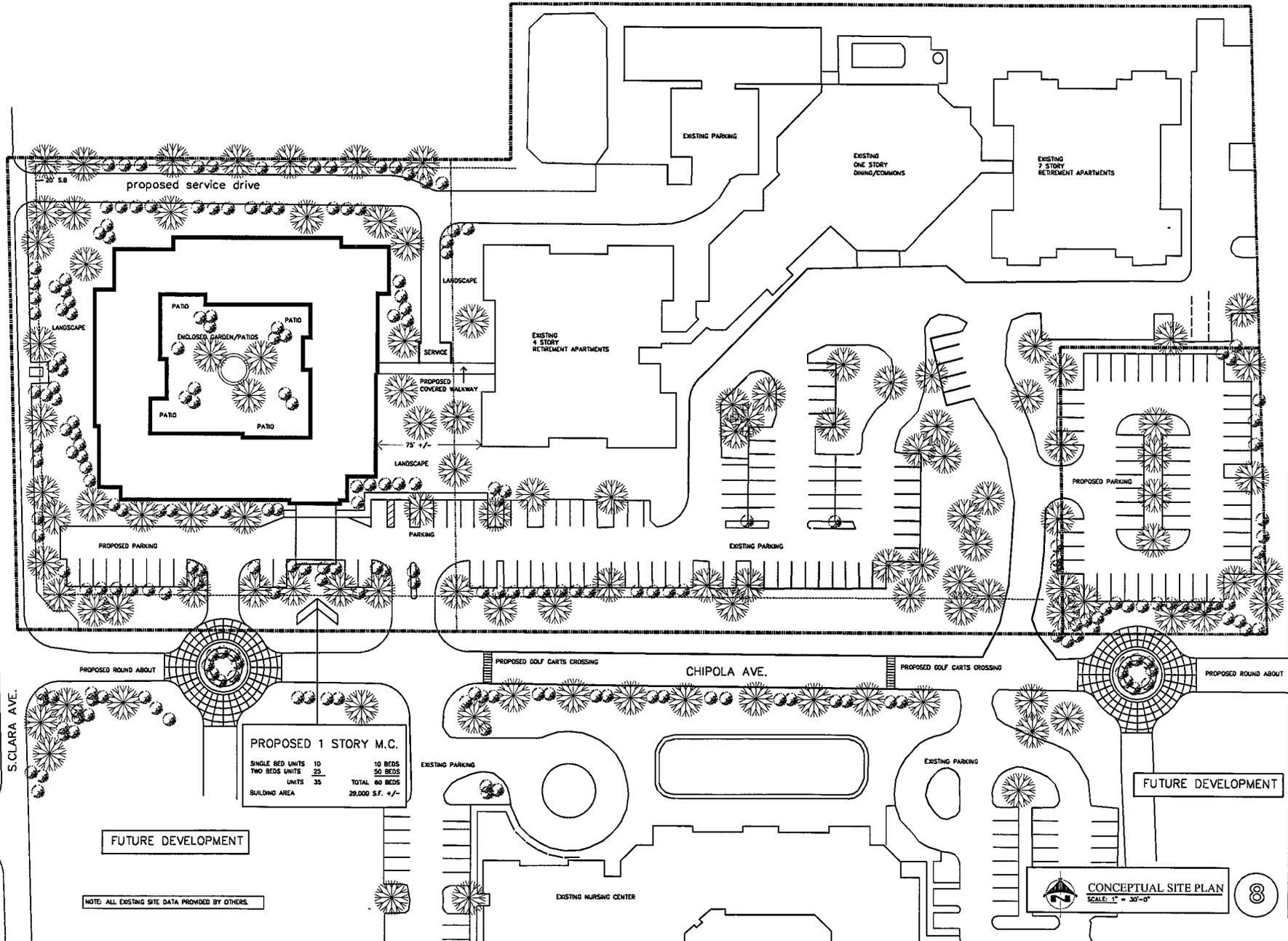
Parcel 5:

The East 100 feet of the West 307 feet of Lot 3, JOHN CRANORS SUBDIVISION, according to the Plat thereof, is recorded in Map Book 5 at Page 178, of the Public Records of Volusia County, Florida.

Parcel # 7021-07-00-0032

A parcel of land being a part of Lot 3, John Cranor Subdivision, as recorded in Map Book 5, Page 178 of the Public Records of Volusia County, Florida and lying in Section 21, Township 17 South, Range 30 East and being more particularly described as follows: Commencing at the Southeast corner of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 21, run thence S-88 degrees 36' 26"-E, along the South line of said NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  a distance of 758.35 feet; Run thence N-00 degrees 00' 34"-E, a distance of 20.0 feet to the Northerly Right-of-Way of Chipola Avenue, as now laid out and the Point of Beginning; Thence continue N-00 degrees 00' 34"-E, a distance of 210.0 feet; Run thence S-88 degrees 36' 26"-E, a distance of 149.21 feet; Run thence S-00 degrees 05' 36"-E, a distance of 210.0 feet to the Northerly Right-of-Way of aforesaid Chipola Avenue; Run thence N-88 degrees 36' 26"-W, along said Right-of-Way a distance of 149.61 feet to the Point of Beginning.

EXHIBIT B



**PROPOSED 1 STORY M.C.**

SINGLE BED UNITS	10	10 BEDS
TWO BEDS UNITS	25	50 BEDS
UNITS	35	TOTAL 60 BEDS
BUILDING AREA		29,000 S.F. +/-

NOTE: ALL EXISTING SITE DATA PROVIDED BY OTHERS.

**CONCEPTUAL SITE PLAN**  
 SCALE: 1" = 30'-0"

8

AND OBTAIN OUR APPROVAL. ALL LIMITED RIGHTS...  
 ENGINEER: R. L. W. ENGINEERING AND ARCHITECTURE...  
 2004 W. AND OCEAN BLVD., SUITE 100, WEST PALM BEACH, FL 33411...  
 (561) 833-1111...  
 ARCHITECT: GOLDERHOLZ & ASSOCIATES ARCHITECTS...  
 3122 N. PINE BLVD., SUITE 200, WEST PALM BEACH, FL 33411...  
 (561) 833-1111...  
 LICENSE NO. 13307

**WOODLAND VILLAGE M.C.**  
 CHIPOLA AVE.  
 DELAND, FLORIDA

- 5-3-2013
- 5-8-2013
- 6-14-2013
- 6-17-2013
- 7-11-2013
- 7-15-2013
- 7-22-2013
- 8-5-2013

ITANAR GOLDBERGER  
 FL. LIC. #00007917

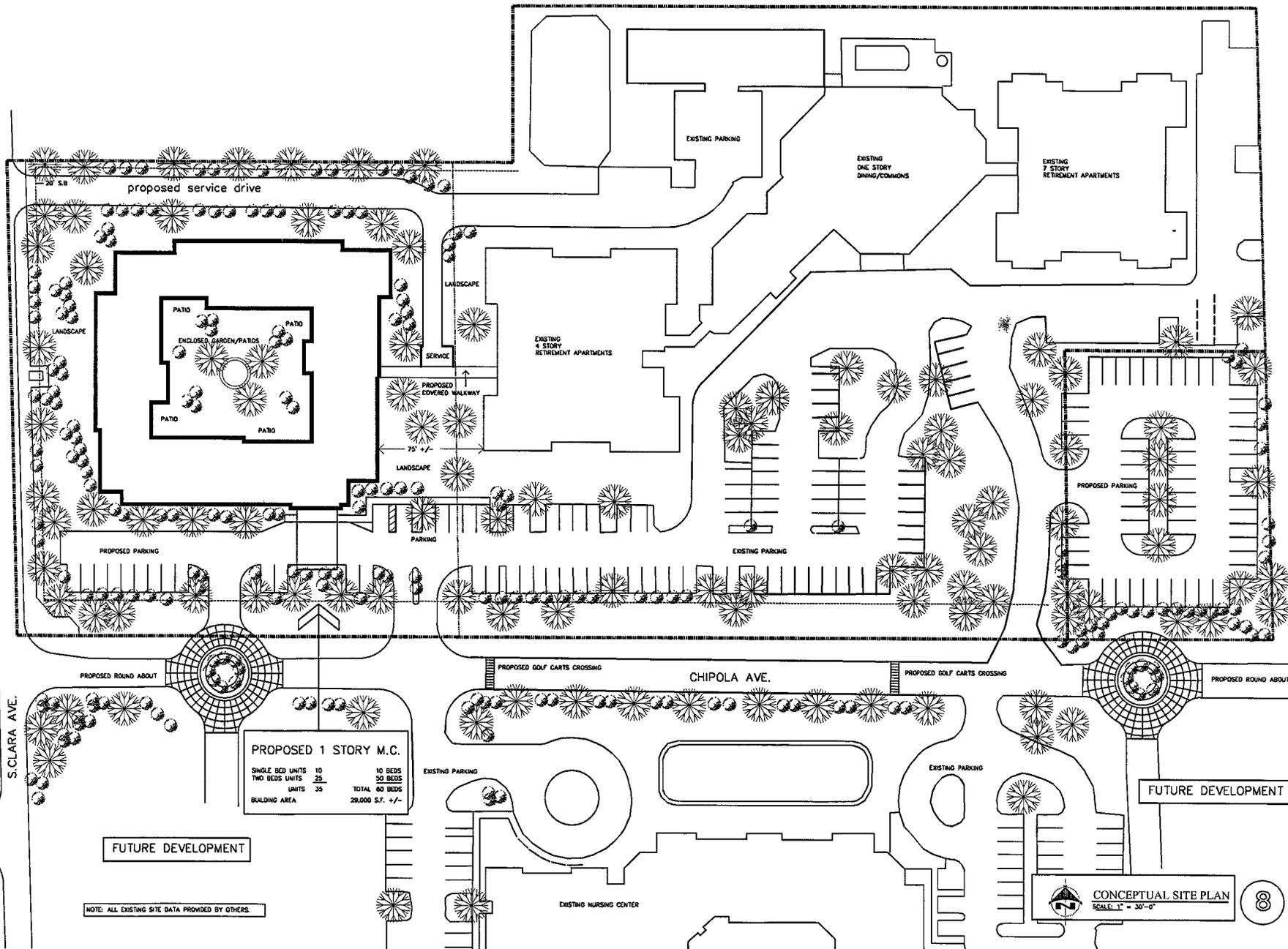


C.N. 13007SP1

SP-1

P.N. 13007

GOLDERHOLZ & ASSOCIATES architects planners p.o. 3122 n. pine blvd. suite 200, west palm beach, florida 33411 (561) 742-0797 fax (561) 742-3093



ALL DESIGN AND CONSTRUCTION INFORMATION IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

**WOODLAND VILLAGE M.C.**  
 CHIPOLA AVE.  
 DELAND, FLORIDA

- 5-3-2013
- 5-8-2013
- 6-14-2013
- 6-17-2013
- 7-11-2013
- 7-15-2013
- 7-22-2013
- 8-5-2013

ITAMAR GOLDBERGLER  
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c.n. 13007SP1  
**SP-1**  
 p.n. 13007

**CONCEPTUAL SITE PLAN**  
 SCALE: 1" = 30'-0"

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goldenholz & associates architects planners p.a.s. 3122 n. pine island road, sunrise, florida 33351 (954) 742-0797 fax (954) 742-3093

## EXHIBIT C

### RIGHT-OF-WAY LICENSE AGREEMENT

**THIS LICENSE AGREEMENT** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2014, by and between the CITY OF DELAND, a Florida municipal corporation (hereinafter "City") and MORRIS ESFORMES, WECRE DELAND, LLC, SYM REAL ESTATE, LLC, AND 132 HAVEMEYER ST. REALTY CORP., (hereinafter "Licensees").

#### PREMISES

**WHEREAS**, the City agrees that the improvement plan for the Chipola Avenue right-of-way improvements depicted on Exhibit "A," attached hereto and incorporated herein by reference, comes within the intent of established City policy; and

**WHEREAS**, the improvement plan encompasses part of a City right-of-way known as Chipola Avenue, a 54-foot wide City right-of-way, a portion of which is depicted in Exhibit "A," attached hereto and incorporated herein by reference; and

**WHEREAS**, the Licensees, Morris Esformes, WECRE DeLand, LLC, SYM Real Estate, LLC, and 132 Havemeyer St. Realty Corp., are the owners of real property abutting Chipola Avenue, the legal description of said property being attached hereto as Exhibit "B;" and

**WHEREAS**, the City and Licensees desire to assist in enhancing the safety of the public, residents of Woodland Towers and pedestrians upon the Chipola Avenue Right-of-Way; and

**WHEREAS**, the City is willing to license incidental private use of public property in exchange for appropriate protection of the public interest and sufficient contribution of the Licensees to expenses incurred in the improvements and maintenance of the Chipola Avenue right-of-way; and

**WHEREAS**, at its regular meeting held \_\_\_\_\_, the City Commission approved allowing the improvements depicted on Exhibit "A" within the Chipola Avenue right-of-way, with conditions.

**NOW THEREFORE**, in consideration of the premises and mutual covenants contained herein, the parties agree as follows:

1. The City hereby grants to the Licensees a license to enter upon and to utilize the right-of way known as Chipola Avenue, located and situated in DeLand, Volusia County, Florida, as depicted in Exhibit "A" for the purpose of installation, maintenance, repair, replacement and removal of roundabouts, including water features in said roundabouts, and

traffic-calming improvements (hereinafter "Improvements") approved by the City as depicted in Exhibit "A."

2. All Improvements, uses and activities shall comply with the terms and conditions of this License Agreement and exhibits hereto.

3. The Licensees agree to apply for all required permits for the Improvements depicted on Exhibit "A" within ninety (90) days of the execution of this agreement by the City.

4. Licensees agree to complete all construction/installation activities within one (1) year of City Commission approval of this Agreement. Failure to complete all construction/installation activities within one (1) year shall result in revocation of this License Agreement.

5. The Licensees jointly and severally assume all responsibility for the maintenance and, if necessary, replacement of the Improvements described herein and as depicted on Exhibit "A."

6. The Licensees agree, upon thirty (30) days written notice from the City, to maintain, repair or replace all Improvements which require maintenance, repair or replacement. If no remedy is made within the specified time, the City reserves the right to remove all Improvements without further notice to the Licensees and at the sole cost and expense of the Licensees.

7. The City reserves the right to require removal of the Improvements depicted in Exhibit "A", at the Licensees' sole cost and expense, in the event that the City needs to utilize the property for City purposes, such as road, bike path, public utility installation or maintenance, drainage Improvement or other public uses. The City shall give at least thirty (30) days prior notice to the Licensees. If the Improvements are not removed within the time specified by the City, or in cases where emergency work by the City becomes necessary, the City may remove or cause to be removed the Improvements without any liability to the City or obligation to replace same upon completion of the City project.

8. The Licensees agree that no improvements shall be made except as depicted in Exhibit "A" or subsequently approved amendments thereto. However, Improvements may be maintained, repaired, replaced and removed.

9. Licensees agree to not interfere or restrict legal public use of the property described in Exhibit "A."

10. The license granted by this License Agreement shall be effective during the period from the date of execution by all parties until terminated in accordance with the provisions specified herein.

11. Any party may terminate this License Agreement upon giving thirty (30) days prior written notice to the other party, after which time this License Agreement shall be of no further force or effect, except for those provisions which, by their terms, survive termination. Upon termination by any party, the City shall have the option of requiring all Improvements to be removed or abandoned in place by the Licensees or maintained in their present state by the City and without further right or obligation by the Licensees. If the Licensees terminate this Agreement, or otherwise fail to remain in good standing and in compliance with this Agreement, the City may maintain and repair the Improvements, but the City shall not be obligated to either maintain or repair the Improvements and the City shall not be liable for either undertaking or failing to maintain or repair the Improvements. All costs and expenses of the City resulting from maintenance or repair of the Improvements, or which otherwise arises out of this License Agreement, including administrative expenses, attorneys' fees and costs, shall be paid by Licensees' jointly and severally, and in the event such costs and expenses are not paid within thirty (30) days of the City providing written demand therefor, such costs and expenses shall be chargeable to and assessed by the City jointly and severally against the Licensees' above-described real property abutting Chipola Avenue. The City shall have the right to enforce collection of assessments for such costs and expenses by a lien jointly and severally against the said real property, which lien shall include interest at the then highest lawful rate of interest and attorneys' fees and costs for collection thereof. The provisions of this Section 11 shall survive the termination of this License Agreement.

12. This license is given to the Licensees as an accommodation to the Licensees without any consideration. The Licensees acknowledge the legal title of the City to the right-of-way property described herein and agree never to deny such title or to claim title in the Licensees' names.

13. The Licensees shall exercise the rights, privileges and permission granted herein at the Licensees' own risk. The Licensees shall not claim any damages from the City for any injuries or damages in connection with or on account of the exercise of such rights, privileges or permission, the condition of the City's property, or the use of the property. The Licensees shall indemnify and hold harmless the City, its officers, employees and agents, from and against all claims, damages, losses and expenses, including reasonable attorneys' fees and costs, arising out of, resulting from, or in any way connected with the condition of the City's property, the use of the property, the exercise of the license granted by this License Agreement, the failure on the part of the Licensees to comply with any of the provisions specified herein, or the City's removal of any Improvements depicted in Exhibit "A" or otherwise permitted by this License Agreement.

The City shall not be liable to the Licensees if for any reason the Licensees' use of the property is hindered or disturbed.

14. All notices required to be given by any party shall be in writing, addressed to all other parties, and delivered by certified mail, telegram or in person to: City Manager with copy to City Attorney, for the City; and to Glenn D. Storch, Esq., 420 South Nova Road, Daytona Beach, Florida 32114, for the Licensees, or as otherwise designated in writing to all respective parties.

15. This License Agreement shall be recorded in the Public Records of Volusia County, Florida. Upon execution of this License Agreement, the Licensees agree to pay the City an amount equal to the applicable cost of recording this License Agreement in the Public Records of Volusia County, Florida.

16. This License Agreement constitutes the entire agreement between the parties. There are no further or other agreements or understandings, written or oral, in effect between the parties, relating to the subject matter hereof. This License Agreement may be amended or modified only by an instrument of equal formality signed by the respective parties.

**IN WITNESS WHEREOF**, the parties hereto have executed this License Agreement on the respective dates below.

**WITNESSES:**

**LICENSOR**  
CITY OF DELAND, FLORIDA,  
a Florida municipal corporation

\_\_\_\_\_  
Witness 1

By: \_\_\_\_\_  
Robert Apgar, Mayor

\_\_\_\_\_  
Print Name of Witness 1

Attest:

\_\_\_\_\_  
Witness 2

By: \_\_\_\_\_  
Julie A. Hennessy, City Clerk

\_\_\_\_\_  
Print Name of Witness 2

**LICENSEES**

MORRIS ESFORMES, individually and as  
Manager of WECRE DELAND, LLC, AND  
SYM REAL ESTATE, LLC

\_\_\_\_\_  
Witness 1

By: \_\_\_\_\_  
Morris Esformes

\_\_\_\_\_  
Print Name of Witness 1

\_\_\_\_\_  
Witness 2

\_\_\_\_\_  
Print Name of Witness 2

132 HAVEMEYER ST. REALTY CORP

\_\_\_\_\_  
Witness 1

By: \_\_\_\_\_  
Sylvia Yolinsky, CEO

\_\_\_\_\_  
Print Name of Witness 1

\_\_\_\_\_  
Witness 2

\_\_\_\_\_  
Print Name of Witness 2

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2013, by ROBERT APGAR and MICHAEL PIEUS, as Mayor and City Manager, respectively, of the City of DeLand, Florida, a Florida Municipal Corporation, on behalf of the City of DeLand. They are personally known to me and did not take an oath.

\_\_\_\_\_  
Notary Public, State of Florida  
Type or Print Name: \_\_\_\_\_  
Commission No. \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2013, by MORRIS ESFORMES, individually and as Manager of WECRE DELAND, LLC and SYM REAL ESTATE, LLC. He is personally known to me or produced \_\_\_\_\_ as identification and did not take an oath.

\_\_\_\_\_  
Notary Public, State of Florida  
Type or Print Name: \_\_\_\_\_  
Commission No. \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

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

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by SYLVIA YOLINSKY, as Chief Executive Officer of 132 HAVEMEYER ST. REALTY CORP., who is personally known to me or who produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public, State of Florida  
Type or Print Name: \_\_\_\_\_  
Commission No. \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Approved as to form and correctness:

\_\_\_\_\_  
City Attorney  
Date: \_\_\_\_\_

**THE NEWS-JOURNAL**

Published Daily and Sunday  
Daytona Beach, Volusia County, Florida

**State of Florida,  
County of Volusia**

Before the undersigned authority personally appeared

**Cynthia Anderson**

who, on oath says that she is .....

**LEGAL COORDINATOR**

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

**NOTICE OF PUBLIC HEARING**

**L 2048167**

in the Court,  
was published in said newspaper in the issues.....

**DECEMBER 20, 2013**

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 he 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

.....*Cynthia Anderson*.....

Sworn to and subscribed before me

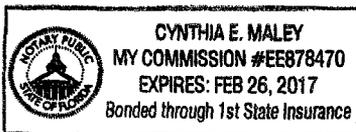
This **20TH** of **DECEMBER**

A.D. 2013

.....*Cynthia E. Maley*.....

49D

**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, January 6, 2014 at a  
regular meeting of the DeLand City Commission. The meeting will take place at  
7:00 P.M. in the City Commission Chambers, 120 South Florida Avenue, City Hall.  
All interested parties are invited to attend and be heard on the matter.  
Any person who wishes to appeal 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 5:00 P.M.  
**ORDINANCE NO. 2014-02  
AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING ORDINANCE NO. 93-66; WHICH APPROVED THE DEVELOPMENT PLAN FOR THE WOODLAND TOWERS PD; AS AMENDED BY ORDINANCE NO. 95-10; ORDINANCE NO. 2004-28; AND ORDINANCE NO. 2005-11; BY AMENDING THE PD DOCUMENT TO ALLOW FOR THE DEVELOPMENT OF ADDITIONAL PROPERTY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**  
L2048167, Dec. 20, 2013 jt



**ORDINANCE 2004 - 28**

**AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, AMENDING ORDINANCE NO. 93-66; WHICH APPROVED THE DEVELOPMENT PLAN FOR THE WOODLAND TOWERS PD AS AMENDED BY ORDINANCE NO. 95-10; BY AMENDING THE PD DOCUMENT TO ADD AND DEVELOP ADDITIONAL PROPERTY AND BY CHANGING THE NAME OF THE PD TO WOODLAND VILLAGE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, Ordinance No. 93-66, adopted August 16, 1993, approved a Development Plan for the "Woodland Towers PD", which Ordinance was subsequently amended by Ordinance No. 95-10, adopted February 20, 1995; and

**WHEREAS**, the Applicant, Glenn Storch, P.A, is requesting that the existing Planned Development document be amended to allow for the addition and development of 7.3 acres, attached hereto as Exhibit "A" and by this reference made a part hereof, to the existing PD; and

**WHEREAS**, the Applicant proposed to change the name of the PD to Woodland Village; and

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

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

**Section 1.** City of DeLand Ordinance 93-66, approving the Development Plan for the Woodland Towers PD, as amended by City of DeLand Ordinance 95-10, is hereby amended by amending the PD document to allow for the addition and development of 6.88 acres to be added to the existing PD, for a total of 19.28 acres.

**Section 2.** The name of the PD is hereby changed to Woodland Village.

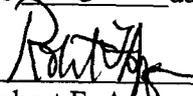
**Section 3.** At the time of development, the developer shall comply with all relevant building codes and development standards contained in the City's Code of Ordinances or in the Development Plan; provided, however, that the development standards contained in the adopted Development Plan, as amended, shall supersede comparable standards contained in the Code of Ordinances.

**Section 4.** 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.

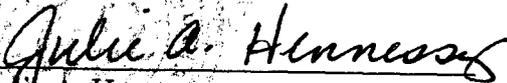
**Section 5.** All Ordinances or parts of Ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

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

PASSED AND DULY ADOPTED this 8<sup>th</sup> day of Sept., 2004.

  
\_\_\_\_\_  
Robert F. Apgar  
Mayor-Commissioner

ATTEST:

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

Approved on 1<sup>st</sup> Reading: June 7, 2004  
Adopted on 2<sup>nd</sup> Reading: September 8, 2004

APPROVED AS TO FORM AND LEGALITY:

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

**Blackwell & Associates**  
**LAND SURVEYORS, INC.**995 West Volusia Avenue  
DeLand, Florida 32720  
(386) 734-8050  
(fax) 734-7844Book: 5441  
Page: 3888  
Diane M. Matousek  
Volusia County, Clerk of Court**PARCEL "A"**

All of Willis G. Stevens Replat of Cherokee Park Subdivision of Lots 4 to 8, inclusive, of Cranor's Subdivision of Section 21, Township 17 South, Range 30 East, as recorded in Map Book 9, Page 217, Public Records of Volusia County, Florida, except the South 533.00 feet of the East 627.50 feet thereof; except the South 300.00 feet of the West 659.50 feet thereof; except the North 361.00 feet thereof; except the East 450.00 feet thereof; said parcel containing 3.87 acres, more or less; said parcel being more particularly described as follows:

Beginning at the southwest corner of the North 361.00 feet of said Willis G. Stevens Replat of Cherokee Park, run thence easterly along the south line thereof to the west line of the East 450.00 feet of said Willis G. Stevens Replat of Cherokee Park; thence southerly along said west line to the north line of the South 533.00 feet of said Willis G. Stevens Replat of Cherokee Park; thence westerly along said north line to the west line of the East 627.50 feet of said Willis G. Stevens Replat of Cherokee Park; thence southerly along said west line to the north line of the South 300.00 feet of said Willis G. Stevens Replat of Cherokee Park; thence westerly along said north line to the west line of said Willis G. Stevens Replat of Cherokee Park; thence northerly along said west line to the Point of Beginning.

**PARCEL "D" -**

The South ½ of Lot 9, John Cranor's Subdivision, as recorded in Map Book 5, Page 178, Public Records of Volusia County, Florida; said parcel containing 2.71 acres, more or less; said parcel being more particularly described as follows:

Beginning at the southwest corner of said Lot 9, run thence northerly along the west line thereof to the north line of the South ½ of said Lot 9; thence easterly along said north line to the east line of said Lot 9; thence southerly along said east line to the south line of said Lot 9; thence westerly along said south line to the Point of Beginning.

**PARCELS "B" and "C" (Parcel Nos. 7021-09-00-0051 and 7021-09-00-0060)**

The West 100.00 feet of the East 450.00 feet of Willis G. Stevens Replat of Cherokee Park Subdivision of Lots 4 to 8, inclusive, of Cranor's Subdivision of Section 21, Township 17 South, Range 30 East, as recorded in Map Book 9, Page 217, Public Records of Volusia County, Florida, except the South 533.00 feet thereof; said parcel containing 0.89 acres, more or less; said parcel being more particularly described as follows:

Beginning at the northwest corner of the West 100.00 feet of the East 450.00 feet of said Willis G. Stevens Replat of Cherokee Park, run thence easterly along the north line thereof to the east line of the West 100.00 feet of the East 450.00 feet of said Willis G. Stevens Replat of Cherokee Park, run thence southerly along said east line to the north line of the South 533.00 feet of said Willis G. Stevens Replat of Cherokee Park; thence westerly along said north line to the west line of the East 450.00 feet of said Willis G. Stevens Replat of Cherokee Park; thence northerly along said west line to the Point of Beginning.

**The News-Journal**

Published Daily and Sunday  
Daytona Beach, Volusia County, Florida

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

Before the undersigned authority personally appeared

Kevin Hancock

Who, on oath says that he is

Classified Call Center 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. 2004-28

in the \_\_\_\_\_ Court  
was published in said newspaper in the issues  
August 20, 2004

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 he 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.

*Kevin Hancock*

Sworn to and subscribed before me

this 20th day of August

A.D. 2004

*Anita Marie Saunders*



ANITA MARIE SAUNDERS  
Notary Public, State of Florida  
My comm. expires Aug 30, 2007  
Comm. No. DD 222131

**LEGAL ADVERTISEMENT**

**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  
Wednesday, September 8, 2004, 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 An-  
nex. All interested parties are  
invited to attend and be heard on  
the matter.

Any person who appeals any deci-  
sion made by the City Commission  
with respect to any matter consid-  
ered at this meeting will need a re-  
cord of the proceeding and, thus,  
may need to ensure that a verba-  
tim 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 2004-28**  
AN ORDINANCE OF THE CITY  
OF DELAND, FLORIDA, AMEND-  
ING ORDINANCE NO. 93-86;  
WHICH APPROVED THE DEVEL-  
OPMENT PLAN FOR THE WOOD-  
LAND TOWERS PD AS  
AMENDED BY ORDINANCE NO.  
95-10; BY AMENDING THE PD  
DOCUMENT TO ADD AND DE-  
VELOP ADDITIONAL PROP-  
ERTY AND BY CHANGING THE  
NAME OF THE PD TO WOOD-  
LAND VILLAGE; PROVIDING  
FOR SEVERABILITY AND AN  
EFFECTIVE DATE.

Legal L55129, August 20, 2004 1t.

**ORDINANCE NO. 2004 - 26**

**AN ORDINANCE ANNEXING INTO THE CITY OF DELAND, FLORIDA, APPROXIMATELY 7.9 ACRES OF PROPERTY, PARCEL "A", LOCATED ON THE EAST SIDE OF CLARA AVENUE ACROSS FROM HERITAGE ESTATES LANE; PARCEL "B", LOCATED 315 FEET WEST OF WOODLAND AVENUE RIGHT OF WAY, 247 FEET SOUTH OF CHIPOLA AVENUE; PARCEL "C", LOCATED ON THE SOUTH SIDE OF CHIPOLA AVENUE, 315 FEET WEST OF WOODLAND AVENUE RIGHT OF WAY; PARCEL "D", LOCATED ON THE NORTHEAST CORNER OF CHIPOLA AVENUE AND CLARA AVENUE; PARCEL "E", LOCATED ON THE WEST SIDE OF WOODLAND BOULEVARD, 250 FEET SOUTH OF CHIPOLA AVENUE; AMENDING CITY BOUNDARIES TO INCLUDE THE ANNEXED PROPERTY; AFFIRMING COMPLIANCE WITH STATUTORY PROCEDURE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** The City of DeLand received a petition for annexation from Glenn Storch, P.A.; and

**WHEREAS,** The area to be annexed is contiguous to the boundaries of the City of DeLand, is reasonably compact, is not circuitous, and otherwise meets the requirements of Chapter 171, Florida Statutes.

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

**Section 1.** The following described parcel of land in Volusia County, Florida, for which a petition for annexation has been received from Glenn Storch, P.A., for Parcel "A", located on the East side of Clara Avenue across from Heritage Estates Lane; Parcel "B", located 315 feet West of Woodland Avenue right of way, 247 feet South of Chipola Avenue; Parcel "C", located on the South side of Chipola Avenue, 315 feet West of Woodland Avenue right of way; Parcel "D", located on the Northeast corner of Chipola Avenue and Clara Avenue; Parcel "E", located on the West side of Woodland Boulevard, 250 feet south of Chipola Avenue, and consisting of approximately 7.9 acres of property, is hereby annexed and made part of the City of DeLand, subject to the jurisdiction, obligations, benefits and privileges of property within the municipality:

See Attached Exhibit "A" for legal descriptions.

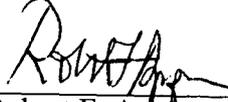
Tax Parcel Nos.	Parcel A:	7021-09-00-0010
	Parcel B:	7021-09-00-0051
	Parcel C:	7021-09-00-0060
	Parcel D:	7021-07-00-0092
	Parcel E:	7021-09-00-0050

**Section 2.** The boundary lines of the City of DeLand are hereby changed and redefined to include the land described in Section 1 above and depicted on the map attached hereto as Exhibit B and by this reference made a part hereof.

**Section 3.** The City Commission finds that a public hearing has been held on this Ordinance prior to adoption in the Commission Chambers, City Hall Annex, 121 W. Rich Ave., DeLand, Florida, at 7:00 P.M., June 21, 2004 after notice published in accordance with Florida Statutes Section 171.044.

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

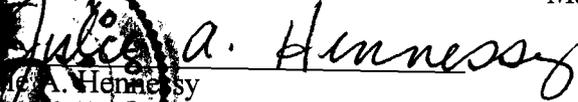
**PASSED AND DULY ADOPTED** this 21<sup>st</sup> day of June, 2004.



Robert F. Apgar  
Mayor-Commissioner



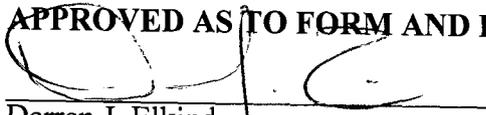
TEST



Julie A. Hennessy  
City Clerk - Auditor

Passed on first reading: June 7, 2004  
Adopted on second reading: June 21, 2004

**APPROVED AS TO FORM AND LEGALITY:**

  
Darren J. Elkind  
City Attorney

**Blackwell & Associates**  
**LAND SURVEYORS, INC.**

995 West Volusia Avenue  
DeLand, Florida 32720  
(386) 734-8050  
(fax) 734-7844

*"Celebrating 25 Years of Service  
To Central Florida"*

**DESCRIPTIONS FOR WOODLAND VILLAS**

**PARCEL "A"**

All of Willis G. Stevens Replat of Cherokee Park Subdivision of Lots 4 to 8, inclusive, of Cranor's Subdivision of Section 21, Township 17 South, Range 30 East, as recorded in Map Book 9, Page 217, Public Records of Volusia County, Florida, except the South 533.00 feet of the East 627.50 feet thereof; except the South 300.00 feet of the West 659.50 feet thereof; except the North 361.00 feet thereof; except the East 450.00 feet thereof; said parcel containing 3.87 acres, more or less; said parcel being more particularly described as follows:

Beginning at the southwest corner of the North 361.00 feet of said Willis G. Stevens Replat of Cherokee Park, run thence easterly along the south line thereof to the west line of the East 450.00 feet of said Willis G. Stevens Replat of Cherokee Park; thence southerly along said west line to the north line of the South 533.00 feet of said Willis G. Stevens Replat of Cherokee Park; thence westerly along said north line to the west line of the East 627.50 feet of said Willis G. Stevens Replat of Cherokee Park; thence southerly along said west line to the north line of the South 300.00 feet of said Willis G. Stevens Replat of Cherokee Park; thence westerly along said north line to the west line of said Willis G. Stevens Replat of Cherokee Park; thence northerly along said west line to the Point of Beginning.

**Blackwell & Associates**  
**LAND SURVEYORS, INC.**

995 West Volusia Avenue  
DeLand, Florida 32720  
(386) 734-8050  
(fax) 734-7844

*"Celebrating 25 Years of Service  
To Central Florida"*

**DESCRIPTIONS FOR WOODLAND VILLAS**

**PARCELS "B" and "C" (Parcel Nos. 7021-09-00-0051 and 7021-09-00-0060)**

The West 100.00 feet of the East 450.00 feet of Willis G. Stevens Replat of Cherokee Park Subdivision of Lots 4 to 8, inclusive, of Cranor's Subdivision of Section 21, Township 17 South, Range 30 East, as recorded in Map Book 9, Page 217, Public Records of Volusia County, Florida, except the South 533.00 feet thereof; said parcel containing 0.89 acres, more or less; said parcel being more particularly described as follows:

Beginning at the northwest corner of the West 100.00 feet of the East 450.00 feet of said Willis G. Stevens Replat of Cherokee Park, run thence easterly along the north line thereof to the east line of the West 100.00 feet of the East 450.00 feet of said Willis G. Stevens Replat of Cherokee Park, run thence southerly along said east line to the north line of the South 533.00 feet of said Willis G. Stevens Replat of Cherokee Park; thence westerly along said north line to the west line of the East 450.00 feet of said Willis G. Stevens Replat of Cherokee Park; thence northerly along said west line to the Point of Beginning.

**Blackwell & Associates**  
**LAND SURVEYORS, INC.**

995 West Volusia Avenue  
DeLand, Florida 32720  
(386) 734-8050  
(fax) 734-7844

*"Celebrating 25 Years of Service  
To Central Florida"*

**ANNEXATION DESCRIPTIONS FOR WOODLAND VILLAS**  
**Revised June 3, 2004**

**PARCEL "D"**

The South ½ of Lot 9, except the East 75.00 feet thereof, John Cranor's Subdivision, as recorded in Map Book 5, Page 178, Public Records of Volusia County, Florida; said parcel containing 2.12 acres, more or less; said parcel being more particularly described as follows:

Beginning at the southwest corner of said Lot 9, run thence northerly along the west line thereof to the north line of the South ½ of said Lot 9; thence easterly along said north line to the west line of the East 75.00 feet of said Lot 9; thence southerly along said west line to the south line of said Lot 9; thence westerly along said south line to the Point of Beginning.

**Blackwell & Associates**  
**LAND SURVEYORS, INC.**

995 West Volusia Avenue  
DeLand, Florida 32720  
(386) 734-8050  
(fax) 734-7844

*"Celebrating 25 Years of Service  
To Central Florida"*

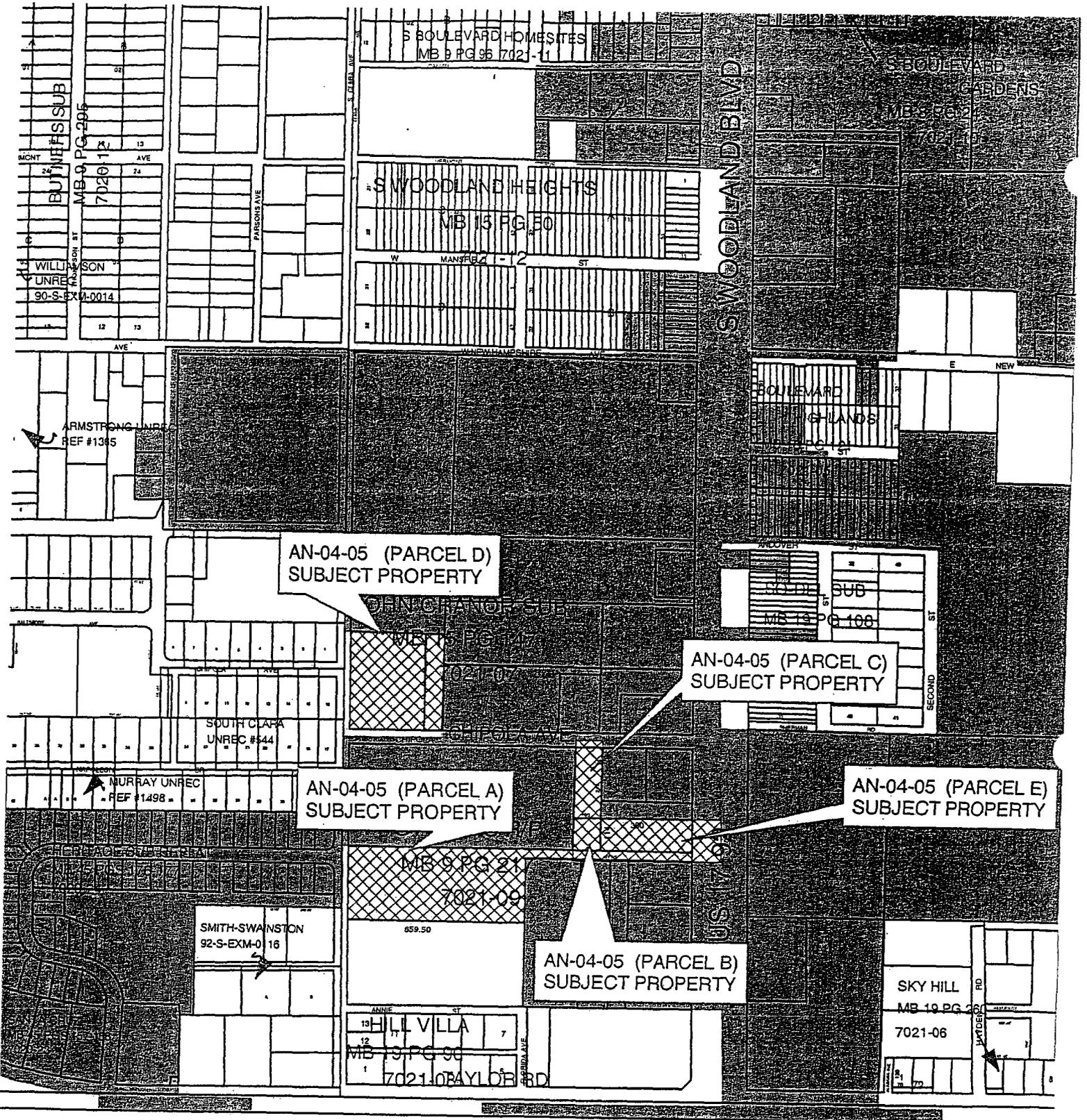
**ANNEXATION DESCRIPTION FOR MARK ZIMMERMAN**

*Parcel E*

**Parcel No. 7021-09-00-0050 and Old Boulevard Drive In Entrance Road**

The East 350.00 feet of Willis G. Stevens Replat of Cherokee Park Subdivision of Lots 4 to 8, inclusive, of Cranor's Subdivision of Section 21, Township 17 South, Range 30 East, as recorded in Map Book 9, Page 217, Public Records of Volusia County, Florida, except the North 247.00 feet thereof, except the South 533.00 feet thereof and except State Road right of way; said parcel containing 1.02 acres, more or less; said parcel being more particularly described as follows:

Beginning at the northwest corner of the South 114.00 feet of the North 361.00 feet of the East 350.00 feet of said Willis G. Stevens Replat of Cherokee Park, run thence easterly along the north line thereof to the west right of way line of U.S. Highway 17-92 (State Road 15-600); thence southerly along said right of way line to the north line of the South 533.00 feet of said Willis G. Stevens Replat of Cherokee Park; thence westerly along said north line to the west line of the East 350.00 feet of said Willis G. Stevens Replat of Cherokee Park; thence northerly along said west line to the Point of Beginning.



City of DeLand



Faith, Hope & Charity

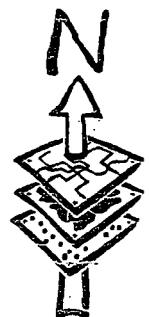
# PLANNING BOARD

AN-04-05

5/19/04

**Legend**

- master arc
- master arc
- CITYNAME
- DELAND



**The News-Journal**

Published Daily and Sunday  
Daytona Beach, Volusia County, Florida

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

Before the undersigned authority personally appeared

Kevin Hancock

Who, on oath says that he is

Classified Call Center 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  
Legal Notice

in the matter of Ordinance No. 2004-26

in the Court  
was published in said newspaper in the issues  
June 11, 18, 2004

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 he 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 18th day of June

A.D. 2004



ANITA MARIE SAUNDERS  
Notary Public, State of Florida  
My comm. expires Aug. 30, 2007  
Comm. No. DD 222131

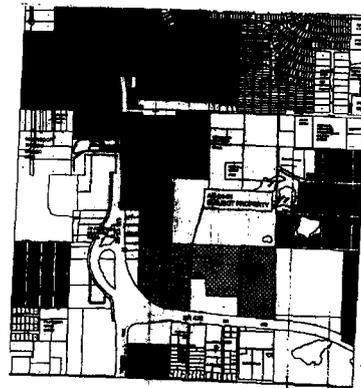
**LEGAL ADVERTISEMENT**

**LEGAL NOTICE**

Pursuant to F.S. 171.044, notice is hereby given that the City of Deland, Florida proposes to annex the following parcel: APPROXIMATELY 7.9 ACRES OF PROPERTY PARCEL "A", LOCATED ON THE EAST SIDE OF CLARA AVENUE ACROSS FROM HERITAGE ESTATES LANE; PARCEL "B", LOCATED 315 FEET WEST OF WOODLAND AVENUE RIGHT OF WAY, 247 FEET SOUTH OF CHIPOLA AVENUE; PARCEL "C", LOCATED ON THE SOUTH SIDE OF CHIPOLA AVENUE, 315 FEET WEST OF WOODLAND AVENUE RIGHT OF WAY; PARCEL "D", LOCATED ON THE NORTHEAST CORNER OF CHIPOLA AVENUE AND CLARA AVENUE; PARCEL "E", LOCATED ON THE WEST SIDE OF WOODLAND BOULEVARD, 250 FEET SOUTH OF CHIPOLA AVENUE. A complete legal description by metes and bounds and Annexation Ordinance No. 2004-26 can be obtained from the office of the City Clerk.

Public Hearing on this matter will be held at 7:00 p.m. on Monday, June 21, 2004. Any person who appeals any decision made by the City Commission with respect to any matter considered at this meeting will need 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.

ORDINANCE NO. 2004-26  
AN ORDINANCE ANNEXING INTO THE CITY OF DELAND, FLORIDA, APPROXIMATELY 7.9 ACRES OF PROPERTY PARCEL "A", LOCATED ON THE EAST SIDE OF CLARA AVENUE ACROSS FROM HERITAGE ESTATES LANE; PARCEL "B", LOCATED 315 FEET WEST OF WOODLAND AVENUE RIGHT OF WAY, 247 FEET SOUTH OF CHIPOLA AVENUE; PARCEL "C", LOCATED ON THE SOUTH SIDE OF CHIPOLA AVENUE, 315 FEET WEST OF WOODLAND AVENUE RIGHT OF WAY; PARCEL "D", LOCATED ON THE NORTHEAST CORNER OF CHIPOLA AVENUE AND CLARA AVENUE; PARCEL "E", LOCATED ON THE WEST SIDE OF WOODLAND BOULEVARD, 250 FEET SOUTH OF CHIPOLA AVENUE; AMENDING CITY BOUNDARIES TO INCLUDE THE ANNEXED PROPERTY; AFFIRMING COMPLIANCE WITH STATUTORY PROCEDURE; AND PROVIDING AN EFFECTIVE DATE.



Legal L54547. June 11, 18, 2004 2t.

ORDINANCE 95-10

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, AMENDING ORDINANCE NO. 93-66 WHICH APPROVED THE DEVELOPMENT PLAN FOR THE WOODLAND TOWERS PD, BY AMENDING THE PLANNED DEVELOPMENT DOCUMENT WHICH WAS ATTACHED TO AND INCORPORATED BY REFERENCE IN ORDINANCE NO. 93-66 SO AS TO CORRECT ERRORS REGARDING THE MAXIMUM IMPERVIOUS AREA IN PHASES I AND II, AND TO ADDRESS THE REDUCTION IN THE NUMBER OF UNITS IN THE 2ND TOWER IN PHASE I; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, S & D Partners, Inc. and Morris Esformes (the applicants) have suggested amendments to the Woodland Towers Development Plan (hereinafter the "Plan") so as to correct errors regarding the maximum impervious area in Phases I and II, and to address the reduction in the number of units in the 2nd tower in Phase I; and

WHEREAS, the proposed amendments to the Plan will permit the proposed development in Phase II (the nursing home), reduce the number of required parking spaces in Phase I, and will not have a detrimental effect on surrounding properties; and

WHEREAS, it is in the best interests of the City to grant the requested amendments to the Woodland Towers Planned Development;

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

**Section 1.** City of DeLand Ordinance No. 93-66, approving the Development Plan for the Woodland Towers PD, is hereby amended by incorporating into the Planned Development Document which was attached to Ordinance 93-66 and incorporated therein by reference, the amendments contained in Exhibit A which is attached hereto and incorporated herein by reference. The amendments contained in the attached Exhibit A 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 20th day of February, 1995.

  
\_\_\_\_\_  
David C. Rigsby  
Mayor - Commissioner

**ATTEST:**

  
\_\_\_\_\_  
Viola H. Ballentine  
City Clerk - Auditor

Passed on first reading: February 6, 1995  
Adopted on second reading: February 20, 1995

**APPROVED AS TO FORM AND LEGALITY:**

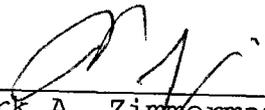
  
\_\_\_\_\_  
Mark A. Zimmerman  
City Attorney



EXHIBIT A

AMENDMENTS TO THE WOODLAND TOWERS DEVELOPMENT PLAN.

1. Section 3. Development Plan Map (Phase I) - The height of the second tower in Phase I has been reduced from five (5) stories to four (4) stories and the number of units have been reduced from 88 to 70.
2. Section 7 - Statistical Information - The Maximum Impervious Surface Coverage for Phase I and Phase II has been increased to 70%.
3. Section 7 - Revise the proposed PD to eliminate the internal inconsistency between the PD Report and the Concept Plan sheet regarding the total number of parking spaces for Phase I, either a total of 149 parking spaces (128 to be constructed and 21 deferred) or a total of 128).
4. Section 7 - Phase II will be have a total of 49 parking spaces.
5. Revise the Concept Plan sheet to show that Phase I shall have a total of either 129 or 149 parking spaces and Phase II will have a total of 49 parking spaces.
6. Section 7 - The reduction in number of units results in a reduction in density from 16.83 to 15.41 DU/A.

# The News-Journal

Published Daily and Sunday  
Daytona Beach, Volusia County, Florida

State of Florida,  
County of Volusia:

Before the undersigned authority personally appeared

..... Bryan P. Stephens .....

who, on oath says that he is.....

..... Classified Advertising 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 95-10

.....

in the ..... Court, was published

in said newspaper in the issues.....

..... February 15, 1995 .....

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 he 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.

.....  
*B.P.S.*  
.....

Sworn to and subscribed before me

this 15th day of February

A.D. 19...95

.....  
*Marsha L. Nichols*  
.....



MARSHA L. NICHOLS  
Notary Public, State of Florida  
My Comm. Exp. Aug. 20, 1998  
Comm. No. CC 389798

<p>wood, Commercial, Residential 788-4230, Bayside 574-4164, Auto Lic. &amp; Ins. Mobile shown, avail.</p> <p><b>NATIONWIDE CARPETS</b></p> <p>● SPECIAL ● \$8.95 special per room (Based on 150 sq. ft.) Special Deals: carpet clean: ● \$29.95 couch ● \$19.95 layman ● \$8.95 for chair Call 423-4613</p> <p><b>WE DO IT RIGHT!</b></p>	<p>Office Open</p> <p>Free estimates, inspection complete measurements, quotes plans, diagrams, view of your home. For a \$73-1116. Licensed Superior Inspection</p> <p><b>244-Hauling</b></p> <p>Hulk Hauling-Dem Haul anything. Also repairs. Reasonable</p> <p><b>245-Home</b></p>
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**PROOF OF PUBLICATION**

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**IN RE**

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**NEWS-JOURNAL CORPORATION**  
**Daytona Beach, Florida**  
**Publication Fee, \$ . . . . .**

# The News-Journal

Published Daily and Sunday  
Daytona Beach, Volusia County, Florida

State of Florida,  
County of Volusia:

Before the undersigned authority personally appeared  
**Bryan P. Stephens**

who, on oath says that he is.....  
**Classified Advertising 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 95-10**

in the ..... Court, was published

in said newspaper in the issues.....  
**February 10, 1995**

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 he 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 **10th** day of **February**.....

A.D. 19 **95**..



MARSHA L. NICHOLS  
Notary Public, State of Florida  
My Comm. Exp. Aug. 20, 1998  
Comm. No. CC 389798

**LEGAL ADVERTISEMENT**

**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 February 10,  
1995, at the regular meeting of the  
DeLand City Commission. The meet-  
ing 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 tes-  
timony 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 95-10**  
AN ORDINANCE OF THE CITY  
OF DELAND, FLORIDA AMEND-  
ING ORDINANCE NO. 93-66  
WHICH APPROVED THE DEVEL-  
OPMENT PLAN FOR THE WOOD-  
LAND TOWERS PD, BY  
AMENDING THE PLANNED  
DEVELOPMENT DOCUMENT  
WHICH WAS ATTACHED TO  
AND INCORPORATED BY REFER-  
ENCE IN ORDINANCE NO. 93-66  
SO AS TO CORRECT ERRORS  
REGARDING THE MAXIMUM  
IMPERVIOUS AREA IN PHASES I  
AND II, AND TO ADDRESS THE  
REDUCTION IN THE NUMBER  
OF UNITS IN THE 2ND TOWER IN  
PHASE I; PROVIDING FOR SEVE-  
RABILITY AND AN EFFECTIVE  
DATE.

Legal L18127. February 10, 1995 1t.

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**PROOF OF PUBLICATION**

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**IN RE**

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**NEWS-JOURNAL CORPORATION**  
**Daytona Beach, Florida**  
**Publication Fee, \$ . . . . .**

ORDINANCE 93-66

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA CHANGING THE ZONING FROM CITY C-2, GENERAL COMMERCIAL DISTRICT, AND VOLUSIA COUNTY B-5, HEAVY COMMERCIAL DISTRICT, TO COMMERCIAL PD, PLANNED DEVELOPMENT DISTRICT, ON DESCRIBED PROPERTY LOCATED ON THE SOUTHEAST CORNER OF SOUTH CLARA AND WEST CHIPOLA AVENUES, AND THE NORTH SIDE OF WEST CHIPOLA AVENUE, BEGINNING APPROXIMATELY 620 FEET WEST OF SOUTH WOODLAND BOULEVARD; APPROVING A DEVELOPMENT PLAN FOR WOODLAND TOWERS, A COMMERCIAL PLANNED DEVELOPMENT CONSISTING OF APPROXIMATELY 12.61 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, S & D Partners, Ltd.; Edith Shiffer, et al., Felix P. Matzat and Rosemarie Fletcher; Mark A. Zimmerman and Mac Steen; Gregory Schott and Rebecca Schott; Gary M. Brown; and Estate of Alexander Susky (hereinafter referred to as "the Applicants") are multiple owners of a 12.61 acre parcel of land located on the southeast corner of South Clara and West Chipola Avenues, and the north side of West Chipola Avenue beginning approximately 620 feet west of South Woodland Boulevard, which is more particularly described in the legal description attached hereto as Composite Exhibit "A" and by this reference made a part hereof; and

WHEREAS, the Applicants have applied for a change of zoning from the present zoning classification of City C-2, General Commercial District, and Volusia County B-5, Heavy Commercial District, to Commercial PD, Planned Development District; and

WHEREAS, said rezoning as a Commercial 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 Applicants have submitted an application for approval of a development plan for Woodland Towers to encompass all of the property described in Composite Exhibit "A" (hereinafter "the Property" or "the Project"); and

WHEREAS, the proposed development plan meets or exceeds the minimum conditions and standards for the Commercial 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 Highway Commercial land use designation, which: encourages intensified development in outlying or newly developed areas for a variety of residential, office and commercial needs; encourages clustering of new development to promote shared facilities and access and to discourage linear development along collector and arterial level roadways; permits energy and cost effective delivery of services; and, requires properly designed ingress and egress to avoid undue traffic hazards or congestion; and, unlike the Neighborhood Commercial land use designation, is oriented toward land uses which have regional or sub-regional market areas;

**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 City C-2, General Commercial District, and Volusia County B-5, Heavy Commercial District, to Commercial 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 Composite Exhibit "A" as Commercial PD, Planned Development District.

**Section 3.** The zoning of the Property as Commercial 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 Applicants 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 Commercial 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 Woodland Towers, including the Development Plan Report, Maps and other supporting documentation (on file with the City Planning Department), and the Narrative attached hereto as Exhibit "C," 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 Planned Development for Woodland Towers," which is attached hereto as Exhibit "B" and incorporated herein by reference.

**Section 6.** At the time of development, the Applicants 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.

**Section 7.** Pursuant to Article 5 of the City's Land Development Regulations, the Applicants 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.** With the exception of Phase III, the property shall remain in unified ownership until such time as the certificate of occupancy is acquired for Phase II; provided, however, that the Applicants may sell 80% or more of the land area within Phase I and Phase II to a single developer before the Applicants have acquired a certificate of occupancy.

**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 16th day of August, 1993.



David C. Rigsby  
Mayor-Commissioner

ATTEST:



Viola H. Ballentine  
City Clerk - Auditor

Passed on first reading: August 2, 1993  
Adopted on second reading: August 16, 1993

APPROVED AS TO FORM AND LEGALITY:



Martin Boire  
Special Counsel for the City of DeLand



COMPOSITE EXHIBIT "A"

PHASE I

A part of Lots 2 and 3 of the John Cranor Subdivision, as recorded in Map Book 5, page 178, Public Records of Volusia County, Florida, being more particularly described as follows:

Commencing at the West 1/4 corner of Section 21, Township 17 South, Range 30 East, Volusia County, Florida, run thence South along the West line of said 1/4 Section, a distance of 1375.33 feet to a R.L.S. cap #2299 set at the intersection of South Clara Avenue and Chipola Drive; thence run S 88° 36' 26" E along the centerline of Chipola Drive as established by proportional breakup and according to Plat of said John Cranor Subdivision, a distance of 660.37 feet; thence run N 00° 00' 34" E a distance of 20 feet to the Point of Beginning;

Thence continue N 00° 00' 34" E a distance of 229.36 feet; thence N 88° 36' 33" W a distance of 307.0 feet to a concrete monument; thence run N 00° 00' 34" E a distance of 229.35 feet to a concrete monument; thence run S 88° 37' 16" E a distance of 553.77 feet to a concrete monument; thence run S 00° 05' 36" E a distance of 248.72 feet; thence run N 88° 36' 26" W a distance of 149.21 feet; thence run S 00° 00' 34" W a distance of 210 feet; thence run N 88° 36' 26" W a distance of 98.0 feet to the Point of Beginning.



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

COMPOSITE EXHIBIT "A"  
ANNEXATION DESCRIPTION FOR WOODLAND TOWERS, LTD.  
July 28, 1993  
PC 93084

NORTH PARCEL

That part of the West 307 feet of Lot 3 and the East 75 feet of the South 1/2 of Lot 9, John Cranor's Subdivision, as recorded in Map Book 5, Page 178, Public Records of Volusia County, Florida, described as follows: Beginning at the southeast corner of the West 307 feet of said Lot 3, run thence westerly to the southwest corner of the East 75 feet of the South 1/2 of said Lot 9; thence northerly to the northwest corner of the East 75 feet of the South 1/2 of said Lot 9; thence easterly to the northeast corner of the East 75 feet of the South 1/2 of said Lot 9; thence southerly to the northwest corner of said Lot 3; thence easterly to the northeast corner of the West 307 feet of said Lot 3; thence southerly to the Point of Beginning.

SOUTH PARCEL

That part of the North 361 feet, except the East 450 feet thereof, of the Willis G. Stevens Replat of Cherokee Park Subdivision of Lots 4 to 8, inclusive, of Cranor's Subdivision in Section 21, Township 17 South, Range 30 East, as recorded in Map Book 9, Page 217, Public Records of Volusia County, Florida, described as follows: Beginning at the northwest corner of said Willis G. Stevens Replat of Cherokee Park Subdivision, run thence easterly to the northwest corner of the East 450 feet of said Willis G. Stevens Replat of Cherokee Park Subdivision; thence southerly to the southwest corner of the North 361 feet of the East 450 feet of said Willis G. Stevens Replat of Cherokee Park Subdivision; thence westerly to the southwest corner of the North 361 feet of said Willis G. Stevens Replat of Cherokee Park Subdivision; thence northerly to the Point of Beginning.



EXHIBIT "B"

CONDITIONS FOR THE APPROVAL OF THE PLANNED DEVELOPMENT  
FOR  
WOODLAND TOWERS

1. Revise the development plan report to read, "Medical uses shall include physicians offices and clinics, chiropractic offices and clinics, dentists, psychologists and mental health counselors and other health related uses; however, inpatient or outpatient drug rehabilitation centers are prohibited. Commercial shall include retail, office and or services; however, not wholesale operations."
2. *Statistical Information* - Revise the development plan to show that the total number of parking spaces is 178 and the number of proposed deferred parking spaces is 29.  
  
Revise the development plan report to include the following setbacks:  
Front yard = 20'  
Side yard abutting residentially zoned property = 25',  
Side yard abutting street = 20', side yard other = 10',  
Rear yard abutting residentially zoned property = 25' and  
Rear yard other = 10'.
3. *Areas Devoted to Common Area Recreation Areas* - Revise the development plan report to state that the applicant is responsible for the ownership and maintenance of all common areas.
4. *Drainage Concept Plan* - Revise the development plan report as follows, "The drainage system will be designed and constructed to meet all applicable stormwater management regulations, including but not limited to Section 33-93 of the City's Code of Ordinances (or its successor) and those of the St. Johns River Water Management District. At the time that Phase I is constructed, the stormwater retention facilities shall be developed and constructed to accommodate the total impervious area of the site, including 178 parking spaces."
5. *Generalized Landscaping Plan* - Revise the development plan report to state that, "There shall be a minimum Class C landscape buffer, per Article 8, Section 33-92.02 (B), between all commercial and residential development and between Clara Avenue and any development".
6. Revise sheet C-1 to show the minimum widths of all landscape buffers.

7. **Parking** - Revise the development plan report by adding the following: "The minimum parking requirements for the medical or commercial shall be as follows:  
  
Medical = 1 parking space per 100 square feet of net floor area.  
  
Commercial = 3 parking spaces for the first 300 square feet of floor area and 1 parking space for each additional 250 square feet of net floor area.
8. Revise the development plan report to read, "At the time of development plan review, the applicant shall comply with all applicable requirements regarding streets, driveways, and ingress and egress.
9. **Proposed Sign Standards** - Revise the development plan report to read, "For development within Phase II and Phase III, all signs shall comply with Section 33-71 of the City's Code of Ordinances."
10. **General Statement of Applicability** - Please revise the development plan report by add a statement to the effect that, "At the time of development, the applicant shall comply with all relevant building codes and development standards in the City's Code of Ordinances or those contained with the development plan. The development standards in the adopted development plan shall supercede comparable standards contained in the Code of Ordinances."
11. **Environmental Issues** - Please revise the development plan report by adding a section which reads, "At the time of development of each phase of development, the applicant shall comply with all applicable requirements of Section 33-57, Trees, Section 33-58, Wetlands, Section 33-59, Landlocked Lakes, Section 33-60, Habitat of Endangered or Threatened Species, Section 33-61, Flood Hazard Management, Section 33-62, Mining and Evacuation, Section 33-63, Potable Water Wellfield Protection, and Section 33-64, Erosion Control."
12. **Variance** - Revise the development plan report to specifically state that, "Per Section 33-32.02 (Q) of the Land Development Regulations, the specific phases of planned developments to apply for variances from the Board of Adjustment".
13. **Utilities** - Please provide a utilities master plan for this development. This plan shall address the location and size of existing utilities and the utilities which will be required to serve each specific phase of development. The narrative regarding potable water shall also include fire protection, such

as minimum fire flow requirements, hydrant placement, minimum line sizes, etc. Also revise the narrative by adding a sentence that reads, "Unless otherwise exempted by a utility service agreement with the City, the applicant shall make all required utility infrastructure improvements required to support the proposed development".

14. Revise the proposed development plan to show sidewalks connecting Phase I and Phase II. Additionally, revise the narrative to read, "At the time of development, the applicant shall comply with all applicable requirements regarding the construction of sidewalks along Chipola Drive and Clara Avenue".
15. Please revise the development plan report to read, "Per Article 5 of the City's Land Development Regulations, the applicant is required to comply with all applicable infrastructure regulations"

2003

WOODLAND HEALTH CENTER PLANNED DEVELOPMENTNARRATIVE

Z-93-08-03

This information is submitted in support of the Woodland Health Center PD (Planned Development District) pursuant to Section 33-133(5), City of DeLand Land Development Regulations.

1. Legal Description of Site: See Exhibit "A", Application for Rezoning; Contract Purchaser: Morris Esformes; Owners:

Gary M. Brown (Parcel #7021-07-00-0090)  
Mark A. Zimmerman & Mac Steen (Parcel #7021-09-00-0010)  
Estate of Alexander Susky (Parcel #7021-07-00-0035)  
Edith Shiffer, et al., Felix Matzat & Rosemarie  
Fletcher (Parcel #7021-07-00-0034)  
Gregory & Rebecca Schott (Parcel #7021-07-00-0037)

2. Existing Conditions Map: The site is presently occupied by Woodland Tower, which provides adult extended congregate care facilities, restaurant services, laundry services, and nursing services, as well as a meeting center. The existing Tower facility was constructed in the mid-1980's. The remaining area of Phase I is presently three small home sites. Phase II and Phase III are a section of the old drive-in movie theater. A survey sketch is provided that shows the location of present structures on the existing site. Said sketch is attached hereto as Exhibit "B-1".

3. Development Plan Map: The development will be completed in phases. The first phase and second phase may be constructed at the same time or in alternative order.

Phase I: Phase I will be the addition of a five-story tower with eighty-eight (88) units to the adult extended congregate care facility. The tower will be identical in style to the existing Woodland Tower; however, it will be two (2) stories less in height and contain forty-four (44) fewer units. Phase I will also contain additional parking and landscaping. There is also a possible expansion of the original Community Activity Room and Dining Area.

Phase II: Woodland Terrace Nursing Center - Phase II shall consist of a licensed nursing home care facility and an adult day care facility. The nursing home and adult day care facility shall contain a maximum of 55,000 square feet of building space and support a maximum 120-bed nursing home

operation and maximum twelve (12) patient-per-day day care facility.

Phase III: Phase III will be an office and commercial park oriented towards providing medical and professional services. Phase III provides for a 1.69-acre area, and the configuration of this development phase shall be submitted at a later date.

4. Alternative Development Scenario: Although the developer currently plans to provide for Phase II on the eastern-most section of the former drive-in property, and Phase III on the western-most section, it is possible that the developer will decide that it is necessary to switch the Phase II and Phase III site configuration.

5. Internal and External Land Use Relationships and Compatibility: The project appears to be surrounded by commercial interests on the northeast and south sides of the project. The west side appears to be a residential neighborhood. Due to the low intensity commercial use generated by the permitted uses within the Planned Development, as well as the quasi-residential nature of many of these uses, this project should be extremely compatible with the present external land uses.

6. Traffic System: A traffic study for Phase I and Phase II is provided as part of the application. The general design of the system, as well as access points to the major thoroughfare system via Chipola Drive, are explored in detail. Prior to development of Phase III, a new traffic impact study shall be required.

7. Statistical Information:

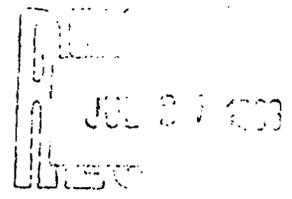
Total Acreage of Site: 12.59 Acres, More or Less

Maximum Building Coverage Percentage: 20% (All Phases)

Maximum Impervious Surface Percentage:

Phase I: With Deferred Parking - 63%  
Without Deferred Parking - 59%  
Phase II: 48%

Calculated Residential Density for Project: N/A  
(However, although the adult extended congregate care facility will provide health and care services



to its clients, the ACLF units could be considered quasi-residential, in which case there would be a total of 212 units - 124 units in Tower 1, and 88 units in Tower II. Therefore, the density would be 16.83 units per acre.)

Exact Number of Dwelling Units and Residential Density in Each Residential Use Area: N/A

Exact Number of Non-Residential Land Uses by Type and Size to be Allowed:

Phase I: Commercial Extended Congregate Care Facility: The care facility may enter into service agreements with its clients that provide for the following uses: licensed practical nursing; lodging in private rooms; food service facility and restaurant facilities; medical transportation; conference center; laundry service. The square footage of the extended congregate care facility is as follows: 220,344 square feet.

Nursing Home and Adult Day Care

Office and Commercial Use

8. Specific Acreage for Each Use:

Phase I: 5.9 Acres  
Phase II: 5.0 Acres  
Phase III: 1.69 Acres

9. Areas Devoted to Common Area Recreational Areas:

Total Pool Area: 3,285 square feet  
Tennis Court: 6,720 square feet  
Shuffle Board Court: 2,100 square feet  
Community Building: 13,500 square feet

10. 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.

11. Utilities: Utilities will be provided by the City of DeLand providing that sufficient capacity exists to service the proposed development. All utilities, including fire hydrants, will be installed consistent with the City of DeLand Land Development Regulations.

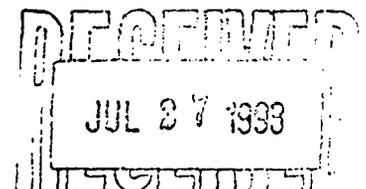
12. Generalized Landscape Plan: The development of Woodland Health Center will meet all applicable requirements of the City of DeLand landscaping code in effect at the time of the site plan submission. Proposed perimeter landscaping is shown on the Development Plan, Exhibit "C-1", and where commercial development is proposed adjacent to residential development, the uses shall be buffered with a minimum 10-foot landscape strip and landscaped with a combination of trees, understory, ground covers and sod; side-yard abutting commercial shall have a minimum 10-foot buffer; rear-yard abutting commercial shall a minimum 5-yard buffer; rear-yard abutting residential shall the same as the above-described side-yard/residential buffer. All internal landscaping buffers will comply with the applicable City of DeLand land development regulations in effect at the time of site plan submission.

13. Streets and Off-Street Parking: All interior vehicular circulation will be provided and will meet all applicable regulations in effect at the time of site plan submission. A proposed parking and interior vehicular circulation pattern is provided as part of the Concept Plan.

14. Proposed Sign Standards:

Phase I - No Additional Signs

Phase II & Phase III - As Provided by Ordinance





**ALTERNATE PLAN**  
Woodland Towers, Ltd.

Part of Section 21, Township 17 South,  
Range 30 East - Volusia County, Florida

**DESCRIPTIONS:**

**PHASE I**  
A part of Lots 2 and 3 of the John Cranor Subdivision, as recorded in Map Book 5, page 178, Public Records of Volusia County, Florida, being more particularly described as follows:  
Commencing at the West 1/4 corner of Section 21, Township 17 South, Range 30 East, Volusia County, Florida, run thence South along the West line of said 1/4 Section, a distance of 1375.33 feet to a R.L.S. cap #2299 set at the intersection of South Clara Avenue and Chipola Drive; thence run S 88° 38' 28" E along the centerline of Chipola Drive as established by proportional breakup and according to Plat of said John Cranor Subdivision, a distance of 660.37 feet; thence run N 00° 00' 34" E a distance of 20 feet to the Point of Beginning;  
Thence continue N 00° 00' 34" E a distance of 229.38 feet; thence N 88° 38' 33" W a distance of 307.0 feet to a concrete monument; thence run N 00° 00' 34" E a distance of 229.35 feet to a concrete monument; thence run S 88° 37' 16" E a distance of 553.77 feet to a concrete monument; thence run S 00° 05' 38" E a distance of 248.72 feet; thence run N 88° 38' 28" W a distance of 149.21 feet; thence run S 00° 00' 34" W a distance of 210 feet; thence run N 88° 38' 28" W a distance of 99.0 feet to the Point of Beginning.  
(Note: The bearings given in the above description are based on the centerline of Chipola Drive being S 88° 38' 28" E - assumed)

**AND**  
The East 75 feet of the South 1/2 of Lot 9, John Cranor's Subdivision, per map recorded in Map Book 5, Page 178, Public Records of Volusia County, Florida;  
**AND**  
The West 307 feet of Lot 3, John Cranor's Subdivision, per map recorded in Map Book 5, Page 178, Public Records of Volusia County, Florida;

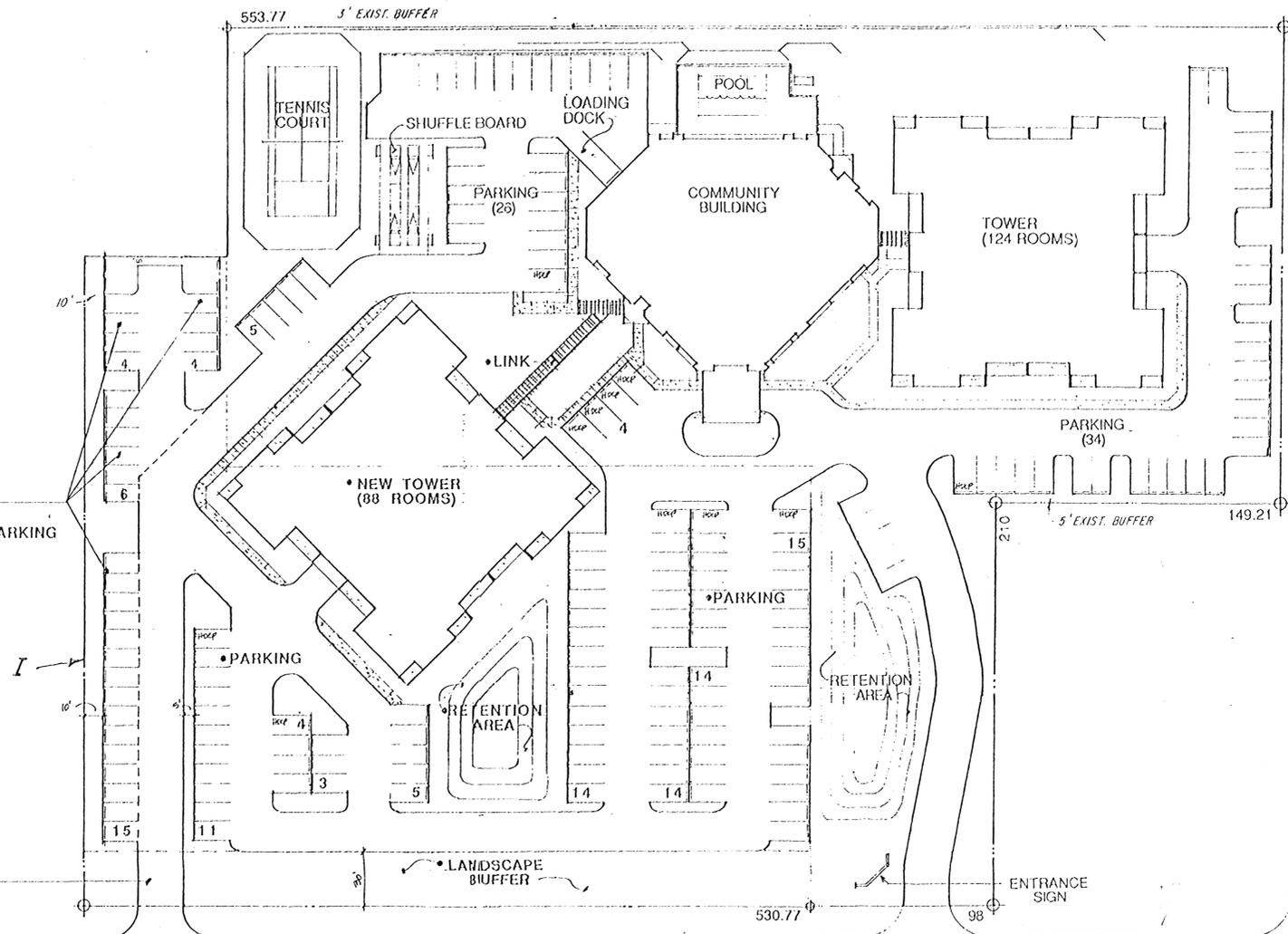
**PHASE II**  
The West 603 feet of the following described parcel:  
The North 381 feet, except the East 450 feet thereof, of the Willis G. Stevens Replat of Cherokee Park Subdivision of Lots 4 to 8 inclusive of Cranor's Subdivision in Section 21, Township 17 South, Range 30 East, as recorded in Map Book 8, Page 217, Public Records of Volusia County, Florida;

**PHASE III**  
The following described parcel, except the West 603 feet thereof;  
The North 381 feet, except the East 450 feet thereof, of the Willis G. Stevens Replat of Cherokee Park Subdivision of Lots 4 to 8 inclusive of Cranor's Subdivision in Section 21, Township 17 South, Range 30 East, as recorded in Map Book 8, Page 217, Public Records of Volusia County, Florida;

• DEFERRED PARKING (29 TOTAL)  
• DEFERRED PARKING AREA TO BE LANDSCAPED

PHASE I

• SERVICE ENTRANCE



**PROJECT: PHASE I**  
Woodland Towers  
ACLF Expansion

124 Existing Rooms  
88 Proposed Rooms  
212 Total Rooms

**ZONING:**  
Proposed PD Zoning

**PARKING:**  
149 Spaces  
29 Deferred Spaces  
178 Total Spaces

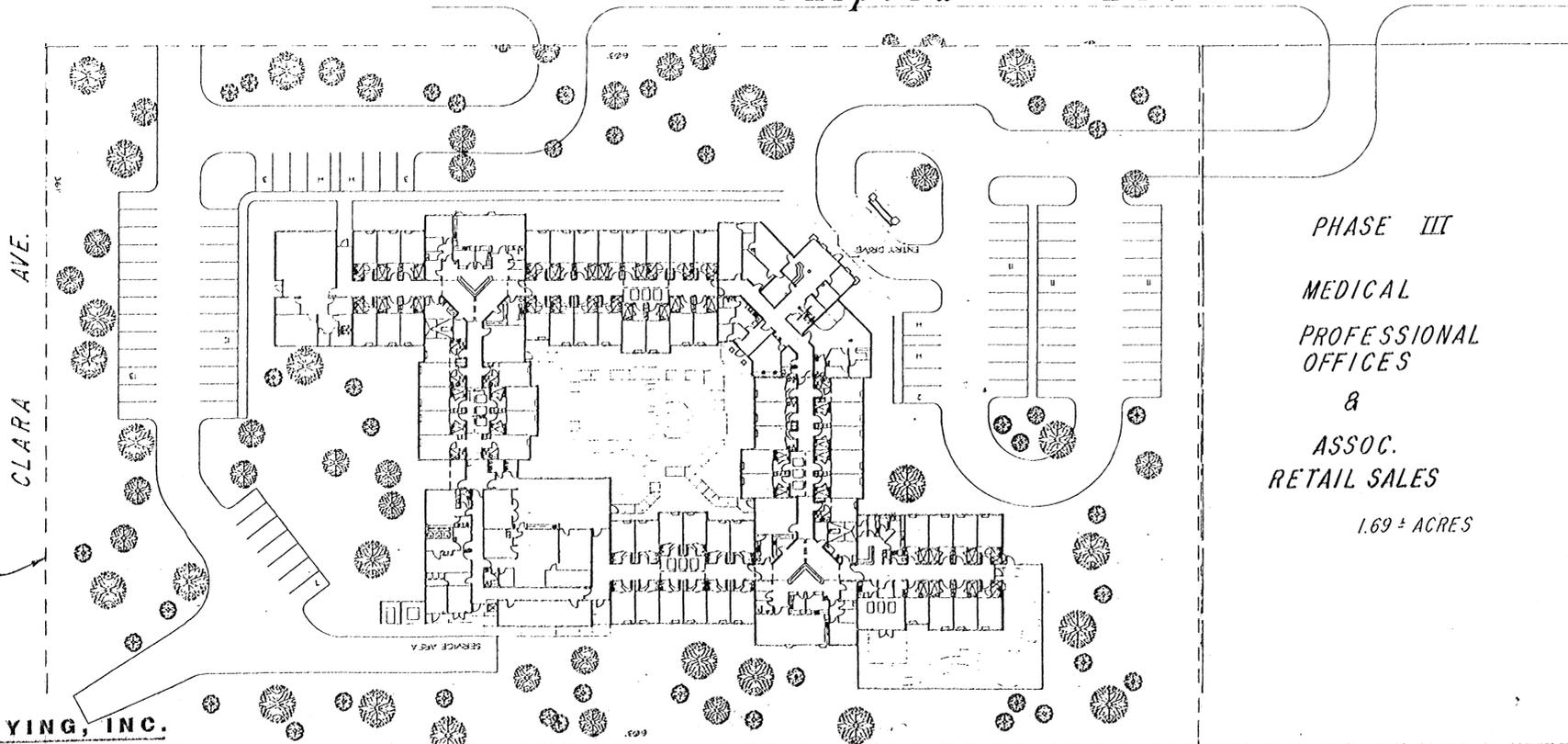
**LANDSCAPING:**  
Landscaping to be in accordance with the City of Deland Land Development Requirements Section 33-92.02

**IMPERVIOUS SURFACE RATIO:**  
Impervious surface ratio.....63% w/deferred parking  
Impervious surface ratio.....59% w/o deferred parking

**RETENTION:**  
Retention to be in accordance with the City of Deland Land Development Requirements

**LEGEND:**  
• PARKING - Existing Areas  
• PARKING - Proposed Areas

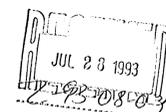
Chipola Dr.



PHASE II

PHASE III  
MEDICAL  
PROFESSIONAL  
OFFICES  
&  
ASSOC.  
RETAIL SALES  
1.69 ± ACRES

**PROJECT PHASE II**  
120 BED NURSING HOME  
ADULT DAY CARE  
**PARKING**  
34 SPACES REQUIRED  
17 SPACES PROVIDED



Ord 93-66

# The News-Journal

Published Daily and Sunday  
Daytona Beach, Volusia County, Florida

State of Florida,  
County of Volusia:

Before the undersigned authority personally appeared

**C. Morgan Miller**

who, on oath says that he is.....

**Classified Advertising 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.....

**Public Hearing**

in the matter of **Ordinance 93-66**

in the ..... Court, was published

in said newspaper in the issues.....

**August 6, 1993**

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 he 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.

*C. Morgan Miller*

Sworn to and subscribed before me

this **6th** day of **August**

A.D. 19**93**

*Marsha L. Nichols*  
Marsha L. Nichols

**LEGAL ADVERTISEMENT**  
**NOTICE OF PUBLIC HEARING**  
**CITY OF DELAND, FLORIDA**  
NOTICE IS HEREBY GIVEN that there will be a Public Hearing on the following ordinance on August 16, 1993, at the regular meeting of the DeLand City Commission. The meeting will take place at 7:00 P.M. in the City Commission Chambers, 120 South Florida Avenue. 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 93-66**  
AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, CHANGING THE ZONING FROM CITY C-2 GENERAL COMMERCIAL DISTRICT AND VOLUSIA COUNTY B-5 HEAVY COMMERCIAL DISTRICT TO COMMERCIAL PD, PLANNED DEVELOPMENT DISTRICT ON DESCRIBED PROPERTY LOCATED ON THE SOUTHEAST CORNER OF SOUTH CLARA AND WEST CHIPOLA AVENUES, AND THE NORTH SIDE OF WEST CHIPOLA AVENUE, BEGINNING APPROXIMATELY 600 FEET WEST OF SOUTH WOODLAND BOULEVARD; APPROVING A DEVELOPMENT PLAN FOR WOODLAND TOWERS, A COMMERCIAL PLANNED DEVELOPMENT CONSISTING OF APPROXIMATELY 12.61 ACRES OF PROPERTY; DIRECTING A CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT APPROVAL ON A DETERMINATION OF CONCURRENTLY PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.  
**Legal L11241. August 6, 1993 1 t.**