

ORDINANCE 87-07

AN ORDINANCE CHANGING THE ZONING FROM R-3 MULTI-FAMILY RESIDENTIAL DISTRICT AND C-2 GENERAL COMMERCIAL DISTRICT TO PD PLANNED DEVELOPMENT DISTRICT ON DESCRIBED PROPERTY; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DeLAND, FLORIDA:

Section 1. The DeLand Planning Board, at its regular monthly meeting, has recommended that the City Commission approve the rezoning herein provided.

Section 2. The City Commission of the City of DeLand, Florida, has held a public hearing on the application for a change of zoning from R-3 Multi-Family district and C-2 General Commercial district to PD Planned Development district on the following described property:

The South 526.97 feet of the West 1/4 of the Southwest 1/4 of the Southeast 1/4, except the South 25.00 feet and the West 20.00 feet for street Right-of-Way, Section 10, Township 17 South, Range 30 East, Volusia County, Florida, containing 3.58 acres more or less.

Property Location: NE Corner of North Hill Avenue and East New York Avenue, DeLand, Florida.

Section 3. Pursuant to the determination made up at public hearing, the City Commission does hereby change the zoning from R-3 Multi-Family district and C-2 General Commercial district to PD Planned Development district on the parcel described in Section 2.

Section 4. This rezoning to PD Planned Development district is made pursuant to Section 33-24 of the Code of Ordinances of the City of DeLand, and development of this property shall take place in compliance with that section and in accordance with the Development Plan report and Site Plan which are attached to and made a part of this ordinance. The Development Plan and Site Plan shall run with the land and may be changed only in accordance with Section 33-24 of the Code.

Section 5. The City Engineer 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 6. This ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 20th day of January, 1987.



Wiley M. Nash
Mayor - Commissioner

ATTEST: 


Viola H. Ballentine
City Clerk - Auditor

Passed on first reading: January 5, 1987
Adopted on second reading: January 20, 1987

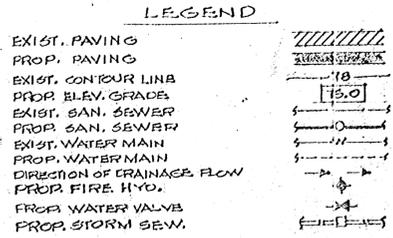
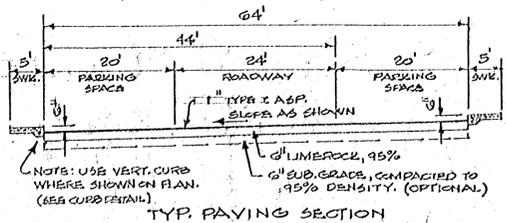
APPROVED AS TO FORM AND LEGALITY:



David J. Russ
City Attorney

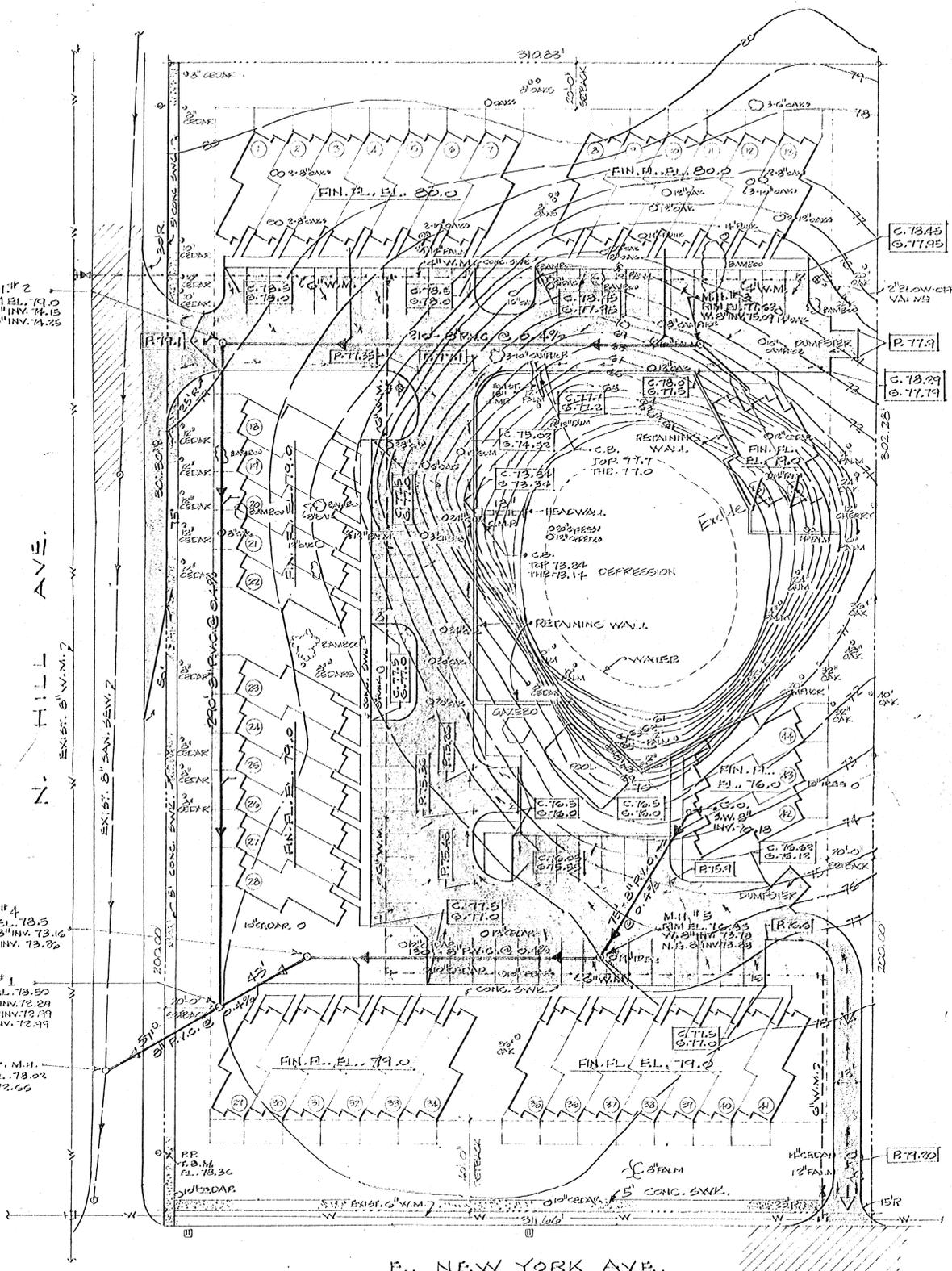
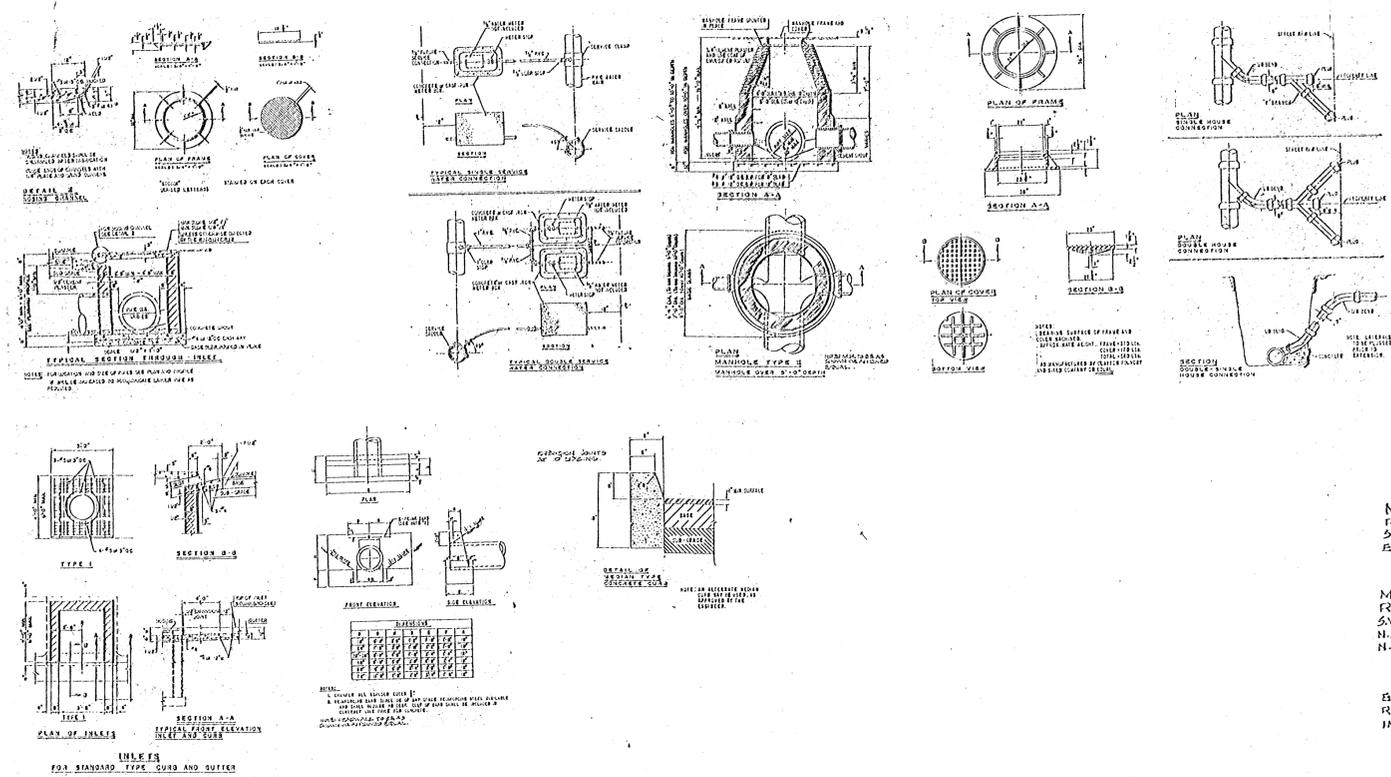
NOTES:

- All work shall be done in accordance with the City of Duval and D.E.R. Standards.
- The contractor shall notify all utility companies prior to commencement of construction.
- It is also the contractor's responsibility to make sure that all necessary approvals and permits are ascertained prior to commencement of any construction.
- Off-Street parking shall be paved with 1" type I, asphaltic concrete with 1" limestone base and 6" stabilized sub-base, 75 P.S.I.
- All parking spaces to be 10' x 20' except handicapped spaces which shall be 12' x 20'. Each handicapped space shall be painted with the handicapped symbol.
- All parking spaces to have bumper stops and all spaces to be painted with 4" wide stripes.
- All concrete shall be 3,000 P.S.I.
- All plant materials shall be Florida No. 1 grade or better.
- When a water main parallels a sanitary sewer main, a separation of 10 feet should be maintained.
- Where water and sewer mains cross with less than eighteen inches (18") vertical clearance, the sewer will be twenty feet (20'-0") of either cast iron pipe or concrete encased vitrified clay pipe P.V.C. pipe centered on the point of crossing.
- All sanitary sewer lines shall be approved P.V.C. (ASTM 3034, S.D.R. 35)
- All Water Mains shall have a minimum depth of 30".
- All P.V.C. Water Mains shall be S.D.R. 26 and must bear the NSF Logo for Potable Water.
- THE PROPOSED LANDSCAPE AREAS SHALL BE PROPERLY IRRIGATED.



MANHOLE SCHEDULE

NO.	TYPE	FIN. EL.	INVERT	DIAMETER	REMARKS
M.H. # 1	1	78.50	72.99	36"	EXIST. SAN. SEWER
M.H. # 2	1	79.15	74.25	36"	EXIST. SAN. SEWER
M.H. # 3	1	78.35	73.36	36"	EXIST. SAN. SEWER
M.H. # 4	1	78.50	72.99	36"	EXIST. SAN. SEWER
M.H. # 5	1	78.35	73.36	36"	EXIST. SAN. SEWER
M.H. # 6	1	78.50	72.99	36"	EXIST. SAN. SEWER
M.H. # 7	1	78.35	73.36	36"	EXIST. SAN. SEWER
M.H. # 8	1	78.50	72.99	36"	EXIST. SAN. SEWER
M.H. # 9	1	78.35	73.36	36"	EXIST. SAN. SEWER
M.H. # 10	1	78.50	72.99	36"	EXIST. SAN. SEWER
M.H. # 11	1	78.35	73.36	36"	EXIST. SAN. SEWER
M.H. # 12	1	78.50	72.99	36"	EXIST. SAN. SEWER
M.H. # 13	1	78.35	73.36	36"	EXIST. SAN. SEWER
M.H. # 14	1	78.50	72.99	36"	EXIST. SAN. SEWER
M.H. # 15	1	78.35	73.36	36"	EXIST. SAN. SEWER
M.H. # 16	1	78.50	72.99	36"	EXIST. SAN. SEWER
M.H. # 17	1	78.35	73.36	36"	EXIST. SAN. SEWER
M.H. # 18	1	78.50	72.99	36"	EXIST. SAN. SEWER
M.H. # 19	1	78.35	73.36	36"	EXIST. SAN. SEWER
M.H. # 20	1	78.50	72.99	36"	EXIST. SAN. SEWER
M.H. # 21	1	78.35	73.36	36"	EXIST. SAN. SEWER
M.H. # 22	1	78.50	72.99	36"	EXIST. SAN. SEWER
M.H. # 23	1	78.35	73.36	36"	EXIST. SAN. SEWER
M.H. # 24	1	78.50	72.99	36"	EXIST. SAN. SEWER
M.H. # 25	1	78.35	73.36	36"	EXIST. SAN. SEWER
M.H. # 26	1	78.50	72.99	36"	EXIST. SAN. SEWER
M.H. # 27	1	78.35	73.36	36"	EXIST. SAN. SEWER
M.H. # 28	1	78.50	72.99	36"	EXIST. SAN. SEWER
M.H. # 29	1	78.35	73.36	36"	EXIST. SAN. SEWER
M.H. # 30	1	78.50	72.99	36"	EXIST. SAN. SEWER



M.H. # 2
RIM EL. 79.15
S.W. INV. 74.25
E. 3" INV. 74.25

M.H. # 4
RIM EL. 78.50
S.W. INV. 73.36
E. 3" INV. 73.36

M.H. # 1
RIM EL. 78.50
S.W. INV. 72.99
N. 8" INV. 72.99

EXIST. M.H.
RIM EL. 78.02
INV. 72.66

TYPE AREA	AREA (SQUARE FEET)
TOTAL AREA	11,944.00 (2.73 ACRES)
GRADE COVERAGE	7,350.00
PAVING COVERAGE	20,428.00
IMPERVIOUS AREA	10,966.00
PARKING REQUIRED	63
PARKING PROVIDED	64

LEGAL DESCRIPTION

The South 528.97 feet of the West 1/2 of the Southwest 1/4 of the Southeast 1/4, except the South 25.00 feet and the West 20.00 feet for street right of way, Section 10, Township 17 South, Range 30 East, Volusia County, Florida.

Containing 3.53 acres more or less.

REV.	NO.	REVISIONS	BY	DATE
APPROVED BY: GERARDO J. FERRARA, P.E. REG. P.L.A. ENGINEER NO. 11395				
DATE:	12-26-85	PROJECT NO:	331/85	
SCALE:	1" = 30'	DRAWN BY:		
DRAWING NO:	555-1			

LEONARD ROBERT ARCHITECTS PA

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
Jay Cox

who, on oath says that he is.....
Classified 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 87-07

in the.....Court, was published

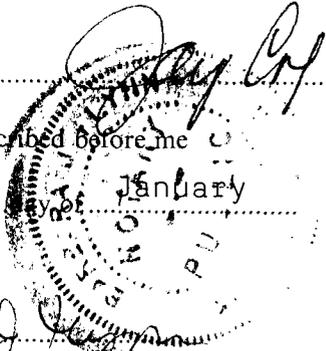
in said newspaper in the issues.....
January 9, 1987

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 9th day of January

A.D. 19 87



NOTARY PUBLIC, State of Florida, at Large
My Commission Expires February 28, 1989
Bonded by AMERICAN PIONEER CASUALTY INS. CO.

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 January 20,
1987 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, 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 87-07

AN ORDINANCE CHANGING
THE ZONING FROM R-3 MULTI-
FAMILY RESIDENTIAL DISTRICT
AND C-2 GENERAL COMMERCIAL
DISTRICT TO PD PLANNED
DEVELOPMENT DISTRICT ON
DESCRIBED PROPERTY; DIRECT-
ING CHANGE IN THE COMPRE-
HENSIVE ZONING MAP;
PROVIDING AN EFFECTIVE
DATE.

Legal 676. Jan. 9, 1987 11

DEVELOPMENT PLAN REPORT
 "THE LOFTS"
 A PROJECT BY MALMOW-BRANDYWINE ENT. INC. JV
 LOCATED AT 101 N. HILL AVE.

1. The project will consist of 42 townhouse units. This will be a low density planned community. It will consist of private streets with private common areas, pool bath house. Units will be 1 bedroom with loft units. It is the intent that this project reach those area residents that are first time home buyers trying to escape the rental market.

2. The project will blend in with multi-family on the North and run to a corner of Hill and New York Ave. that could be put to commerical use. This project will lend itself more to the existing residential use of areas surrounding the project.

3. There will be just one entrance, this on Hill Avenue the interior roads and parking areas will be provided for adauqate parking of homeowners and will be privately maintained. A 4' sidewalk will wrap the project on North Hill Avenue and East New York Avenue. As the project will be all 1 bedroom loft units. The majority of buyers will tend to by young singles/married or older retired persons. This should mean a minmal of daily trips.

4. Statistical Information:

a. Total Acreage	3.58 AC
b. Maximum building coverage	.75 AC
c. Maximum impervious surface ratio	1.00 AC
d. Residential density	12 units AC
e. Residential units	42 units
f. Exact number of non-residential uses	bath house
g. Specific acreage of each use	
Area of dwelling units	.75 AC
Area of pool/bath house	.08 AC
Area of Common Areas	1.75 AC
Area of parking/drives	<u>1.00 AC</u>
Total	3.58 AC
h. Areas expressed as ratio	
Dwelling units	21%
Pool/bath house	2%
Common areas	49%
Parking/drives	<u>28%</u>
Total	100%

5. Drainage will all be retained on site. The land has an existing pond that will be kept intact to serve as a green area. Waters will be directed to this area.

6. All disturbed areas will be re sodded or landscaped in an attractive manner. A sprinkler system will be installed to cover all these areas. As much natural cover will be left in an undisturbed manner as possible.

7. The design standards for paved areas will be in keeping with the accepted standards for the intended usage. This should in no way conflict with the City of DeLand standards. All water and sewer work will be built in accordance with acceptable standards for the industry. All tie ins to city mains or seweres will be completed under the supervision and standards of the City of DeLand.

8. Phase I, the first 20 units should be completed within 1 year with the following 22 units to follow within 2 years.

9. The development standards if not covered in any previous section will be generally in keeping with the existing zoning requirements of the City of DeLand.

CERTIFICATE OF CLERK

STATE OF FLORIDA)

COUNTY OF VOLUSIA)

CITY OF DELAND)

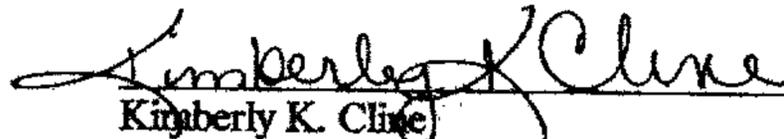
I, **KIMBERLY K. CLINE**, as duly appointed Deputy City Clerk of the City of DeLand, Florida do hereby certify the attached Ordinance 96-56, dated October 21, 1996, as duly passed and adopted by the City of DeLand at a regular meeting on October 21, 1996.

I further certify the attached is a true and correct copy of the original, which is on file as public records of the City of DeLand.

DATED this 29th day of September, 2000.



(SEAL)



Kimberly K. Cline
Deputy City Clerk
City of DeLand



Suelen Pope
Notary Public
State of Florida



Suelen Pope
MY COMMISSION # CC904039 EXPIRES
JANUARY 20, 2004
BONDED THROUGH TROY FARM INSURANCE, INC.

ORDINANCE 96-56

BOOK = 4598
PAGE = 4009

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, AMENDING ORDINANCE NO. 87-07 WHICH APPROVED THE DEVELOPMENT PLAN FOR THE LOFTS PD, BY AMENDING AND REPLACING THE PLANNED DEVELOPMENT DOCUMENT WHICH WAS ATTACHED TO AND INCORPORATED BY REFERENCE IN ORDINANCE NO. 87-07 TO PERMIT PROFESSIONAL AND MEDICAL OFFICES, AND RECREATIONAL LAND USES ON THE UNDEVELOPED PORTION OF THE PD; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Malmaw-Brandywine Enterprises, Inc., J.V. (the applicant) has suggested a revised Lofts Development Plan (hereinafter the "Plan") so as to permit professional and medical offices, and recreational land uses on the undeveloped portion of the PD; and

WHEREAS, the proposed revised Plan will allow for the development of the undeveloped portion of the PD, 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 revised Lofts Planned Development;

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

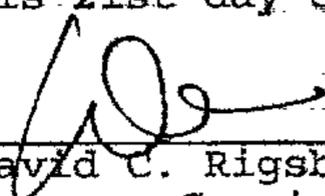
Section 1. City of DeLand Ordinance No. 87-07, approving the Development Plan for the Lofts PD, is hereby amended by rescinding, in its entirety, the Planned Development Document which was attached to Ordinance 87-07 and incorporated therein by reference, and by replacing it, in its entirety, with the "Development Plan Report" and "Conditions for the Approval for the Revision of the Lofts Planned Development Document," which are attached hereto as Exhibit A and Exhibit B, respectively, and incorporated herein by reference.

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 21st day of October, 1996.



David C. Rigsby
Mayor - Commissioner

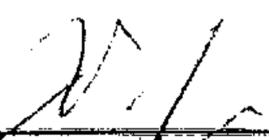
ATTEST:



Viola H. Ballentine
City Clerk - Auditor

Passed on first reading: October 7, 1996
Adopted on second reading: October 21, 1996

APPROVED AS TO FORM AND LEGALITY:



Mark A. Zimmerman
City Attorney

BOOK: 4598
PAGE: 4010

EXHIBIT A

RECEIVED
AUG 23 1996

DEVELOPMENT PLAN REPORT
"THE LOFTS"

A PROJECT BE MALMAW-BRANDYWINE ENT. INC. JV COMMUNITY DEVELOPMENT
LOCATED AT 101 NORTH HILL AVENUE

BOOK: 4598
PAGE: 4011

1. The project will consist of 13 townhouse units. This will be a low density planned community. It will consist of private streets with private common areas, pool bath house. Units will be 1 bedroom with loft units. It is the intent that this project reach those area residents that are first time home buyers trying to escape the rental market.

2. The project will blend in with multi-family on the North and run to a corner of Hill and New York Avenue that could be put to commercial use. The commercial use shall include professional and medical offices and recreation areas. This project will lend itself more to the existing residential use of areas surrounding the project.

3. There will be one entrance on Hill Avenue for the interior roads of The Lofts and parking areas will be provided for adequate parking of homeowners and will be privately maintained. There will be an additional driveway entrance on North Hill Avenue half way to East New York Avenue. There will be two entrances to the project off East New York Avenue. A 4' sidewalk will wrap the project on North Hill Avenue and East New York Avenue. As the project will be all 1 bedroom loft units, the majority of the buyers will tend to be young singles/married or older retired persons. This should mean a minimal of daily trips.

4. Statistical Information:

a. Total Acreage	3.58 AC
b. Maximum building coverage	.50 AC
c. Maximum impervious surface ratio	1.00 AC
d. Residential density	12 units/ AC
e. Residential units	13 units
f. Exact number of non-residential uses	bath house, professional offices, medical offices, recreation areas
g. Specific acreage of each use	
Area of dwelling units	1.07 AC
Area of pool/bath house, offices, rec area	.78 AC
Area of common areas	.70 AC
Area of parking/drives	<u>1.03 AC</u>
Total	3.58 AC
h. Areas expressed as ratio	
Dwelling units	30 %
Pool/bath house, offices, rec area	22 %
Common areas	20 %
Parking/drives	<u>28 %</u>
Total	100%

5. Drainage will all be retained on site. The land has an existing pond that will be kept intact to serve as a green area. Waters will be directed to this area.

PK: 4598
Pg: 4012

6. All disturbed areas will be re-sodded or landscaped in an attractive manner. A sprinkler system will be installed to cover all these areas. As much natural cover will be left in as undisturbed manner as possible.

7. The design standards for paved areas will be in keeping with the accepted standards for the intended usage. This should in no way conflict with the City of DeLand standards. All water and sewer work will be built in accordance with acceptable standards for the industry. All tie ins to city mains or sewers will be completed under the supervision and standards of the City of DeLand.

8. Total area may be developed into four (4) lots. The 13 townhouse units have been completed.

9. The development standards if not covered in any previous section will be generally in keeping with the existing zoning and land development regulations of the City of DeLand.

EXHIBIT B

Page 3 of 3

10-7-96

SUBJECT: Revision to the Lofts Planned Development (PD) Document to permit office development.

CONDITIONS FOR THE APPROVAL FOR THE REVISION OF THE LOFTS
PLANNED DEVELOPMENT DOCUMENT

1. Revise the narrative to read that the width of the sidewalk along New York Avenue will be a minimum of five (5) feet.
2. Revise the narrative to permit only one driveway along New York Avenue. If two driveways are to be permitted, specifically require that such driveways comply with the minimum 300' separation, per the LDR.
3. Regarding the proposed driveway on Hill Avenue, require that there be a minimum separation of 140' between it and the existing driveway serving the residential portion of the Lofts.
4. Revise the narrative to read that the recreational land use will be limited to one (1) indoor racquetball court.
5. The application fee, involving a Planned Development zoning district, is \$515.00 (\$500, plus \$5 per acre). Partial payment of \$240 was made on August 29, 1996. Prior to the City Commission Hearing, pay \$275.00, the balance of the application fee.
6. Between the residential and nonresidential portion of the Lofts development, there shall be a minimum fifteen (15) foot wide landscape buffer. The landscape buffer shall comply with the relevant number of plantings required by the Class B buffer standards and also have a six (6) foot high visual barrier.
7. If necessary, the owner of the nonresidential portion of the site will grant an easement or other legal instrument to the property owners of the residential portion of the site to permit the existing infrastructure, currently located on the nonresidential portion of the property to remain. Such infrastructure is identified as: the entrance sign, utilities (water lines, sewer lines, gas lines and cable television), mailboxes and grass parking area (located near the entrance to the Lofts).

RCA\Z960819

BOOK: 4598
PAGE: 4013
Diane M. Matousek
Volusia County, Clerk of Court