

08/28/1997 14:20
Instrument # 97143278
Book: 4230
Page: 698

ORDINANCE 97-36

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, AMENDING ORDINANCE NO. 87-22 WHICH APPROVED THE DEVELOPMENT PLAN FOR THE CASCADES PD, AS SUBSEQUENTLY AMENDED BY ORDINANCE NOS. 88-35, 95-11 AND 96-20, BY AMENDING THE PLANNED DEVELOPMENT DOCUMENT WHICH WAS ATTACHED TO AND INCORPORATED BY REFERENCE IN ORDINANCE NO. 87-22, AND ALL SUBSEQUENT AMENDMENTS THERETO, BY ADOPTING A COMPREHENSIVE REVISED PLANNED DEVELOPMENT DOCUMENT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, The Cascades Associates, L.C. (the applicant) has suggested several amendments to the Cascades Development Plan (hereinafter the "Plan") regarding Phases II, III, IV and V; and

WHEREAS, the Plan was last amended by Ordinance No. 96-20, at which time the City Commission stated that no further partial amendments of the Plan would be approved, but rather, that any requested future revisions must incorporate a comprehensive revision of the Plan including both the current proposed changes and all prior revisions to the original document; and

WHEREAS, the proposed amendment to the Plan incorporates all previous amendments to the original PD document, as well as: establishes development criteria for the 5 acre commercial site, the 6 acre townhouse/office site and the 8 acre apartment/life care site; addresses the access to these three (3) sites and establishes buffers between the three (3) sites and the single-family residential area to the north; and addresses the potential public ownership of the road serving the three (3) sites and the streets in the undeveloped single-family residential area; and

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

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

Section 1. City of DeLand Ordinance No. 87-22, approving the Development Plan for the Cascades PD, as subsequently amended by Ordinance Nos. 88-35, 95-11 and 96-20, is hereby amended by adopting the comprehensive revision of the Plan including both the current proposed changes and all prior revisions to the original document as shown on the attached Exhibit A, which is by this reference incorporated herein. This amended language shall supersede the entire original Planned Development Document and any revisions thereto.

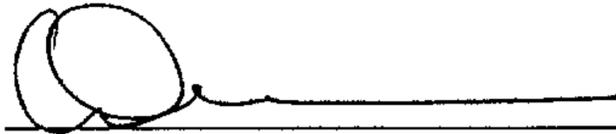
BOOK: 4230
PAGE: 699

Section 2. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

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

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

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



David C. Rigsby
Mayor - Commissioner

ATTEST:



Viola H. Ballentine
City Clerk - Auditor

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

APPROVED AS TO FORM AND LEGALITY:



Mark A. Zimmerman
City Attorney



EXHIBIT A

THE CASCADES PLANNED DEVELOPMENT

NARRATIVE

This information is submitted in support of The Cascades PD (Planned Development District) pursuant to Section 33-133(5), City of DeLand Development Regulations. The information is being submitted by the owner/developer; The Cascades Associates, L.C.

1. Legal Description of Site:

The Northwest 1/4 of the Southwest 1/4 and the North 1/2 of the Southwest 1/4 of the Southwest 1/4 and that portion of the Southwest 1/4 of the Northwest 1/4 of Section 5, Township 17 South, Range 30 East, Volusia County, Florida, and except Road right-of-way for State Road 15-A; being more particularly described as follows:

Commence at the Southwest corner of Section 5, Township 17 South, Range 30 East, Volusia County, Florida: run thence N. 01d 41' 25" W., along the West line of said Section 5, a distance of 661.15 feet; thence N. 88d 18' 35" E., a distance of 50.00 feet to a point on the East right-of-way line of State Road 15-A, said point also being the POINT OF BEGINNING of this description; thence N. 01d 41' 25" W., along said East right-of-way line of State Road 15-A, and parallel to the West line of said Section 5, a distance of 2264.91 feet; thence N. 88d 18' 36" E., a distance of 10.00 feet; thence N. 01d 41' 25" W., along said East right-of-way line of State Road 15-A, and parallel to the West line of said Section 5, a distance of 697.11 feet; thence N. 89d 26' 00" E., a distance of 1267.84 feet to a point on the East line of the West 1/2 of the Northwest 1/4 of said Section 5; thence S. 01d 39' 44" E., along the East line of the West 1/2 of the Northwest 1/4 and Southwest 1/4 of said Section 5, a distance of 2953.38 feet to a point on the South line of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section 5; thence S. 89d 02' 17" W., along said South line a distance of 1276.25 feet to the POINT OF BEGINNING.

Containing 86.50 acres, more or less.

2. History. The Cascades Planned Development was created in pursuant to Section 33-24 of the Code of Ordinances of the City of DeLand by Ordinance No. 87-22 adopted by the City Commission on June 15, 1987. Subsequently, the development plan has been amended three times as follows: Ordinance No. 88-35 adopted September 19, 1988, Ordinance No. 95-11 adopted February 20, 1995, and Ordinance No. 96-20 adopted April 15, 1996. Each of the three amendments provided changes to the original setback requirements for various residential lots, and these revisions are incorporated in the table for Phase I lots below. The amending ordinances also added additional language to the Cascades Planned Development documents as follows:

BOOK: 4230
PAGE: 700

Ordinance No. 95-11 added: (i) "Per Table 600 of the Standard Building Code Congress International, exterior walls shall comply with all relevant fire ratings and maximum percent penetrations", and (ii) "The City Commission may rezone any portion of the Cascades Development which has not obtained a certificate of occupancy by March 1, 2000. However, based upon a request from the applicant and evidence of continued or pending development, the City Commission may grant an extension of time up to March 1, 2005."

Ordinance No. 96-20 added : (i) " When specifically addressed in the Plan, the development standards contained in the Plan shall supersede the City of DeLand Land Development Regulations. When not specifically addressed in the Plan, the development standards contained in the City of DeLand Land Development Regulations shall supersede the standards contained in the Plan", and (ii) Any subsequent application relating to a revision of the Plan shall be accompanied by a comprehensively revised Cascades PD Report, including both narrative and graphics, and incorporating the relevant portions of the original Plan and all revisions thereto.

3. Existing Conditions: The Cascades Planned Development consists of the platted *The Cascades Unit I* which is subject to the recorded provisions of *The Cascades Declaration of Covenants and Restrictions*. Unit I contains 74 residential lots with all of the remaining land in common areas. Each residential lot owner is a member of *The Cascades Homeowners Association, Inc.* which owns and maintains the common areas. The common areas contain private roadways, recreation and open spaces. The remainder of The Cascades Planned Development is vacant undeveloped land which has not been platted.

4. Development Conceptual Plan: The development will be completed in phases which for identification purposes are numbered from "I" through "V". The phases may be constructed in any numerical sequence or simultaneously. The Conceptual Plan is attached as Exhibit "A"

Phase I: Phase I contains 74 residential lots of three defined sizes: 5,000 sq. ft. minimum area, 7,500 sq. ft minimum area, and 10,000 sq. ft. minimum area. Each size lot has its own set of restrictions as follows:

	<u>5000 sq. ft. lots</u>	<u>7500 sq. ft. lots</u>	<u>10,000 sq. ft Lots.</u>
Front Setback	15'	20'	20'
Side Setback	Zero to 10' *	7.5'	12.5'
Rear Setback	15'	25'	25'
Side/Corner Setback	10'	15'	20'
Min. Living Area	1200 sq. ft	1300 sq. ft	1500 sq. ft.
Parking	2 cars	2 cars	3 cars
Landscaping	3 - 8' trees	4 - 8' trees	5 - 8' trees
Maximum Coverage	50%	45%	35%
Max. Building Height**	35'	35'	35'

* Any combination which totals at least 10 feet. Also requires a minimum of 10 feet separation from any adjacent dwelling structure.

** Above mean existing grade of the surrounding lots.
There are 45 - 5000 sq. ft. lots, 15 - 7500 sq.ft. lots, and 14 - 10,000 sq. ft. lots in Phase I.

Phase I also contains common areas as follows: (i) a recreation area improved with a 3,000 sq. ft. clubhouse, a swimming pool, and two tennis courts; (ii) private roadways, and (iii) open areas.

Ingress/Egress to Phase I is controlled by a gated entrance off SR 15A. Per the approved development plan, the interior roadways were constructed to City standards and are to remain private.

Except for construction of individual houses on the platted lots, Phase I is substantially complete. There is a possibility of minor improvements to the recreation and common areas.

Phase II: Phase II is planned for 110 single family residential lots of the same types as in Phase I as follows: 35 - 5000 sq. ft. lots, 61 - 7500 sq. ft. lots, and 14 - 10,000 sq. ft. lots. The development standards for each type lots are the same as those set forth above for Phase I. The balance of the land in Phase II is designed as common area which will be used for private roadways and open space with some passive recreational development.

Ingress/Egress to Phase II is through Phase I and through an entry onto SR 15A which will be controlled by a security gate.

The developer has the option to make Phase II subject to *The Cascades Declaration of Covenants and Restrictions*. Should the developer make Phase II subject to the Declaration, the common areas will be owned and administered by *The Cascades Homeowner's Association, Inc.* and Phase II will combine with Phase I to form a single residential community. The developer may elect, however, not to subject Phase II to said Declaration of Covenants and Restrictions in which case Phase II would become a residential community separate from Phase I. The interconnection of roadways may be deleted in such an event, however, an interconnection for emergency access between Phases I and II would be provided.

Phase III: Phase III contains approximately six acres approved for 45 fee simple townhouse units. The current adopted land use of Mixed Office Residential allows a maximum 5.8 dwelling units per acre, or a maximum of 34 for the Phase III site. Compliance with all City of DeLáand land development regulations in effect at the time of site plan submission will be met. Ingress/Egress to Phase III will be via a new road which will be constructed along the southern boundary of the site from SR 15A. The approved townhouse development standards are:

- Front setback - 20' to garage, Rear setback - 25'
- Side setback - zero between dwelling units, 20' between buildings
- Parking - 2 cars
- Landscaping 2-8' trees per DU
- Maximum coverage - 60%

Phase IV: Phase IV contains approximately eight acres with approved multi family residential use. The approved development plan consists of an Assisted Lifecare Facility of 128 units. Compliance with all City of DeLand development regulations in effect at the time of site plan submission will be met. Ingress/Egress to Phase IV will be via a new road which will be constructed from the site's western boundary to SR 15A. A secondary emergency entrance will be constructed from the northwest corner of the site connecting with existing Clear Lake Drive in Phase I. The approved development standards for the ALF are as follows:

- Front/rear/side setback - 25'
- Parking - 1 car per unit plus 1/2 car per employee
- Landscaping - 20 trees per acre
- Maximum coverage - 30%
- Maximum F.A.R. - 75%

Phase V: Phase V contains approximately five acres approved for commercial use. The approved development plan provides for a maximum of 55,000 sq. ft. of floor space. Compliance with all City of DeLand development regulations in effect at the time of site plan submission will be met. Ingress/Egress to Phase V will be via a new road which will be constructed from SR 15A along the site's northern boundary.

5. Alternative Development Scenario: The adopted land use for Phase III allows professional office. Should the developer elect to construct Phase III as professional office, compliance with all City of DeLand development regulations in effect at the time of site plan will be met. Appropriate buffers between the office use and adjoining residential uses will be addressed at site plan submission.

6. Internal and External Land Use Relationship and Compatibility: The proposed Phase V commercial development is surrounded by commercial interests to the east, south and west. The adjoining interior Phases III and IV are multi family or multi family and office. The remainder of the project is surrounded by residential to the west, vacant land to the south, a nursing home and agriculture use to the east. The project should be compatible with the present external land uses and between the internal uses.

7. Traffic System: The traffic information provided with the Development Plan Report follows:

The commercial site:	
101 trip ends per 1,000 SF retail space =	5050 T.E.
Residential / Single Family:	
10 trip ends per unit X 191 DU =	1910 T.E.
Townhomes / Apartments	
5.2 trip ends per unit X 173 DU =	900 T.E.
This gives a total trip end of	7860 T.E.

8. Statistical Information: Project summary:

<u>Land Use</u>	<u>Acreage (+/-)</u>	<u>Units</u>	<u>Density</u>	<u>Alt. S.F</u>	<u>Percentage</u>
Commercial	5.0 AC			55,000	5.8%
Lifecare Facility	8.0 AC	128 DU	16.0 DU/AC		9.2%
Fee Simple T.H.	6.0 AC	45 DU	7.5 DU/AC		6.9%
5000 SF Lots	14.0 AC	80 DU	6.0 DU/AC		16.2%
7500 SF Lots	15.3 AC	76 DU	5.0 DU/AC		17.7%
10,000 SF Lots	7.2 AC	28 DU	4.0 DU/AC		8.3%
Recreation (Private)	2.0 AC				2.3%
R.O.W. (Private)	10.9 AC				12.6%
R.O.W. (Public)	1.1AC				1.3%
Open Space (Private)	17.0 AC				19.7%
Total	86.5 AC	357 DU			100.0%
Maximum impervious surface coverage = +/- 14.0 AC (+/- 16%)					

9. Specific Acreage for Each Use:

Phase I	34.0 Acres
Phase II	33.0 Acres
Phase III	6.0 Acres
Phase IV	8.0 Acres
Phase V	5.0 Acres

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. Ownership and maintenance of the water and sewer lines will remain private.

12. Generalized Landscape Plan: The development of The Cascades Planned Development will meet all applicable requirements of the City of DeLand landscaping code in effect at the time of the site plan submission.

13. Streets and Off-Street Parking: Interior vehicular circulation for Phases I and II are provided on the attached Conceptual Plan. Interior vehicular circulation for Phases III, IV and V will be provided and will meet all applicable regulations in effect at the time of site plan submission.

All interior roads with the exception of the access road serving Phases III, IV and V will be built to City of DeLand engineering standards, and the ownership and maintenance responsibility of said roads shall remain private.

BOOK: 4230

PAGE: 705

Diane M. Matousek

Volusia County, Clerk of Court

The access road serving Phases III, IV and V will be built to City of DeLand engineering standards and will be dedicated for public use and maintenance. The developer shall retain the right to maintain the landscaping on the road's median and right-of-way.

14. Proposed Sign Standards:

Phase I - No additional signs

Phases II, III, IV and V as provided by Ordinance.

Off site signs for the development in Phase IV may be placed on Phase III lands.

