

ORDINANCE NO. 2002 - 21

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, CHANGING THE ZONING FROM COUNTY R-R (RURAL RESIDENTIAL) TO PD (PLANNED DEVELOPMENT) ON DESCRIBED PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF HILL AVENUE AND BERESFORD AVENUE; APPROVING A DEVELOPMENT PLAN FOR SOUTHRIDGE POINTE, A RESIDENTIAL PLANNED PROPERTY; DIRECTING A CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT APPROVAL ON A DETERMINATION OF CONCURRENCY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the owner, Michael Murray (hereinafter referred to as "Applicant"), owns a 19.47 acre parcel of land located at the Southwest corner of the intersection of Hill Avenue and Beresford Avenue, which is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, Applicant has applied for a change of zoning from the present zoning classification of County R-R, Rural Residential, to PD, Planned Development District; and

WHEREAS, said rezoning as a PD District is consistent with both the Comprehensive Plan and the purpose and intent of Section 33-32 of the Code of Ordinances of the City of DeLand (the "Code"); and

WHEREAS, Applicant has submitted an application for approval of a development plan for SouthRidge Pointe to encompass all of the property described in Exhibit "A" (hereinafter the "Property" or the "Project"); and

WHEREAS, the proposed development plan meets or exceeds the minimum conditions and standards for the PD District with respect to minimum development size, perimeter setbacks, comprehensive plan consistency, internal compatibility, external compatibility, open spaces, sidewalks, environmental constraints, internal access and circulation, external transportation access, off-street parking, public facilities and unified control; and

WHEREAS, the proposed development plan is consistent with the Low Density land use designation which: encourages intensified development in outlying or newly developed areas for a variety of residential needs; encourages clustering of new development to promote open space; permits energy and cost effective delivery of services; and, requires properly designed ingress and egress to avoid undue traffic hazards or congestion;

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

Section 1. The City Commission has held a public hearing to approve the change of zoning from County R-R, Rural Residential, to PD, Planned Development District.

Section 2. Pursuant to the determination made at public hearing, the City Commission hereby amends the Comprehensive Zoning Map of the City to include the land described in Exhibit "A" as PD, Planned Development District.

Section 3. The zoning of the Property as PD, Planned Development District, is made pursuant to Section 33-32 of the Code and the development of the Property shall take place in accordance with that Section and in substantial compliance with the Development Plan Report, Narrative, Maps and other supporting documentation submitted by Applicant which shall be filed and retained for public inspection in the office of the City Planning Department and constitute a supplement to the official Zoning Map of the City.

Section 4. The approved Development Plan for SouthRidge Pointe including the Development Plan Report, Narrative, Maps and other supporting documentation (on file with the City Planning Department), are incorporated herein by reference and made a part hereof.

10/30/2002 12:13
Instrument # 2002-248999
BOOK: 4954
PAGE: 4608

Section 5. The failure of the approved Development Plan to address a particular permit, condition, term or restriction shall not relieve the Applicant of the necessity of complying with any law governing said permitting requirements, conditions, terms or restrictions, as same may be amended or enacted from time to time in the future. All current land development regulations of the City are applicable to the PD District except to the extent that they conflict with a specific provision of the approved Development Plan.

Section 6. At the time of development, the Applicant shall comply with all relevant building codes and development standards contained in the City's Code of Ordinances or in the Development Plan; provided, however, that the development standards contained in the adopted Development Plan shall supersede comparable standards contained in the Code of Ordinances.

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

Section 8. The City Commission may rezone any portion of the Project which has not obtained a final development order within five years from the date of adoption of this Ordinance.

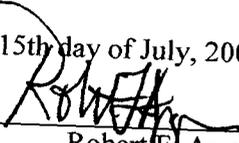
Section 9. The City Engineer, Planning Director and Building Department are hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

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

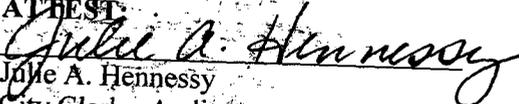
Section 11. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 12. The effective date of this Ordinance shall be the date of issuance of a certificate of consistency or conditional certificate of consistency by the Volusia Growth Management Commission, and a final order is issued by the Department of Community Affairs or Administration Commission finding the Ordinance in compliance in accordance with Section 163.3184, Florida Statutes. No development orders, development permits or land uses dependent on this Ordinance may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this Ordinance may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

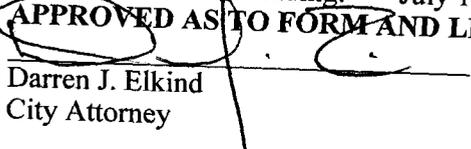

Robert F. Apgar
Mayor-Commissioner

ATTEST


Julie A. Hennessy
City Clerk - Auditor

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

APPROVED AS TO FORM AND LEGALITY:


Darren J. Elkind
City Attorney

BOOK: 4954
PAGE: 4610
Diane M. Matousek
Volusia County, Clerk of Court

"Southridge Point PD"

PARCEL ID NUMBERS:

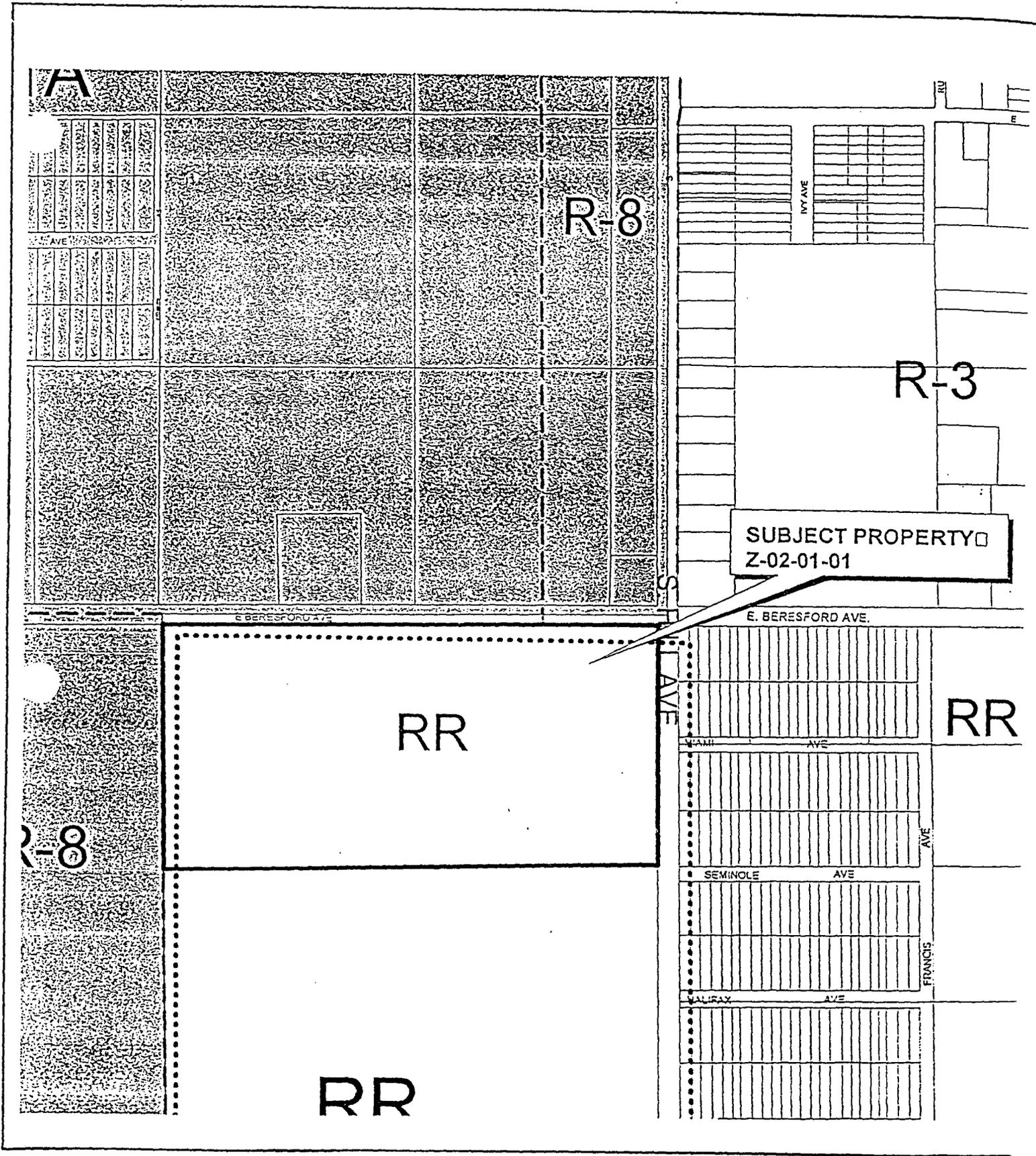
- 7022-00-00-0310
- 7022-00-00-0311
- 7022-00-00-0312
- 7022-00-00-0313
- 7022-00-00-0314
- 7022-00-00-0315
- 7022-00-00-0316
- 7022-00-00-0317

LEGAL DESCRIPTION (PER O.R. BOOK 1556, PAGE 245)

THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, SUBJECT TO PIPELINE EASEMENTS OVER THE EAST 40 FEET THEREOF (OFFICIAL RECORDS BOOK 201, PAGE 187, AND OFFICIAL RECORDS BOOK 1204, PAGE 383, VOLUSIA COUNTY, FLORIDA) AND TO ANY EXISTING STREETS OR ROADS.

CONTAINING THEREIN 19.4735 ACRES.

2002
2-02-01-01
Resubmittal of
2-06-04



SUBJECT PROPERTY
Z-02-01-01



Faith, Hope, & Charity

City of DeLand
2/20/02
Planning Board

Z-02-01-01



City Limits



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

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

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

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

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

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

The News-Journal

Published Daily and Sunday
Daytona Beach, Volusia County, Florida

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

Before the undersigned authority personally appeared

Kathleen Mayes

Who, on oath says that she is

Classified Sales Manager

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

in the matter of Ordinance No. 2002-21

the

Court was

published in said newspaper in the issues

July 5, 2002

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



Sworn to and subscribed before me

this 5th day of July

A.D. 2002



LEGAL ADVERTISEMENT

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CITY COMMISSION
CITY OF DELAND, FLORIDA
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Legal 46276, July 5, 2002 1t.

PAGE 3 REVISED
July 17, 2002

Southridge Pointe

01-007.00

July 2, 2001

(originally authored by EDG, Inc., revised by PEC, Inc. on May 23, 2002 to be consistent with latest Preliminary Plan prepared by PEC, Inc. and submitted to City of DeLand on May 23, 2002)

DEVELOPMENT PLAN REPORT

The Southridge Pointe subdivision is 29 unit single-family residential project. The project is designed to mix in with the surrounding developments. The surrounding lots are single-family residential to the East, a golf course to the North, multi-family to the West and vacant land to the South. The project proposes to provide access to both E. Beresford Ave. and South Hill Drive while allowing as much separation between said entrances and the intersection of E. Beresford Avenue and South Hill Drive. The proposed local streets will be 24 feet wide and will be dedicated to the City by virtue of a plat.

The majority of the site is covered by trees with a majority of the trees being live oaks. An effort will be made to save as many of the existing trees as possible.

The project is compatible with the surrounding land uses of residential and will provide a nice upscale residential development that will be an asset to the community. The property is being annexed into the City and will have the land use of low density residential.

The project will provide a sidewalk along the internal roads as well as along E. Beresford Avenue and South Hill Drive. The project is expected to generate approximately 293 trips per day onto the adjacent roads and is proposed to be developed in one (1) phase.

The site drainage will follow the general flow of the topography and be retained in on-site drainage retention ponds. Based on the on-site soil conditions, the stormwater runoff will be infiltrated with discharge from the site to mimic pre-development conditions.

Trees and landscaping will be added as needed to provide for the landscape buffer along the existing roadways as well as on the individual lots as required by Code.

The project infrastructure will be developed in a single phase with the proposed lots to be constructed as they are sold.

The development of the project will generate an estimated tax revenue of \$46,151.33 for the City and \$146,471.24 for the County. The following table illustrates the breakdown of residential values and millage rates.

RECEIVED

MAY 23 2002

COMMUNITY DEVELOPMENT
2017-05 Nurse

Residential Values

Quantity	Product	Estimated Value	Taxable Value	Taxable Base
29	80' x 120'	\$300,000	\$275,000	\$7,975,000

Total Taxes

	2001 Millages	Residential Taxes
City	5.787	\$46,151.33
County	18.3663	\$146,471.24

PUBLIC FACILITIES IMPACTS

POPULATION- Based on City of DeLand data utilized in developing the Comp Plan population projections, the Project will house approximately 70 people at buildout (2.42 persons per household).

WASTEWATER - The proposed development will generate an additional 7,980 gallons per day of wastewater capacity based upon Comp Plan data assuming 114 gallons per capita per day. The City of DeLand is the proposed service provider for this project.

POTABLE WATER - The proposed development will generate an additional 15,050 gallons per day of potable water capacity based upon Comp Plan data assuming 215 gallons per capita per day. The City of DeLand is the proposed service provider for this project.

SOLID WASTE - The proposed development will generate an additional 602 ponds of solid waste per day based upon Comp Plan data assuming 8.6 pounds per capita per day. The County of Volusia is the proposed service provider for this project.

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

RECREATION - Due to the small scale of the Project, a small park site is designated on the Preliminary Site Plan. Design of park amenities within this area will be addressed during construction plan review by the City. Active recreation needs are assumed to be met by the City's Earl Brown Park to the west.

TRANSPORTATION - The Project is expected to generate an additional 293 trips per day.

RECEIVED

MAY 23 2002

COMMUNITY DEVELOPMENT
2-01-11-05 Revised

PROJECT DEVELOPMENT DATA

Total Site Area	19.47 acres
Proposed Development Yield	29-single family lots (min. 9,600 sf)
Project Density	1.49 du/ac (max. 4 du/ac)
Open Space Provided	7.78 acres (40%)
Tree Preservation Area Provided	4.87 acres (25%)
Maximum Project Impervious Surface	40% (7.78 acres)

PROJECT DIMENSIONAL STANDARDS

Front Setback	30' typical
Rear Setback	25'
Side Setback	12.5'
Street Side Setback	15' min.
Minimum Lot Size	9,600 s.f. (average lot size 11,272 s.f.)
Minimum Lot Width	80'
Minimum Lot Depth	120'
Maximum Building Height	35'
Minimum Floor Area	1,900 s.f. one story; 1,000 s.f./500 s.f two story)

RECEIVED
 JUL 17 2002
 COMMUNITY DEVELOPMENT



City of DeLand

www.deland.org

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

October 29, 2002

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

Dear Madam:

Please record and return the originals to our office.

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

Sincerely,

Kimberly K. Cline
Deputy City Clerk

Enclosures:

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

12/19/02

ATTACHMENT #1 For October 2002 Bill

RECEIPT #84141

02-224655 Waterford Lakes

Plat

RECEIPT #84291

02-225161	Ordinance 2002-34	\$ 190.00
02-225162	Ordinance 2002-35	\$ 10.50
02-225163	Covenant to Support Annexation; Douglas & Laura Summers, 1068 Torchwood Drive; Parcel #7028-11-20-0100	\$ 19.50
02-225164	Covenant to Support Annexation; Arthur Brown, 1600 Old Daytona Road Parcel #6035-04-00-0051	\$ 15.00
		\$ 10.50

RECEIPT #89650

02-238437	Claim of Lien; Michael Jones; \$127.72; 142 N Adelle; Parcel #7008-43-10-0012	\$ 6.00
02-238438	Claim of Lien; Frances Moore; \$1030.41; 713 W New York; Parcel #7008-43-12-0070	\$ 6.00
02-238439	Claim of Lien; Talicorp, Inc.; \$596.36; 227 N San Souci; Parcel #7009-09-00-0340	\$ 6.00
02-238440	Claim of Lien; Thomas & Jacqueline Aton; \$515.38; 541 W Rich; Parcel #7008-48-00-0090	\$ 6.00
02-238441	Claim of Lien; Bonnie McMillan; \$97.08; 544 W Ohio; Parcel #7008-40-00-0122	\$ 6.00
02-238442	Claim of Lien; Josefa Tipton; \$40.58; 1515 S Elsasser; Parcel #7020-00-00-1659	\$ 6.00
02-238443	Claim of Lien; Mildred Edwards; \$15.09; 335 N Kentucky; Parcel #7009-56-01-0340	\$ 6.00
02-238444	Claim of Lien; Allan Klein; \$252.48; 1328 N Woodland; Parcel #7004-00-00-2181	\$ 6.00
02-238445	Claim of Lien; Pauline Mosley; \$102.31; 242 S Kentucky; Parcel #7016-18-00-0310	\$ 6.00
02-238446	Claim of Lien; Volusia Lake Realty; \$49.44; 500 E Howry; Parcel #7016-17-00-0030	\$ 6.00
02-238447	Claim of Lien; Woodie Guilford; \$962.25; 330 S Clake; Parcel #7016-12-00-0050	\$ 6.00
02-238448	Claim of Lien; Bernadine Mauro; \$125.40; 614 S Amelia; Parcel #7016-31-01-0290	\$ 6.00
02-238449	Claim of Lien; Gregory Washburn; \$78.21; 595 E Samuel; Parcel #7021-00-00-0050	\$ 6.00
02-238450	Claim of Lien; William Bohlen; \$212.20; 433 S Woodland; Parcel #7016-51-00-0010	\$ 6.00
02-238451	Claim of Lien; Michael Bruno; \$123.05; 4136 Woodland Circle; Parcel #6038-17-02-0140	\$ 6.00
02-238452	Claim of Lien; James Griffith; \$33.65; 1440 E Wisconsin; Parcel #7011-09-00-0090	\$ 6.00
		\$ 6.00

RECEIPT #91425

02-243006 Plat Map for Victoria Park

\$ 65.00

RECEIPT #93020

02-247084	Ordinance 2002-39	\$ 10.50
02-247085	Covenant to Support Annexation; John W & Patti Blocker; 141 Grace Street; Parcel #6033-00-00-0600	\$ 10.50
02-247086	Covenant to Support Annexation; Gloria Stinger & Anna Lovett; 202 Rosehill; Parcel #7004-10-00-0420	\$ 10.50

RECEIPT #93820

02-248997	Ordinance 2002-22	\$ 19.50
02-248998	Ordinance 2002-23	\$ 19.50
02-248999	Ordinance 2002-21	\$ 15.00
02-249000	Ordinance 2002-20	\$ 19.50
02-249001	Covenant to Support Annexation; Thomas & Amy Flowers; 1520 Brittain Ave; Parcel #7018-12-01-0300	\$ 10.50

SUBTOTAL

\$ 522.00

TOTAL

\$ 522.00

INVOICE

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

(386) 822-5726

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

INVOICE NO: 32223
DATE: 11/08/02

CUSTOMER NO: 110

CUSTOMER TYPE: GC/ 110

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

RECEIVED
NOV 15 2002
CLERK

TOTAL DUE: \$522.00

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 11/08/02

DUE DATE: 11/18/02

CITY OF DELAND

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

FL 32721-6043

(386) 822-5726

CUSTOMER NO: 110

INVOICE NO: 32223
CUSTOMER TYPE: GC/ 110

TERMS: NET 10 DAYS

AMOUNT: \$522.00