

12/15/2023 2:33:59 PM Instrument #2023255428 #1 Book:8496 Page:2090
Rerecording to replace Exhibit
"B" First Amendment to Manchester
Neighborhood Planned Development
Agreement.

ORDINANCE NO. 2023 - 23

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE MANCHESTER NEIGHBORHOOD PLANNED DEVELOPMENT (PD), ON PROPERTY LOCATED AT 801 SOL Y SOMBRA APPROVING AN AMENDMENT TO A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 38.5 +/- ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Applicant, Mark Watts, Esq., on behalf of the owner, has filed for an amendment to the Manchester Neighborhood Planned Development (PD) of approximately 38.5 +/- acres of land located at 801 Sol Y Sombra, which is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, the Manchester Neighborhood PD was approved by City Commission in March 2021, City of DeLand's Ordinance No. 2021-11; and

WHEREAS, the applicant desires to amend the Manchester Neighbor PD for the development of multi-family units and single-family units; and

WHEREAS, the applicant is proposing the addition of 41 residential units; and

WHEREAS, said rezoning 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 Applicant has submitted an application for the approval of a development plan in order to change certain development standards for the property described in Exhibit "A" (hereinafter the "Property" or the "Project"); and

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

WHEREAS, the proposed development plan is consistent with the Low Density Residential future land use designation and Community Health Overlay.

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 amendment to the Manchester Neighborhood Planned Development (PD) of approximately 38.5 +/- acres of land located at 801 Sol Y Sombra.

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 Manchester Neighborhood 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 Agreement, Maps and other supporting documentation which were previously submitted for the Manchester Neighborhood PD,

Planned Development District, as well as the documentation submitted along with the current application, all of which has been filed and will be 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 and Development Agreement for Manchester Neighborhood PD, Planned Development District, shall be amended as per the attached Exhibit "B" which by this reference made a part hereof.

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

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

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

Section 8. The Planning Director is 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 9. 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 10. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 20th day of November, 2023.



Jillie A. Hennessy
Jillie A. Hennessy
City Clerk - Auditor

Christopher M. Cloudman
Christopher M. Cloudman
Mayor - Commissioner

Passed on first reading: October 16, 2023
Adopted on second reading: November 20, 2023

APPROVED AS TO FORM AND LEGALITY:
Darren J. Elkind
Darren J. Elkind
City Attorney

"EXHIBIT A"**LEGAL DESCRIPTION****DESCRIPTION: PHASE I (CREATED BY SURVEYOR)**

LOTS 19 AND 20, LESS AND EXCEPT THE EAST 545.00 FEET, ASSESSORS SUBDIVISION OF THE WEST ½ OF THE NORTHWEST ¼ AND THE EAST ½ OF THE NORTHEAST ¼ OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST

AND

THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST
ALL IN VOLUSIA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THOSE LANDS RECORDED IN SAID OFFICIAL RECORDS BOOK 2205, PAGE 0034; THENCE RUN S01°29'58"W, ALONG THE EAST LINE OF SAID LANDS, AND THE WEST RIGHT OF WAY OF NORTH STONE STREET, (A 60.00 FOOT RIGHT OF WAY), A DISTANCE OF 20.00 FEET; THENCE RUN S89°27'58"W, ALONG A LINE BEING 20.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF THOSE LANDS RECORDED IN SAID OFFICIAL RECORDS BOOK 2205, 0034, A DISTANCE OF 402.64 FEET; THENCE RUN S01°31'58"E, A DISTANCE OF 120.64 FEET; THENCE RUN S89°27'58"W, A DISTANCE OF 894.46 FEET TO A POINT ON THE WEST LINE OF THE WEST ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 5; THENCE RUN N01°32'05"W ALONG SAID LINE A DISTANCE OF 1150.51 FEET TO THE NORTHWEST CORNER OF SAID LOT 19; THENCE RUN N88°34'18"E, ALONG THE NORTH LINE OF LOTS 19 AND 18, A DISTANCE OF 782.04 FEET TO THE NORTHEAST CORNER OF THOSE LANDS RECORDED IN OFFICIAL RECORDS BOOK 2179, PAGE 0055; THENCE RUN S01°29'42"E ALONG THE EAST LINE OF SAID LANDS, A DISTANCE OF 336.93 FEET; THENCE RUN S89°24'00"W, ALONG THE SOUTH LINE OF THOSE LANDS RECORDED IN SAID OFFICIAL RECORDS BOOK 2179, PAGE 0055, A DISTANCE OF 118.11 FEET TO THE SOUTHWEST CORNER OF SAID LOT 20; THENCE RUN S01°32'55"E, ALONG THE EAST LINE OF THOSE LANDS RECORDED IN OFFICIAL RECORDS BOOK 4539, PAGE 1570, AND THE EAST LINE OF THE WEST ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 5, A DISTANCE OF 685.63 FEET; THENCE RUN N89°27'58"E, ALONG THE SOUTH LINE OF THOSE LANDS RECORDED IN OFFICIAL RECORDS BOOK 5511, PAGE 4784, A DISTANCE OF 633.014 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 19.45 ACRES

AND

DESCRIPTION: PHASE II (CREATED BY SURVEYOR)

A PORTION OF THE EAST ½ OF THE SOUTHWEST ¼ OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THOSE LANDS RECORDED IN SAID OFFICIAL RECORDS BOOK 2205, PAGE 0034; THENCE RUN S01°29'58"W, ALONG THE EAST LINE OF SAID LANDS AND THE WEST RIGHT OF WAY OF NORTH STONE STREET, (A 60.00 FOOT RIGHT OF WAY), A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING;

THENCE RUN S89°27'58"W, ALONG A LINE BEING 20.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF THOSE LANDS RECORDED IN SAID OFFICIAL RECORDS BOOK 2205, PAGE 0034, A DISTANCE OF 402.64 FEET; THENCE RUN S01°31'58"E, A DISTANCE OF 120.64 FEET; THENCE RUN S89°27'58"W, A DISTANCE OF 894.46 FEET TO A POINT ON THE WEST LINE OF THE EAST ½ OF THE SOUTHWEST ¼ OF SAID SECTION 5; THENCE RUN S01°31'18"E, ALONG SAID LINE A DISTANCE OF 543.44 FEET; THENCE CONTINUE S01°30'56"E, ALONG SAID LINE OA DISTANCE OF 1298.09 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF WEST PLYMOUTH AVENUE; THENCE RUN N89°11'32"E, ALONG THE NORTH RIGHT OF WAY LINE OF SAID WEST PLYMOUTH A DISTANCE OF 60.00 FEET; THENCE RUN N01°30'24"W, A DISTANCE OF 1298.94 FEET; THENCE RUN N89°28'45"E, A DISTANCE OF 1236.63 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID NORTH STONE STREET; THENCE RUN N01°29'58"W, ALONG THE WEST RIGHT OF WAY LINE OF SAID NORTH STONE STREET, A DISTANCE OF 662.60 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 19.05 ACRES.

FIRST AMENDMENT TO MANCHESTER NEIGHBORHOOD

PLANNED DEVELOPMENT AGREEMENT

This First Amendment to the Manchester Neighborhood Planned Development Agreement (the "First Amendment") is made this 20th day of November, 2023 between the **CITY OF DELAND**, a Florida municipal corporation (hereafter, the "City"), whose mailing address is 120 S. Florida Avenue, DeLand, FL 32720, and **SHEILA A. SCARLETT**, as an individual ("Scarlett"), **GC-DELAND, LLC**, a Florida limited liability company with a mailing address of 400 Galleria Parkway, Suite 1130, Atlanta, GA 30339 (collectively with Scarlett, the "Owners"), and **MANCHESTER COMMUNITIES, LLC**, a Florida limited liability company with a mailing address of 300 Interchange Blvd., Suite D, Ormond Beach, FL 32174 (hereafter, "Manchester" or "Developer").

WHEREAS, the City and Manchester previously entered into that certain Planned Development Agreement (the "PD Agreement") dated on or about March 15, 2021 and recorded in Official Records Book 8050, Page 259 of the Public Records of Volusia County, Florida in connection with the rezoning of ±38.5 acres known as the "Manchester Neighborhood" PD; and

WHEREAS, Manchester desires to add a unit count to the Proposed Future Development Tract (also referred to as Phases 2A and 2B) to permit the development of multiple-family dwellings within the Proposed Future Development Tract as well as permit single family dwellings to account for the proposed addition of four (4) single family homes within Phase 2B of the Future Development Tract; and

WHEREAS, the application of Manchester to amend the Manchester Neighborhood PD was duly and properly filed with the City on June 1, 2023 and the application was reviewed by the

"EXHIBIT B"

City's Community Development Department and determined to be consistent with the City's Comprehensive Plan; and

WHEREAS, Public Hearings on this First Amendment to the Manchester Neighborhood PD Agreement were held by the Planning Board on September 13, 2023 and the City Commission on _____ and _____ after due public notice was provided in accordance with the City's Land Development Regulations Ordinance No. 2013-11, as amended.

NOW THEREFORE, the City and Manchester acknowledge and agree that the Manchester Neighborhood PD is hereby amended to reflect the following changes, revisions and amendments to the Manchester Neighborhood PD Agreement and amended Planned Development Plan:

1. Paragraph D of the Development Agreement for the Manchester Neighborhood PD is amended as follows (changes shown in ~~striketrough~~/underline format):

Permitted Uses within Proposed Future Development Tract:

General/Professional Offices.

Financial Institutions.

Apothecary shops.

Government and public land uses and buildings.

Private clubs and lodges.

Museums.

Parks, mini and neighborhood.

Adult day care home.

Single-family dwelling units.

Multiple-family dwellings and duplexes.

Independent living support uses.

Community uses including but not limited to clubhouse, cabana, pool, community garden, and sports courts.

Primary medical uses, including hospitals, outpatient clinics, continuing/long-term care services, hospice services, laboratories, medical research facilities, urgent or emergency medical services, offices of doctors, physical therapists, dentists and other health care providers.

Secondary medical uses including medical support facilities and similar uses, including but not limited to administrative offices, social service providers including counseling centers, fitness and rehabilitation centers including sports medicine and training facilities, health care related retail (i.e., pharmacy, medical supplies, medical apparel and equipment, miscellaneous retail trade including gift stores, bookstores, newsstands, florist, jewelry, video sales/rentals, and other retail ancillary to and located within a medical services facility, cafeterias, food and laundry and services located within, dependent on and directly related to a medical services facility.

Medical support uses, including short-term residential uses dependent upon or directly related to medical care, convalescent care facilities, skilled nursing facilities, group homes for the disabled and overnight accommodations, adult care services, including respite care, educational and meeting facilities and staff sleeping quarters.

2. Paragraph E of the Development Agreement for the Manchester Neighborhood PD is amended as follows (changes shown in ~~strikethrough~~/underline format, with “...” to denote ellipsis):

E. Development Standards.

~~Residential Structures~~ Multiple-Family Dwellings:

.....

Proposed Future Development Tract: The Proposed Future Development Tract (henceforth referred to as “Phases 2A and 2B”) may be developed as an additional phase of the Adult Residential Housing Area pursuant to the ~~Residential Structures~~Multiple-Family Dwellings lot development criteria described above or may be developed pursuant to the Non-Residential/Medical Structures site development criteria detailed below. Phase 2A may be developed with either Multiple-Family Dwellings or Non-Residential/Medical Structures, but not both. If Phase 2A is developed with Multiple-Family Dwellings, then there shall be no more than thirty-seven (37) units. If Phase 2A is developed with Non-Residential/Medical Structures, the Development Plan Map attached as Exhibit B showing Multiple-Family Dwellings shall not apply to Phase 2A and no new Development Plan Map shall be required. Phase 2B may be developed with a maximum of four (4) single-family detached residential homes.

Non-Residential/Medical Structures:

1. Maximum building height 50 ft.; 28ft. (one story) within 200 ft. of western boundary;
2. Maximum FAR 0.50;
3. Minimum lot area: 4,000 square ft.;
4. Minimum lot width: 40 ft.;
5. Minimum lot depth: 100 ft.;
6. Minimum building setbacks:
 - a. Front Yard: 25 ft.
 - b. Rear Yard: 25 ft.
 - c. Side Yard: 15 ft.
7. Minimum building separation of 15 ft.;
8. 20% Minimum open space;
9. 70% Maximum impervious surface area.

Single-Family Dwellings:

1. Maximum building height: 35 ft.
3. Minimum lot area: 10,000 square ft.;
4. Minimum lot width: 100 ft.;
5. Minimum building setbacks:
 - a. Front Yard: 30 ft.
 - b. Rear Yard: 25 ft.

c. Side Yard: 15 ft.

6. 40% Maximum impervious surface area.

3. Exhibit B is amended by replacing it with the plan prepared by Zev Cohen & Associates, Inc. and dated 7/31/2023 attached hereto as Attachment A.

IN WITNESS WHEREOF, the City, the Owners and the Developer have caused this First Amendment to the Manchester Neighborhood Planned Development Agreement to be duly executed by their authorized representatives as of the last date entered below.

(Signatures on Following Pages)

ATTEST:

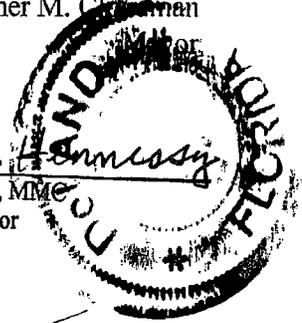
City Commission of DeLand Florida

Michael Pleus
Michael Pleus
City Manager

Christopher M. Cloudman
Christopher M. Cloudman

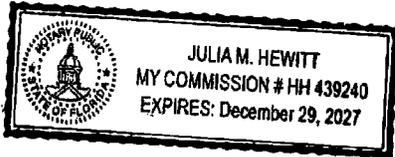
ATTEST:

Julie A. Hennessy
Julie A. Hennessy, MME
City Clerk - Auditor



STATE OF FLORIDA
CITY OF DELAND

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 5th day of FEBRUARY (mo/yr), by Michael Pleus and Christopher M. Cloudman, as City Manager and Mayor, City of DeLand, respectively, on behalf of the City of DeLand, and who are personally known to me.



NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

Julia M. Hewitt

Commission No.: _____

My Commission Expires: _____

DEVELOPER

MANCHESTER COMMUNITIES, LLC,
a Florida limited liability company

WITNESSES

Vina Squires
Print Name
[Signature]
Sign Name

JAKE STEHR
Print Name
[Signature]
Sign Name

By: [Signature]
Print: HOWARD LEFTWITZ
Title: MANAGER

Date: JANUARY 22, 2024

STATE OF Florida
COUNTY OF Columbia

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 22 day of Jan, 2024, by Howard Leftwitz, as _____ for and on behalf of **MANCHESTER COMMUNITIES, LLC**. He/She is personally known to me or has produced _____ as identification.

[Signature]
Notary Public

Seal

Type or Print Name: Laura H Simonette
Commission No. HH 221533
My Commission Expires: May 24 2026



OWNER

GC-DELAND, LLC, a Georgia limited liability company

By: **GEORGIA CAPITAL, LLC**, a Georgia limited liability company, its member

By: [Signature]
Print: Kendall B. King
Title: Director

Date: _____

WITNESSES

Andrew Stahl
Print Name
[Signature]
Sign Name

Ryan Steen
Print Name
[Signature]
Sign Name

STATE OF Georgia
COUNTY OF Cobb

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 16th day of January, 2024, by Kendall B. King, as Director for and on behalf of **GEORGIA CAPITAL, LLC**, a Georgia limited liability company, as member of **GC-DELAND, LLC**. He/She (is personally known to me) or has produced _____ as identification.

Mary F. Stirling
Notary Public

Type or Print Name: Mary Frances Stirling
Commission No. W-00631686
My Commission Expires: 11/14/2024

Seal



WITNESSES

Mark A. White

Print Name

Mark A. White

Sign Name

Heather Flores

Print Name

Heather Flores

Sign Name

OWNER

SHEILA A. SCARLETT

By: Sheila A. Scarlett

Print: _____

Date: _____

STATE OF Florida
COUNTY OF Volusia

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 10th day of January, 2024 by SHEILA A. SCARLETT. She is personally known to me or has produced _____ as identification.

Seal

Heather Flores
Notary Public

Type or Print Name: Heather Flores
Commission No. HH 029270
My Commission Expires: August 22, 2024



Attachment A
Amended Planned Development Plan

