

ORDINANCE NO. 2002 - 23

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, CHANGING THE ZONING FROM R-8 (MULTIPLE FAMILY) AND R-1B (SINGLE FAMILY) TO PD (PLANNED DEVELOPMENT) ON DESCRIBED PROPERTY LOCATED AT THE SOUTHWEST CORNER OF EUCLID AVENUE AND GARFIELD AVENUE; APPROVING A DEVELOPMENT PLAN FOR GARFIELD PLACE APARTMENTS, A RESIDENTIAL PLANNED DEVELOPMENT CONSISTING OF APPROXIMATELY 27.0 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, Tom Cavanaugh, agent for the owners, P.A.C. Land Development Corporation (hereinafter referred to as "Applicant"), owns a 27.0 acre parcel of land located at the Southwest corner of Euclid Avenue and Garfield 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 R-8, Multiple Family, and R-1B, Single Family, 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 Garfield Place Apartments 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 and Medium Density land use designations 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 R-8, Multiple Family, and R-1B, Single Family 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.

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Instrument # 2002-248998  
BOOK: 4954  
PAGE: 4604

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PAGE: 4605

**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 Garfield Place Apartments 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.

**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.

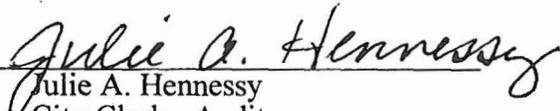
**Section 11.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 12. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 20th day of May, 2002.

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

ATTEST:

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

Passed on first reading: May 6, 2002  
Adopted on second reading: May 20, 2002

APPROVED AS TO FORM AND LEGALITY:

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

BOOK: 4954  
PAGE: 4606

PROPERTY INFORMATION

PARCEL NUMBER: 7016 0121 0010 (Block 21)  
7016 0136 0010 (Blocks 36 & 37)

ADDRESS: Number: N/A Direction: E Name: Euclid Avenue Route: \_\_\_\_\_

CROSSSTREETS: Southeast corner E. Euclid Avenue & South Garfield Avenue

AREA: Acreage 24.66 + R/W 2.47 = 27.13 Square Feet 1,181,800

LEGAL DESCRIPTION: All Blocks 21, 36 & 37 Howry's addition DeLand OR4064 PG 2151  
plus the 50' R/W's Hubbard Avenue and Winnemissett Avenue lying between the  
Massachusetts Avenue R/W and S. Garfield Avenue. Plus the 25' R/W Massachusetts  
Avenue between E. Euclid Avenue and E. Volusia Avenue.

ADDENDUM TO PLANNED DEVELOPMENT REPORT

This addendum shall constitute a part of the Planned Development Report for the Garfield Place Apartments Planned Development, and shall be a condition of the Planned Development.

The applicant shall deed to the City of DeLand, by way of warranty deed, without restriction and as a condition of site plan approval, all of the property within the Planned Development lying south of the southerly most retention pond, consisting of approximately 7.0 acres. The said deed shall be executed by the applicant and delivered to the City of DeLand prior to issuance of building permits. The City and the applicant acknowledge that the size of the aforesaid retention pond is subject to change due to the requirements of the St. John River Water Management District, the City of DeLand, and any other governmental entity properly exercising jurisdiction over the property. The pond, however, shall not be moved to the south or enlarged, other than to comply with governmental regulations.

The applicant shall include in the site plan, emergency access point for emergency vehicles at a location and in such a manner to be approved by the City of DeLand as a part of the site plan approval process.

**PLANNING STAFF REPORT  
TO  
CITY OF DELAND PLANNING BOARD**

**March 20, 2002**

**A. APPLICATION NO.:** Z-02-02-02

**APPLICANT:** P.A.C. Land Development Corp, c/o Tom Cavanaugh

**REQUEST:** Amend zoning from R-8 and R-1B to PD (called Garfield Place Apartments)

**APPLICABLE ORDINANCE:** Article 2, Principal Uses; Article 12, Administration and Enforcement, Section 33-135

**B. SITE FACTORS**

**LOCATION:** 27 acres at the Southwest corner of Euclid Avenue and Garfield Avenue

**PARCEL SIZE:** +/- 27 acres

**EXISTING ZONING:** R-8 and R-1B

**EXISTING USE:** This property is vacant and wooded.

**SURROUNDING USE:                      SURROUNDING ZONING:**

NORTH - Apartments	NORTH - R-12
SOUTH - Single Fam. Res.	SOUTH - R-1B
EAST - Single Fam. Res.	EAST - R-1, R-1A
WEST - Single Fam. Res.	WEST - R-1B

**C. LAND USE PLAN:** The property has Future Land Use designations of both Low Density Residential, which allows a maximum density of 5.8 dwelling units per acre, and Medium Density Residential, which allows a maximum density of 12 dwelling units per acre. The applicant has not requested amendment to the above Future Land Use classifications. Instead, the applicant seeks to "transfer" the density for the Low Density property on the south, to the northern section, in return for keeping the Low Density portion as park/open space.

**D. ANALYSIS:** Currently, the subject property is undeveloped. The applicant is requesting a zoning change from R-8 and R-1B, to Planned Development, in order to develop the property for 228 apartment units. The current R-8 designation on the northern allows eight units per acre; R-1B allows 5.8 units per acre maximum.

The intent, according to the applicant, is to develop the subject property for 228 single family homes, which results in an actual density of 8.44 dwelling units per acre over the entire 27 acres.

The following table gives a comparison of the differences between the requested PD zoning and the R-8 zoning classification (R-1B zoning standards are not shown because this portion remains vacant).

	Front Setback*	Side and Rear Setbacks*	Maximum Impervious Coverage	Spacing between Buildings			
				Between sides	Between side and rear	Between front and side	Between front and rear
<b>Requested PD Zoning</b>	35	35	40%	25	25	25	50
<b>R-8 Zoning</b>	30	20	40%	25	25	25	50

\*from project perimeter lot line

As shown in the table, the requested building setbacks to the project perimeter lines are greater than those required for the conventional R-8 zoning. The proposed PD zoning restrictions for both impervious surface and spacing between buildings will match those under conventional R-8 zoning.

The proposed concept plan contains 7 acres of park/open space land at the southern end of the project. This amounts to 26% of the total site area. The designated open space areas presumably could also be designed to meet the requirement for a tree protection area equal to 15% of the total site area (required later at the site plan review stage), in addition to providing passive recreational space.

The conceptual plan for the proposed development has been reviewed by the Technical Review Committee. Staff comments from this meeting involved the standard requirement of following the Land Development Regulations regarding technical standards, obtaining of the necessary state, county and federal permits, and meeting the tree protection regulations.

During the March Planning Board meeting, Board members voiced concerns over several issues. The first issue involves close proximity of buildings and activities to the west perimeter line shared with the adjacent single family subdivision. Related to this issue is the after-hours lighting required for the volleyball court. Members stated the light and noise from these activities might disturb neighbors to the west. Second, there were concerns regarding loading all vehicle trips onto Euclid Avenue. The third issue was disapproval expressed over the construction of a wall surrounding the development. The fourth issue discussed was the perceived lack of vegetation between buildings on site.

**E. STAFF RECOMMENDATION:**

In staff's view, the applicant has addressed the criteria for approval of a Planned Development listed in the Land Development Regulations. Staff recommends **approval** of the Planned Development zoning request, based on the concept plan presented, along with adherence to the Plan Development Report. The only extra recommended condition of approval, is that the final site plan must include a secondary emergency access point on Garfield Avenue.



Agenda 5-6-02  
New Business #4

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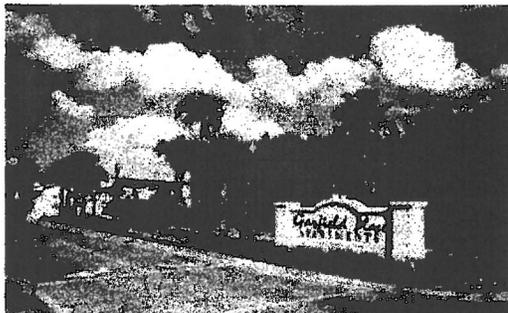
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COMMUNITY DEVELOPMENT

## Garfield Place Apartments



### Planned Development Report



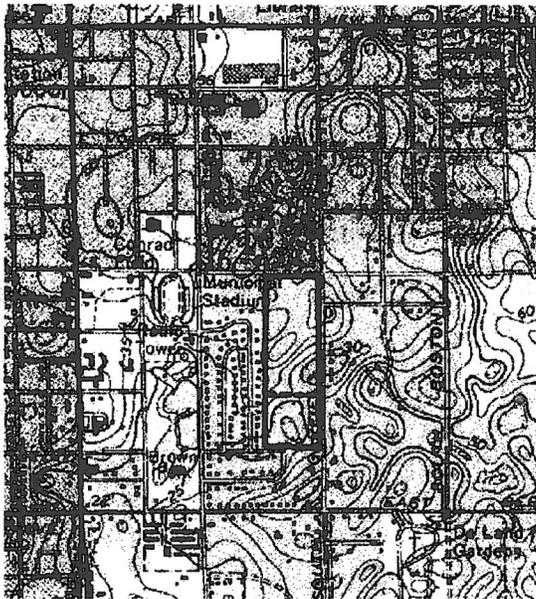
#### Location and Description

The proposed *Garfield Place* PD encompasses 27+ acres and is located in the southwest quadrant of South Garfield Avenue and East Euclid Avenue. A rezoning application and a vacation of plat and right-of-way application have been filed with the City of DeLand. The rezoning application seeks a change in zoning from the current R-8 on Blocks 21 and 36 (Howry's Addition DeLand OR 4064 PG 2151) and R-1A on Block 37 to PD ("Planned Development"). The *Garfield Place* PD is proposed to accommodate 228 *multi-family units* and supporting amenities and infrastructure in a cohesive and secure community. No change to the Comprehensive Land Use Plan is sought as the proposed densities are well below the existing land use maximum densities.

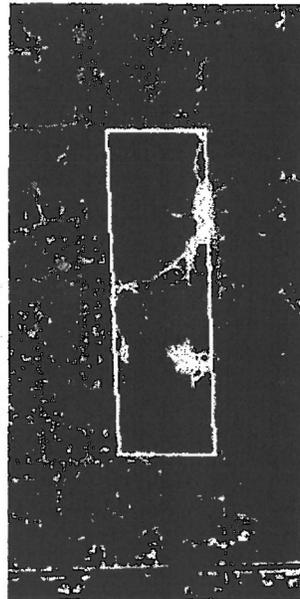
*D.A.C. Land Development Corporation - Winter Park, Florida*

### Site Features

The residential development at *Garfield Place* will be situated on approximately 20 acres with the remaining seven acres (MOL) being proposed for dedication to the City of DeLand. The entire site is heavily wooded, primarily with live and laurel oak with a sprinkling of pine and sabal palm. PAC has taken great care to preserve the sites' many oaks including a large hammock located central to the community on its western boundary, adjacent to a neighboring single-family subdivision. These conservation efforts will result in a highly attractive park-like setting. The topography of the site undulates from nodes with a high of 50 feet to a trough with a low of 25 feet. However, the site predominantly slopes (north to south) from elevations in the mid 40's (ft.) to the mid 30's. The site soils throughout appear sandy. There do not appear to be any areas that can be expected to be classified as "wetlands".



USGS Topographic Map excerpt



Aerial Photograph

### Community Features

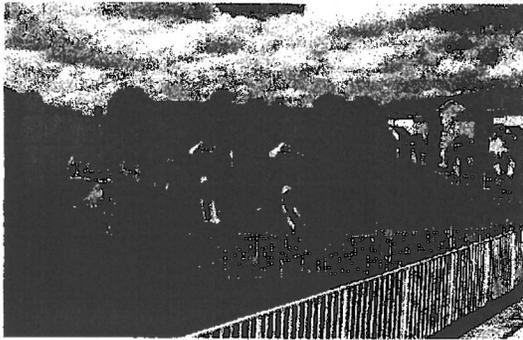
*Garfield Place* is proposed to be a gated-community site surrounded by a six-foot (combination of) wall and fencing. Residents will access the property by security card accessed gates located on the northern end of the property (on Euclid Avenue).

There will be 14 two-story residential buildings. All units will be private or semi-private entrances (no breezeways). All building will maintain a minimum setback from the perimeter property boundaries of thirty-five feet (35'). Prior experience dictates a minimum parking ratio of two spaces per unit.

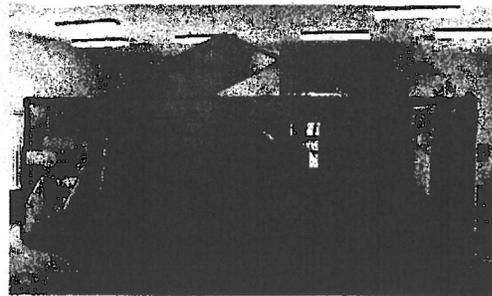


Depicted: Seminole Ridge Apartments - The developer anticipates design (color and architectural) modifications to the Garfield Place buildings.

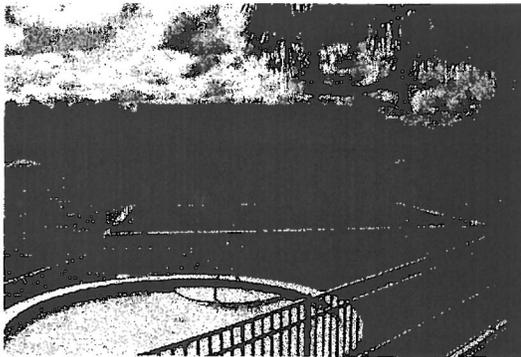
The community will feature a clubhouse with a conference room and full kitchen facility, an adjacent swimming pool and kiddie pool, an activity center building, a barbeque pavilion, a basketball court, volleyball court, a jogging course, a car wash facility, and an outdoor children's playground (tot lot).



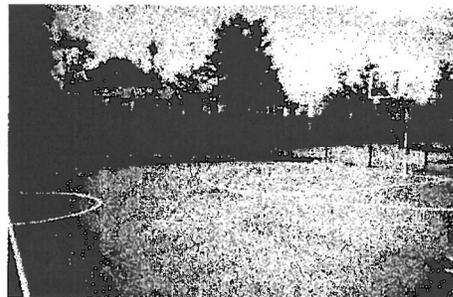
Activity Center exterior with playground



Activity Center interior playspace



Clubhouse rear with pool and kiddie pool



Basketball Court

*P.A.C. Land Development Corporation - Winter Park, Florida*

### Interior Features

Unit floor plans will consist of two-bedroom/two-bath, three-bedroom/two-bath and four-bedroom/two bath designs and are design to accommodate families. Unit features will include:

- Wall-to-wall carpet;
- Window blinds;
- Refrigerators;
- Garbage disposals;
- Dishwasher;
- Range;
- Central HVAC;
- Walk-in closets;
- Full-sized washer/dryer.

Resident Activities will be regularly offered as well as after-school and summer-break programs for children.

### Population Served

*Garfield Place* is projected to be financed with tax-exempt bonds. An application to Florida Housing Finance Corporation for its 2002 MMRB program effectively mandates that the developer set-aside all units to accommodate families earning a maximum 60% of the average median income (AMI) level. The proposed rents (below) are derived from the corresponding 60% AMI for Volusia County.

### Proposed Unit Mix and Rents

# UNITS	TYPE BR/Ba	SQ. FT. L/A	BASE RENT
140	2/2	1,006	\$630
56	3/2	1,129	\$728
32	4/2	1,277	\$813

### Open Space/Preservation

Due to the low density nature of the proposed site plan, there are far more opportunities to preserve trees than the developer/applicant typically experiences. The preliminary site

plan reflects only the largest trees known at the time of the planning effort, which was based on a 16 year old tree survey. It is believed that due to the maturation process, there will be many more opportunities to preserve other stands.

Open Space shall *far* exceed minimum standards required by present/underlying zoning code.

While a retention pond and fountain is shown at the south end of the residential development (separating the residential from the lands proposed for dedication), shy of having performed water table calculations, soil borings and a "perc" test, it is believed that those results will show sandy soils and a deep water table resulting in a dry retention area. Should that be the case, the developer/applicant would propose designing the dry retention in such a way that would accommodate a youth activities (e.g. soccer, etc.) during dry times.

#### Development Schedule

*Garfield Place* is proposed to occur as one phase, which construction beginning in early 2003 and taking approximately 14 months to complete (last C.O.).

#### Projected Ad Valorem Taxes

Based on an "Income Approach" projected appraisal value of \$8,000,000 being assessed at 85% of the value, it is estimated that *Garfield Place* will generate approximately \$39,350.00 in tax revenue for the City of DeLand and another \$124,890.00 for Volusia County.

#### Public Facilities Impact

- Population - Based on City of DeLand data utilized in developing the Comprehensive Plan population projections (2.42 person per household), *Garfield Place* will house approximately 552 residents at build-out (not considering a "vacancy factor");
- Wastewater - As proposed, *Garfield Place* is projected to generate an additional 62,928 gallons per day of wastewater capacity (Comp Plan data assumes 114 GPD per capita). The City of DeLand is the proposed provider for this service.
- Potable Water - As proposed, *Garfield Place* is projected to generate an additional 118,680 gallons per day of potable water capacity (Comp Plan data assumes 215 GPD per capita). The City of DeLand is the proposed provider for this service.

***D.A.C. Land Development Corporation - Winter Park, Florida***

- Solid Waste - As proposed, *Garfield Place* is projected to generate an additional 4,747 pound of solid waste per day (Comp Plan data assumes 8.6 lbs/day per capita). The City of DeLand is the proposed provider for this service.
- Stormwater - *Garfield Place* will meet the City of DeLand's minimum LOS as well as the requirements of the St. Johns Water Management District by providing private, on-site retention of stormwater runoff.
- Recreation - *Garfield Place* will feature a clubhouse with a conference room and full kitchen facility, an adjacent swimming pool and kiddie pool, an activity center building, a barbeque pavilion, a basketball court, volleyball court, a jogging course, a car wash facility, and an outdoor children's playground (tot lot). Additional recreation activities are available at the nearby Earl Brown Park.
- Transportation - While *Garfield Place* is situated less than 0.4 miles to the nearest public transportation (Votran stop on Woodland Avenue), the developer/applicant's experience indicates that each household will have at their disposal (own) one to two vehicles. The presence of on-site amenities and activities as well as other existing neighborhood facilities (external to the site) serves to encourage pedestrian trips in lieu of longer trips vis-à-vis motor vehicles.

#### Summary

- *Garfield Place's* site planning combines three platted blocks and their adjacent/bisecting unimproved and ineffective right-of-ways. This combination makes possible an internal design which is efficient, thereby affording certain economies of scale which enable the developer to provide for the many amenities as well as for making their substantial preservation/conservation efforts possible.
- *Garfield Place's* (low) medium-density design is both compatible with its current zoning and land use as well as complimentary to neighboring uses. The design seeks to minimize the impact on contiguous uses through the use of two-story (maximum) buildings, expansive open spaces, perimeter fencing/walls and landscape buffers, as well as abundant opportunities to preserve existing trees.
- *Garfield Place*, while proposed as a rental community, by virtue of the programs necessary to compete for the tax-exempt bonds, will promote homeownership through programs wherein the developer/applicant will provide: (i) First Time Homebuyer counseling and (ii) Direct financial (down payment) assistance to all tenants who remain in good standing over the course of their lease(s). A percentage of the tenants' gross applicable rental payments shall be set-aside for this assistance. That qualifying percentage shall be defined by the 2002 Florida

*P.A.C. Land Development Corporation - Winter Park, Florida*

Housing Finance Corporation. The percentage has, in the past, been three percent although the developer/applicant expects and, thus, is budgeting for five percent.

If left in their current zonings, the land parcels (blocks) that comprise *Garfield Place* would likely result in a combination of three separate development and/or phases. The two northern blocks (Blocks 21 & 36), both zoned R-8, would allow a total/combined 128 apartments. Each block would have the inefficiencies of requiring separate perimeter setbacks, effectively forcing all buildings to the center making tree preservation efforts far less feasible. Furthermore the lack of lands created by inefficient planning and the lack of economies of scale would severely scale back, if not eliminate altogether, the financial feasibility of the amenity package as well as other community improvements (i.e. the "gated"/security features).

**Development Standards**

<b>Garfield Place Planned Development</b>	<p><b>MULTI-FAMILY:</b></p> <p><b>Setbacks:</b> Front: <i>35 feet*</i> from project perimeter lot line Rear and side: <i>35 feet*</i> from the project perimeter lot line</p> <p><b>Interior:</b> All buildings shall be set back at least ten (10) feet from all interior private roads and parking areas. An additional setback from private roads of one foot shall be required for every two (2) feet of height for structures exceeding thirty-five feet</p> <p><b>Spacing between buildings:</b> The following minimum spacing shall be maintained between buildings: Twenty-five (25) feet between sides of buildings; twenty-five (25) feet between sides and rears of adjacent buildings; twenty-five (25) feet between fronts and sides of buildings; and fifty (50) feet between any combination of fronts or rears of adjacent buildings.</p> <p><b>Maximum Impervious Surface:</b> One and two story: 40 percent</p> <p><b>Maximum Building Height:</b> Two stories.</p> <p><b>Minimum Parking Ratio:</b> Two spaces per dwelling unit.</p> <p><b>Minimum Open Space Ratio:</b> Equal to or greater than required in R-8.</p> <p><b>Density Calculation:</b> Gross: 228 DU / 27 acres = 8.4 DU/acre Net: 228 DU / 20 acres = 11.4 DU/acre</p> <p>* Includes a ten foot (10') landscape buffer.</p>
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**ORDINANCE NO. 2003 - 22**

**AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, AMENDING ORDINANCE NO. 2002-23; WHICH APPROVED THE DEVELOPMENT PLAN FOR THE GARFIELD PLACE APARTMENTS PD, BY AMENDING THE DEVELOPMENT PLAN REPORT WHICH WAS ATTACHED TO AND INCORPORATED BY REFERENCE IN ORDINANCE NO. 2002-23, TO ALLOW FOR THE ACCESS DRIVE CURRENTLY LOCATED ON EUCLID AVENUE TO BE SHIFTED TO GARFIELD AVENUE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, Ordinance No. 2002-23, adopted May 20, 2002, approved a Development Plan for the Garfield Place Apartments PD; and

**WHEREAS**, the Applicant for the Garfield Place Apartments, Ltd. is requesting that the Planned Development Document be amended to allow for the access drive currently located on Euclid Avenue to be shifted to Garfield Avenue; 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 amendment to the Garfield Place Apartments Planned Development;

**WHEREAS**, Staff recommends approval for the PD amendment allowing the access drive to be re-located to Garfield Avenue, while creating a secondary emergency access for the project.

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

**Section 1.** City of DeLand Ordinance 2002-23, approving the Development Plan Report for the Garfield Place Apartments PD, is hereby amended by amending the Planned Development Document to allow for the access drive to be shifted from Euclid Avenue to Garfield Avenue while creating a secondary emergency access for the project.

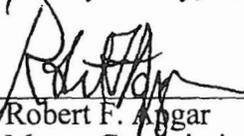
**Section 2.** At the time of development, the developer shall comply with all relevant building codes and development standards contained in the City's Code of Ordinances or in the Development Plan; provided, however, that the development standards contained in the adopted Development Plan, as amended,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

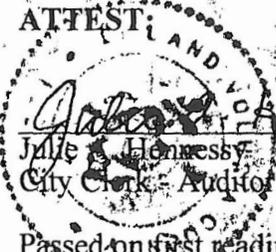
**Section 3.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

**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.

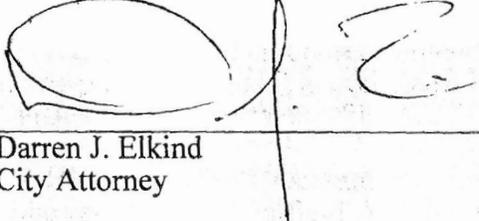
**PASSED AND DULY ADOPTED** this 21<sup>st</sup> day of July, 2003.

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

**ATTEST:**  
  
  
Julie A. Hennessy  
City Clerk - Auditor

Passed on first reading: July 7, 2003  
Adopted on second reading: July 21, 2003

**APPROVED AS TO FORM AND LEGALITY:**

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