

1 EUCLID & AMELIA PD PLANNED DEVELOPMENT AGREEMENT

2 IN THE CITY COMMISSION OF THE

3 CITY OF DELAND, FLORIDA

4 IN RE: Z-19-058, Application of

5 RAMADAN SEYAM

6 ORDINANCE # _____

7
8 ORDER AND RESOLUTION

9 GRANTING A REQUEST FOR CHANGE OF ZONING FROM *R-1B* TO

10 Euclid & Amelia PD (PLANNED DEVELOPMENT)

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12 The application of *Ramadan Seyam*, hereinafter, "Applicant", for rezoning was heard
13 by and before the City Commission, DeLand Florida, on (*public hearing date*). Based upon
14 the verified Application and other supporting documents, maps, charts, overlays, other
15 evidence and instruments; the advice, report, and recommendations of the Community
16 Development, and other Departments and agencies of DeLand, Florida; and the testimony
17 adduced and evidence received at the Public Hearing on this Application by the Planning
18 Board on *December 18, 2019*, and otherwise being fully advised, the City Commission does
19 hereby find and determine as follows:
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GENERAL FINDINGS

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A. That the application of *Ramadan Seyam* was duly and properly filed herein on August 19, 2019 as required by law.

B. That all fees and costs which are by law, regulation, or Ordinance required to be borne and paid by the applicant have been paid.

C. That the applicant is the agent for EGY Bros., LLC, owner of a 3.4 acres parcel of land, which is situated in DeLand, Florida. This parcel of land is described more particularly in the survey and legal description, a true copy of which is attached hereto as Exhibit "A".

D. That the Applicant has complied with the concept plan provision as required by Land Development Regulations Ordinance # 2013-11, as amended.

E. That the Applicant has complied with the "Due Public Notice" requirements of the City Commission, Land Development Regulations Ordinance # 2013-11 , as amended.

F. That the owner of the property, EGY Bros., LLC, agrees with the provisions of the Development Agreement.

FINDINGS REGARDING REZONING

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A. That the Applicant has applied for a change of zoning from the present zoning classification of the parcel described in Exhibit "A" from *R-1B* to Euclid & Amelia *PD* (Planned Development).

B. That the said rezoning to a PD is consistent with both the City of DeLand Comprehensive Plan Ordinance # 1990-04, as amended, and the intent and purpose of the City of DeLand Land Development Regulations Ordinance # 2013-11, as amended, and does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY COMMISSION CHAMBERS, 120 SOUTH FLORIDA AVENUE, DELAND, FLORIDA, THIS *(public hearing date)* DAY OF _____, A.D., _____, AS FOLLOWS:

A. That the Application of *Ramadan Seyam* for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Exhibit "A" attached hereto is hereby amended from *R-1B* to Euclid & Amelia PD as described in Article VII of the City of DeLand, Land Development Regulations Ordinance # 2013-11, as amended.

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C. That the Official Zoning Map of the City of DeLand, is hereby amended to show the rezoning of said parcel to *Euclid & Amelia* PD.

D. That the City of DeLand Land Development Regulations Ordinance # 2013-11, as amended, is consistent with the provisions of the "Development Agreement" as hereinafter set forth in this Ordinance and with respect to any conflict between Land Development Regulations Ordinance # 2013-11, as amended, and the "Development Agreement", the provisions of the "Development Agreement" shall govern. Ordinance No. 2013-11, as amended, shall govern with respect to any matter not covered by the "Development Agreement." The City of DeLand, will ensure overall compliance with this Ordinance.

E. Unless otherwise provided for herein the City of DeLand, Land Development Regulations Ordinance # 2013-11, as amended, shall apply to the PD in the same manner as the C-2 zoning classification.

F. Nothing in this Ordinance shall abridge the requirements of any City of DeLand Ordinance other than Ordinance 2013-11, as amended. Timing and review procedures contained in this Order and Resolution may be modified to comply with the City of DeLand Land Development Regulations, Ordinance No. 2013-11, as amended. Further, nothing in the Development Agreement is intended to abridge the requirements of Ordinance No. 2013-11, as amended, and any other City Ordinances.

DEVELOPMENT AGREEMENT

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A. Development Concept The property shall be developed as a PD substantially in accordance with the Planned Development Plan. The Planned Development Plan shall govern the development of the property as a PD and shall regulate the future land use of this parcel.

1. Planned Development Plan The Planned Development Plan shall consist of the Development Plan Map prepared by *Zoser Design Build Group, Inc.* and dated (*latest revision date at time of approval*) and this Development Agreement. The Development Plan Map is hereby approved and incorporated herein by reference as Exhibit "B". The Planned Development Plan shall be filed and retained for public inspection in the Planning Department and it shall constitute a supplement to the Official Zoning Map of the City of DeLand.

2. Amendments. All amendments of the Planned Development Plan, other than those deemed by the Planning Department to be minor amendments as set out in Ordinance No. 2013-11, as amended, shall require the review and recommendation of the Planning Board and action by the City Commission in the same manner as a rezoning of the parcel.

3. Subdivision Approval. After the Planned Development Plan is recorded, and prior to any construction, including clearing and land fill, an application for a preliminary plat of the area to be subdivided shall be submitted for review and approval in the manner required by Article 13 of the City of DeLand Land Development Regulations, Ordinance No. 2013-11, as amended.

B. Unified Ownership. The Applicant or his successors shall maintain unified

1 ownership of the subject parcel until after issuance of Final Plat.

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3 C. Phases of Development. Phases 1 & 2 are shown on Exhibit B. Phases 2
4 may be developed and constructed simultaneously with Phase 1 However, a Final
5 Subdivision Plat Development Order shall be required for each phase and the restrictions
6 of this Development Agreement shall apply to each phase of development.

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8 D. Land Uses within the PD. The development of the parcel shall be consistent
9 with the uses prescribed for each area within the proposed Euclid & Amelia PD. The
10 location and size of said land use areas are shown on the Development Plan Map, Exhibit
11 "B". The following land uses shall be allowed as permitted principal uses and structures
12 along with their customary accessory uses and structures:

13 Permitted uses in Phase one: Multi-family

14 Clubhouse, rental office, pool

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16 Permitted uses in phase two Urgent Care; general/professional offices;
17 financial institutions; mailbox and shipping shops; beauty; barbershops; day spas; day care
18 facilities , adult or child; dry cleaning and laundry; retail or self service; pet shops and
19 grooming with no overnight boarding of animals; retail bakery; pastry, gourmet, coffee; and
20 specialty beverage shops; convenience stores without gas pumps; appliances; grocery;
21 music, dance; gymnasium; art school or studio; excluding discotheques; organized physical
22 activities center-predominantly scheduled instruction; and upholstering and reupholstering

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24 E. Development Standards.

1 *Residential Phase 1*

- 2 1. *Minimum lot area* N/A
- 3 2. *Minimum lot width and/or depth* N/A
- 4 3. *Minimum yard size (building)*
- 5 a. *Front yard:* 20'
- 6 b. *Rear yard:* 25'
- 7 c. *Side yard:* 10'
- 8 4. *Minimum unit size:* 800 sq. ft.
- 9 5. *Maximum lot coverage 60%*
- 10 6. *Maximum building height 55'*
- 11 7. *Landscape buffer requirements Standard A*
- 12 8. *Minimum building separation 20 ft.*
- 13 9. *Off-street parking requirements per city ordinance*
- 14 10. *Signage requirements per city ordinance.*
- 15 11. *Open Space and/or Common Area requirements meeting the Land*
- 16 *Development Regulations Ordinance # 2013-11.*

17 *Commercial Phase 2*

- 18 1. *Minimum lot area 9000 square feet*
- 19 2. *Minimum lot width 75'*
- 20 3. *Minimum yard size (building)*
- 21 a. *Front yard:* 15'
- 22 b. *Rear yard:* 25'
- 23 c. *Side yard:* 10'
- 24 4. *Minimum floor area:* N/A
- 25 5. *Maximum lot coverage 60%*
- 26 6. *Maximum building height* 55'
- 27 7. *Landscape buffer requirements* *standard B*
- 28 8. *Minimum building separation* 20 ft.
- 29 9. *Off-street parking requirements per city ordinance*
- 30 10. *Signage requirements per city ordinance.*
- 31 11. *Open Space and/or Common Area requirements* N/A

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F. Environmental Considerations. All landscape buffers shown on the Planned Development Plan must comply with the landscape buffer type noted per Table 33-92.02(b) of the Land Development Regulations Ordinance #2013-11 as amended. If landscape buffers in their natural condition contain insufficient plant material to meet the visual screening standard, appropriate plantings and berming will be utilized. Tree Protection Areas totaling a minimum of 15% of the site will be provided as depicted on Exhibit B.

G. Sewage Disposal and Potable Water. Provision for sewage disposal and potable water needs of the PD will be provided in accordance with the Comprehensive Plan, Ordinance No.1990-04, as amended, the Land Development Regulations Ordinance No. 2013-11, as amended, and State of Florida Administrative Code 64E-6. Reclaimed water shall be used for irrigation with portable water shall not be allowed on the site.

H. Stormwater Drainage. Provision for stormwater retention shall be in accordance with the Land Development Regulations Ordinance No. # 2013-11, as amended.

I. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the Land Development Regulations, Ordinance No.. 02-09, as amended. The parcel shall be developed in substantial accordance with the following access and transportation system

1 improvements:

2 1. Access.

3 One full vehicular access point from Amelia Avenue and one full
4 vehicular access point from Euclid Avenue will be provided.

5 2. Transportation System Improvements. Transportation system
6 improvements will be provided as required by the City of Deland Public Works Department.

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8 J. Internal Roadways.

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1 No public internal roadways are proposed and, all driveways shown are private.

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3 K. Building or Property Owners Association. One or more property owners
4 association(s) will be established to manage and maintain common elements of the
5 development and to enforce agreements, covenants, easements or restrictions established
6 as a part of the development. The charter and by-laws of said association(s) and any other
7 agreements, covenants, easements or restrictions shall be furnished to the City of DeLand
8 at the time of creation. The applicant shall be responsible for recording said information in
9 the Public Records of Volusia County, Florida. Also, the applicant shall bear and pay all
10 costs for recording all of the aforementioned documents.

11 With respect to the enforcement of said agreements, covenants, easements or
12 restrictions entered into between the applicant and the owners or occupiers of property
13 within the PD, the City of DeLand shall only enforce the provisions of the "Development
14 Agreement" and City of DeLand Land Development Regulations Ordinance # 2013-11, as
15 amended, whichever is applicable, and not the private agreements entered into between
16 the aforementioned parties.

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18 M. Reverter Provision: The City Commission may rezone any portion of the
19 project which has not secured a Final Subdivision Plat Development Order on or before 5
20 years from the effective date of this ordinance as may be necessary or appropriate to
21 protect adjoining properties or the public health, safety and welfare, unless the City
22 Commission, for good cause shown, shall extend the time period indicated in this
23 paragraph.

1 N. Binding Effect of Plans; Recording; and Effective Date. The Planned
2 Development Plan, including any and all amendments shall bind and inure to the benefit of
3 the Applicant and his successor in title or interest. The Euclid & Amelia PD zoning,
4 provisions of the "Development Agreement," and all approved plans shall run with the land
5 and shall be administered in a manner consistent with Article 12 of the City of DeLand
6 Land Development Regulations Ordinance # 2013-11, as amended.

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8 This Ordinance and all subsequent amendments shall be filed with the Clerk of the
9 Court and recorded within forty-five (45) days following execution of the document by the
10 City Commission, in the Official Records of Volusia County, Florida. One copy of the
11 document, bearing the book and page number of the Official Record in which the
12 document was recorded, shall be submitted to the Planning Department for placement in
13 the public file. The date of recording of this document shall constitute the effective date of
14 the PD or its subsequent amendments. The applicant shall pay all filing costs for recording
15 documents.

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18 DONE and ORDERED by the City Commission, City of DeLand, Florida, this
19 ____ day of _____ (mo/yr).

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22 ATTEST:

City Commission of DeLand Florida

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25 _____
26 Michael Pleus
27 City Manager

Robert Apgar
Mayor

1 STATE OF FLORIDA

2 CITY OF DELAND

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4 The foregoing instrument was acknowledged before me this _____ day of
5 _____ (mo/yr), by Michael Pleus and Robert Apgar, as City
6 Manager and Mayor, City of DeLand, respectively, on behalf of the City of
7 DeLand, and who are personally known to me.

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NOTARY PUBLIC, STATE OF FLORIDA

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Type or Print Name:

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Commission No.: _____

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My Commission Expires: _____

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WITNESSES:

Applicant's Name, Title & Corporation

Applicant's Name, Title & Corporation

Owner of Property (if other than applicant)

The foregoing instrument was acknowledged before me this _____ day of _____ (mo/yr), by (N A M E), who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

Commission No.: _____

My Commission Expires: _____

Revised April 9, 2020 u/p/zone/pd_doc