

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, CHANGING THE ZONING FROM C-2AC, COMMERCIAL ACTIVITY CORE DISTRICT, TO PD, PLANNED DEVELOPMENT DISTRICT, ON DESCRIBED PROPERTY LOCATED ON THE NORTHEAST CORNER OF NORTH WOODLAND BOULEVARD AND EAST PLYMOUTH AVENUE; APPROVING A DEVELOPMENT PLAN FOR "ECKERDS AT DELAND," A COMMERCIAL PLANNED DEVELOPMENT CONSISTING OF APPROXIMATELY 4.21 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, Paul Gorshe, Centres Contruction of Wisconsin, Inc., applicant for the owner, College Plaza, Ltd. (hereinafter referred to as "Applicant"), owns a 4.21 acre parcel of land located on the northeast corner of North Woodland Boulevard and East Plymouth 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 C-2AC, Commercial Activity Core District, 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 "Eckerds at DeLand" 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 Redevelopment land use designation which: encourages intensified development in outlying or newly developed areas for a variety of commercial needs; encourages clustering of new development to promote shared facilities and access and to discourage linear development along collector and arterial level roadways; 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 C-2AC, Commercial Activity Core District, 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 the "Eckerds at DeLand" Planned Development, including the Development Plan Report, Narrative, Maps and other supporting documentation (on file with the City Planning Department), are incorporated herein by reference and shall be amended to include the conditions as set forth in the document entitled "Conditions for the Approval of the "Eckerds at DeLand" Planned Development which is attached hereto as Exhibit "B" and 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 City Commission may rezone any portion of the Project which has not obtained a certificate of occupancy within five years from the date of adoption of this Ordinance.

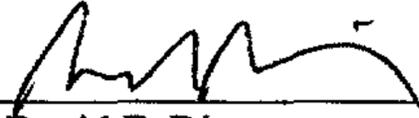
Section 9. The City Engineer, Planning Director and Building Department are hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

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.

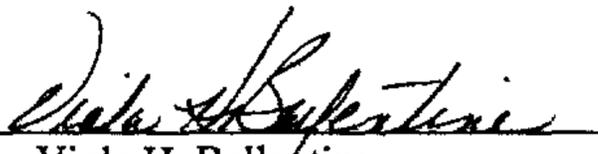
Section 12. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 17th day of August, 1998.



David E. Disney
Mayor Pro Tem

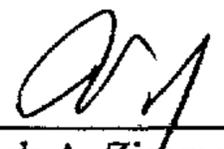
ATTEST:



Viola H. Ballentine
City Clerk - Auditor

Passed on first reading: August 3, 1998
Adopted on second reading: August 17, 1998

APPROVED AS TO FORM AND LEGALITY:



Mark A. Zimmerman
City Attorney



EXHIBIT A

ECKERD
OVERALL LEGAL DESCRIPTION

LOTS 1 THROUGH 5 INCLUSIVE, EXCEPT STATE ROAD RIGHT-OF-WAY AND LOTS 16 THROUGH 25 INCLUSIVE AND THAT PART OF CODRINGTON PLACE (ABANDONED) ABUTTING THE AFORESAID LOTS AND LOTS 36 THROUGH 40 INCLUSIVE, HOUGH'S SUBDIVISION, AS RECORDED IN MAP BOOK 2, PAGE 194 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

UPLGLEKRD

CONDITIONS FOR THE APPROVAL OF Z-98-06-11

1. Revise #1 under the first paragraph to state "A 30 foot landscape buffer containing at least 11 canopies, 5 understory trees, and 53 shrubs. A 2' overhang for the parking spaces will be included in this landscape buffer. However, no plantings will be located within that overhang area."
2. Revise #2 under the first paragraph to state "A 20 foot landscape buffer containing at least 10 canopies, 7 understory trees, and 70 shrubs."
3. Revise #3 under the first paragraph to state that the location of the proposed fence along Alabama Avenue will comply with Section 33-90.02(O), Clear Visibility Triangle, of the City's Land Development Regulations.
4. Revise the first paragraph to include the following language, "All proposed landscaped areas, including the landscaped islands in the parking area, will be designated as tree protection areas."
5. Revise second paragraph, fourth sentence, to read "Irrigation requirements will conform to requirements contained in the City's Land Development Regulations."
6. Revise second paragraph, last sentence to read "...where a 30 foot landscape buffer is provided in lieu of a landscaped island along the row of parking spaces."
7. Revise fourth paragraph to include a breakdown of the square footage of the existing development.
8. Revise ninth paragraph, first sentence, to state "The proposed buildings will be setback at least 80' from the west property line, at least 50' from the south property line, and at least 80' off the east property line."
9. Revise tenth paragraph to read "All signage will comply with Article 7 of the City's Land Development Regulations."

Eckerd @ DeLand
College Plaza Modifications
Development Report
(July 2, 1998)

The intent of the proposed project is to reestablish and beautify the existing shopping center to provide a viable shopping option for the citizens of the City of DeLand and the surrounding areas. At present the shopping center does not meet the required landscape buffers, setbacks, pervious to impervious ratios, etc. This proposal will demolish approximately 16,896 SF of the existing 53,190 SF of retail space and construct a free standing 12,000 SF Eckerd Store. This allows the ability to provide the following:

1. A 30 foot Class C landscape buffer along N. Woodland Blvd.
2. A 20 foot Class B landscape buffer along Plymouth Avenue.
3. A 7 foot landscape buffer based upon Class C buffer standards along Alabama Avenue with a 6 foot high wood fence.

At present, there are no buffers provided on any of the projects perimeters. The project is bounded by professional to the south, residential to the east, and Woodland Blvd. and existing commercial uses to the west and the balance of the existing shopping center to the north. The landscape improvements will greatly enhance the value of the subject property and all of the surrounding ownership. Irrigation requirements will conform to City of DeLand Land Development. Interior landscaping will comply with Article 8, Section 33-92.02(A) of said code, excepting the parking isle adjacent to North Woodland Boulevard, where a 30-foot landscaped buffer is being provided in lieu thereof.

The proposed project will provide for pedestrian traffic along the frontages of both major roadways by means of the existing sidewalk along Woodland Boulevard and a proposed sidewalk along the remainder of Plymouth Avenue. The vehicular traffic shall utilize the 2 existing driveways along Alabama Avenue, reduce the existing 2 driveway connections from Plymouth Avenue to 1 full access driveway, as permitted by Volusia County, and reduce the existing 2 driveway connections from Woodland Boulevard to 1 right-in right-out only driveway, as permitted by Fla. D.O.T. The overall reduction in the number of vehicular trips based on an analysis of the reduction of square footage of the existing building areas compared to the proposed building areas negates the necessity for a traffic study for this project.

The pertinent site data, proposed and existing, is as follows:

Description	Existing	Proposed
Project area	4.21 Ac. (100%)	4.21 Ac. (100%)
Building area*	1.22 Ac. (53,190 Sq. Ft.)	1.10 Ac. (48,294 Sq. Ft.) (26%)
Total impervious (Including building)	4.09 Ac. (97%)	3.51 Ac. (83%)
Total landscape area	0.12 Ac. (3%)	0.70 Ac. (17%)

*Development shall consist of:

A.	Proposed Eckerd's	12,000 Sq. Ft.
B.	Proposed renovated retail area	5,360 Sq. Ft.
C.	Remaining original retail	30,934 Sq. Ft.
	(Net reduction of retail)	4,896 Sq. Ft.

The existing drainage on the site consists of a minor retention area at the southeast corner of the site and a few catch basin connected by perforated stormwater pipes. The proposed drainage plan will remove the existing pipe system and replace it with a series of interconnected dual underground perforated stormwater pipes and an enhancement to the existing retention pond volume by way of expanding the existing retaining wall system.

Utilities are to be provided by the City of DeLand.

The order of construction shall be to obtain approval to remodel 5,360 Sq. Ft. of the existing supermarket area, remove the remaining 16,896 Sq. Ft. of the retail shops then construct the 12,000 Sq. Ft. Eckerd store. The exact order of demolition and installation of buildings, parking lot, utilities, etc. will be further defined within the Construction Documents prior to Final Approval by the City of DeLand.

All construction shall adhere to all applicable standards of the City of DeLand, the Florida Department of Transportation Roadway and Traffic Design Standards, current edition, the Department of Environmental Protection and the Health and Rehabilitative Services.

All setbacks from external walls comply with the Article 8 zoning classification requirements. The northerly wall of the existing structure has no such requirement, but rather is contiguous with the existing building, northerly thereof.

All signage as shown on the site plan dated 6/9/98 is in conformity with the City of DeLand's Land Development Regulations, Article 7.

Phasing: The demolition and construction of the various elements of the shopping center shall be phased due to the existing layout of the structures and utilities. The remodeled retail area will be constructed first, within the existing shopping center, along with the pad preparation and Eckerds building. Once the renovation of the existing retail is complete the present tenants will be relocated to their new spaces. The balance of the existing retail area to the south of the existing supermarket will then be demolished and the Eckerd Store will be completed along with the associated parking, utilities, stormwater, etc. Adequate parking will be provided during each step of the demolition and construction to support the tenants.

The Parking Ratios are:

Existing: 53,190 SF Retail w/228 spaces = 1sp/233 SF

Proposed: 48,294 SF Retail w/195 spaces = 1sp/261 SF