12/01/2004 03:44 PM
Instrument# 2004-301553
Book: 5446
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PD PLANNED DEVELOPMENT AGREEMENT

IN THE CITY COMMISSION OF THE

CITY OF DELAND, FLORIDA

IN RE: *(Z-03-12)* Application of

SOFRAN GROUP

ORDINANCE # 2003-47

ORDER AND RESOLUTION

GRANTING A REQUEST FOR CHANGE OF ZONING FROM *B-4,R-3 (Volusia County) & R-1A(City of DeLand)* TO

DELAND ECKERD PD (PLANNED DEVELOPMENT)

The application of Sofran Group, hereinafter, "Applicant", for rezoning was heard by and before the City Commission, DeLand Florida, on *November 17, 2003.* Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations of the Community Development, and other Departments and agencies of DeLand, Florida; and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning Board on *September 17, 2003*, and otherwise being fully advised, the City Commission does hereby find and determine as follows:

AUG 1 1 2004

GENERAL FINDINGS

A. That the application of Sofran Group was duly and properly filed herein on August 27, 2003 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 contract purchaser of a 2.109 acre 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 # 2002-09, as amended.

E. That the Applicant has complied with the "Due Public Notice" requirements of the City Commission, Land Development Regulations Ordinance # 2002-09 , as amended.

F. That the owner(s) of the property, DELAND GOLF COURSE, INC., agrees with the provisions of the Development Agreement.

FINDINGS REGARDING REZONING

A. That the Applicant has applied for a change of zoning from the present zoning classification(s) of the parcel described in Exhibit "A" from Volusia County B-4 (General Commercial), R-3 (Urban Single Family), and City of DeLand R-1A (Single Family Dwelling) to DeLand Eckerd 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 # 2002-09, 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, 121 WEST RICH AVENUE, DELAND, FLORIDA, THIS 17th DAY OF November, A.D., 2003 AS FOLLOWS:

A. That the Application of Sofran Group 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 Volusia County B-4 (General Commercial), R-3 (Urban Single Family), and City of DeLand R-1A to PD as described in Article VII of the

City of DeLand, Land Development Regulations Ordinance # 2002-09, as amended.

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

D. That the City of DeLand Land Development Regulations Ordinance # 2002-09, 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 # 2002-09, as amended, and the "Development Agreement", the provisions of the "Development Agreement" shall govern. Ordinance No. 02-09, 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 # 2002-09, as amended, shall apply to the PD in the same manner as the C-1 (Neighborhood Commercial District) zoning classification.

F. Nothing in this Ordinance shall abridge the requirements of any City of DeLand Ordinance other than Ordinance 2002-09, 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. 2002-09, as amended. Further, nothing in the Development Agreement is intended to abridge the requirements of Ordinance No. 2002-09, as amended, and any other County Ordinances.

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3 DEVELOPMENT AGREEMENT

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

9 1. Planned Development Plan The Planned Development Plan shall
10 consist of the Development Plan Map prepared by Mark Dowst & Associates, Inc. and
11 dated August 21, 2003 and this development agreement. The Planned Development Plan
12 is hereby approved and incorporated in this Ordinance by reference as Exhibit "B". The
13 Planned Development Plan shall be filed and retained for public inspection in the Planning
14 Department and it shall constitute a supplement to the Official Zoning Map of the City of
15 DeLand.

16 2. Amendments. All amendments of the Planned Development Plan,
17 other than those deemed by the Planning Department to be minor amendments as set out
18 in Ordinance No. 2002-09, as amended, shall require the review and recommendation of
19 the Planning Board and action by the City Commission in the same manner as a rezoning
20 of the parcel.

21 3. Subdivision Approval. A subdivision is not required.

22 4. Final Site Plan Approval. After the Planned Development Plan is
23 recorded, and prior to issuance of any permits for construction, including clearing and
24 landfill, a Final Site Plan shall be prepared and submitted for review and approval in the

manner required by Article 12 of the City of DeLand, Land Development Regulations Ordinance # 2002-09, as amended.

B. Unified Ownership. The Applicant or his successors shall maintain unified ownership of the subject parcel until after issuance of the Final Site Plan Development Order.

C. Phases of Development . Project shall be developed in one phase.

D. Land Uses Within the PD. The development of the parcel shall be consistent with the uses prescribed for each area within the proposed DeLand Eckerd PD. The location and size of said land use areas are shown on the Development Plan Map, Exhibit "B". The following land uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures: All uses permitted in C-1 zoning plus a pharmacy or drug store with drive up windows.

E. Development Standards.

1.	Minimum lot area	2.0 Acres
2.	Minimum lot width and/or depth	150 ft.
3.	Minimum yard size (building)	
	a. Front yard:	30 ft.
	b. Rear yard:	N/A
	c. Side yard:	10 ft.
	d. Waterfront yard:	N/A.
4.	Minimum floor area:	N/A
5.	Maximum lot coverage	35%
6.	Maximum impervious surface ratio	60%

7.	Maximum building height	35 ft.
8.	Landscape buffer requirements	North 5 ft.
		East 5 ft.
		South 40 ft.
		West 30 ft.
9.	Perimeter building setbacks	North 25 ft.
		East 5 ft.
		South 40 ft.
		West 30 ft.
10.	Minimum building separation	N/A
11.	Off-street parking requirements	Per LDR Should meet the minimum requirements of Section 33-91, of the City of DeLand Ordinance 2002-09, as amended, unless a traffic study prepared by a Professional Engineer (PE) justifying lower requirements is submitted with the PD application and approved by the City Engineer.
12.	Signage requirements	Per LDR for C-1 Zoning

13. Open Space and/or Common Area requirements meeting the Land Development Regulations Ordinance # 2002-09.

F. Environmental Considerations. The minimum requirements of the Land Development Regulations Ordinance # 2002-09, as amended, shall be met.

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 N[redacted] as amended, the Land Development Regulations Ordinance No. 2009-09, as amended, and State of Florida Administrative Code 64E-6.

H. Stormwater Drainage. Provision for stormwater retention shall be in accordance with the Land Development Regulations Ordinance # 2002-09, as amended.

I. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the Land Development Regulations, Ord. 02-09, as amended. The parcel shall be developed in substantial accordance with the following access and transportation system improvements:

1. Access. Access shall be as shown on Planned Development Plan.

2. Transportation System Improvements. Driveways onto US 17/92 shall be constructed in accordance with FDOT requirements. Driveways onto Orange Camp Road shall be constructed in accordance with Volusia County requirements.

J. Internal Roadways. N/A

K. Building or Property Owners Association. N/A

L. Other. *(NA.)*

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

N. Binding Effect of Plans; Recording; and Effective Date. The Planned Development Plan, including any and all amendments shall bind and inure to the benefit of the Applicant and his successor in title or interest. The PD zoning, provisions of the

"Development Agreement," and all approved plans shall run with the land and shall be administered in a manner consistent with Article 12 of the City of DeLand Land Development Regulations Ordinance # 2002-09, as amended.

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

O. Conceptual Approval: The parties hereto acknowledge that reductions in density and/or intensity may and do occur; and that minor changes to roadway design, location and size of structures, actual location of parking spaces, specific locations for land uses, and locations and design of stormwater storage, landscape buffers and upland buffers may result to comply with the City of DeLand Land Development Land Development Regulations Ordinance # 2002-09, as amended. Upon determination of the Planning Department, these revisions may be processed as minor amendments as set forth in the City of DeLand Land Development Regulations Ordinance # 2002-09, as amended. The Applicant agrees to revise and record the Revised Preliminary Plan which reflects any such changes with the City Clerk immediately following the expiration of the 30 day period for appealing Technical Review Committee (TRC) decisions to the City Commission. A copy of the Revised Preliminary Plan, bearing the book and page number

of the Official Record in which the document was recorded, shall be submitted to the Planning Department.

DONE and ORDERED by the City Commission, City of DeLand, Florida, this 11 day of Nov. 2003 (mo/yr).

ATTEST:

Mike Abels
City Manager

City Commission of DeLand Florida

Robert Apgar
Mayor

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

STATE OF FLORIDA
CITY OF DELAND

The foregoing instrument was acknowledged before me this 11th day of Nov. 2003 (mo/yr), by Mike Abels and Robert Apgar, 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:

Kimberly K Cline
My Commission CC993859
Expires January 15, 2005

Commission No.:

My Commission Expires:

WITNESSES:

_____ V.P. Sofman Group
Applicant's Name, Title & Corporation

_____ _____
Applicant's Name, Title & Corporation

_____ _____ President, DCC BOD
Owner of Property (if other than applicant)

The foregoing instrument was acknowledged before me this 3rd day of August, 2004 (mo/yr), by (James E. McNulla), who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:
Richard O. Heard
Commission No.: DD 005648
My Commission Expires: March 25, 2005

RICHARD O. HEARD
MY COMMISSION # DD 005648
EXPIRES: Mar 25, 2005
FL Notary Service & Bonding, Inc.

Revised July 27, 2004 u/p/SR/2003/Eckerds PD Agreement

12/18/2003 11:30 AM
Instrument# 2003-318987
Book: 5227
Page: 4786

ORDINANCE NO. 2003 - 47

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, CHANGING THE ZONING FROM B-4, GENERAL COMMERCIAL, R-3, URBAN SINGLE FAMILY RESIDENTIAL (VOLUSIA COUNTY), AND R-1A, SINGLE FAMILY DWELLING (CITY), TO PD, PLANNED DEVELOPMENT DISTRICT, ON DESCRIBED PROPERTY LOCATED ON THE NORTHEAST CORNER OF U.S. 17-92 AND ORANGE CAMP ROAD; APPROVING A DEVELOPMENT PLAN FOR ECKERD'S DRUG STORE / PHARMACY, A MIXED COMMERCIAL PLANNED DEVELOPMENT CONSISTING OF APPROXIMATELY 2.109 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, Jerry Smalley, agent for Sofran Group (hereinafter referred to as "Applicant"), owns a 2.109 acre parcel of land located on the northeast corner of U.S. 17-92 and Orange Camp Road, 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 classifications of Volusia County B-4, General Commercial, Volusia County R-3, Urban Single Family, and City R-1A, 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 the Eckerd's PD 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, environmental constraints, internal access and circulation, external transportation access, parking and public facilities; and

WHEREAS, the proposed development plan is consistent with the Mixed Commercial land use designation which: encourages intensified development in outlying or newly developed areas for a variety of commercial and office 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 Volusia County B-4, General Commercial, Volusia County R-3, Urban Single Family, and City R-1A, 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.

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 Agreement, Map 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 Eckerd's PD, including the Development Plan Agreement and Map and other supporting documentation (on file with the City Planning Department), are incorporated herein by reference 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. Prior to the issuance of a building permit for any nonresidential development, Applicant shall submit an easement document, acceptable to the City of DeLand, permitting additions to shared access, parking, utilities and stormwater.

Section 10. 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 11. 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 12. 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 13. The effective date of this Ordinance shall be the later date of the following events: (1) the date of issuance of a certificate of consistency or conditional certificate of consistency with regard to the land use designation of the subject property by the Volusia Growth Management Commission; (2) thirty-one (31) days after its adoption by the City Commission; or (3) if properly challenged by an affected person, after the state land planning agency or the Administration Commission, respectively, issues a final order determining this adopted small scale development amendment to be in compliance. 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 17th day of November, 2003.

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading: November 3, 2003
Adopted on second reading: November 17, 2003

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

EXHIBIT A
LEGAL DESCRIPTIONS

DESCRIPTION

PARCEL "A" (O.R. BK. 2048, PG. 635)

THE NORTH 15 FEET OF LOT 3, LOT 4, AND THE SOUTH 35 FEET OF LOT 5, LESS THAT PORTION REQUIRED FOR ROADWAY, COUNTRY CLUB SUBDIVISION, ACCORDING TO MAP IN MAP BOOK 8, PAGE 31, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND THE WEST 100 FEET OF THE EAST 245 FEET OF THE NORTH 100 FEET OF THE SOUTH 235 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA MORE SPECIFICALLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 28, TOWNSHIP 17 SOUTH, RANGE 30 EAST, RUN THENCE SOUTH 89 DEGREES 20' 29" WEST ALONG THE SOUTH SECTION LINE, A DISTANCE OF 145 FEET; THENCE RUN NORTH 01 DEGREES 18'17" WEST A DISTANCE OF 135 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 01 DEGREES 18'17" WEST, A DISTANCE OF 100 FEET; THENCE RUN SOUTH 89 DEGREES 20'29" WEST, A DISTANCE OF 170.14 FEET TO THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY 17-92; THENCE RUN SOUTHERLY ALONG SAID RIGHT OF WAY LINE BY A CURVE CONCAVE TO THE RIGHT HAVING A RADIUS OF 3951.88 FEET, A CENTRAL ANGLE OF 01 DEGREES 27'07", AN ARC LENGTH OF 100.14 FEET, A CHORD BEARING OF SOUTH 03 DEGREES 43'25" EAST, AND A CHORD LENGTH OF 100.14 FEET; THENCE RUN NORTH 89 DEGREES 20'29" EAST. A DISTANCE OF 165.91 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

PARCEL "B" (O.R. BK. 1950, PG. 1033)

THE NORTH 15 FEET OF LOT 5, LOTS 6 AND 7, AND THE SOUTH 10 FEET OF LOT 8, LESS THAT PORTION REQUIRED FOR ROADWAY, COUNTRY CLUB SUBDIVISION, ACCORDING TO MAP IN MAP BOOK 8, PAGE 31, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND THE WEST 100 FEET OF THE EAST 245 FEET OF THE NORTH 125 FEET OF THE SOUTH 360 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, MORE SPECIFICALLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 28, TOWNSHIP 17 SOUTH, RANGE 30 EAST, RUN THENCE SOUTH 89 DEGREES 20'29" WEST ALONG THE SOUTH SECTION LINE A DISTANCE OF 145 FEET; THENCE RUN NORTH 01 DEGREES 18'17" WEST, A DISTANCE OF 235 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 01 DEGREES

18'17" WEST, A DISTANCE OF 125 FEET; THENCE RUN SOUTH 89 DEGREES 20'29" WEST A DISTANCE OF 179.00 FEET TO THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY 17-92; THENCE RUN SOUTHERLY ALONG SAID RIGHT OF WAY LINE BY A CURVE CONCAVE TO THE RIGHT HAVING A RADIUS OF 3951.88 FEET, A CENTRAL ANGLE OF 01 DEGREES 49'06", AN ARC LENGTH OF 125.42 FEET, A CHORD BEARING OF SOUTH 05 DEGREES 21'32" EAST, AND A CHORD LENGTH OF 125.41 FEET; THENCE RUN NORTH 89 DEGREES 20'29" EAST, A DISTANCE OF 170.14 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

PARCEL "C" (O.R. BK. 2332, PG. 0011)

THE NORTH 40.00 FEET OF LOT 8 AND THE SOUTH 10.00 FEET OF LOT 9, LESS THE PORTION USED FOR ROAD RIGHT OF WAY, COUNTRY CLUB SUBDIVISION, AS RECORDED IN MAP BOOK 8, PAGE 31, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND THE WEST 100.00 FEET OF THE EAST 245.00 FEET OF THE NORTH 50.00 FEET OF THE SOUTH 410.00 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 28, RUN THENCE SOUTH 89 DEGREES 20'29" WEST ALONG THE SOUTH LINE OF SAID SECTION 28, A DISTANCE OF 145.00 FEET; THENCE NORTH 01 DEGREES 18'17" WEST, A DISTANCE OF 360.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 20'29" WEST, A DISTANCE OF 179.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY 17-92 TO A POINT BEING ON A CURVE; THENCE RUN NORTH ALONG SAID RIGHT OF WAY BY A CURVE CONCAVE TO THE LEFT HAVING A RADIUS OF 3951.88 FEET, A CENTRAL ANGLE 00 DEGREES 43'43", AN ARC LENGTH OF 50.27 FEET, A CHORD BEARING OF NORTH 06 DEGREES 35'50" WEST AND A CHORD LENGTH OF 50.27 FEET; THENCE NORTH 89 DEGREES 20'29" EAST, A DISTANCE OF 183.67 FEET; THENCE SOUTH 01 DEGREES 18'17" EAST, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

(O.R. BK. 1919, PG. 1565)

THE NORTH 15 FEET OF LOT 1, LOT 2 AND THE SOUTH 35 FEET OF LOT 3, LESS THAT PORTION REQUIRED FOR ROADWAYS, COUNTRY CLUB SUBDIVISION, ACCORDING TO MAP IN MAP BOOK 8, PAGE 31, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND THE WEST 100 FEET OF THE EAST 245 FEET OF THE NORTH 100 FEET OF THE SOUTH 135 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY.

FLORIDA, MORE SPECIFICALLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 28-17-30; RUN THENCE SOUTH 89 DEGREES 20'29" WEST ALONG THE SOUTH SECTION LINE, A DISTANCE OF 145 FEET; THENCE RUN NORTH 01 DEGREES 18'17" WEST TO THE NORTH RIGHT OF WAY LINE OF ORANGE CAMP ROAD AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01 DEGREES 18'17" WEST, A DISTANCE OF 100 FEET; THENCE RUN SOUTH 89 DEGREES 20'29" WEST A DISTANCE OF 165.91 FEET TO THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY 17-92; THENCE RUN SOUTHERLY ALONG SAID RIGHT OF WAY LINE BY A CURVE CONCAVE TO THE RIGHT HAVING A RADIUS OF 3951.88 FEET, A CENTRAL ANGLE OF 01 DEGREES 27'01", AN ARC LENGTH OF 100.04 FEET, A CHORD BEARING OF SOUTH 02 DEGREES 16'21" EAST, AND A CHORD LENGTH OF 100.03 FEET TO AN INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF ORANGE CAMP ROAD; THENCE RUN NORTH 89 DEGREES 20'29" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 164.22 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

DESCRIPTION - PARCEL 1

A PORTION OF THE DELAND GOLF & COUNTRY CLUB AS RECORDED IN OFFICIAL RECORDS BOOK 293, PAGE 287 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE SOUTH 1/4 CORNER OF SAID SECTION 28 AS THE POINT OF REFERENCE, RUN SOUTH 89 DEGREES 20 MINUTES 29 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 28, A DISTANCE OF 103.40 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH LINE, RUN NORTH 01 DEGREES 16 MINUTES 52 SECONDS WEST PARALLEL WITH THE WEST LINE OF SAID DELAND GOLF & COUNTRY CLUB, A DISTANCE OF 663.28 FEET; THENCE SOUTH 89 DEGREES 12 MINUTES 05 SECONDS WEST, A DISTANCE OF 42.00 FEET TO SAID WEST LINE OF THE DELAND GOLF & COUNTRY CLUB; THENCE SOUTH 01 DEGREES 16 MINUTES 52 SECONDS EAST ALONG SAID WEST LINE, A DISTANCE OF 663.17 FEET TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 28, THENCE NORTH 89 DEGREES 20 MINUTES 29 SECONDS EAST ALONG SAID SOUTH LINE, A DISTANCE OF 42.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.109 ACRE, MORE OR LESS.

DESCRIPTION – PARCEL 1

A PORTION OF THE DELAND GOLF & COUNTRY CLUB AS RECORDED IN OFFICIAL RECORDS BOOK 293, PAGE 287 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE SOUTH 1/4 CORNER OF SAID SECTION 28 AS THE POINT OF REFERENCE, RUN SOUTH 89 DEGREES 20 MINUTES 29 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 28, A DISTANCE OF 103.40 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH LINE, RUN NORTH 01 DEGREES 16 MINUTES 52 SECONDS WEST PARALLEL WITH THE WEST LINE OF SAID DELAND GOLF & COUNTRY CLUB, A DISTANCE OF 663.28 FEET; THENCE SOUTH 89 DEGREES 12 MINUTES 05 SECONDS WEST, A DISTANCE OF 42.00 FEET TO SAID WEST LINE OF THE DELAND GOLF & COUNTRY CLUB; THENCE SOUTH 01 DEGREES 16 MINUTES 52 SECONDS EAST ALONG SAID WEST LINE, A DISTANCE OF 663.17 FEET TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 28, THENCE NORTH 89 DEGREES 20 MINUTES 29 SECONDS EAST ALONG SAID SOUTH LINE, A DISTANCE OF 42.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.639 ACRE, MORE OR LESS.

EXHIBIT B

PD PLANNED DEVELOPMENT AGREEMENT

IN THE CITY COMMISSION OF THE

CITY OF DELAND, FLORIDA

IN RE: *(Z-03-12)* Application of

SOFRAN GROUP

ORDINANCE # _____
(# to be Provided After Commission Approval)

ORDER AND RESOLUTION

GRANTING A REQUEST FOR CHANGE OF ZONING FROM *B-4,R-3 (Volusia County) & R-3(City of DeLand)* TO

DELAND ECKERD PD (PLANNED DEVELOPMENT)

The application of Sofran Group, hereinafter, "Applicant", for rezoning was heard by and before the City Commission, DeLand Florida, on *(public hearing date)*. Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations of the Community Development, and other Departments and agencies of DeLand, Florida; and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning Board on *September 17, 2003*, and otherwise being fully advised, the City Commission does hereby find and determine as follows:

GENERAL FINDINGS

A. That the application of Sofran Group was duly and properly filed herein on August 27, 2003 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 contract purchaser of a 2.109 acre 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 # 2002-09, as amended.

E. That the Applicant has complied with the "Due Public Notice" requirements of the City Commission, Land Development Regulations Ordinance # 2002-09 , as amended.

F. That the owners of the property, Deland Golf Course, Inc., Mary J. Welch and Francis J and Laverne Smith, agrees with the provisions of the Development Agreement.

A. That the Applicant has applied for a change of zoning from the present zoning classification*(s)* of the parcel described in Exhibit "A" from Volusia County B-4 (General Commercial), R-3 (Urban Single Family), and City of DeLand R-1A (Single Family Dwelling) to DeLand Eckerd 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 # 2002-09, 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, 121 WEST RICH AVENUE, DELAND, FLORIDA, THIS *(public hearing date)* DAY OF _____, A.D., _____, AS FOLLOWS:

A. That the Application of Sofran Group 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 Volusia County B-4 (General Commercial), R-3 (Urban Single Family), and City of DeLand R-1A to PD as described in Article VII of the

City of DeLand, Land Development Regulations Ordinance # 2002-09, as amended.

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

D. That the City of DeLand Land Development Regulations Ordinance # 2002-09, 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 # 2002-09, as amended, and the "Development Agreement", the provisions of the "Development Agreement" shall govern. Ordinance No. 02-09, 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 # 2002-09, as amended, shall apply to the PD in the same manner as the C-1 (Neighborhood Commercial District) zoning classification.

F. Nothing in this Ordinance shall abridge the requirements of any City of DeLand Ordinance other than Ordinance 2002-09, 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. 2002-09, as amended. Further, nothing in the Development Agreement is intended to abridge the requirements of Ordinance No. 2002-09, as amended, and any other County Ordinances.

DEVELOPMENT AGREEMENT

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 Mark Dowst & Associates, Inc. and dated *(latest revision date at time of approval)* and this development agreement. The Planned Development Plan is hereby approved and incorporated in this Ordinance 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. 2002-09, 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. A subdivision is not required.

4. Final Site Plan Approval. After the Planned Development Plan is recorded, and prior to issuance of any permits for construction, including clearing and landfill, a Final Site Plan shall be prepared and submitted for review and approval in the

manner required by Article 12 of the City of DeLand, Land Development Regulations Ordinance # 2002-09, as amended.

B. Unified Ownership. The Applicant or his successors shall maintain unified ownership of the subject parcel until after issuance of the Final Site Plan Development Order.

C. Phases of Development. Project shall be developed in one phase.

D. Land Uses Within the PD. The development of the parcel shall be consistent with the uses prescribed for each area within the proposed DeLand Eckerd PD. The location and size of said land use areas are shown on the Development Plan Map, Exhibit "B". The following land uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures: All uses permitted in C-1 zoning plus a pharmacy or drug store with drive up windows.

E. Development Standards.

1. Minimum lot area	2.0 Acres
2. Minimum lot width and/or depth	150 ft.
3. Minimum yard size (building)	
a. Front yard:	30 ft.
b. Rear yard:	N/A
c. Side yard:	10 ft.
d. Waterfront yard:	N/A.
4. Minimum floor area:	N/A
5. Maximum lot coverage	35%
6. Maximum impervious surface ratio	60%

7. Maximum building height	35 ft.
8. Landscape buffer requirements	North 5 ft. East 5 ft. South 40 ft. West 30 ft.
9. Perimeter building setbacks	North 25 ft. East 5 ft. South 40 ft. West 30 ft.
10. Minimum building separation	N/A
11. Off-street parking requirements	Per LDR Should meet the minimum requirements of Section 33-91, of the City of DeLand Ordinance 2002-09, as amended, unless a traffic study prepared by a Professional Engineer (PE) justifying lower requirements is submitted with the PD application and approved by the City Engineer.
12. Signage requirements	Per LDR for C-1 Zoning

13. Open Space and/or Common Area requirements meeting the Land Development Regulations Ordinance # 2002-09.

F. Environmental Considerations. The minimum requirements of the Land Development Regulations Ordinance # 2002-09, as amended, shall be met.

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. 2009-09, as amended, and State of Florida Administrative Code 64E-6.

H. Stormwater Drainage. Provision for stormwater retention shall be in accordance with the Land Development Regulations Ordinance # 2002-09, as amended.

I. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the Land Development Regulations, Ord. 02-09, as amended. The parcel shall be developed in substantial accordance with the following access and transportation system improvements:

1. Access. Access shall be as shown on Planned Development Plan.

2. Transportation System Improvements. Driveways onto US 17/92 shall be constructed in accordance with FDOT requirements. Driveways onto Orange Camp Road shall be constructed in accordance with Volusia County requirements.

J. Internal Roadways. N/A

K. Building or Property Owners Association. N/A

L. Other. *(NA.)*

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

N. Binding Effect of Plans; Recording; and Effective Date. The Planned Development Plan, including any and all amendments shall bind and inure to the benefit of the Applicant and his successor in title or interest. The _PD zoning, provisions of the

"Development Agreement," and all approved plans shall run with the land and shall be administered in a manner consistent with Article 12 of the City of DeLand Land Development Regulations Ordinance # 2002-09, as amended.

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

O. Conceptual Approval: The parties hereto acknowledge that reductions in density and/or intensity may and do occur; and that minor changes to roadway design, location and size of structures, actual location of parking spaces, specific locations for land uses, and locations and design of stormwater storage, landscape buffers and upland buffers may result to comply with the City of DeLand Land Development Land Development Regulations Ordinance # 2002-09, as amended. Upon determination of the Planning Department, these revisions may be processed as minor amendments as set forth in the City of DeLand Land Development Regulations Ordinance # 2002-09, as amended. The Applicant agrees to revise and record the Revised Preliminary Plan which reflects any such changes with the City Clerk immediately following the expiration of the 30 day period for appealing Technical Review Committee (TRC) decisions to the City Commission. A copy of the Revised Preliminary Plan, bearing the book and page number

Book : 5227
Page : 4802

of the Official Record in which the document was recorded, shall be submitted to the Planning Department. *(This section should also be written on the Preliminary Plan as a note.)*

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

ATTEST:

City Commission of DeLand Florida

_____
Mike Abels
City Manager

_____
Robert Apgar
Mayor

STATE OF FLORIDA
CITY OF DELAND

The foregoing instrument was acknowledged before me this _____ day of _____ (mo/yr), by Mike Abels and Robert Apgar, 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:

_____

Commission No.:_____
My Commission Expires:_____

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:

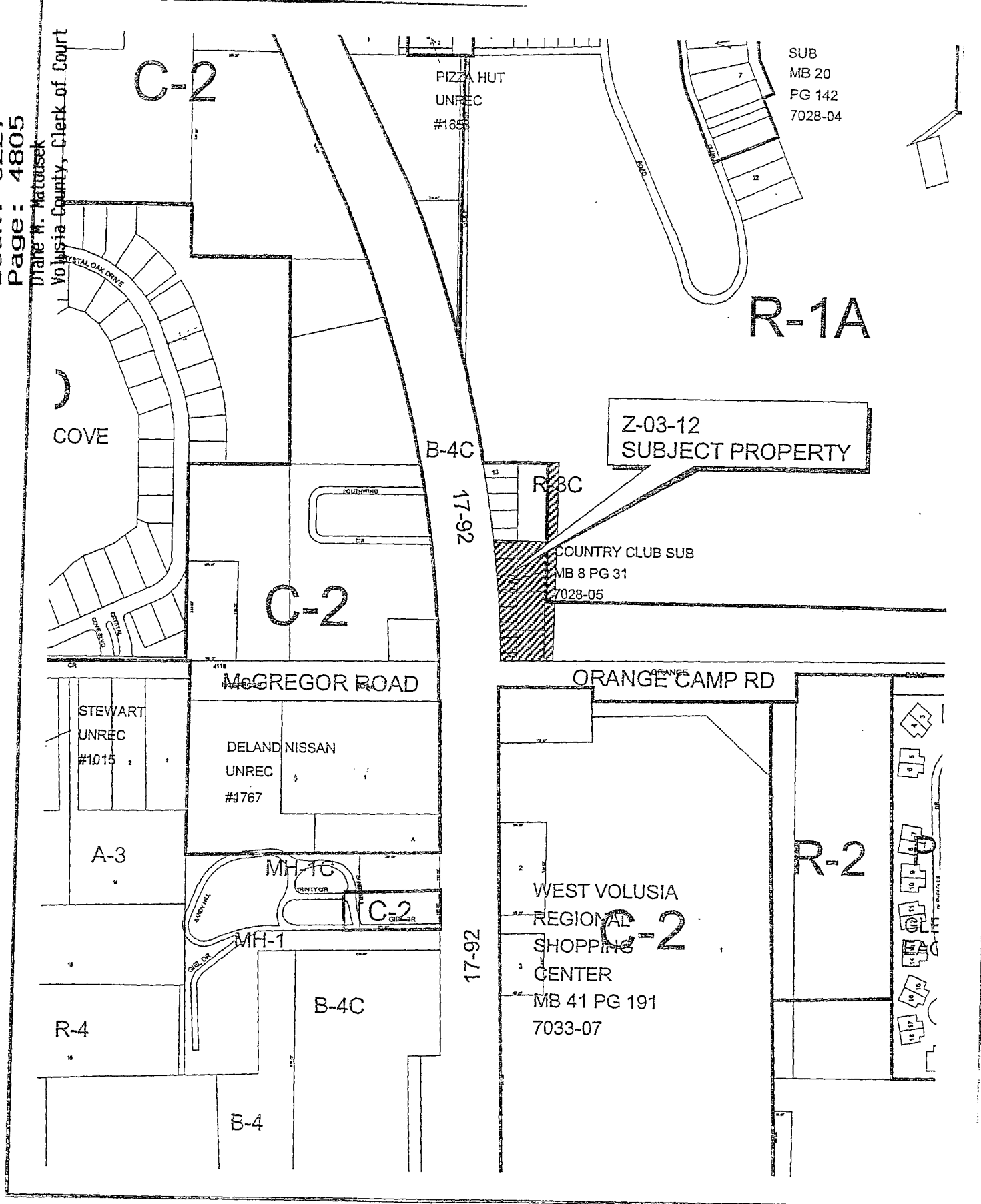
_____

Commission No.:_____

My Commission Expires:_____

Revised September 10, 2003 u/p/SR/2003/Eckerds PD Agreement

Book: 5227
Page: 4805
Diane M. Matousek
Volusia County, Clerk of Court



CITY of DELAND
Planning Board
9/17/03

Z-03-12

N

Faith ,Hope & Charity

City of DeLand

www.deland.org

120 South Florida Avenue
DeLand, Florida 32720-5481
Telephone: (386) 740-5700
Fax: (386) 740-6869

December 18, 2003

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

Dear Madam:

Please record and return the original to our office.

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

Sincerely,

Kimberly Cline
Deputy City Clerk

Enclosures:

1. **Ordinance No. 2003-41**
2. **Ordinance No. 2003-39**
3. **Ordinance No. 2003-40**
4. **Ordinance No. 2003-47**
5. **Ordinance No. 2003-45**
6. **Ordinance No. 2003-44**
7. **Covenant to Support Annexation: Parcel #7020-10-00-0730**
8. **Covenant to Support Annexation: Parcel #7004-00-00-0500**
9. **Covenant to Support Annexation: Parcel #7915-05-00-0770**

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: 37343
DATE: 1/08/04

CUSTOMER NO: 110/110

TYPE: GC - GOVERNMENT AGENCIES

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.	1,368.00	1,368.00

RECEIVED
JAN 0 9 2004
CLERK

TOTAL DUE: $1,368.00

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 1/08/04 DUE DATE: 1/19/04
CUSTOMER NO: 110/110

NAME: CITY OF DELAND
TYPE: GC - GOVERNMENT AGENCIES

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

INVOICE NO: 37343
TERMS: NET 10 DAYS

AMOUNT: $1,368.00

12/1/2003

ATTACHMENT #1 for December 2003

RECEIPT #200443302 Covenant to Support Annexation (Spring Hill Area)

		AMOUNT
2003304857	Katie Barkley, Parcel #7020-00-00-0311	$10.50
2003304858	Herbert & Bobbie Baugh, Parcel #7020-12-03-0210	$10.50
2003304859	Thelma Bland, Parcel #7020-03-00-0180	$15.00
2003304860	Carrie Branam, Parcel #7020-07-01-0210	$10.50
2003304861	Benita Tillman Brown, Parcel #7017-03-00-2490	$10.50
2003304862	Audrey Mae Cook, Parcel #7020-08-00-0240	$10.50
2003304863	Donald Cook & Josephine Corley, Parcel #7020-08-00-0630	$10.50
2003304864	Josephine Corley, Parcel #7020-12-04-0060	$10.50
2003304865	Josephine Corley, Parcel #7020-17-01-0010	$10.50
2003304866	Josephine Corley, Parcel #7020-12-04-0200	$10.50
2003304867	Josephine Corley, Parcel #7020-12-04-0190	$10.50
2003304868	Josephine Corley, Parcel #7020-12-04-0010	$10.50
2003304869	Milton D. Corley, Parcel #7020-17-04-0600	$10.50
2003304870	Milton D. Corely, Parcel #7020-00-00-0316	$10.50
2003304871	Milton D. & Ruth Corley, Parcel #7020-00-00-0921	$10.50
2003304872	Milton D. & Ruth Corley, Parcel #7020-00-00-0920	$10.50
2003304873	Milton & Ruth Corley, Parcel #7021-02-00-0053	$10.50
2003304874	Milton & Ruth Corley, Parcel #7020-11-00-0093	$10.50
2003304875	Milton & Ruth Corley, Parcel #7020-00-00-0323	$10.50
2003304876	Milton & Ruth Corley, Parcel #7020-00-00-0310	$10.50
2003304877	Deirdre Williams, Parcel #7020-00-00-1571	$10.50
2003304878	Milton & Ruth Corley, Parcel #7020-00-00-0211	$15.00
2003304879	Milton & Ruth Corley, Parcel #7020-12-02-0190	$10.50
2003304880	Milton & Ruth Corley, Parcel #7020-00-00-0210	$10.50
2003304881	Milton & Ruth Corley, Parcel #7020-00-00-0671	$10.50
2003304882	Milton & Ruth Corley, Parcel #7020-00-00-0313	$10.50
2003304883	Milton & Ruth Corley, Parcel #7020-00-00-0322	$10.50
2003304884	Milton & Ruth Corley, Parcel #7020-20-00-0020	$10.50
2003304885	Milton & Ruth Corley, Parcel #7020-20-00-0011	$10.50
2003304886	Milton & Ruth Corley, Parcel #7020-00-00-0240	$10.50
2003304887	Lestly & Sandra Cusack, Parcel #7020-00-00-0320	$10.50
2003304888	Chandra Davis, Parcel #7020-12-03-0010	$10.50
2003304889	Johnny & Mildred Debose, Parcel #7020-00-00-0180	$10.50
2003304890	Johnny & Mildred Debose, Parcel #7020-00-00-1620	$10.50
2003304891	Jeanette Dillard, Parcel #7020-00-00-0370	$10.50
2003304892	Erma Jean Drayton & John Peter McKiver, Parcel #7020-17-03-0350	$10.50
2003304893	Elizabeth Durant, Parcel #7020-06-07-0010	$10.50
2003304894	Raymond & Minnie Elliott, Parcel #7020-00-00-0510	$10.50
2003304895	Odessa Ferguson, Parcel #7020-00-00-0431	$10.50
2003304896	Franklin & Betty Givens, Parcel #7020-10-00-0760	$10.50
2003304897	Mosella Gray, Parcel #7020-00-00-0530	$10.50
2003304898	Josephine Harris & May Dell Gibson, Parcel #7020-00-00-0340	$10.50
2003304899	Legatha Henry, Parcel #7020-00-00-0360	$10.50
2003304900	Frenda Hughes, Parcel #7020-13-00-0010	$10.50
2003304901	Alberta Jackson, Parcel #7020-12-02-0180	$10.50
2003304902	Jacquelyn Jenkins, Parcel #7020-11-00-0050	$10.50
2003304903	Lillie Jenkins, Parcel #7020-00-00-0631	$10.50
2003304904	Danyale Lane, Parcel #7020-13-00-0020	$10.50
		$10.50

2003304905	Joan Lane, Parcel #7017-03-00-2530	$10.50
2003304906	Mary Harris Lane, Parcel #7020-13-00-0060	$10.50
2003304907	Earl & Joan Lawson, Parcel #7020-00-00-0130	$10.50
2003304908	Earl Lawson, Parcel #7020-07-01-0310	$10.50
2003304909	Robert Lewis, Parcel #7020-08-00-0270	$10.50
2003304910	Annie Marie Luke, Parcel #7020-03-00-0530	$10.50
2003304911	Gershom & Sally McGregor, Parcel #7020-00-00-0317	$10.50
2003304912	Sofronia McKiver, Parcel #7020-00-00-0330	$10.50
2003304913	Yolanda McMillian, Parcel #7020-17-03-0370	$10.50
2003304914	Bernice Miles, Parcel #7020-12-04-0130	$10.50
2003304915	Mary Morris, Parcel #7020-12-04-0080	$10.50
2003304916	Henry Pasley, Parcel #7020-11-00-0200	$10.50
2003304917	Henry Pasley, Parcel #7020-11-00-0190	$10.50
2003304918	Henry Pasley, Parcel #7020-12-03-0160	$10.50
2003304919	Henry Pasley, Parcel #7020-11-00-0180	$10.50
2003304920	Errol Percy, Parcel #7020-00-00-0337	$10.50
2003304921	Viola Philpot, Parcel #7020-07-02-0480	$10.50
2003304922	Jerome & Linda Porter, Parcel #7020-12-03-0040	$10.50
2003304923	Yvonne Powell, Parcel #7020-03-00-0400	$10.50
2003304924	Elvin Rayford, Parcel #7020-00-00-0230	$10.50
2003304925	Walter & Minnie Sanders, Parcel #7020-30-00-0010	$10.50
2003304926	Viola Philpot, Parcel #7021-13-00-0180	$10.50
2003304927	Annie Ruth Davis Scurry, Parcel #7020-12-03-0220	$10.50
2003304928	Robert & Yvonne Singleton, Parcel #7020-12-03-0100	$10.50
2003304929	Homer Lee & Rose Mary Smith, Parcel #7020-03-00-0270	$10.50
2003304930	Homer Lee & Rose Mary Smith, Parcel #7020-03-00-0470	$10.50
2003304931	Homer Lee & Rose Mary Smith, Parcel #7020-03-00-0480	$10.50
2003304932	Homer Lee & Rose Mary Smith, Parcel #7020-03-00-0260	$10.50
2003304933	Homer Lee Smith, Parcel #7020-03-00-0450	$10.50
2003304934	Homer Lee Smith, Parcel #7020-03-00-0460	$10.50
2003304935	Paulette Smith, Parcel #7020-11-00-0092	$10.50
2003304936	Carrie Smokes, Parcel #7020-17-02-0190	$10.50
2003304937	Audrey Taylor, Parcel #7020-00-00-0090	$10.50
2003304938	Adam Thomas, Parcel #7020-07-02-0150	$10.50
2003304939	Adam & Betty Thomas, Parcel #7020-14-00-0190	$10.50
2003304940	Rosemary Thomas, Parcel #7020-07-02-0170	$10.50
2003304941	Judith Washington, Parcel #7020-10-00-1530	$10.50
2003304942	Jessie Mae Watkins, Parcel #7020-12-03-0050	$10.50
2003304943	April Michelle McKiver Watts, Parcel #7020-17-03-0360	$10.50
2003304944	Freddie & Alfreda Williams, Parcel #7020-10-00-0820	$10.50
2003304945	Freddie & Alfreda Williams, Parcel #7020-10-00-0820	$10.50
2003304946	Hubert & Annie Wilson, Parcel #7020-10-00-0800	$10.50
2003304947	Hubert & Annie Wilson, Parcel #7020-10-00-0810	$10.50
2003304948	Catherine Woulard, Parcel #7020-00-00-0432	$10.50
2003304949	Catherine Woulard, Parcel #7020-00-00-1470	$10.50
2003304950	Noir Investment Corp, Parcel #7020-14-00-0010	$15.00
2003304951	Noir Investment Corp, Parcel #7020-14-00-0160	$15.00
2003304952	Trustees of Mt Zion AME Church, Parcel #7020-17-03-0330	$15.00
2003304953	Dorothy Hadnot Corley, Parcel #7020-07-01-0430	$10.50

RECEIPT #200443396

2003305147	Covenant to support Annexation: CSX Transportation: Parcel #7013-04-00-0050	$15.00

RECEIPT #200448974

2003318983	Ordinance 2003-41	**$10.50**
2003318984	Ordinance 2003-38	**$10.50**
2003318985	Ordinance 2003-39	**$10.50**
2003318986	Ordinance 2003-40	**$10.50**
2003318987	Ordinance 2003-47	**$91.50**
2003318988	Ordinance 2003-45	**$28.50**
2003318989	Ordinance 2003-44	**$15.00**
2003318990	Covenant to Support Annexation: Grady & Linda Jackson: Parcel #7020-10-00-0730	**$10.50**
2003318991	Covenant to Support Annexation: Dorie Flores: Parcel #7004-00-00-0500	**$10.50**
2003318992	Covenant to Support Annexation: Jennifer Hall: Parcel #7915-05-00-0770	**$10.50**

RECEIPT #200449685

2003320439	Partial Release of Lien: Parcel #8201-01-06-0430	**$6.00**

RECEIPT #200452466

2003452466	Ordinance 2003-54	**$19.50**

Receipt #200452474

2003326993	Ordinance 2003-30	**$73.50**

SUBTOTAL **$1,368.00**

TOTAL **$1,368.00**

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, November 17, 2003, 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.

ORDINANCE NO. 2003 - 47

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, CHANGING THE ZONING FROM B-4, GENERAL COMMERCIAL, R-3, URBAN SINGLE FAMILY RESIDENTIAL (VOLUSIA COUNTY), AND R-1A, SINGLE FAMILY DWELLING (CITY), TO PD, PLANNED DEVELOPMENT DISTRICT, ON DESCRIBED PROPERTY LOCATED ON THE NORTHEAST CORNER OF U.S. 17-92 AND ORANGE CAMP ROAD; APPROVING A DEVELOPMENT PLAN FOR ECKERD'S DRUG STORE / PHARMACY, A MIXED COMMERCIAL PLANNED DEVELOPMENT CONSISTING OF APPROXIMATELY 2.109 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.

Please publish the above legal advertisement one time on the following date: Friday, November 7, 2003; and send proof of publication to:

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

12/01/2004 03:44 PM
Instrument# 2004-301553
Book: 5446
Page: 2471

PD PLANNED DEVELOPMENT AGREEMENT

IN THE CITY COMMISSION OF THE

CITY OF DELAND, FLORIDA

IN RE: *(Z-03-12)* Application of

SOFRAN GROUP

ORDINANCE # 2003-47

ORDER AND RESOLUTION

GRANTING A REQUEST FOR CHANGE OF ZONING FROM *B-4,R-3 (Volusia County) & R-1A(City of DeLand)* TO

DELAND ECKERD PD (PLANNED DEVELOPMENT)

The application of Sofran Group, hereinafter, "Applicant", for rezoning was heard by and before the City Commission, DeLand Florida, on *November 17, 2003*. Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations of the Community Development, and other Departments and agencies of DeLand, Florida; and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning Board on *September 17, 2003*, and otherwise being fully advised, the City Commission does hereby find and determine as follows:

AUG 11 2004

GENERAL FINDINGS

A. That the application of Sofran Group was duly and properly filed herein on August 27, 2003 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 contract purchaser of a 2.109 acre 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 # 2002-09, as amended.

E. That the Applicant has complied with the "Due Public Notice" requirements of the City Commission, Land Development Regulations Ordinance # 2002-09 , as amended.

F. That the owner(s) of the property, DELAND GOLF COURSE, INC., agrees with the provisions of the Development Agreement.

FINDINGS REGARDING REZONING

A. That the Applicant has applied for a change of zoning from the present zoning classification*(s)* of the parcel described in Exhibit "A" from Volusia County B-4 (General Commercial), R-3 (Urban Single Family), and City of DeLand R-1A (Single Family Dwelling) to DeLand Eckerd 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 # 2002-09, 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, 121 WEST RICH AVENUE, DELAND, FLORIDA, THIS 17th DAY OF November, A.D., 2003 AS FOLLOWS:

A. That the Application of Sofran Group 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 Volusia County B-4 (General Commercial), R-3 (Urban Single Family), and City of DeLand R-1A to PD as described in Article VII of the

City of DeLand, Land Development Regulations Ordinance # 2002-09, as amended.

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

D. That the City of DeLand Land Development Regulations Ordinance # 2002-09, 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 # 2002-09, as amended, and the "Development Agreement", the provisions of the "Development Agreement" shall govern. Ordinance No. 02-09, 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 # 2002-09, as amended, shall apply to the PD in the same manner as the C-1 (Neighborhood Commercial District) zoning classification.

F. Nothing in this Ordinance shall abridge the requirements of any City of DeLand Ordinance other than Ordinance 2002-09, 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. 2002-09, as amended. Further, nothing in the Development Agreement is intended to abridge the requirements of Ordinance No. 2002-09, as amended, and any other County Ordinances.

DEVELOPMENT AGREEMENT

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 Mark Dowst & Associates, Inc. and dated August 21, 2003 and this development agreement. The Planned Development Plan is hereby approved and incorporated in this Ordinance 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. 2002-09, 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. A subdivision is not required.

4. Final Site Plan Approval. After the Planned Development Plan is recorded, and prior to issuance of any permits for construction, including clearing and landfill, a Final Site Plan shall be prepared and submitted for review and approval in the

manner required by Article 12 of the City of DeLand, Land Development Regulations Ordinance # 2002-09, as amended.

B. Unified Ownership. The Applicant or his successors shall maintain unified ownership of the subject parcel until after issuance of the Final Site Plan Development Order.

C. Phases of Development. Project shall be developed in one phase.

D. Land Uses Within the PD. The development of the parcel shall be consistent with the uses prescribed for each area within the proposed DeLand Eckerd PD. The location and size of said land use areas are shown on the Development Plan Map, Exhibit "B". The following land uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures: All uses permitted in C-1 zoning plus a pharmacy or drug store with drive up windows.

E. Development Standards.

1. Minimum lot area	2.0 Acres
2. Minimum lot width and/or depth	150 ft.
3. Minimum yard size (building)	
a. Front yard:	30 ft.
b. Rear yard:	N/A
c. Side yard:	10 ft.
d. Waterfront yard:	N/A.
4. Minimum floor area:	N/A
5. Maximum lot coverage	35%
6. Maximum impervious surface ratio	60%

7. Maximum building height 35 ft.

8. Landscape buffer requirements North 5 ft.
East 5 ft.
South 40 ft.
West 30 ft.

9. Perimeter building setbacks North 25 ft.
East 5 ft.
South 40 ft.
West 30 ft.

10. Minimum building separation N/A

11. Off-street parking requirements Per LDR Should meet the minimum requirements of Section 33-91, of the City of DeLand Ordinance 2002-09, as amended, unless a traffic study prepared by a Professional Engineer (PE) justifying lower requirements is submitted with the PD application and approved by the City Engineer.

12. Signage requirements Per LDR for C-1 Zoning

13. Open Space and/or Common Area requirements meeting the Land Development Regulations Ordinance # 2002-09.

F. Environmental Considerations. The minimum requirements of the Land Development Regulations Ordinance # 2002-09, as amended, shall be met.

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. 2009-09, as amended, and State of Florida Administrative Code 64E-6.

H. Stormwater Drainage. Provision for stormwater retention shall be in accordance with the Land Development Regulations Ordinance # 2002-09, as amended.

I. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the Land Development Regulations, Ord. 02-09, as amended. The parcel shall be developed in substantial accordance with the following access and transportation system improvements:

1. Access. Access shall be as shown on Planned Development Plan.

2. Transportation System Improvements. Driveways onto US 17/92 shall be constructed in accordance with FDOT requirements. Driveways onto Orange Camp Road shall be constructed in accordance with Volusia County requirements.

J. Internal Roadways. N/A

K. Building or Property Owners Association. N/A

L. Other. *(NA.)*

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

N. Binding Effect of Plans; Recording; and Effective Date. The Planned Development Plan, including any and all amendments shall bind and inure to the benefit of the Applicant and his successor in title or interest. The PD zoning, provisions of the

"Development Agreement," and all approved plans shall run with the land and shall be administered in a manner consistent with Article 12 of the City of DeLand Land Development Regulations Ordinance # 2002-09, as amended.

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

O. Conceptual Approval: The parties hereto acknowledge that reductions in density and/or intensity may and do occur; and that minor changes to roadway design, location and size of structures, actual location of parking spaces, specific locations for land uses, and locations and design of stormwater storage, landscape buffers and upland buffers may result to comply with the City of DeLand Land Development Land Development Regulations Ordinance # 2002-09, as amended. Upon determination of the Planning Department, these revisions may be processed as minor amendments as set forth in the City of DeLand Land Development Regulations Ordinance # 2002-09, as amended. The Applicant agrees to revise and record the Revised Preliminary Plan which reflects any such changes with the City Clerk immediately following the expiration of the 30 day period for appealing Technical Review Committee (TRC) decisions to the City Commission. A copy of the Revised Preliminary Plan, bearing the book and page number

of the Official Record in which the document was recorded, shall be submitted to the Planning Department.

DONE and ORDERED by the City Commission, City of DeLand, Florida, this 11 day of Nov. 2003 (mo/yr).

ATTEST:

Mike Abels
City Manager

City Commission of DeLand Florida

Robert Apgar
Mayor

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

STATE OF FLORIDA
CITY OF DELAND

The foregoing instrument was acknowledged before me this 11th day of Nov. 2003 (mo/yr), by Mike Abels and Robert Apgar, 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:

Kimberly K Cline
My Commission CC993859
Expires January 15, 2005

Commission No.

My Commission Expires:

WITNESSES:

_____

_____

V.P. Sofran Group
Applicant's Name, Title & Corporation

_____
Applicant's Name, Title & Corporation

_____

President, DCC BOD
Owner of Property (if other than applicant)

The foregoing instrument was acknowledged before me this 3rd day of August, 2004 (mo/yr), by (~~NAME~~ James E. McNulla), who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:
Richard O. Heard
Commission No.: DD 005648
My Commission Expires: March 25, 2005

RICHARD O. HEARD
MY COMMISSION # DD 005648
EXPIRES: Mar 25, 2005
1-800-3-NOTARY FL Notary Service & Bonding, Inc.

Revised July 27, 2004 u/p/SR/2003/Eckerds PD Agreement

City of DeLand

www.deland.org

120 South Florida Avenue
DeLand, Florida 32720-5481
Telephone: (386) 740-5700
Fax: (386) 740-6869

October 21, 2004

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

Dear Madam:

Please record and return the original to our office.

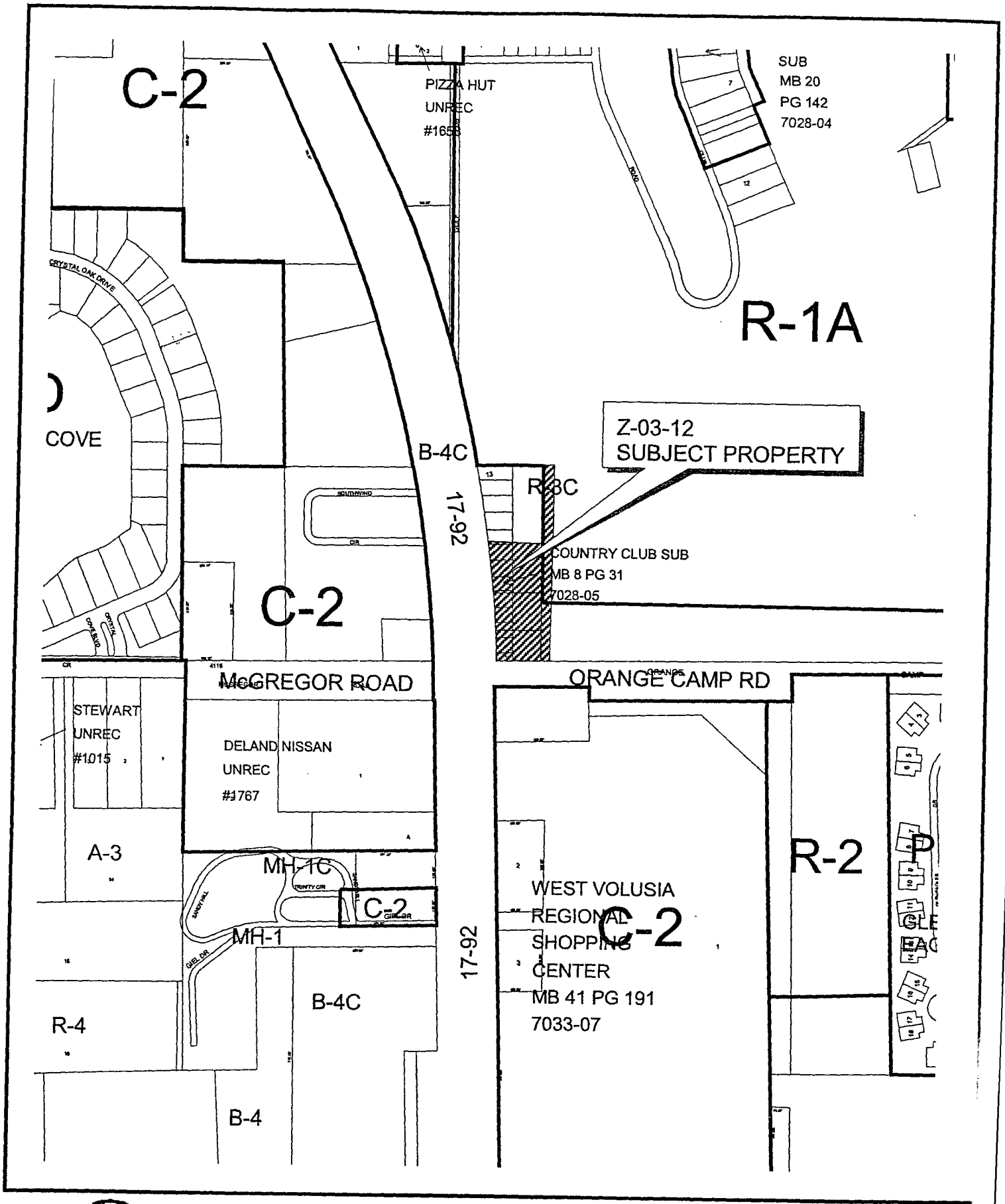
City of DeLand
City Clerk
120 South Florida Avenue
DeLand, FL 32721-0449

Sincerely,

Kimberly Cline
Deputy City Clerk

Enclosures:

1. **Planned Development Agreement, Sofran Group, DeLand Eckerd PD.**
2. **Grant of Easement to the City of DeLand, 7006-00-00-0381.**
3. **Ordinance 2004-46 (certified copy).**
4. **Ordinance 2004-43.**



Faith ,Hope & Charity

CITY of DELAND

Planning Board

9/17/03

Z-03-12

N

2003-47

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

Legal Notice

in the matter of Ordinance No. 2003-47
in the Court

was published in said newspaper in the issues

November 7, 2003

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 7th day of November

A.D. 2003

Anita Marie Saunders

ANITA MARIE SAUNDERS
Notary Public, State of Florida
My comm. expires Aug. 30, 2007
Comm. No. DD 222131

LEGAL ADVERTISEMENT

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF DELAND, FLORIDA

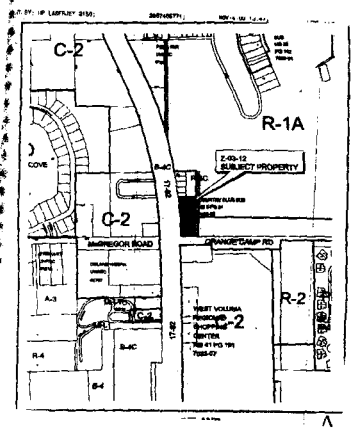
NOTICE IS HEREBY GIVEN that there will be a Public Hearing on the following ordinance on Monday, November 17, 2003, at the regular meeting of the DeLand City Commission. The meeting will take place at 7:00 p.m. in the City Commission Chambers, 121 West Rich Avenue, City Hall Annex. All interested parties 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.

ORDINANCE 2003-47

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, CHANGING THE ZONING FROM B-4, GENERAL COMMERCIAL, R-3, URBAN SINGLE FAMILY RESIDENTIAL (VOLUSIA COUNTY), AND R-1A, SINGLE FAMILY DWELLING (CITY), TO PD, PLANNED DEVELOPMENT DISTRICT, ON DESCRIBED PROPERTY LOCATED ON THE NORTHEAST CORNER OF U.S. 17-92 AND ORANGE CAMP ROAD; APPROVING A DEVELOPMENT PLAN FOR ECKERD'S DRUG STORE / PHARMACY, A MIXED COMMERCIAL PLANNED DEVELOPMENT CONSISTING OF APPROXIMATELY 2.109 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.



Legal L52720. November 7, 2003 1t.