



# City of Deltona

2345 Providence Blvd.  
Deltona, FL 32725

## Agenda - Final-revised Planning and Zoning Board

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Wednesday, May 20, 2015

7:00 PM

Commission Chambers

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**1. CALL TO ORDER:**

**2. ROLL CALL**

**3. APPROVAL OF MINUTES & AGENDA:**

A. Approval of Minutes for - April 15, 2015

**4. PRESENTATIONS/AWARDS/REPORTS:**

**5. PUBLIC FORUM:**

**6. OLD BUSINESS:**

**7. NEW BUSINESS:**

A. Zoning Variance Application, VR15-001, Resolution No. 2015-13

B. Lake Sidney Shores Conditional Use Application, CU15-002, Resolution No. 2015-07 \*\*\* (This item will not be publicly heard) \*\*\*

C. Rezoning Application, RZ15-002, Fernanda Place, Ordinance No. 05-2015

**8. STAFF COMMENTS:**

**9. BOARD/COMMITTEE MEMBERS COMMENTS:**

**10. ADJOURNMENT:**

**NOTE: If any person decides to appeal any decision made by the Deltona Board/Committee with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).**

**Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.**

CITY OF DELTONA, FLORIDA  
PLANNING & ZONING BOARD MEETING  
WEDNESDAY, APRIL 15, 2015

A Regular Meeting of the Deltona Planning and Zoning Board was held on April 15, 2015, in the Commission Chambers located at 2345 Providence Boulevard, Deltona, Florida.

**1. CALL TO ORDER:**

The meeting was called to order at 7:00 p.m. by Chairman Burbank.

**2. ROLL CALL:**

|                  |                |         |
|------------------|----------------|---------|
| Chairman         | Tom Burbank    | Present |
| Vice Chairman    | Noble Olasimbo | Present |
| Member-Secretary | Wendy Hickey   | Present |
| Member           | Victor Ramos   | Present |
| Member           | Adam Walosik   | Present |
| Member           | Stony Sixma    | Present |
| Member           | Herb Zischkau  | Present |

Also present: Planning & Development Assistant Director, Ron Paradise and Administrative Assistant, Kathrine Kyp.

Mr. Paradise stated for the record that, Item 6. A., Resolution No. 2015-07, Conditional Use Application, CU15-002 Lake Sidney Shores proposed sewage package plant has been postponed until May 20, 2015 at 7:00 p.m. in the Commission Chambers.

**3. APPROVAL OF MINUTES:**

**A. Minutes:**

**1. Meeting - February 18, 2015.**

**Motion by Member Sixma, seconded by Member Olasimbo to adopt the minutes of the Planning & Zoning Board Meeting of February 18, 2015, as presented.**

**Motion carries unanimously.**

**4. PUBLIC COMMENTS: None**

**5. OLD BUSINESS: None**

**6. NEW BUSINESS:**

**B. Ordinance No. 03-2015, Rezoning Application, RZ15-001, Hess Gas Station**

48 Mr. Paradise provided a brief summary regarding the application. The applicant is requesting the  
49 rezoning from C-1 (Retail Commercial) to C-2 (General Commercial) to maintain a fleet of rental  
50 trucks and trailers.

51  
52 Member Zischkau and Mr. Paradise discussed the compatibility of the rezoning and the potential  
53 of rezoning the adjacent shopping center.

54  
55 Discussion ensued amongst board and staff regarding floor area ratio (FAR), impervious surface  
56 ratio (ISR) and parking requirements.

57  
58 Member Walosik asked whether the City will require the property owner to modify the site for  
59 larger parking and require a site plan review. Mr. Paradise stated that a review will be required.

60  
61 Sokha Mey, 2840 Doyle Rd., Deltona, Fl., applicant, and Chairman Burbank discussed the  
62 specifics if the rental trucks and trailers inventory.

63  
64 **Motion by Member Zischkau, seconded by Member Sixma, to recommend that the City**  
65 **Commission adopt Ordinance No. 03-2015 rezoning the subject parcel referred to as Lot 2**  
66 **Huffman Subdivision, According to the Plat Thereof as Recorded in Map Book 46, Page 162 of**  
67 **the Public Records of Volusia County, Florida from C-1 to C-2 and that the commission direct**  
68 **Staff to examine the options for rezoning the shopping center and surrounding properties and**  
69 **report to the Planning and Zoning Board their results.**

70  
71 Discussion occurred regarding the motion presented.

72  
73 **Motion failed 2-5 with members voting as follows: Chairman Burbank, against; Member**  
74 **Walosik, against; Member Hickey, against; Member Olasimbo, against; Member Ramos,**  
75 **against; Member Sixma, for; Member Zischkau, for.**

76  
77 **Motion by Member Hickey, seconded by Member Olasimbo to recommend that the City**  
78 **Commission adopt Ordinance No. 03-2015 rezoning the subject parcel referred to as Lot 2**  
79 **Huffman Subdivision, According to the Plat Thereof as Recorded in Map Book 46, Page 162 of**  
80 **the Public Records of Volusia County, Florida from C-1 to C-2.**

81  
82 **Motion carried unanimously.**

83  
84 **7. DISCUSSION:**

85  
86 **A. By the Board:** Chairman Burbank advised Member Zischkau that he as a citizen of Deltona  
87 could contact the City Commission with his suggestions.

88  
89 **B. By the City Attorney:** None.

90  
91 **C. By Planning & Development Staff:** None.

93

94 **8. ADJOURNMENT:**

95

96 There being no further business, the meeting adjourned at 7:25 p.m.

97

98

99

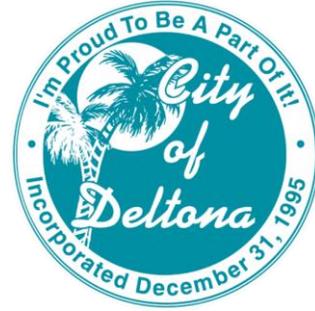
100 **ATTEST:**

\_\_\_\_\_  
**Tom Burbank, CHAIRMAN**

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102

103 \_\_\_\_\_  
**Kathrine Kyp, RECORDING SECRETARY**



# Staff Report

**To:** Planning and Zoning Board  
**From:** Scott McGrath, Planner II  
**Date:** May 1, 2015  
**Re:** Zoning Variance Application, VR15-001 (2845 Redbud Court)

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## A. Summary of Application:

**Applicant:**

Barbara L. Williams

**Request:**

The City has received a Zoning Variance for the property located at 2845 Redbud Court in Deltona, Florida. The applicant is seeking to add a carport to the front of the dwelling, which is prohibited in section 110-827(c)(2)b.

**Tax Parcel No.:** 8105-16-00-0480

**Property Acreage:** ±0.39 Acres

**Property Location:** 2845 Redbud Court, Deltona, Florida located at the southeast corner of the intersection of Nicker Bean Street and Redbud Court.

**Legal Description:** Lot 48 Deltona Woods Phase I Map Book 38 Pages 130-131 of the public records of Volusia County, Florida.

## B. Existing Zoning:

1. **Subject Property:** R-1 Single Family residential
2. **Adjacent Properties:**
  - North:** R-1 Single Family residential
  - South:** R-1 Single Family residential
  - East:** R-1 Single Family residential
  - West:** R-1 Single Family residential

**C. Background:**

The Williams family is in the process of exterior renovations to their home including a rear covered porch. Also proposed is an open carport and covered entryway located in front of the home. The intent of the carport/entryway is for vehicle storage and to provide cover from the elements. The carport/entryway is not designed to be a standalone building but is intended to be structurally connected to the existing dwelling. However, the open carport design is inconsistent with section 110-827(c)(2)b, Accessory Uses and Structures. Section 110-827(c)(2)b prohibits the location of a carport forward of the front plane of the house. If the carport were to be enclosed as a garage, matched the house and comported with the dimensional requirements of the City Land Development Code, the City would issue a building permit as a home addition. The intent of section 110-827(c)(2)b is to ensure that there is a level of block face consistency/uniformity amongst dwellings within the City.

**D. Support Information**

**Public Facilities:**

- a. Potable Water: Volusia County / Deltona North system
- b. Sanitary Sewer: Volusia County / Deltona North system
- c. Fire Protection: Deltona Fire Department FS 65
- d. Law Enforcement: Volusia County Sheriff's Office (VCSO)
- e. Electricity: Duke Energy

**E. Matters for Consideration:**

Section 110-1103, Code of City Ordinances, states that the City shall consider the following matters when reviewing applications for zoning variances:

**1. Do special conditions and circumstances exist which are peculiar to the land, structure, sign or building involved and which are not applicable to other lands, structures, signs or buildings in the same zoning classification?**

Reasonable use is afforded on the site. The house is already equipped with an enclosed garage like other dwellings in the neighborhood. In addition, the applicant does have options that do not involve a variance. As has been discussed, appropriately converting the proposed carport into an architecturally compatible enclosed garage would negate the need for a variance. The enclosed garage scenario would be consistent with common L-shaped dwellings located in the neighborhood and elsewhere in the City.

**2. Special conditions and circumstances that do not result from the actions of the applicant?**

The house was constructed similar to homes in the neighborhood and per code. The home is similarly situated to the other houses in the neighborhood.

**3. Would literal interpretation of the provisions of this chapter deprive the applicant of rights commonly enjoyed by other properties in the same zoning classifications, under the terms of the chapter, and would work cause an unnecessary and undue hardship on the applicant?**

As has been stated, there are options for the applicant to enjoy enhanced vehicular storage while complying with City codes. The house in the current condition is consistent with the built character of the neighborhood. Therefore, there are no grounds for a hardship.

**4. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, structure or sign?**

Reasonable accommodations are already afforded to the applicant – architecturally appropriate enclosed garage.

**5. Would the granting of the variance be in harmony with the general intent and purpose of this chapter and the City of Deltona Comprehensive Plan, as it may be amended from time to time, and that such variance will not be injurious to the area involved?**

No, the carport does not conform to the design requirements of the City Land Development Code. The section 110-827 design requirements are intended to protect the suburban character of the City by maintaining some building uniformity as viewed from the public right of way. The neighborhood where the applicant's property is located features newer dwellings and none of the dwellings have open carports located in the front of dwellings. The introduction of front facing open carports into the neighborhood could materially alter the character the neighborhood from a more modern development to resembling some of the older dwellings in the City that are associated with open carports.

#### **STAFF RECOMMENDATION**

The applicant currently has reasonable use of their property as designed and constructed in a manner that is similar to and in harmony with the developed character of the remainder of the neighborhood. In addition, the applicant has options to enhance vehicle storage on the property besides an open carport. Therefore, staff recommends denial of Variance Application, VR15-001.

**RESOLUTION NO. 2015-13**

**A RESOLUTION OF THE CITY OF DELTONA, FLORIDA, APPROVING A ZONING VARIANCE FOR A CARPORT TO BE LOCATED IN THE FRONT PORTION OF THE PROPERTY LOCATED AT 2845 REDBUD COURT, DELTONA; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Deltona, Florida, adopted Sections of the 110-827 Deltona Code of Ordinances, as amended; and

**WHEREAS**, a zoning variance application has been received by the City, meeting the basic requirements and supporting documentation for a zoning variance from the accessory uses and structures design standards forth in Section 110-827(2)(b) of the City of Deltona Code of Ordinances, for the property located at 2845 Redbud Court; and

**WHEREAS** the City Commission found a literal enforcement of the provision of Chapter 110, Zoning Ordinance, would result in unnecessary and undue hardship on the applicant that are not self-imposed; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA**, as follows:

**SECTION 1.** In accordance with City of Deltona Code of Ordinances, Section No. 110-1103, as amended, the Deltona City Commission hereby grants the Variance (File # VR15-001).

**SECTION 2.** Conflicts. Any and all Ordinances or parts of Ordinances of the City of Deltona in conflict herewith are hereby repealed.

**SECTION 3.** Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or

applications of the Resolution, which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution, are declared severable.

**SECTION 4.** Effective date. This Resolution shall become effective immediately upon its adoption and, in accordance with Section No. 110-1103.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2015.**

BY: \_\_\_\_\_  
JOHN C. MASIARCZYK, SR., Mayor

ATTEST:

\_\_\_\_\_  
JOYCE RAFTERY, CMC, City Clerk

Approved as to form and legality for use  
and reliance of the City of Deltona, Florida

\_\_\_\_\_  
GRETCHEN R. H. VOSE, ESQ., City Attorney

4/30/15

To whom it may concern: Here is the requested letter explaining my reasons to place a carport on my property. I feel that this carport will benefit me by adding valve to my home and provide shade to property do to the fact that I have a very long extended driveway which will also enhance the appearance of the property. This carport will provide much needed shade for myself and family do to the fact my Grandchildren like to play in the driveway, but do to the amount of sun Rays makes it almost impossible to enjoy the outside of our home.

If considered in this matter it will be greatly appreciated .

Thank you for your time and attention to my request

Sincerely

A handwritten signature in black ink that reads "Barbara L. Williams". The signature is written in a cursive style with a large initial 'B' and a long, sweeping underline.

Barbara L Williams

2845 Redbud court

Deltona ,Florida 32725

# RESIDENTIAL PORCH FOR 2845 REDBUD COURT DELTONA, FLORIDA 32725 PARCEL ID# 05-18-31-16-00-0480

## TYPICAL CONSTRUCTION NOTES

**GENERAL:**

- OWNER/BUILDER/CONTRACTOR TO VERIFY ALL DETAILS AND DIMENSIONS PRIOR TO CONSTRUCTION.
- PROVIDE (1) NO. 5 ELECTRICAL GROUND TO FOUNDATION STEEL.
- ALL WORK SHALL CONFORM TO 2007 FLORIDA BUILDING CODE WITH 2009 SUPPLEMENTS AND ALL APPLICABLE LOCAL ORDINANCES.
- OWNER/BUILDER/CONTRACTOR SHALL COORDINATE ARCHITECTURAL, MECHANICAL, AND ELECTRICAL DRAWINGS FOR ANCHORS, EMBEDS AND SUPPORTS OR ANY OTHER ITEMS WHICH AFFECT THE STRUCTURAL DRAWINGS.

**SITE PREPARATION:**

- ALL ORGANIC AND REFUSE MATERIALS AND/OR SOFT AREAS SHALL BE REMOVED AND SOIL PREPARED TO AN ALLOWABLE BEARING PRESSURE OF 3000 PSF.
- ANY CONDITIONS WHICH COULD PREVENT THE ATTAINMENT OF 2000 PSF SHALL BE NOTED TO THE ARCHITECT AND/OR ENGINEER IMMEDIATELY.

**SLABS ON GRADE:**

- ALL FLOOR SLABS SHALL BE PLACED UPON A 4" THICK SAND LAYER FOR FINE GRADING.
- FORMS WILL POLYETHYLENE BARRIER SHALL BE PLACED OVER FORM-CURABLE TERNITE PROTECTION, FILL PROOF TO FOOTING OR SLAB FOURS.

**CONCRETE AND REINFORCING:**

- ALL CONCRETE WORK SHALL CONFORM TO ACI STANDARD BUILDING CODES FOR REINFORCED CONCRETE (ACI 318-03).
- ALL CONCRETE SHALL HAVE A MINIMUM F<sub>c</sub> OF 3000 PSI AT 28 DAYS, INCLUDING SLABS, FILLED CELLS AND LINTELS.
- FOUNDATION DESIGN IS BASED ON A MINIMUM SOIL BEARING CAPACITY OF 2000 PSF.
- REBAR SHALL CONFORM TO ASTM A-615 GRADE 60 AND WELDED FIRE FABRIC SHALL CONFORM TO ASTM A-485.
- VERTICAL REBAR WALL REINFORCING SHALL BE STANDARD HOOK WITH A PROJECTION OF 25" MINIMUM ABOVE SLAB AND A 7" MINIMUM EMBEDMENT.
- ALL STANDARD REINFORCING STEEL 90 HOOKS SHALL EXTEND AT LEAST (2) BAR DIAMETERS BEYOND THE BEND.
- ALL VERTICAL REINFORCEMENT SHALL TIE INTO FOUNDATION STEEL BY MEANS OF (1) NO. 5 REBAR WITH STANDARD HOOK AND TIE INTO CONTINUOUS BOND BY MEANS OF (1) STANDARD HOOK (25" LAP MINIMUM).
- COVERAGES FOR REINFORCEMENTS SHALL BE AS FOLLOWS:  
FOOTING 3" MIN, SLABS ON GRADE 1-1/2" FROM TOP, LINTELS AND BOND BEAMS 1-1/2" FROM TOP (ON STRIRRUPS)

**MASONRY:**

- MASONRY CONSTRUCTION SHALL CONFORM TO ACI STANDARD BUILDING CODES FOR CONCRETE STRUCTURES (ACI 318-03).
- CONCRETE BLOCKS SHALL CONFORM TO ASTM C 90 28 DAY STRENGTH EQUAL TO 2000 PSI, FM-1500 PSI LAMB IN RUNNING BOND.
- ANY LENGTHS OF WALL THAT ARE NO LESS THAN HALF THE PLATE HEIGHT AND NOT CONTAINING OPENINGS GREATER THAN 14 SQUARE INCHES TOTAL, WITH COUNT BOND BEAM SHALL BE CONSIDERED TO BE SPER. WALL SEGMENTS.
- WORK SHALL BE PERFORMED IN ALL SECTIONS.
- WHERE SHOWN, THE EFFECTIVE CELL SHALL BE POURED SOLID WITH GROUT AT MINIMUM COMPRESSIVE STRENGTH OF 2500 PSI AT 28 DAYS. GROUT SLIPS NOT LESS THAN 8" AND REINFORCED WITH MINIMUM NO. 5 REBAR AND 25" MINIMUM OVERLAP.
- NOT TO EXCEED TEN (10) FEET IN HEIGHT, AND SHALL BE CONSOLIDATED AT TIME OF POURING BY RODDING OR VIBRATING.
- PROVIDE KNOCKOUT IN CMU AT BASE OF EACH FILLED CELL FOR VISUAL VERIFICATION OF COMPLETE GROUT PENETRATION.

**STRUCTURAL LUMBER:**

- SEE TRUSS TABLE FOR ANCHORAGE.
- GRAVITY LOADS WHERE TAKEN INTO ACCOUNT DURING THE PROCESS OF THIS STRUCTURE.
- ALL STRUCTURAL AND LOAD BEARING LUMBER SHALL HAVE A MINIMUM F<sub>b</sub> OF 2000 PSI.
- ANY WALLS GREATER THAN 9 FEET HIGH SHALL HAVE NO LESS THAN ONE INTERMEDIATE BRIDGING SPACED NO MORE THAN 72" APART.
- ALL LOAD BEARING WALLS SHALL HAVE DOUBLE STUD TOP PRESSURE TREATED.

**STRUCTURAL STEEL:**

- STEEL WORK SHALL CONFORM TO THE AISC SPECIFICATIONS FOR THE DESIGN, FABRICATION AND ERECTION OF STRUCTURAL STEEL FOR BUILDINGS LATEST EDITION.
- STRUCTURAL STEEL SHALL CONFORM TO ASTM-A36.

**INTERIOR GENERAL NOTES:**

- DOMESTIC CLOTHES DRYER DUCTS SHALL HAVE A SMOOTH INTERIOR FINISH WITH JOINTS RUNNING IN THE DIRECTION OF THE AIRFLOW. THE MAXIMUM LENGTH SHALL NOT EXCEED 25 FEET (600 MM) FROM THE DRYER LOCATION TO THE DISCHARGE TERMINAL. THE MAXIMUM LENGTH OF THE DUCT SHALL BE REDUCED 30" (762 MM) FOR EACH 45° (0.79 RAD) BEND AND 5 FEET (153 MM) FOR EACH 90° (1.57 RAD) BEND. THE EXHAUST DUCT SHALL BE A MINIMUM SIZE OF 4" (102 MM) IN DIAMETER. THE ENTIRE EXHAUST DUCT SYSTEM SHALL BE INSTALLED IN THE ATTIC WITH DOWNSTREAM DRYER SHALL BE METALLIC, NOT MORE THAN 6 FEET (1830 MM) IN LENGTH AND AN APPROVED TYPE, FLEXIBLE DUCT CONNECTORS SHALL NOT BE CONCEALED WITH IN CONSTRUCTION.
- ALL WATER CLOSETS TO BE 1.6 GALLON MAXIMUM.
- ALL SLIDING GLASS DOORS TO BE TEMPERED. ALL GLASS WITHIN 34" OF A DOOR SHALL BE TEMPERED. ALL GLASS IN WALL AREAS SUCH AS BATHROOMS AND KITCHENS SHALL BE TEMPERED.
- UNLESS OTHERWISE NOTED, ANGLED WALLS ARE 45°.
- ALL MEDICINE CABINETS ARE NECESSARY AND BOTTOMS ARE SET AT 4" AFF. SIZE: 14" X 18" UNLESS NOTED OTHERWISE.
- CONSIDER ALL APPLIANCES ELECTRIC UNLESS NOTED.
- 50 GALLON WATER HEATER UNLESS NOTED.
- ALL CEILING HEIGHTS INCLUDING GARAGE AND PORCHES TO BE 1/2" GYP.
- ALL CEILING HEIGHTS ARE FROM FINISHED FLOOR 0'-0" AFF.

**PREFABRICATED WOOD TRUSSES:**

- WOOD ROOF TRUSSES SHALL BE DESIGNED BY AN ENGINEER REGISTERED IN THE STATE OF FLORIDA. SIGNED AND SEALED TRUSS CALCULATIONS AND DRAWINGS SHALL BE SUBMITTED TO THE PROJECT ENGINEER FOR APPROVAL PRIOR TO FABRICATION. DRAWINGS SHALL INCLUDE CRITICAL DIMENSIONS FOR DETERMINING FIT AND PLACEMENT. DESIGN LOADING CRITERIA IS SHOWN IN THE GENERAL NOTES ON THIS DRAWING.
- ALL TRUSSES AND OTHER ROOF STRUCTURAL COMPONENTS SHALL BE FABRICATED IN A PROPERLY EQUIPPED MANUFACTURING FACILITY OF A PERMANENT NATURE. ALL TRUSSES SHALL BE FABRICATED UNDER STRICT RULES OF THE TRUSS MANUFACTURERS ASSOCIATION (TMA).
- TRUSSES SHALL BE HANDLED WITH CARE SO THEY ARE NOT DAMAGED. HORIZONTAL BENDING SHALL BE KEPT TO A MINIMUM DURING RECTION.
- INSTALL ERECTION BRACING TO HOLD THE TRUSSES TRUE AND PLUMB DURING CONSTRUCTION.
- TRUSS FRAMING HARDWARE NOT SHOWN ON THE DRAWINGS SHALL BE DESIGNED BY THE TRUSS ENGINEER. ALTERNATE CONNECTORS TO THOSE SHOWN ON THE DRAWINGS MAY BE SUBMITTED FOR APPROVAL.
- TRUSSES SHALL BE FABRICATED FROM THE FOLLOWING MATERIALS:  
a. CORDS SHALL BE A MINIMUM SIZE OF 2X4 AND SHALL BE #2 SOUTHERN YELLOW PINE OR BETTER.  
b. WEBS AND BRACING SHALL BE A MINIMUM SIZE OF 2X4 AND SHALL BE #3 SOUTHERN YELLOW PINE OR BETTER.  
c. TRUSS PLATES SHALL BE 30 GAGE MINIMUM WITH A MINIMUM YIELD OF 33,000 PSI AND SHALL BE 600L COMMERCIAL CLASS HOT DIPPED GALVANIZED BEFORE STAMING.  
d. MAXIMUM ALLOWABLE TRUSS DEFLECTION DUE TO THE WEIGHT OF THE TRUSS SHALL BE SHOWN IN THE GENERAL NOTES OF THE CONSTRUCTION DOCUMENTS, INCLUDING SELF WEIGHT OF THE TRUSS. SHALL BE AS FOLLOWS:  
4. ATTACHED TO PLASTER = L/360  
b. ELSEWHERE = L/240

**DISCLAIMER:**

PLANS, NOTES, SPECIFICATIONS, DETAILS AND ALL OTHER INFORMATION DEPICTED ON THIS SHEET AND ALL ATTACHED SHEETS HAS BEEN PREPARED TO MEET THE STANDARDS LATEST EDITION. IT IS THE RESPONSIBILITY OF THE LOCAL COUNTY AND OWNER/BUILDER/CONTRACTOR TO VERIFY COMPLIANCE WITH STATE CODES, ORDINANCES AND REGULATIONS FOR CONSTRUCTION. ANY CHANGES MADE TO THE PLANS AFTER APPROVAL BY THE ENGINEER, ANY CHANGES MADE WITHOUT THE CONSENT OF THE ENGINEER, ANY CHANGES MADE WITHOUT THE CONSENT OF THE ENGINEER, ANY CHANGES MADE WITHOUT THE CONSENT OF THE ENGINEER FROM ANY LEGAL CONTINGENCIES WHICH MAY RESULT FROM CHANGES.

**SHEET INDEX**

|                          |    |
|--------------------------|----|
| TITLE SHEET              | T1 |
| EXISTING/DEMOLITION PLAN | A1 |
| FOUNDATION PLAN          | A2 |
| FLOOR PLAN               | A3 |
| ELECTRICAL/HVAC PLAN     | A4 |
| ELEVATION PLAN           | A5 |
| DETAIL PLAN              | A6 |
|                          | A7 |

**ENGINEER'S NOTES**

- DESIGNED FOR WIND SPEEDS OF V<sub>100</sub> MPH.
- CONTRACTOR SHALL SELECT TRUSS FASTENERS AND OTHER CONNECTORS BASED UPON THE TRUSS COMPANY'S ENGINEERED REACTIONS.
- ASSUMED SOIL BEARING CAPACITY = 2 KSF
- LIVE LOADS USED = 30 PSF. DEAD LOADS ROOF = 10 PSF. ALL OTHER DEAD LOADS = ACTUAL WT. OF MATERIALS.
- WIND IMPROVEMENT FACTOR = 1.0.
- BUILDING CATEGORY = "C".
- WIND EXPOSURE = "C".
- TOTAL ENCLOSED INTERNAL PRESSURE.
- ALL UNPROTECTED UNSUPPLEMENTED.
- COMPONENTS AND CLADDING PRESSURES BASED ON THE ABOVE LISTED CONDITIONS, ARE SHOWN IN THE FOLLOWING TABLE R301.2(A) OF THE 2010 FLORIDA BUILDING CODE AND ASCE 7-05.

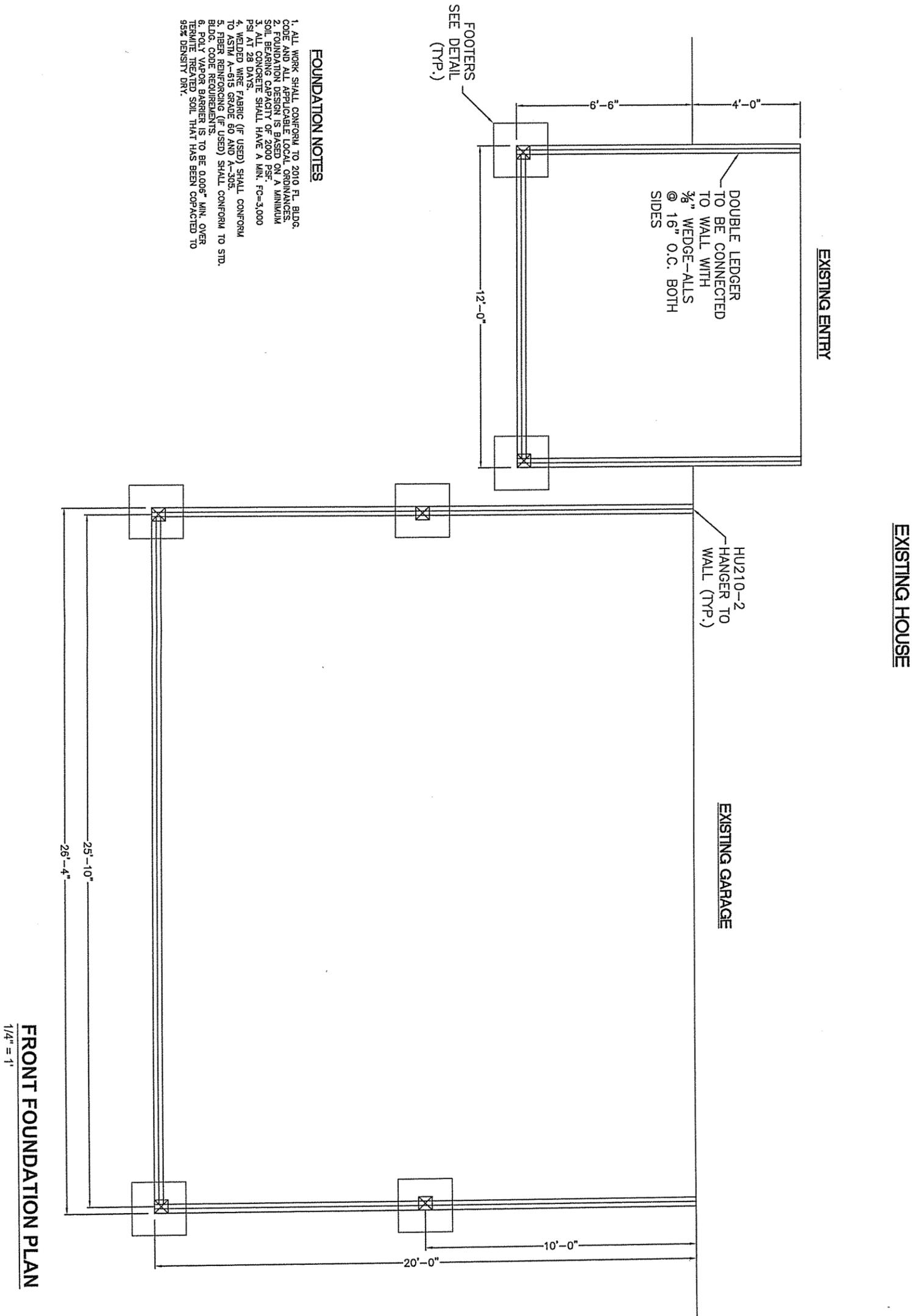
**BUILDING CODE CRITERIA**

- FLORIDA RESIDENTIAL CODE 2010-EXISTING BUILDING
- NATIONAL ELECTRICAL CODE 2010
- FLORIDA RESIDENTIAL CODE 2010
- MECHANICAL CODE: FLORIDA RESIDENTIAL CODE 2010
- LOCAL ENVIRONMENTAL REGULATION: ACI-318-08 BUILDING REQUIREMENTS FOR REINFORCED CONCRETE
- MANUAL OF STEEL CONSTRUCTION, 9TH EDITION S-309
- SPECIFICATIONS FOR THE DESIGN, FABRICATION AND ERECTION OF STEEL FOR BUILDINGS INCLUDING SUPPLEMENTS
- SPECIFICATIONS FOR STRUCTURAL JOINTS USING ASTM A572 BOLTS
- ASTM A572 BOLTS
- SPECIFICATIONS FOR DESIGN OF LIGHT GAUGE COLD FORMED, ASHRAE FOR MECHANICAL WORK OTHER STANDARDS LISTED IN THERE RESPECTIVE SECTION IN SPECIFICATIONS.

| WIND ZONE | EFFECTIVE WIND AREA (ft <sup>2</sup> ) | BASIC WIND SPEED V <sub>100</sub> (MPH) |
|-----------|--|---|
| A         | 10.0                                   | 35.3                                    |
| B         | 4.4                                    | 33.7                                    |
| C         | 4.4                                    | 31.6                                    |
| D         | 4.4                                    | 30.0                                    |
| E         | 4.4                                    | 26.3                                    |
| F         | 4.4                                    | 25.3                                    |
| G         | 5.0                                    | 20.0                                    |
| H         | 5.0                                    | 31.6                                    |
| I         | 5.0                                    | 30.0                                    |
| J         | 5.0                                    | 26.3                                    |

SCOPE OF WORK:  
NEW FRONT CAR PORT AND ENTREE AND REAR PORCH.

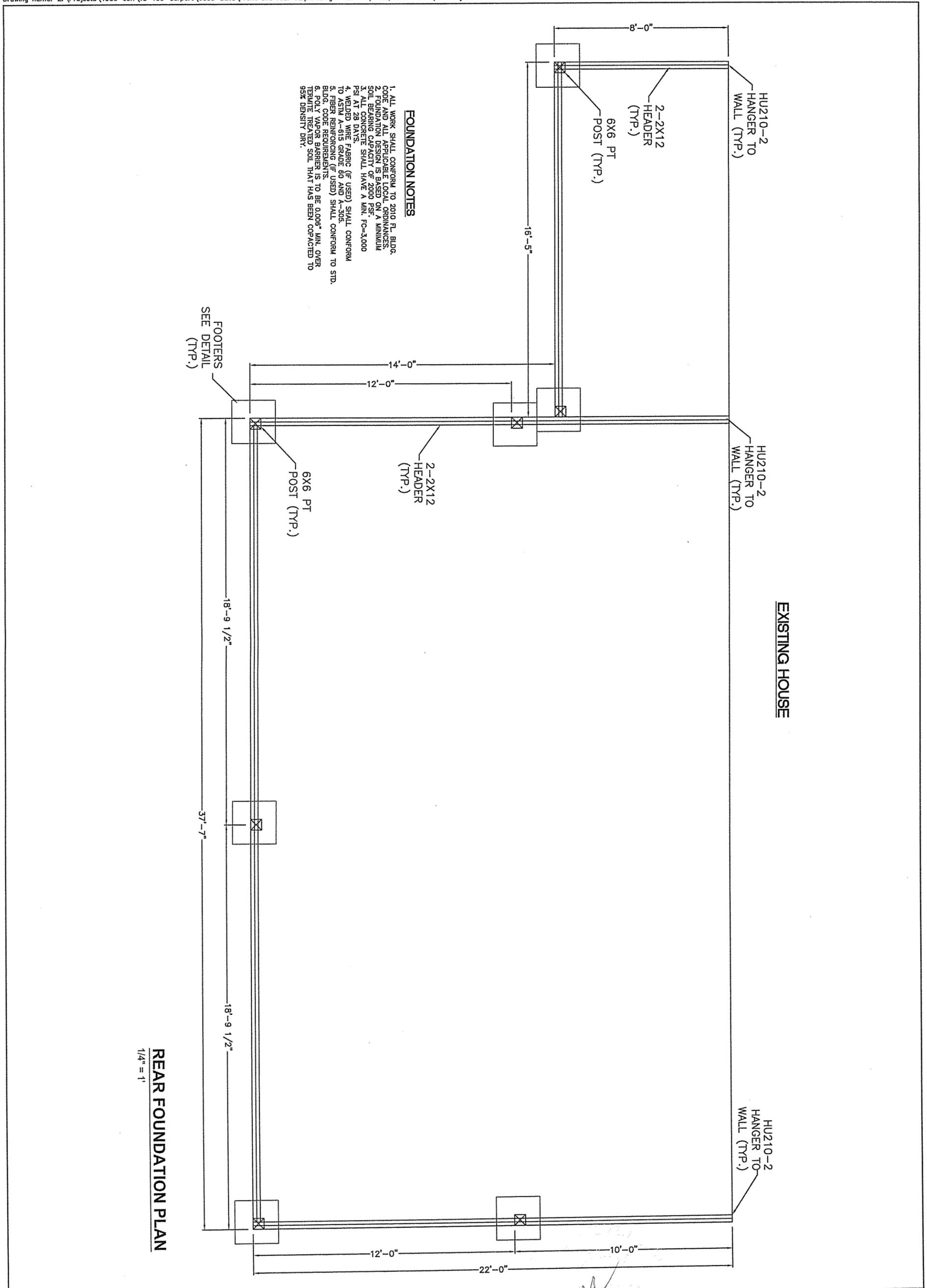
| <p><b>TITLE SHEET</b></p> | <p>RES. MODIFICATION<br/>2845 REDBUD COURT<br/>DELTONA, FL 32725</p> | <p>DELTONA FLORIDA</p> | <p>DATE: 08/13<br/>PROJECT NO.: 12-164<br/>SHEET NUMBER: T1</p> | <p>DESIGN ENGINEER:<br/>CHAD S. LINN<br/>FLORIDA REGISTRATION NUMBER:<br/>57524<br/>SEAL</p> | <p>Chad Linn, P.E.<br/>P.E. #57524<br/>P.O. BOX 140024<br/>ORLANDO, FL 32814<br/>PHONE: 407-252-6433</p> | <table border="1"> <tr> <th>NO.</th> <th>REVISIONS</th> <th>DATE</th> <th>BY</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table> | NO. | REVISIONS | DATE | BY |  |  |  |  |
|---------------------------|--|------------------------|---|--|--|---|-----|-----------|------|----|--|--|--|--|
| NO.                       | REVISIONS  | DATE                   | BY  |  |  |   |     |           |      |    |  |  |  |  |
|                           |  |                        |   |  |  |   |     |           |      |    |  |  |  |  |



- FOUNDATION NOTES**
1. ALL WORK SHALL CONFORM TO 2010 F.L. BLDG. CODE AND THE PERMITS AGENCIES.
  2. FOUNDATION SHALL BE DESIGNED ON A MINIMUM SOIL BEARING CAPACITY OF 2000 PSF.
  3. ALL CONCRETE SHALL HAVE A MIN. FC=3,000 PSI AT 28 DAYS.
  4. WELDED WIRE FABRIC (IF USED) SHALL CONFORM TO ASTM A-615 GRADE 60 AND A-305.
  5. FIBER REINFORCING (IF USED) SHALL CONFORM TO STD. BLDG. CODE REQUIREMENTS.
  6. POLY VAPOR BARRIER IS TO BE 0.006" MIN. OVER TYPICAL TREATED SOIL THAT HAS BEEN COMPACTED TO 95% DENSITY DRY.

**FRONT FOUNDATION PLAN**  
1/4" = 1'

|  |                       |                    |                                       |   |                       |
|--|-----------------------|--------------------|---------------------------------------|---|-----------------------|
| RES. MODIFICATION<br>2845 REDBUD COURT<br>DELTONA, FL 32725<br>DELTONA FLORIDA | FOUNDATION<br>PLAN    | SCALE AS NOTED     | DESIGN ENGINEER:<br>CHAD S. LINN      | Chad Linn, P.E.<br>P.E. #57524<br>P.O. BOX 140024<br>ORLANDO, FL 32814<br>PHONE: 407-252-6433 | No. REVISIONS DATE BY |
|  |                       | DESIGNED BY<br>CSL | FLORIDA REGISTRATION NUMBER:<br>57524 |   |                       |
| DATE<br>04/15  | PROJECT NO.<br>15-160 | DRAWN BY<br>CSL    | CHECKED BY<br>CSL                     |   |                       |
| SHEET NUMBER<br>A1   |                       |                    |                                       |   |                       |



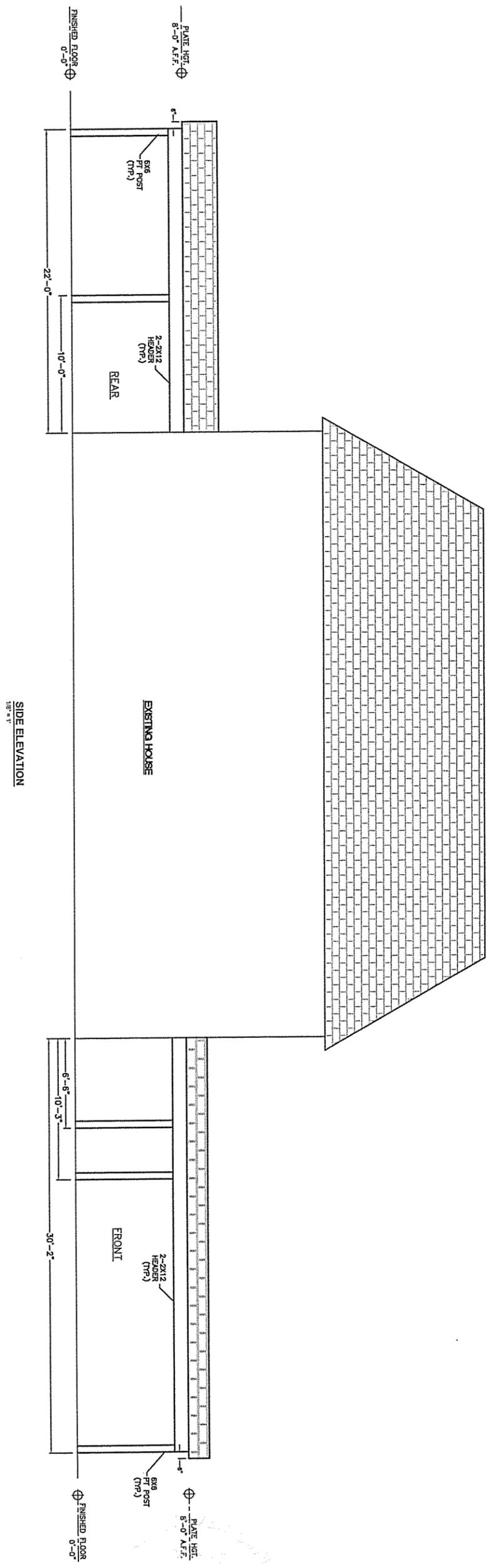
- FOUNDATION NOTES**
1. ALL WORK SHALL CONFORM TO 2010 F.L. BLDG. CODE AND ALL APPLICABLE LOCAL ORDINANCES.
  2. FOUNDATION DESIGN IS BASED ON A MINIMUM SOIL BEARING CAPACITY OF 2000 PSF.
  3. ALL CONCRETE SHALL HAVE A MIN. FC=3,000 PSI AT 28 DAYS.
  4. WELDED WIRE FABRIC (IF USED) SHALL CONFORM TO ASTM A-615 GRADE 60 AND A-305.
  5. FIBER REINFORCING (IF USED) SHALL CONFORM TO STD. BLDG. CODE REQUIREMENTS.
  6. POLY VAPOR BARRIER IS TO BE 0.006" MIN. OVER TERMITTE TREATED SOIL THAT HAS BEEN COMPACTED TO 95% DENSITY DRY.

**REAR FOUNDATION PLAN**  
1/4" = 1'

**EXISTING HOUSE**

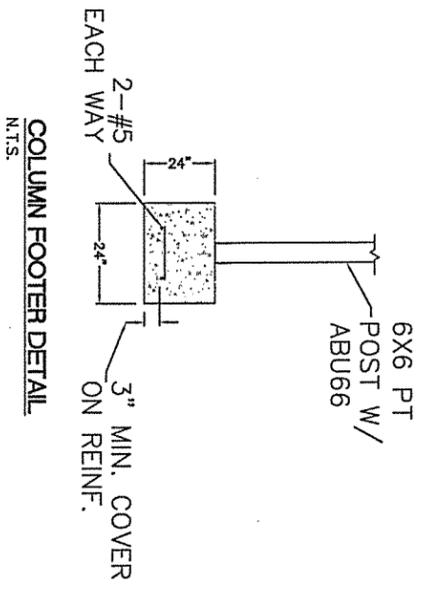
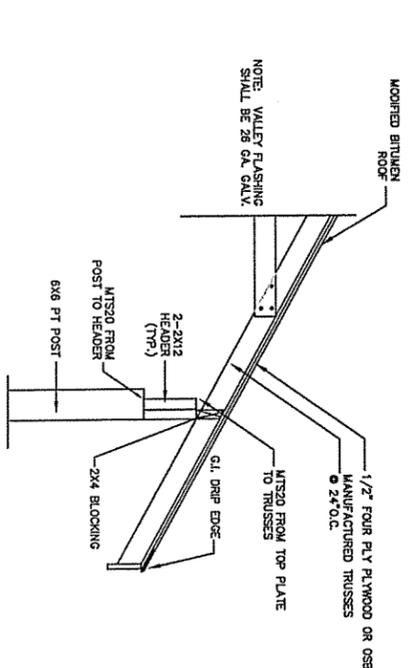
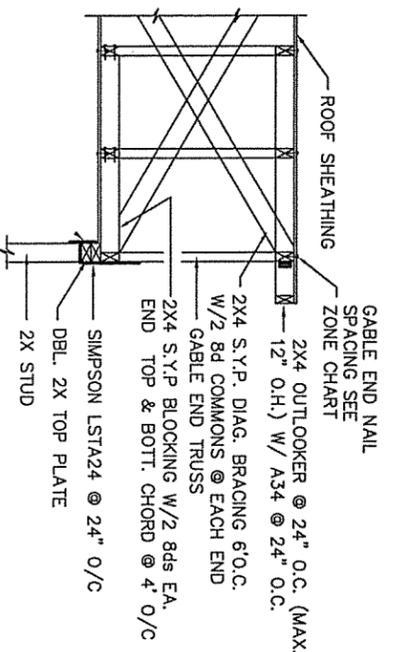
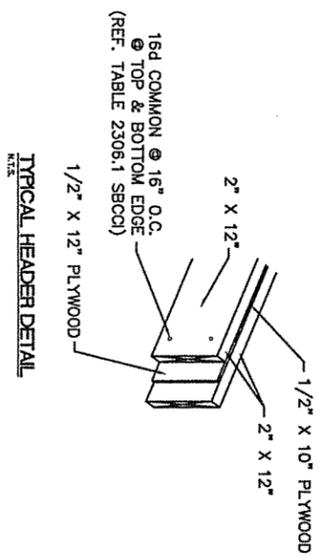
|  |                 |                 |                                    |   |                       |
|--|-----------------|-----------------|------------------------------------|---|-----------------------|
| RES. MODIFICATION<br>2845 REDBUD COURT<br>DELTONA, FL 32725<br>DELTONA FLORIDA | FOUNDATION PLAN | SCALE AS NOTED  | DESIGN ENGINEER: CHAD S. LINN      | Chad Linn, P.E.<br>P.E. #57524<br>P.O. BOX 140024<br>ORLANDO, FL 32814<br>PHONE: 407-252-6433 | No. REVISIONS DATE BY |
|  |                 | DESIGNED BY CSL | FLORIDA REGISTRATION NUMBER: 57524 |   |                       |
|  |                 | DRAWN BY CSL    | SEAL                               |   |                       |
|  |                 | CHECKED BY CSL  |                                    |   |                       |





SIDE ELEVATION  
1/8" = 1'

|  |  |                   |                    |                                       |   |                       |
|--|--|-------------------|--------------------|---------------------------------------|---|-----------------------|
| DATE<br>04/15<br>PROJECT NO.<br>15-160<br>SHEET NUMBER<br>A4 | RES. MODIFICATION<br>2845 REDBUD COURT<br>DELTONA, FL 32725<br>DELTONA FLORIDA | SIDE<br>ELEVATION | SCALE<br>AS NOTED  | DESIGN ENGINEER:<br>CHAD S. LINN      | Chad Linn, P.E.<br>P.E. #57524<br>P.O. BOX 140024<br>ORLANDO, FL 32814<br>PHONE: 407-252-6433 | No. REVISIONS DATE BY |
|  |  |                   | DESIGNED BY<br>CSL | FLORIDA REGISTRATION NUMBER:<br>57524 |   |                       |
|  |  |                   | DRAWN BY<br>CSL    | SEAL                                  |   |                       |
|  |  |                   | CHECKED BY<br>CSL  |                                       |   |                       |



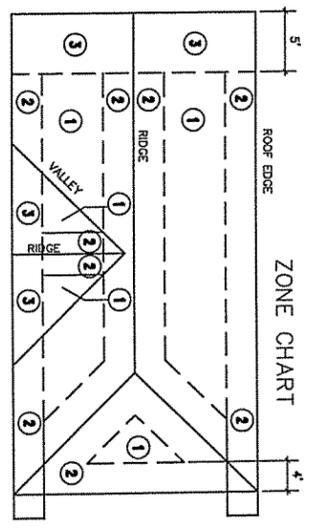
GABLE END FRAMING - FRAME WALL  
N.T.S.

TOP WALL DETAIL  
N.T.S.

COLUMN FOOTER DETAIL  
N.T.S.

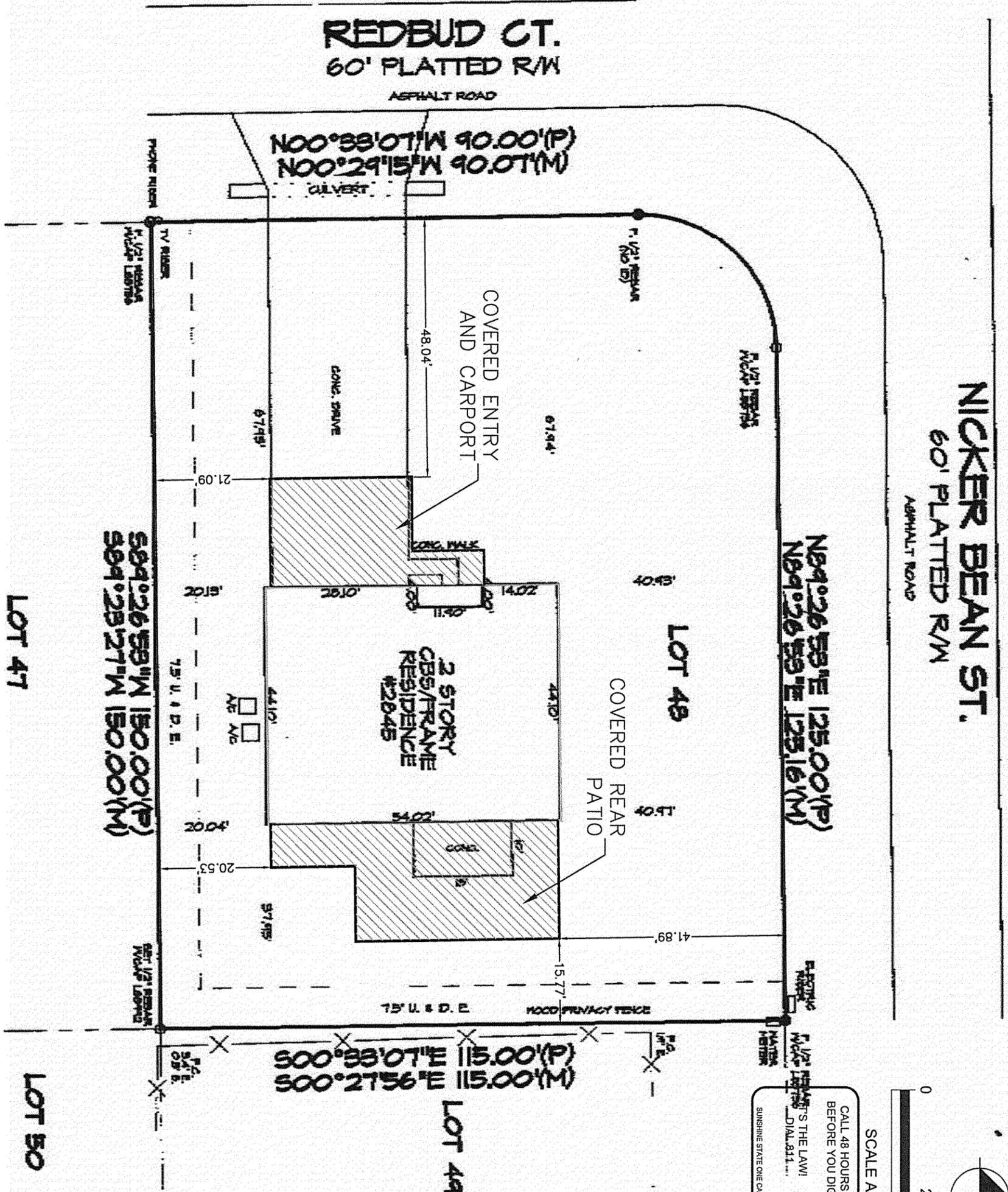
NOTES

- TRUSSES MUST BE CAPABLE OF TRANSFERRING LATERAL LOADS TO BEARING WALLS.
- TRUSSES, GABLES, AND BEAM THE DOING TO BE SIZED PER TRUSS MANUFACTURER'S UPLIFT CALCULATIONS. ANY QUESTIONS AS TO THE SIZE, TYPE OR VALUE OF A NAIL, STRAP OR CLIP SHOULD BE VERIFIED BY THE STRUCTURAL ENGINEER.
- HEADER STUD REQUIREMENT
  - HEADER STUDS (EA SIDE) 1-6" TO 6'-0"
  - HEADER STUDS (EA SIDE) 6'-0" TO 12'-0"
  - HEADER STUDS (EA SIDE) 12'-0" TO 18'-0"
  - HEADER STUDS (EA SIDE) 18'-0" TO 24'-0"
- HEADER STUDS REQ. (1) FULL LENGTH STUD  
4. HEADER STUDS REQ. (2) FULL LENGTH STUDS
- BEARING WALL NAILING PATTERN  
PLYWOOD OR O.S.B.:  
FIELD - 8d NAILS @ 12" O.C.  
EDGE - 8d NAILS @ 6" O.C.  
CRIP FIELD - 5d NAILS @ 10" O.C.  
EDGE - 5d NAILS @ 7" O.C.
- ROOF NAILING PATTERN, PLYWOOD OR O.S.B.:
  - ZONE 1 - 8d RING SHANK NAILS @ 6" O.C.
  - ZONE 2 - 8d RING SHANK NAILS @ 6" O.C.
  - ZONE 3 - 8d RING SHANK NAILS @ 6" O.C.
- ALL INTERIOR LOAD BEARING WALLS TO BE 2x4 #2 SPF @ 24" O.C. MAX. UP TO 14'-0" HT.  
INTERIOR LOAD BEARING WALLS ABOVE 14'-0" HT TO BE 2x4 #2 SPF @ 16" O.C. MAX. U.O.N.
- TABLE 2306.1 OF THE STANDARD BUILDING CODE 2007 ED., NAILING REQUIREMENTS ARE IN ADDITION TO THE STRAPPING REQUIREMENTS.

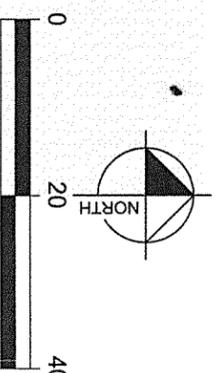


NAIL PATTERNS

|  |  |  |  |   |  |
|--|--|--|--|---|--|
| SCALE AS NOTED<br>DESIGNED BY CSL<br>DRAWN BY CSL<br>CHECKED BY CSL            |  | DESIGN ENGINEER:<br><b>CHAD S. LINN</b><br>FLORIDA REGISTRATION NUMBER:<br>57524<br>SEAL |  | Chad Linn, P.E.<br>P.E. #57524<br>P.O. BOX 140024<br>ORLANDO, FL 32814<br>PHONE: 407-252-6433 |  |
| RES. MODIFICATION<br>2845 REDBUD COURT<br>DELTONA, FL 32725<br>DELTONA FLORIDA |  | DETAILS  |  | REVISIONS<br>No. _____ DATE _____ BY _____  |  |
| DATE 04/15<br>PROJECT NO. 15-160<br>SHEET NUMBER A5                            |  |  |  |   |  |



**NICKER BEAN ST.**  
60' PLATTED R/W  
ASPHALT ROAD



CALL 48 HOURS BEFORE YOU DIG

**811**

Know what's below. Call before you dig.

SUNSHINE STATE ONE CALL OF FLORIDA, INC.

*Chad Linn*  
*CSL*  
*5/15/15*

|               |                       |                    |  |         |           |                    |                                       |  |     |           |      |    |
|---------------|-----------------------|--------------------|--|---------|-----------|--------------------|---------------------------------------|--|-----|-----------|------|----|
| DATE<br>04/15 | PROJECT NO.<br>15-160 | SHEET NUMBER<br>C1 | RES. MODIFICATION<br>2845 RDBUD COURT<br>DELTONA, FL 32725 | FLORIDA | SITE PLAN | SCALE<br>AS NOTED  | DESIGN ENGINEER:<br>CHAD S. LINN      | Chad Linn, P.E.<br>P.E.#57524<br>P.O. BOX 140024<br>ORLANDO, FL 32814<br>PHONE: 407-252-6433 | No. | REVISIONS | DATE | BY |
|               |                       |                    |  |         |           | DESIGNED BY<br>CSL | FLORIDA REGISTRATION NUMBER:<br>57524 |  |     |           |      |    |
|               |                       |                    |  |         |           | DRAWN BY<br>CSL    |                                       |  |     |           |      |    |
|               |                       |                    |  |         |           | CHECKED BY<br>CSL  |                                       |  |     |           |      |    |

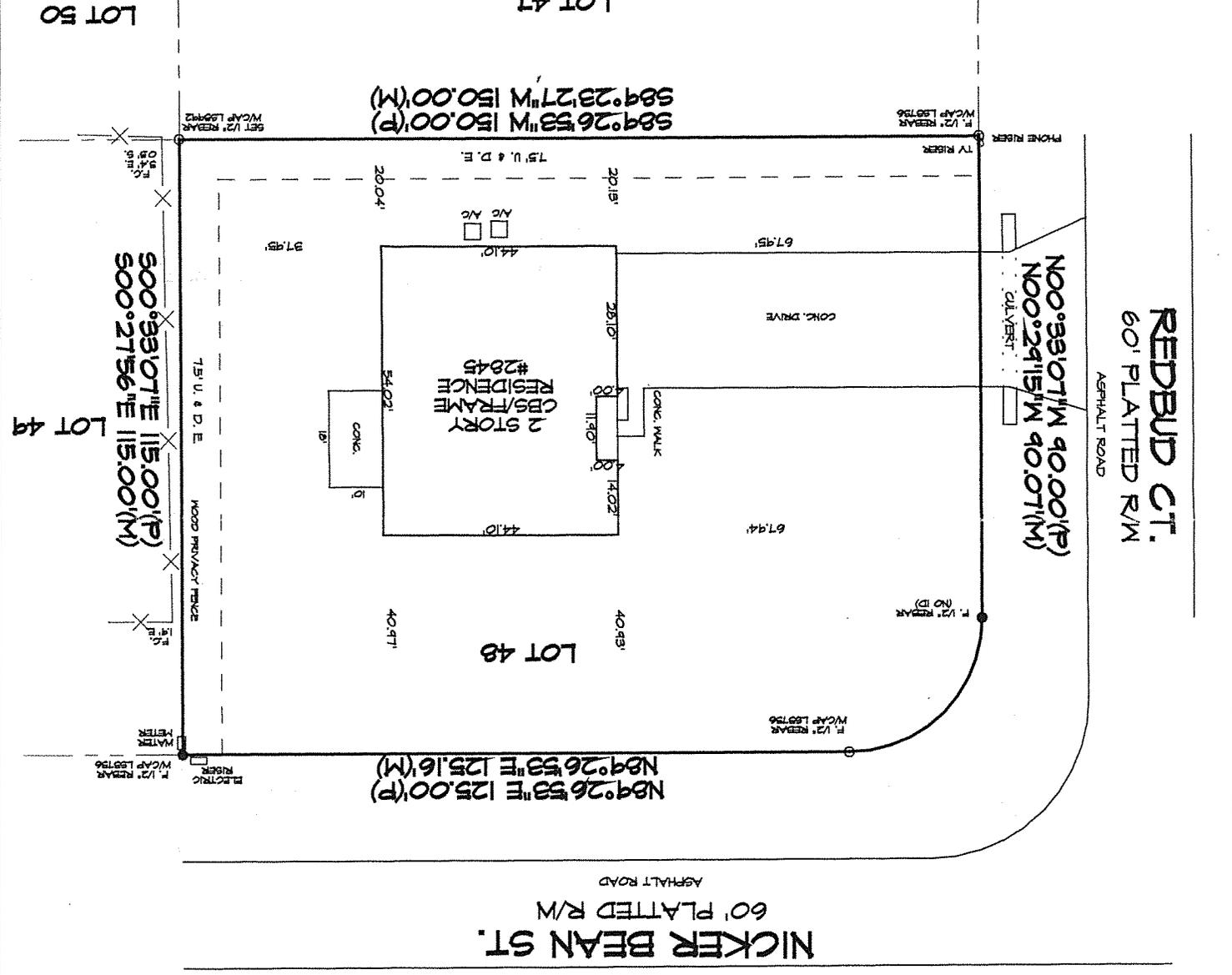
Date of Survey: 8/18/2009  
 Drawn by: JPL  
 Checked by: JPL  
 Scale: 1"=30'  
 File name/no: 09-8/23

Langford Surveying, L.L.C.  
 2607 S. Woodland Blvd. #283  
 Deland, FL 32720  
 386-738-5080 Fax 800-654-2339  
 www.langfordsurveying.com  
 jim@langfordsurveying.com

DATE SIGNED: 8/18/2009  
 James P. Langford P.L.S. 3992  
 L87403  
 OR EMBOSSED SURVEYOR'S SEAL & SIGNATURE  
 VALID ONLY WITH AN AUTHENTICATED ELECTRONIC

NOTE: DATE OF SURVEY MAY DIFFER FROM DATE OF SIGNATURE, IF SO, THE DATE OF SURVEY IS THE APPLICABLE DATE.

This survey is certified to and prepared for the exclusive benefit of the parties and/or individuals named herein, and shall not be relied upon by any other party or individual whatsoever. There may be additional restrictions and/or other matters of record not shown on this survey that may be found in the Public Records of the County or contained within the title commitment.



**NOTES:**  
 1) Subject to restrictions, reservations, easements and rights-of-way, if any, appearing of record.  
 2) Survey performed without the benefit of a title search.  
 3) Underground utilities and other below ground features, not located, other than shown.  
 U, & D, E, =Utility & Drainage easement  
 (D) =Deed data  
 (M) =Field measured data  
 (P) =Plat data  
 F =Found  
 F.C =Fence corner  
 P.C =Point of curve  
 R/W =Right of way  
 L.S =Licensed Surveyor  
 L.B =Licensed Business  
 C.S =Concrete slab  
 W.F =Wood fence  
 C.F =Chain link fence

①  
 Delta=90°00'00" (P)  
 Radius=25.00' (P)  
 Chord=N44°26'53"E 35.35'(P)  
 N44°15'29"E 35.35'(M)

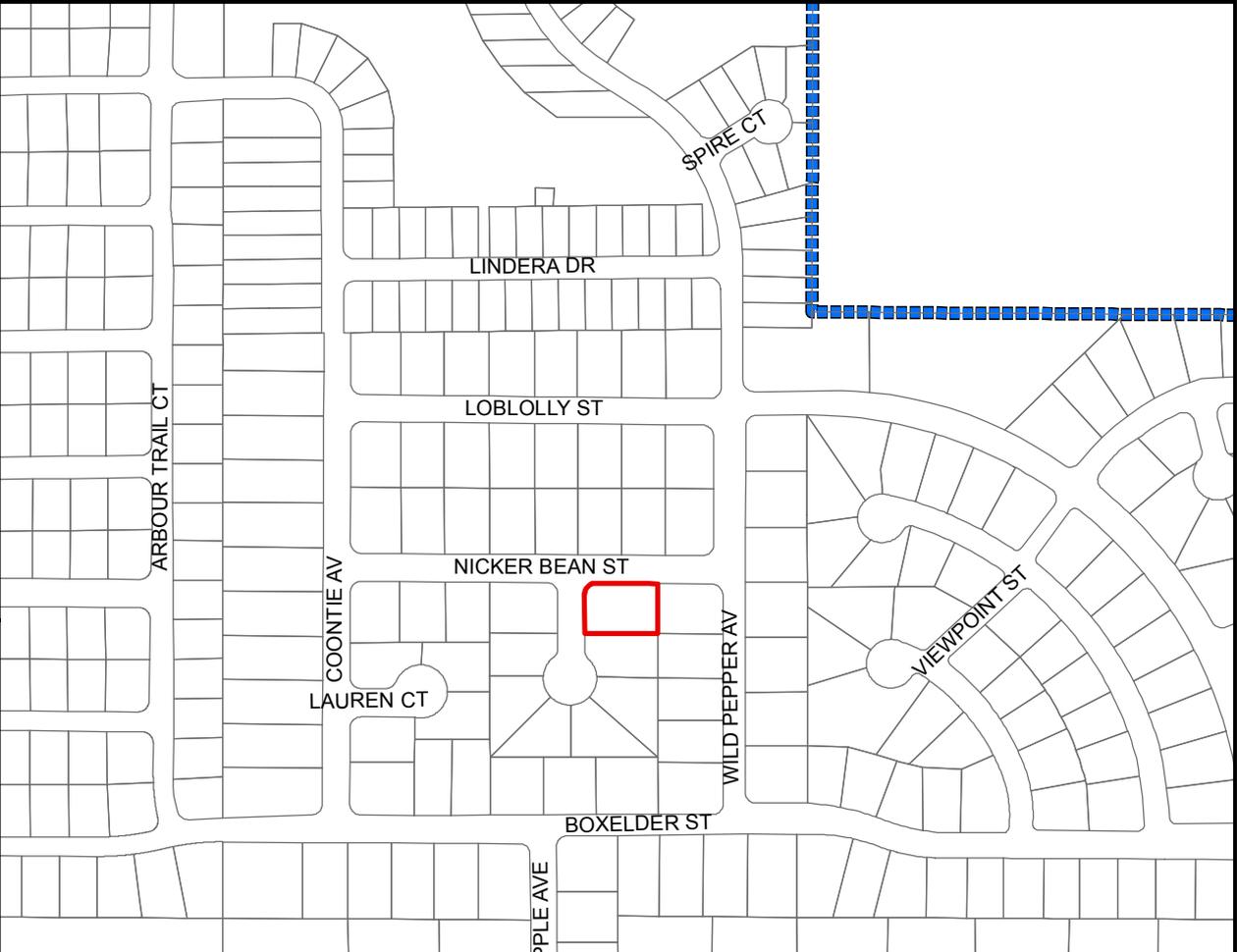
SCALE 1"=30'  
 0 30 60

S  
 N  
 W  
 E

BEARINGS BASED ON RECORD PLAT--The Northernly line of Lot 48 being N.89°26'53"E.  
 THIS SURVEY IS CERTIFIED TO:  
 BARBARA WILLIAMS  
 ESQUIRE TITLE SERVICES INC.  
 OLD REPUBLIC NATIONAL INSURANCE COMPANY  
 ATTORNEYS, TITLE FUND SERVICES, LLC  
 PROPERTY SERVED BY CITY WATER  
 2845 REDBUD CT., DELTONA, FL 32725  
 PROPERTY ADDRESS:  
 APEX LENDING

BOUNDARY SURVEY OF:  
 Lot 48, DELTONA WOODS - PHASE I,  
 according to the plat thereof as recorded in  
 Plat Book 538 Pages 130 and 131, of the  
 Public Records of Volusia County, Florida.

FLOOD CERTIFICATION:  
 This is to certify that I have consulted the  
 National Flood Insurance Hazard Boundary  
 Map and found the subject property is not within  
 a special flood hazard area, according to Map No.  
 12127C 06506, dated April 15, 2002. (ZONE X)



# LOCATION MAP

## Legend

-  Subject Parcels
-  City Boundary



NOT TO SCALE

R 4145 (HOWLAND BLVD)

RED FOX RUN

DRAWN BY S. CAMPBELL



NICKER BEAN ST

REDBUD CT

WILD PEPPER AV

# AERIAL PHOTO

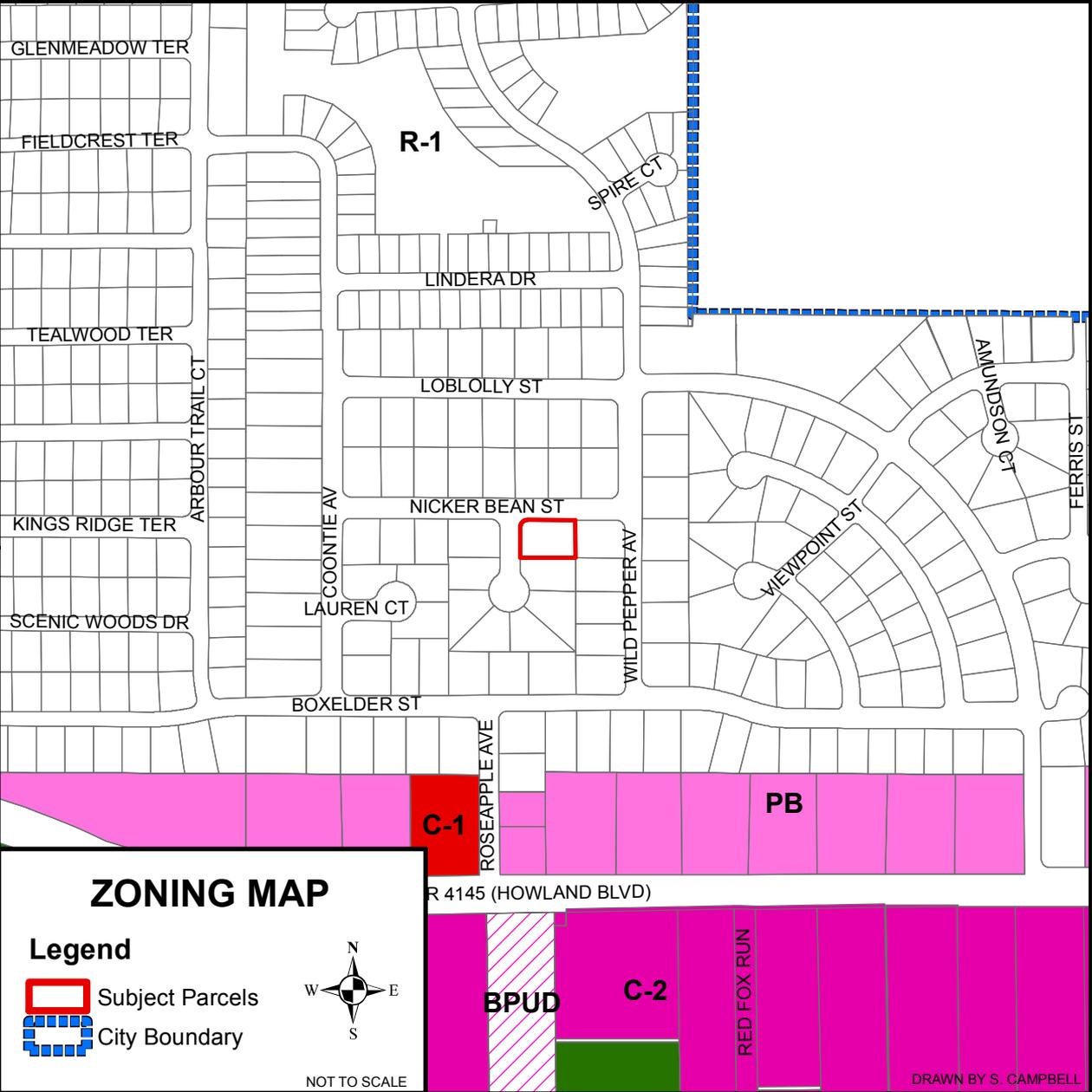
## Legend

-  Subject Parcels
-  City Boundary



NOT TO SCALE

DRAWN BY S. CAMPBELL



GLENMEADOW TER

FIELDCREST TER

TEALWOOD TER

KINGS RIDGE TER

SCENIC WOODS DR

ARBOUR TRAIL CT

COONTIE AV

LAUREN CT

BOXELDER ST

ROSEAPPLE AVE

R 4145 (HOWLAND BLVD)

WILD PEPPER AV

SPIRE CT

LINDERA DR

LOBLOLLY ST

NICKER BEAN ST

VIEWPOINT ST

AMUNDSON CT

FERRIS ST

R-1

C-1

PB

BPUD

C-2

RED FOX RUN

# ZONING MAP

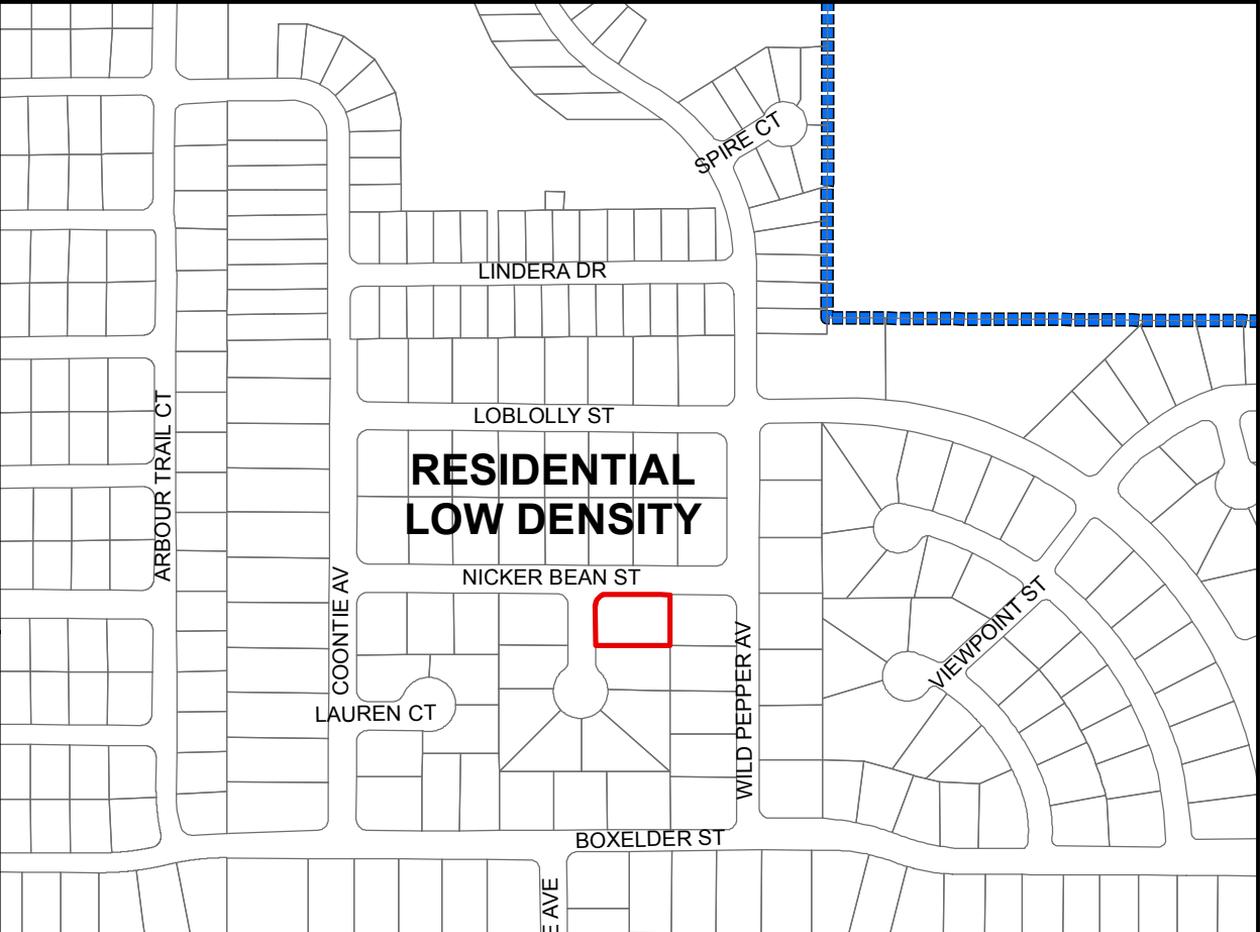
## Legend

-  Subject Parcels
-  City Boundary



NOT TO SCALE

DRAWN BY S. CAMPBELL



# FUTURE LAND USE MAP

## Legend

-  Subject Parcels
-  City Boundary



NOT TO SCALE

# COMMERCIAL

R 4145 (HOWLAND BLVD)

DRAWN BY S. CAMPBELL

# Staff Report



**To:** Planning and Zoning Board  
**From:** Tom Pauls, AICP  
**Date:** May 4, 2015  
**Re:** Lake Sidney Shores Conditional Use Application, CU15-002,  
Resolution No. 2015-07

---

## A. Summary of Application:

**Applicant:**

Dwight Durant, P.E., President, Zev Cohen, Inc.

**Request:**

Conditional Use Approval for a Package Sewer Treatment Plant

**Tax Parcel No.:** 8134-00-00-0110

**Property Acreage:** 39.36 ± Acres

**Property Location:** East of Alex Lane and North of Barger Drive

**Legal Description:** Southwest quarter of the northwest quarter, section 34, township 18 south, range 31 east, Volusia County, Florida

## B. Existing Zoning:

1. **Subject Property:** R-1A Single Family residential
2. **Adjacent Properties:**
  - North:** R-1 Single Family residential
  - South:** R-1AA Single Family residential
  - East:** R-1 Single Family residential
  - West:** R-1 Single Family residential

## C. Background:

The applicant, Zev Cohen & Associates Inc., requests conditional use approval for a package sewage treatment plant to serve a proposed 39.36± acre single family detached residential development known as Lake Sidney Shores. The site of the conditional use facility is located east of Alex Avenue and the undeveloped site it is intended to serve is located generally northeast of Lake Sidney, east of Alex Avenue and north of Barger Drive.

**C. Matters of Consideration for this Conditional Use:**

Section 110-1102, Code of City Ordinances, states that the City shall consider the following matters when reviewing applications for Conditional Use:

**1. Is the proposed use consistent with the intent of this chapter of the Land Development Code?**

Yes, the Land Development Code recognizes the proposed facility as a conditional use and this use is consistent with the intent of the provisions of the Land Development Code, subject to meeting all required conditions and particularly those cited in Section 110-817 (a) (3).

**2. Is the proposed use consistent with the elements of the Comprehensive Plan?**

Yes, the proposed use is consistent with the general land use and infrastructure policies of the Comprehensive Plan and Policies 12-SSI.7 and 8 that pertain to regular inspection and transfer of sewer service from the package sewage treatment plant to the City's public sewer system.

**3. Will the proposed use adversely affect the public interest?**

No, the proposed use is subject to conditions required by City Code that will significantly mitigate adverse impacts to the public interest.

**4. Can the applicant meet the expressed requirements of applicable City Conditional Use regulations?**

Yes, the applicant shall meet all conditions and requirements, as cited in the City Code and in the accompanying Resolution, in order to obtain the initial development order for the Lake Sidney Shores residential development project.

**5. Will the applicant be able to meet all federal, state, or local government requirements?**

Yes, the applicant will need to have met all federal, state or local governmental requirements in advance of obtaining a site engineering permit for the Lake Sidney Shores residential development project.

**6. Will the proposed use generate undue traffic congestion?**

No, at this time the developer is proposing to build 77 single family detached units. Sufficient capacity exists on local and thoroughfare roadways serving this project to meet the projected demand. No development proposal will be approved that exceeds the City's roadway capacity requirement.

**7. Will the proposed use create a hazard, public nuisance or be dangerous?**

No, conditions to protect the public health, safety, and welfare against all hazardous, nuisance or dangerous impacts will be included as part of any development order associated with the Lake Sidney Shores residential development project.

**8. Will the proposed use materially alter the character of surrounding neighborhoods or adversely affect the value of surrounding land, structures, or buildings?**

No, the proposed use will be set back at least 50 feet, will be visually screened from adjoining properties with a wall, significant landscaping or both and will be designed to effectively mitigate against adverse visual, noise, odor and other sensory impacts. Further, the conditions of approval include a 10 year time limit following the date of the first development order within which the proposed package sewage treatment plant system must be removed, that the site it occupied be transformed to a pump station tied to the city sewer system and that the remaining area be restored with landscaping to a natural state.

**9. Will the proposed use adversely affect the natural environment, natural resources or scenic beauty, or cause excessive pollution?**

No, the proposed use will be subject to design, siting, environmental and other regulatory requirements and inspections to protect the environment and natural resources, as well as control pollutant emissions. An attractive and effective visual screen incorporating landscaping, wall or other features, as may be required, shall be an integral part of any site plan of the subject property. Provisions are also included to ensure the site is restored to a natural setting when this conditional use is removed within a ten year period, as cited in the accompanying resolution.

**Conclusion/Staff Recommendation:**

Staff concludes that the proposed use shall be subject to meeting or exceeding the requirements set forth in the Comprehensive Plan and Land Development Code and with conditions that these requirements will be met. Staff recommends that the Planning and Zoning Board approve this item to the City Commission as a Conditional Use application (CU15-002) and to adopt Resolution No. 2015-07. Staff bases this decision on the legal permissibility of the project and the requirement that the on-site sewage treatment facility will be replaced with connection to the City's central sewer system within ten years, as requested by code.

**RESOLUTION NO. 2015-07**

**A RESOLUTION OF THE CITY OF DELTONA, FLORIDA,  
REQUESTING APPROVAL FOR A CONDITIONAL USE  
TO ALLOW A PACKAGE SEWAGE TREATMENT PLANT  
TO SERVE A FUTURE SINGLE FAMILY DETACHED  
RESIDENTIAL DEVELOPMENT; AND PROVIDING AN  
EFFECTIVE DATE.**

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**WHEREAS**, the Applicant, Zev Cohen, Inc., has submitted an application for a conditional use, (File No. CU15-002) to allow the use of a package sewage treatment plant; and

**WHEREAS**, in accordance with Section 110-1102 of the Land Development Code of the City of Deltona, Florida, the City of Deltona held a public hearing after due public notice to review the proposed conditional use application; and

**WHEREAS**, the City Commission has considered finding of facts and conditions, as cited in Section 110-817 (a) (3) of the Land Development Code, as well as compliance with the City's Comprehensive Plan and other policies and regulations in advance making a final determination:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA**, as follows:

**Section 1.** The Deltona City Commission hereby grants approval of the conditional use application, File No. CU 15-002, for the use of a package sewage treatment plant, per Land Development Code Section 817 (a) (3), in order to serve a future 39.36± acre single family detached residential development known as Lake Sidney Shores located generally east of Alex Avenue and north of Barger Drive, subject to the following conditions:

a) Within ten (10) years following the date of approval of the first development order issued for the subject property, the payment of required sewer connection fees and all costs

associated with the transfer of a complete and operational sewer service system for the subject property, including, but not limited to the costs of laying the waste water piping from the subject property to the point designated by the City for connection to the City's wastewater system, shall have been paid in full and the sewer service shall have been converted from the conditionally approved package treatment plant and, following City inspection and acceptance, shall be connected to the City's public sewer system to include a pump station; and

b) In order to provide the funding required to accomplish the work described in this section, prior to issuance of the first development order for the subject property, the property owner shall provide a document to be recorded, after review and approval by the City, that clearly describes the method of funding for the transfer of sewer service, as cited in Sections 1 (a) and 1 (d), and, unless payment in full is made upon the issuance of the first development order, such document must include a provision to implement a Municipal Services Taxing Unit (MSTU) to fund the conditions set forth in this resolution, and that assessments under such MSTU shall commence on or before the date of sale of the first house within the subject property.

c) The City shall not be responsible for any direct or indirect costs required to accomplish the transfer of sewer service, as noted above, or to accomplish related site restoration.

d) Upon termination of use, the package treatment plant shall be removed, the site it occupied transformed to a pump station tied to the city sewer system per Land Development Code Section 110-817 (a) (3) f and the remaining area restored with landscaping to a natural state.

**Section 2.** This Resolution shall take effect immediately upon its final adoption by the City Commission.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2015.**

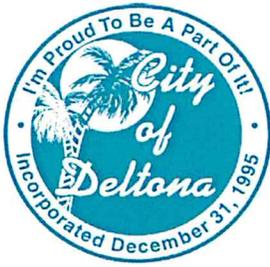
BY: \_\_\_\_\_  
JOHN C. MASIARCZYK, SR., Mayor

ATTEST:

\_\_\_\_\_  
JOYCE RAFTERY, CMC, City Clerk

Approved as to form and legality for use  
and reliance of the City of Deltona, Florida

\_\_\_\_\_  
GRETCHEN R. H. VOSE, City Attorney



# CITY OF DELTONA

PLANNING AND DEVELOPMENT SERVICES

---

## MEMORANDUM

To: File

From: Ron A. Paradise, Assistant Director, Planning and Development Services 

Subject: Traffic Analysis - Lake Sidney Shores Conditional Use Application, CU15-002

Date: May 5, 2015

---

The Lake Sidney project proposing 77 units will generate 733 new trips (9.52 trips per one single family detached dwelling X 77 units - ITE Trip Generation Manual 9<sup>th</sup> Addition). The project does not have direct access to a City thoroughfare but will access the nearest City thoroughfare, Ft. Smith Blvd., through a grid of local roadways. For the purpose of this analysis, both the local road network and the nearest applicable thoroughfare segments will be reviewed.

### City Thoroughfares

Ft. Smith Blvd. is a three lane City thoroughfare that is generally aligned in an east/west direction. The applicable segments of Ft. Smith Blvd. that the project will impact are Normandy Blvd. to India Blvd. and India Blvd. to Courtland Blvd. The Normandy Blvd. to India Blvd. of Ft. Smith carries 11,570 trips per day. The capacity of that segment is 14,740 trips at a level of service (LOS) "E". There are over 3,000 trips available on the subject segment of Ft. Smith Blvd. and the project will not cause this segment to operate below an appropriate LOS.

The segment of Ft. Smith Blvd. from India Blvd. to Courtland Blvd. carries even less trips than the above reviewed Normandy Blvd. to India Blvd. segment – 6,620. However, just like the above referenced Normandy Blvd. to India Blvd. segment, the capacity on the India Blvd. to Courtland Blvd. Ft. Smith Blvd. segment is 14,740 trips at a LOS of "E". There is ample capacity to support the 77 units on the subject Ft. Smith Blvd. segment.

City thoroughfare India Blvd. is also in the vicinity of the Lake Sidney development. India Blvd. from Fort Smith Blvd. to Courtland Blvd. supports 3,517 trips but can carry up to 9,180 trips under the LOS "E" threshold. There is plenty of capacity on India Blvd. to serve the Lake Sidney project.

All of the above findings are based on City of Deltona traffic counts performed in the spring of 2013.

## Local Roads

As has been mentioned, there is a local road network that would serve the Lake Sidney project. This local road network is well developed featuring two connections to the property (Alex Ln. and Barger Dr.) and providing ample outlet choices to Ft. Smith Blvd. (Hyde, Dr., Primrose Terr. Galahad Dr., Lightfoot St., Tradewinds Dr., etc.). This well-developed grid will facilitate ample traffic distribution. The local road connections are platted 60' wide right of ways created as part of the Deltona Lakes Plat. Initially, the Alex Ln. and Barger Dr. corridors will be used to support the 733 trips. The current traffic demands on these two roads is low and carry 57 potential trips on Alex Ln. and 95 trips on Barger Dr. There are various sources of data that provide the amount of trips that a local road can carry. However, for this discussion the local road trip design threshold of 2,000 trips articulated in Chapter 96 of the City Land Development Code will be used.

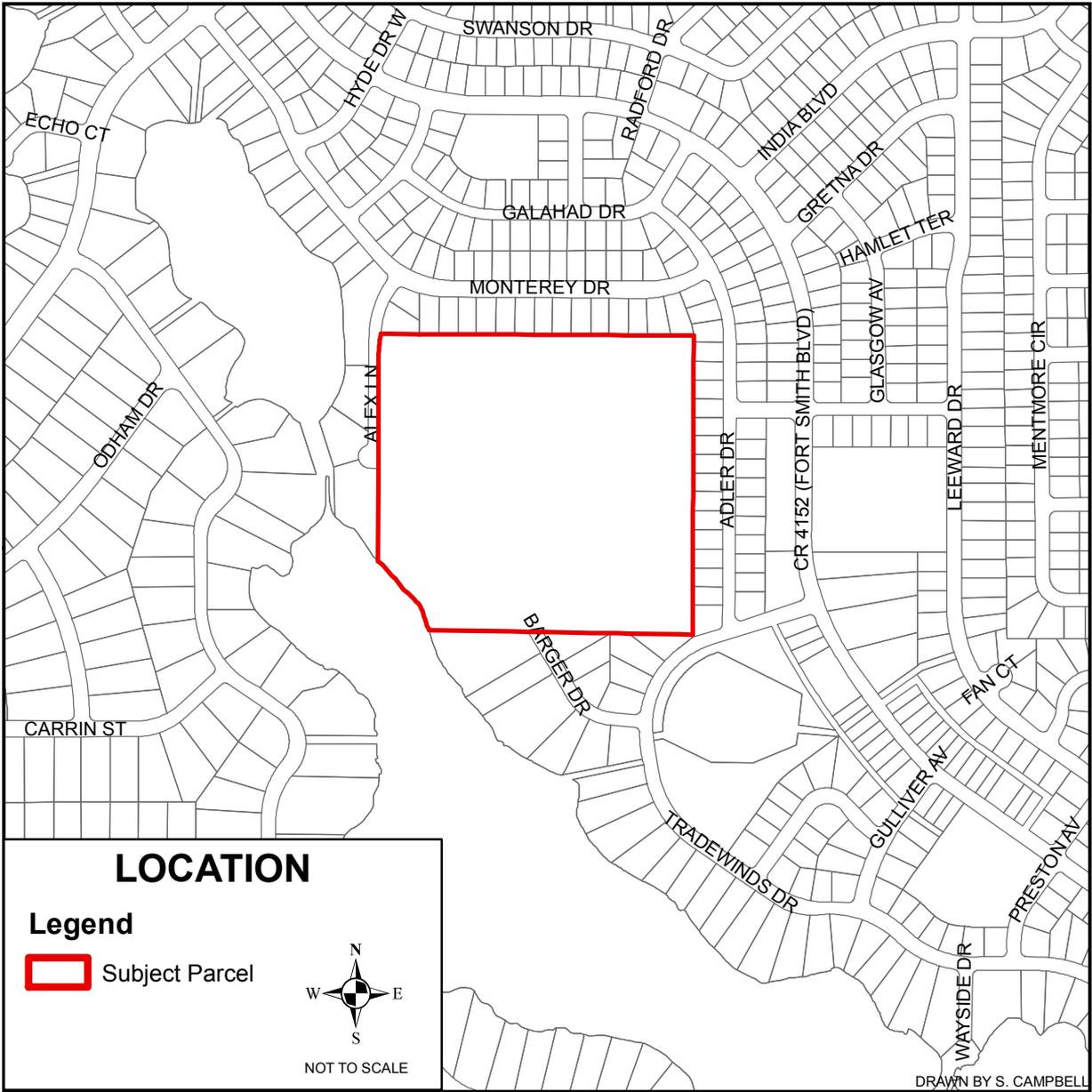
Utilizing the existing trips on Alex Ln. and Barger Dr. with a 50/50 distribution split of Lake Sidney traffic reveals that Alex Ln. will carry 424 trips and Barger Dr. will support 462 trips. If the aforementioned two roads are designed to carry up to 2,000 trips, traffic from the proposed 77 units will not exceed the carrying capacity of the two roads.

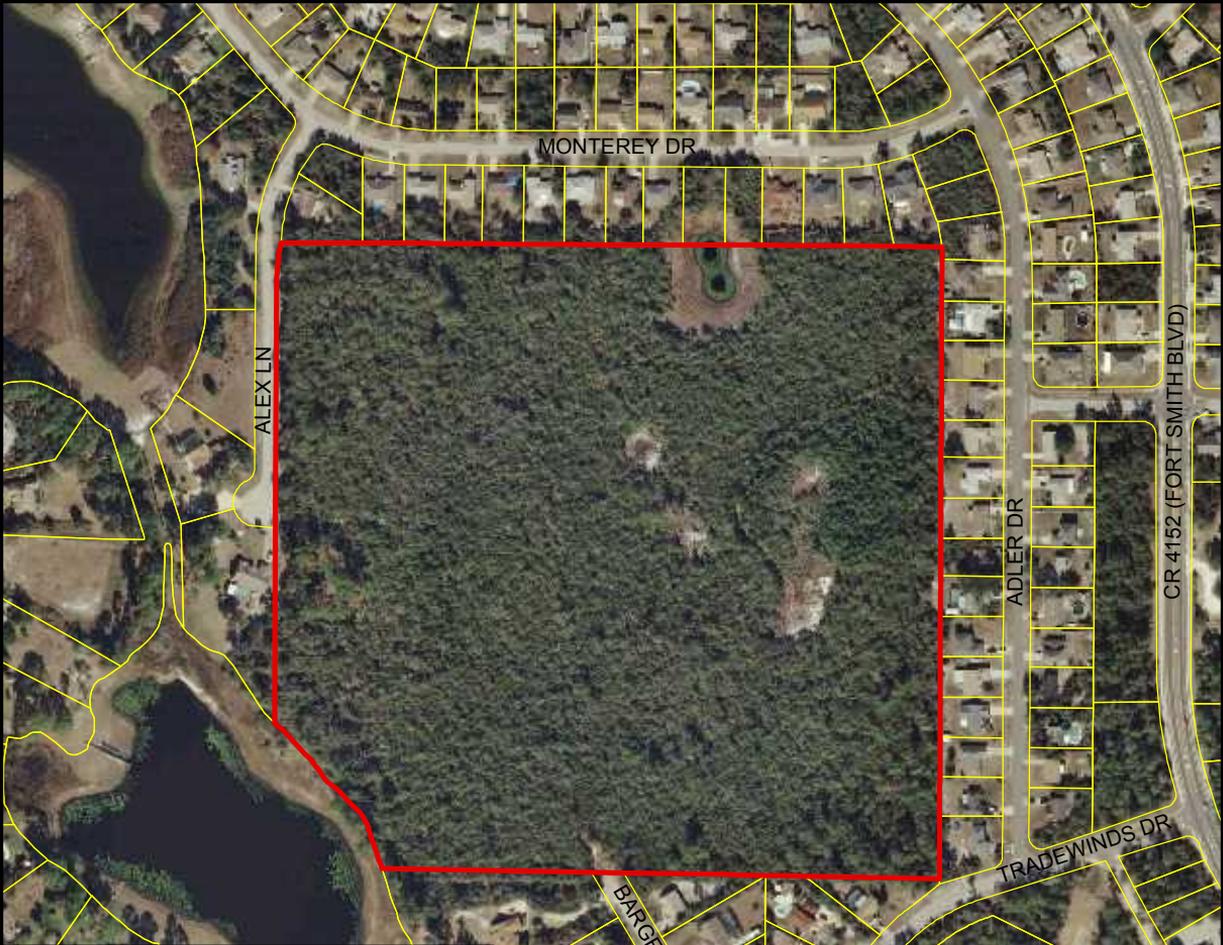
From Alex Ln. and Barger Dr. the trip impacts from the project are spread throughout the larger local road network to a point where the Lake Sidney traffic combined with background traffic will not unduly burden the local road system. To support the aforementioned statement, the Adler Rd. corridor was analyzed. Adler Rd. extends from Tradewinds Dr. to Galahad Dr. There are 43 lots that have frontage along Adler Rd. which would yield 409 trips. Traffic generated from Lake Sidney originating from the Barger Dr. would already be dispersed as cars utilize the Tradewinds Dr. corridor to access Ft. Smith Blvd. at two intersection points. With this distribution characteristic noted, at most, 92 trips originating from the 77 unit project would traverse Adler Dr. Expressed mathematically half of the total Lake Sidney trips originate from Barger Dr. ( $733/2 = 367$ ). Then the Barger Dr. trips are equally dispersed along Tradewinds Dr. in a north/south direction ( $367/2 = 184$ ). Finally, of the 184 northbound trips on Tradewinds Dr. half of those trips would turn north on Adler Dr. ( $184/2 = 92$ ) Again combined with background traffic the project trips would not exceed the capacity of Adler Dr. Other local roads outside of the Alex Ln. and Barger Dr. would experience some increase of trips but such traffic would be below the 2,000 trip per day design threshold established by the City Land Development Code.

Since Alex Ln. intersects with Monterey Dr., Monterey Dr. will be also used to support traffic from the Lake Sidney project. Monterey Dr. roughly parallels Ft. Smith Blvd. and intersects with Normandy Blvd. – a City thoroughfare - before continuing about another 800 feet north of Normandy Blvd. The southern terminus of Monterey Dr. is Adler Dr. which is another local road. The nearly half mile segment of Monterey Dr. from Normandy Blvd. to Adler Dr. features two direct outlets to Ft. Smith Blvd. – Hyde Dr. and Primrose Terr. Residents have voiced concerns about heightened traffic levels on Monterey Dr. There is some likelihood drivers from outside of the local neighborhood area use Monterey Dr. as a method to bypass the India Blvd./Ft. Smith Blvd. and Ft. Smith Blvd./Normandy Blvd. intersections or other points along Ft. Smith Blvd. that could cause delays. This traffic is referred to as background traffic which will be discussed below.

There will be some level of background traffic on any road that is not directly attributable to abutting or nearby land uses. Typically, in the absence of actual traffic counts, a 1% background traffic multiplier is applied as a metric for determining roadway trips that do not originate from known land uses abutting the road segment. With regard to Monterey Dr., trip generation from abutting land uses is simple to quantify. 55 single family dwellings abut Monterey Dr. Traffic originating from areas outside of the immediate land uses along Monterey Dr. will be represented by the 1% multiplier. Traffic generation rates on Monterey Dr. will be calculated as follows: Existing land uses abutting the road will generate 524 trips per day (55 units X 9.52 trips per unit). Background traffic on Monterey will be 1% of the 524 trips. Doing the math would yield a total of 530 trips on the Monterey Dr. ( $524 \times .01 = 6$  –rounded up;  $6 + 524 = 530$ ) Traffic from the 77 unit Lake Sidney project originating from the Alex Ln. right-of-way would generate another 367 trips on Monterey Dr. ( $733/2 = 367$ ) Totaling all trips, including background and the proposed Lake Sidney trips equal 897 trips. Monterey Dr. is designed to support 2,000 trips. Therefore, based on the above methodology, the trips from the proposed Lake Sidney project would not exceed the design standards of Monterey Dr.







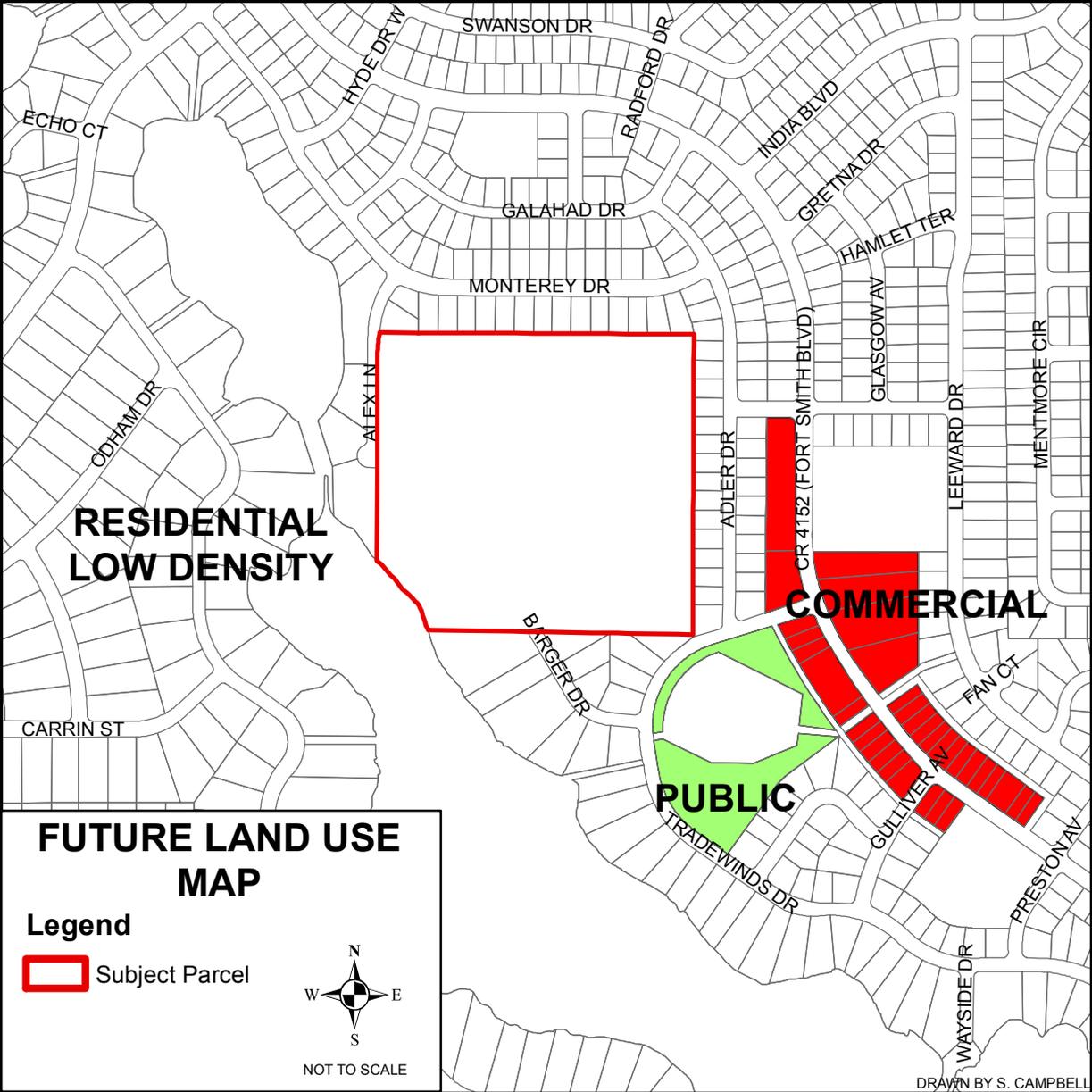
# AERIAL PHOTO

## Legend

 Subject Parcel



NOT TO SCALE



**RESIDENTIAL  
LOW DENSITY**

**COMMERCIAL**

**PUBLIC**

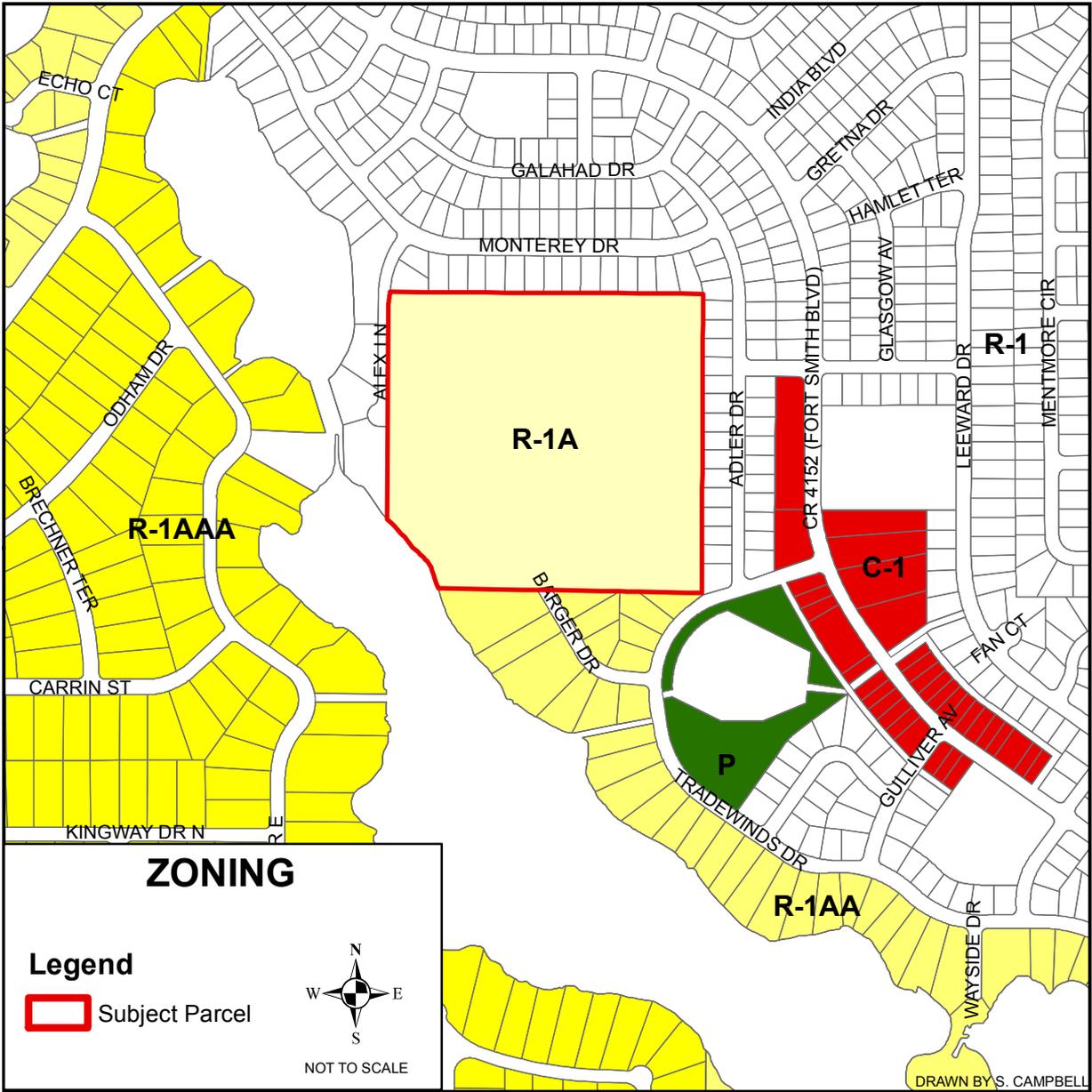
**FUTURE LAND USE  
MAP**

**Legend**

 Subject Parcel



NOT TO SCALE



# ZONING

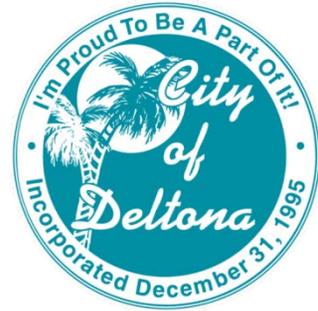
## Legend

 Subject Parcel



NOT TO SCALE

# Staff Report



**To:** Planning and Zoning Board

**From:** Ron Paradise, Assistant Planning Director

**Date:** May 1, 2015

**Re:** Fernanda Place Rezoning Application, RZ15-002, Ordinance No. 05-2015

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## A. Summary of Application:

**Applicant:** David Evans, Evans Engineering, 719 Irma Av. Orlando, FL 32803

**Request:** To rezone approximately 142 acres of land located east of Howland Blvd. and west of Osteen Cemetery Rd. near both Pride Elementary and Pine Ridge High schools from County A-1 (Prime Agriculture) and City of Deltona Residential Planned Unit Development (RPUD) to Residential Planned Unit Development.

**Tax Parcel No.:** 8230-00-00-0020 and 8230-00-00-0050

**Property Acreage:** ±142.2 Acres

**Property Location:** The property is located east of Howland Blvd. and is situated generally between Pride Elementary and Pine Ridge High School.

**Legal Description:** 8230-00-00-0020 – Section 30, Range 18S, Township 32E Lot 5 & the N ½ of Lot 6 Per OR 4887 PG 3102 Per OR 5510 PG 4869-4870 Per OR 6693 PG 4410 Per OR 6860 PG 0869 Per OR 6860 PG 0871 Per OR 6865 PG 0443 and 8230-00-00-0050 – Section 30, Range 18S, Township 32E E 11.4 Chains of S ½ of Gov. Lot 4 Per OR 4887 PG 3102 Per OR 5510 PG 4869-4870 Per OR 6693 PG 4410 Per OR 6860 PG 0869 Per OR 6860 PG 0871 Per OR 6865 PG 0443

## B. Existing Zoning:

1. **Subject Property:** RPUD and County A-1 (Prime Agriculture)
2. **Adjacent Properties:**
  - North:** County A-1 and Forestry Resource
  - South:** Public and Agriculture
  - East:** County Forestry Resource
  - West:** County A-1

### **C. Background:**

The property consists of two abutting parcels. One parcel is about 120 acres and is generally west of Osteen Cemetery Road. The other parcel is smaller, consisting of approximately 22 acres and is situated west of the larger 120 acre site. However, none of the property has direct frontage on Howland Blvd. Currently the only access to the property is off of Osteen Cemetery Road. Osteen Cemetery Road is a prescriptive right of way that was stabilized by the County many years ago with a thin veneer of cold pack.

The subject property was annexed in 2005 and in 2009, the City Future Land Use Map for only the 120 acre site was amended from County, non-urban land use designations to City Low Density Residential and Conservation. The Conservation, accounting for 60 acres of the site, is environmentally sensitive and exhibits significant development constraints. However, the County Future Land Use category of Agriculture Resource on the adjacent 22 acres was not changed at that time. Eventually in 2010 the 120 acres was rezoned to Residential Planned Unit Development (RPUD) and featured a 240 unit subdivision intended to be developed with detached dwellings on individual lots. Access to the project was to be a direct connection to Howland Blvd. The 240 unit subdivision was consistent with a density cap approved by the City through the Comprehensive Plan amendment process.

The 2010 rezoning was approved by the City Commission but the Development Agreement was never recorded and the property lied dormant for five years.

In 2014, after ownership changes, an application was filed to change the Future Land Use designation on the 22 acre parcel from County Agricultural Resource to City Low Density Residential (LDR). The land use change was adopted by the City in early 2015 and ultimately approved by the Volusia Growth Management Commission and the Florida Department of Economic Opportunity with a density cap of no more than two units per acre.

The proposal is to rezone both parcels to Residential Planned Unit Development (RPUD) titled as Fernanda Place. The RPUD rezoning request would supersede the 2010 approved RPUD on the 120 acre parcel and result in rezoning the 22 acre parcel from A-1, a County designation, to a zoning that is consistent with the recently applied Low Density Residential City Land Use category.

## **D. Support Information**

### **Public Facilities:**

- a. Potable Water: The City of Deltona utilities will serve the project with potable water. The developer will be responsible for installing water distribution infrastructure designed and constructed to City specifications. The City has ample potable water capacity to serve the development.
- b. Sanitary Sewer: Wastewater management will be provided by the City of Deltona Utilities. Wastewater will be treated at the new City of Deltona eastern wastewater plant where new wastewater treatment capacity will be shortly available.
- c. Fire Protection: Deltona Fire Services will provide firefighting service to the site. The nearest City fire station is Station 64 located off of Ft. Smith Blvd. near the Ft. Smith Blvd./Courtland Blvd. intersection.
- d. Law Enforcement: Volusia County Sheriff's Office (VCSO) will provide service to the project.
- e. Electricity: The property proposed to be rezoned is located in the Florida Power and Light service area.

## **E. Matters for Consideration:**

Section 110-1101, Code of City Ordinances, states that the City shall consider the following matters when reviewing applications for amendments to the Official Zoning Map:

### **1. Whether it is consistent with all adopted elements of the Comprehensive Plan.**

The property is designated as Conservation and Low Density Residential (LDR) on the Future Land Use Map. Furthermore, the property is limited by Comprehensive Plan Policy to 285 units - about two dwelling units per acre.

+/- 60 acres of the 142 acre property is designated as Conservation. The Conservation area includes land that is development constrained by abundant wetland acreage, poorly drained soils and the 100 year floodplain. According to the definition of the Conservation designation, Conservation areas are intended to be used for "natural resource preservation" and any development should be "low intensity" and "resource based." Development, including most infrastructure, lots and roads are intended to be directed away from Conservation designated land. However, up to 5% of the upland acreage of the Conservation area can be used for stormwater retention if the stormwater system is integrated into the natural system. Examples of stormwater systems being integrated into a natural system include but not limited to littoral planting of stormwater retention areas, etc.

Currently, as proposed, most of the project stormwater is located in the Conservation area. In addition, a roadway segment and portions of seven lots are located within the Conservation area. These elements of the project need to be redesigned consistent with the purpose and intent of the Comprehensive Plan.

The following Comprehensive Plan provisions are applicable:

***OBJECTIVE FLUI-4***

*Future Land Use designations will reflect the inherent capabilities and limitations of the existing natural features of the land.*

The Conservation area is unsuitable to support development associated with a residential subdivision. Soils are poorly drained, and wetlands comprise a significant amount of the Conservation areas. Therefore project needs to be redesigned to limit use/development of the Conservation area.

***Policy FLUI-4.2***

*The City shall discourage development within any known flood plains as identified by the best available data, such as FEMA flood maps.*

Policy intends to direct development and investment away from the 100 year floodplain. The Conservation area contains all of the 100 year floodplain on the project property. In addition, City land development regulations discourage creating lots within the 100 year floodplain. Finally, the City participates in the FEMA Community Rating System (CRS) which translates into insurance premium savings for policy holders in the City. A criterion to participate in the CRS is for a local government to not allow the creation of lots that impact the floodplain.

***OBJECTIVE FLUI-5***

*The City of Deltona shall protect natural, archaeological, and historic resources from any adverse development impacts. This will be accomplished through the implementation of the land development regulations and coordination with appropriate permitting agencies.*

Objective states that the City will protect natural resources. The natural resources on the project property that represent the most ecological value are included within the Conservation designation – an appropriate method to protect resources.

The balance of the project is designated as Low Density Residential (LDR). The LDR Future Land Use designation is an urban category that allows a residential density range of 0 to 6 units per acre. Basically, the LDR, the most commonly applied Future Land Use category within the City, recognizes and facilitates a detached dwelling development pattern representing the dominate development pattern within the City. However, according to the Comprehensive Plan, the project property is associated with a density

cap. More specifically, the 120 acre tract is capped at a total of 240 units. See the attached policy that was adopted by the City in 2009:

***Policy FLU4-1.1***

*The property covered by ordinance number 12-2009 is designated as Conservation and Low Density Residential. The gross density on the subject parcel will be limited to 240 dwelling units. The 240 units shall be located on the area designated as LDR.*

In 2015 the City of Deltona adopted a Future Land Use Map amendment for the remaining 22 acres that included another Comprehensive Plan provision:

***Policy FLU4-1.2***

*The property covered by ordinance 29-2014 is designated as Low Density Residential. The gross density on the subject parcel will be limited to 45 dwelling units.*

The maximum gross density allowance on the 142 acre property is 285 units. The applicant is planning 227 units and that number has been established in the Development Agreement as the maximum density. The 227 unit maximum density planned is consistent with the Comprehensive Plan.

A major tenet of the City Comprehensive Plan is ensuring that public services are available to support development – concurrency. The new development associated with Fernanda Place will need to be supported by central water and sewer, transportation, etc. The following policies indicate that public services will need to be provided for the project:

***Policy FLU1-1.5***

*Densities or intensified new development shall not exceed the capacity of the existing transportation system or the capacity of improvements as programmed in the Transportation and Capital Improvements elements unless the City proceeds with implementing a transportation concurrency exception area (TCEA).*

Transportation and traffic management regarding this project have been extensively studied as part of the Comprehensive Plan Future Land Use amendment process. Traffic impact analysis at the time found that there was capacity along Howland Blvd. in the immediate vicinity of the project to support many more units than what is proposed as part of the subject RPUD rezoning request. However, transportation impacts on the City network will be off-set by both County and City transportation impact fees.

***Policy FLU1-1.8***

*Sites for development shall be accessible to the following essential public facilities and services at the levels of service adopted in this Comprehensive Plan: fire services, transportation, potable water, an appropriate wastewater treatment facility, solid waste and stormwater management.*

The project can be served by adequate public infrastructure.

The promotion of land use compatibility is a central goal of the City Comprehensive Plan. A prime method to achieve land use compatibility articulated by the Plan and implemented by the City Land Development Code is the strategic use of buffers. The project abuts several land use types that range from institutional (schools, cemetery) to agricultural. The minimum buffer afforded will be 20 feet in width. The afforded buffers will promote land use compatibility consistent with the following policies:

***Policy FLUI-7.8***

*Appropriate buffers and transition areas shall be utilized to ensure compatibility between residential areas and commercial and industrial developments in a manner that balances neighborhood protection and economic development goals.*

***Policy FLUI-7.13***

*New residential development shall afford a buffer to non-residential land uses.*

**2. Its impact upon the environment or natural resources.**

As has been stated, the most environmentally and constrained land on the Fernanda Place property has been earmarked for very low intensity and mostly passive oriented uses under the Conservation Future Land Use category. The intent is to direct development away from areas that are not suitable to support such development. Therefore, most development activity, including roads, lots and most stormwater infrastructure will need to be located outside of the Conservation designated area.

Wetlands are intended to be highly safeguarded and afforded a minimum of a 25 foot buffer. There is recognition that three small, isolated herbaceous wetland areas are planned to be filled. Impacts to these wetland systems will need to be permitted and mitigated consistent with applicable wetland protection provisions of the City, County, regional, state or federal entities as applicable.

The property contains habitat for gopher tortoises. Before the property is developed, the site will need to be appropriately surveyed to determine tortoise population density and location. The incidental take of tortoises will not be allowed by the City and on-site preservation and/or relocation will be the method of which to protect tortoises from development activities.

**3. Its impact upon the economy of any affected area.**

Fernanda Place represents a residential development pattern that is common here in Deltona. However, the homes will be larger (1,400 square feet and larger) than many of the existing homes in the City and the development will be associated with amenities such as a nature preserve and open space areas. The design and aesthetics will be subject to standards which will be under the purview of a property owner's association or similar organization. Finally, lot sizes are proposed to be a typical suburban dimension – about a ¼ acre. Project amenities, larger home floor plans, suburban style lots, homeowner controls, and the fact that the homes will be new portend a residential product that is associated with higher property values compared to some of the older, established residential neighborhoods in the City. However, residential land uses are service hungry. The provision of water, sewer, police, fire, transportation, etc. services is costly for local governments and in some cases residential uses, even new homes, may not represent a break even proposition in the context of revenues versus service costs.

**4. Notwithstanding the provisions of Article XIV of the Land Development Code, Ordinance No. 92-25 [Chapter 86, Code of Ordinances] as it may be amended from time to time, its impact upon necessary governmental services, such as schools, sewage disposal, potable water, drainage, fire and police protection, solid waste or transportation systems.**

- a. **Schools:** The RPUD request will result in the need for more school workstations. The developer will need to work with the Volusia County School District to address school capacity. As of the writing of this report (early May 2015) the applicant has not approached the School District about school workstation capacity and mitigation. In addition, according to the RPUD development agreement draft document, the applicant will need to work with the School District before any other land development process such as platting are initiated.
- b. **Sewage Disposal:** The project will be served by City of Deltona Utilities. The initial phase of the City eastern wastewater plant should be operational before homes are built within the project and there will be adequate capacity to support the 64,468 gallons of wastewater per day generated from the project.
- c. **Potable Water:** To support the project, the City of Deltona Utilities will need to provide 68,100 gallons of potable water per day. The City has the capacity, both physical and permitted, to serve Fernanda Place.
- d. **Drainage:** Stormwater management will be permitted consistent with Chapter 98 of the City Land Development Code and the St. Johns River Water Management District. In addition, the stormwater management will need to be consistent the Conservation Land Use category. More specifically, 5% of the upland area can be used for stormwater retention. Therefore, the stormwater management system as

depicted on the submitted MDP will need to be redesigned to be consistent with the Comprehensive Plan.

- e. **Transportation Systems:** The project property at a density of 227 units will generate 2,233 trips per day. The applicant has studied traffic extensively with regard to this project. The first study was performed as part of the recent Comprehensive Plan Future Land Use map change of the 22 acre parcel and updated as part of this rezoning request. The nearest City thoroughfare to the project is Howland Blvd. The segment of Howland Blvd. that will be most impacted by the project is located between Courtland Blvd. and Ft. Smith Blvd. As a two lane facility, this segment of Howland Blvd. carries 11,770 trips. (2013 traffic counts) Factoring the City minimum level of service (LOS) standard capacity of “E”, this segment of Howland Blvd. can support an additional 5,280 trips.

As has been stated, this segment of Howland Blvd. has enough roadway capacity to support traffic from the proposed development. However, the subject segment of Howland Blvd. is in the process of being expanded to four lanes. The four lane expansion will provide greater capacity for Howland Blvd. thus protecting an acceptable level of mobility on the City transportation network notwithstanding the new trips generated from project.

The property proposed to be rezoned does not have direct access to a City thoroughfare. As has been stated, the nearest thoroughfare is Howland Blvd. However, current road access to the property is from Osteen Cemetery Rd. Osteen Cemetery Rd. is a two lane facility that can be described as a prescriptive right-of-way. In addition, Osteen Cemetery Rd. was once an unpaved County maintained road but was improved/stabilized by the County many years ago. The improvement involved a layer of asphalt with very little if any road base upgrade. The end result is Osteen Cemetery Rd. is not improved to a typical urban standard and is not suitable to support traffic from the project. Therefore, the Fernanda Place development will not use Osteen Cemetery Rd. for access. The method of access will be a connection through an unincorporated enclave to Howland Blvd. This connection will be facilitated by an existing 40’ wide platted public right-of-way. To ensure appropriate urban cross section width articulated by the City Land Development Code, land owned by the applicant that abuts the aforementioned 40’ right-of-way can be used to expand the cross section. The requirement for a direct connection to Howland Blvd. is stated in Development Agreement. Furthermore, the access road will need to comply with all design standards of the City and County and will be designed to align at right angles with the Golden Hills Rd. and Howland Blvd. intersection.

Finally, Osteen Cemetery Rd. does extend through the extreme southeastern corner of the Fernanda Place property. The project will need to be redesigned to ensure that the Osteen Cemetery Rd. remains open and passable.

- 5. Any changes in circumstances or conditions affecting the area:** The only changes in the area involve transportation improvements. One improvement is the four lane expansion of SR 415 from Howland Blvd. to the Volusia/Seminole County line. This expansion is almost complete and should be open shortly. The other upgrade involves adding two more travel lanes to Howland Blvd. from Courtland Blvd. to Ft. Smith Blvd. area. This improvement has been discussed elsewhere in this staff report.
- 6. Any mistakes in the original classification:** No known mistakes.
- 7. Its effect upon the public health, welfare, safety, or morals:** The City of Deltona is a residential community dominated by detached dwellings on individual lots. The lot size and dimension of the Fernanda Place development are very similar to the existing development pattern prevalent throughout the City. Fernanda Place essentially represents a continuation of the residential essence of Deltona. In addition, traffic from the development will have direct access to the City thoroughfare network and will not unduly burden existing neighborhoods with heightened levels of traffic. Also, as proposed in the updated Development Agreement, the project will be associated with a high level of environmental safeguard. Buffers to adjacent land uses will be afforded. Therefore, the project will have no deleterious effects on public health, welfare, safety, or morals.

## **CONCLUSION/STAFF RECOMMENDATION:**

Residential development has been the primary component of this community since the first areas the Deltona Lakes Plat were recorded in the early 1960's. While residential development can be associated with tax revenue/expenditure imbalances, the new residential development associated with the project may be closer to being fiscally neutral than, older residential neighborhoods in the City for the following reasons:

- 1) A relatively larger home square foot requirement;
- 2) New homes that comply with modern building codes;
- 3) Project amenities like buffers, open space and natural reserve areas; and
- 4) Home/property owner association management.

From a planning standpoint, population projections indicate future population growth for the City but growth rates will be modest compared to historical rates. Therefore, there still is a need for housing in the City and the project represents an area that is suitable for new residential development within the present incorporated limits of the City.

The project is compatible with the general development format of the City and does not conflict with adjacent land uses. In addition, the project is intended to be associated with a high standard of environmental protection.

The Fernanda Place RPUD, as with all Planned Unit Development zoned areas, is associated with a written Development Agreement (DA). Attached is a copy of the Fernanda Place DA and illustrated in an underline and strike through format are changes to the DA proposed by City staff. The changes to the DA generally involve clarifications to the dimensional requirements; addition of a granny flat as a potential Conditional Use; various supplemental requirements addressing accessory structures, etc.; architectural controls and home/property owners association establishment; project access including requirements regarding Osteen Cemetery Road; entrance signage; and environmental protection initiatives including protection of the area of the property designated as Conservation on the Future Land Use Map.

Staff recommends that the Fernanda Place RPUD be approved by the City consistent with the suggested changes to the Development Agreement and associated modification to the Master Development Plan to address matters including, but not limited to, protection of the Conservation area and recognition of the Osteen Cemetery Road corridor.

**ORDINANCE NO. 05-2015**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP TO REZONE APPROXIMATELY 142 ACRES OF LAND LOCATED EAST OF HOWLAND BLVD. AND WEST OF OSTEEN CEMETERY RD. NEAR BOTH PRIDE ELEMENTARY AND PINE RIDGE HIGH SCHOOLS FROM COUNTY A-1 (PRIME AGRICULTURE) AND CITY OF DELTONA RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) TO RESIDENTIAL PLANNED UNIT DEVELOPMENT: PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Deltona, Florida has received an application to rezone approximately 142 acres from County A-1 (Prime Agriculture) and City of Deltona Residential Planned Unit Development (RPUD) to City of Deltona Residential Planned Unit Development (RPUD); and

**WHEREAS**, the City of Deltona, Florida and its Land Planning Agency have complied with the requirements of the Municipal Home Rule Powers Act, sections 166.011 et. seq., Florida Statutes, in considering the proposed RPUD rezoning; and

**WHEREAS**, after said public hearing, the City Commission of the City of Deltona, Florida, has determined that the RPUD zoning is consistent with the Comprehensive Plan of the City of Deltona, Florida.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:**

**Section 1.** Located in the City of Deltona, Florida the following property is hereby rezoned to RPUD:

8230-00-00-0020 – Section 30, Range 18S, Township 32E Lot 5 & the N ½ of Lot 6  
Per OR 4887 PG 3102 Per OR 5510 PG 4869-4870 Per OR 6693 PG 4410 Per OR

6860 PG 0869 Per OR 6860 PG 0871 Per OR 6865 PG 0443 and 8230-00-00-0050 –  
Section 30, Range 18S, Township 32E E 11.4 Chains of S ½ of Gov. Lot 4 Per OR  
4887 PG 3102 Per OR 5510 PG 4869-4870 Per OR 6693 PG 4410 Per OR 6860 PG  
0869 Per OR 6860 PG 0871 Per OR 6865 PG 0443

**Section 2.** This Ordinance is adopted in conformity with and pursuant to the Comprehensive Plan of the City of Deltona, the Local Government Planning and Development Act, sections 163.161 et. seq., Florida Statutes, and the Municipal Home Rule Powers Act sections 166.011 et. seq., Florida Statutes.

**Section 3.** Conflicts. Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 4.** Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provisions or applications of this Ordinance which can be given effect without the invalid provision or application.

**Section 5.** Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF  
DELTONA, FLORIDA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

First Reading: \_\_\_\_\_

Advertised: \_\_\_\_\_

Second Reading: \_\_\_\_\_

BY: \_\_\_\_\_  
JOHN C. MASIARCZYK, SR., Mayor

ATTEST:

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JOYCE RAFTERY, CMC, City Clerk

Approved as to form and legality  
for use and reliance of the City of  
Deltona, Florida

---

GRETCHEN R. H. VOSE, City Attorney

[~~TEMPLATE~~]

**THIS INSTRUMENT PREPARED BY  
AND AFTER RECORDING RETURN TO:**

Gretchen R. H. Vose, Esq.  
City Attorney  
City of Deltona  
2345 Providence Boulevard  
Deltona, Florida 32725

**For Recording Purposes Only**  
  
Signature of Notary

**Exhibit “A” to Ordinance No. \_\_\_\_\_**

**DEVELOPMENT AGREEMENT**

for the project known as Fernanda Place Planned Unit Development (PUD) located east of Howland Blvd. approximately 1.5 miles north of the CR 415/Howland Blvd. intersection (hereinafter referred to as the “Subject Property”).

THIS DEVELOPMENT AGREEMENT (hereinafter referred to as the “Agreement”) is entered into and made as of the \_\_\_ day of \_\_\_\_\_, 201\_\_, by and between the CITY OF DELTONA, a Florida municipal corporation, with a mailing address of 2345 Providence Boulevard, Deltona, Florida 32725, (hereinafter referred to as the “City”), and Fernanda Investments LLC, (hereinafter referred to as the “Owner ~~or Owner/Developer~~”), ~~and \_\_\_\_\_, (hereinafter referred to as the “Developer”, if the Developer is a separate entity from the “Owner/Developer” and the Developer has an executed Notarized Owner Authorization from the Owner/Developer).~~

**WITNESSETH**

**WHEREAS**, the Owner warrants that it holds legal title to the lands located in Volusia County, Florida, and within the corporate limits of the City of Deltona, said lands being more particularly described in Exhibit “B” “A”, Legal Description for the Subject Property, attached hereto and by this reference made a part hereof; and that the holders of any and all liens and encumbrances affecting such property will subordinate their interests to this Agreement; and

**WHEREAS**, the Owner/Developer has clear title of the Subject Property ~~or the Developer is currently under contract to purchase the Subject Property~~ and intends to develop such property as an RPUD; and

**WHEREAS**, the Owner/Developer or Developer desires to facilitate the orderly development of the Subject Property in compliance with the laws and regulations of the City and of other governmental authorities, and the Owner/Developer or Developer desires to ensure that its development is compatible with other properties in the area and planned traffic patterns; and

**WHEREAS**, the development permitted or proposed under this Development Agreement is consistent with and will continue to adhere to the City's Comprehensive Plan, Land Development Code, concurrency management system, and all ~~land~~ other appropriate development regulations, all as may be amended, and this Agreement does not replace, supersede, or grant variances to those regulations; and

**WHEREAS**, it is the purpose of this Agreement to clearly set forth the understanding and agreement of the parties concerning the matters contained herein; and

**WHEREAS**, the Owner/Developer and/or Developer have sought the City's approval to develop the Subject Property, and the City approved Ordinance No. \_\_\_\_\_, through rezoning the Subject Property to a form of Planned Unit Development (PUD), as defined under the City's Land Development Code on \_\_\_\_\_. The PUD shall consist of this Agreement as the Written Agreement of the PUD and an Exhibit "~~C~~", "B" Master Development Plan (MDP), attached hereto and by this reference made a part hereof as the Preliminary Plan, subject to the covenants, restrictions, and easements offered by the Owner/Developer or Developer and contained herein, (hereinafter the "Master Development Plan"). Where more detailed criteria for City required submittals exceed the criteria required for a Master Development Plan, the more detailed criteria applies.

**NOW THEREFORE**, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. **Recitals and Definitions.** The recitals herein contained are true and correct and are incorporated herein by reference. All capitalized terms not otherwise defined herein shall be as defined or described in the City's Land Development Code as it may be amended from time to time, unless otherwise indicated.

2. **Ownership.** The legal and equitable owners of the Subject Property ~~are~~ is: Fernanda Investments LLC.

3. **Title Opinion/Certification.** The Developer will provide to the City, in advance of the City's execution and recordation of this Agreement, a title opinion from a licensed attorney

in the state of Florida, or a certification by an abstractor or title company authorized to do business in the state of Florida, verifying marketable title to the Subject Property to be in the name of the Owner/Developer and any and all liens, mortgages, and other encumbrances that are either satisfied or not satisfied or released of record.

4. **Subordination/Joinder.** Unless otherwise agreed to by the City and if applicable, all liens, mortgages, and other encumbrances that ~~is~~ are not satisfied or released of record, must be subordinated to the terms of this Agreement or the Lienholder join in this Agreement. It shall be the responsibility of the Owner/Developer and/or Developer to promptly obtain the said subordination or joinder, in form and substance that is acceptable to the City Attorney, prior to the execution and recordation of this Agreement.

5. **Duration.** The duration of this Agreement is binding and runs with the land in perpetuity, unless amended.

6. **Development of the Subject Property.** Development of the Subject Property shall be subject to performance standards listed in this Agreement. Where a land use listed below differs from a defined use in the City of Deltona's Code of Ordinances, the use listed in this Agreement shall prevail.

- A. Comprehensive Plan Policies ~~specific to this Subject Property.~~
- B. Permitted principal uses allowable on the Subject Property:
  - 1. Single Family Residential
- C. Prohibited principal uses, if any:
  - 1. ~~N/A~~ Any non-residential oriented use, unless otherwise specified in this Development Agreement.
- D. Proposed minimum density (in number of dwelling units per acre) ~~or minimum intensity (measured in floor area ratio): 2.0 dwelling units/acre~~ No minimum density.
- E. Proposed maximum ~~density~~ number of dwelling units (in the total number of dwelling units per acre) or maximum intensity (measured in floor area ratio), if any: 2.0 dwelling units/acre ~~227 units for the entire project~~
- F. Impervious surface ratio is not to exceed ~~70~~ 65% of the gross square footage for the Subject Property in total.
- G. Maximum lot coverage: 35% (in %) ~~(dry retention systems can be used towards open space): 50%.~~

- H.** Minimum landscaping and bufferyard requirements ~~are per~~ shall comply with the City's Land Development Code as it may be amended from time to time. A 20 foot perimeter buffer shall be required to separate the RPUD from surrounding land uses. Stormwater management facilities shall not be placed within bufferyards.
- I.** Minimum lot size area (in acreage or square footage): 9,600 sq. ft.
- J.** Minimum lot width (in feet): 80 ft. measured at the front yard setback line
- K.** Minimum lot depth (in feet): 120 ft.
- L.** Minimum yard setbacks (Primary Structures):
1. Front yard: 25 ft.
  2. Side yard: ~~7.5~~ 6 ft.
  3. Street side yard: ~~10.0~~ 25 ft. (no side street yard figure is cited on the MDP)
  4. Rear yard: ~~20~~ 10 ft. (conforms more closely to the Deltona setbacks at large. Need to change the MDP.)
- M.** Maximum building height (in feet): 35 ft.
- N.** Minimum Floor Area (sq. ft.) 1,400
- O.** Conditional Uses: Granny Flats. Granny flats shall comply with the process and terms of the Land Development Code, as it may be amended from time to time.
- P.** Supplementary Regulations: All residential-oriented accessory uses shall comply with Article VIII of Chapter 110, City of Deltona Land Development Code, as it may be amended from time to time.
- Q.** Accessory Structures Minimum Setbacks

Note: accessory buildings and structures, other than lawn ornaments and fences built in accordance with section 6P of this Development Agreement, shall not be located in the front yard forward of the edge of the principal dwelling, or beyond any side street yard setback.

1. Front yard: Not permitted
2. Rear yard: 10 ft.
3. Side yard: 6 ft.
4. Side street yard back to back existing SFR structures: 15 ft.
5. Side street yard with existing house adjacent to a vacant lot: 25 ft.
6. Side street yard adjacent to the existing front yard of a developed

lot: 25 ft.

- R. ~~Minimum~~ The project shall comply with all applicable Pparking standards, are as per Sections. 110-828 and 110-829 of the City's Land Development Code, as it may be amended from time to time.
- S. ~~Minimum lighting standards per the City's Land Development Code shall be included on a separate Illumination Plan to be provided at the time of site plan submittal. Lighting associated with this RPUD shall be consistent with all applicable City of Deltona Land Development Code requirements.~~
- T. ~~Development within the Fernanda Place project shall be subject to Aarchitectural controls and development on the Subject Property shall follow a common architectural themes as defined by the homeowner or property owners association, as listed in this Agreement by harmoniously coordinating the general appearance of all buildings and accessory structures. All controls and variations shall be defined by a Homeowners Association or Property Owners Association, as defined within this Agreement.~~
- U. Utility provision and dedication: The Owner/Developer or Developer shall connect to the City of Deltona's central utility systems, ~~when available, or to Volusia County's central utility systems, where applicable,~~ at their sole cost and expense. Utility fees shall be paid to Deltona Water ~~or Volusia County, respectively,~~ before any building permit is issued. Central utility systems are to be designed, permitted, and constructed to ~~the respective service provider~~ City specifications and dedicated to the respective service provider City upon final inspection, clearance, and acceptance by the service provider City. In addition, all powerlines that serve development within the RPUD shall be buried in accordance with the specifications of the utility provider, the City or any other entity as applicable.
- V. ~~Stormwater and environmental: Per parcel stormwater systems or master~~ The on-site stormwater system shall be designed and constructed compliant with all City, St. Johns River Water Management District and other applicable agency regulations and requirements. Stormwater retention shall be directed away from protected wetlands, required wetland buffers, the 100 year floodplain and the Conservation area except as illustrated in Section 15 of this agreement. Stormwater areas shall be owned and maintained by an established Homeowners Association or Property Owners Association in private ownership and shall not be dedicated to or become the responsibility of the City of Deltona. All environmental permitting, mitigation, and/or soil and erosion control for the property shall conform to all federal, state, and local permits/requirements, shall be the sole responsibility of the Homeowners Association or Property Owners Association, and shall be maintained in good condition/standing with the applicable permitting authorities. Best Management

Practices and conformance to National Pollutant Discharge Elimination System (NPDES) criteria are required.

W. Transportation, site access, and traffic devices: The Owner/Developer or Developer is responsible for all transportation improvements within the Subject Property and any off-site transportation requirements, as a result of the proposed development, for site function, that maintains or improves the level of service for area roadways, and ensures the public health, safety, and welfare for the community. All permits shall be obtained from appropriate permitting agencies prior to development. There is recognition that the access to this RPUD will be extended off of Howland Blvd. through land that is located within unincorporated Volusia County. The access roadway shall comply with all design and construction standards of the City of Deltona. The road along with all other public roads within the RPUD shall be dedicated to the City as per the Land Development Code. However, the developer shall be responsible for obtaining a Use Permit with the County of Volusia to connect to Howland Blvd. In addition, the main project entrance road shall be designed to align with the Golden Hills St./Howland Blvd. intersection at right angles. The RPUD project abuts an elementary school. To facilitate non-vehicular access to the elementary school, the developer shall contact the Volusia County School District to determine the best route and location for a pedestrian connection between the RPUD and the school. Finally, a portion of a prescriptive right of way known locally as Osteen Cemetery Road extends through the southeastern corner of the property. This road cannot be used for general subdivision access. Nor shall construction activity be routed down Osteen Cemetery Road. No lots can be created that access Osteen Cemetery Road and the MDP shall depict Osteen Cemetery Road, including appropriate buffers. Osteen Cemetery Road shall be established as a public right of way during the platting process, and the City shall determine the appropriate level of service per the City Comprehensive Plan and current traffic counts.

X. Signage: All signs shall comply with the Chapter 102 of the City Land Development Code. Entrance signage shall be a free standing monument type sign, be no more than six feet high, an 18 inch base and no more than 48 square feet of copy area. The sign shall not contain any electronic messaging. The entrance sign shall be permitted separately and must be approved by the Director of Planning and Development Services. An elevation of the sign, including color renditions and other design elements shall be part of the submittal to the Director.

7. **Public Facilities/Land Dedication.** ~~Facilities or tracts that either are or shall become public facilities/tracts that will serve the development and/or are on the Subject Property are, as follows: Conservation and Upland Buffers, Open Space, Stormwater Management, and Lift Station.~~ Roads and utilities shall be dedicated to the City through the plat process illustrated in the City Land Development Code. Stormwater, open space, landscape buffers, entrance signage, natural resource areas, etc. shall be the responsibility of the Developer and/or the

Homeowners Association to own, maintain or otherwise manage in accordance with applicable laws/regulations and best practices.

8. **Development Permits/Fees.** The Owner/Developer or Developer is responsible for obtaining, permitting, and the payment of all fees for facilities and services to ensure for the Subject Property. Any site permits shall be kept current with the respective permitting agency and shall ensure the protection of the public health, safety, and welfare of the community and the development. All impact fees are applicable and no impact fee credits shall be awarded through this Agreement; unless a cessation exists through a City moratorium that is Citywide. Proportionate fair share site improvements shall not be used in lieu of impact fees.

9. **Obligations.** Should the Owner/Developer or Developer fail to undertake and complete its obligations as described in this Agreement to the City's specifications, then the City shall give the Owner/Developer or Developer thirty (30) days written notice to commence and ninety (90) days to complete said required obligation. If the Owner/Developer or Developer fails to complete the obligations within the ninety (90) day period, then the City, without further notice to the Owner/Developer or Developer, or its successors in interest, may, without prejudice to any other rights or remedies it may have, place liens and take enforcement action on the Subject Property. A lien of such assessments shall be superior to all others, and all existing lienholders and mortgagees, by their execution of the subordination or joinder documents, agree to subordinate their liens or mortgages to the City's said liens or assessments. Notice to the Owner/Developer or Developer and its successors in interest shall be deemed to have been given upon the mailing of notice to the address or addresses set forth in Paragraph (23) hereof.

10. **Site Plan/Plat Approval.** Exhibit "CB", the Master Development Plan, ~~is the Preliminary Plan of the PUD and this Agreement. The Master Development Plan~~ shall not replace, supersede, or absolve the Owner/Developer or Developer from approvals for any ~~site plan~~, preliminary plat, and/or final plat and their respective construction plans and other regulations. Where more detailed criteria for City required submittals exceed the criteria required for a Master Development Plan, the more detailed criteria applies.

11. **Indemnification.** The Owner/Developer or Developer shall indemnify and hold the City harmless from any and against all claims, demands, disputes, damages, costs, expenses, (to include attorneys' fees whether or not litigation is necessary and if necessary, both at trial and on appeal), incurred by the City as a result, directly or indirectly, of the use or development of the Subject Property, except those claims or liabilities caused by or arising from the negligence or intentional acts of the City, or its employees or agents. It is specifically understood that the City is not guaranteeing the appropriateness, efficiency, quality or legality of the use or development of the Subject Property, including but not limited to, drainage or water/sewer plans, fire safety, or quality of construction, whether or not inspected, approved, or permitted by the City.

12. **Compliance.** The Owner/Developer or Developer agrees that it, and their successors and assigns, will abide by the provisions of this Agreement, the City's Comprehensive Plan and the City's Code of Ordinances, including the Fire Code and other appropriate regulatory provisions, ~~but not limited to, the site plan regulations of the City as amended from time to time, which are incorporated herein by reference and such subsequent amendments hereto as may be applicable.~~ Further, all required improvements, including landscaping, shall be continuously maintained by the Owner/Developer or Developer, or their successors and assigns, in accordance with the City's Code of Ordinances. The City may, without prejudice to any other legal or equitable right or remedy it may have, withhold permits, Certificates of Occupancy or plan/plat approvals to the Subject Property, should the Owner/Developer or Developer fail to comply with the terms of this Agreement. In the event of a conflict between this Development Agreement and the City's Land Development Code, the more restrictive regulations shall govern the development of the Subject Property.

13. **Obligations for Improvements.** Any surface improvement as described and required hereunder included, but not limited to such as signalization, walls, stormwater management facilities, medians, and utilities, or any other surface improvement shall be performed, prior to the issuance of the first Certificate of Occupancy on that portion of the Subject Property that the surface improvement(s) relates or is otherwise scheduled in this Agreement. Should the Owner/Developer or Developer fail to undertake and complete its obligations as described in this Agreement and to the City's specifications, then the City shall give the Owner/Developer or Developer thirty (30) days written notice to commence and ninety (90) days to complete said required obligation at the sole expense of the Owner/Developer or Developer. If the Owner/Developer or Developer fails to complete the obligations within the ninety (90) day period, then the City, without further notice to the Owner/Developer or Developer and their successors and assigns in interest, may but shall not be required to, perform such obligations at the expense of the Owner/Developer or Developer or their successors and assigns in interest, without prejudice to any other rights or remedies the City may have under this Agreement. Further, the City is hereby authorized to immediately recover the actual and verified cost of completing the obligations required under this Agreement and any legal fees from the Owner/Developer or Developer in an action at law for damages, as well as record a lien against the Subject Property in that amount. The lien of such assessments shall be superior to all others, and all existing lienholders and mortgagees, by their execution of the subordination or joinder

documents, agree to subordinate their liens or mortgages to the City's said liens or assessments. Notice to the Owner/Developer or Developer and their successors and assigns in interest shall be deemed to have been given upon the mailing of notice as provided in paragraph (24) of this Agreement.

14. **Concurrency and Vested Rights.** The Owner/Developer or Developer acknowledges and agrees that prior to the issuance of any development orders for the Property, the Owner/Developer or Developer must have received and be in the possession of a valid ~~unexpired~~ certificate of capacity/concurrency management system approval consistent with the City's Land Development Code. The capacity certificate/approval verifies the availability of infrastructure and service capacity sufficient to permit the proposed development of the Subject Property without causing a reduction in the levels of service adopted in the City's Comprehensive Plan. The certificate of capacity/approval shall be effective for a term, as defined in the City's Code of Ordinances. Neither this Agreement nor the approved Master Development Plan shall create or result in a vested right or rights to develop the Subject Property, as cited in Section 86-34 of the City's Land Development Code.

15. **Environmental and Tree Preservation.** There are portions of the property that are environmentally sensitive/associated with development constraints. The ecological and poor development suitability indices include wetland acreage, poorly drained soils and extensive 100 year floodplain acreage. Therefore, in 2009, the City designated this environmental/constrained area as Conservation on the City Future Land Use Map. The Conservation area accounts for 60 acres and is located in the northeastern section of the project. The Conservation area will be used for open space area with only passive uses allowed. Passive uses include natural resource protection, including tree preservation, nature trails, and wildlife habitat. However, consistent with the Comprehensive Plan up to 5% of the Conservation area can be used for stormwater management purposes but wetlands or wetland buffers within the Conservation area cannot be altered for stormwater management purposes. Stormwater infrastructure within the Conservation area shall be designed to mimic natural systems and be integrated into the natural landscape. Other infrastructure including roads will be directed away from the Conservation area. Lots will not be platted into the Conservation area nor will lots be platted into the 100 year floodplain area.

Wetlands on site to be protected will be afforded a minimum of a 25 foot buffer. There are two isolated wetland areas that are proposed to be filled. Impacts to these two wetland polygons will be permitted and mitigated as per the City Land Development Code and other applicable governmental agencies.

The upland area of the property provides habitat for gopher tortoises. The relocation or on-site preservation of tortoises shall be the preferred method of managing tortoises. There shall be no incidental take of tortoises.

Tree protection shall be in accordance with the City Land Development Code.

The Owner/Developer or Developer is responsible to obtain all site related permits and approval prior to any development activity on or for the Subject Property. This may involve mitigation for habitat of threatened or endangered flora and fauna or for species identified for proportion (i.e. tree preservation). This Agreement does not vest or exempt the Owner/Developer or Developer from any permitting and mitigation obligations needed to develop a Subject Property.

16. **Homeowners Association or Property Owners Association.** The charter and by-laws of any Homeowners Association (“HOA”) or Property Owners Association (“POA”) for the Subject Property and any deed restrictions related thereto shall be furnished to the City for approval by the City Attorney prior to the recording thereof in the Public Records of Volusia County, Florida. Such recording shall take place before ~~a Certificate of Occupancy is issued for the first development project~~ any other development approval application is accepted by the City including but not limited to a plat application on land covered by this Agreement. The HOA or POA shall at a minimum be responsible for maintaining the common open space, stormwater areas, any common utility systems, such as for irrigation, ~~and~~ site lighting, implementing architectural controls, and project signage. The Owner/Developer or Developer shall be responsible for establishing the HOA or POA and recording said information in the Public Records of Volusia County, Florida. The City is not responsible for the enforcement of any agreements or deed restrictions entered into between property owners or occupiers of the Subject Property. If maintenance for the Subject Property is not maintained following issuance of a Certificate of Occupancy, the City has Code Enforcement services.

17. **Enforcement.** Both parties may seek specific performance of this Agreement and/or bring an action for damages in a court within Volusia County, Florida, if this Agreement is breached by either party. In the event that enforcement of this Agreement by the City becomes necessary, and the City is successful in such enforcement, the Owner/Developer or Developer shall be responsible for the payment of all of the City’s costs and expenses, including attorney fees, whether or not litigation is necessary and, if necessary, both at trial and on appeal. Such costs, expenses and fees shall also be a lien upon the Subject Property superior to all others. Should this Agreement require the payment of any monies to the City, the recording of this Agreement shall constitute a lien upon the Subject Property for said monies, until said are paid, in addition to such other obligations as this Agreement may impose upon the Subject Property and the Owner/Developer or Developer. Interest on unpaid overdue sums shall accrue at the rate of the lesser of eighteen percent (18%) compounded annually or at the maximum rate allowed by law.

18. **Utility Easements.** For any easement not established on a plat for the Subject Property, the Owner/Developer or Developer shall provide to the City such easements and other legal documentation, in form mutually acceptable to the City Attorney and the Owner/Developer or Developer, as the City may deem reasonably necessary or appropriate for the installation and maintenance of the utility and other services, including but not limited to, sanitary sewer, potable water, and reclaimed water services, electric, cable, gas, fire protection and telecommunications.

19. **Periodic Review.** The City reserves the right to review the Subject Property subject in relation to this Agreement periodically to determine if there has been demonstrated good faith compliance with the terms of this Agreement. If the City finds that on the basis of substantial competent evidence that there has been a failure to comply with the terms of this Agreement, the City may not issue development orders or permits until compliance with this Agreement has been established.

20. **Notices.** Where notice is herein required to be given, it shall be by certified mail return receipt requested, hand delivery or nationally recognized courier, such as Federal Express or UPS. E-mail delivery of documents shall not replace or be in lieu of the aforementioned process. Said notice shall be sent to the following, as applicable: ~~SidJaffer@yahoo.com~~

**OWNER/DEVELOPER'S OR DEVELOPER'S REPRESENTATIVES:**

Sadique Jaffer  
Fernanda Investments LLC  
27 N. Summerlin Avenue  
Orlando FL 32801

**CITY'S REPRESENTATIVES:**

City Manager  
City of Deltona  
2345 Providence Boulevard  
Deltona, Florida 32725

With copy to:

Director  
Planning & Development Services  
City of Deltona  
2345 Providence Boulevard  
Deltona, Florida 32725

Should any party identified above change, it shall be said party's obligation to notify the remaining parties of the change in a fashion as is required for notices herein. It shall be the Owner/Developer's or Developer obligation to identify its lender(s) to all parties in a fashion as is required for notices herein.

21. **Compliance with the Law.** The failure of this Agreement to address a particular permit, condition, term, or restriction shall not relieve the Owner/Developer or Developer of the Subject Property from the necessity of complying with the law governing said permitting requirements, conditions, terms, or restrictions.

22. **Captions.** The captions used herein are for convenience only and shall not be relied upon in construing this Agreement.

23. **Binding Effect.** This Agreement shall run with the land, shall be binding upon and inure to the benefit of the Owner/Developer or Developer and their successors and assigns in interest, and the City and their successor and assigns in interest. This Agreement shall become effective upon its execution and recordation with the Public Records of Volusia County, Florida. This Agreement does not, and is not intended to, prevent or impede the City from exercising its legislative authority as the same may affect the Subject Property.

24. **Subsequently Enacted State or Federal Law.** If either state or federal law is enacted after the effective date of this Agreement that is applicable to and precludes the parties' compliance with the terms of this Agreement, this Agreement and correlating zoning amendment shall be modified or revoked, as is necessary, to comply with the relevant state or federal law.

25. **Severability.** If any part of this Development Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not affect the other parts of this Development Agreement, if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can be affected. To that end, this Development Agreement is declared severable.

26. **Covenant Running with the Land.** This Agreement shall run with the Subject Property and inure to and be for the benefit of the parties hereto and their respective successors and assigns and any person, firm, corporation, or entity who may become the successor in interest to the Subject Property or any portion thereof.

27. **Recordation of Agreement.** The parties hereto agree that an executed original of this Agreement shall be recorded by the City, at the Developer's expense, in the Public Records of Volusia County, Florida.

28. **Applicable Law/Venue.** This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida. Venue of any litigation relating to this Agreement shall be in the courts of Volusia County, Florida.

29. **Time of the Essence.** Time is hereby declared of the essence to the lawful performance of the duties and obligations contained in this Agreement. The Owner/Developer or Developer shall execute this Agreement within ten (10) business days of City Commission adoption of Ordinance No. \_\_\_\_; and agrees to pay the cost of recording this document in the Public Records of Volusia County, Florida. Failure to execute this Agreement within ten (10) business days of this ordinance adoption ~~may~~ shall result in the City not issuing development orders or permits until execution and recordation of this Agreement has occurred.

30. **Agreement; Amendment.** This Agreement constitutes the entire agreement between the parties, and supersedes all previous discussions, understandings and agreements, with respect to the subject matter hereof; provided, however, that it is agreed that this Agreement is supplemental to the City's Comprehensive Plan and does not in any way rescind or modify any provisions of the City's Comprehensive Plan. Amendments to and waivers of the provisions of this Agreement shall be made by the parties only in writing by formal amendment.

31. **Effective Date.** The Effective Date of this Agreement shall be the day this Agreement is recorded in the Public Records of Volusia County, Florida.

**IN WITNESS WHEREOF**, the Owner, the Developer and the City have executed this Agreement.

**OWNER/DEVELOPER**

**By:**

\_\_\_\_\_  
Signature of Witness # 1

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or type name

\_\_\_\_\_  
Print or type name

\_\_\_\_\_  
Signature of Witness #2

\_\_\_\_\_  
Print or type name

**As:**  
\_\_\_\_\_  
Print or type

**ATTEST:**  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

**As:**  
\_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**STATE OF FLORIDA**  
**COUNTY OF** \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_, by \_\_\_\_\_, and \_\_\_\_\_, of \_\_\_\_\_, who is/are personally known to me or who has/have produced \_\_\_\_\_ as identification and who did not (did) take an oath.

\_\_\_\_\_  
Signature of Notary

(NOTARY SEAL)

\_\_\_\_\_  
Print or type name

**DEVELOPER**

**By:**  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature of Witness # 1

\_\_\_\_\_  
Print or type name

\_\_\_\_\_  
Print or type name

**As:**

\_\_\_\_\_  
Signature of Witness #2

\_\_\_\_\_  
Print or type

\_\_\_\_\_  
Print or type name

**ATTEST:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

**As:**

\_\_\_\_\_  
Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**STATE OF FLORIDA**  
**COUNTY OF \_\_\_\_\_**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_, by \_\_\_\_\_, and \_\_\_\_\_, of \_\_\_\_\_, who is/are personally known to me or who has/have produced \_\_\_\_\_ as identification and who did not (did) take an oath.

\_\_\_\_\_  
Signature of Notary

(NOTARY SEAL)

\_\_\_\_\_  
Print or type name

**CITY OF DELTONA:**

**By:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**ATTEST:**

**Date:** \_\_\_\_\_

Mailing Address:  
City of Deltona  
2345 Providence Boulevard  
Deltona, Florida 32725

**STATE OF FLORIDA**  
**COUNTY OF** \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_, by \_\_\_\_\_, and \_\_\_\_\_, who are personally known to me and acknowledge executing the same freely and voluntarily under authority vested in them by the City of Deltona.

\_\_\_\_\_  
Signature of Notary

(NOTARY SEAL)

\_\_\_\_\_  
Print or type name

Approved as to form and legality for use and  
reliance by the City of Deltona, Florida

\_\_\_\_\_  
Gretchen R. H. Vose  
City Attorney

March 30, 2015

Ron Paradise  
Assistant Director, Planning & Development Services  
2345 Providence Boulevard  
Deltona, Florida, 32725

**RE: TECHNICAL MEMORANDUM  
FERNANDA PLACE, DELTONA**

## INTRODUCTION

The purpose of this memorandum is to update the previously submitted Comprehensive Plan Amendment and Transportation Demand Analysis for the Fernanda 300 dwelling units (DU) parcel. The proposed update is to reduce the development plan to 227 DU. Thus, the subsequent traffic impacts to the study area will be reduced. The 102 acre site currently has a Low Density Residential Land use approved for 240 DU. The updated site plan is attached.

## TRANSPORTATION ASSESSMENT

As a result of the change in the development plan, the new trip generation for the site is 2,233 daily trips, 169 AM peak hour trips (43 entering – 126 exiting) and 220 PM peak hour trips (139 entering – 81 exiting). Table 1 provides a comparison of the previously submitted trip generation and the proposed trip

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generation. In summary, there is a reduction of 653 daily, 51 AM peak hour and 63 PM peak hour trips.

A revised future roadway analysis was conducted to provide the traffic impacts to the roadway segments within the study area. This analysis assists City staff to track committed trips for each project. Tables 2 and 3 provide the future year 2016 AM and PM peak hour roadway analyses. Project trips from the adjacent parcel of the development were added as background trips. The analysis concludes that all study area roadways exhibit traffic volumes lower than their respective maximum service volumes with the exception of the following roadway segments:

| <b>Roadway Segment</b> | <b>From</b>          | <b>To</b>           |
|------------------------|----------------------|---------------------|
| Howland Boulevard      | Providence Boulevard | Elkham Boulevard    |
| Providence Boulevard   | Elkham Boulevard     | Ft. Smith Boulevard |

It should be noted that the deficient roadway segments listed above are operating adversely in the PM peak hour condition due to background traffic. The latest Volusia County Road Program does not currently list these roadway segments as being programmed for widening in the current five year schedule (see attached). Based on the Florida legislation found in Chapter No. 2011-139 (H.B. 7207), effective June 2, 2011, the identified deficient roadways and intersections are considered a pre-existing transportation deficiency. Therefore, consistent with this legislation, the proposed land use should not be required to contribute towards the cost of eliminating the pre-existing deficiency.

The previous 2016 future intersection analysis determined that all study area intersections operate at an acceptable LOS once programmed improvements

were in place for Howland Boulevard. Therefore no further analysis was conducted.

In summary, the conclusions and recommendations remain the same as the previously submitted analysis. The original conclusions and recommendations are listed below:

## CONCLUSION AND RECOMMENDATIONS

The final section of the report identifies the major conclusions and recommendations regarding the traffic impacts associated with the proposed Fernanda Place development.

### CONCLUSION

#### **EXISTING CONDITIONS**

- The analysis concludes that all study area roadways exhibit traffic volumes lower than their respective roadway LOS service volume for the AM & PM peak hours for the YR 2014 existing conditions with the exception the following roadway segments:

#### PM peak hour:

- Howland Blvd. from Providence Blvd. to Elkcam Blvd.
  - Providence Blvd. from Elkcam Blvd. to Ft. Smith Blvd.
- 
- All study area intersections operate at the allowable LOS "E" for the existing conditions with the exception of the intersection of Howland Blvd at Learning Ln / Clarion St., which is operating below acceptable LOS "E" in the AM peak hour condition.

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**FUTURE YR 2016 CONDITIONS**

- The analysis concludes that all study area roadways exhibit traffic volumes lower than their respective maximum roadway capacities for the AM & PM peak hours for the YR 2016 with the exception of following roadway segments:

PM peak hour:

- Howland Blvd. from Providence Blvd. to Elkcarn Blvd.
- Providence Blvd. from Elkcarn Blvd. to Ft. Smith Blvd.

The deficient roadway segments listed above are operating below their respective maximum service volumes for the YR 2016 and are deficient either in the existing conditions or due to background traffic growth, without adding the Fernanda Place development project trips.

- All study area intersections operate at the allowable LOS "E" for the existing conditions – including the project entrances.
- Based on the Florida legislation found in Chapter No. 2011-139 (H.B. 7207), effective June 2, 2011, the identified deficient roadways and intersections are considered a pre-existing transportation deficiency. Therefore, consistent with this legislation, the proposed development should not be required to contribute towards the cost of eliminating the pre-existing deficiency.

**RECOMMENDATION:**

Based on the above conclusions, VHB respectfully requests traffic concurrency approval for the proposed Text Amendment for Fernanda Place.

VHB

Fernanda Place (300 DU)

March 2015

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Sincerely,



Karl Krichbaum  
Project Manager  
VHB

**Attachments:**

Site Plan

Trip Generation Comparison

YR 2016 Future Roadway Segment Analysis – AM Condition

YR 2016 Future Roadway Segment Analysis – PM Condition

Volusia County Road Program – Impact Fee Zone 3



Table 1  
**Fernanda Place**  
*Trip Generation Summary Comparison*

| New Proposed Density                        |               |                        | Total Trips  |              |              |            |              |            |
|---|---------------|------------------------|--------------|--------------|--------------|------------|--------------|------------|
| ITE Code                                    | Land Use      | Max Density (DU/Acres) | Size / Units | Daily Trips  | AM Peak Hour |            | PM Peak Hour |            |
|   |               |                        |              |              | Total        | Enter      | Exit         | Total      |
| 210   | Single Family |                        | 227 / DU     | 2,233        | 43           | 126        | 139          | 81         |
| <b>Totals:</b>                              |               |                        |              | <b>2,233</b> | <b>43</b>    | <b>126</b> | <b>139</b>   | <b>81</b>  |
| Previously submitted Text Amendment Density |               |                        |              |              |              |            |              |            |
| ITE Code                                    | Land Use      | Max Density (DU/Acres) | Size / Units | Daily Trips  | AM Peak Hour |            | PM Peak Hour |            |
|   |               |                        |              |              | Total        | Enter      | Exit         | Total      |
| 210   | Single Family |                        | 300 / DU     | 2,886        | 55           | 165        | 179          | 104        |
| <b>Totals:</b>                              |               |                        |              | <b>2,886</b> | <b>55</b>    | <b>165</b> | <b>179</b>   | <b>104</b> |

YHB

March 2015

Notes: *The proposed density is a reduction than initially submitted.  
 Trip generation rates and equations are based on the  
 Institute of Transportation (ITE) Trip Generation Manual 9th Edition*

Table 2  
**Fernanda Place**  
 2016 AM Peak Hour Roadway Analysis

| Roadway / Segment                   | No. of Lanes | Critical / Near Critical | Adopted LOS | MSV   | Existing AM Peak | Growth Rate | Background AMPK | Background Traffic LOS | Background Deficiency? | Background Project | YR 2016 Dist% | Project Trips | Total Traffic | LOS | Project Deficiency? |
|-------------------------------------|--------------|--------------------------|-------------|-------|------------------|-------------|-----------------|------------------------|------------------------|--------------------|---------------|---------------|---------------|-----|---------------------|
| <b>Howland Boulevard</b>            |              |                          |             |       |                  |             |                 |                        |                        |                    |               |               |               |     |                     |
| Providence Blvd. to Elkcam Blvd.    | 2            | Critical                 | E           | 1,230 | 1,024            | 1.7%        | 1,059           | C                      | No                     | 8                  | 4.39%         | 36            | 1,103         | C   | No                  |
| Courland Blvd. to Project Entrance  | 4*           |                          | E           | 3,410 | 1,357            | 1.0%        | 1,384           | C                      | No                     | 20                 | 3.78%         | 86            | 1,490         | C   | No                  |
| Project Entrance to Ft. Smith Blvd. | 4*           |                          | E           | 3,410 | 1,129            | 1.0%        | 1,152           | C                      | No                     | 30                 | 5.89%         | 134           | 1,316         | C   | No                  |
| <b>Providence Blvd.</b>             |              |                          |             |       |                  |             |                 |                        |                        |                    |               |               |               |     |                     |
| Elkcam Blvd. to Ft. Smith Blvd.     | 2            | Near Critical            | E           | 1,020 | 865              | 1.0%        | 882             | D                      | No                     | 1                  | 0.10%         | 1             | 884           | D   | No                  |

March-15

Sources: GMB Engineers & Planners, Inc.  
 2012 FDOT Quality/LOS Handbook  
 2013 Volusia County Traffic Counts  
 FDOT Florida Traffic Online (2013)  
 Level of Service 2013 Critical / Near Critical State and County Roadways  
 CFRPM Model Volumes v5.1

**Notes:**

\* Funded for widening FY 13/14 (Volusia County Road Program, Impact Fee Zone 3 - Southwest Volusia)

Table 3  
**Fernanda Place**  
 2016 PM Peak Hour Roadway Analysis

| Roadway / Segment                   | No. of Lanes | Critical / Near Critical | Adopted LOS | MSV   | Existing PM Peak | Growth Rate | Background Traffic PM PK | Background Traffic LOS | Background Deficiency? | Background Project | YR 2016 Project Dist% | Project Trips | Total Traffic | LOS | Project Deficiency? |
|-------------------------------------|--------------|--------------------------|-------------|-------|------------------|-------------|--------------------------|------------------------|------------------------|--------------------|-----------------------|---------------|---------------|-----|---------------------|
| Howland Boulevard                   | 2            | Critical                 | E           | 1,230 | 1,379            | 1.7%        | 1,426                    | F                      | Yes                    | 10                 | 4.39%                 | 46            | 1,482         | F   | No                  |
| Providence Blvd. to Elkcam Blvd.    | 4*           |                          | E           | 3,410 | 1,071            | 1.0%        | 1,092                    | C                      | No                     | 25                 | 3.78%                 | 111           | 1,228         | C   | No                  |
| Courtland Blvd. to Project Entrance | 4*           |                          | E           | 3,410 | 1,140            | 1.0%        | 1,163                    | C                      | No                     | 39                 | 5.89%                 | 172           | 1,374         | C   | No                  |
| Project Entrance to Ft. Smith Blvd. |              |                          |             |       |                  |             |                          |                        |                        |                    |                       |               |               |     |                     |
| Providence Blvd.                    |              |                          |             |       |                  |             |                          |                        |                        |                    |                       |               |               |     |                     |
| Elkcam Blvd. to Ft. Smith Blvd.     | 2            | Near Critical            | E           | 1,020 | 1,189            | 1.0%        | 1,213                    | F                      | Yes                    | 1                  | 0.10%                 | 1             | 1,215         | F   | No                  |

March-15

Sources: GMB Engineers & Planners, Inc.  
 2012 FDOT Quality/LOS Handbook  
 2013 Volusia County Traffic Counts  
 FDOT Florida Traffic Online (2013)  
 Level of Service 2013 Critical / Near Critical State and County Roadways

Notes:  
 \* Funded for widening FY 13/14 (Volusia County Road Program, Impact Fee Zone 3 - Southwest Volusia)



# Volusia County Road Program

## 5 Year Schedule FY 13/14 - FY 17/18 Year Costs in (\$1,000)

| IMPACT FEE ZONE 3 - Southwest Volusia |   |        |  |          |  |      |                          |     |                     |          |                 |        |                           |     |  |          |                                |     |                            |      |   |
|---------------------------------------|---|--------|--|----------|--|------|--------------------------|-----|---------------------|----------|-----------------|--------|---------------------------|-----|--|----------|--------------------------------|-----|----------------------------|------|---|
| Project                               | Section                                       | Fund   | Scope  | FY 13/14 |  |      | FY 14/15                 |     |                     | FY 15/16 |                 |        | FY 16/17                  |     |  | FY 17/18 |                                |     |                            |      |   |
|                                       |   |        |  | ENG      | R/W  | CON  | ENG                      | R/W | CON                 | ENG      | R/W             | CON    | ENG                       | R/W | CON                                    | ENG      | R/W                            | CON |                            |      |   |
| Doyle Road                            | Courtland Blvd to SR415                       | LAP    | Paved Shoulders                                |          |  |      |                          |     | 1113                |          |                 |        |                           |     |  |          |                                |     |                            |      |   |
| Howland Blvd Widening                 | Courtland Blvd to N of SR415                  | BOND   | 4 LN   |          |  | 4236 |                          |     |                     |          |                 |        |                           |     |  |          |                                |     |                            |      |   |
| "                                     | "   | TRIP   | "  |          |  | 5879 |                          |     |                     |          |                 |        |                           |     |  |          |                                |     |                            |      |   |
| "                                     | 3 Laning of Ft Smith east & west of Howland   | CITY   | "  |          |  | 540  |                          |     |                     |          |                 |        |                           |     |  |          |                                |     |                            |      |   |
| Debt Service for Bonds                |   | IMPACT |  |          |  | 300  |                          |     | 300                 |          |                 |        |                           |     |  | 300      |                                |     |                            |      |   |
| Debt Service for Bonds                |   | LOGT   |  |          |  | 1608 |                          |     | 1608                |          |                 |        |                           |     |  | 1608     |                                |     |                            |      |   |
| IMPACT FEE ZONE 4 - Northwest Volusia |   |        |  |          |  |      |                          |     |                     |          |                 |        |                           |     |  |          |                                |     |                            |      |   |
| Project                               | Section                                       | Fund   | Scope  | FY 13/14 |  |      | FY 14/15                 |     |                     | FY 15/16 |                 |        | FY 16/17                  |     |  | FY 17/18 |                                |     |                            |      |   |
|                                       |   |        |  | ENG      | R/W  | CON  | ENG                      | R/W | CON                 | ENG      | R/W             | CON    | ENG                       | R/W | CON                                    | ENG      | R/W                            | CON |                            |      |   |
| Kepler Rd at SR44                     | Kepler N 1000/SR44 E to Lk Winnemissett       | IMPACT | Intersection                                   | 400      | 2000   |      |                          |     | 2979                |          |                 |        |                           |     |  |          |                                |     |                            |      |   |
| Orange Camp Rd Widening               | MLK Blvd to W of I-4 incl frontage rd stubout | CIGP   | 4 LN   |          |  | 774  |                          |     | 821                 |          |                 |        |                           |     |  |          |                                |     |                            |      |   |
| "                                     | "   | BOND   | "  | 350      |  |      |                          |     | 420                 |          |                 |        |                           |     |  |          |                                |     |                            |      |   |
| Debt Service for Bonds                |   | IMPACT |  |          |  | 392  |                          |     | 392                 |          |                 |        |                           |     |  | 392      |                                |     |                            |      |   |
| Legend:                               |   |        |  |          |  |      |                          |     |                     |          |                 |        |                           |     |  |          |                                |     |                            |      |   |
| BOND                                  | - Bond Funding                                | CBIR   | - Community Budget Issue Request (State Grant) | CIGP     | - County Incentive Grant Program (State Grant) | CITY | - Cost sharing with City | DEV | - Developer Funding | FED      | - Federal Grant | IMPACT | - Road Impact Fee Funding | LAP | - Local Agency Program (Federal Grant) | LOGT     | - Local Option Gas Tax Funding | ONE | - One Cent Gas Tax Funding | TRIP | - Transportation Regional Incentive Program (State Grant) |

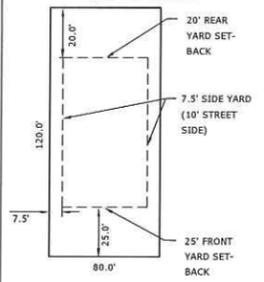
**SOIL TYPES**

- 4 ASTATULA FINE SAND
- 17 DAYTONA SAND
- 29 IHMOKALEE SAND
- 32 HYAKKA - HYAKKA WET FINE SAND
- 34 HYAKKA - ST JOHNS COMPLEX
- 54 QUARTZIPSAMMENTS
- 56 SANSULA MUCK
- 63 TAVARES FINE SAND

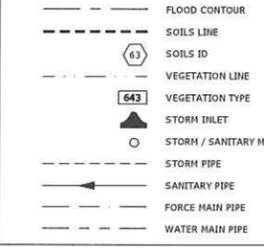
**VEGETATIVE TYPES**

- 330 MIXED RANGELAND
- 411 PINE FLATWOOD
- 410 OTHER PINE / SPECIAL
- 432 SCRUB OAK
- 621 CYPRESS SWAMP
- 624 CYPRESS / PINE / CABBAGE PALM
- 643 WET PRAIRIE

**TYPICAL LOT LAYOUT**



**LEGEND**



**LAND USE DATA**

- Parcel ID's: 30-18-32-00-00-0050, 30-18-32-00-00-0020
- Current Site Zoning: A-1 (C) (Parcel 0050) RPUD (Parcel 0020)
- Proposed Zoning: RPUD
- Site Contains: 142.2 acres (6,192,445.67 s.f.) Vacant/Agricultural/Residential Single Family Residential
- Existing Use:
- Proposed Use:
- Total Number of Proposed Units: 227
- Building Setbacks:
  - Front: 25'
  - Side: 7.5'
  - Rear: 20'
- Minimum Lot Size: 9,600s.f.
- Minimum Lot Width: 80'
- Minimum Lot Depth: 120'
- Maximum Building Height: 2 Stories and 35' Height
- Density:
  - Developable area: 142.2 ac.
  - Dwelling Units: 227
  - Gross Density: 1.6 DU/AC
  - Net Developable Area: 119.6 ac. (Less wetlands 22.53 ac)
  - Net Density: 1.89 DU/AC
- Stormwater Retention: 12.2 ac
- Utility Providers:
  - Potable water: City of Deltona
  - Wastewater/Reclaim: City of Deltona
  - Electric: Florida Power & Light
  - Fire Protection: City of Deltona
- Subject property lies within Zone A, area with no base flood determined according to the national flood insurance program rate map, community panel number 12127C06453, dated February 19, 2014.
- Open Space: 25% Required
  - Total Site Area: 142.2 ac
  - 25% Required: 35.6 ac
  - Open Space Provided: 59.3 ac

**AREA CALCULATIONS**

|                      |             |
|----------------------|-------------|
| TOTAL AREA:          | 142.2 ACRES |
| R/W AREA:            | 15.6 ACRES  |
| LOTS AREA:           | 55.1 ACRES  |
| RETENTION:           | 12.2 ACRES  |
| WETLAND:             | 22.3 ACRES  |
| CONSERVATION BUFFER: | 6.9 ACRES   |
| OPEN SPACE:          | 30.1 ACRES  |

COUNTY ZONING: FR  
LU: FR  
GREGORY W & SUSAN S LE FILS  
30-18-32-00-00-0011

COUNTY ZONING: FR  
LU: FR  
LE FILS CORPORATION  
30-18-32-00-00-0010

CITY ZONING: A-1  
VOLUSIA COUNTY SCHOOL BOARD  
30-18-32-01-08-0010

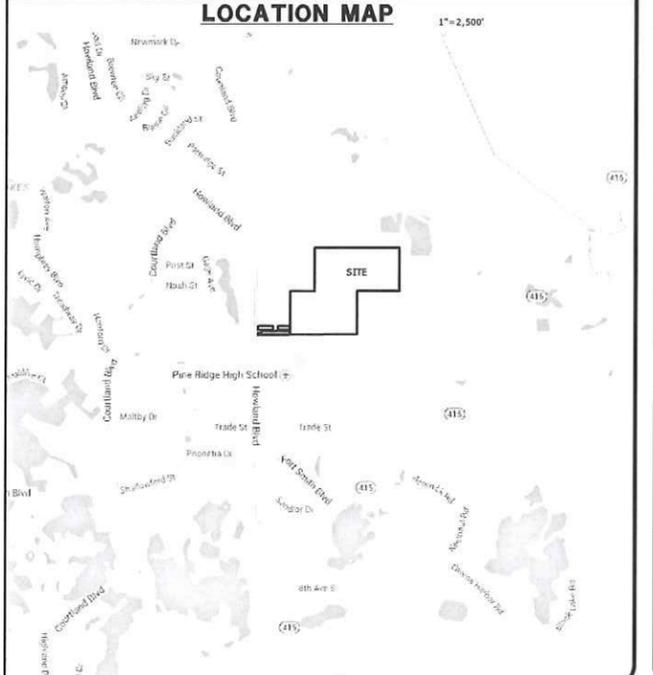
COUNTY ZONING: FR  
LU: FR  
LE FILS CORPORATION  
30-18-32-00-00-0030

OWNER:  
FERNANDA INVESTMENTS, LLC  
27 NORTH SUMMERLIN AVENUE  
ORLANDO, FLORIDA 32801  
407-649-9888

ENGINEER:  
EVANS ENGINEERING, INC.  
719 IRMA AVENUE  
ORLANDO, FLORIDA 32803  
407-872-1515

SURVEYOR:  
ALLEN & COMPANY  
16 EAST PLANT STREET  
WINTER GARDEN, FLORIDA 34787  
407-654-5355

**LEGAL DESCRIPTION**  
The South 1/2 of Government Lot 4 except that portion platted in D.M. Jarvis' First Addition to Osteen, Florida, Map Book 21, Pages 114 through 116, Public Records of Volusia County, Florida (being the West 31 acres of the South 1/2 of Government Lot 4), and all of Government Lot 5 and the North 1/2 of Government Lot 6, all lying in Section 30, Township 18 South, Range 32 East, Volusia County, Florida.



CITY ZONING: A  
LU: PUBLIC / SEMI-PUBLIC / CONSERVATION  
VOLUSIA COUNTY SCHOOL BOARD  
31-18-32-00-00-0050

CITY ZONING: A  
LU: LDR  
MARK RAPP  
31-18-32-00-00-0020

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

REVISIONS

NO. 46588

STATE OF FLORIDA

PROFESSIONAL ENGINEER

DAVID L. EVANS, P.E.

**EVANS ENGINEERING, INC.**

LAND PLANNING PLANNING SERVICES

719 IRMA AVENUE 32803  
ORLANDO, FLORIDA 32803  
(407) 872-1515  
WWW.EVANSENGINEERING.COM

CERTIFICATE OF AUTHORIZATION NO. 00000000

**PINDER PLACE**

FOR

**FERNANDA INVESTMENTS, LLC**

CITY OF DELTONA FLORIDA

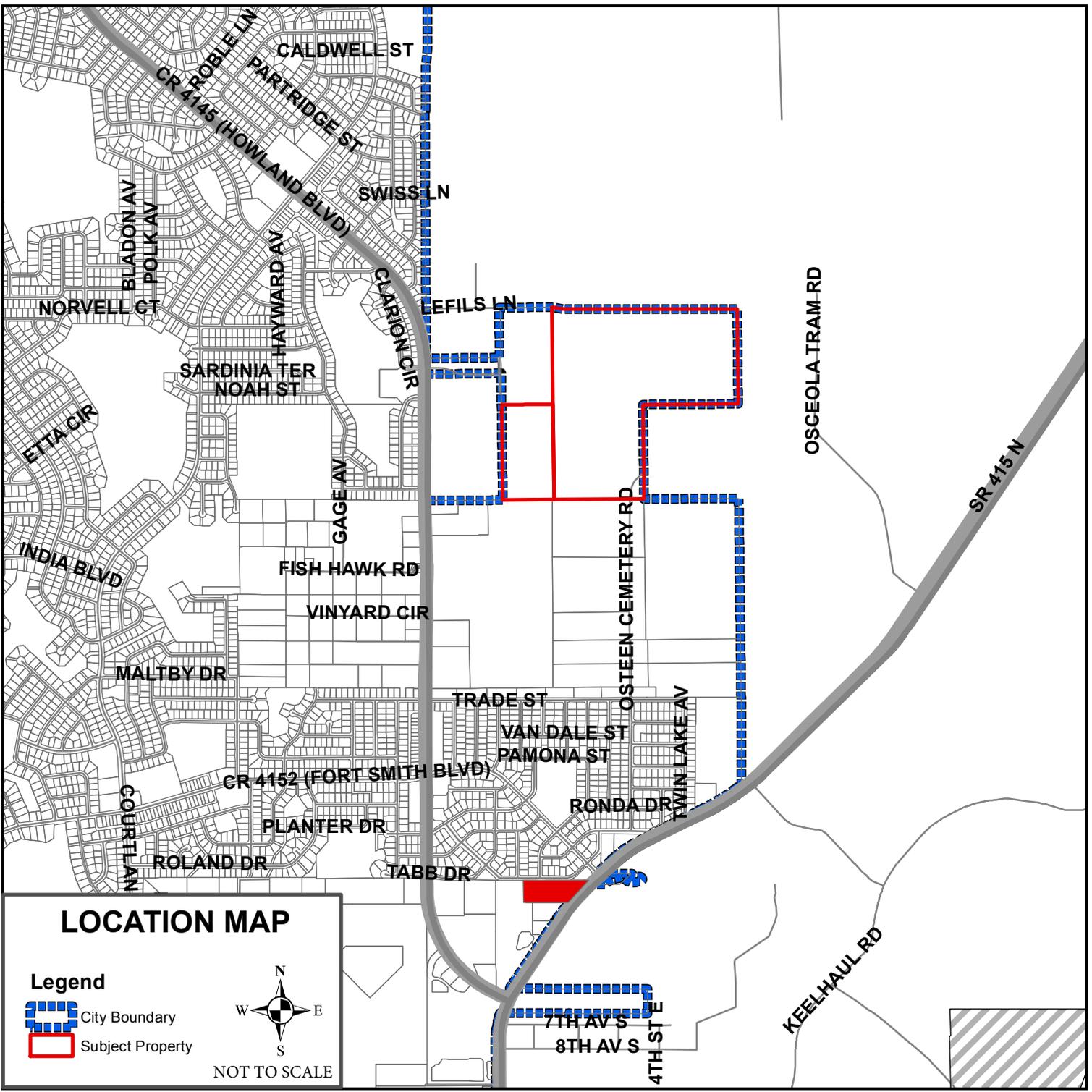
**LAND USE PLAN**

**SITE PLAN**

DRAWN: TV  
CHECKED: DLE  
DATE: MARCH 2015  
SCALE: 1"=150'  
JOB #: 24802  
SHEET #:

**1.0**

A:\2015\24802 - Pinder Place\Drawings\Plan\24802\_Pinder.dwg (dwg) Plotted on: Mar 05, 2015 - 1:20:29m by User



# LOCATION MAP

## Legend

-  City Boundary
-  Subject Property



NOT TO SCALE

CALDWELL ST

PARTRIDGE ST

SWISS LN

CR 4145 (HOWLAND BLVD)

BLADON AV  
POLK AV

HAYWARD AV

CLARION CIR

TEFELS LN

NORVELL CT

SARDINIA TER  
NOAH ST

ETTA CIR

OSCEOLA TRAM RD

SR 415 N

GAGE AV

INDIA BLVD

FISH HAWK RD

VINYARD CIR

MALTBY DR

TRADE ST

OSTEEN CEMETERY RD

VAN DALE ST

PAMONA ST

CR 4152 (FORT SMITH BLVD)

RONDA DR

TWIN LAKE AV

COURT LN

PLANTER DR

ROLAND DR

TABB DR

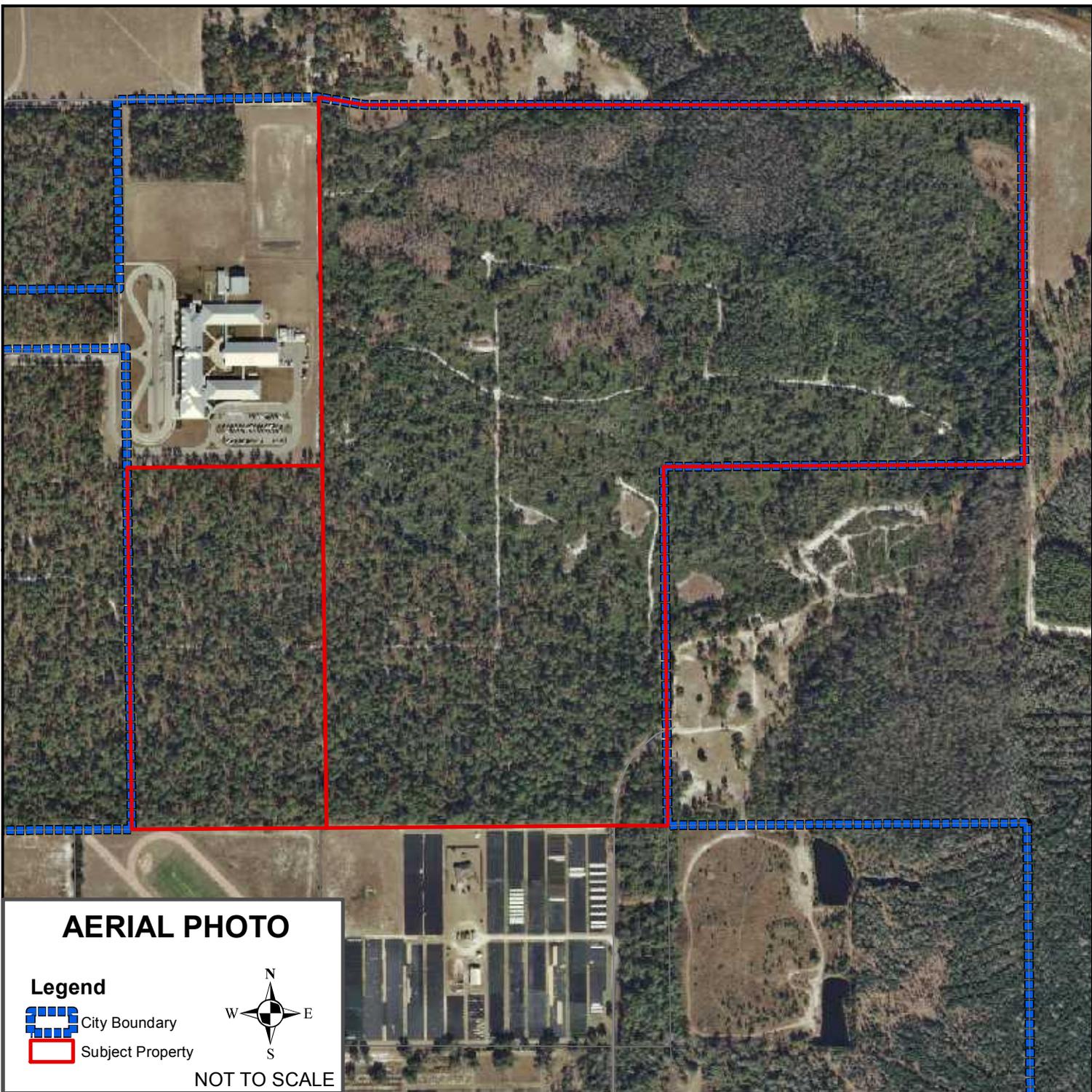
KEELHAUL RD

7TH AV S

8TH AV S

4TH ST E





# AERIAL PHOTO

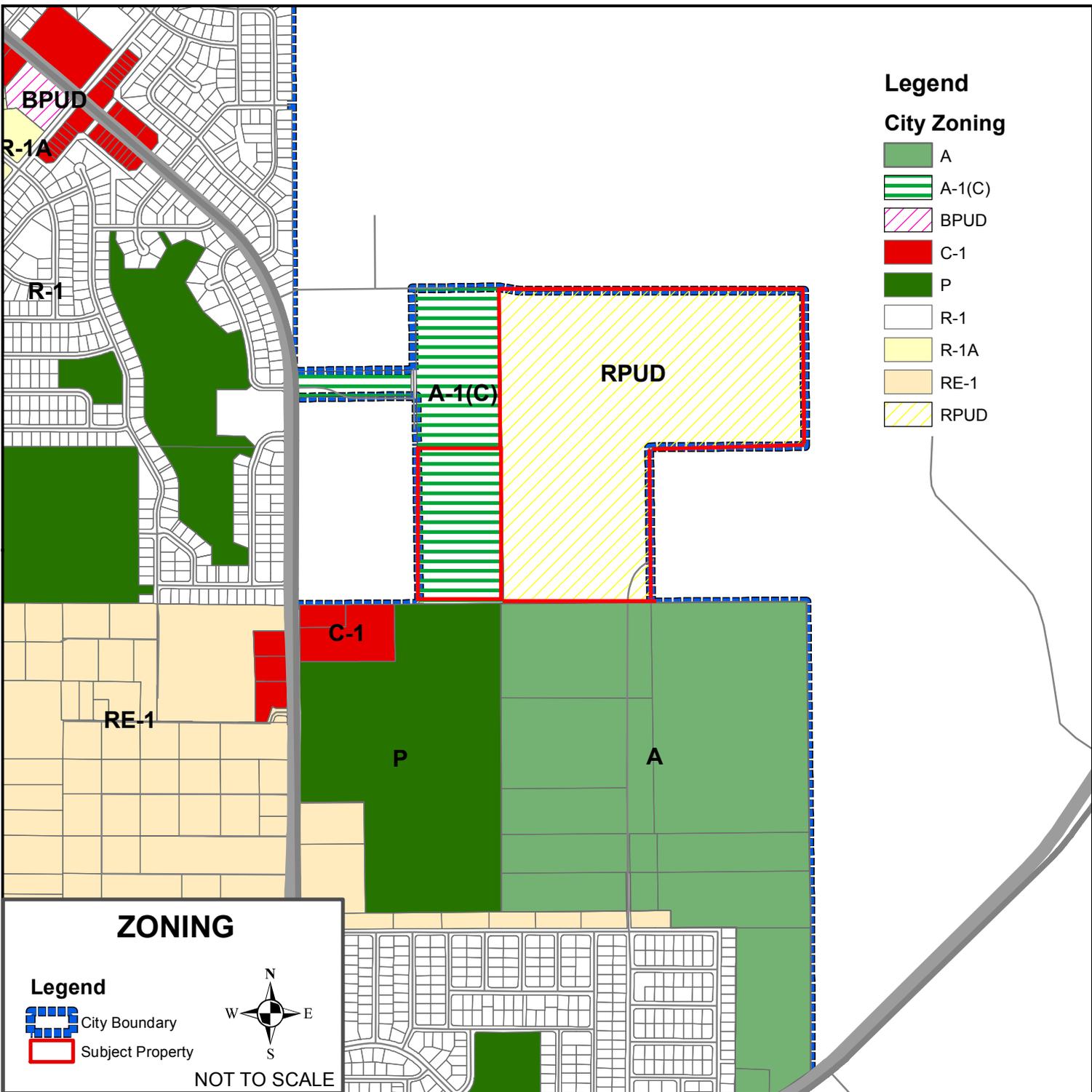
## Legend

 City Boundary

 Subject Property



NOT TO SCALE



**Legend**  
**City Zoning**

-  A
-  A-1(C)
-  BPUD
-  C-1
-  P
-  R-1
-  R-1A
-  RE-1
-  RPUD

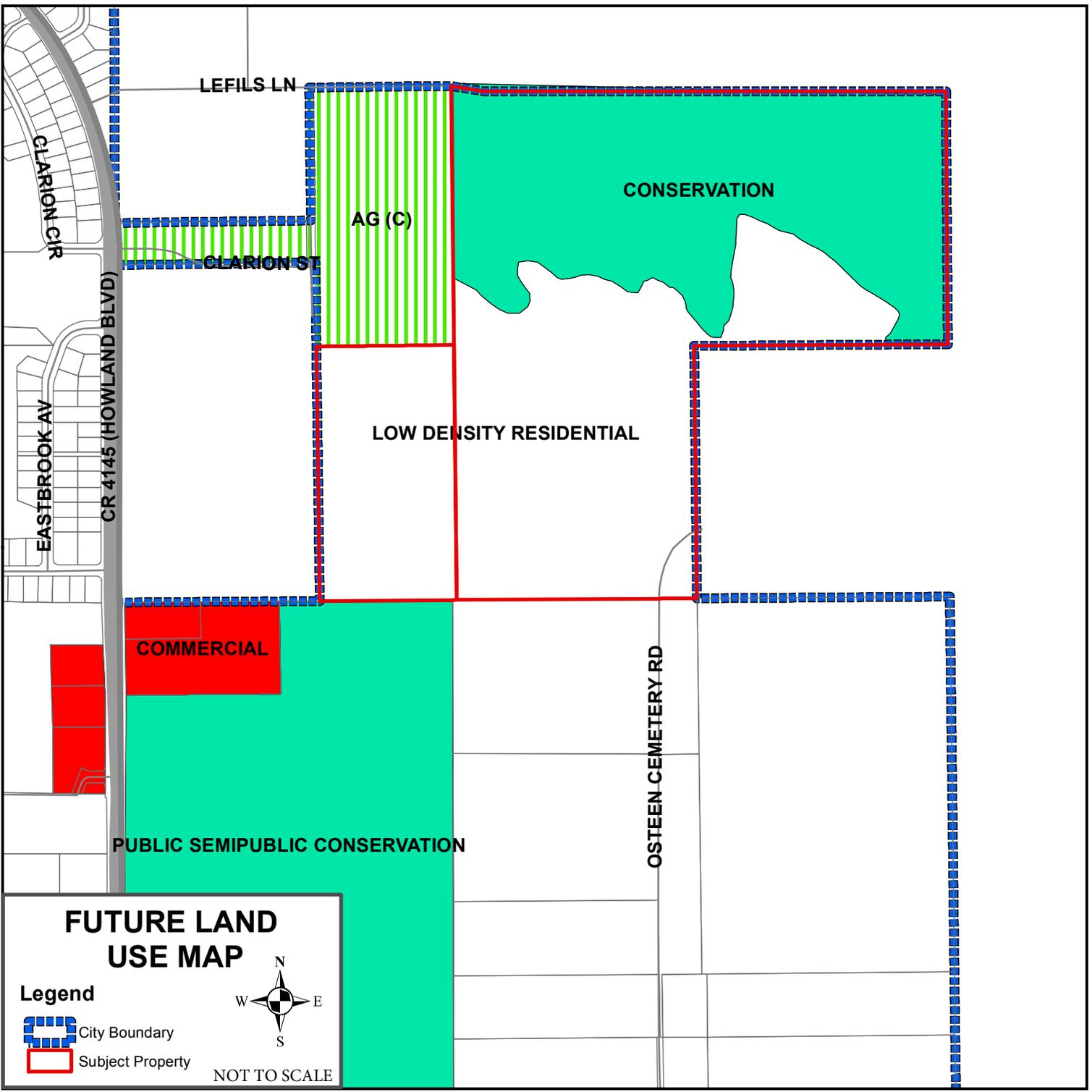
**ZONING**

**Legend**

-  City Boundary
-  Subject Property

  
 W    N    E  
       S

**NOT TO SCALE**



LEFILS LN

CLARION CIR

CLARION ST

AG (C)

CONSERVATION

LOW DENSITY RESIDENTIAL

COMMERCIAL

PUBLIC SEMIPUBLIC CONSERVATION

OSTEEN CEMETERY RD

CR 4145 (HOWLAND BLVD)

EASTBROOK AV

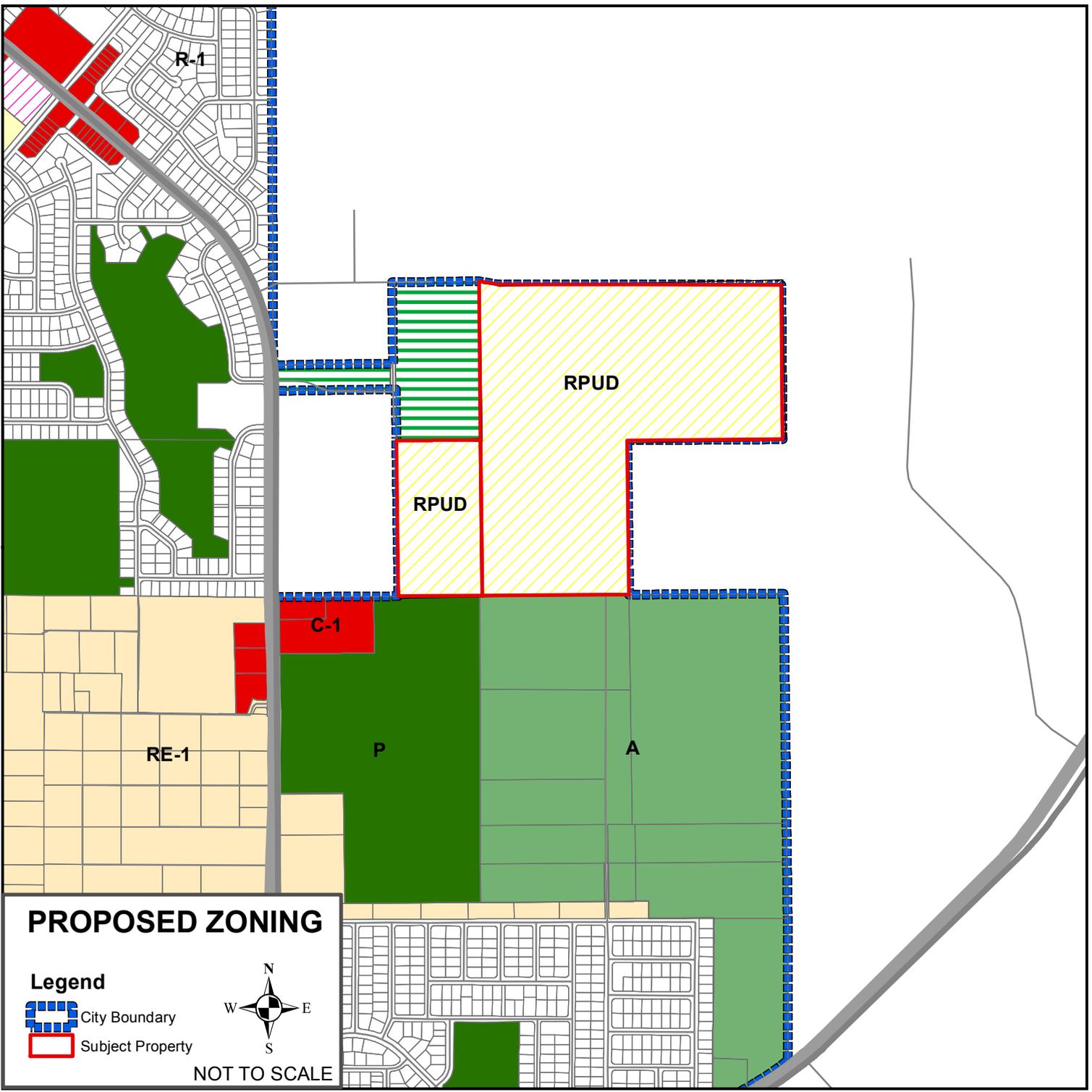
# FUTURE LAND USE MAP

## Legend

-  City Boundary
-  Subject Property



NOT TO SCALE



R-1

RPUD

RPUD

C-1

RE-1

P

A

# PROPOSED ZONING

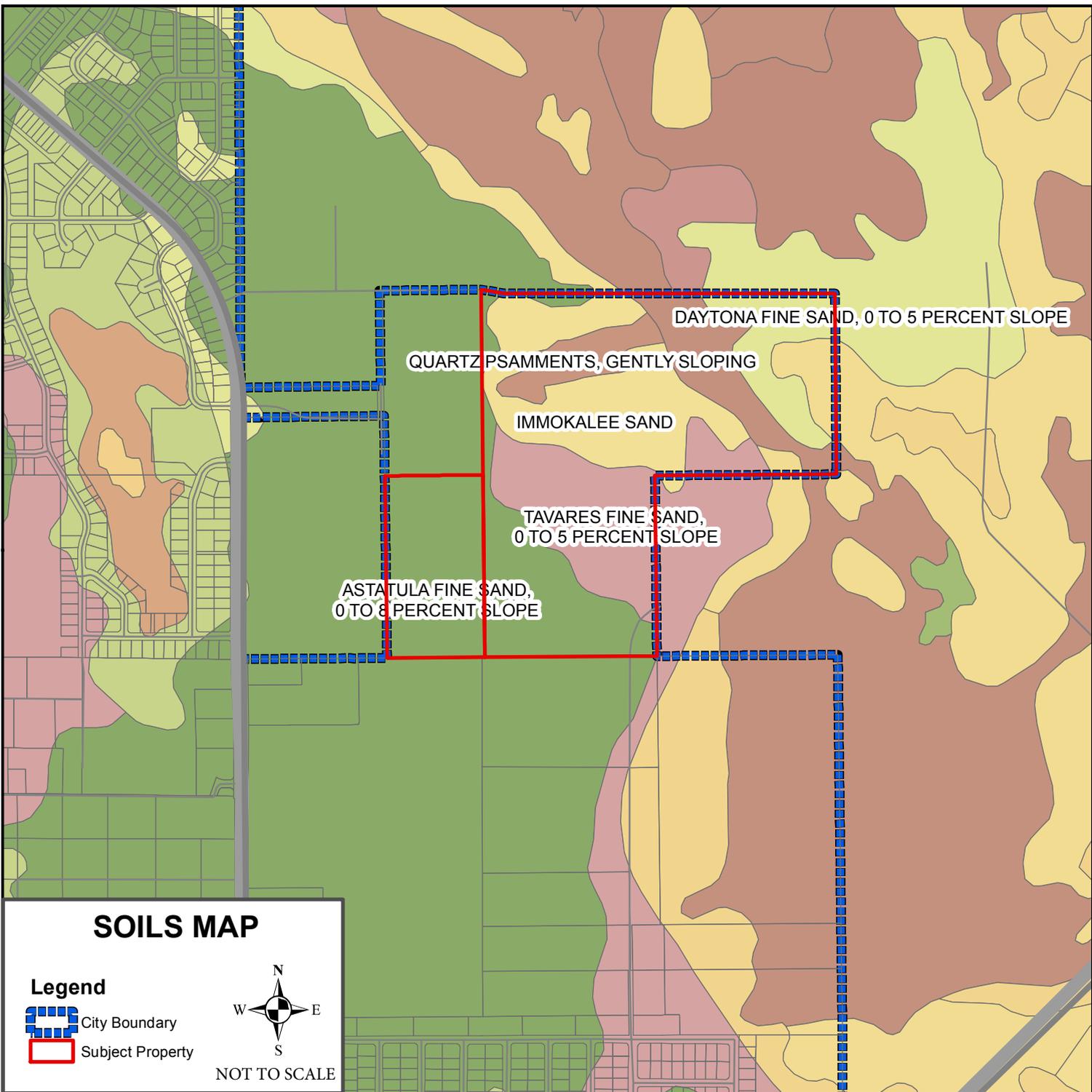
## Legend

 City Boundary

 Subject Property



NOT TO SCALE



DAYTONA FINE SAND, 0 TO 5 PERCENT SLOPE

QUARTZ PSAMMENTS, GENTLY SLOPING

IMMOKALEE SAND

TAVARES FINE SAND,  
0 TO 5 PERCENT SLOPE

ASTATULA FINE SAND,  
0 TO 8 PERCENT SLOPE

# SOILS MAP

## Legend

 City Boundary

 Subject Property



NOT TO SCALE