



# City of Deltona

**REGULAR CITY COMMISSION MEETING**  
**MONDAY, MARCH 17, 2014**  
**6:30 P.M.**

*Mayor*  
John Masiarczyk

*Vice Mayor*  
Heidi Herzberg  
*District 3*

*Commissioners:*

Zenaida Denizac  
*District 1*

Webster Barnaby  
*District 2*

Nancy Schleicher  
*District 4*

Fred Lowry  
*District 5*

Chris Nabicht  
*District 6*

*City Manager*  
William D. Denny

**DELTONA COMMISSION CHAMBERS**  
**2345 PROVIDENCE BLVD.**  
**DELTONA, FLORIDA**

---

**AGENDA**

- 1. CALL TO ORDER:**
- 2. ROLL CALL – CITY CLERK:**
- 3. INVOCATION AND PLEDGE TO THE FLAG:**
  - A. Invocation Presented by Commissioner Barnaby.**
- 4. APPROVAL OF MINUTES & AGENDA:**
  - A. Approval of Minutes - Regular City Commission Meeting of March 3, 2014.**
  - B. Additions or Deletions to Agenda.**
- 5. PRESENTATIONS/AWARDS/REPORT:**
  - A. Recognition to promote Deltona talent attendance at local shows and performances.**
  - B. Proclamation - Boys and Girls Club Week--March 23 through**

**March 29, 2014. Certificates of Recognition to Deanne James, Unit Director, Harris Saxon Club (Professional of the Year) and Shane Smith (Youth of the Year).**

- C. Annual Audit Presentation - Comprehensive Annual Financial Report for the Year Ended September 30, 2013.**

- 6. PUBLIC FORUM - Citizen comments for any items.  
(4 minute maximum length)**

**CONSENT AGENDA:** All items marked with an ✱ will be considered by one motion unless removed from the Consent Agenda by a member of the City Commission.

- 7. CONSENT AGENDA:**

- 8. ORDINANCES AND PUBLIC HEARINGS:**

- A. Public Hearing - Ordinance No. 02-2014, Zoning Map Amendment to change the Zoning Designation from Mixed Planned Unit Development (MPUD) for three lots to the Saxon Sterling Silver Business Planned Unit Development (BPUD).**
- B. Public Hearing - Resolution No. 2014-02, declaring certain real property of the City of Deltona as surplus and authorizing the sale or disposal of such property.**

- 9. OLD BUSINESS:**

- 10. NEW BUSINESS:**

- A. Consideration of request from THR Florida LP for a reduction of fine from \$37,100.00 assessed pursuant to Special Magistrate Case DEL-13-088 and DEL-13-090.**
- B. Request for the abandonment of two easements on SR 415.**
- C. Request for appointment of a City representative to the Tourist Development Council (TDC) for a four year term and the appointment of an alternate City representative.**
- D. Consideration of appointment or re-appointment of four (4) members to the City's Planning and Zoning Board.**

- 11. CITY ATTORNEY COMMENTS:**

- 12. CITY MANAGER COMMENTS:**

**A. Lobbyist Update.**

**13. CITY COMMISSION COMMENTS:**

**14. ADJOURNMENT:**

**NOTE:** If any person decides to appeal any decision made by the City Commission 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.



## AGENDA MEMO

**TO:** Mayor & City Commission                      **AGENDA DATE:** 3/17/2014  
**FROM:** William D. Denny, City Manager              **AGENDA ITEM:** 3 - A  
**SUBJECT:** Invocation Presented by Commissioner Barnaby.

---

<b>LOCATION:</b>	N/A
<b>BACKGROUND:</b>	At the Regular City Commission Meeting on Monday, October 17, 2011, the City Commission approved to have each Commissioner by District schedule someone to present the invocation at each Regular City Commission meeting rotating each Commissioner by District starting with District #1, #2, #3, #4, #5, #6 and the Mayor.
<b>ORIGINATING DEPARTMENT:</b>	City Clerk's Office
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	City Clerk
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	N/A - Invocation Only.
<b>POTENTIAL MOTION:</b>	N/A - Invocation Only.
<b>AGENDA ITEM APPROVED BY:</b>	<hr/> William D. Denny, City Manager



## AGENDA MEMO

**TO:** Mayor & City Commission                      **AGENDA DATE:** 3/17/2014  
**FROM:** William D. Denny, City Manager            **AGENDA ITEM:** 4 - A  
**SUBJECT:** Approval of Minutes - Regular City Commission Meeting of March 3, 2014.

---

<b>LOCATION:</b>	N/A
<b>BACKGROUND:</b>	N/A
<b>ORIGINATING DEPARTMENT:</b>	City Clerk's Office
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	City Clerk
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	City Clerk Joyce Raftery - To approve the minutes of the Regular City Commission Meeting of March 3, 2014.
<b>POTENTIAL MOTION:</b>	"I move to approve the minutes of the Regular City Commission Meeting of March 3, 2014."
<b>AGENDA ITEM APPROVED BY:</b>	<hr/> William D. Denny, City Manager
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"><li>• Minutes of March 3, 2014</li></ul>

**CITY OF DELTONA, FLORIDA  
REGULAR CITY COMMISSION MEETING  
MONDAY, MARCH 3, 2014**

1 A Regular Meeting of the Deltona City Commission was held on Monday, March 3, 2014 at the City  
2 Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

3  
4 **1. CALL TO ORDER:**

5  
6 The meeting was called to order at 6:30 p.m. by Mayor Masiarczyk.

7  
8 **2. ROLL CALL:**

9			
10	Mayor	John Masiarczyk	Present
11	Vice Mayor	Heidi Herzberg	Present
12	Commissioner	Webster Barnaby	Absent (Excused)
13	Commissioner	Zenaida Denizac	Present
14	Commissioner	Fred Lowry	Present
15	Commissioner	Chris Nabicht	Present
16	Commissioner	Nancy Schleicher	Present
17	City Manager	Dave Denny	Present
18	City Attorney	Becky Vose	Present
19	City Clerk	Joyce Raftery	Present
20			

21 Also present: Public Works/Deltona Water Director Gerald Chancellor; Planning and Development  
22 Services Director Chris Bowley; Economic Development Manager Jerry Mayes; Deputy City  
23 Manager Dale Baker; and Acting Fire Chief Robert Rogers.

24  
25 **3. INVOCATION AND PLEDGE TO THE FLAG:**

26  
27 Invocation Presented by Vice Mayor Herzberg.

28  
29 The National Anthem was sung by the Timbercrest Tiger Choir.

30  
31 **4. APPROVAL OF MINUTES & AGENDA:**

32  
33 **A. Minutes:**

34  
35 **1. Approval of Minutes – Regular City Commission Meeting of February 17, 2014.**

36  
37 **Motion by Vice Mayor Herzberg, seconded by Commissioner Schleicher to approve the minutes**  
38 **of the Regular City Commission Meeting of February 17, 2014.**

39  
40 **Motion carried unanimously with members voting as follows: Commissioner Denizac, For;**  
41 **Commissioner Lowry, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice**  
42 **Mayor Herzberg, For; and Mayor Masiarczyk, For.**

43  
44 **B. Additions or Deletions to Agenda:**

45  
46 **5. PRESENTATIONS/AWARDS/REPORTS:**

1 **A. Presentation – Super Star Student of the Month Certificates for February 2014.**

2  
 3 The Commission presented Super Star Students of the Month certificates for February, 2014.  
 4

5 **B. Presentation – Halifax Health presented by Rafael Ramirez, Market Development**  
 6 **Specialist.**

7  
 8 Mr. Rafael Ramirez, Halifax Health Market Development Specialist, gave a brief PowerPoint  
 9 presentation on Halifax Health's commitment to the communities in the West side of the county,  
 10 becoming a partner to its citizens, sponsoring events in Deltona, negotiating on three (3) tracks of land  
 11 in the Deltona area, and provided a general overview of Halifax Health's concept for these properties.  
 12

13 Commissioner Denizac thanked Mr. Ramirez for attending the meeting, that since 2005 she has been  
 14 advocating for a hospital in Deltona, the residents of Deltona on the East side definitely having health  
 15 needs, the economic development that comes with a hospital is a very positive thing for Deltona's  
 16 economy, the clinic at Howland Blvd. and S.R. 415 could have the potential to partner with Pine Ridge  
 17 High School, and maybe the two (2) colleges in Deltona (Bethune Cookman and Daytona State  
 18 College) to have a Health Academy in schools and the colleges, she sees Halifax Health coming to  
 19 Deltona as a very positive thing for the City, and she welcomed Halifax Health to Deltona.  
 20

21 **6. PUBLIC FORUM – Citizen comments for items not on the agenda.**

22  
 23 a) Larry DeMatteo, 2501 Barry Drive, commended Mr. Chancellor for his quick response to  
 24 resident's calls and emails concerning Public Works issues, he discussed the bus benches that were at  
 25 the front of City Hall and he asked why they were removed and when the benches would be put back.  
 26

27 Mayor Masiarczyk replied that the benches were removed for safety reasons due to the bench brackets  
 28 rusting away, and once parts were provided the benches would be put back in.  
 29

30 b) Daniel Dudley, 1089 Pearl Tree Road, thanked the Commission for their careful consideration  
 31 on the project on the corner of Saxon and Sterling Blvds. which involves Florida Fish Hospital, the  
 32 community welcomes the project with open arms, and he asked the Commission to be just as cautious  
 33 on the adjacent corners proposed project, and how to apply for the advertised openings on the Planning  
 34 and Zoning Board.  
 35

36 Mayor Masiarczyk stated that the issue Mr. Dudley is referring to is coming before the Commission at  
 37 an upcoming meeting, the Commission will be deciding on the issue as a quasi-judicial board, that  
 38 comments on the project can only be taken at the actual hearing, and he instructed Mr. Dudley to  
 39 provide staff with his contact information in order to provide him a board application.  
 40

41 c) Harvey Oretsky, 1671 Emerald Green Court, started to speak on the proposed project on the  
 42 corner of Sterling and Saxon Blvds, and he was informed that all comments concerning the project can  
 43 only be taken during the upcoming Commission hearing.  
 44

45 d) David Stautihar, 1201 Abagail Drive, stated that he is a disabled Vietnam Veteran with several  
 46 injuries and illnesses, he is a member of the Our Lady of the Lakes church, he finds it very  
 47 unprofessional and rude not to have his phone calls returned, he approached Commissioner Schleicher  
 48 about the empty lot on the side of his house and the vegetation coming over into his property, and he  
 49 asked if a fire permit was needed for a fire pit in his back yard.

1  
2 Mayor Masiarczyk asked staff to get Mr. Stautihar's contact information so someone can get back to  
3 him, and he suggested the Veterans Association may also provide assistance.

4  
5 Commissioner Denizac asked City Attorney Becky Vose to explain why the Commission could not  
6 address the concerns of Mr. Dudley and Mr. Oretski concerning the proposed project at the corner of  
7 Sterling and Saxon Blvds, and Mrs. Vose explained the quasi-judicial hearing procedures and Florida's  
8 case laws concerning any issues that come before the Commission at a quasi-judicial hearing.

9  
10 **7. CONSENT AGENDA:** None.

11  
12 **8. ORDINANCES AND PUBLIC HEARINGS:**

13  
14 **A. Ordinance No. 07-2014, amending the qualifying period; providing for the petitioning**  
15 **process; providing for the filling of required items; and providing for write-in candidates, at**  
16 **first reading and to schedule second and final reading.**

17  
18 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

19  
20 **Motion by Commissioner Schleicher, seconded by Commissioner Lowry to approve Ordinance**  
21 **No. 07-2014, amending the qualifying period; providing for the petitioning process; providing**  
22 **for the filling of required items; and providing for write-in candidates, at second and final**  
23 **reading.**

24  
25 City Attorney Becky Vose read the title of Ordinance No. 07-2014.

26  
27 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, RELATING TO CITY**  
28 **ELECTIONS; AMENDING THE QUALIFYING PERIOD; PROVIDING FOR THE**  
29 **PETITIONING PROCESS; PROVIDING FOR THE FILING OF REQUIRED ITEMS;**  
30 **PROVIDING FOR WRITE-IN CANDIDATES; PROVIDING FOR CONFLICTS,**  
31 **SEVERABILITY AND AN EFFECTIVE DATE.**

32  
33 **Motion carried unanimously with members voting as follows: Commissioner Denizac, For;**  
34 **Commissioner Lowry, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice**  
35 **Mayor Herzberg, For; and Mayor Masiarczyk, For.**

36  
37 Ordinance No. 07-2014 was adopted at 7:22 p.m.

38  
39 **9. OLD BUSINESS:** None.

40  
41 **10. NEW BUSINESS:**

42  
43 **A. Request for approval of Fiscal Year 2013/14 Community Development Block Grant**  
44 **(CDBG) and State Housing Initiatives Partnership (SHIP) Budget Amendment.**

45  
46 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

47  
48 **Motion by Vice Mayor Herzberg, seconded by Commissioner Nabicht to approve the proposed**  
49 **amendments to the CDBG and SHIP grant funds through the re-allocation of CDBG funds**  
50 **totaling \$119,689.00 and SHIP funds totaling \$75,331.00 from FY 2012-13 to FY 2013-14.**

1  
 2 **Motion carried unanimously with members voting as follows: Commissioner Denizac, For;**  
 3 **Commissioner Lowry, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice**  
 4 **Mayor Herzberg, For; and Mayor Masiarczyk, For.**

5  
 6 **B. Request for approval to execute Interlocal Agreement to Install Reclaimed Water**  
 7 **Systems Interconnects.**

8  
 9 Commissioner Denizac stated that she read the agreement between all of the entities, she has asked a  
 10 lot of questions, is satisfied with what is being presented to the Commission for approval, and she  
 11 asked staff to summarize for the public the need for the interlocal agreement since it is close to a  
 12 million dollar project, the reclaimed water system benefits to the residents, and when the City would  
 13 be able to have a surplus.

14  
 15 Public Works Director Gerald Chancellor discussed Deltona's portion of the system, what the  
 16 system will accomplish, rainfall patterns in the area, the timeline of the project, ways the system  
 17 will benefit residents in all West Volusia County cities participating in the interlocal agreement and  
 18 to Volusia County, and that due to permitting and project timelines it will be approximately 3 to 4  
 19 years before the City will have a surplus of reclaimed water.

20  
 21 Vice Mayor Herzberg stated that the Saint Johns River Water Management District (SJRWMD) was  
 22 contributing 40% of the project costs, and she asked where the location would be for the stored  
 23 reclaimed water, and Mr. Chancellor replied that the reclaimed water storage site would be at the  
 24 new Waste Water Treatment plant towards the South end of the 122 acre tract, and he also discussed  
 25 future plans for storm water and reclaimed water projects.

26  
 27 Commissioner Denizac stated that the 40% being funded by the SJRWMD was not just for Deltona's  
 28 portion, but for the cost of the entire project.

29  
 30 **Motion by Commissioner Denizac, seconded by Vice Mayor Herzberg to approve and execute**  
 31 **the Interlocal Agreement to Install Reclaimed Water Systems Interconnects with the City of**  
 32 **DeLand, City of Orange City and Volusia County at a cost of \$990,507.00.**

33  
 34 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

35  
 36 **Motion carried unanimously with members voting as follows: Commissioner Denizac, For;**  
 37 **Commissioner Lowry, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice**  
 38 **Mayor Herzberg, For; and Mayor Masiarczyk, For.**

39  
 40 **C. Request for approval to purchase Opticom GPS System Vehicle Equipment.**

41  
 42 Commissioner Nabicht stated that other communities in the county were using a similar type system  
 43 and he asked if the Opticom GPS system would be compatible, and Acting Fire Chief Rogers replied  
 44 "yes" that the Opticom system is a standardized, nationally used system.

45  
 46 The Commission and staff discussed the compatibility of the system across the county, various uses  
 47 of the system, the request being a little over what was budgeted, but other budgeted projects were  
 48 below what was budgeted, and the Opticom system was approved in the budget process.

1  
2 **Motion by Commissioner Nabicht, seconded by Commissioner Lowry to approve the award of**  
3 **Opticom GPS System vehicle equipment to Transportation Control Systems, an authorized**  
4 **dealer for Volusia County at a total cost not to exceed \$73,096.00.**

5  
6 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

7  
8 **Motion carried unanimously with members voting as follows: Commissioner Denizac, For;**  
9 **Commissioner Lowry, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice**  
10 **Mayor Herzberg, For; and Mayor Masiarczyk, For.**

11  
12 **11. CITY ATTORNEY COMMENTS:** None.

13  
14 **12. ACTING CITY MANAGER COMMENTS:**

15  
16 **A. Lobbyist Update:**

17  
18 Mr. Denny stated that it was a quiet week in Tallahassee and the official 2014 Legislative Session  
19 starts on Tuesday, March 4, 2014.

20  
21 **13. CITY COMMISSION COMMENTS:**

22  
23 a) Commissioner Denizac invited the Commission to attend her District 1 Town Hall meeting on  
24 Thursday, March 6, 2014, she stated that she is very excited about the positive things that are happening  
25 in economic development in Deltona, to include the streamlining of the permitting process, she ask her  
26 fellow Commissioners to support Senator Hukill's sponsorship of a Bill to get rid of the sales tax for  
27 commercial rentals because she feels it is something that the Commission should look into, and that it  
28 might help to expand business development in Deltona.

29  
30 The Commission and staff discussed the current commercial tax rate being 6.65%, the City Manager  
31 providing copies of the House and Senate Bill to the Commission, the proposed Bill suggests it be  
32 reduced to 4.65%, the tax being a revenue source for all of the cities in Florida, if it were reduced it  
33 would be \$11.4 million annually that municipalities would receive, so it would only be a benefit to the  
34 commercial side, and Deltona's Lobbyist is watching the issue for Deltona.

35  
36 Commissioner Denizac discussed the current health issues at Pine Ridge High School and she asked  
37 everyone to keep teachers, staff and students in their prayers.

38  
39 b) Commissioner Nabicht discussed attending the Transportation Planning Organizations (TPO)  
40 retreat, the purpose of the retreat, the TPO's 20 year plan, topics discussed at the retreat, and how the  
41 graphic presentation used during the facilitation of the retreat showed the close ties and correlation  
42 between economic development and transportation. He also discussed finding a way to start repairing  
43 and maintaining Deltona roads, the costs of total replacement compared to repairs, the increased rate in  
44 road deterioration as the economy improves, and during the next budget cycle needing to seriously  
45 address where road repair and maintenance funding will come from.

46  
47 c) Commissioner Schleicher stated that she was glad to see Commissioner Lowry up and around  
48 again, that she would not be able to attend the upcoming Volusia Council of Governments (VCOG) and

1 Volusia League of Cities (VLC) joint meeting on Wednesday, and she hoped some of the other  
 2 Commissioners would attend to hear what was happening, she would be attending Commissioner  
 3 Denizac's Town Hall meeting, and hoped to see Commissioners in attendance at Friday evenings  
 4 Shabbat Across America.

5  
 6 d) Commissioner Lowry discussed the Little League season kick off being Saturday, March 8,  
 7 2014, he attended Coach Mike Maples appreciation day at Trinity Christian Academy, he thanked the  
 8 Commission for helping him through his knee surgery, that even though he is running for County  
 9 Council he is still the District 5 Commissioner in Deltona, and that he was going to finish his term as  
 10 Commissioner.

11  
 12 Mayor Masiarczyk discussed the number of events coming up on Saturday and he asked  
 13 Commissioners to coordinate with Pauline in order to attend any of the events.

14  
 15 e) Vice Mayor Herzberg stated that Deltona's Wags N Whiskers Pet Fest was being held at the  
 16 Keysville Dog Park on Saturday, March 8, 2014, she will be attending the opening of Spirit  
 17 Elementary's "Blazing the Trail" 5K, the Boys and Girls Club had their banquet on Wednesday in  
 18 Daytona Beach, Deltona's Harris Saxon Club was the recipient of two (2) awards that evening and for  
 19 the second year in a row one of the club's members, Shane Smith received the Youth of the Year award.  
 20 She stated what a terrific job the Harris Saxon club does in helping Deltona's youth, that all of Deltona  
 21 should be as proud as she is of all that the organization does for Deltona's youth, and she thanked City  
 22 Manager Dave Denny and Code Enforcement Director Dale Baker for taking care of an animal control  
 23 incident in her District that has been out of control for many years.

24  
 25 f) Mayor Masiarczyk stated it was good to see Commissioner Lowry up and around after his knee  
 26 surgery, he asked the City Manager to look into the bus bench issue at City Hall, that the Boys and Girls  
 27 Club's accomplishments are just unbelievable, the club originally started in Deltona, it is great that the  
 28 club is still going, and the club's program produces great kids. He stated that he has had numerous calls  
 29 concerning the road construction on Saxon Blvd. in Orange City, an inspector informed him that the  
 30 construction area does not conform to current posting of a road under construction, that the area of  
 31 concern is not in Deltona, and he asked Mr. Denny to inquire with the County to make sure the  
 32 contractor is following, and is in compliance with road construction striping.

33  
 34 **14. ADJOURNMENT:**

35  
 36 There being no further business, the meeting adjourned at 7:52 p.m.

37  
 38  
 39  
 40  
 41 \_\_\_\_\_  
**John Masiarczyk Sr., Mayor**

42 **ATTEST:**

43  
 44  
 45 \_\_\_\_\_  
 46 **Mitch Honaker, Deputy City Clerk**



## AGENDA MEMO

**TO:** Mayor & City Commission                      **AGENDA DATE:** 3/17/2014  
**FROM:** William D. Denny, City Manager            **AGENDA ITEM:** 5 - A  
**SUBJECT:** Recognition to promote Deltona talent attendance at local shows and performances.

**LOCATION:**

N/A

**BACKGROUND:**

On February 21, 2014 Deltona High School held Annual Talent Show. Among the many talented acts, and the very first act was a young lady by the name of Kelsie Geertgens who sang an opera piece from "O Mio Bambino". Kelsie has never had a singing coach or even so much as a singing lesson but, she has an amazing voice, and won first place in Deltona High's Talent show.

She competed against twelve other acts, and was voted as first place winner by a panel of judges consisting of Mayor John Masiarczyk, Volusia County School Board District Five Representative Diane Smith, Deltona High School Principal Susan Freeman, and Heritage Middle School Principal Carolyn Carbonell.

There was a tie for 2nd Place between Olivia Williams and Kalina Santiago, and the 3rd Place Winner was Kaleigh Premo.

**ORIGINATING DEPARTMENT:**

City Clerk's Office

**SOURCE OF FUNDS:**

N/A

**COST:**

N/A

**REVIEWED BY:**

City Manager

**STAFF RECOMMENDATION PRESENTED BY:**

N/A - Presentation only.

**POTENTIAL**

**MOTION:**

N/A - Presentation Only.

**AGENDA ITEM  
APPROVED BY:**

---

William D. Denny, City Manager



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 3/17/2014  
**FROM:** William D. Denny, City Manager      **AGENDA ITEM:** 5 - B  
**SUBJECT:** Proclamation - Boys and Girls Club Week--March 23 through March 29, 2014.  
Certificates of Recognition to Deanne James, Unit Director, Harris Saxon Club  
(Professional of the Year) and Shane Smith (Youth of the Year).

**LOCATION:**

N/A

**BACKGROUND:**

The Boys and Girls Clubs of Volusia/Flagler Counties will celebrate March 23-29, 2014, as National Boys and Girls Club Week. This organization operates more than 4,000 Clubs and serves more than 3.9 million young people nationwide.

Certificate of Recognition to Deanne James, Unit Director, Harris Saxon Club, for achieving the Boys and Girls Clubs of Volusia/Flagler Counties' "Professional of the Year" award.

Certificate of Recognition to Shane Smith for achieving the Boys and Girls Clubs of Volusia/Flagler Counties' "Youth of the Year" award. Shane is a member of the Harris Saxon Club in Deltona.

**ORIGINATING  
DEPARTMENT:**

City Manager's Office

**SOURCE OF FUNDS:**

N/A

**COST:**

N/A

**REVIEWED BY:**

City Clerk

**STAFF  
RECOMMENDATION  
PRESENTED BY:**

N/A - Presentation Only.

**POTENTIAL  
MOTION:**

N/A - Presentation Only.

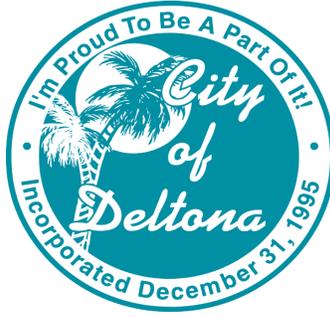
**AGENDA ITEM  
APPROVED BY:**

---

William D. Denny, City Manager

**ATTACHMENTS:**

- Boys and Girls Club Proclamation
- Certificates of Recognition



***WHEREAS**, March 23-29, 2014 is declared to be National Boys and Girls Club Week, and*

***WHEREAS**, the young people of Deltona are tomorrow's leaders; and*

***WHEREAS**, many such young people need professional youth services to help them reach their full potential; and*

***WHEREAS**, Boys & Girls Club organizations in Deltona helps ensure that our young people keep off the streets, offering them a safe and supportive place to go and providing them with quality programs; and*

***WHEREAS**, Boys & Girls Clubs of Volusia/Flagler Counties will celebrate National Boys & Girls Club Week 2014 along with 1,139 other Boys & Girls Clubs operating more than 4,000 Clubs and serving more than 3.9 million young people nationwide;*

***NOW THEREFORE**, We, the Mayor and City Commission of Deltona do hereby recognize March 23 through March 29, 2014, as*

## ***“Boys and Girls Club Week”***

***EXECUTED** this 17<sup>th</sup> day of March, 2014.*

*in the City of Deltona, and call on all citizens to join in recognizing and commending the Boys & Girls Club organization in Deltona for providing comprehensive, effective services to our young people.*

---

*John Masiarczyk, Mayor*

# *City of Deltona Certificate of Recognition*



*Presented to*

*Deanne James*

*In recognition of achieving Boys & Girls Clubs of Volusia/Flagler Counties'*

*"PROFESSIONAL of the YEAR" award.*

*March 17, 2014*

---

*John Masiarczyk, Mayor*

# *City of Deltona Certificate of Recognition*



*Presented to*

*Shane Smith*

*In recognition of achieving Boys & Girls Clubs of Volusia/Flagler Counties'*

*"YOUTH of the YEAR" award.*

*March 17, 2014*

---

*John Masiarczyk, Mayor*



## AGENDA MEMO

**TO:** Mayor & City Commission                      **AGENDA DATE:** 3/17/2014  
**FROM:** William D. Denny, City Manager            **AGENDA ITEM:** 5 - C  
**SUBJECT:** Annual Audit Presentation - Comprehensive Annual Financial Report for the  
Year Ended September 30, 2013.

---

<b>LOCATION:</b>	N/A
<b>BACKGROUND:</b>	The City's Auditors, Purvis Gray and Company, will make a presentation of the City's audit for the fiscal year ended September 3, 2013.  <b>NOTE: The audit document was previously distributed to the Commission. Please bring your copy of the Audit document to the meeting. The Auditors may make reference to it during the presentation.</b>
<b>ORIGINATING DEPARTMENT:</b>	Finance
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	Finance Director, City Manager
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	Finance Director Robert Clinger - That the City Commission accept the City of Deltona's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2013.
<b>POTENTIAL MOTION:</b>	"I move to accept the City of Deltona's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2013."
<b>AGENDA ITEM APPROVED BY:</b>	<hr/> William D. Denny, City Manager



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 3/17/2014

**FROM:** William D. Denny, City Manager      **AGENDA ITEM:** 8 - A

**SUBJECT:** Public Hearing - Ordinance No. 02-2014, Zoning Map Amendment to change the Zoning Designation from Mixed Planned Unit Development (MPUD) for three lots to the Saxon Sterling Silver Business Planned Unit Development (BPUD).

---

**LOCATION:**

Located along the north side of Saxon Boulevard, east and west of Sterling Silver Boulevard, and south of Alabaster Way.

**BACKGROUND:**

The subject property (site) has a long entitlement history within the City of Deltona. In 2005, the subject site was rezoned to Mixed Use Planned Unit Development (MPUD) and became known as the *Retirement Community at Sterling Park MPUD*. The MPUD rezoning was consistent with the *Commercial* future land use designation for the property. The mixed-use subdivision included four (4) lots and lot 3 was developed as the Sterling Court retirement facility. This age-targeted facility includes 118 multi-family residential units within a medium-rise building and one-story duplexes and triplexes to the east of that facility.

The *Development Agreement and Cross Access Easement* (DA) for the MPUD were executed in 2006 and prevail as the governing document that issued development rights for the land (see the attached DA and summary). The MPUD was also platted in 2006 that created legal lots of record for the four (4) lots, along with conditions of approval (see attached). A brief overview of the subject property is as follows:

**Lot 1:** Approved for commercial uses, which allows for office uses, with a 0.25 floor area ratio (FAR). The 0.25 FAR allows for more urban development at greater intensities. Land uses that generate high traffic volumes were precluded. A right-in/right-out access point was granted onto Saxon Boulevard. A screen wall and landscaping is required along the north and west property lines to mitigate impacts to adjacent low density residential land uses. There is a 15-ft.

wide Florida Power Corporation easement along the Saxon Boulevard frontage and a 1-ft. wide non-vehicular ingress and egress easement along the Saxon Boulevard and Sterling Silver Boulevard roadway frontages. There is also a utility easement at the northeast corner of the lot.

**Lot 3:** Is the retirement center and is not included in this BPUD rezoning application.

**Lots 2 and 4:** Approved for general office or medical office development. If developed with general office uses, then there is a 0.25 FAR cap. Medical office development is limited to a 0.12 FAR cap. There is a 15-ft. wide Florida Power Corporation easement along the Saxon Boulevard frontage and a 1-ft. wide non-vehicular ingress and egress easement along the Saxon Boulevard and Sterling Silver Boulevard roadway frontages. There is a 20-ft. wide easement dedicated to the Volusia County School Board along the south property line and, along the east property line of lot 4, there is a 24-ft. wide access and utility easement for access to a City lift station and to provide cross-access to the adjacent medical plaza to the south.

**Road B:** Was platted, then later vacated through Ordinance No. 02-2008. Tract A on the Final Plat was then dedicated to the public through a Special Warranty Deed and is now Alabaster Way. Ordinance No. 02-2008, also vacated Tract C (common area), and kept the 24-ft. wide access and utility easement for access along the east property line of lot 4.

**Tract B:** Is a 44-ft. wide ingress/egress/drainage and utility easement platted between lots 2 and 4.

**Other:** There were sidewalks and landscape medians required to be constructed by the Owner/Developer and maintained by a Property Owner Association (POA). There is an 8-ft. wide sidewalk along the south side of Alabaster Way, along the west side of Sterling Silver Boulevard, and a 5-ft. wide sidewalk along the frontage of Saxon Boulevard (required to be 8-ft. wide). There is a landscape median within the Sterling Silver Boulevard entryway with decorative site lighting, but it does not include landscaping and is not maintained (no POA established). There are pedestrian crosswalks delineated, as required in the DA, and striping needs to be completed. Turn lane arrows have also been added, as required. There is a signal warrant for a light that is required either at the intersection of Sterling Silver Boulevard and Saxon Boulevard or along Saxon Boulevard at another location.

The applicant proposes two options for this Master Development Plan (Options 1 and 2), as well as amendments to the previously approved DA. The major differences from

the 2006 approved MPUD are that lot 3 is not included within this rezoning application to BPUD (only the vacant lots 1, 2, and 4); lot 1 is proposed to have two development options – office or commercial use and lots 2 and 4 are proposed for intensive commercial uses. The "plan or exhibit" represents the preliminary plan for the MDP, as defined in the Land Development Code. The DA represents the written agreement of the MDP. Prior to final adoption of an MDP, the preliminary plan and written agreement shall be consistent to form the MDP. Any changes proposed to the preliminary plan and DA will be require consistency between the two.

Through these options, the applicant desires to keep commercial development rights and Option 1 grants the applicant the greatest development program flexibility. It permits commercial development on lots 2 and 4 and grants the applicant the ability to decide whether lot 1 is developed with retail commercial or office land uses (since office development is a permitted use within retail commercial zoning). Option 2 is a more limited development program. It also allows commercial development on lots 2 and 4, but limits lot 1 to office/medical use only.

As supported in the attached documentation and staff report, staff supports Option 2. Option 2 would locate intensive retail commercial land uses farther away from existing low density residential land uses, limit the intensity of the commercial use to be more compatible with the medium density residential use on lot 3, and reduces traffic on City roads. Staff supports limiting the intensity of commercial development from 0.25 FAR as is currently permitted on lot 1, to a 0.182 FAR on lots 2 and 4. Staff also recommends restricting the hours of operation for commercial uses to ensure more neighborhood compatibility with the lesser-intensive residential land uses in the area.

Due to the proposed development program in Options 1 and 2, as well as that already approved in the current DA, access management and tie-in to the existing transportation network is important for site function. As such, the applicant has submitted a Transportation Impact Analysis (TIA), which was reviewed by Volusia County and a peer review consultant (GMB). The applicant shall be required to incorporate the County and peer review consultant comments into their TIA.

Finally, the Planning and Zoning Board heard Ordinance No. 02-2014 at the February 19, 2014, public hearing and recommended that the City Commission deny the rezoning application. Following receipt of the GMB peer review comments, staff forwarded those comments to the applicant

on January 28, 2014, with a request to update the TIA. Staff also met with the applicant following the February 19, 2014, P&Z meeting, to ensure that their preliminary plan and Development Agreement issues from the P&Z meeting were addressed and that the MDP components will be consistent. As of the date of this report, those items have not been updated by the applicant for consistency. Therefore, staff recommends the item be continued (date-certain) to the April 7, 2014, City Commission public hearing until those items can be made consistent.

**ORIGINATING DEPARTMENT:**

Planning and Development Services

**SOURCE OF FUNDS:**

N/A

**COST:**

N/A

**REVIEWED BY:**

Planning Director, Finance Director, City Attorney

**STAFF RECOMMENDATION PRESENTED BY:**

Chris Bowley, AICP, Director, Planning and Development Services - Staff recommends that the Commission continue (date-certain) Ordinance No. 02-2014, a rezoning of the Saxon-Sterling Silver lots 1, 2, and 4 from MPUD to BPUD, to the April 7, 2014, City Commission public hearing.

**POTENTIAL MOTION:**

"I move to continue (date-certain) Ordinance No. 02-2014, a rezoning of the Saxon-Sterling Silver lots 1, 2, and 4 from MPUD to BPUD, to the April 7, 2014, City Commission public hearing."

**AGENDA ITEM APPROVED BY:**

---

William D. Denny, City Manager

**ATTACHMENTS:**

- Ordinance No. 02-2014
- Staff Report 030314
- Master Development Plan Option 1 P/Z Review
- Master Development Plan Option 1 Revised 030314
- Master Development Plan Option 2 Revised 030314
- Master Development Plan Option 2 P/Z Review
- GMB Peer Review Letter of the TIA 012714
- Volusia County Traffic Engineering Comments 120313
- Development Agreement P/Z Reviewed
- Summary of the 2006 Development Agreement

- Adopted 2006 Development Agreement
- Adopted 2006 Final Plat for MPUD

**ORDINANCE NO. 02-2014**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, REZONING LOTS 1, 2, AND 4 AND TRACTS "B" AND "C" AND ROAD "B" OF THE RETIREMENT COMMUNITY AT STERLING PARK MPUD SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 53, PAGES 59 AND 60 OF THE PUBLIC RECORD OF VOLUSIA COUNTY, FLORIDA, FROM MIXED USE PLANNED UNIT DEVELOPMENT TO BUSINESS PLANNED UNIT DEVELOPMENT, LOCATED ALONG SAXON BOULEVARD AT AND NORTH OF THE INTERSECTION OF STERLING SILVER AND SAXON BOULEVARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City has received an application to rezone lots 1, 2 and 4 and tracts "B" and "C" and road "B" of the Saxon Sterling Silver Mixed Use Planned Unit Development plat, to Business Planned Unit Development from Mixed Use Planned Unit Development;

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

**WHEREAS**, after said public hearing, the City Commission of the City of Deltona, Florida, has determined that the lots 1, 2, and 4 and tracts "B" and "C" and road "B" of the Retirement Community at Sterling Park MPUD plat will be rezoned to Business Planned Unit Development from Mixed Use Planned Unit Development and has further determined that the said zoning action is consistent with the Comprehensive Plan of the City of Deltona, Florida.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:**

City of Deltona, Florida  
 Ordinance No. 2-2014  
 Page 2 of 3

**SECTION 1.** Lots 1, 2, and 4 and tracts “B” and “C” and road “B” of the Retirement Community at Sterling Park MPUD plat as recorded in Map Book 53, Pages 59 and 60 of the public record of Volusia County, Florida, located in the City of Deltona, Florida, is hereby rezoned to Business Planned Unit Development.

**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 Land 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, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**SECTION 5.** Effective Date. This Ordinance shall become effective immediately upon its final passage and adoption.

**ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA,  
 FLORIDA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2014.**

City of Deltona, Florida  
Ordinance No. 2-2014  
Page 3 of 3

**FIRST READING:** \_\_\_\_\_

**ADVERTISED:** \_\_\_\_\_

**SECOND READING:** \_\_\_\_\_

**BY:** \_\_\_\_\_  
**JOHN C. MASIARCZYK, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JOYCE RAFTERY, CMC, CITY CLERK**

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

\_\_\_\_\_  
**GRETCHEN R. H. VOSE, CITY ATTORNEY**

# Memorandum

**To:** Planning and Zoning Board

**From:** Chris Bowley, AICP

**Date:** December 7, 2013

**Revised:** March 3, 2014

**Re:** Project No. RZ13-008: Amendment to the Official Zoning Map for the property known as Saxon-Sterling Silver, located at the intersection of Sterling Silver and Saxon Boulevards.

## I. SUMMARY OF APPLICATION:

APPLICANT: CPH, Inc.  
 Larry Wray, P.E.  
 500 W. Fulton Street  
 Sanford, FL 32771

**Request:** The City of Deltona has received an application from Deltona Group Investors, LLC, to rezone the subject property from MPUD to BPUD and amend the Master Development Plan (MDP) and Development Agreement (DA) (See Exhibit A).

### A. SITE INFORMATION:

1. **Tax Parcel No.:** 8130-78-00-0020, 8130-78-00-0040  
 8130-78-00-000B, 8130-78-00-0001  
 8130-78-00-0010, 8130-78-00-0003
2. **Property Addresses:** 1001 Alabaster Way.
3. **Property Acreage:** ±11.78 acres.
4. **Property Location:** Located at the northwest and northeast corners of the intersection of Saxon Blvd. and Sterling Silver Blvd.

- 5. **Property Legal Description:** Lot 1, 2, and 4 tracts "B", "C" and road "B", of the retirement community at Sterling Park MPUD, according to the plat thereof as recorded in Map Book 53, Pages 59 and 60 of the public records of Volusia County, Florida.

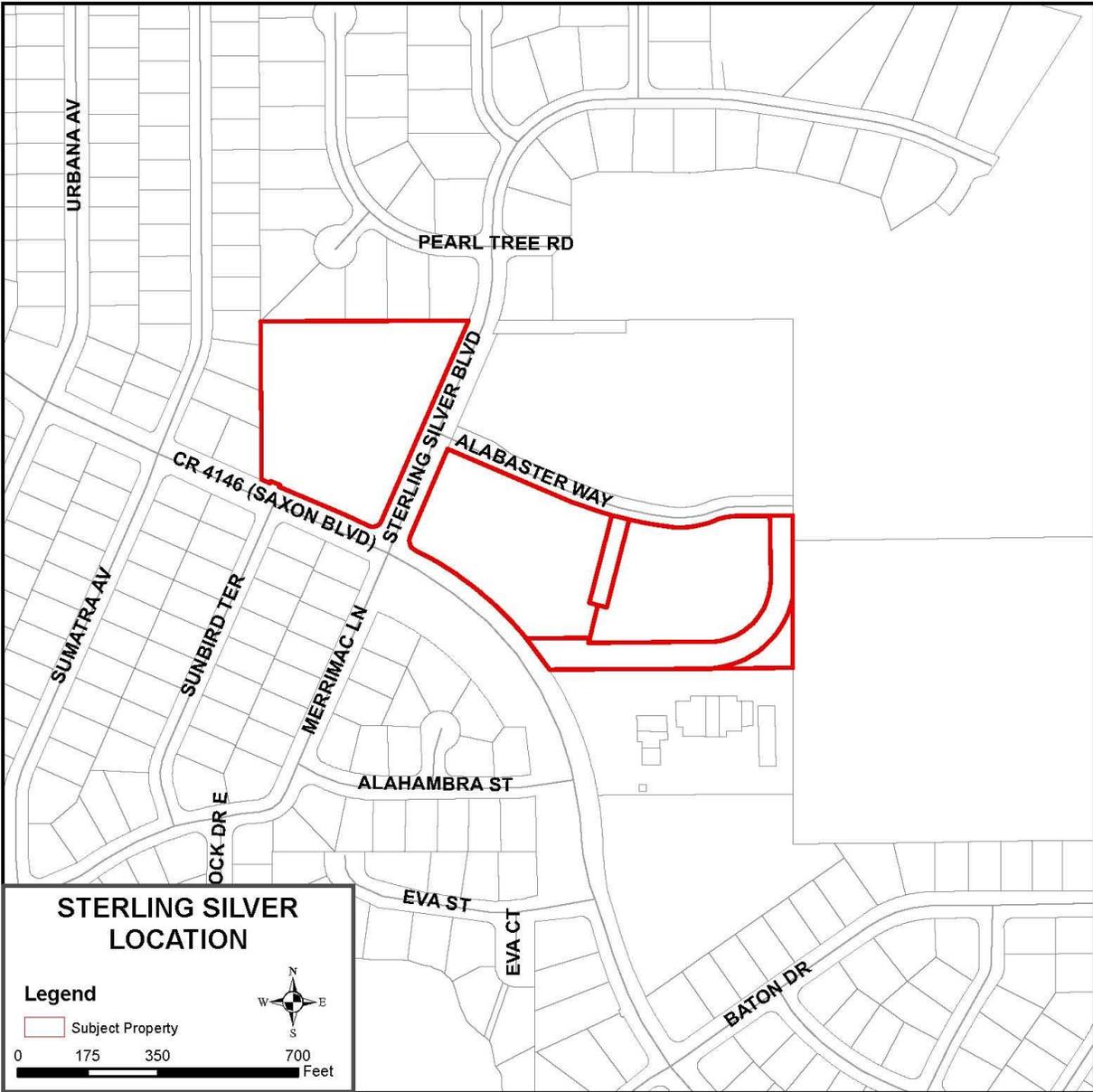
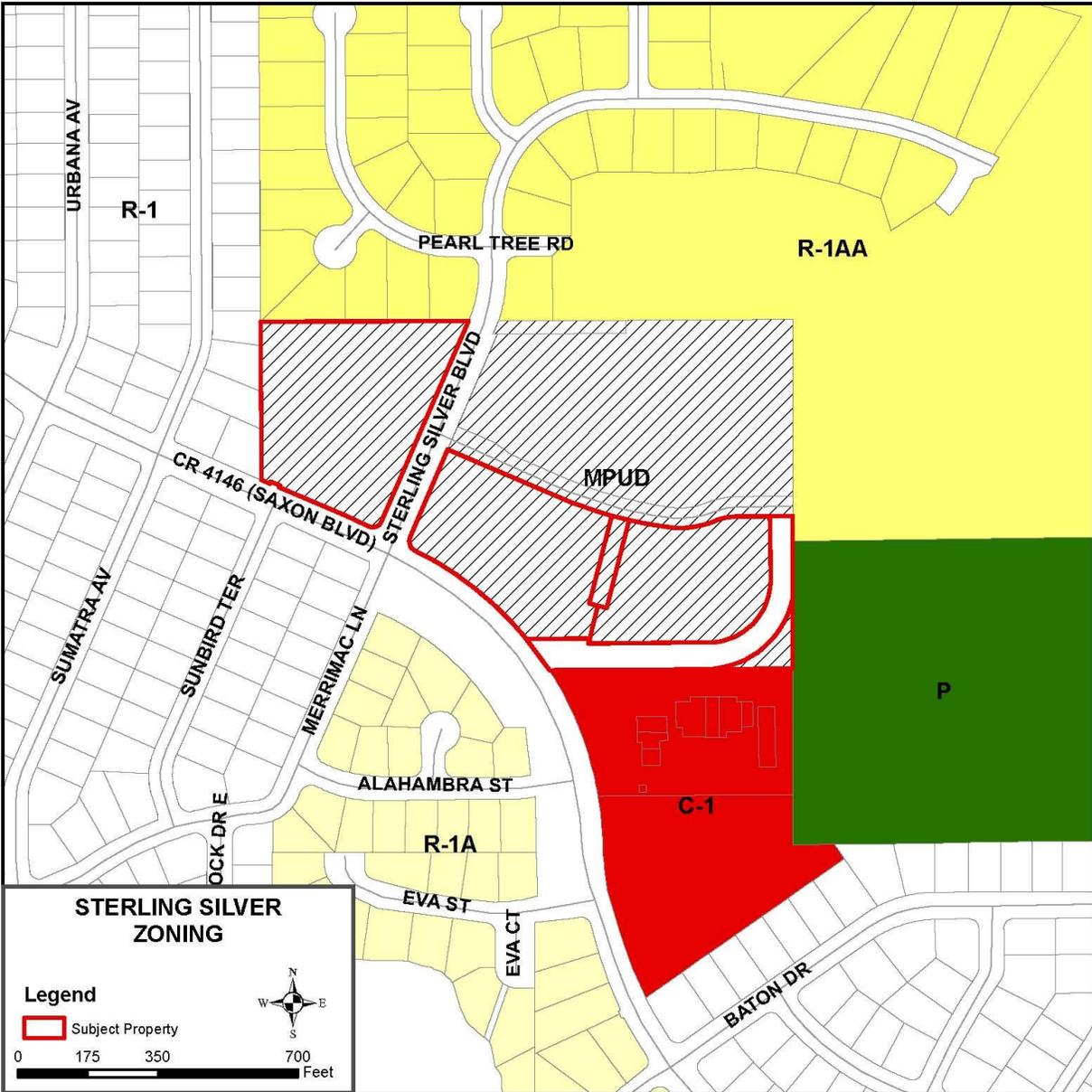


Figure 1: Location Map



Figure 2: Aerial Photo



**Figure 3: Existing Zoning**

**B. Existing Zoning:**

1. **Subject Property:**  
**Existing:** MPUD  
**Requested:** BPUD
  
2. **Adjacent Properties**  
**North:** MPUD and R-1AA  
**South:** C-1, R-1, and R-1A

East: Public (School) and R-1  
West: R-1

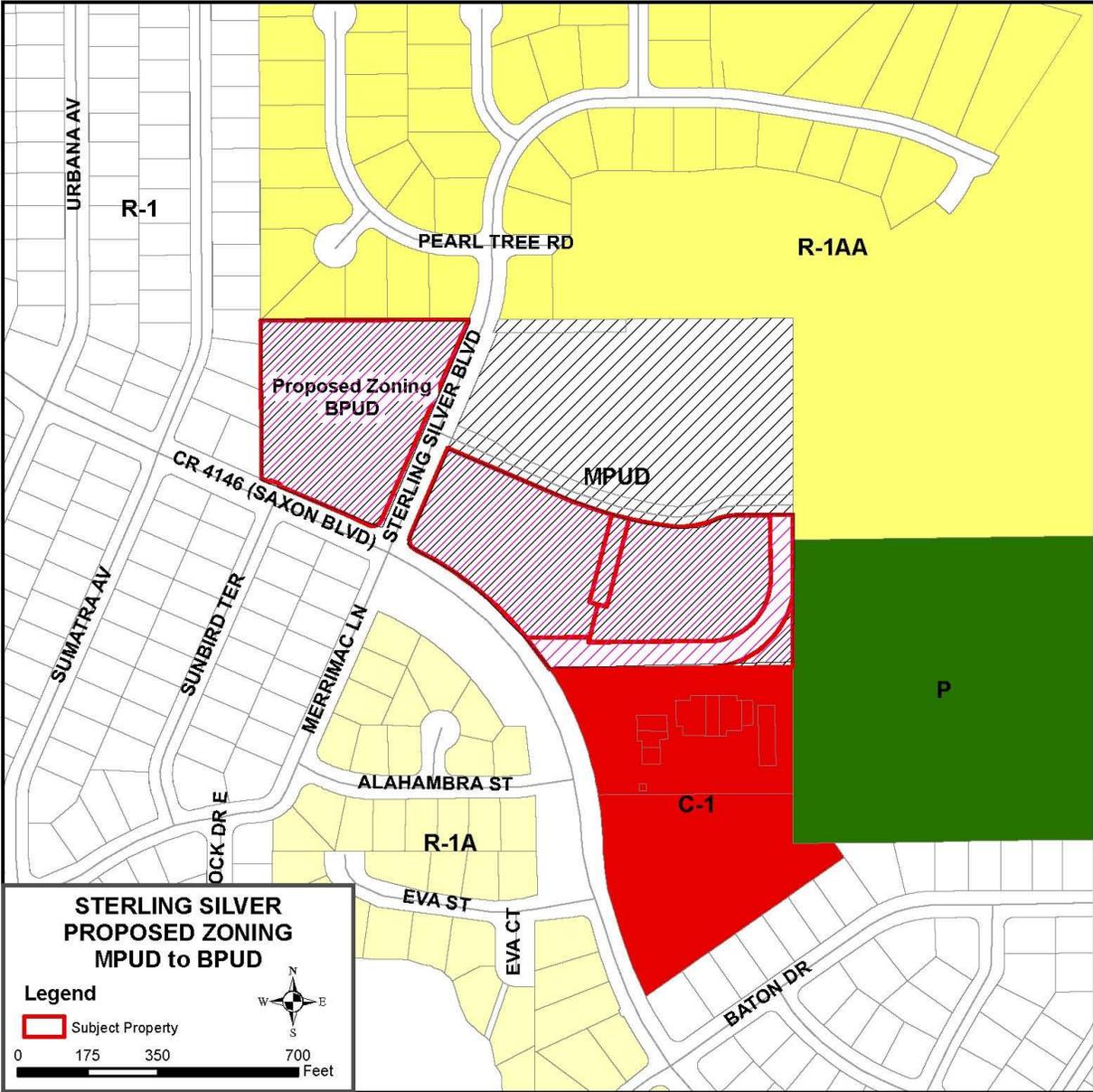


Figure 4: Proposed Zoning

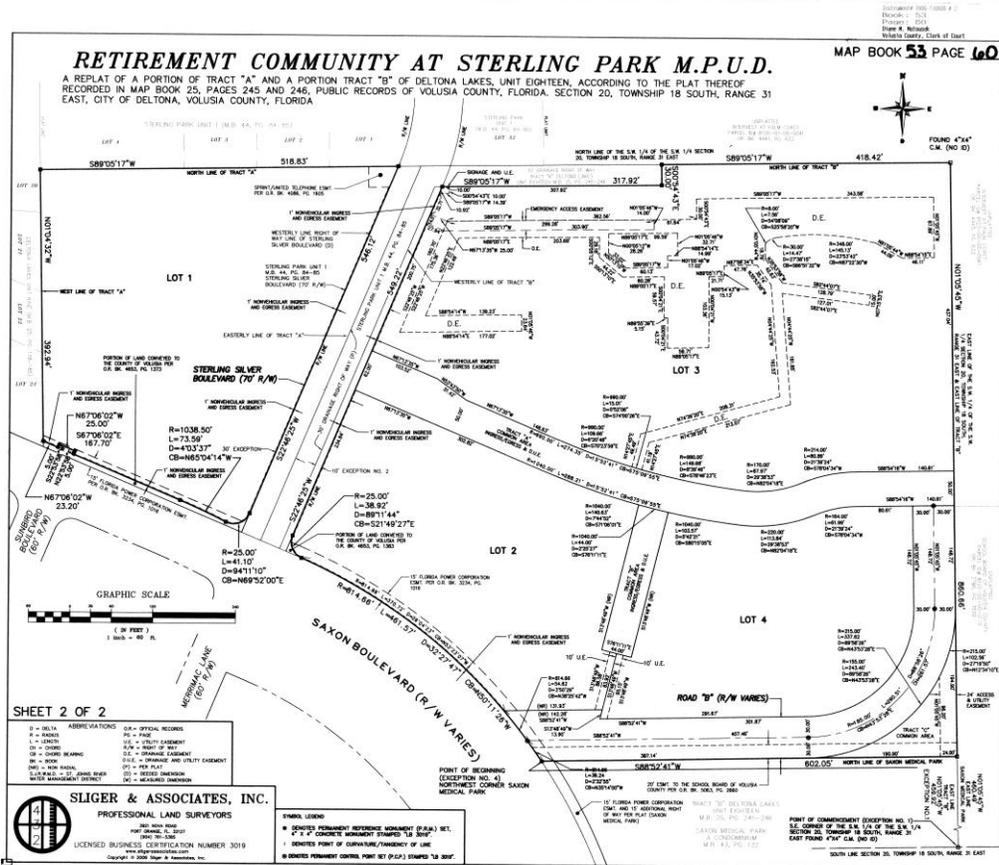


Figure 5: Plat Map

C. Proposed Zoning:

**Business Planned Unit Development (BPUD)** The purpose and intent of the planned unit development is to provide for integrated developments, which are consistent with the *Comprehensive Plan*, so as to promote the orderly development of compatible land uses. Further, it is intended that a proposed development shall be sensitive to existing adjacent and future land uses, the natural environment, and the impact upon supporting public infrastructure. A BPUD may consist of uses found within the commercial zoning classifications contained within Chapter 110 of the City’s Land Development Code (LDC).

To rezone the subject site, the applicant has elected to exclude lot 3 and only rezone lots 1, 2, and 4, from Mixed Use Planned Unit Development (MPUD) to Business Planned Unit Development (BPUD), as described in more detail throughout this report. It is important to note that a PUD consists of two parts, as defined by the LDC. The written agreement is also known as a Development Agreement. The preliminary plan is the graphic exhibit. The two parts are intended to be consistent and mutually supportive.

Any approval of this BPUD will be held to that same standard, as well as be consistent with the proposed ordinance for the rezoning.

#### **D. Back Ground**

The proposed property to be rezoned to BPUD has an extensive history. In 2005, the subject property and adjacent land, which totaled over 20 acres, was rezoned to MPUD that contained four (4) lots (See Figure 5). According to the approved MPUD DA, each lot was earmarked for different uses. The uses included a multi-family residential component, office, and commercial entitlements. The property was platted into four (4) lots and recorded into the public records as the *Retirement Community at Sterling Park MPUD*. In 2006, a Final Site Plan was approved for lot 3 of the MPUD, which allowed for a 118-unit age-targeted assisted living facility (multi-family residential). To date, the assisted living facility is the only use to be developed on the MPUD property.

A network of access easements and rights-of-way were required as part of the approval of the MPUD. The intent of the designed access was to provide safe ingress and egress for all of the proposed lots within the development with the least amount of impact to the critical City thoroughfare of Saxon Blvd. The access design was also to encourage cross-access to other developments in the area for interconnectivity, to facilitate internal trip capture, and to provide access to the adjacent school, office complex, a City lift-station, and the medical plaza to the south. The access network evolved and in 2008, the property owner abandoned a right-of-way listed on the plat as road “B”, which at the time granted a full-access right along Saxon Blvd. As part of that abandonment, the City was deeded a public right-of-way depicted on the plat as tract “A” (now Alabaster Way). Since 2007, lots 1, 2, and 4 have remained vacant and undeveloped.

The applicant has now applied to rezone only lots 1, 2, and 4 and other residual land obtained from the vacation of road “B” from MPUD to BPUD. The rezoning application has been submitted with a new DA and a Master Development Plan (MDP) that features two (2) development scenarios (Options 1 and 2). Option 1 is retail commercial oriented, with retail commercial development contemplated throughout lots 1, 2, and 4 (see attached Option 1). Option 2 keeps retail and commercial on lots 2 and 4, as a shopping center, but includes an office/medical office use on lot 1, in lieu of retail commercial use at that location.

While commercial development can be constructed on lot 1 under the current entitlements today, these uses would be developed closest to existing residential homes to the north and west and be in close proximity to the multi-family development on lot 3. Option 1 continues that trend, but Option 2 moves commercial entitlements to lots 2 and 4 and restricts office development to lot 1.

## E. Support Information

### Public Facilities

- a. Potable Water: Deltona Water
- b. Sanitary Sewer: Deltona Water
- c. Fire Protection: City Fire Station 65
- d. Law Enforcement: County Sheriff's Office (VCSO)
- e. Electricity: Duke Energy

F. **Matters for Consideration** – Section 110-1101, City Code of 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 City is underserved by commercial uses and there is a land-use imbalance between residential and non-residential land uses. To respond to this, the City's Comprehensive Plan contains policies that encourage a diversification of land uses within the City. The revised MDP is meant to simplify the MPUD, making it more viable and flexible towards the local real estate market. Therefore, the proposal to update the MDP is consistent with the Comprehensive Plan.

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

The property is largely undeveloped; primarily scrub and pine flat woods. The land is located on the DeLand Ridge geologic feature. The soil is predominately Astatula Fine Sand, with a portion of Paola Fine Sand. According to the September 2011 and soon to be updated 2014 FEMA flood zone maps; the subject property is not located within a 100 year floodplain.

The site is ±11.78 acres and may currently be used as habitat for small wildlife. Large animals likely do not use the site. Gopher tortoises may be associated with the site and the tortoises within the development will have to be relocated following state and federal permitting procedures.

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

The proposed impact upon the local economy will depend on the development pattern listed in Options 1 and 2. Both scenarios would create temporary construction jobs, but medical offices would ultimately create an employment center and, thus, higher paying professional jobs in Option 2, instead of service-oriented jobs in Option 1. If the property does develop with an office capacity under the proposed zoning, such development would help diversify the City's tax base.

#### 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 Volusia County School Board staff has indicated that this rezoning will not affect local schools.
- b. **Sewage Disposal:** The site will be served by City sewer and capacity will be available.
- c. **Potable Water:** Deltona Water will serve the site and sufficient potable water capacity is available.
- d. **Drainage:** All site related stormwater runoff will be managed on-site and all stormwater management facilities will be constructed in accordance with the necessary requirements of the City's Land Development Code and other permitting agencies.
- e. **Transportation Systems:** The applicant has submitted a Traffic Impact Analysis (TIA) as part of the application package. While the MDP contains two (2) development scenarios, the TIA only addresses Option 1 – retail ( $\pm 14,000$  SF), fast food (two buildings each being  $\pm 4,500$  SF), convenience store with gas pumps ( $\pm 5,700$  SF) and a grocery store ( $\pm 44,000$  SF). The Option 2 that features the medical office use was not included in the TIA, but would be less of a traffic generator than Option 1. Further, the TIA was formulated with a new access plan that is being proposed by the applicant. The new access plan can have an impact on traffic characteristics, both on-site and off-site.

According to the TIA, Option 1 would generate 15,676 gross daily trips. Factoring in pass-by rates, the net new trips would be reduced to 7,095 trips; or a 45% reduction. This type of pass-by reduction is not unusual for the type of uses proposed. The end result is that the project is of ample magnitude to generate a significant amount of traffic.

Traffic is not necessarily a negative attribute. A lot of traffic implies economic activity and vitality and certainly enhances land-use opportunities for property abutting major, well-traveled thoroughfares. High traffic volumes also represent a maximization of a significant public investment – roads. To manage traffic, the City has established level of service (LOS) standards for roads within the City. The LOS for Saxon Blvd. is "E". LOS "E" can be described as a facility that is operating at the maximum capacity with traffic generally still flowing. Stoppages and some delays may be expected during peak hours.

As part of TIA investigation, numerous road segments were reviewed – especially Saxon Blvd. from Veterans Memorial Parkway (Orange City) to East Normandy Blvd. Based on the submitted TIA trip distribution, of which City staff contends is representative of the local traffic patterns, three (3) segments of Saxon Blvd. have been identified as being adversely impacted by the development proposal. The Saxon Blvd. segments are from the FDOT parking ride to I-4, I-4 to Finland Dr., and Finland Dr. to Normandy Blvd; of which the first segment is not within

the City's jurisdiction and the other two (2) segments are within the City. The fact that the Saxon Blvd. corridor from I-4 to N. Normandy Blvd. has been identified by the TIA as problematic, validates existing conditions. Those Saxon Blvd. roadway segments are currently operating at a level of service "F" even without the development that is associated with this rezoning request (LOS "F" represents a failure of traffic movement and delays are common and lengthy.)

However, according to the submitted TIA, the impact on the segments of Saxon Blvd. from I-4 to Finland Dr. and Finland Dr. to Normandy Blvd. would be very small. The TIA quantifies the impact as 3.7%, but does not suggest any remedial actions to address this deficiency. The TIA also identified the signalized intersections at Saxon Blvd. at Finland Dr. and Saxon Blvd. and Normandy Blvd. as failing. The TIA suggests that the Saxon Blvd/Finland Dr. signal could be retimed to cycle five-seconds longer than the current timing; which would improve flow enough to make the intersection operate at an acceptable level of service. However, retiming the intersection signal would involve the logistically complex retiming of all of the Saxon Blvd. signals from Enterprise Rd. to Finland Dr. through the installation of a signal interconnect. The Saxon Blvd/Normandy Blvd. intersection is currently operating at an LOS of "F". The TIA indicates that the delay at the intersection after development of the property to be rezoned will be measured at 4.6 seconds. Expressed in real world terms, it could mean more motorist sit through the first signal cycle before progressing through the intersection during the second cycle.

As a note, the submitted TIA did review Tivoli Dr. between Saxon Blvd. and Providence Blvd. Tivoli Dr., notwithstanding serving as a collector function, is classified as a local road and, according to the City's Comprehensive Plan local roads are not to fall below a LOS of "D". The TIA erroneously indicates that segment of Tivoli Dr. has a LOS of "E". An analysis of traffic counts for the subject segment of Tivoli Dr. revealed that the roadway currently operates at a LOS of "C". The trips generated by the project will impact Tivoli Dr., but it is unclear if the project will cause the Tivoli Drive segment to operate below the required threshold of an LOS of "D".

An important component of this project, even from the first rezoning in 2005, is access management. The original MPUD DA was rife with language to ensure cross-access with a development to the south, provide internal connections between development nodes, and to limit access to Saxon Blvd.; especially through the creation of road "B", if warranted. This coincided with intensity and land use limitations to mitigate traffic volumes.

To understand the intent of the access management, the geographic context of the property needs to be reviewed. The property fronts on Saxon Blvd. The segment of Saxon Blvd. where the property is located is a four (4) lane facility with a

posted speed limit of 45 mph. The property is also located nearly at the apex of a curve as Saxon Blvd. transitions to a westerly direction. Limiting access to roadway thoroughfares is common planning practice and is something that has occurred in the City for many years to protect the capacity and function of the thoroughfare as designed. The intent is to restrict turning maneuvers and driveway cuts, which slow traffic flow and create the potential for traffic accidents. The latter reason is acute with the curvature of the road and design speed of the segment of Saxon Blvd. associated with the project. Traffic should be directed to a safe ingress and egress, which would be the signalized intersection of Saxon Blvd. and Sterling Silver Blvd. However, to warrant a need for the aforementioned intersection to be signalized, traffic should be directed to this controlled access point for safety and functionality purposes. Finally, the need for access management is also supported by adopted roadway design standards.

The original MPUD limited access along Saxon Blvd. to three (3) strategic points. One point was located along the southern margin of the property where the property abuts an existing development known as the Saxon Medical Park. There was full access planned and platted at this point and the access was intended to be joint, or shared between the Saxon Medical Park site and the property proposed to be rezoned, as listed in the respective approved DAs for the projects.

The existing MPUD DA called for the common access point. In addition, a 2004 Developer's Agreement between the City and the owner of the Saxon Medical Park required cooperation to facilitate joint access with adjacent uses. This access was connected to an access feature referred to on the Retirement Community at Sterling Park MPUD plat as road "B". However, road "B" was vacated by the applicant in 2008, which removed the full access permitted on the subject site. The next access from Saxon Blvd. is a full access at the intersection of Sterling Silver Blvd. and Saxon Blvd. This access point exists today and is being used by a residential area and the aforementioned assisted living facility. The intersection of Sterling Silver Blvd. and Saxon Blvd. is approved to be signalized. According to the MPUD DA, the applicant is responsible for erecting a traffic signal at the Saxon Blvd./Sterling Silver Blvd. intersection associated with the development of lots 1, 2, and 4 of the MPUD site. Finally, for lot 1 located west of Sterling Silver Blvd., a right-in and right-out only access is provided onto Saxon Blvd. However, the intent is that a landscape island be built in the Saxon Blvd. median across from the subject access point to discourage illegal left turns that cross several lanes of traffic. Other access to the lots would come from Sterling Silver Blvd. and Alabaster Way, which includes existing driveway cuts into the lots 2 and 4.

A purpose of the existing MPUD access plan was to maximize the use of a central, signalized intersection. This would be safer, especially in light of the travel speeds and the curvature of Saxon Blvd. associated with the property. The

access plan is also designed to protect the level of service of City roads and protecting level of service on City roads enables future development in the City to utilize the capacity savings derived from appropriate access management. The applicant is proposing changes to the access plan. The new proposal, as part of the BPUD rezoning application, abandons the cross-access requirement between the BPUD site and the Saxon Medical Park and proposes to create a new access point, located roughly equidistant along the frontage of lots 2 and 4. The proposed access point is proposed to be limited to right-in and right-out turning movements and to be constructed with a turn lane.

This proposed access would be problematic, because the access point and related turn lane increases the potential for traffic conflicts. The proposed turn lane will commence immediately after the existing access to the Saxon Medical Park site to the south, as governed by roadway design standards. This would create a situation that, as cars are attempting to negotiate a right or left turn onto Saxon Blvd. from the Medical Park, cars would also be slowing and maneuvering to transition to the deceleration lane leading to the proposed driveway cut. This is compounded by the fact that the posted speed of 45 mph, in conjunction with the convex curve, makes traffic management in the area more difficult to navigate, is an unsafe design, and does not adhere to adopted roadway design standards. In addition, if the signal at the intersection of Saxon Blvd. and Sterling Silver Blvd. is activated, the proposed access point would create additional traffic friction. If traffic does not use the Saxon Blvd. and Sterling Silver Blvd. intersection, a signal for the intersection may not be warranted for the intersection. Without a signal, making left turns into and out of Sterling Silver Blvd. would be difficult and unsafe. Finally, the potential to introduce oversized vehicles into the proposed limited access point would further compound traffic safety and may limit the function and capacity of Saxon Blvd.

The applicant is responsible for signaling the intersection of Sterling Silver Blvd. and Saxon Blvd., per the original MPUD DA that governed this area. The change is that the applicant will construct a string-pole signal system instead of the mast arm design, as approved by City as part of the original MPUD DA. The TIA did include a signal warrant element. However, the background data for the signal warrant conclusions is inconsistent. For example, the 5-6 p.m. period shows a total of 339 trips on the Hourly Trip Generation determination. The Warrant 1 item shows a total of 286 trips and the Appendix D, p.m. peak period shows a total of 245 trips. Finally, Appendix E, Intersection Analysis, Future Total Analysis, shows a different 282 p.m. peak trips.

The applicant is proposing to eliminate the original DA requirement for median operations associated with the right-in and right-out access from lot 1 to Saxon Blvd. The requirement for the raised median was designed to enhance traffic safety and protect traffic capacity on Saxon Blvd to allow for non-residential

intensive land uses at the subject site. Right turn islands, sometimes referred to as ‘pork chops’, are routinely violated by motorist who drive over the islands to make illegal left turns and the inclusion of ‘bat wings’ on those ‘pork chops’ will not suffice for safety. The raised median will more thoroughly discourage illegal left turns.

Based on the above, the following will be required for access management and mitigation for traffic safety:

1. Revise the submitted TIA to include those changes and corrections of inconsistencies listed in the GMB peer review letter to the City, dated January 21, 2014 (See Exhibit B).
2. The City Land Development Code includes detailed and technical requirements with regard to roadway design and access within Chapter 96. There will be over 15,000 trips turning in and out of the property every day. The site is located on a four (4) lane City thoroughfare that has a posted speed limit of 45 miles per hour. There is one existing access to the property to be rezoned – Sterling Silver Blvd. According to Section 96-37, there will need to be deceleration lanes for both left and right turning movements on to Sterling Silver Blvd. According to Section 96-37(a)(10)(c)(5)(i), a left turn lane with 200’ of storage and 100’ of transition will be a required improvement along Saxon Blvd. to facilitate turning movements onto Sterling Silver Blvd.
3. The City and/or County may require more storage, if warranted by the ultimate development program. As part of the applicant’s TIA, a dual left turn lane from Saxon Blvd. to Sterling Silver Blvd. is recommended for traffic safety. The dual left turn lane would generate ample storage and ensure that more cars would be able to access the property that would be warranted by the proposed development program. The dual left turn lane would require that a lane be added to Sterling Silver Blvd. from Saxon Blvd. to Alabaster Way.
4. The City Land Development Code Section 96-37(a)(10)(c)(5)(ii) will require a right turn lane from Saxon Blvd. onto Sterling Silver Blvd. The required dimension of the right turn lane is a minimum of 150 feet of storage and 100 feet of transition. Scaling the 250 foot design of the right turn lane reveals that nearly all of the property frontage on Saxon Blvd., east of the Saxon Blvd./Sterling Silver Blvd. intersection should be devoted to a deceleration/right turn lane. The right turn lane would render the requested right-in and right-out access between lots 2 and 4 of the project in direct conflict and is also considered too close to the proposed signal at Sterling Silver Blvd. intersection. Thus, the full access point where road “B” was located along with the joint access to the Saxon Medical Park property provides a safer condition.

There are two off-site components within the TIA to be addressed. One is the traffic volumes and off-site impacts and the other is off-site mobility, safety and

access management. There will be off-site impacts to road way segments and intersections. These congested areas are constrained points – Saxon Blvd. from I-4 to Normandy Blvd. and the intersections of Saxon Blvd and Finland Dr. and Saxon Blvd. and N. Normandy Blvd. The segments of Saxon Blvd. are constrained without the project and are currently operating below the allowable LOS of “E”. According to the submitted TIA, the project will contribute another 3.7% impact to these segments. Typical methods to address this condition are to deny the project based on a lack of roadway capacity, scale back the project in intensity to minimize traffic impacts, mitigate for off-site impacts, or accept higher traffic volumes in certain areas with the understanding that general mobility and safety will be maintained. To encourage appropriate development and to reduce sprawl, the City allows backlogged roads to be degraded up to 20% from the adopted LOS. The flexibility to approve development, notwithstanding allowable LOS thresholds, is described in the following Comprehensive Plan policy:

***Policy CIE1-1.4***

*The determination of concurrency for backlogged facilities, included in the Thoroughfare System segments shall be consistent with the revised Land Development Regulations and established in the following manner (9J-5.016(3)(c)(1,3,4&6):*

***a. Establish Benchmark Traffic Counts***

*The most recent twenty-four hour traffic counts taken prior to the adoption of this Comprehensive Plan shall be used as the benchmark counts for each backlogged road identified in the Transportation Element.*

***b. Set Percent Thresholds of Benchmark Traffic Counts***

*Each of these backlogged thoroughfare roads shall not be allowed to degrade its operational service standards on a peak hour basis (using the most recent sanction FDOT Highway Capacity Tables) by allowing no more than twenty (20) percent of the peak hour bench mark counts for such facilities in The City. Some backlogged thoroughfare roads will only be allowed to be degraded ten (10) or fifteen (15) percent from the adopted Level of Service.*

***c. Track Development - Trip Generation/Distribution***

*The City shall track all proposed new developments and based on generally accepted traffic modeling procedures identify the likely number of trips generated by such developments and their distribution specifically for this objective to the previously identified backlogged thoroughfare roads. Tracking shall start upon the Comprehensive Plan's effective date of the revised Land Development Regulations.*

***d. Tracking on a Cumulative Basis***

*This tracking of the additional trips to the twenty percent threshold of the benchmark counts and trips originating within the boundaries of the Future Transportation Map shall be done on a cumulative basis following the adoption of this plan.*

***e. Cumulative Thresholds Twenty, Fifteen and Ten Percent***

*The City shall not approve any additional final development orders, (excluding vested properties) including building permits, once the percent threshold for projects that would generate trips in excess of ten/fifteen/twenty percent on a peak hour-basis, unless a final development order is subject to the adoption and implementation of an Area-wide Traffic Action Mitigation Plan. An Area-wide Traffic Action Mitigation Plan shall include, but not be limited to, the following activities:*

- *additional or modified turn lanes*
- *additional or modified signalization*
- *incentives for mass transit use where available*
- *incentives for van/carpooling programs*
- *promote staggered work hours*
- *operating lanes*

***f. 100 percent mitigation of the impacts of a proposed development***

*It shall be the goal of each Area-wide Traffic Action Mitigation Plan to achieve 100 percent mitigation of the impacts of a proposed development. Such plans shall include, when applicable, participants in addition to the property owner or applicant in question such as but not limited to adjacent property owners and business establishments.*

Providing flexibility with regard to traffic LOS standards is important for the City to achieve economic goals than the free flow of traffic during relatively short periods of time during any given day on just a few short segments of roadway. Overriding goals include promoting compact urban development patterns that also limits the need for annexations, diversify the tax base, address the jobs/housing imbalance that drives many of the traffic patterns within the City; provide more retail and service opportunity to support the existing population, as well as protect the mobility of the City.

Saxon Blvd. is a Volusia County road. Therefore, the County does have oversight in how Saxon Blvd. will be accessed through the Use Permit process. The County Code requirements for deceleration lanes and related storage dimensions are identical to those of the City. In addition, the County has the same basic transportation goals as the City to ensure safe and efficient mobility. While, the County may issue a Use Permit for access based on several parameters, the City is responsible for managing and approving the rezoning and related MDP that addresses access and traffic. Therefore, the City will uphold its Land Development Code requirements to ensure that safe access management that meets the City's and County's roadway design standards are met. The current access management approved under the existing MPUD is warranted to be adequate for the project. The newly proposed access management needs to be amended for staff to support this rezoning application. Finally, the City will uphold the existing one-foot non-vehicular ingress and egress easement on the existing plat along Saxon Blvd. to protect the capacity and function of that thoroughfare.

**Any changes in circumstances or conditions affecting the area.**

There has been no significant change affecting the area.

**Any mistakes in the original classification.**

No known mistakes in the MPUD original classification.

**Its effect upon the public health, welfare, safety or morals.**

As part of the rezoning application to BPUD, the applicant has submitted a new DA. Staff has reviewed the DA and has made comments in a Microsoft Word strike-through and underline format but did not attempt to rewrite the DA. The DA with staff comments is attached.

**CONCLUSION/STAFF RECOMMENDATION**

In 2005, the subject property was approved for commercial and office uses on lot 1, with a floor area ratio (FAR) cap of 0.25. Lots 2 and 4 were also approved for medical office use (0.12 FAR) and for general office use (0.25 FAR). The approved MPUD contemplated a mixture of land uses with the assisted living facility on lot 3 and commercial and office uses within the overall project. The master development program, with its limitation on land uses, intensities, and access management, was intended to provide a mixed-use program over the four (4) lots, but more importantly, sought to control access management through a series of interconnected roadway facilities, easements, and a traffic signal designed to afford safe ingress and egress. These measures also attempted to facilitate some level of compatibility between more intensive non-residential uses and the less intensive adjacent residential homes by placing FAR caps on development in a limited and quantifiable manner.

The applicant is proposing a development program that would increase the range of permitted uses, intensities, location, and access availability from that previously approved. The MDP submittal and accompanying DA seeks approval for two (2) development scenarios on lot 1 that provides a development alternative at the rezoning level and also allows for retail commercial development on lots 2 and 4. While both scenarios contemplate commercial development on lots 2 and 4, Option 1 would also keep current entitlements for retail commercial development on lot 1. Thus, the development program for the three vacant lots would be greatly increased beyond the current approvals allowed, primarily through the high-volume of trips that could be generated on area roads, in addition to visual, noise, lighting, etc. Option 2 provides a similar entitlement of that approved today. However, it shifts the land uses from retail commercial on lot 1 to lots 2 and 4 and from office on lots 2 and 4 to lot 1. From a land use compatibility scenario, this option places more intensive retail commercial uses on land closer to the larger roadway facility of Saxon Boulevard is farther away from adjacent residential uses across Alabaster Way. In addition, more compatible to adjacent office uses will be located next to low density residential areas.

Staff has reviewed the proposed development program submitted by the applicant with the accompanying DA and compared it to the previous approvals. The proposed development program was reviewed in relation to the City's goals, objectives, and policies in the *Comprehensive Plan*, and regulatory criteria in the LDC that requires adjacency and compatibility between land uses. Part of that compatibility and function is associated with access management and the accommodation of

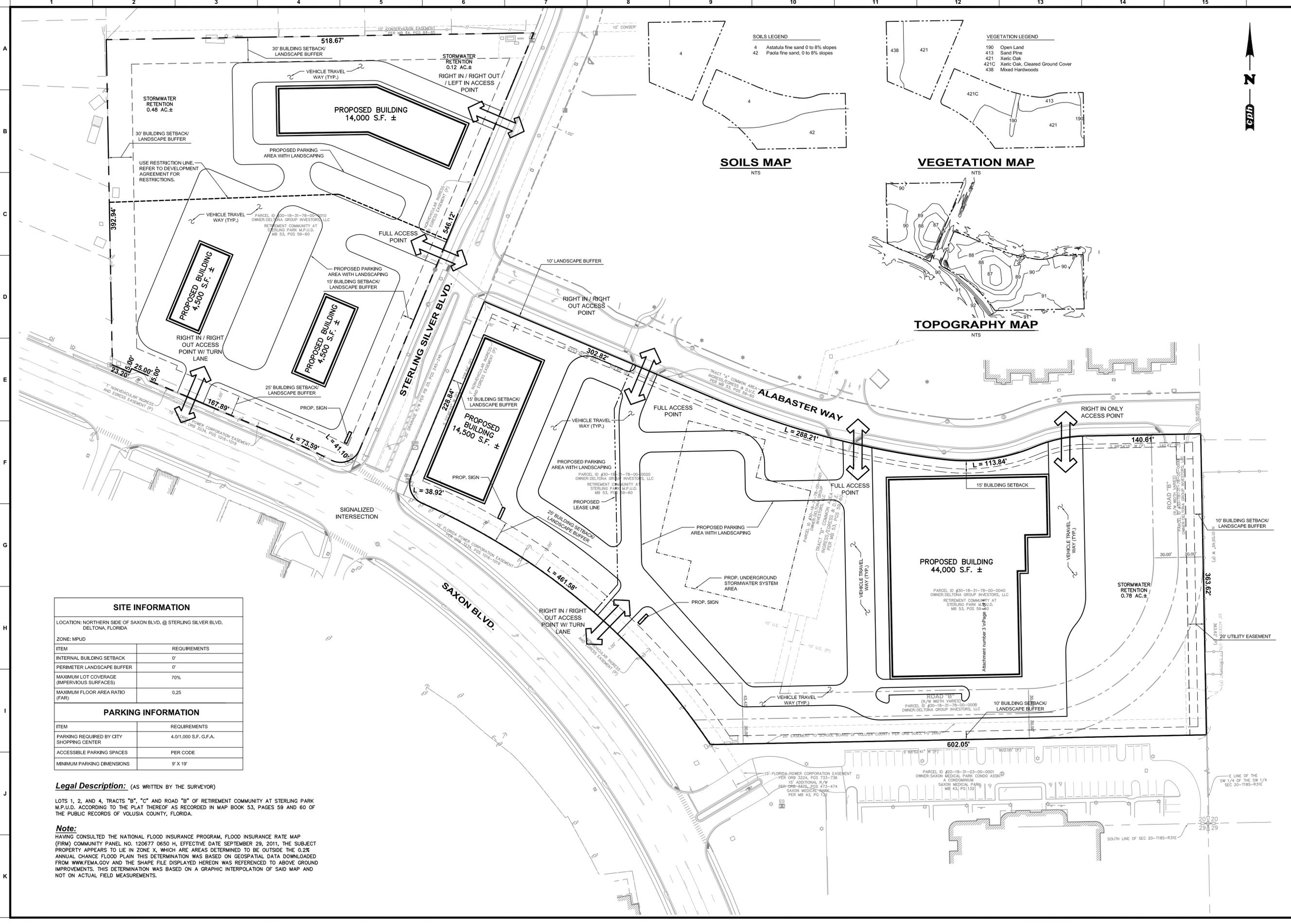
existing and proposed capacity of the area roadway network for current conditions and following project build-out. Further, the applicant submitted a TIA and the City used a peer review traffic consultant (GMB) to ensure that the recommended roadway network improvements are functional, as designed. An important component of that is to implement public health, safety, and welfare goals that are paramount to the basic mission of government. Of the scenarios submitted by the applicant, Option 2 achieves the following:

1. Is within the 0.25 FAR cap for lot 1 with a less intensive office use limitation;
2. Generates fewer average daily trips than the retail commercial uses proposed in Option 1;
3. Is more compatible with adjacent land uses; and
4. Is less service-oriented; and
5. Potentially can provide an employment center for the area.

To promote adjacency and compatibility in keeping with the City's *Comprehensive Plan* and LDC, staff is proposing the following Conditions of Approval be included to be able to rezone the subject property to BPUD:

1. Remove Option 1 of the MDP submittal, as provided;
2. Limit hours of operation for retail commercial uses from 6:00 AM to 11:00 PM for all activity;
3. Orient service areas away from residential uses and have service areas screened from adjacent properties. This includes the use of a screen wall and landscaping along the north and west property line of lot 1 and along a portion of Alabaster Way adjacent to the proposed grocery store facility;
4. Limit a cap of 0.25 FAR for lot 1 and 0.182 FAR total area for lots 2 and 4, as provided on Option 2 of the MDP;
5. Limit the impervious surface ratio (ISR) to 0.65 for lot 1 and 0.67 for lots 2 and 4;
6. Limit permitted land uses on lots 2 and 4, as listed in the C-1 zoning category, to exclude bars/nightclubs, gas stations, convenience stores, fast food restaurants, automobile service stations, and other uses not allowed in the C-1 zoning category; and
7. Provide access management, as recommended in the Volusia County memo, dated December 3, 2013, and the GMB peer review letter, dated January 27, 2014. Revise the TIA to include that information, as requested on January 28, 2014.

Staff recommends inclusion of the above-listed Conditions of Approval, revisions to the Development Agreement as addressed with the applicant and to be consistent with the preliminary plan of the MDP, and revisions to the preliminary plan for Option 2 only of the MDP to be able to move forward with Project RZ13-008. However, as of the date of this report, the above listed revisions to the Option 2 of the MDP and the TIA have not been received and the Development Agreement draft does not match the submitted preliminary plan. Therefore, for the purposes of this report, staff recommends continuation of this item until the above listed items can be made consistent.



**cph**  
www.cphcorp.com  
**A Full Service A & E Firm**  
Architects  
Engineers  
Environmental  
Landscape Architects  
M / E / P  
Planners  
Surveyors  
Traffic / Transportation

Offices in:  
• Florida  
• Puerto Rico  
• Connecticut  
• Maryland  
• Texas

HOWARD L. WRAY, JR., P.E.  
FL P.E. NO. 15557

Designed by:	R.N.C.	Drawn by:	R.N.C.	Checked by:	H.L.W.	Approved by:	H.L.W.	Scale:	1" = 50'	Date:	6-12-13	Job No.:	W9401.1	Date:	1/10/14	Revision
	△		△		△		△									

Plans Prepared By:  
**CPH, Inc.**  
500 West Fulton St.  
Sanford, FL 32711  
Ph: 407.322.6841  
Licenses:  
Eng. C.O.A. No. 3215  
Survey L.B. No. 7143  
Arch. Lic. No. AA260026  
Landscape Lic. No. LC000298

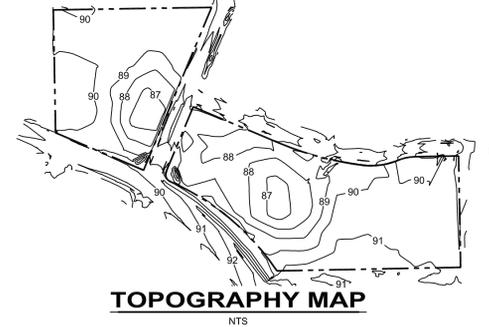
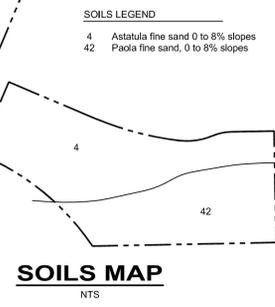
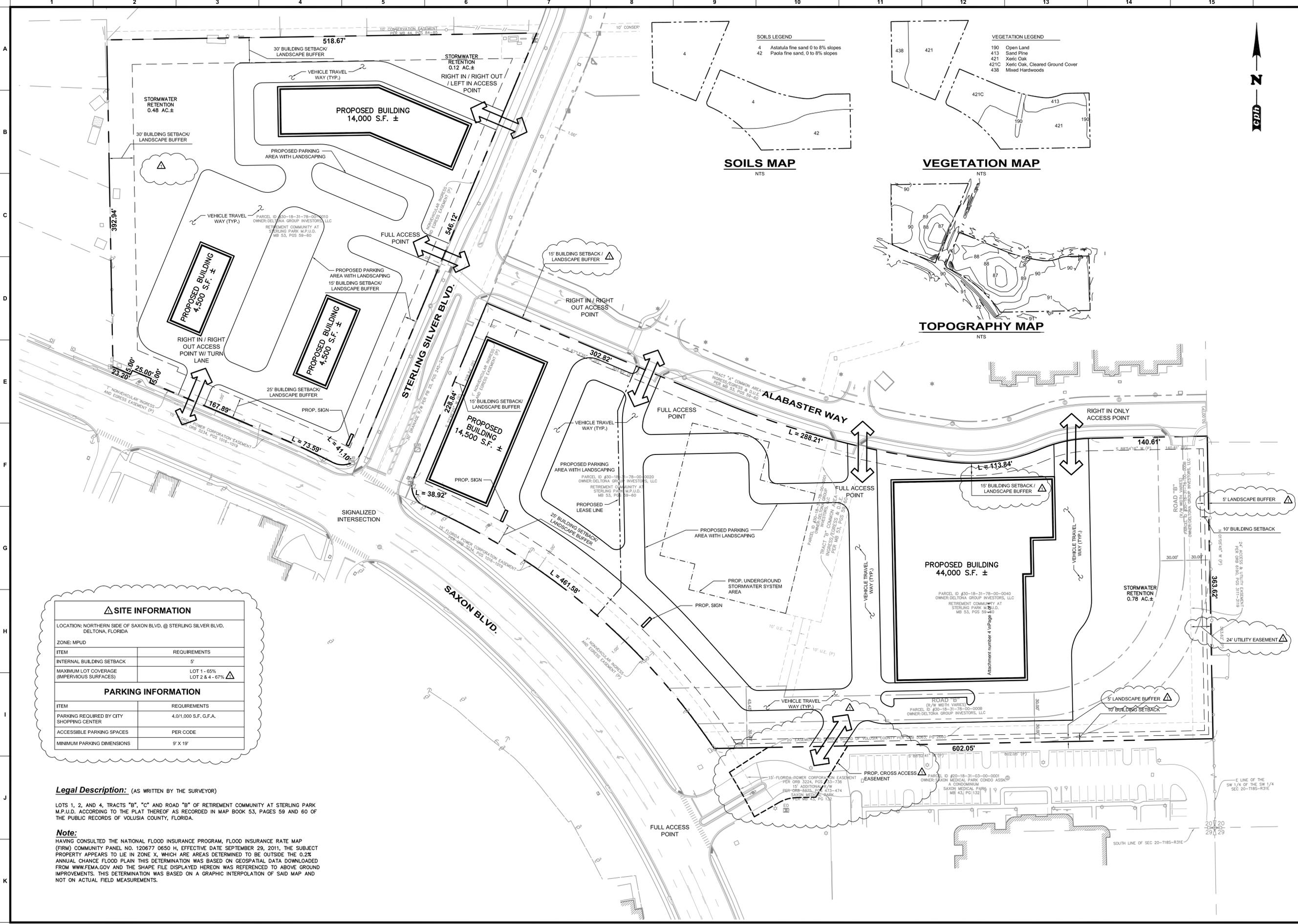
**MASTER DEVELOPMENT PLAN  
OPTION 1**  
**SAXON STERLING SILVER BLVD**  
DELTONA, FLORIDA

Sheet No.  
**C-2.1**

SITE INFORMATION	
LOCATION: NORTHERN SIDE OF SAXON BLVD. @ STERLING SILVER BLVD. DELTONA, FLORIDA	
ZONE: MPUD	
ITEM	REQUIREMENTS
INTERNAL BUILDING SETBACK	0'
PERIMETER LANDSCAPE BUFFER	0'
MAXIMUM LOT COVERAGE (IMPERVIOUS SURFACES)	70%
MAXIMUM FLOOR AREA RATIO (FAR)	0.25
PARKING INFORMATION	
ITEM	REQUIREMENTS
PARKING REQUIRED BY CITY SHOPPING CENTER	4,01,000 S.F. G.F.A.
ACCESSIBLE PARKING SPACES	PER CODE
MINIMUM PARKING DIMENSIONS	9' X 19'

**Legal Description:** (AS WRITTEN BY THE SURVEYOR)  
LOTS 1, 2, AND 4, TRACTS "B", "C" AND ROAD "B" OF RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D. ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 53, PAGES 59 AND 60 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

**Note:**  
HAVING CONSULTED THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 120677 0650 H, EFFECTIVE DATE SEPTEMBER 29, 2011, THE SUBJECT PROPERTY APPEARS TO BE IN ZONE X, WHICH ARE AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN THIS DETERMINATION WAS BASED ON GEOSPATIAL DATA DOWNLOADED FROM WWW.FEMA.GOV AND THE SHAPE FILE DISPLAYED HEREON WAS REFERENCED TO ABOVE GROUND IMPROVEMENTS. THIS DETERMINATION WAS BASED ON A GRAPHIC INTERPOLATION OF SAID MAP AND NOT ON ACTUAL FIELD MEASUREMENTS.



SITE INFORMATION	
LOCATION: NORTHERN SIDE OF SAXON BLVD. @ STERLING SILVER BLVD. DELTONA, FLORIDA	
ZONE: MPUD	
ITEM	REQUIREMENTS
INTERNAL BUILDING SETBACK	5'
MAXIMUM LOT COVERAGE (IMPERVIOUS SURFACES)	LOT 1 - 65% LOT 2 & 4 - 67% $\Delta$
PARKING INFORMATION	
ITEM	REQUIREMENTS
PARKING REQUIRED BY CITY SHOPPING CENTER	4,011,000 S.F. G.F.A.
ACCESSIBLE PARKING SPACES	PER CODE
MINIMUM PARKING DIMENSIONS	9' X 19'

**Legal Description:** (AS WRITTEN BY THE SURVEYOR)  
LOTS 1, 2, AND 4, TRACTS "B", "C" AND ROAD "B" OF RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D. ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 53, PAGES 59 AND 60 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

**Note:**  
HAVING CONSULTED THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 120677 0650 H, EFFECTIVE DATE SEPTEMBER 29, 2011, THE SUBJECT PROPERTY APPEARS TO BE IN ZONE X, WHICH ARE AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN THIS DETERMINATION WAS BASED ON GEOSPATIAL DATA DOWNLOADED FROM WWW.FEMA.GOV AND THE SHAPE FILE DISPLAYED HEREON WAS REFERENCED TO ABOVE GROUND IMPROVEMENTS. THIS DETERMINATION WAS BASED ON A GRAPHIC INTERPOLATION OF SAID MAP AND NOT ON ACTUAL FIELD MEASUREMENTS.

**cph**  
www.cphcorp.com  
**A Full Service A & E Firm**

Architects  
Engineers  
Environmental  
Landscape Architects  
M / E / P  
Planners  
Surveyors  
Traffic / Transportation

Offices in:  
• Florida  
• Puerto Rico  
• Connecticut  
• Maryland  
• Texas

HOWARD L. WRAY, JR., P.E.  
FL P.E. NO. 16557

Designed by:	R.N.C.	Drawn by:	R.N.C.	Checked by:	H.L.W.	Approved by:	H.L.W.	Scale:	1" = 50'	Date:	6-12-13	Job No.:	W9401-1	Date:	2/28/14	PER CITY COMMENTS	Revision
	$\Delta$		$\Delta$		$\Delta$		$\Delta$										

Plans Prepared By:  
**CPH, Inc.**  
500 West Fulton St.  
Sanford, FL 32771  
Ph: 407.322.6841  
Licenses:  
Eng. C.O.A. No. 3215  
Survey L.B. No. 7143  
Arch. Lic. No. AA2600296  
Lndscp. Lic. No. LC0000298

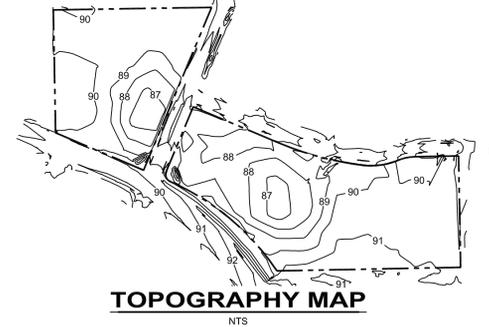
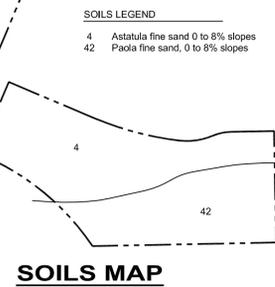
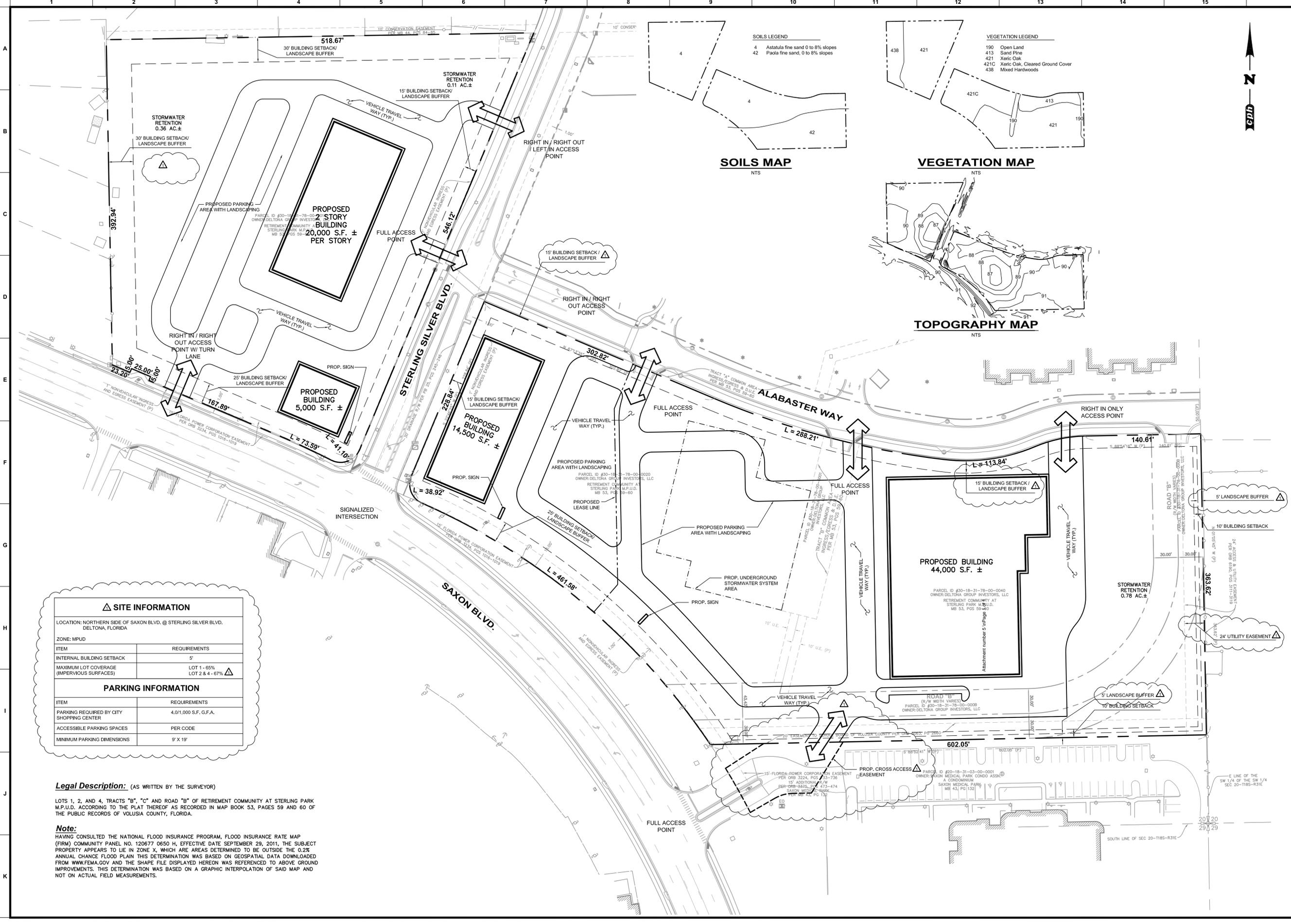
**MASTER DEVELOPMENT PLAN  
OPTION 1**

**SAXON STERLING SILVER BLVD**  
DELTONA, FLORIDA

Item 6A

46

Sheet No.  
**C-2.1**



**△ SITE INFORMATION**

LOCATION: NORTHERN SIDE OF SAXON BLVD. @ STERLING SILVER BLVD.  
DELTONA, FLORIDA

ZONE: MPUD

ITEM	REQUIREMENTS
INTERNAL BUILDING SETBACK	5'
MAXIMUM LOT COVERAGE (IMPERVIOUS SURFACES)	LOT 1 - 65% LOT 2 & 4 - 67% △

**PARKING INFORMATION**

ITEM	REQUIREMENTS
PARKING REQUIRED BY CITY SHOPPING CENTER	4,011,000 S.F. G.F.A.
ACCESSIBLE PARKING SPACES	PER CODE
MINIMUM PARKING DIMENSIONS	9' X 19'

**Legal Description:** (AS WRITTEN BY THE SURVEYOR)

LOTS 1, 2, AND 4, TRACTS "B", "C" AND ROAD "B" OF RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D. ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 53, PAGES 59 AND 60 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

**Note:**  
HAVING CONSULTED THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 120677 0650 H, EFFECTIVE DATE SEPTEMBER 29, 2011, THE SUBJECT PROPERTY APPEARS TO BE IN ZONE X, WHICH ARE AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN THIS DETERMINATION WAS BASED ON GEOSPATIAL DATA DOWNLOADED FROM WWW.FEMA.GOV AND THE SHAPE FILE DISPLAYED HEREON WAS REFERENCED TO ABOVE GROUND IMPROVEMENTS. THIS DETERMINATION WAS BASED ON A GRAPHIC INTERPOLATION OF SAID MAP AND NOT ON ACTUAL FIELD MEASUREMENTS.

**cph**  
www.cphcorp.com  
**A Full Service A & E Firm**

Architects  
Engineers  
Environmental  
Landscape Architects  
M / E / P  
Planners  
Surveyors  
Traffic / Transportation

Offices in:  
• Florida  
• Puerto Rico  
• Connecticut  
• Maryland  
• Texas

HOWARD L. WRAY, JR., P.E.  
FL P.E. NO. 15557

Designed by:	R.N.C.	By
Drawn by: <td>R.N.C. <td></td> </td>	R.N.C. <td></td>	
Checked by: <td>H.L.W. <td></td> </td>	H.L.W. <td></td>	
Approved by: <td>H.L.W. <td></td> </td>	H.L.W. <td></td>	
Scale: <td>1" = 50'</td> <td></td>	1" = 50'	
Date: <td>6-12-13</td> <td></td>	6-12-13	
Job No.: <td>W9401.1</td> <td></td>	W9401.1	
© <td>2014</td> <td></td>	2014	

Plans Prepared By:  
**CPH, Inc.**  
500 West Fulton St.  
Sanford, FL 32711  
Ph: 407.322.6841  
Licenses:  
Eng. C.O.A. No. 3215  
Survey L.B. No. 7143  
Arch. Lic. No. AA2600926  
Landscape Lic. No. LC0000298

**MASTER DEVELOPMENT PLAN  
OPTION 2**

**SAXON STERLING SILVER BLVD**  
DELTONA, FLORIDA

Item 8A

47

Sheet No.  
**G-2.2**





GMB ENGINEERS &amp; PLANNERS, INC.

TO: Mr. Ron Paradise  
 FROM: Jorge Tolosa, P.E.  
 DATE: January 27, 2014  
 RE: Saxon Sterling Silver BPUD  
 Transportation Impact Analysis  
 GMB Project No.: 13-162.01

The purpose of this memorandum is to provide a review of the Saxon Sterling Silver BPUD Transportation Impact Analysis (TIA) dated November 2013. Specific comments and findings are provided below.

**Comment # 1 (General Comment):**

The TIA only addresses scenario one which is comprised of retail (14,000 square feet), fast food (two buildings each being 4,500 square feet), convenience store with gas pumps (5,700 square feet), and a grocery store (44,000 square feet). The second scenario that features the medical office use was not included in the TIA. Please note that additional comments may be provided upon the submittal of a TIA addressing the second scenario.

**Comment # 2 (Site Access):**

As seen in the site plan included in page 6, a 1 foot non-vehicular easement prohibits the proposed Driveways 1 and 2. As such the traffic analysis should be revised based on access to the site being provided only at Sterling Silver Boulevard and Alabaster Way. In addition, Figure 2-2 (page 6) shows four (4) access points along Alabaster Way. However, the site access description in page 3 of the report only references three (3) access points to Alabaster Way. Please revise this discrepancy.

**Comment # 3 (Table 3-1):**

Please use the equations (instead of the rates) provided in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition to estimate the trip generation for the 44 KSF supermarket (ITE Code 850) during the p.m. peak hour and the 14 KSF shopping center (ITE Code 820) during the a.m. peak hour. Please revise Table 3-1 and all the associated analysis accordingly.

**GMB Orlando**  
 2602 E. Livingston St.  
 Orlando, FL 32803  
 Office: 407.898.5424  
 Fax: 407.898.5425

**Comment # 4 (Pass-By Capture):**

The methodology document included in Appendix A states that “*the pass-by trips will be checked to be less than 14% of the adjacent street peak hour traffic*”. However, based on a review of the trip generation calculations included in Appendix B, the pass by trip capture is anticipated to be 373 trips (171 NE Corner and 202 NW Corner) during the a.m. peak hour and 456 trips (282 NE Corner and 174 NW Corner) during the p.m. peak hour. Furthermore, Appendix B also includes a pass-by capture check calculation which shows that Saxon Boulevard from Normandy Boulevard to Tivoli Drive has a year 2011 peak hour background traffic of 2,223 trips. As such, it is noted that the pass by trip capture reduction for the development during both, the a.m. peak hour and p.m. peak hour is higher than 14% of the adjacent street peak hour traffic (2,223 trips x 14% = 311 trips). Please ensure that the pass by capture trips from the **total** development does not exceed 14% of the adjacent street peak hour traffic. Please revise Table 3-2 and all the corresponding analysis accordingly.

**Comment # 5 (LOS Standard):**

Pursuant to Policy T1-4.3 of the City of Deltona Transportation Element, the adopted LOS standard for local roadways is D. As such, please revise the LOS standard for Tivoli Drive from Normandy Boulevard to Providence Boulevard from E to D in Tables 4-1 and 5-1.

**Comment # 6 (Table 4-1):**

Please revise Table 4-1 based on the following comments and recommendations:

- The number of lanes along Normandy Boulevard from Deltona Boulevard to Providence Boulevard should be revised from 3 lanes to 2 lanes.
- The number of lanes along Normandy Boulevard from Providence Boulevard to Saxon Boulevard should be revised from 2 lanes to 3 lanes. As such the peak hour two way capacity for this segment should be revised from 1,269 to 1,332 (1,410 service volumes at LOS E x 0.9 adjustment for non-state roadways x 1.05 adjustment for 2 lane divided roadways).



- Please revise the project trip calculations in this table. For example, the project traffic along Saxon Boulevard from Normandy Boulevard to Sterling Boulevard should be revised from 275 to 278 (524 p.m. peak hour net external trips x 53% distribution = 278 trips).

**Comment # 7 (Project Traffic Distribution):**

Please provide a model plot showing the distributions for Saxon Boulevard from Enterprise Road to I-4.

**Comment # 8 (Table 5-1):**

It is noted that Table 5-1 indicates that the development is anticipated to have an adverse impact on two (2) roadway segments along Saxon Boulevard (from I-4 to Finland Drive and from Finland Drive to Normandy Boulevard) during the future year 2016 conditions. It is recommended that the TIA provides remedial actions to address these deficiencies. In addition, please revise Table 5-1 based on the following comments and recommendations to ensure that no additional roadway segments are anticipated to be adversely impacted by the development:

- Please revise the number of lanes along Saxon Boulevard from Sterling Silver Boulevard to Tivoli Drive from 2 lanes to 4 lanes.
- The peak hour two way capacities, included in Table 5-1, for the roadway segments of Saxon Boulevard (from Sterling Silver Boulevard to Normandy Boulevard), Tivoli Drive (from Saxon Boulevard to Providence Boulevard), and Normandy Boulevard (from Saxon Boulevard to Deltona Boulevard) should be revised to be consistent with the capacities included in Table 4-1.
- Please ensure that there is consistency between Tables 4-1 and 5-1. For example, the project traffic along Saxon Boulevard from Normandy Boulevard to Sterling Boulevard is shown as 275 in Table 4-1 and 276 in Table 5-1.
- It is noted that the existing year 2013 traffic volumes were grown (by an annual growth rate of 2.5%) from the year 2012 volumes provided in the Volusia County 2012 Average Annual Daily Traffic & Historical Counts



spreadsheet. Please make sure to include the base year for the existing conditions in the table header to facilitate any further reviews. Likewise, please indicate the future analysis year in the table header.

- Please revise the existing year 2013 volumes for the roadway segments of Saxon Boulevard from Sterling Silver Boulevard to Tivoli Drive from 896 to 2,239.
- Please revise the existing year 2013 volumes for the roadway segments of Saxon Boulevard from Tivoli Drive to Providence Boulevard from 771 to 896.
- Please revise the existing year 2013 volumes for the roadway segments of Saxon Boulevard from Providence Boulevard to Normandy Boulevard from 509 to 771.
- Please provide an explanation of how the year 2013 volumes were derived for the roadway segment of Normandy Boulevard from Saxon Boulevard to Deltona Boulevard. Based on a review of Figure 1, it is noted that the two way p.m. peak hour volume along this roadway segment is currently 954 trips (439 NB and 515 SB) while Table 5-1 shows a p.m. peak two way traffic volume of 693 trips. Please explain this discrepancy and revise as necessary.

**Comment # 9 (Appendix C):**

Please provide the intersection traffic movement count for the intersection of Tivoli Drive and Providence Boulevard during the a.m. peak hour conditions.

**Comment # 10 (Appendix D):**

Please revise the intersection traffic volume derivations included in Appendix C (and all the associated intersection analyses) based on the following comments and recommendations:

- Please ensure that the a.m. peak and p.m. peak hour project traffic distributions along the movements of the study area intersections included in Figures 3A and 3B are consistent with the project trip distributions included in Figure 4-1. For example, the project traffic



Review of Saxon Sterling Silver BPUD  
 Transportation Impact Analysis  
 January 27, 2014  
 Page 5 of 11

distributions along the movements of the intersection of Saxon Boulevard and Normandy Boulevard should be revised as follows:

- Eastbound thru from 47% to 27%.
    - Westbound left from 2% to 13%.
  - Northbound right from 2% to 13%
    - Westbound thru from 47% to 27%.
  - Southbound left from 4% to 13%.
    - Westbound right from 4% to 13%.
- Please revise the calculations used in deriving the project traffic volumes included in Figure 5A for the a.m. peak and p.m. peak hour conditions. For example, under the assumption that the project traffic distribution percentages included in Figure 3A were correct, the project traffic volumes at the intersection of Saxon Boulevard and Tivoli Drive would have to be revised as follows:
    - Eastbound left from 8 to 14 ( $21\% \times 67$  outbound trips = 14 trips).
    - Eastbound thru from 9 to 15 ( $23\% \times 67$  outbound trips = 15 trips).
    - Eastbound right from 1 to 2 ( $3\% \times 67$  outbound trips = 2 trips).
    - Southbound right from 24 to 18 ( $21\% \times 85$  inbound trips = 18 trips).
    - Westbound thru from 12 to 20 ( $23\% \times 85$  inbound trips = 20 trips).
    - Northbound left from 2 to 3 ( $3\% \times 85$  inbound trips = 3 trips).
  - We were not able to figure out how the pass by trips were assigned at the intersection of Saxon Boulevard and Sterling Silver Boulevard and the project entrances. Please provide a stand-alone figure showing the pass by trips during the a.m. peak and the p.m. peak hours.
  - Please revise the a.m. peak and p.m. peak future total intersection traffic volumes derivation based on the above comments and revise the intersection analyses. Please ensure to include all the calculations used in deriving the future total intersection traffic volumes. For example, the Figure should show Future Background Traffic + NE Quadrant Project Traffic + NE Quadrant Pass By Traffic + NW Quadrant Project Traffic + NW Quadrant Pass By Traffic = Total Traffic.



**Comment # 11 (Appendix E):**

The traffic volumes shown in the HCS summary sheets included in Appendix E and the future total traffic volumes included in Figure 6 of Appendix C are not consistent for all of the analysis intersections. For example, the a.m. peak hour total traffic volumes at the intersection of Saxon Boulevard and Sterling Silver Boulevard in the eastbound approach should be revised from 171 to 120 for the left turn movement and 509 to 531 for the thru movement. Please ensure that the 2016 future total traffic volumes included in Appendix C are inputted correctly in HCS. In addition, please revise the analysis results as necessary.

**Comment # 12 (Table 5-2):**

Please revise Table 5-2 and all the associated analysis based on the following comments and recommendations:

- As mentioned on **Comment # 5**, the City adopted LOS standard for Tivoli Drive from Normandy Boulevard to Providence Boulevard is D. As such, please revise the LOS standard for the intersections of Saxon Boulevard and Tivoli Drive and Providence Boulevard to Tivoli Drive from E to D. In addition, since the intersection of Saxon Boulevard and Tivoli Drive is anticipated to operate at LOS E during the year 2016, please identify the improvements necessary to alleviate the anticipated adversities at this intersection.
- As noted in this table, the intersection of the Saxon Blvd and Finland Drive is anticipated to operate at LOS F during the 2016 future total a.m. peak hour conditions. The applicant states that by modifying the cycle length from 120 to 125 seconds during the a.m. peak hour, the intersection is expected to operate at an acceptable LOS. It is to be noted however, that in order to modify the cycle length at this intersection, all the signalized intersections along the Saxon Boulevard corridor would have to be retimed since this is part of a computerized signal system and there are traffic impacts to the interchange ramps.
- It is indicated in page 15 of the report that *“The intersection of Saxon Boulevard & Normandy Boulevard is operating at LOS F in existing and future*



*background conditions. In future total conditions, with the addition of project traffic this intersection continues to operate at LOS F. However, the intersection delay is anticipated to increase by only 4.6 seconds, which is less than 5% of the future background conditions intersection delay.” Please provide analysis to identify the improvements that would be needed at this intersection to alleviate the expected adversities during the existing, future background traffic, and future total traffic conditions.*

**Comment # 13 (Table 5-3):**

Please revise the LOS for the future p.m. peak hour conditions along the westbound approach of the unsignalized intersection of Sterling Silver Blvd and Alabaster Way from E to F. In addition, please provide analysis of this intersection for the total future conditions with the addition of the recommended northbound right turn lane and the northbound left turn lane (as indicated in the turn lane analysis) to ensure that all the intersection movements will operate at an acceptable LOS D (as mentioned in Comment # 5, the City of Deltona adopted LOS standard for local roadways is D).

**Comment # 14 (Appendix H):**

Please revise the signal warrant analysis based on the previous comments. In addition, the signal warrant analysis must be revised to account for the anticipated year 2016 conditions. As such, please grow the traffic volumes on the major and minor approach volumes by the agreed upon annual rate of 2.5%. Furthermore, please provide a table showing the derivation of traffic volumes along the minor approach. The minor approach should include future background conditions in addition to project traffic as identified in the “Shopping Center Hourly Trip Generation Determination Table” included in Appendix H. It is to be noted that the County will allow the signal at this intersection to be built and placed on flash mode until traffic volumes warrant.



**Comment # 15 (Crash Data):**

Please provide a figure showing the crash analysis at the intersection of Saxon Boulevard and Sterling Silver Boulevard. Please provide the crash data in an Appendix.

**Comment # 16 (Turn Lane Analysis):**

Please revise the Turn Lane Analysis Section based on the above comments and the following recommendations and observations:

- The traffic volumes included in the Turn Lane Analysis in Appendix F are consistent with the traffic volumes used in the HCS analysis (included in Appendix E). However, the traffic volumes are inconsistent with the traffic volumes included in Figure 6 of Appendix C. Please explain this discrepancy and update the analysis if necessary.
- The City of Deltona Land Development Code (LDC) Section 96-37(a)(10)(c)(5)(ii) indicates that a right-turn lane with a minimum of 150 feet of storage and 100 feet of transition shall be required at each driveway when the speed limit equals or exceeds 35 miles per hour or if the development will generate 100 or more right-turn movements during the peak hour. Since the westbound right turn movement of the intersection of Saxon Boulevard and Sterling Silver Boulevard is anticipated to have more than 100 trips during both the a.m. and p.m. peak hours, it is recommended that a right turn lane in the westbound approach of this intersection be provided. Furthermore, the northbound right turn movement at the intersection of Sterling Silver Boulevard and Alabaster Way (Driveway 3) is anticipated to service 242 trips during the year 2016 p.m. peak hour conditions. As such, it is recommended that Table 7-1 be revised to indicate that a minimum of 150 feet of storage and 100 feet of transition will be required at the northbound right turn lane of this intersection.



- Please determine if right turn lanes or left turn lanes are required at the project driveways along Alabaster Way based on the requirements included in the City of Deltona LDC Section 96-37(a)(10)(c)(5).

**Comment # 17 (Driveway 1):**

As mentioned in **Comment # 2** above, a 1 foot non-vehicular easement prohibits the proposed Driveway 1. Consistent with **Comment # 16**, a right turn lane with a minimum of 150 feet of storage and 100 feet of transition is required in the westbound approach of the intersection of Saxon Boulevard and Sterling Silver Boulevard. Furthermore, in accordance with the City of Deltona LDC Section 96-37(a)(10)(c)(5)(ii), a right turn lane of at least 250 feet (a minimum of 150 feet of storage and 100 feet transition) would be required at the proposed Driveway 1, since Saxon Boulevard in front of the development has a posted speed limit of 40 mph. Based on the requirements to provide a 250 feet right turn lane along the westbound approach of Saxon Boulevard at Sterling Silver Boulevard and a 250 feet right turn lane at the proposed Driveway 1, it is noted that nearly all the property frontage on Saxon Boulevard should be devoted to a deceleration/right turn lane.

As noted in the City of Deltona's Agenda Memorandum to the Planning and Zoning Board (dated December 18, 2013), the right turn lane for Driveway 1 will commence immediately after the existing access to the existing Saxon Medical Park site to the south. The construction of Driveway 1 would create additional traffic conflicts where cars attempting a right or left turn onto Saxon Boulevard from the Medical Park would have to negotiate with cars slowing and maneuvering to transition to the deceleration lane leading to the proposed Driveway 1. This is compounded by the fact that the posted speed of 40 mph, in conjunction with the convex curve, makes traffic management in the area more difficult to navigate and is an unsafe design.

In addition, Table 96-6B included in the City of Deltona LDC Section 96-37(a)(10)(c)(2)(iv) includes the driveway centerline spacing requirements for thoroughfares with a speed limit higher than 35 mph. According to Table 96-6B,



the minimum distance between centerlines of the intersection of Saxon Boulevard (a proposed signalized intersection) and the proposed Driveway 1 (an intermediate driveway with more than 50 vehicles but less than 150 vehicles) is 380 feet. Similarly, the minimum distance between the proposed Driveway 1 (an intermediate driveway) and the Saxon Medical Park driveway (assumed to be an intermediate driveway) is 360 feet. It is to be noted that the distance between the centerlines of the intersection of Saxon Boulevard at Sterling Silver Boulevard and the Saxon Medical Park driveway is approximately 570 feet which is less than the combined driveway spacing of 740 feet that would be required if Driveway 1 was constructed (380 feet between Saxon Boulevard at Sterling Silver Boulevard and Driveway 1 in addition to 360 feet between Driveway 1 and the Saxon Medical Park driveway).

**Comment # 18 (Alternative Mode Analysis):**

As noted in the Volusia County Comments (dated December 3, 2013), the TPO Guidelines section 4(d) specify a requirement to assess sidewalks, bikeways, and transit routes of users (including special needs). The site plan needs to address how walking, biking, and transit ridership will be encouraged. Please review this section of the guidelines, with particular focus on VOTRAN's Transit Development Guidelines. Specifically, the county will be looking for safe cross-Saxon access between the commercial properties and the nearby residences and also students. The Guidelines can be found on the Volusia TPO website: [www.volusiatpo.org](http://www.volusiatpo.org). Please specifically show how transit riders will be able to access the site.

**Comment # 19 (General Comment):**

It is recommended that the applicant provides a revised TIA addressing the above comments as they relate to site access, trip generation, project traffic distribution, project traffic assignment, existing LOS assessment, future LOS assessment, and alternative mode analysis. The revised TIA should identify if any additional roadway segments or intersections are anticipated to be adversely impacted by the development during the year 2016 conditions.



Review of Saxon Sterling Silver BPUD  
Transportation Impact Analysis  
January 27, 2014  
Page 11 of 11

**Conclusions:**

In summary, based on the peer review relating to the TIA supporting the Saxon Silver BPUD, it is noted that the proposed development will have adverse impacts on the City of Deltona transportation network. Therefore, GMB recommends that the City of Deltona transmits these comments to the Applicant and that a revised TIA be provided addressing these comments. Should you have any questions on the above, please feel free to call me at (407) 898-5424 ext. 208 or email me at [jtolosa@gmb.cc](mailto:jtolosa@gmb.cc).





Volusia County  
Traffic Engineering

Project Name: Saxon Sterling Silver BPUD  
Subject: TIA comments  
Date: 12-03-13

- | No. | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.  | The report overall relies on references to the numerous appendices in the back. Please consider bringing into the body of the report key information to better assist the readers in following/understanding the report. Also consider placing tabs to assist the reader in getting to aforementioned and relevant appendices.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 2   | Page 2, Executive Summary: 1) Regarding the intersection of Saxon Blvd/Finland Drive am peak hour cycle length being modified, please understand that the corridor between Finland Drive and Enterprise Road would have to be retimed since this is part of a computerized signal system and there are traffic impacts to the interchange ramps. 2) With regard to the signalization of Sterling Silver Blvd/Saxon Blvd, the county will allow the signal to be built and placed on flash mode until traffic volumes warrant. 3) Regarding the right-turn lane lengths at Driveways 1 and 2, a 1 foot non-vehicular easement prohibits driveways. Therefore, please redo the TIA. If the city will allow a cross-access easement, Driveway 1 TMCs should be included with the existing driveway. 4) A westbound right turn lane will be needed at Sterling Silver Drive. |
| 3   | Page 3, Site access, bullet 1: The two specified right-in/right-out driveways are not allowed per the 1 foot non-vehicular easement. The TIA will need to be redone to demonstrate new traffic flow patterns.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 4   | Page 6, Site Plan: Related to comments in #2 and #3, the two right-in/right-out driveways are not allowed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 5   | Table 3-2, Net new trips: Please revise the TIA to demonstrate how the net new trips were derived; i.e, show gross, internal capture, pass-by and new trips. Please document the source for internal capture and pass-by rates. We see that the information is contained in the methodology, but the data needs to be brought into the analysis for clarity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 6   | Page 9, Trip Distribution and Assignment: Please provide the CFRPM plot showing traffic volume distribution on the network. Appendix D does not include a distribution plot.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 7   | Figure 4-1, Project Traffic Distribution: Please show the percentage of the project traffic that is present west of the interstate on Saxon Blvd.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 8   | Table 4-1, Significance Test, page 11: 1) Please include "New Net PM Peak Trips" in the table title. 2) Please document how capacities were determined. Why are they different from the LOS service volumes in Table 5-1? 3) Please highlight the 5%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |



Volusia County  
Traffic Engineering

significance links.

- 9 Page 12, Traffic Data Collection (Appendix C): The signal timings at Providence Blvd/Tivoli Drive are missing.
- 10 Future Traffic Conditions, Page 13/Appendix D: Several of the AM and PM TMC percentages do not match Figure 4-1. Please revise the TMCs. For example, 47% of net new AM peak trips are shown in Figure 3A where Figure 4-1 shows that this link is supposed to show 23%.
- 11 Table 5-1, PM Peak Hour 2-way Roadway Analysis: 1) The Saxon Blvd segment between Sterling Silver Blvd and Tivoli is 4 Lane divided. 2) Please check with the City of Deltona to confirm the LOS standard on Tivoli Drive. 3) Please explain how the LOS standard service volume for the roads on the bottom four rows of the table.
- 12 Signal Warrant Analysis, Page 17: 1) Related to the TMCs, please see our comment regarding the lack of consistency in #9. 2) Please check that the 8 highest hourly volumes were used. Our review indicates otherwise.
- 13 Signal Warrant Analysis, Results, Page 18: The warrant analysis needs to be redone considering comments made on this TIA (especially TMCs and access issues related to the non-vehicular easement). The county will allow the installation of a signal to be operated on flash mode until the traffic volumes warrant full operation.
- 14 Table 7-1, Turn Lane Analysis, page 19: 1) Please strike the first two site driveway intersections listed on the table since they are not allowed per the BPUD. 2) Related to the intersection of Saxon Blvd/Sterling Silver Blvd, please redo the turn lane analysis based upon a revised site plan (eliminating both right-in/right-out driveways), as more traffic volume will be accessing the site via Sterling Silver Blvd.
- 15 Recommendations, Page 20: 1) Please omit bullets 3 and 4 listed for reasons identified previously. 2) Include commitment for signal retiming for the loop system between Finland Drive and Enterprise Road. 3) Include commitment for construction of a westbound right-turn lane at Sterling Silver Blvd/Saxon Blvd.
- 16 The TPO Guidelines section 4(d) specify a requirement to assess sidewalks, bikeways, and transit routes of users (including special needs). The site plan needs to address how walking, biking, and transit ridership will be encouraged. Please review this section of the guidelines, with particular focus on VOTRAN's Transit Development Guidelines. Specifically, the county will be looking for safe cross-Saxon access between the commercial properties and the nearby residences and also students. The Guidelines can be found on the Volusia TPO website: [www.volusiatpo.org](http://www.volusiatpo.org). Please specifically show how transit riders will be able to access the site.

**DEVELOPMENT AGREEMENT**  
**For the project known as the Saxon Sterling Silver BPUD located at Saxon Boulevard**

Exhibit ~~A~~ to Ordinance No. ~~02-2014~~—~~2013~~

THIS AGREEMENT (the "Agreement") entered into and made as of the \_\_\_\_ day of \_\_\_\_\_, ~~2013~~, ~~2014~~ by and between the CITY OF DELTONA, FLORIDA, (hereinafter referred to as the "City"), and DELTONA RETAIL INVESTMENT, L.L.C., a South Carolina limited liability company (hereinafter referred to as the "Owner/Developer"), and DELTONA GROUP INVESTORS, LLC, a Washington limited liability company, and RETIREMENT COMMUNITY AT STERLING PARK POA, INC., a \_\_\_\_ corporation, (hereinafter referred to jointly and severally as the "Current Owner")

Formatted: Strikethrough

W I T N E S S E T H

**WHEREAS**, this Agreement replaces the Development Agreement recorded in Official Record Book 5825, Pages 1350 through 1370 of the Public Records of Volusia County, Florida, known as the Saxon Retirement Village MPUD and hereinafter referred to as the "SRV PUD," as to Lots 1, 2 and 4, and also as to Tract "B" Common Area, Tract "C" Common Area and vacated Road "B", all per Retirement Community at Sterling Park MPUD Subdivision, Plat Book 53, Pages 59 and 60, Public Records of Volusia County, Florida; and

**WHEREAS**, the SRV-PUD remains in effect as to all other lands as described therein;

~~a~~And

**WHEREAS**, the Saxon Sterling Silver BPUD shall include Lots 1,2, and 4 and also Tract "B" Common Area, Tract "C" Common Area and vacated Road "B" and hereinafter be referred to as the "Subject Property"; and

**WHEREAS**, the Current Owner warrants that it holds legal title to the property described

in Paragraph 2 below, and the Owner/Developer warrants that it is the contract purchaser thereof 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 desires to facilitate the orderly development of the subject property, in compliance with all of the laws and regulations of the City, and of other applicable governmental authorities, and the Owner/Developer desires to ensure that its development is compatible with other properties in the area and complies with all applicable local government transportation policies and regulations. ~~planned traffic patterns~~; 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 has sought the City's approval for plans to develop its property, and the City has approved a the Saxon Sterling Sliver BPUD Master Development Plan (the "MDP") on \_\_\_\_\_, ~~2013~~, 2014 subject to the covenants, restrictions, and easements offered by the Owner/Developer and contained herein; and

Formatted: Strikethrough

**WHEREAS**, this Agreement is entered into based on the City's home rule powers.

**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. Incorporation. The recitals herein contained are true and correct and are incorporated herein by reference.

2. Ownership. The Current Owner represents that it is the present owner of parcel #'s 8130-78-00-000B, 8130-78-00-0003, 8130-78-00-0040, 8130-78-00-0001, 8130-78-00-0020, and 8130-78-00-0010, and more particularly described in Ordinance No. 02-2014 ~~2013~~,

Exhibit A (the ~~“Property”~~ or the “Subject Property”), and that the said Subject P property is under contract for sale to Owner/Developer.

3. Title Opinion/Certification. The Owner/Developer will provide to the City, in advance of the City's execution of this Agreement, a title insurance commitment, a title opinion of an attorney licensed in the State of Florida, or a certification by an abstractor or title company authorized to do business in the State of Florida, showing, upon conveyance of the property from Current Owner, marketable title to the Subject Property to be in the name of the Owner/Developer and showing all liens, mortgages, and other encumbrances that have not been satisfied or released of record.

4. Subordination/Joinder. ~~Except as to the items listed on the attached Exhibit B, Schedule of Permitted Exceptions, unless otherwise agreed to by the City, a~~ All liens, mortgages, and other encumbrances not satisfied or released of record, must be subordinated to the terms of this Agreement or the lienholder must join in this Agreement. It shall be the responsibility of the Owner/Developer to promptly obtain the said subordination or joinder, as well as joinder of the owner of Lot 3 of the SRV PUD ~~SRV PUD~~, in form and substance set forth on the attached Exhibit ~~C~~ B, prior to the City's execution of the Agreement.

5. Development Agreement. The Master Development Agreement shall be comprised of this Development Agreement and the Master Development Plan (“MDP” or ~~“BPUD Plan”~~) attached as **Exhibit D**.

6. Development Standards.

a. Sidewalks: The ~~owner/developer~~ Owner-Developer of the SRV PUD has previously constructed all required sidewalks for the SRV PUD. However, the Owner/Developer is required to construct any sidewalks as warranted per the

Formatted: Strikethrough

City's Code of Ordinances for the Saxon Sterling Silver BPUD or to repair/maintain any previously constructed sidewalks installed within the SRV PUD. ~~Owner/Developer has no further obligations to construct sidewalks.~~

Formatted: Strikethrough

b. Permitted Uses:

The following land uses, ~~together with customary incidental and subordinate accessory uses shall be permitted without restriction on hours of operation (other than general, city wide limitations with regard to hours of sale of alcoholic beverages for on premises consumption):~~

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

- Lot 1: Any business, medical, including medical clinic, or professional office use.

- Maximum FAR on Lot 1 - 0.25

- ~~Alcoholic beverage retail store and liquor store.~~

Formatted: Strikethrough

- ~~Pharmacies including, without limitation, pharmacies with drive through facilities.~~

- Lots 2 and 4: All uses as permitted by the C-1, ~~or PB~~ zoning districts under the Code of Ordinances, City of Deltona, Florida, as it is in effect as

Formatted: Strikethrough

Formatted: Strikethrough

of the time of the adoption of this ordinance, ~~and as may be permitted in~~

Formatted: Strikethrough

~~the future, by amendments from time to time to the permitted uses allowed~~

Formatted: Strikethrough

~~in those districts except convenience stores, type C automobile service~~

Formatted: Strikethrough

Formatted: Strikethrough

stations, Types A, B, and C, gas stations, fast food restaurants, bars, and

nightclubs, and other uses not allowed in the C-1 zoning, ~~shall not be~~

Formatted: Strikethrough

~~allowed; and except that, on that part of the Subject Property westerly of~~

Formatted: Strikethrough

Sterling Silver Boulevard, no building housing a Restaurant, Type B, shall

~~be allowed north of the Use Restriction Line (as shown on the BPUD Plan); and also except that the hours of operation (serving customers) for all uses except for medical clinics shall be limited to the period of 6 a.m. until 11 p.m. on that part of the Subject Property westerly of Sterling Silver Boulevard. Restaurants are permitted to have signs exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises~~

Maximum FAR on Lots 2 and 4 – 0.16 of the total land area of Lots 2 and 4.

Formatted: Indent: Left: 1.25"

Hours of operation on Lots 2 and 4 – 7:00 am to 10:00 pm. Includes all services, deliveries, trash collection and general use.

- c. Site Lighting. Site lighting within the Property shall conform to the standards contained in the City Lighting Code, Ordinance No. 10-2004 and the design requirements of Section 110-828 (b)(2) of that code. An illumination plan shall be designed by a licensed engineer and submitted with any Final Site Plan application.
- d. Parking. ~~Except as otherwise stated herein, all~~ All parking shall conform to Sections 110-828 and 110-829 of the Deltona Code of Ordinances, as ~~it~~ may be amended from time to time. ~~At the Owner/Developer's election, the entire Property, or any portion thereof containing more than one lot, may be treated as a unified shopping center for parking requirements.~~
- e. Site Access. Subject to the requirements of the County of Volusia (the "County") on Saxon Boulevard, the site access shall be managed as follows: ~~provided in the locations shown on the approved Master Development Plan, subject to the~~

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

following conditions:

1. Except as otherwise provided herein, all development shall meet the City's and County's transportation concurrency management, driveway design, and internal circulation requirements, and no design shall be approved that does not meet the City's ~~Land Development Code~~ of Ordinances.
2. ~~The existing 1 ft. non-vehicular access easement currently shown on the plat of Retirement Community at Sterling Park MPUD Subdivision, is intended to be vacated at the locations of the access points as shown on the MDP.~~
3. Right in and Right out access on to Saxon Blvd. will be allowed for Lot 1 only. However, a raised concrete median will be required to be constructed by the Owner/Developer in the Saxon Blvd. right-of-way across from the Lot 1 right in right out access, along with a concrete 'pork chop' (no 'bat wings'). Both the 'pork chop and raised median in the Saxon Blvd. right-of-way shall be designed and constructed to discourage illegal left hand turns. ~~Access management shall be consistent with that shown on the Master Development Plan (MDP) and shall conform to roadway design standards for the City of Deltona along Deltona public rights-of-way and the County design standards for Saxon Boulevard. Notwithstanding the provisions of section 118-829 (f) (1) of the Code, the minimum distance requirement from the street right-of-way line of Alabaster Way to interior service drives is ten (10) feet and for parking aisles with direct access to driveways connecting to Alabaster~~

Formatted: Strikethrough

Formatted: Font: Bold

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

3.4. Provide access management, as recommended in GMB Engineering review of the submitted TIA, to provide a signalization at the Saxon Blvd. Sterling Silver Blvd. intersection, a deceleration land along the frontage of Lots 2 and 4, to maintain the existing 1-ft. non-vehicular ingress and egress easement along the Saxon Blvd. frontage of Lots 2 and 4, and comply with the City Land Development Code for access management and other design standards. ~~Way is forty (40) feet, and the minimum distance requirement from the right of way line of Saxon Boulevard to interior service drives or parking aisles with direct access to a driveway connecting to Saxon Boulevard is fifty (50) feet.~~

Formatted: Strikethrough

4.5. Subject to the approval of Volusia County and at its own expense, the Owner/Developer, shall be permitted to design, permit, purchase, construct, and install a “span wire” traffic signal at the intersection of Sterling Silver Boulevard with Saxon Boulevard which, if not immediately warranted, may be operated in flashing yellow mode.

~~All lots within the Subject Property which are developed hereunder shall be vested for transportation system purposes based on the installation and construction of the said traffic signal and shall not be responsible for any future fair share payments for installation of a traffic signal. Additionally, the City acknowledges that Lot 3 of the SRV PUD shall have no obligation relating to a traffic signal including, without limitation, escrowing money, and that said Lot 3 is likewise vested for transportation system purposes.~~

Formatted: Strikethrough

Formatted: Strikethrough

f. Building Setbacks. Minimum building setbacks from the property lines of the lots within the Subject Property shall be as follows:

- Yards on Saxon Boulevard and Alabaster Way: 25 feet.
- All other yards on a public road: 15 feet.
- Internal lot lines: 0 5 feet.
- Side or Rear Yards adjacent to residential: 30 feet
- ~~Except as provided above: 10 feet.~~

Formatted: Strikethrough

g. Maximum Building Height: 35 36 feet.

Formatted: Strikethrough

h. Minimum building separation: 10 feet ~~There is no minimum building separation requirement between buildings located within the Subject Property.~~

Formatted: Strikethrough

i. Maximum Impervious Surface Coverage: Not to exceed 70% 65 % per lot ~~of the total Property area shown on the approved Master Development Plan. Individual parcels within the Subject Property may have more or less impervious surface coverage, but the total impervious surface area on the Subject Property shall not exceed the permitted maximum set forth herein. This standard shall not exempt any lot from the minimum landscaping buffer or stormwater requirements.~~

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

j. Perimeter Landscaped Buffers and other landscaping requirements: shall comply with Section 110-808 of the City Code of Ordinances. ~~Landscape buffers in the width as set forth below, shall be provided along the respective road frontages and property lines:~~

Formatted: Strikethrough

Saxon Boulevard: \_\_\_\_\_ 25 feet

Sterling Silver Boulevard: \_\_\_\_\_ 15 feet

Alabaster Way: \_\_\_\_\_ 10 feet

Adjacent to Residential: \_\_\_\_\_ 30 feet

All other perimeter property boundary lines of the Subject  
Property: \_\_\_\_\_ 10 feet

Internal lot lines within the Subject Property \_\_\_\_\_ none

However, Aa masonry, finished six foot high wall consistent with that constructed along the north boundary of the adjacent retirement center shall be erected along the north and west property boundaries of Hlot 1 to buffer and visually screen the proposed uses from the existing residential homes. Landscaping shall be placed on the proposed development's side of the wall. The wall and its associated landscaping shall be erected and maintained by the developer of Hlot 1.

~~Except as otherwise provided herein, any landscape plan submitted with any final site plan application shall comply with all provisions of section 110-808 of the City's Zoning Code. All dumpsters shall be screened from view, per the City's Code of Ordinances. Stormwater ponds and swales are permitted within and, where landscaped, shall count as a part of the required landscape buffers.~~

Formatted: Strikethrough

Formatted: Strikethrough

- k. Clearing and Grading: Shall conform to the procedures and requirements listed within the City's Code of Ordinances and shall follow NPDES standards. ~~If the Owner/Developer wishes to clear and/or grade any or all lot(s) in accordance with a preliminary plat development order, and before a final site plan development order is approved for such lot(s), then the Owner/Developer may do so, but shall simultaneously install the minimum landscape buffers as required by this Development Agreement. In that event, the Owner/Developer shall provide temporary ground cover within these rough graded areas, as required to meet the best management practices established in The Florida Stormwater, Erosion, and~~

Formatted: Strikethrough

~~Sedimentation Control for Developing Areas and Inspector's Manual.~~

1. Building Design, Location and Architecture: Buildings shall be designed to include aesthetic architectural elements on the parcels in a unified project architectural design provided, however, that the architectural design on the east side of Sterling Silver Boulevard can differ from architectural design on the west side of Sterling Silver Boulevard. If the architectural designs vary from each other on either side of Sterling Silver Boulevard, then both designs have to be consistent with master project signage and master project landscaping for the overall project. Buildings shall be designed so that the side of any such building facing Saxon Boulevard, Sterling Silver Boulevard, or Alabaster Way that is not the main entrance shall incorporate architectural treatments that enhance the appearance of the respective building façade or that give the appearance of being the front of the building. The City August 4, 2008 Urban Design Pattern Book shall be used for guidance with regard to building architecture and related elements. Commercial buildings on Lots 2 and 4 shall be scaled, oriented, massed and located as close to Saxon Blvd. as possible. For all Lots within the BPUD, service areas shall be located away from residential uses to the greatest extent possible and have those service areas screened from adjacent properties.
- m. Utilities: The Owner/Developer shall install water and sewer lines at its expense to service the entire Subject-Property ~~if necessary~~, and shall not interrupt water or sewer service to Lot 3 of the SRV PUD-~~SRV PUD~~. Any site related upgrades necessary to provide service for the Subject Property and to continue uninterrupted water and sewer service to Lot 3 of the SRV PUDe-~~SRV PUD~~, shall

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

be provided at the Owner/Developer's sole expense.

- n. Platting and Final Site Plans: Lots 2 and 4 may be combined consistent with Section 106-27(a)(7)(a) of the City Code of Ordinances. ~~The Subject Property~~

Formatted: Strikethrough

~~shall be replatted for purposes including, without limitation, of creating fewer or additional lots, reconfiguring lot lines, eliminating certain easements and as otherwise contemplated by the MDP. The requirement that a sketch plan be submitted to the City prior to the application for approval of a subdivision preliminary plat development order, as required by the City's Land Development Code, shall be satisfied by the approval of a combined Master Development Plan and Overall Development Plan (MDP/ODP) for the overall project contemplated herein.~~

~~To replat the Property, the Owner/Developer shall submit and receive approval from the City Commission. The development review process for a preliminary plat, the final plat, and any final site plan(s) may, at Owner/Developer's risk and option, may be pursued concurrently and shall be in accordance with the City's Code of Ordinances.~~

Formatted: Strikethrough

- o. Final Site Plan. The approved final site plan shall be ~~generally~~ consistent with the approved MDP, and strictly in compliance with the City Code of Ordinances and this Agreement, ~~except where variances and modifications are specifically authorized as permitted by the City Code and according to the procedures set forth therein.~~

Formatted: Strikethrough

Formatted: Strikethrough

~~The submission of a conceptual plan prior to the application for approval of a final site plan development order for the proposed BPUD development, as~~

~~required by the City Code shall be satisfied by the approval of the MDP/ODP, and the City shall not require the submission of any additional conceptual plans. The approved final site plan and development order shall be consistent with the specific development standards and conditions contained herein.~~

Formatted: Strikethrough

- p. Stormwater: Upon development of each lot, or within a master stormwater system, stormwater retention shall be provided in accordance with the City of Deltona ~~Land Development Code~~ Code of Ordinances, Deltona Comprehensive Plan, and all applicable St. Johns River Water Management District regulations.

Formatted: Strikethrough

- q. Signs: All signs shall comply with Chapter 102, Deltona Code of Ordinances as it may be amended from time to time. ~~Except as otherwise stated herein, signage shall comply with Chapter 102, Deltona Code of Ordinances, on the date that a Final Site Plan Development Order is approved, as it is amended from time to time:~~

Formatted: Strikethrough

- ~~1. In addition to other signage which would otherwise be allowed by code, Owner/Developer shall be allowed two free standing monument style signs, neither to exceed 96 sq. feet, one on each side of Sterling Silver Boulevard, which signs may be shared by businesses within that part of the Project as is on the same side of the said street (in addition to such wall signs and such other signs as are permitted in accordance with Chapter 102).~~
- ~~2. Master project signage for the Project shall comply with Chapter 102, Deltona Code of Ordinances, as a planned unit development. A Sign Plan shall be included within the MDP/ODP.~~

~~3. Restaurants are permitted to have signs exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises.~~

~~4. The master sign package, attached hereto as Exhibit E, shall be permitted, though Owner/Developer is not obligated to follow it so long as signage otherwise complies with this Agreement.~~

r. Environmental: ~~Before any development order will be issued on any lot within the Subject Property, As part of the City site plan review process,~~ any state, federal and local required environmental permits shall be obtained and copies provided to the City.

Formatted: Strikethrough

Formatted: Strikethrough

s. ~~Maximum Floor Area Ratio=0.25.~~

Formatted: Strikethrough

7. Obligations. The Owner/Developer shall perform its obligations as described in this Agreement within a period of bonding or constructing such obligations. Any surface improvement as described and as obligated to, such as signalization, walls, stormwater management facilities, utilities, etc. shall be performed prior to the issuance of the first Certificate of Occupancy receipt. Should the Owner/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 thirty (30) days written notice to commence and ninety (90) days to complete said required obligation at the sole expense of the Owner/Developer. ~~If the Owner/Developer fails to complete the obligations within the ninety (90) day period then the City, without further notice to the Owner/Developer, or its successors in interest, may, without prejudice to any other rights or remedies it may have, perform any and all of the obligations described in this Agreement.~~ Further, the City is hereby authorized to assess the actual and verified cost of completing the obligations required under this Agreement and record a lien

Formatted: Strikethrough

Formatted: Strikethrough

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 and its successors in interest shall be deemed to have been given upon the mailing of notice to the above-mentioned address.

~~NOTWITHSTANDING THE FOREGOING, IF OWNER/DEVELOPER SELLS OR OTHERWISE TRANSFERS OWNERSHIP OF ANY PORTION OF THE SUBJECT PROPERTY, ANY FAILURE OF OBLIGATIONS ON THE PART OF OWNER/DEVELOPER TO BE PERFORMED THAT PERTAIN TO SUCH SOLD OR TRANSFERRED PORTION SHALL BE THE RESPONSIBILITY OF THE PURCHASER/TRANSEEREE, AND ANY LIEN FOR COSTS TO THE CITY, OR OBLIGATIONS OR THE INDEMNITY CONTAINED IN SECTION 8 OF THIS AGREEMENT SHALL APPLY ONLY TO SUCH SOLD/TRANSFERRED PORTION OF THE SUBJECT PROPERTY~~

Formatted: Strikethrough

8. Enforcement. In the event that enforcement of this Agreement by the City becomes necessary, and the City is successful in such enforcement, the Owner/Developer shall be responsible for all costs and expenses, including attorneys' fees, whether or not litigation is necessary and, if necessary, both at trial and on appeal, incurred in enforcing or ensuring compliance with the terms and conditions of this Agreement which 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. Interest on

unpaid overdue sums shall accrue at the rate of the lesser of eighteen percent (18%) compound annually or at the maximum rate allowed by law.

9. Indemnification. The Owner/Developer or a purchaser/transferee (as referred to in Section 9 hereof), each only as to such portion of the Subject Property then owned by the Owner/Developer or purchaser/transferee, shall indemnify and hold harmless the City from 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 of the use or development of the ~~s~~Subject ~~p~~Property, except those claims or liabilities caused by or arising from the negligence 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 sewer plans, fire safety, or quality of construction, whether or not inspected, approved, or permitted by the City.

10. Site Plan Approval. The MDP/ODP approval for the Subject Property, given at second and final reading at the regular meeting of the City Commission on \_\_\_\_\_, ~~2013~~ 2014, is specifically incorporated into this Agreement by reference for the purpose of clarifying boundaries, locations, areas, and improvements described in this Agreement, and all development shall be in substantial accordance with and subject to the terms of the said MDP/ODP approval.

Formatted: Strikethrough

11. Compliance. The Owner/Developer agrees that it, and its successors and assigns, will abide by the provisions of this Agreement, the City's Comprehensive Plan, and the City's ~~Land~~ ~~Development~~ Code of Ordinances, including 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

Formatted: Strikethrough

Formatted: Strikethrough

subsequent amendments hereto as may be applicable. Further, all required improvements, including landscaping, shall be continuously maintained by the Owner/Developer, or its successors and assigns, in accordance with the City's ~~Land Development Code~~ of Ordinances.

Formatted: Strikethrough

The City may, without prejudice to any other legal or equitable right or remedy it may have, withhold permits, certificates of occupancy or approvals, to the ~~s~~Subject ~~p~~Property should the Owner/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, this Agreement shall govern the development of the BPUD property.~~

Formatted: Strikethrough

12. Utility Easements. The Owner/Developer shall provide to the City such easements and other legal documentation, in form mutually acceptable to the City Attorney and the Owner/Developer, as the City may deem reasonably necessary or appropriate for the installation and maintenance of the utility and other services serving the Subject Property and Lot 3 of the SRV PUD. ~~that SRV PUD~~. Such easements shall not materially interfere with the Owner/Developer's use and enjoyment of the Subject Property, but shall sufficiently provide continued uninterrupted sewer and water service to Lot 3, SRV PUD. ~~SRV PUD~~.

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

13. Concurrency and Vested Rights. The Owner/Developer acknowledges and agrees that prior to the issuance of any building permit(s) for the Property, the Owner/Developer must have received and be in the possession of a valid unexpired certificate of capacity. The certificate of capacity verifies the availability of infrastructure capacity sufficient to permit development pursuant to the approved site plan for the Subject Property without causing a reduction in the levels of service adopted in the City's Comprehensive Plan. The certificate of capacity shall be effective for a term as defined in the City's ~~Land Development Code~~ of Ordinances. Neither this Agreement nor the approved BPUD Plan shall create or result in a vested right or rights to

Formatted: Strikethrough

develop the Property without a current and valid certificate of capacity.

14. Notices. Where notice is herein required to be given, it shall be by certified mail return receipt requested, addressee only, hand delivery or courier. Said notice shall be sent to the following, as applicable:

**OWNER/DEVELOPER'S REPRESENTATIVES:**

Deltona Retail Investment, L.L.C  
550 Long Point Road  
Mount Pleasant, ~~NC~~SC 29464  
(843) 654-7887  
Fax: (843) 654-7889

**With Copies To:**

F.A. (Alex) Ford, Jr., Esq  
Landis Graham French, P.A.  
P.O. Box 48  
DeLand, FL 32721-0048  
(386) 734-3451  
Fax: (386) 736-1350

and

CPH, INC.  
P.J. Sutch, P.E.  
500 W. Fulton Street  
Sanford, Florida 32771  
(407) 322-6841  
Fax: (407) 330-0639

**CITY'S REPRESENTATIVES:**

Director Development Services  
City of Deltona  
2345 Providence Boulevard  
Deltona, FL 32725  
(386) 561-2200  
Fax: (386) 789-7234

and

City Attorney  
City of Deltona  
2345 Providence Boulevard  
Deltona, FL 32725  
(386) 561-2200  
Fax: (386) 789-7234

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 obligation to identify its lender(s) to all parties in a fashion as is required for notices herein.

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

16. Binding Effect. This Agreement shall run with the land, shall be binding upon and inure to the benefit of the Owner/Developer and its assigns and successors in interest, and the City and its assigns and successors in interest. The Owner/Developer shall pay the cost of recording this document in 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 or grant the authority to supersede federal and state laws.

17. Severability. If any part of this Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not affect the other parts of this 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 Agreement is declared severable.

18. Condition Precedent; Effect of SRV PUD. As a condition precedent to this Agreement, the Owner/Developer shall have purchased the Subject Property from the Current

Owner, as conclusively established by the recording of a deed or deeds from the Current Owner to the Owner/Developer in the Public Records of Volusia County, Florida. ~~Upon the recording of this Agreement, the SRV PUD shall have no further applicability to the Subject Property, but shall remain in effect as to all other lands described therein. Further, the City acknowledges the provisions of Section 6.e.4. of this Agreement with regard to the expense of signalization on vesting of Lot 3, SRV PUD, with regard to transportation system requirements.~~

Formatted: Strikethrough

IN WITNESS WHEREOF, the Owner/Developer, Current Owner and the City have executed this Agreement as of the day and year first above written.

**IN WITNESS WHEREOF**, the Owner/Developer and the City have executed this Agreement as of the day and year first above written.

**SIGNED, SEALED, AND DELIVERED IN THE PRESENCE OF THE OWNER/DEVELOPER:**

OWNER/DEVELOPER:

DELTONA RETAIL INVESTMENT, LLC.,  
a South Carolina limited liability company,  
by WRS, INC, a South Carolina corporation,  
its Manager

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

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

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

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

**By:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
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 \_\_\_\_\_,  
2013, 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

**ACCEPTED FOR THE CITY OF DELTONA:**

**By:**

\_\_\_\_\_  
John C. Masiarczyk, Sr., Mayor

**Date:**

\_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Joyce Raftery, CMC, City Clerk

**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 \_\_\_\_\_, 2013, by \_\_\_\_\_, who are personally known to me and acknowledge executing the same freely and voluntarily under authority vested in them and that the seal affixed thereto is the true and corporate seal of the City of Deltona, Florida.

\_\_\_\_\_  
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

**CURRENT OWNER:  
DELTONA GROUP INVESTORS, LLC, a  
Washington limited liability company**

By: \_\_\_\_\_  
Printed name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Signature of Witness # 1  
\_\_\_\_\_  
Print or type name

\_\_\_\_\_  
Signature of Witness #2  
\_\_\_\_\_  
Print or type name

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_,  
2013, by \_\_\_\_\_, of DELTONA GROUP INVESTORS, LLC, a  
Washington limited liability company, who is personally known to me or who has/have produced  
\_\_\_\_\_ as identification and who did not (did) take an oath.

(NOTARY SEAL)

\_\_\_\_\_  
Signature of Notary  
Print or type name: \_\_\_\_\_

**CURRENT OWNER:  
RETIREMENT COMMUNITY AT STERLING  
PARK POA, INC., a \_\_\_\_\_ corporation**

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

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

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

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

By: \_\_\_\_\_  
Printed name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2013, by \_\_\_\_\_, of RETIREMENT COMMUNITY AT STERLING PARK POA, INC., a \_\_\_\_\_ corporation, who is personally known to me or who has/have produced \_\_\_\_\_ as identification and who did not (did) take an oath.

(NOTARY SEAL)

\_\_\_\_\_  
Signature of Notary  
Print or type name: \_\_\_\_\_

**SUBORDINATION AGREEMENT**

THIS SUBORDINATION AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ whose address is \_\_\_\_\_, referred to as "Mortgagee".

WITNESSETH: The Mortgagee of the property described in the foregoing Agreement which property is owned by \_\_\_\_\_, does hereby agree to subordinate all its interests and rights contained in the property to the foregoing Agreement which property is owned by \_\_\_\_\_ entered into by \_\_\_\_\_ as Owner/Developer and the CITY OF DELTONA. This Subordination Agreement shall bind all successors, assigns, and representatives of the Mortgagee.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

MORTGAGEE:

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

\_\_\_\_\_  
Signature of Witness # 1  
\_\_\_\_\_  
Print or type name

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

AS: \_\_\_\_\_  
Print or type office

\_\_\_\_\_  
Signature of Witness # 2  
\_\_\_\_\_  
Print or type name

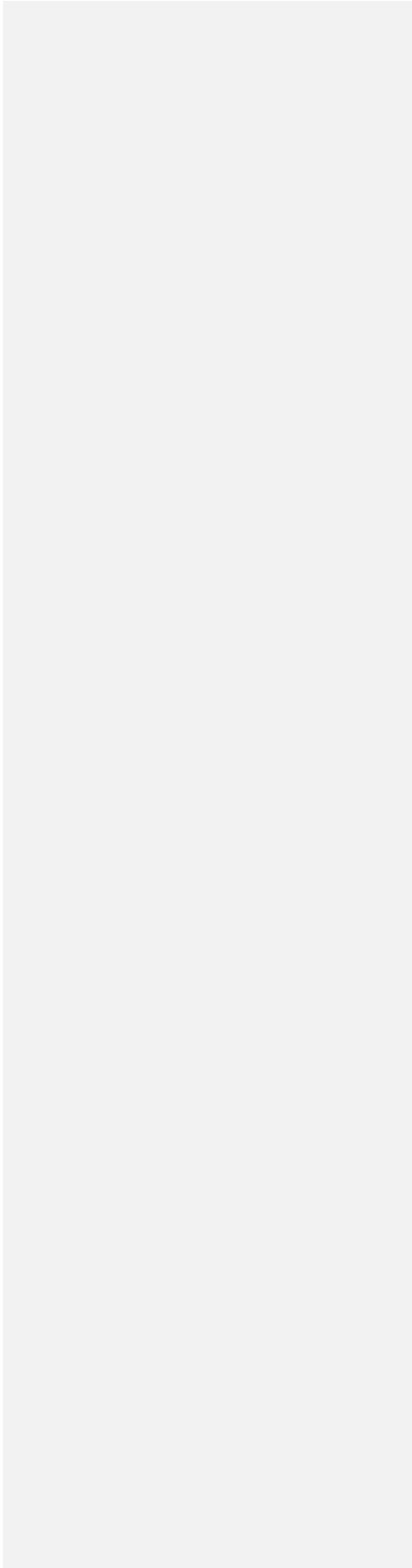
STATE OF FLORIDA  
COUNTY OF

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, 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  
\_\_\_\_\_  
Print or type name

(NOTARY SEAL)

**EXHIBIT A  
LEGAL DESCRIPTION**



**EXHIBIT B**  
**SCHEDULE OF PERMITTED EXCEPTIONS**

| **NONE DELETE**

**EXHIBIT C**

**JOINDER AND CONSENT OF LOT 3 OWNER**

The undersigned, Owner of the fee simple title of Lot 3, Retirement Community at Sterling Park M.P.U.D., according to the plat thereof, recorded in Plat Book 53, Pages 59 and 60, Public Records of Volusia County, Florida, hereby joins in and consents to the terms of Section 6(e)(4) and 18 of the Development Agreement to which this Joinder and Consent is attached.

IN WITNESS WHEREOF, the undersigned has executed this Instrument as of the day first set forth above.

Signed, sealed and delivered in the presence of the following two witnesses:

\_\_\_\_\_  
(Signed name of witness one)

\_\_\_\_\_  
(Printed name of witness one)

\_\_\_\_\_  
(Signed name of witness two)

\_\_\_\_\_  
(Printed name of witness two)

STATE OF WASHINGTON  
COUNTY OF CLARK

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2013, by Barton G. Colson, as President of Hawthorn Management Services Corp., a Washington corporation, the Manager of Deltona Retirement Residence LLC, an Oregon limited liability company. He is personally known to me.

\_\_\_\_\_  
Notary Public for Washington

\_\_\_\_\_  
Printed Name

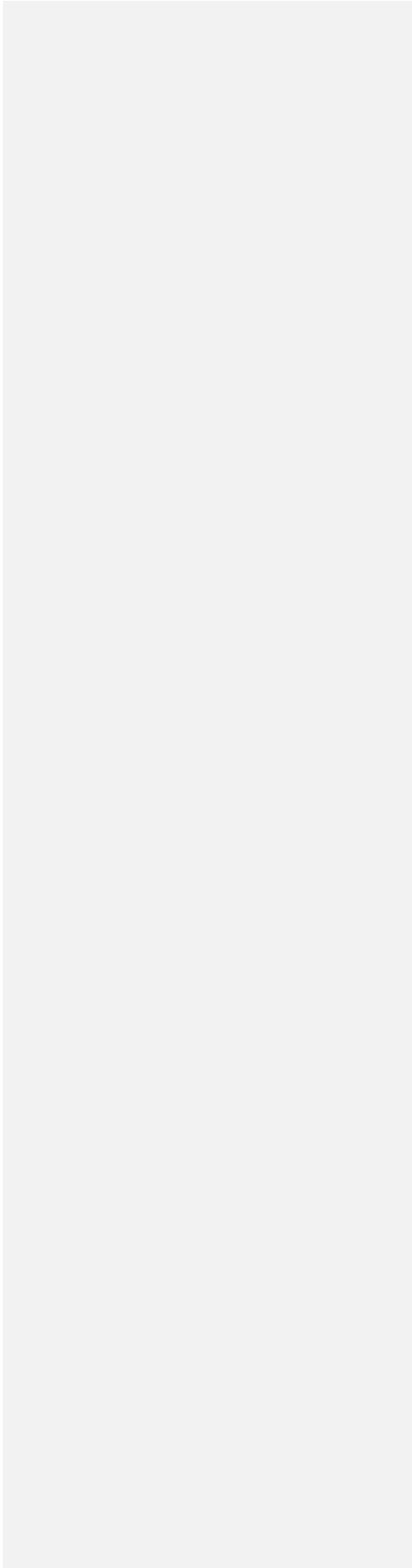
\_\_\_\_\_  
My Commission expires  
[AFFIX NOTARY SEAL]

BORROWER:

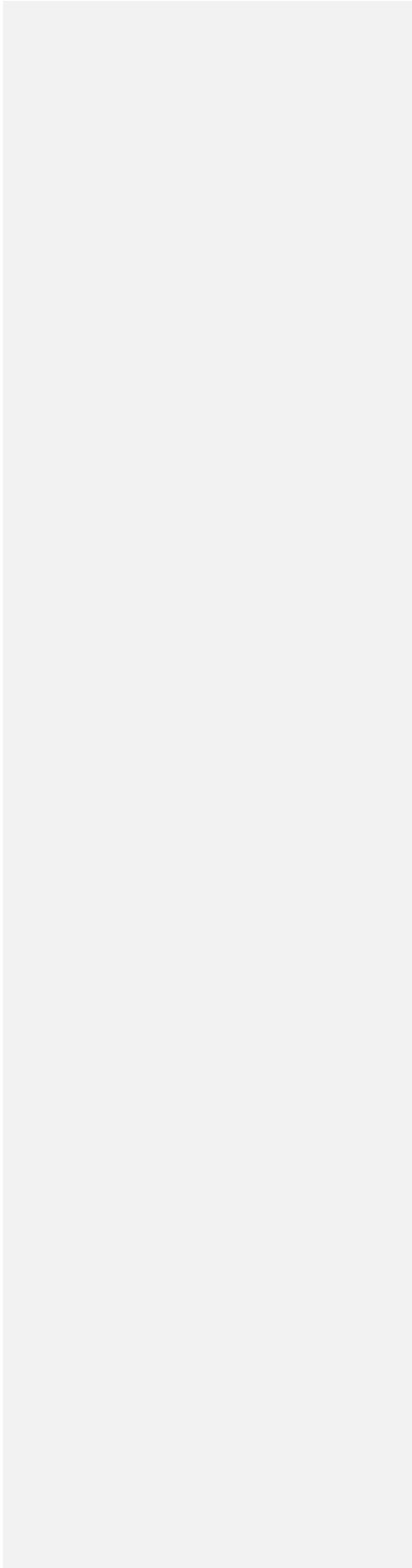
**DELTONA RETIREMENT RESIDENCE LLC**, an Oregon limited liability company

By: Hawthorn Management Services Corp., a Washington corporation, its Manager

By: \_\_\_\_\_  
Barton G. Colson, as President

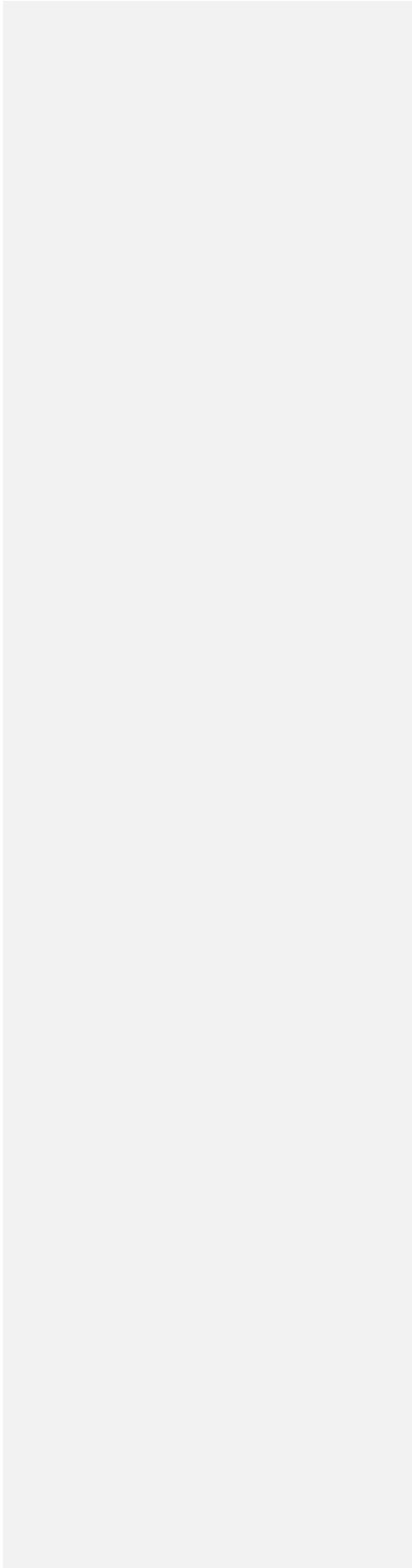


**EXHIBIT D**  
**MASTER DEVELOPMENT PLAN**



**EXHIBIT E  
MASTER SIGN PACKAGE**

| DELETE



## **DEVELOPMENT AGREEMENT (DA) & CROSS ACCESS EASEMENT (05-MPUD-001)**

- Recorded on 5/9/06. DA grants cross-access easement to City and runs with the land.
- Requires following City Code.
- Compatible with other properties in area and planned traffic patterns.
- IDs certain traffic problems and delineates requirements related to ingress and egress.
- Owner/Developer is granted right to develop their property through DA.
- City is granted a 24-ft. wide easement along the east side of property (lot 4) (and kept in Ord. No. 02-2008). Purpose stated of the easement is to connect adjacent properties to limit the number of access points to adjacent streets.
- Owner/Developer shall construct the easement.
- Owner/Developer is required to construct an 8-ft. wide sidewalk along north side of Saxon and one side of Sterling Silver. A 5-ft. side sidewalk constructed along Saxon.
- Owner/Developer required to construct 8-ft. wide sidewalk along road A (Alabaster), place directional arrows on Alabaster, and stripe cross walk. Cross walk is not striped.
- Permitted uses and maximum FAR:
  - Lot 1 – C-1 zoning district uses, except bars/nightclubs, gas stations with c-stores, fast food restaurants, auto service stations (type C), any other land use not listed as a permitted in sec. 110-714.02 LDC (0.25 FAR).
  - Lots 2 & 4 – Business office (0.25 FAR) and medical office (0.12 FAR).
  - Lot 3 – 118 residential units, 3 duplexes, and 2 triplexes.
- Site lighting – must meet Code and include an illumination plan.
- Parking – Lots 1, 2, 4, and the duplexes/triplexes on Lot 3 must meet Code. Lot 3 facility to be at 0.5 spaces per 1 living unit.
- Access – If road B not built, a 50-ft. wide ROW dedicated to City with access to the School Board to be provided by developer. ROW was dedicated with no access to school from it. A 20-ft. wide easement, unimproved, was conveyed to the School Board. Additional ROW may be required for turning movements.
- Deceleration lanes and turn lanes shall be provided per City traffic regulations. No DO shall be issued/approved until the minimum requirements are met.
- 44-ft. (tract B on Plat) access to lots 2 and 4 shall be held by a POA and constructed by the Owner/Developer.

- RI/RO from lot 1 to Saxon is allowed, as long as long as a grade separated landscape median approved (in Saxon) by City and County. Landscaping maintained by developer/POA.
- 24-wide easement provided along the east property line, from driveway A, if road B not built. Purpose is to provide access to the existing School Board lift station and existing medical plaza to south. At time of development of lot 3 (retirement village), a 14-ft. wide stabilized access within this 24-ft. wide easement from driveway A to the School Board's lift station shall be constructed by the developer.
- The MDP shall include a redesign of the existing median within Sterling Silver Blvd. to accommodate road B, if road B approved. Landscaping within the median is to be installed by the developer and maintained by the POA.
- Owner/Developer shall escrow a proportionate fair share for cost of designing, permitting, purchasing, constructing, and installing mast arm traffic signal at the intersection of road B and Saxon or at Sterling Silver and Saxon, whichever is warranted by Volusia County. The escrowed funds shall be held by the City and will vest lots 1-4 from future escrow. Escrow funds not established.
- Building setbacks:
  - Lot 1 – front, side and rear yards – 30 ft., street side – 15 ft.
  - Lot 2 – south yard 30 ft., all others 15 ft.
  - Lot 4 – north yard 15 ft., south yard 25 ft. if road B not approved, 5 ft. from south ROW line if road b approved, and only ground cover planted on the 20 ft. wide School Board easement, west yard 15 ft. and east yard 20 ft.
  - Lot 3 – south and north yard 15 ft., east and west yard 20 ft.
- Max. building heights:
  - Lot 1, 2, and 4 – 36 ft.
  - Lot 3 – 45 ft.
- Min. building separation – 15 ft.
- Max. residential density on lot 3 – 17 DU/ac.
- Max. ISR – 65%
- Perimeter buffer requirements:
  - Saxon – 30 ft.

- Sterling Silver for lots 1, 2, and 4 – 15 ft.
  - Sterling Silver for lot 3 – 20 ft.
  - Road A (Alabaster) – 10 ft.
  - Road B (if approved) – 5 ft.
  - South property line if road B not approved – 25 ft.
  - Lot 1 adjacent to residential – 30 ft.
  - Lot 3 adjacent to residential – 15 ft.
  - All maintenance equipment dumpster and loading areas shall be screened from view by a combined wall and landscaping.
  - Lots 1 and 3 shall have a wall and landscaping installed along the north side and along the west side of Lot 1. Wall to be erected by the developer and maintained by the POA.
- Architecture – unified design throughout the MPUD site.
  - Utilities – Owner/Developer to install water and sewer lines at their expense.
  - Platting/FSP – sketch plan is not required for a Preliminary Plat approval, due to detail in MDP. Final Site Plan shall include Preliminary Plat and meet Code. No building permits approved until Final Plat approval. No site work until Preliminary Plat DO approval. FSP needed for each new lot and FSP shall conform to MDP. No P&Z for FSP for Lot 3. Lots 1, 2, and 4 FSP may have P&Z hearing.
  - Stormwater – provided on each platted lot, no master system.
  - Stabilized access – stabilized emergency access is to be provided to Lot 3 community building from Sterilizing Silver.
  - Signs – Lots 1-4 are permitted one freestanding sign and wall sign. Monument signs no more than 3-ft. high and 8-SF in copy area. Sterling Park Subdivision entry sign on easement on Lot 3 that is 10x10 ft. and conveyed on Final Plat.
  - Environmental – All federal, state, and local environmental permits obtained prior to any DO issuance
  - Agreements – agreements between developer of Lots 1-4 and the Sterling Park HOA shall not include the City, unless the City Commission wishes to join the agreement.

**EXHIBIT B**  
**For Ordinance No. 19-2005**

**DEVELOPMENT AGREEMENT AND GRANT CROSS ACCESS EASEMENT**  
**Mixed Planned Unit Development**  
**Project No. 05-MPUD-001**

**Saxon Retirement Village**

**1651 Saxon Boulevard**

**THIS AGREEMENT** entered into and made as of the 26<sup>th</sup> day of April, 2006,

by and between the **CITY OF DELTONA, FLORIDA**, (hereinafter referred to as the "City"),

and Deltona Retirement Residence, LLC (hereinafter referred to as the "Owner/Developer").

**WITNESSETH**

**WHEREAS**, the Owner/Developer warrants that it holds legal title to the property described in Paragraph 2 below and that the holders of any and all liens and encumbrances affecting such property will subordinate their interests to this Agreement, and Grant Cross Access Easement; and

**WHEREAS**, the Owner/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 desires to ensure that its development is compatible with other properties in the area and planned traffic patterns; and

**WHEREAS**, the Subject Property fronts upon Saxon Boulevard and the City, after consideration of certain traffic problems, has delineated certain requirements related to ingress

Prepared by and return to:  
City of Deltona/ City Clerk  
2345 Providence Blvd.  
Deltona, FL 32725

H:\GMerced\Developer's Agreement\Cross Access Easement  
O:\Us\FL\Deltona\City state\Devel Agree exh B.doc

and egress from the Subject Property and other adjacent properties in the area; 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 has sought the City's approval for plans to develop its property, and the City has approved a site plan on February 22, 2006 subject to the covenants, restrictions, and easements offered by the Owner/Developer and contained herein.

**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. **Incorporation.** The recitals herein contained and true and correct and are incorporated herein by reference.

2. **Ownership.** The Owner/Developer represents that it is the present owner of the following described property (hereinafter referred to as the "Subject Property"):

**Attached hereto as Exhibit "A"**

3. **Title Opinion/Certification.** The Owner/Developer will provide to the City, in advance of the City's execution of this Agreement, a title opinion of an attorney licensed in Florida, or a certification by an abstractor or title company authorized to do business in Florida, showing marketable title to the Subject Property to be in the name of the Owner/Developer and showing all liens, mortgages, and other encumbrances not satisfied or released of record.

4. **Subordination/Joinder.** Unless otherwise agreed to by the City, all liens, mortgages, and other encumbrances 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 to promptly obtain the said subordination or joinder, in form and substance acceptable to the City Attorney, prior to the City's execution of the Agreement.

5. **Grant of Cross Access Easement.** The Owner/Developer hereby grants, conveys and assigns to the City a full, free and non-exclusive right to travel, enter, exit, pass and/or repass, with or without vehicles, upon, over, and across, any portion of that certain twenty-four feet (24') wide easement area more particularly described in Paragraph 10(d).

6. **Purpose of Easement.** The purpose of the easement described in Paragraph Five (5) above is to provide access to and from the Subject Property and the property to the adjacent property as shown on the approved master development plan. It is the design and intention of the City to connect the adjacent properties so as to limit the number of access points to the adjacent streets.

7. **Implementation of Easement.** It is specifically acknowledged and agreed by and between the parties hereto that the City shall be entitled, but shall not be required, to implement the easement area, as described in Paragraph Five (5) above, for the benefit of those desiring to access the Subject Property or adjacent or connected properties for the purpose of utilizing the facilities or development thereon. The City shall be entitled to connect the subject easement area to any other easement areas, rights-of-way, or such other transportation facilities as the City shall determine at locations consistent with the approved site plan.

8. **Construction, Installation and Maintenance of Easement.** At such time as the Owner/Developer grants, conveys, and assigns to the City the access easement area described in Paragraph 5 above, it shall be the obligation of the Owner/Developer to construct, install and maintain the paved surfaces and other improvements on the above-described easement area, so as to reasonably implement and facilitate the use of the easement area for the easement purposes stated herein.

9. **Curb Cut.** In the event and at such time as the City shall determine in its reasonable discretion to relocate or eliminate the planned curb cut, then the Owner/Developer shall, at the Owner/Developer expense, relocate or eliminate the curb cut and appropriately restore (including, but not limited to the installation of sidewalks) and landscape part or all of the above-described easement areas, according to the City's specifications. Upon the completion of such relocation or elimination and restoration and landscaping to the City's specification, the City shall abandon its easement interest in all or part of the easement areas. The legal documentation of such abandonment shall be in form and substance acceptable to the City Attorney and shall be recorded in the Public Records of Volusia County, Florida. Further, the Owner/Developer shall execute all additional or amended easements to reflect changes in the easement area as result of the relocation or elimination of the original easement.

10. **Development Standards.**

- a. **Sidewalks:** The Owner/Developer will construct an eight (8) foot wide sidewalk on the north side of Saxon Boulevard in accordance with the Volusia County design standards, an eight (8) foot sidewalk on one side of Sterling Silver

Boulevard with a striped pedestrian cross walk at the intersection of Sterling Silver Boulevard and proposed Road or driveway A, an eight (8) foot sidewalk on one side of proposed Road or driveway A with directional arrows. If Road B is approved then eight (8) foot sidewalks shall be installed on one side.

b. Permitted Uses:

Retirement Village, lot 3, Permitted Land Uses. The following land uses, together with customary incidental and subordinate accessory uses shall be permitted, not to exceed 118 residential units with the senior housing building, 3 duplexes, and 2 triplexes:

Senior housing developments

Lots 2 and 4 Permitted Land Uses. The following land uses, together with customary incidental and subordinate accessory uses shall be permitted:

Business office with a maximum floor area ratio of 0.25

Medical office with a maximum floor area ratio of 0.12

Lot 1 Permitted Land Use. The following land uses, together with customary incidental and subordinate accessory uses shall be permitted:

Land uses as permitted by the C-1 Retail Commercial zoning district, section [REDACTED] Code of Ordinances, City of Deltona, Florida as it is in effect at the time of the adoption of this ordinance, except:

- Bars/nightclubs;
- Gas stations and convenience stores;
- Fast food restaurants;
- Automobile service stations, Type C.;
- And any other land use that is not listed as a permitted use in the above cited section [REDACTED]

Maximum Floor Area Ratio= 0.25

- b. Site Lighting. Site lighting within the Property shall conform to the standards contained in the City Lighting Code, Ordinance No. 10-2004 and the design requirements of Ordinance No. 14-2004. Illumination plan shall be designed by a licensed engineer and member of the IESNA.
- c. Parking. Parking within Lots 1, 2 and 4 shall conform to Section 110-810 of the Code, as it exists on the date upon which any final site plan is approved for construction of a primary building on such parcel. Amendments to the approved Master Development Plan that require additional parking shall conform to the requirements of the City that are in effect at the time the amendments are adopted, unless a variance or modification is obtained from the City in accordance with the procedures established at that time.

Parking requirements for the Retirement Village, lot 3 shall be 0.5 parking space per 1.0 living units within the senior housing building proposed to contain 118 residential units. The duplexes and triplexes shall conform to the parking requirements of section 110-810 of the zoning code at the time that a final site plan is approved.

- d. Site Access. Site access shall be provided in the locations shown on the approved Master Development Plan, subject to the following conditions:

If Road B is not built as a local street, the east/west connection from Sterling Silver Boulevard to the school board site to the east shall be considered a local road A with a minimum right of way width of fifty (50) feet, dedicated to the City of Deltona. Additional right-of-way shall be required if needed to accommodate turning movements.

Deceleration lanes and turn lanes servicing all roads shown in the Master Development Plan, shall be provided in accordance with the city traffic requirements. No Development Order will be issued or approved until the minimum requirements are met.

The 44' access common area that provides access to lot 2 and lot 4 shall be held in common and maintained by a common property owners association, and shall be completely constructed whenever the owner/developer applies for a final site plan development order of Lot 2 or Lot 4, whichever occurs first.

The right in/right out only access from Lot 1 onto Saxon Boulevard shall be allowed so long as grade separated landscaped median is approved by the city and county. The landscaping within the median shall be maintained by the developer

until such time as the maintenance responsibility is legally transferred to a property owners' association, as with all other common maintenance areas included in this planned unit development.

Should Road B not be approved, a 24' wide access easement shall be provided along the east property line at the south edge of road A to the south property line. This access easement shall provide access to the school board lift station and provide cross access to and from the existing medical plaza to the south. At the time of the development of Lot 3 Retirement Village, the owner/developer shall construct a fourteen (14) feet stabilized access within this access easement from driveway A, moving south to the existing lift station, at their sole expense.

The Master Development Plan shall include a redesign of the existing median located on Sterling Silver Boulevard so that left turn movements can be made from proposed Road B. The median will be landscaped by the developer and maintained by the property owners association.

The Owner/Developer, its successors or assigns, for each proposed lot shall escrow its proportionate fair share of the costs of designing, permitting, purchasing, constructing, and installing a mast arm traffic signal at the intersection of Sterling Silver Boulevard with Saxon Boulevard, or at the intersection of Road B with Saxon Boulevard, whichever meets Volusia County signal warrant requirements first during the required period of escrow. The escrowed funds shall be delivered to the City of Deltona, Florida, in a form acceptable to the City Attorney and shall be held in escrow for fifteen (15) years from the date the development order for the last developed lot is approved. Lots 1-4 shall be vested based on the escrow and shall not be responsible for any future fair share payments for installation of the mast arm traffic signal. If the escrowed funds have not been applied by the end of that time period any unapplied funds shall be returned to the Owner/Developer of each lot who deposited the funds with the City, and the Owner/Developer and its successors or assigns for each lot shall be released from any further obligation with regard to the installation of the signal.

e. Building Setbacks. Minimum building setbacks from the Property lines of the lots shall be as follows:

Lot 1:

Front, side and rear yards, which abut residential neighborhoods and a thoroughfare: 30 feet.

Side street yard: 15 feet.

Lot 2:

- a) south yard : 30 feet
- b) all other yards: 15 feet

Lot 3:

- a) south yard: 15 feet
- b) west yard: 20 feet
- c) north yard: 15 feet
- d) east yard: 20 feet

Lot 4:

- a) north yard: 15 feet
- b) south yard: 25' feet if Road B is not approved, or 5' feet from the south right of way line if Road B is approved, and only ground cover shall be planted within the 20' school board easement.
- c) west yard: 15 feet
- d) east yard: 20 feet

f. Maximum Building Height: Lot 3-45 feet. Lots 1, 2 and 4- 36 feet.

g. Minimum building separation: 15 feet.

h. Maximum Residential Density on lot 3: 17 units per acre, including the 118 residential units within the senior housing building that do not include kitchens.

i. Minimum Living Area per dwelling (duplex and triplex): 800 sq. ft.; excluding the residential units within the senior housing building.

j. Maximum Impervious Surface Coverage: 65% of the Property area shown on the approved Master Development Plan. Individual parcels within the unified Property may have more or less impervious surface coverage, but the total impervious surface area on the unified Property shall not exceed the permitted maximum set forth herein. This standard shall not exempt any lot from the minimum landscaping buffer or stormwater requirements.

k. Perimeter Landscaped Buffers and other landscaping requirements:

Saxon Boulevard: 30 feet

Sterling Silver Boulevard, except for lot 3: 15 feet

Sterling Silver Boulevard, lot 3: 20 feet

Road A: 10 feet

Road B, if approved: 5 feet

South Property line if Road B is not approved: 25 feet

Lot 1 adjacent to existing residential uses: 30 feet

Lot 3 adjacent to vacant residential uses: 15 feet

Any landscape plan submitted with any Final Site Plan application shall comply with all other provisions of section 110-808 of the zoning code, including but not limited to the landscape wall, interior landscaping, and parking landscaping requirements.

Lots 1, 2, and 4 shall be kept in their natural vegetative state, until a Final Site Plan is approved per lot, unless the owner installs the minimum required landscape buffer, landscape walls, and provides temporary ground cover on and around each lot in accordance with section 110-808 of the zoning code or this Development Agreement, whichever is most restrictive.

All maintenance, equipment, dumpster and loading areas shall be screened from view by a combination of landscaping and walls. Fences that have the appearance of a masonry wall may be used.

A masonry, finished, capped wall with architectural treatments that will compliment the primary structure shall be erected along the north property boundary of lot 3 and lot 1 and west of lot 1 to buffer and visually screen the proposed uses from the existing residential homes to the north. Landscaping shall be placed behind the wall. The wall and its associated landscaping shall be erected by the developer of each lot and maintained by the common property owners association.

1. Building Architecture.

Buildings on the parcels shall be designed so that the side of any such building facing Saxon Boulevard, Sterling Silver Boulevard, or Road A that is not the main entrance shall incorporate architectural treatments that give the appearance of being the front of the building.

The buildings developed within the mixed planned unit development and their permitted signs shall be of a similar architectural design to create continuity throughout the entire project site. The design standards of the buildings within the planned unit development shall conform with Ordinance 14-2004.

m. Utilities: The owner/developer shall install water and sewer lines at their expense to service the entire project site. Any upgrades necessary as determined by the City, to the existing lift station located on the school board property to the east, to provide service for this project, will be provided at the owners/developers sole expense. A utilities agreement agreed to by the city and the owner/developer shall be entered into before a Development Order on any lot will be issued.

n. Platting: The requirement that a sketch plan be submitted to the City prior to the application for approval of a subdivision preliminary plat Development Order as required by the City Code shall be satisfied by the approval of the Master Development Plan, and the City shall not require the submission of any additional sketch plan as a part of the subdivision approval process.

The Master Development Plan shall satisfy the subdivision requirements of the City Code for an Overall Development Plan, therefore the requirement for an Overall Development Plan in addition to the approved Master Development Plan is hereby waived by the City, having been approved with conditions by the Development Review Committee on April 28, 2005. No public hearing of the proposed subdivision by the Planning and Zoning Board shall be required, said hearing having been held for the review of the Master Development Plan.

The final site plan of the Property shall include a Preliminary Plat meeting all of the requirements of the Code of Ordinances, City of Deltona, Florida for Final Site Plan and Preliminary Plat applications. The Preliminary Plat portion of the application shall include all of the on site and off site improvements associated with or required for the approved Master Development Plan.

No building permits shall be issued until the City Commission approves the final subdivision plat, and after the Development Review Committee approves the applicable final site plan Development Order. No site work shall commence upon

the Property except for those improvements as may be authorized pursuant to a Preliminary Plat Development Order.

o. Final Site Plan. The owner/developer shall obtain approval of a final site plan for each newly created lot as required by the City Code before commencing any work on the lot. All development of the Property shall be conducted in strict compliance with the approved final site plan. The approved final site plan shall be generally consistent with the approved Master Development Plan, and strictly in compliance with the City Code, except where variances and modifications are specifically authorized as permitted by the City Code and according to the procedures set forth therein.

The submission of a conceptual plan prior to the application for approval of a Final Site Plan Development Order for the proposed Retirement Village, lot 3, as required by the City Code shall be satisfied by the approval of the Master Development Plan, and the City shall not require the submission of any additional conceptual plan for the proposed retirement village. The submission of a conceptual plan and final site plan application for Lots 1, 2, and 4 shall be required.

No Planning and Zoning Board Public Hearing of the Final Site Plan for the Retirement Village, lot 3 shall be required, said requirement having been met by the hearing of the Master Development Plan. However, proposed development of lots 1, 2 and 4 may require a Public Hearing in accordance with section 1 [REDACTED] [REDACTED] Code of Ordinances, City of Deltona, Florida, as it may be amended from time to time.

Modifications specifically authorized in this Agreement and in Ordinance No. 19-2005, as permitted by Section 110-718 of the City Code Planned Unit Development regulations shall not require additional approval. Any item shown in the application or approved Master Development Plan for which a different standard is not approved herein, shall conform to the City Code. The approved Final Site Plan and Development Order shall be consistent with the specific development standards and conditions contained herein and in Ordinance No. 19-2005.

p. Stormwater: Stormwater retention shall be provided with the development of each platted lot within the proposed mixed planned unit development in accordance with the Land Development Code and Deltona Comprehensive Plan.

q. Stabilized Access: A stabilized emergency access having a design approved by the City shall be provided for emergency vehicles to access the community building located on Lot 3 from Sterling Silver Boulevard in accordance with the approved Master Development Plan.

r. Signs: Lots 1, 2 and 4 shall be permitted one freestanding monument style sign and wall signs in accordance with 102-346, Deltona Code of Ordinances. Lot 3 shall be permitted one freestanding monument style sign and wall signs in accordance with section 102-296 and 102-297, Deltona Code of Ordinances. Any directional (enter/exist) signs required for the safe movement of traffic for the parcels within the planned unit development in accordance with Chapter 102, shall be monument style construction, no more than three feet high, with a maximum of eight square feet in sign area. Sterling Park Subdivision Homeowners Association shall be permitted one subdivision entryway sign on the ten foot (10') by ten foot (10') easement area provided for that purpose as shown on the approved Master Development Plan, Exhibit B. Easement documents conveying the subdivision entryway sign easement to the Sterling Park Homeowners Association, along with reasonable rights of access and maintenance, shall be included in the easements and dedications provided to the City for approval with the final plat of the commercial subdivision permitted by the attached Exhibit B, Master Development Plan.

s. Environmental: Before any Development Order will be issued on any lot within the planned unit development, any state, federal and local required environmental permits shall be obtained and copies provided to the City.

t. Agreement with adjacent Sterling Park HOA: Any agreements between the adjacent residential Homeowners Association and the owner/developer regarding existing or proposed improvements, shall not be enforced by the City and shall not be binding upon the City unless the City Commission wishes to join as a signatory party to said agreement.

11. **Obligations**. Should the Owner/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 thirty (30) days written notice to commence and ninety (90) days to complete said required obligation. If the Owner/Developer fails to complete the obligations within the ninety (90) day period then the City, without further notice to the Owner/Developer, or its successors in interest, may, without prejudice to any other rights or remedies it may have, perform any and all of the obligations described in this Agreement. Further, the City is hereby authorized to assess the actual and verified cost of completing the obligations required under this

H:\GMerced\Developer's Agreement\Cross Access Easement  
O:\Us\FL\Deltona\City state\Devel Agree exh B.doc

Agreement against the Subject Property. 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 and its successors in interest shall be deemed to have been given upon the mailing of notice to the above-mentioned address.

12. **Enforcement.** In the event that enforcement of this Agreement by the City becomes necessary, and the City is successful in such enforcement, the Owner/Developer shall be responsible for all costs and expenses, including attorneys' fees whether or not litigation is necessary and if necessary, both at trial and on appeal, incurred in enforcing or ensuring compliance with the terms and conditions of this Agreement which 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 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. Interest on unpaid overdue sums shall accrue at the rate of eighteen percent (18%) compound annually or at the maximum rate allowed by law.

13. **Indemnification.** The Owner/Developer shall indemnify and hold harmless the City from 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, by the City or by third parties, except those claims or liabilities caused by or arising from the

gross negligence 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 sewer plans, fire safety, or quality of construction, whether or not inspected, approved, or permitted by the City.

14. **Site Plan Approval.** The master development plan approval for the Subject Property, given at the regular meeting of the Planning Board or Development Review Committee on February 23, 2006, is specifically incorporated into this Agreement by reference for the purpose of clarifying boundaries, locations, areas, and improvements described in this Agreement, and all development shall be in accordance with and subject to the terms of the said site plan approval.

15. **Compliance.** The Owner/Developer agrees that it, and its successors and assigns, will abide by the provisions of this Agreement, the City's Comprehensive Plan, and the City's Land Development Code, including 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 its successors and assigns, in accordance with the City's Land Development Code. The City may, without prejudice to any other legal or equitable right or remedy it may have, withhold permits, certificates of occupancy or approvals, and may terminate sewer and/or water services to the subject property should the Owner/Developer fail to comply with the terms of this Agreement.

16. **Utility Easements.** The Owner/Developer shall provide to the City such easements and other legal documentation, in form mutually acceptable to the City Attorney and the

Owner/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, sewer, potable water, and reclaimed water services, electric, cable, fire protection and telecommunications provided, however, such easements shall not materially interfere with the Owner/Developer's use and enjoyment of the subject property.

17. **Concurrency and Vested Rights.** The owner acknowledges and agrees that prior to the issuance of any building permit(s) for the Property, the owner must have received and be in the possession of a valid unexpired Certificate of Capacity. The Certificate of Capacity verifies the availability of infrastructure capacity sufficient to permit development pursuant to the approved site plan for the Property without causing a reduction in the levels of service adopted in the City's Comprehensive Plan. The Certificate of Capacity shall be effective for a term as defined in the City's Land Development Code. Neither this Agreement nor the approved Master Development Plan shall create or result in a vested right or rights to develop the Property without a current and valid Certificate of Capacity.

The approval of the Mixed Planned Unit Development Ordinance 19-2005, this Agreement, and the Master Development Plan does not confer on the owner's proposed development an approval of concurrency, or acceptance of any concurrency deficiencies, or acceptance of any proposed measures to satisfy any concurrency management requirements. Instead, the City Commission, at the suggestion of its staff, finds that the concurrency management issues associated with the Master Development Plan have been identified to the extent that they may be resolved during the review of the Final Site Plan and Final Plat in the City Code mandated Development Review

Process. No Final Site Plan Development Order shall be issued except concurrent with, or after, the issuance of a Certificate of Concurrence for each facility subject to concurrency requirements. All facility deficiencies must be mitigated in compliance with the City Code, the adopted City Comprehensive Plan, and applicable law.

18. **Notices.** Where notice is herein required to be given, it shall be by certified mail return receipt requested, addressee only, hand delivery or courier. Said notice shall be sent to the following, as applicable:

**OWNER/DEVELOPER'S REPRESENTATIVES:**

Deltona Retirement Residence LLC  
Bruce D. Thorn  
PO Box 14111  
Salem, Oregon 97309  
Phone 503-370-7070 Fax 503-375-7644

Cobb & Cole, Esqs.  
Mark Watts, Esq  
351 E. New York Avenue  
DeLand, Fl 32724  
[REDACTED]

**CITY'S REPRESENTATIVES:**

**Bob Nix, AICP, Director**  
**Development Services**  
**City of Deltona**  
**2345 Providence Boulevard**  
**Deltona, FL 32725**  
**[REDACTED] Fax 386-789-7234**

**L. Roland Blossom,, Esquire**  
**City Attorney**  
**City of Deltona**  
**2345 Providence Boulevard**  
**Deltona, FL 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 obligation to identify its lender(s) to all parties in a fashion as is required for notices herein.

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

19. **Binding Effect.** This Agreement shall run with the land, shall be binding upon and inure to the benefit of the Owner/Developer and its assigns and successors in interest, and the City and its assigns and successors in interest. The Owner/Developer agrees to pay the cost of recording this document in the Public Records of Volusia County, Florida, and shall reimburse the City for the preparation of this Agreement in such amount to be determined by the City. 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.

20. **Severability.** If any part of this Developer's Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not affect the other parts of

this Developer's 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 Developer's Agreement is declared severable.

**The remainder of this page intentionally left blank.**

IN WITNESS WHEREOF, the Owner/Developer and the City have executed this Agreement as of the day and year first above written.

**SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:**

Suzanne J Magee  
Signature of Witness #1

Suzanne J Magee  
Print or type name

Nancy A Brostrom  
Signature of Witness #2

Nancy A Brostrom  
Print or type name

**OWNER/DEVELOPER**  
Deltonz Retirement Residence LLC

By: [Signature]  
Signature

Bruce D Thorn  
Print or type name

AS: manager  
Print or type name

ATTEST:  
Signature

Print or Type Name

AS:

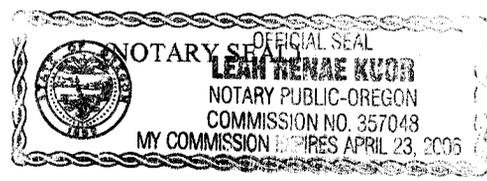
Mailing Address:

STATE OF OREGON  
COUNTY OF MARION

The foregoing instrument was acknowledged before me this 6th day of April, 2006, by Bruce D Thorn and Deltonz LLC, of Deltonz LLC who  are personally known to me or who has/have produced as identification and who did not (did) take an oath.

[Signature]  
Signature of Notary - Oregon

Leah Renae Kuor  
Print or type name



City of Deltona, Florida  
Ordinance No. 20-2005  
Page 5 of 5

**EXHIBIT "A"**  
**Legal Description**

Tract "A", of DELTONA LAKES, UNIT EIGHTEEN, according to the plat thereof recorded in MAP BOOK 25, pages 245 and 246, PUBLIC RECORDS of Volusia County, Florida,

LESS AND EXCEPT that portion conveyed to the County of Volusia recorded in Official Record Book 4653, Page 1383, Public Records of Volusia County, Florida and

LESS AND EXCEPT the Easternmost 30 feet of Tract "A", running parallel and adjacent to an existing drainage Right-of-Way, all as recorded in the Plat of DELTONA LAKES UNIT EIGHTEEN, as recorded in Map Book 25, pages 245 and 246, Public Records of Volusia County, Florida.

TRACT "B" of DELTONA LAKES UNIT EIGHTEEN, according to the plat thereof as recorded in Map Book 25, pages 245 and 246, Public Records of Volusia County, Florida.

LESS AND EXCEPTING FROM:

EXCEPTION NO. 1: That portion of said Tract "B" lying Southerly of the following - described line: Commence at the Southeast corner of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  Section 20, Township 18 South, Range 31 East, as shown on said plat of DELTONA LAKES UNIT EIGHTEEN; thence run North  $01^{\circ} 05' 45''$  West along the East boundary line of said Tract "B", for a distance of 459.92 feet to the Point of Beginning of the line hereinafter described; thence South  $88^{\circ} 50' 50''$  West, parallel with the South line of the aforesaid Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 20, for a distance of 601.49 feet to the Point of Termination of said line, said point being on Easterly Right-of-Way line of Saxon Boulevard as shown on said Plat of DELTONA LAKES UNIT EIGHTEEN, in Map Book 25, pages 245 and 246, Public Records of Volusia County, Florida,

EXCEPTION NO. 2: The Western most 10 feet of Tract "B", running parallel and adjacent to an existing drainage Right-of-Way, terminating at its intersection with the Easterly extension of this Right-of-Way, all as recorded in the Plat of DELTONA LAKES UNIT EIGHTEEN, in Map Book 25, pages 245 and 246, Public Records of Volusia County, Florida.

EXCEPTION NO. 3: That portion of said Tract "B" conveyed to the County of Volusia recorded in Official Records Book 4653, Page 1383, Public Records of Volusia County, Florida.

ACCEPTED FOR THE CITY OF DELTONA

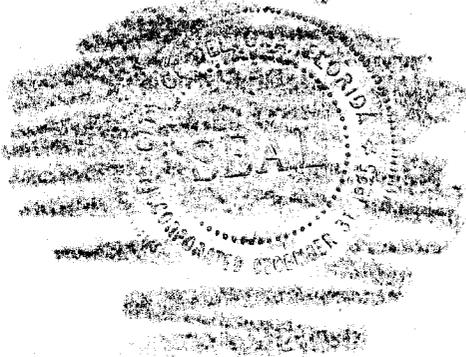
By: Don Sikorski  
Don Sikorski, Interim Director Development Services

Date: 4/24/06

ATTEST: Faith G. Miller  
FAITH MILLER, mmc, City Clerk

Date: 4/26/06

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



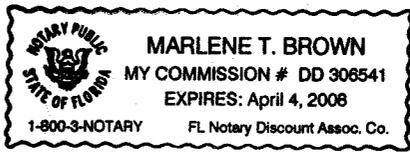
STATE OF FLORIDA  
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 26<sup>R</sup> day of APRIL, 2006, by Don Sikorski, Interim Director of Development Services and FAITH MILLER, mmc, City Clerk of the CITY OF DELTONA, FLORIDA, who are personally known to me and acknowledge executing the same freely and voluntarily under authority vested in them and that the seal affixed thereto is the true and corporate seal of the City of Deltona, Florida.

Marlene Brown  
Signature of Notary

MARLENE BROWN  
Print or type name

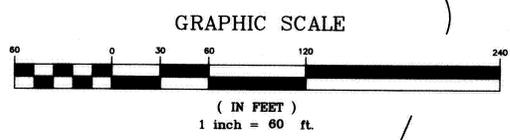
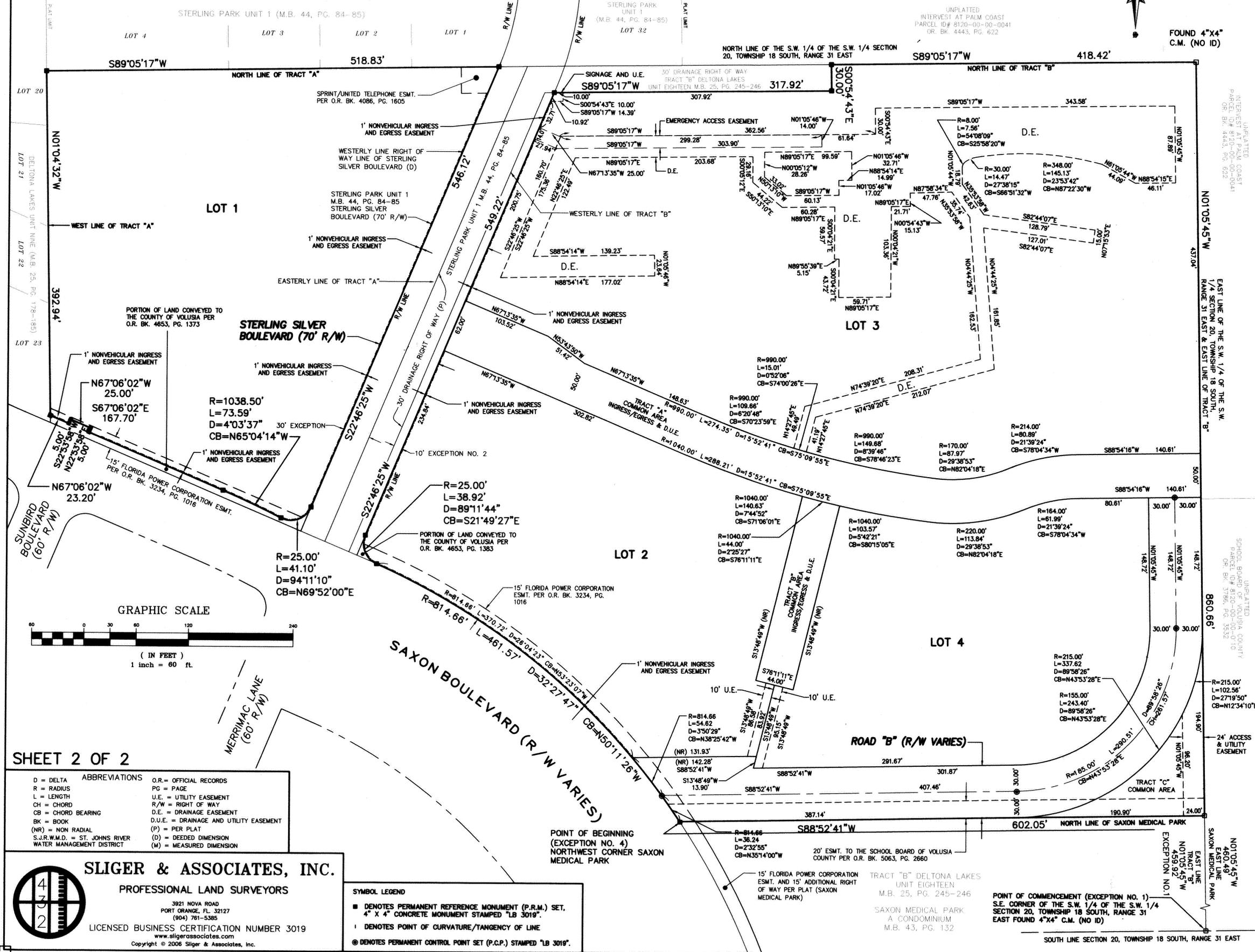
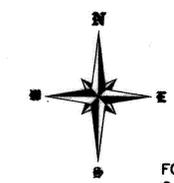
(NOTARY SEAL)



This instrument prepared by:

# RETIREMENT COMMUNITY AT STERLING PARK M.P.U.D.

A REPLAT OF A PORTION OF TRACT "A" AND A PORTION TRACT "B" OF DELTONA LAKES, UNIT EIGHTEEN, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 25, PAGES 245 AND 246, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. SECTION 20, TOWNSHIP 18 SOUTH, RANGE 31 EAST, CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA



SHEET 2 OF 2

ABBREVIATIONS	
D = DELTA	O.R. = OFFICIAL RECORDS
R = RADIUS	PG = PAGE
L = LENGTH	U.E. = UTILITY EASEMENT
CH = CHORD	R/W = RIGHT OF WAY
CB = CHORD BEARING	D.E. = DRAINAGE EASEMENT
BK = BOOK	D.U.E. = DRAINAGE AND UTILITY EASEMENT
(NR) = NON RADIAL	(P) = PER PLAT
S.J.R.W.M.D. = ST. JOHNS RIVER WATER MANAGEMENT DISTRICT	(D) = DEEDED DIMENSION
	(M) = MEASURED DIMENSION

**SLIGER & ASSOCIATES, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 3921 NOVA ROAD  
 PORT ORANGE, FL 32127  
 (904) 761-5385  
 LICENSED BUSINESS CERTIFICATION NUMBER 3019  
 www.sligerassociates.com  
 Copyright © 2006 Sliger & Associates, Inc.

- SYMBOL LEGEND**
- DENOTES PERMANENT REFERENCE MONUMENT (P.R.M.) SET, 4" X 4" CONCRETE MONUMENT STAMPED "LB 3019".
  - DENOTES POINT OF CURVATURE/TANGENCY OF LINE
  - DENOTES PERMANENT CONTROL POINT SET (P.C.P.) STAMPED "LB 3019".

K:\PLAT\STERLING PARK\PLAT\STERLING PARK.dwg, 3/14/06 3:28:58 PM, ITS

UNPLATED INTEREST AT PALM COAST PARCEL ID# 8120-00-00-0041 OR. BK. 4443, PG. 622

UNPLATED INTEREST AT PALM COAST PARCEL ID# 8120-00-00-0110 OR. BK. 3796, PG. 3532

UNPLATED SCHOOL BOARD OF VOLUSIA COUNTY PARCEL ID# 8120-00-00-0110 OR. BK. 3796, PG. 3532

UNPLATED TRACT "B" DELTONA LAKES UNIT EIGHTEEN M.B. 25, PG. 245-246

UNPLATED TRACT "C" COMMON AREA



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 3/17/2014  
**FROM:** William D. Denny, City Manager      **AGENDA ITEM:** 8 - B  
**SUBJECT:** Public Hearing - Resolution No. 2014-02, declaring certain real property of the City of Deltona as surplus and authorizing the sale or disposal of such property.

**LOCATION:**

A 0.95 acre depressional pond described as a portion of Lake David, 2<sup>nd</sup> Addition to Carnell, as recorded in Map Book 10, Page 128; PARCEL ID NO.: 9206-01-00-0999.

**BACKGROUND:**

The City of Deltona is the owner of certain real property located at Northeast quadrant of SR 415 and Howland Boulevard, Deltona, Volusia County, Florida.

This is a vacant parcel that is not needed to serve any municipal purpose and therefore the City considers it to be surplus. This property was a new parcel for lake created in accordance with DOR Regulations, all gaps (such as lakes), to be assessed and mapped.

One adjacent property owner has expressed his interest in purchasing the subject parcel.

**ORIGINATING DEPARTMENT:**

City Attorney's Office

**SOURCE OF FUNDS:**

N/A

**COST:**

N/A

**REVIEWED BY:**

City Manager; City Attorney

**STAFF RECOMMENDATION PRESENTED BY:**

Becky Vose, City Attorney - That the City Commission adopt Resolution No. 2014-02 declaring certain real property of the City as surplus and authorizing the sale or disposal of such property.

**POTENTIAL MOTION:**

"I move to adopt Resolution No. 2014-02 declaring certain real property of the City as surplus and authorizing the sale

or disposal of such property.”

**AGENDA ITEM  
APPROVED BY:**

---

William D. Denny, City Manager

**ATTACHMENTS:**

- Resolution 2014-02

**RESOLUTION NO. 2014-02**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, DECLARING CERTAIN REAL PROPERTY OF THE CITY KNOWN AS A PORTION OF LAKE DAVID, AS SURPLUS AND AUTHORIZING THE SALE OR DISPOSAL OF SUCH PROPERTY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

---

**WHEREAS**, the City of Deltona, Florida, is the owner of record of real property located in the northeast quadrant of SR 415 and Howland Boulevard, Deltona, Volusia County, Florida, to wit: a portion of Lake David, 2<sup>nd</sup> Addition to Carnell, as recorded in Map Book 10, Page 128; and

**WHEREAS**, this property was a new parcel for lake created in accordance with DOR Regulations, all gaps (such as lakes), to be assessed and mapped; and

**WHEREAS**, Ch. 166, F.S., the Municipal Home Rule Powers Act, grants to municipalities broad home rule powers; and

**WHEREAS**, under this broad grant of powers, the City has the power and authority to acquire and dispose of real property or interest therein for municipal purposes; and

**WHEREAS**, this property is not needed to serve any municipal purposes and is of no beneficial use to the City; and

**WHEREAS**, the City is authorized to dispose of the real property pertaining to said parcel by the most appropriate method.

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

City of Deltona, Florida  
 Resolution No. 2014-02  
 Page 2 of 2

**SECTION 1.** The City Commission of the City of Deltona hereby declares the following parcel of real estate as surplus:

**A portion of Lake David, 2<sup>nd</sup> Addition to Carnell  
 PARCEL ID NO.: 9206-01-00-0999**

**SECTION 2.** The City Manager is hereby directed to dispose of the real property located at the address listed above via sealed bid, auction, or whatever means deemed most appropriate.

**SECTION 3.** All resolutions or parts thereof that are in conflict with this Resolution, be and the same are hereby repealed.

**SECTION 4.** This Resolution shall become effective immediately upon its adoption.

**ADOPTED BY** the City Commission of the City of Deltona, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
 JOHN C. MASIARCZYK, SR., MAYOR

ATTEST:

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

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

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



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 3/17/2014  
**FROM:** William D. Denny, City Manager      **AGENDA ITEM:** 10 - A  
**SUBJECT:** Consideration of request from THR Florida LP for a reduction of fine from \$37,100.00 assessed pursuant to Special Magistrate Case DEL-13-088 and DEL-13-090.

**LOCATION:**

This property is located at 1202 Voyager Street, Deltona, Florida 32725. The Parcel No. is 30-18-31-05-45-0010.

**BACKGROUND:**

An Order Imposing Fine/Lien was entered on June 26, 2013, by the City of Deltona Special Magistrate, ordering THR Florida LP to pay to the City of Deltona a fine in the amount of one hundred dollars (\$100.00) per day beginning June 26, 2013, for each and every day the violations exist and continues to exist or until a cap of \$20,000.00 is reached for each case. The violation occurred when the respondent failed to obtain a building permit for installing a fence and replacing an air conditioning unit at the home located at 1202 Voyager Street. The total accumulated amount due is \$37,100.00. On February 26, 2014 Sean K. Mills, Esq. representing THR Florida LP appeared before the Special Magistrate to request a recommendation to reduce the fine.

The Special Magistrate made a recommendation to reduce the fine to \$1000.00 (each case) with the stipulation that any outstanding Municipal Liens on other properties owned by THR Florida LP within the City of Deltona also be paid.

**ORIGINATING DEPARTMENT:**

Enforcement Services

**SOURCE OF FUNDS:**

N/A

**COST:**

N/A

**REVIEWED BY:**

City Attorney

**STAFF RECOMMENDATION PRESENTED BY:**

Enforcement Services Staff forwards the Special

Magistrate's recommendation - On February 26, 2014 the Special Magistrate, Charles J. Cino, issued a recommendation to reduce the fine to \$1000.00 (each case) with the stipulation that any outstanding Municipal Liens on other properties owned by THR Florida LP within the City of Deltona also be paid.

**POTENTIAL  
MOTION:**

"I move that the City Commission grant the request of THR Florida LP for a reduction of the fine concerning Case No. DEL-13-088 and DEL-13-090 for the property located at 1202 Voyager Street, Deltona, Florida, to the sum of \$2,000.00 to be paid within 30 days (April 17, 2014) and pay all Municipal Liens on any other property owned in the City of Deltona or the fine reverts back to the original amount."

OR

"I move that the City Commission not grant any reduction of the fines requested of THR Florida LP concerning Case No. DEL-13-088 and DEL-13-090 for the property located at 1202 Voyager Street, Deltona, Florida."

**AGENDA ITEM  
APPROVED BY:**

---

William D. Denny, City Manager

**ATTACHMENTS:**

- Background for DEL-13-088
- Background for DEL-13-090
- Picture of House

## SPECIAL MAGISTRATE CODE HEARING

### REQUEST FOR REDUCTION IN FINES

**CASE NUMBER: DEL-13-088**

**VIOLATION:** City of Deltona Ordinance, Section 18-3, adopting the latest edition of the Florida Building Code, Section 105.1, which states that any owner, authorized agent, who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit. **Installed a new fence without a permit.**

**REQUIRED CORRECTIVE ACTION:** Apply for and obtain a permit for the fence.

**OWNER:** THR Florida LP, c/o Altus Group US Inc. 21001 N. Tatum Blvd. #1630-630 Phoenix, AZ 85050

**PROPERTY ADDRESS:** 1202 Voyager Street, Deltona, FL 32725

**PARCEL NUMBER:** 30-18-31-05-45-0010

#### **FINDINGS OF FACTS:**

1. March 11, 2013 Received an anonymous complaint that they are doing mechanical/structural and general remodeling at this property.
2. March 12, 2013 Site visit, no one was home posted a Door Hanger on the property in reference to the general remodeling and a new fence that was unpermitted.
3. March 26, 2013 Site visit, left Notice of Violation with the resident who stated they would forward the information to the rental office.
4. March 26, 2013 Notice of Violation mailed certified.
5. April 8, 2013 Certified mail returned signed.
6. April 29, 2013 Special Magistrate Notice of Hearing mailed certified.
7. May 1, 2013 Special Magistrate Notice of Hearing hand delivered to resident.
8. May 5, 2013 Certified mail returned signed.
9. May 22, 2013 Special Magistrate Hearing; Property owner was not present and was found in non-compliance and scheduled a hearing to impose fines for June 26, 2013
10. June 7, 2013 Special Magistrate Notice of Hearing mailed certified.
11. June 17, 2013 Special Magistrate Notice of Hearing posted on the property.
12. June 12, 2013 Certified mail returned signed.
13. June 26, 2013 Special Magistrate ordered a fine of \$100.00 per day until the property is brought into compliance or a cap of \$20,000.00 is reached, effective June 26, 2013. Property owner was not present.

- 14. December 18, 2013 Fence permit was issued.
- 15. January 3, 2014 Final inspection and the property is now in compliance, 190 days after the Special Magistrate's order resulting in a fine of \$19,000.00
- 16. January 27, 2014 Sean K. Mills, Esq. Attorney for THR Florida, LP requested to go before the Special Magistrate to request a recommendation for a reduction in fines.
- 17. February 26, 2014 Sean K. Mills, Esq. appeared before the Special Magistrate for a recommendation for a reduction in fines.

**CONCLUSIONS:** THR Florida, LP was the owner at the time of the violation. They were properly notified of the violation / hearings and were given sufficient time to bring the property into compliance.

**RECOMMENDATION:** After hearing testimony, Mr. Cino stated that this owner is purchasing foreclosed homes and fixing them up which helps the city's appearance. They own 124 homes in Deltona and have very few code violations on their properties. They have responded to and worked very well with code enforcement. Mr. Cino recommended reducing the fine to \$1,000.00 which should cover the City's expenses; with the stipulation that any Municipal Liens on other properties owned by THR Florida LP within the City of Deltona will also have to be paid.

**CITY'S EXPENSES:** Exact city expenses are difficult to determine, however I believe the \$1,000.00 will cover our expenses. We made at least 4 trips to the property; mailed 3 certified letters, appeared before the Special Magistrate twice. Additionally, there was staff time drafting orders, minutes and etc.

## SPECIAL MAGISTRATE CODE HEARING

### REQUEST FOR REDUCTION IN FINES

**CASE NUMBER: DEL-13-090**

**VIOLATION:** City of Deltona Ordinance, Section 18-3, adopting the latest edition of the Florida Building Code, Section 105.1, which states that any owner, authorized agent, who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit. **A/C change out without a permit.**

**REQUIRED CORRECTIVE ACTION:** Apply for and obtain a permit for the A/C Change.

**OWNER:** THR Florida LP, c/o Altus Group US Inc. 21001 N. Tatum Blvd. #1630-630 Phoenix, AZ 85050

**PROPERTY ADDRESS:** 1202 Voyager Street, Deltona, FL 32725

**PARCEL NUMBER:** 30-18-31-05-45-0010

#### **FINDINGS OF FACTS:**

1. March 11, 2013 Received an anonymous complaint that they are doing mechanical/structural and general remodeling at this property.
2. March 12, 2013 Site visit, no one was home posted a Door Hanger on the property in reference to the general remodeling and a new fence that was unpermitted.
3. March 26, 2013 Site visit, left Notice of Violation with the resident who stated they would forward the information to the rental office.
4. March 26, 2013 Notice of Violation mailed certified.
5. April 8, 2013 Certified mail returned signed.
6. April 29, 2013 Special Magistrate Notice of Hearing mailed certified.
7. May 1, 2013 Special Magistrate Notice of Hearing hand delivered to resident.
8. May 5, 2013 Certified mail returned signed.
9. May 22, 2013 Special Magistrate Hearing; Property owner was not present and was found in non-compliance and scheduled a hearing to impose fines for June 26, 2013
10. June 7, 2013 Special Magistrate Notice of Hearing mailed certified.
11. June 17, 2013 Special Magistrate Notice of Hearing posted on the property.
12. June 12, 2013 Certified mail returned signed.
13. June 26, 2013 Special Magistrate ordered a fine of \$100.00 per day until the property is brought into compliance or a cap of \$20,000.00 is reached, effective June 26, 2013. Property owner was not present.

- 14. December 18, 2013 Air Conditioning permit was issued.
- 15. January 3, 2014 Final inspection and the property is now in compliance, resulting in a fine of \$18,100.00
- 16. January 27, 2014 Sean K. Mills, Esq. Attorney for THR Florida, LP requested to go before the Special Magistrate to request a recommendation for a reduction in fines.
- 17. February 26, 2014 Sean K. Mills, Esq. appeared before the Special Magistrate for a recommendation for a reduction in fines.

**CONCLUSIONS:** THR Florida, LP was the owner at the time of the violation. They were properly notified of the violation / hearings and were given sufficient time to bring the property into compliance.

**RECOMMENDATION:** After hearing testimony, Mr. Cino stated that this owner is purchasing foreclosed homes and fixing them up which helps the city's appearance. They own 124 homes in Deltona and have very few code violations on their properties. They have responded to and worked very well with code enforcement. Mr. Cino recommended reducing the fine to \$1,000.00 which should cover the City's expenses; with the stipulation that any Municipal Liens on other properties owned by THR Florida LP within the City of Deltona will also have to be paid.

**CITY'S EXPENSES:** Exact city expenses are difficult to determine, however I believe the \$1,000.00 will cover our expenses. We made at least 4 trips to the property; mailed 3 certified letters, appeared before the Special Magistrate twice. Additionally, there was staff time drafting orders, minutes and etc.





## AGENDA MEMO

**TO:** Mayor & City Commission                      **AGENDA DATE:** 3/17/2014  
**FROM:** William D. Denny, City Manager            **AGENDA ITEM:** 10 - B  
**SUBJECT:** Request for the abandonment of two easements on SR 415.

**LOCATION:**

SR415

**BACKGROUND:**

The City received the attached easements from the property owners in March and May of 2012, respectively for the installation of water and wastewater utilities on their properties. These easements were granted to the City for the SR415 utility project. However, due to project revisions, neither of the easements were utilized by the City nor will they be in the future. Therefore, the property owners have requested the City to abandon these easements and Public Works proposes to do so.

It should be noted that the same owners have granted the City new easements in February, 2014 for utility improvements and the new SR415 lift station on SR415. The new easements will facilitate the construction of these improvements and allow the City to provide utility services in the SR415 and Doyle Road corridors.

**ORIGINATING DEPARTMENT:**

Public Works/Deltona Water

**SOURCE OF FUNDS:**

N/A

**COST:**

N/A

**REVIEWED BY:**

Public Works Director, City Manager

**STAFF RECOMMENDATION PRESENTED BY:**

Gerald Chancellor, Public Works Director - to approve abandonment of easements.

**POTENTIAL MOTION:**

"I move to approve the abandonment of said easements as they are no longer required, necessary or useful to the interests of the City and the public for the use for which it

**AGENDA ITEM  
APPROVED BY:**

was originally granted."

---

William D. Denny, City Manager

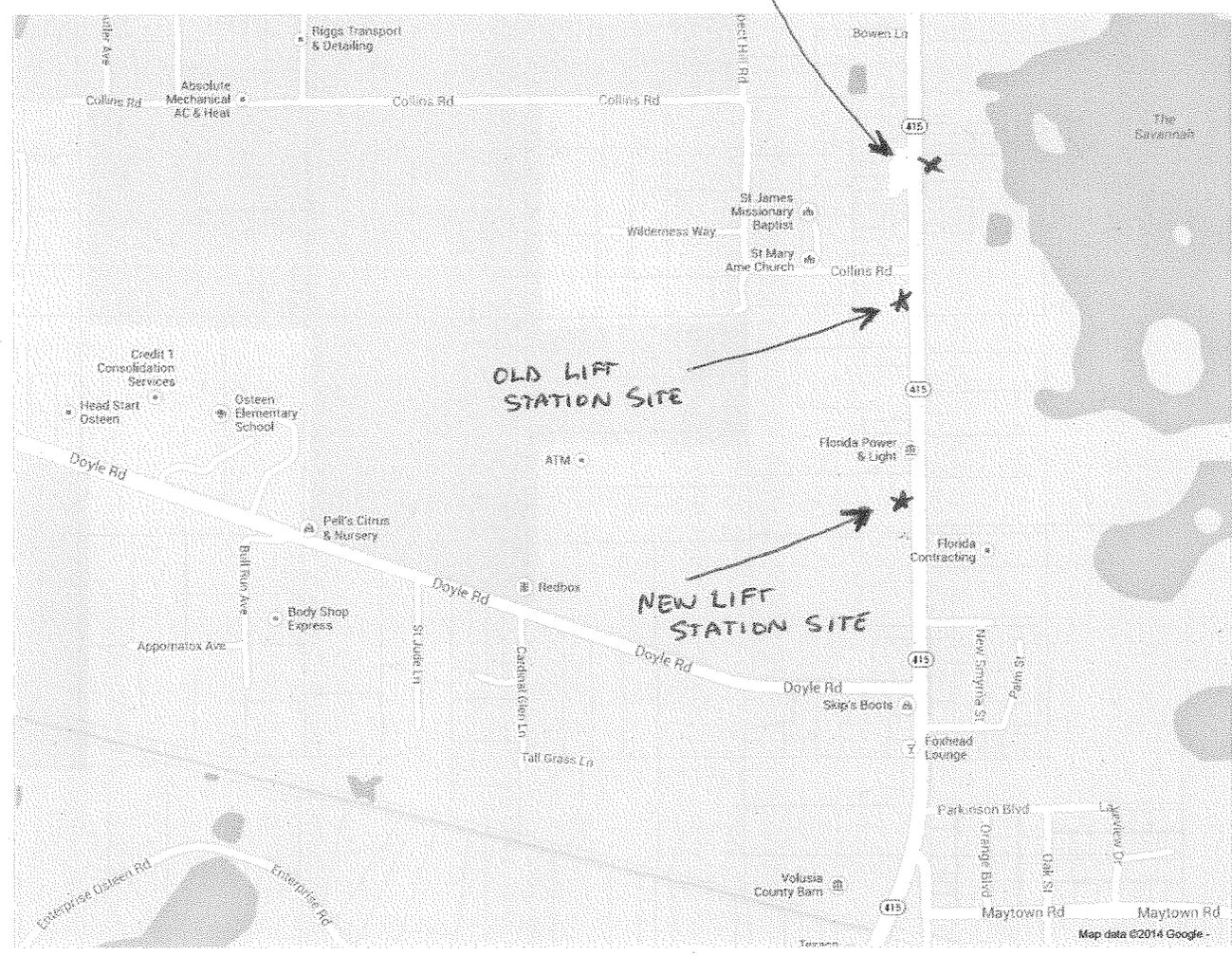
**ATTACHMENTS:**

- Map of Easements
- Easement # 1
- Easement # 2

Google

Utility EASEMENTS TO BE  
ABANDONED

To see all the details that are visible on the screen, use the "Print" link next to the map.



**NOTICE OF EASEMENT VACATION AND ABANDONMENT**

**WHEREAS**, the City Commission of the City of Deltona, Florida has been requested to abandon and vacate a portion of a certain underground utility easement; and

**WHEREAS**, the City Commission of the City of Deltona, Florida has determined that it is in the best interest of the public, health, safety and welfare to vacate and abandon that certain portion of the utility easement in the City of Deltona, Florida, and more particularly described as follows:

Description Parcel 2:

A PORTION OF SECTION 6 TOWNSHIP 19 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF STATE ROAD 415, SECTION 79120, WITH THE SOUTH LINE OF SAID SECTION 6; THENCE RUN N00°34'55"W ALONG SAID EAST RIGHT OF WAY LINE, 41.23 FEET; THENCE ALONG SAID RIGHT OF WAY LINE N02°58'05"W, 120.10 FEET; THENCE ALONG SAID RIGHT OF WAY LINE N00°34'55"W, 93.10 FEET TO THE POINT OF BEGINNING; THENCE N00°34'55"E ALONG SAID EAST RIGHT OF WAY LINE, 20.00 FEET; THENCE N89°25'05"E, 20.00 FEET; THENCE S00°34'55"E, 20.00 FEET; THENCE S89°25'05"W, 20.00 FEET TO THE POINT OF BEGINNING. CONTAINING 400 SQUARE FEET, MORE OR LESS.

Recorded in the Volusia County Public Records on March 9, 2012 at book 6688 page 2443 and Book 6688 page 2447.

**WHEREAS**, the City Commission of the City of Deltona has found and determined that the aforesaid easement portion is no longer required, necessary, useful or advantageous to the interests of the City and the public for the use for which it was originally granted; and

**WHEREAS**, the City Commission of the City of Deltona has reviewed the comments and recommendations of staff, and is in accord with the recommendation that the best interests of the City of Deltona, Florida will be served by the abandonment and vacating of the above portion of the described underground utility easement.

(THE REST OF THIS PAGE LEFT INTENTIONALLY BLANK)

**NOW, THEREFORE**, be it known as follows:

1. This matter came to be heard by the City Commission of the City of Deltona, Florida, pursuant to the request of Gerald Chancellor, Public Works Director/City Engineer, and the City Commission did approve said application at its Regular City Commission meeting held on \_\_\_\_\_.

2. The above described portion of the underground utility easement lying within the City of Deltona, Florida, be and the same was closed, vacated and abandoned as of the date of the City Commission meeting aforesaid, and the City Commission did renounce any rights in said underground utility easement.

**ATTEST:**

**CITY COMMISSION  
CITY OF DELTONA, FLORIDA**

\_\_\_\_\_  
Joyce Raftery, City Clerk

BY: \_\_\_\_\_  
John Masiarczyk, MAYOR

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

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

**VACATION AND ABANDONMENT OF UNDERGROUND UTILITY EASEMENT**

**WHEREAS**, the City Commission of the City of Deltona, Florida has been requested to abandon and vacate a portion of that certain utility easement; and

**WHEREAS**, the City Commission of the City of Deltona, Florida has determined that it is in the best interest of the public, health, safety and welfare to vacate and abandon that certain portion of the utility easement in the City of Deltona, Florida, and more particularly described as follows:

Description

A PORTION OF SECTION 7, TOWNSHIP 19 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, BEING A PORTION OF LOT 4, ASSESSOR'S SUBDIVISION OF J.R. HOUSTON'S LAND, AS RECORDED IN MAP BOOK 3, PAGE 36 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 7 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR STATE ROAD 415, SECTION 79120 DATED 9/19/2008, BEING THE NORTHWEST CORNER OF LOT 4, SAID ASSESSOR'S SUBDIVISION OF J.R. HOUSTON'S LAND WITH THE WEST RIGHT OF WAY LINE OF SAID STATE ROAD 415; THENCE RUN S00°34'55"E ALONG SAID WEST RIGHT OF WAY LINE, 65.30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S00°34'55"E ALONG SAID WEST RIGHT OF WAY LINE, 30.00 FEET; THENCE DEPART SAID RIGHT OF WAY LINE S89°25'05"W, 35.00 FEET; THENCE N00°34'55"W, 30.00 FEET; THENCE N89°25'05"E, 35.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1050 SQUARE FEET, MORE OR LESS.

Recorded in the Volusia County Public Records on May 14, 2012 at book 6711 page 2453.

**WHEREAS**, the City Commission of the City of Deltona has found and determined that the aforesaid easement portion is no longer required, necessary, useful or advantageous to the interests of the City and the public for the use for which it was originally granted; and

**WHEREAS**, the City Commission of the City of Deltona has reviewed the comments and recommendations of staff, and is in accord with the recommendation that the best interests of the City of Deltona, Florida will be served by the abandonment and vacating of the above portion of the described utility easement.

(THE REST OF THIS PAGE LEFT INTENTIONALLY BLANK)

**NOW, THEREFORE**, be it known as follows:

1. This matter came to be heard by the City Commission of the City of Deltona, Florida, pursuant to the request of Gerald Chancellor, Public Works Director/City Engineer, and the City Commission did approve said application at its Regular City Commission meeting held on \_\_\_\_\_.

2. The above described portion of the underground utility easement lying within the City of Deltona, Florida, be and the same was closed, vacated and abandoned as of the date of the City Commission meeting aforesaid, and the City Commission did renounce any rights in said utility easement.

**ATTEST:**

**CITY COMMISSION  
CITY OF DELTONA, FLORIDA**

\_\_\_\_\_  
Joyce Raftery, City Clerk

BY: \_\_\_\_\_  
John Masiarczyk, MAYOR

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

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



## AGENDA MEMO

**TO:** Mayor & City Commission      **AGENDA DATE:** 3/17/2014  
**FROM:** William D. Denny, City Manager      **AGENDA ITEM:** 10 - C  
**SUBJECT:** Request for appointment of a City representative to the Tourist Development Council (TDC) for a four year term and the appointment of an alternate City representative.

---

<b>LOCATION:</b>	N/A
<b>BACKGROUND:</b>	<p>Currently, Mayor Masiarczyk is the appointed City representative to the Tourist Development Council whose term expires March 31, 2014.</p> <p>This advisory council makes recommendations to the Volusia County Council for the effective operation of the special projects or of the uses of the tourist development tax revenue. Members include the county chair, elected officials from municipalities, and persons involved in the tourism industry.</p> <p>The TDC's upcoming meetings are scheduled for 10:00 a.m. on May 13th, July 8th, September 9th and November 11th.</p>
<b>ORIGINATING DEPARTMENT:</b>	City Clerk's Office
<b>SOURCE OF FUNDS:</b>	N/A
<b>COST:</b>	N/A
<b>REVIEWED BY:</b>	City Clerk
<b>STAFF RECOMMENDATION PRESENTED BY:</b>	Joyce Raftery, City Clerk - That the City Commission appoint a City representative to the Tourist Development Council (TDC) for a four year term and appoint an alternate City representative.
<b>POTENTIAL MOTION:</b>	"I move to appoint _____ as the City's representative to the Tourist Development Council (TDC) for a term to expire on

March 31, 2018 and appoint \_\_\_\_\_ as the alternate City's representative."

**AGENDA ITEM  
APPROVED BY:**

---

William D. Denny, City Manager

**ATTACHMENTS:**

- TDC e-mail requesting appointment

**Joyce Raftery**

---

**From:** Marcy Zimmerman <mzimmerman@volusia.org>  
**Sent:** Tuesday, February 25, 2014 3:17 PM  
**To:** Joyce Raftery  
**Subject:** Tourist Development Council - Appointment

Hi Joyce: Mayor John Masiarczyck serves on the Tourist Development Council as the elected official of the largest municipality. The four year term expires March 31, 2014.

Please advise, via email or letter, if the Deltona City Commission has confirmed whether the mayor will be serving another four year term. If the Commission desires another person to serve on the TDC, please advise which commissioner will be filling the position.

Thank you for your time,  
Marcy

Marcy Zimmerman, CMC  
Deputy Clerk  
County Manager's Office  
County of Volusia  
123 West Indiana Avenue  
Suite 301  
DeLand, Florida 32720  
Phone: 386-736-5920 x12398  
Fax: 386-822-5707

email: [mzimmerman@volusia.org](mailto:mzimmerman@volusia.org)

\*\*\*\*Florida has a very broad Public Records Law. Virtually all written communications to or from state and local officials and employees are public records available to the public and media upon request. Volusia County policy does not differentiate between personal and business emails. E-mail sent on the county system will be considered public and will only be withheld from disclosure if deemed confidential pursuant to state law.\*\*\*\*



## AGENDA MEMO

**TO:** Mayor & City Commission                      **AGENDA DATE:** 3/17/2014  
**FROM:** William D. Denny, City Manager            **AGENDA ITEM:** 10 - D  
**SUBJECT:** Consideration of appointment or re-appointment of four (4) members to the City's Planning and Zoning Board.

**LOCATION:**

N/A

**BACKGROUND:**

The appointments of Tom Burbank, David McKnight, Noble Olasimbo, and Adam Walosik, expired on March 15, 2014 and all wish to be re-appointed to the City's Planning and Zoning Board.

The City has run a press release and posted the openings on the City's web page, D-TV, and City bulletin board. To date, the City has received applications from the following interested individuals: Ruben Colon, Rod Geilen, Raphael Gomez, Jose Irizarry, Maribel Montanez, Deborah Soto and Timothy O. Willis. Also, attached are the applications of the current advisory board members who are interested in being re-appointed.

**ORIGINATING DEPARTMENT:**

City Clerk's Office

**SOURCE OF FUNDS:**

N/A

**COST:**

N/A

**REVIEWED BY:**

City Manager

**STAFF RECOMMENDATION PRESENTED BY:**

Joyce Raftery, City Clerk, - That the Commission confirms the appointment or re-appointment of four (4) members to the Planning and Zoning Board for a term to expire on March 15, 2017 (Commissioner Lowry's, Commissioner Schleicher's, Commissioner Nabicht's and Vice Mayor Herzberg's appointments).

**POTENTIAL MOTION:**

"I move to confirm the appointment of \_\_\_\_\_ (Commissioner Lowry's appointment), \_\_\_\_\_ (Commissioner Schleicher's appointment), \_\_\_\_\_ (Commissioner Nabicht's appointment), and \_\_\_\_\_ (Vice Mayor Herzberg's appointment) to the Planning and Zoning Board for a term to expire on March 15, 2017."

**AGENDA ITEM  
APPROVED BY:**

---

William D. Denny, City Manager

**ATTACHMENTS:**

- Member List
- Application - Tom Burbank
- Application - David McKnight
- Application - Noble Olasimbo
- Application - Adam Walosik
- Application - Ruben Colon
- Application - Rod Geilen
- Application - Jose Irizarry
- Application - Maribel Montanez
- Application - Deborah Soto
- Application - Raphael Gomez
- Application - Timothy Willis

**City of Deltona, Florida**  
**PLANNING AND ZONING BOARD**

	<u>Appointed By</u>	<u>Apptd. Date</u>	<u>Term Exp.</u>
David McKnight <b>CHAIRMAN</b> 2910 Newmark Dr. Deltona, FL 32738 (386) 214-1927 Email: <a href="mailto:Dave.m@earthlink.net">Dave.m@earthlink.net</a>	Commissioner Herzberg (District 3)	04-04-11	03-15-14
Victor M. Ramos <b>VICE CHAIR</b> 1540 Howland Blvd. P.O. Box 390413 Deltona, FL 32739 (386) 532-7881 (H) (786) 261-4380 (C) Email: <a href="mailto:pitirre@cfl.rr.com">pitirre@cfl.rr.com</a>	Vice Mayor Denizac (District 1)	12-17-07 03-01-10 03-04-13 (Re-apptd.)	03-15-16
Noble Olasimbo <b>SECRETARY</b> 2768 Foxdale Dr. Deltona, FL 32738 (386) 737-6023 (352) 483-9092 Email: <a href="mailto:nolasimbo@bellsouth.net">nolasimbo@bellsouth.net</a>	Commissioner Schleicher (District 4)	04-04-11	03-15-14
Wendy Hickey 2289 Howland Blvd. Deltona, FL 32738 (407) 417-3643 Email: <a href="mailto:Wendy.hickey1@gmail.com">Wendy.hickey1@gmail.com</a>	Mayor Masiarczyk	08-05-13	03-15-16
Herb Zischkau 2760 Pinegrove Avenue Deltona, FL 32725 (386) 532-6600 Email: <a href="mailto:zischkau@mac.com">zischkau@mac.com</a>	Commissioner Barnaby (District 2)	03-04-13	03-15-16
Adam Walosik 1426 Montecito Ave. Deltona, FL 32738 (407) 625-4194 Email: <a href="mailto:awalosik@att.net">awalosik@att.net</a>	Commissioner Lowry (District 5)	04-04-11	03-15-14
Tom Burbank 2073 Brewster St. Deltona, FL 32738 (386) 789-3054 (386) 747-1944 Email: <a href="mailto:tburbank@cfl.rr.com">tburbank@cfl.rr.com</a>	Commissioner Nabicht (District 6)	06-17-13	03-15-14
<b><u>Staff Liaison:</u></b>			
Chris Bowley, AICP Planning & Development Services Director 2345 Providence Blvd. Deltona, FL 32725 (386) 878-8602 (386) 878-8501 Fax Email: <a href="mailto:cbowley@deltonafl.gov">cbowley@deltonafl.gov</a>			

**From:** [forms@deltonafl.gov](mailto:forms@deltonafl.gov)  
**To:** [Joyce Kent](#)  
**Subject:** Board/Committee Application  
**Date:** Thursday, November 26, 2009 8:56:45 AM

---

A message has been sent to you from a contact form on your Web site at: <http://deltonafl.gov/go/deltona-sections/departments/city-clerk/advisory-boards-application-form> If the user filled out his or her email address, you can hit "reply" in your email program to reply to their email address.

## Board Committee Application

Name of Board or Committee: Planning and Zoning

### Personal Information

Name: Tom Burbank  
Address: 2073 Brewster Drive  
City: Deltona  
State: FL  
Zip: 32738  
Years Residence: 43  
District: 1  
Phone: 386-747-1944  
Email: [tburbank@cfl.rr.com](mailto:tburbank@cfl.rr.com)  
Registered Voters Yes:  
Registered Voters No:

### Summarize your work experience

Employer: Retired  
No. of years: .08  
Address: Same as above  
Phone: Same as above  
Position: retired

Work Experience: Resume: Professional Experience City of Deltona Deltona, Florida 5/20/2007 – 10/27/2009 Planning Manager/Planner II,/Acting Director This position is responsible for overseeing and monitoring all new development activity in the City of Deltona, population roughly 85,000. This department spends the majority of its time guiding developers through the site development plan approval process. This department takes in applications for development approval, reviews the plans, distributes these plans to all interested departments and agencies, collects pertinent comments and advises the applicant accordingly. I also oversee all applications for rezoning, variances, and conditional uses. I am also charged with the preparation of reports and presentations to the Planning and Zoning Board and City Commission as regards those activities outlined above. The position also entails continuous

contact with the development community and general public as relates to these activities. My department is also responsible for the issuance of occupational licenses, paying particular attention to compliance with local regulation. Assist in the continuing modification to local codes, which are living documents, assist City Engineer with development of standards for development activities. Zev Cohen & Associates, Inc. Ormond Beach, Florida 1988-2007 Project Manager/CADD Technician Having been with ZCA for more than 18 years, my experience was broad and my responsibilities diverse. Most required considerable liaison with staff, clients and governing agencies. These include but are not limited to: Preparation of Concept and Sketch Plans o Involves client contact and customer service; due diligence; understanding and implementation of Land Development Codes and zoning ordinances; and knowledge of market forces; to achieve "highest and best use" o understanding of market forces as related to costs of design and costs to build (valued added design) Development of Final Site Plans and Final Plats o The next step in the above process, wherein additional governing agencies, such as SJRWMD, USCOE, and DEP become involved o Requires a thorough understanding of Land Development rules and practices, zoning policies and principles, and considerable knowledge of other governing agencies' regulations Assist in the preparation of applications for rezoning, special exceptions, conditional uses and other matters, including correspondence to FEMA regarding Flood Insurance Program issues Provide training and ongoing assistance for newly hired engineers, interns and support staff County of Volusia 1975-1988 GIS Team Leader Volusia County Geographic Information Services 1986-1988 Launched a newly created department o Established departmental goals, policies and procedures o Developed and managed the budget o Negotiated vendor contracts o Selected staff and designed training programs E-911 Task Force Leader and Cartographic Supervisor Volusia County Planning Department 1982-1986 Supervised staff in the creation, maintenance and disbursement of official Volusia County Zoning Maps Assisted in the preparation of reports regarding county land use activities Prepared a census of Volusia County street names and addresses Coordinated efforts and communication with Postmasters, EMS teams, and the public Mapping Supervisor Volusia County Property Appraiser 1976-1982 Supervised highly skilled crew in the development of large scale, accurate ownership maps, reflecting best available data and information contained within the public record Drafting Technician Volusia County Planning Department 1975-1976 Graphic design for the Volusia County Comprehensive Plan Mauney Engineering Orange City, Florida 1974-1975 Land Surveyor Instrument man, duties normally associated with a land surveying team Community Activities Past Chairman, Deltona Family YMCA Planning & Steering Committee Chairman, Deltona Family YMCA Board of Directors Past Secretary, City of Deltona Planning and Zoning Board Board of Directors, Volusia/Flagler YMCA Education Master of Science in Environmental Management, Webster University (in progress) Bachelor of Arts in Management, Webster University Associate of Science in Technical Illustration, Daytona Beach Community College Certificate in Mechanical Drawing, Mary Karl School of Applied Science Graduate, Deland High School Military Experience United States Army 1970-1972 Honorable Discharge References Former Deltona Mayor John Masiarczyk (386-789-4155) Ralph Blackwell, PLS, President, Blackwell & Assoc. (386-734-8050) Dr. Tom Janke, Florida Director, Webster University (407-869-8111) Stan Smith, GIA Development (407-324-1178) Bill Musser, P.E., Principal, Tetra Tech (407-839-3955) Mark Watts, Cobb and Cole (386-736-7700)

## Education

<b>School</b>	<b>Years</b>	<b>Degree</b>
Webster Univ.	current student	MS - Environmental Science
Webster Univ.	2007-2009	BA - Management
Daytona State College	1980-1988	AS - Technical Illustration

## **Volunteer, Civic, Professional, & Other Activities**

List any volunteer service organizations, clubs, or professional societies you are a member of and give the positions or titles you have held.

Deltona Municipal Services District Advisory Board (Parks and Rec. Committee)  
 Deltona Family YMCA Planning and Steering Committee (Chairman) Deltona Family  
 YMCA (past Branch Board Chair) Volusia/Flagler YMCA (HR committee)

Have you ever served on a committee or advisory board? If so, give the details, including any positions held.

City of Deltona Planning and Zoning Board (Secretary) Deltona Teen Club  
 (Secretary/Treasurer)

Have you ever held public office? If so, give the details, including offices involved, whether elected or appointed, and the length of service.

No

## **Reasons For Serving**

Describe any additional knowledge, skill, education, or experience you have, which would assist you in the duties of this Board/Committee.

Having been a resident for almost 43 years I "know" the area as well as anybody currently living. As a former Planning Manager and Acting Director for the City I have an in depth and thorough understanding of the Land Development Code, the Zoning Ordinance and the Comprehensive plan. As the former National Flood Insurance Program representative for the City I have a thorough understanding of issues involving flooding and related issues. As a former project manager for a civil engineering firm I have a thorough understanding of the development approval processes, including site plan development, subdivisions, zoning and comprehensive plan matters, conditional uses, variances, etc. As a former Deputy Appraiser with Volusia County I have an awareness of property values, and the effect that P and Z decisions have on them. As a former land surveyor I have considerable knowledge of that practice as well as a thorough understanding of public records involving land transfers, etc.

Explain why you want to serve on this Board/Committee, and include any potential contribution you selection would bring.

I have since 1968 been active in Deltona's affairs. I feel my work experience, education and training would make me an ideal candidate for the position; being retired I now have additional time to serve the community.

## Miscellaneous

Potential conflict of interest: Do you do business, or are you engaged in the management of any business enterprise that has a financial interest with the City of Deltona? Please give details, including the name of the enterprise, the nature of the business, and the position you hold.

None

Have you ever been convicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? If so, give details. Do not include traffic violations or fines of 100 dollars or less that were imposed, unless it also included a jail sentence.

No

## References

List names, addresses, and telephone numbers of at least three persons who are in a position to comment on your qualifications and of whom inquiry may be made by the City of Deltona.

## Additional Information or Comments

McKnight, David Sr.

**Traci Houchin**

**From:** Joyce Kent  
**Sent:** Tuesday, October 26, 2010 8:17 AM  
**To:** Traci Houchin  
**Subject:** FW: Board/Committee Application

applied 10/26/10

Joyce Kent, CMC  
 City Clerk  
 City of Deltona  
 2345 Providence Blvd.  
 Deltona, FL 32725  
 Phone: (386) 878-8500  
 Fax: (386) 878-8501

**From:** forms@deltonafl.gov [mailto:forms@deltonafl.gov]  
**Sent:** Monday, October 25, 2010 7:31 PM  
**To:** Joyce Kent  
**Subject:** Board/Committee Application

A message has been sent to you from a contact form on your Web site at: <http://deltonafl.gov/go/deltona-sections/departments/city-clerk/advisory-boards-application-form> If the user filled out his or her email address, you can hit "reply" in your email program to reply to their email address.

## Board Committee Application

Name of Board or Committee: Planning/Zoning Advisory Board

### Personal Information

Name: David A. McKnight, Sr.  
 Address: 2910 Newmark Dr  
 City: Deltona  
 State: FL  
 Zip: 32738  
 Years Residence: 9  
 District: 5  
 Phone: 386-214-1927  
 Email: [Dave.m@earthlink.net](mailto:Dave.m@earthlink.net)  
 Registered Voters Yes:  
 Registered Voters No:

### Summarize your work experience

Employer: Mayflower Retirement Community

No. of years: 11

Address: 1620 Mayflower Ct, Winter Park, FL 32792

Phone: 407-672-1620

Position: Painting Supervisor

Work Experience: Schedule all renovation contractors to renovate apartments to residents expectations, along with supervising painting of the entire facility.

## Education

School	Years	Degree
Kent State University	2	Assoc. Accounting

## Volunteer, Civic, Professional, & Other Activities

List any volunteer service organizations, clubs, or professional societies you are a member of and give the positions or titles you have held.

Deltona Spring Fest - President Cub Scout - Committee Chairman Deltona Arts/Historical Center - Former Vice President Republican Club of SW Volusia - Former President 4-H - Volunteer in Public Schools

Have you ever served on a committee or advisory board? If so, give the details, including any positions held.

Yes - Former Chairman Deltona Parks/Recreation Advisory Committee

Have you ever held public office? If so, give the details, including offices involved, whether elected or appointed, and the length of service.

No

## Reasons For Serving

Describe any additional knowledge, skill, education, or experience you have, which would assist you in the duties of this Board/Committee.

I have a full understanding of Deltona's current land use codes and know the direction the commission wishes to take this community.

Explain why you want to serve on this Board/Committee, and include any potential contribution you selection would bring.

This is a board that I have desired to serve on for a number of years. I feel this is one of the most important boards other than the commission to lead Deltona into the future.

## Miscellaneous

Potential conflict of interest: Do you do business, or are you engaged in the management of any business enterprise that has a financial interest with the City of Deltona? Please give details, including the name of the enterprise, the nature of the business, and the position you hold.

None

Have you ever been convicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? If so, give details. Do not include traffic violations or fines of 100 dollars or less that were imposed, unless it also included a jail sentence.

No

### **References**

List names, addresses, and telephone numbers of at least three persons who are in a position to comment on your qualifications and of whom inquiry may be made by the City of Deltona.

### **Additional Information or Comments**

Olasimbo, Noble

**City of Deltona**  
**Citizen Board/Committee Application**

Appointed  
11/4/10

City Clerk's Office Use:

App'd. to: \_\_\_\_\_

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

Boards of Interest/Date Contacted: \_\_\_\_\_

Name of Board/Committee: Deltona Planning and Zoning**1. Personal Information:**Name: Noble Olasimbo, AICPAddress: 2768 Foxdale DriveCity: DeltonaZip: 32738# Years: 14District: 6Telephone #: (407) 320-1927Are you a registered voter?: Yes  No \_\_\_\_\_E-mail Address: nolasimbo@bellsouth.netcell phone 386-747-6023Employer: Lake County Public Works# years: 13Address: 315 W. Main Tavares FL 32778Telephone#: (352) 483-9092Position: Transportation Planning Manager

Summarize your work experience: \_\_\_\_\_

All area of Public Works Road Improvement studies: Traffic Counts Programs, Traffic Studies and Safety Studies, signal warrant etc**2. Education:**

School	Years	Degree
<u>Texas Southern University, Houston TX</u>	<u>2</u>	<u>M.S</u>
<u>University of West Alabama Livingston Alabama</u>	<u>4</u>	<u>B.S</u>

**3. Volunteer, Civic, Professional & Other Activities:**

- a. List any volunteer service organizations, clubs or professional societies you are a member of and give the positions or titles you have held.

American Planning Association and member of American Institutes of Certified Planners (AICP)Member of Institutes of Transportation Engineers

- b. Have you ever served on a committee or advisory board? If so, give the details, including any positions held.

The Chairman of Lake County Community Traffic Safety Team

- c. Have you ever held public office? If so, give the details, including the offices involved, whether elected or appointed, and the length of service.

No

4. **Reasons for serving:**

a. Describe any additional knowledge, skill, education or experience you have, which would assist you in the duties of this Board/Committee.

The opportunity to get involved in the City of Deltona Planning and Zoning activities and to help provide recommendation to the City Commission for future action.

b. Explain why you want to serve on this Board/Committee, and include any particular potential contribution your selection would bring.

I have a good background in an area related to the committee' focus.

5. **Miscellaneous:**

a. Potential conflict of interest: Do you do business, or are you engaged in the management of any business enterprise that has a financial interest with the City of Deltona? Please give details, including the name of the enterprise, the nature of the business, and the position you hold.

No

b. Have you ever been convicted for violation of any federal, state, county or municipal law, regulation or ordinance? If so, give details. Do not include traffic violations or fines of \$100 or less that were imposed, unless it also included a jail sentence.

No

6. **References:**

List names, addresses and telephone numbers of at least three persons who are in a position to comment on your qualifications and of whom inquiry may be made by the City of Deltona.

1. Benjamin O .Akinola 558 Cloudcroft Drive, Deltona, FL 32738, Wk Ph 407-316-4836
2. Ross Pluta, Lake County Public Works Work Phone 352-483-9041
3. Alan Ledgerwood N. Hartley, Deltona FL 32725 Work Phone 386-943-5242

7. **Additional information or comments:**

I DECLARE THE FOREGOING FACTS TO BE TRUE, CORRECT AND COMPLETE.

Signature

12-1-09

Date

Return completed application to:

City of Deltona ♦ City Clerk's Office ♦ 2345 Providence Blvd. ♦ Deltona, FL 32725

\*\* Please note that the City Clerk's Office keeps applications active for 6 months from the date of receipt if you are not chosen to fill the Board/Committee vacancy. If at a later date you wish to be considered for another Board/Committee vacancy other than the Board originally applied for, you must contact the City Clerk's Office at (386) 561-2100 and request your application be pulled for consideration.

Walosik, Adam

Applied 08/31/09  
appointed 10/05/09**Joyce Kent**

**From:** forms@deltonafl.gov  
**Sent:** Monday, August 31, 2009 7:08 AM  
**To:** Joyce Kent  
**Subject:** Board/Committee Application

A message has been sent to you from a contact form on your Web site at: <http://deltonafl.gov/go/deltona-sections/departments/city-clerk/advisory-boards-application-form> If the user filled out his or her email address, you can hit "reply" in your email program to reply to their email address.

## Board Committee Application

Name of Board or Committee: Planning and Zoning

### Personal Information

Name: Adam Walosik  
 Address: 1426 Montecito Avenue  
 City: Deltona  
 State: FL  
 Zip: 32738  
 Years Residence: 22  
 District: 5  
 Phone: 407 625-4194  
 Email: 4adam@earthlink.net  
 Registered Voters Yes:  
 Registered Voters No:

### Summarize your work experience

Employer: City of Orlando  
 No. of years: 21  
 Address: 400 S Orange Avenue, Orlando, FL 32801  
 Phone: 407 246-3528  
 Position: Planning Manager

Work Experience: Planning Manager, 2007 to Present → Performs supervisory work in urban planning → Serves as the principal professional and technical person within the Transportation Planning section for activities and operations involving the review of Developments of Regional Impact (DRI), Master Plans, Planned Developments, and Special Plan Areas → Coordinates and participates in the preparation and production of plans addressing the transportation network and transit needs → Provides technical expertise to the Baldwin Park Technical Development Review Committee and Southeast Sector Technical Development Review Committee → Represents the Transportation Planning Division and provides technical expertise to the Municipal Planning Board and the Board of Zoning Adjustment, and acts as the Division liaison to the City

Planning Division and to the Office of Permitting Services to complete Municipal Planning Board assignments and Board of Zoning Adjustment assignments → Serves as a liaison to the Florida Department of Transportation (FDOT) point of contact for Streetscape projects along FDOT road Rights of Way, and works with FDOT staff to implement changes related to these projects → Reviews detailed land use and site plan feasibility which requires: → Review of traffic generation characteristics → Determination of traffic distribution characteristics onto the existing and proposed transportation networks → Analysis and evaluation of existing traffic volumes plus projected traffic volumes to determine roadway and intersection improvements → Analysis of traffic volumes and accident data at proposed access locations to ensure adequate traffic flows and safe operational characteristics → Key Results: → Played a key role in reviewing and approving the transportation networks for Lake Nona Southern Circulation Plan, Randal Park, the Events Center and Orlando Gateway → Played a key role in reviewing the Lee Vista DRI amendment, and negotiated and secured \$90,000 in funds for a future Lynx Transfer Station within the DRI boundaries → Responsible for securing City Services Sidewalk Easements for bus shelter installations at the time of the Development/Plat review process → Responsible for creation of a Lynx Bus Shelter account in the Office of Permitting Services for the collection of funds from developers for bus shelter installations → Responsible for assessing each developer's required contribution towards this account at the time of approval of their Master Plan, Conditional Use, or Planned Development review process (collected \$360,700 and assessed additional \$369,000 to date) → Required commercial developments with 30 or more employees to support the expansion of Lymmo, Light Rail, and Commuter Rail by encouraging their employees to use these transit systems to commute to work, and subsidizing the cost of transit passes → Responsible for the Traffic Signal Warrants Analysis review and the funds collection for Traffic Signal Installations (approximately \$220,000 per intersection) → Responsible for the Transportation Studies Review (link and intersection analysis, trip generation, and trip distribution) to determine necessary transportation improvements to accommodate proposed developments → Responsible for roadway plans review including cross sections, geometry, pavement markings, and signage → Responsible for securing additional Right of Way dedications along I-4 Corridor at the time of the Development/Plat review process for projects adjacent to the future I-4 expansion CITY OF ORLANDO, OFFICE OF PERMITTING SERVICES, ECONOMIC DEVELOPMENT DEPARTMENT Civil Engineer III, II, I /Transportation Review Engineer, 1989 to 2007 → Reviewed permits and plans (conceptual, preliminary, and final) for private and public projects including traffic impact analysis and review of proposed roadways to determine consistency with future traffic and transportation needs of the City → Represented the Office of Permitting services at the Technical Review Committee (TRC), Municipal Planning Board (MPB), Board of Zoning Adjustment (BZA), and Public Works TRC, providing reviews and reports to the Development Review Team on private and public projects and meeting with developers and engineers to solve potential problems prior to their project design phase → Participated in Public Meetings to explain potential impacts of future projects on adjacent neighborhoods → Reviewed Traffic Signal Escrow Agreements and insured funds were deposited prior to Certificate of Occupancy → Reviewed and made recommendations to the Public Works Director on Public Works variance applications including design, location, signage, and striping of vehicular connections to the City's roadway system, coordinated City variance approval with FDOT and Orange County when applicable, and provided technical assistance to City bureaus and departments to ensure sufficient egress/ingress to their projects (Project/Construction Bureau, Planning Department, Fire Department, Solid Waste, etc) → Reviewed Developers' Agreements, submittal of Cross Access Easements Agreements, R-O-W Dedication/Reservations Agreements, and City Services Easement Agreements → Key Results: → Played a key role in roadway plan reviews of the roadway networks for Universal Studios, Metrowest DRI, Millenia Mall DRI, Baldwin Park Planned Development, East Park Planned Development, La Vina Planned Development → Played a key role in the design and review of the vehicular access, parking, and circulation for major Downtown projects (The Plaza, 55 West, The View, Dynatech, Waverly at Lake Eola, Paramount at Lake Eola, Orange County Court House, Central Lynx Station) CITY OF ORLANDO, ENGINEERING DEPARTMENT Engineering Inspector, 1988 to 1989 → Inspected a broad range of public and private road construction projects such as storm and sewer systems, roads, and building sites → Enforced compliance with code specifications and contract

documents → Prepared inspector checklists, material testing, and inspection schedules → Key Results: → Played a key role in inspections of the roadway networks for Lee Vista DRI, (Lee Vista Boulevard, Hazeltine National Drive, Butler National Drive, Corporate Center Boulevard)

### **Education**

<b>School</b>	<b>Years</b>	<b>Degree</b>
University of Technology in Krakow	4	Bachelor's Degree in Civil Engineering

### **Volunteer, Civic, Professional, & Other Activities**

List any volunteer service organizations, clubs, or professional societies you are a member of and give the positions or titles you have held.

Institute of Transportation Engineers

Have you ever served on a committee or advisory board? If so, give the details, including any positions held.

No

Have you ever held public office? If so, give the details, including offices involved, whether elected or appointed, and the length of service.

No

### **Reasons For Serving**

Describe any additional knowledge, skill, education, or experience you have, which would assist you in the duties of this Board/Committee.

See work experience

Explain why you want to serve on this Board/Committee, and include any potential contribution you selection would bring.

The Deltona community can benefit from my 21 + years of development experience

### **Miscellaneous**

Potential conflict of interest: Do you do business, or are you engaged in the management of any business enterprise that has a financial interest with the City of Deltona? Please give details, including the name of the enterprise, the nature of the business, and the position you hold.

No

Have you ever been convicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? If so, give details. Do not include traffic violations or fines of 100 dollars or less that were imposed, unless it also included a jail sentence.

No

### **References**

List names, addresses, and telephone numbers of at least three persons who are in a position to comment on your qualifications and of whom inquiry may be made by the City of Deltona.

### **Additional Information or Comments**

## Joyce Raftery

---

**From:** Ruben Colon <Rc4642@yahoo.com>  
**Sent:** Tuesday, November 26, 2013 11:14 AM  
**To:** Joyce Raftery  
**Subject:** Citizen Board/Committee Application  
**Attachments:** Attach0.html

**Categories:** Director's Meeting

Request From: Ruben Colon  
Email: [Rc4642@yahoo.com](mailto:Rc4642@yahoo.com)  
Source IP: 71.52.29.232

Address: 559 Baldwin Ct.  
City: Deltona  
State: FL  
Zip: 32725  
Phone: 386-532-1518  
Alt Phone: 386-801-3122  
Fax:  
Organization:

### Checkbox Choices

Parks & Recreation Advisory Committee, Planning and Zoning Board.

Number of Years as a Deltona Resident

11 - 15 Years

What Commission district do you reside in?

District 1

Are you a registered voter in Volusia County?

Yes

Who is your employer? (Please include number of years, address, phone number and title/position)

Florida Hospital Fish Memorial  
1055 Saxon Blvd.  
Orange City, FL 32763  
Respiratory Therapist 10 years  
386-917-5000

Please summarize your work experience.

I am a respiratory therapist at the local hospital. In addition, I often represent the hospital at community events. I am a father of two, ages 6 & 8. Currently I am also a volunteer at both schools. (Trinity & Spirit Elementary)

List any volunteer service organizations, clubs, or professional societies you are a member of and give the positions or titles you have held.

I am currently a volunteer at Spirit elementary & Trinity.

Have you ever served on a committee or advisory board? If so, give the details, including any positions held. Have you ever held public office? If so, give the details, including offices involved, whether elected or appointed, and the length of service.

No

Describe any additional knowledge, skill, education, or experience you have, which would assist you in the duties of this Board/Committee.

I am a parent who utilizes our parks regularly. In addition, through the hospital I am very involved at various community events.

Explain why you want to serve on this Board/Committee, and include any potential contribution you selection would bring.

I am a parent & citizen of Deltona and would like to make a difference in our city.

Potential conflict of interest: Do you do business, or are you engaged in the management of any business enterprise that has a financial interest with the City of Deltona? Please give details, including the name of the enterprise, the nature of the business, and the position you hold.

No

Have you ever been convicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? If so, give details. Do not include traffic violations or fines of \$100 or less that were imposed, unless it also included a jail sentence.

No

List names, addresses, and telephone numbers of at least three persons who are in a position to comment on your qualifications and of whom inquiry may be made by the City of Deltona.

Debra Allison  
1055 Saxon Blvd.  
Orange City, FL 32763  
386-917-5121

Craig Broeker  
1055 Saxon Blvd.  
Orange City, FL 32763  
386-917-5412

Maybelline Ferguson  
1055 Saxon Blvd.  
Orange City, FL 32763  
386-917-7192

Additional Information or Comments

I look forward to serving my city and it's future!

I declare the foregoing facts to be true, correct, and complete.

I agree

**Mitch Honaker**

---

**From:** Rod Geilen <fishwpb@yahoo.com>  
**Sent:** Saturday, May 18, 2013 10:27 AM  
**To:** Mitch Honaker  
**Subject:** Citizen Board/Committee Application  
**Attachments:** Attach0.html

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Request From: Rod Geilen  
 Email: [fishwpb@yahoo.com](mailto:fishwpb@yahoo.com)  
 Source IP: 97.104.177.106

Address: 2771 Lafoy Ct  
 City: Deltona  
 State: Florida  
 Zip: 32738  
 Phone: 407 579 3444  
 Alt Phone:  
 Fax:  
 Organization:

Checkbox Choices  
 Planning & Zoning Board,

Number of Years as a Deltona Resident  
 6 - 10 Years

What Commission district do you reside in?  
 District 5

Are you a registered voter in Volusia County?  
 Yes

Who is your employer? (Please include number of years, address, phone number and title/position)  
 Kratos Defense 5 years  
 1801 Transport Dr Orlando, FL 32832  
 Mechanical Technician Black Hawk Helicopter Group

Please summarize your work experience.  
 Complete work experience includes, sales, marketing, management and technical background. Presently building Blackhawk and Chinook helicopter and Abrams tank simulators

List any volunteer service organizations, clubs, or professional societies you are a member of and give the positions or titles you have held.

Big Brothers member, Rotary Club member,

Have you ever served on a committee or advisory board? If so, give the details, including any positions held. Have you ever held public office? If so, give the details, including offices involved, whether elected or appointed, and the length of service.

President HOA Port Orange, FL reelected 5 times(5 years)

Economic and zoning development Lake Worth FL,(1 year) had company transfer

Describe any additional knowledge, skill, education, or experience you have, which would assist you in the duties of this Board/Committee.

Ability to listen to the whole story or issue, Balance the benefits to both parties. Ability to discuss issues calmly. I am 61 and have many years of life experiences.

Explain why you want to serve on this Board/Committee, and include any potential contribution you selection would bring.

Having lived in Port Orange, FL and West Palm Beach, FL I have seen a good quality of life there with much growth and opportunities. I would like to help at the "roots" of planning and zoning to help our city grow and prosper.

Potential conflict of interest: Do you do business, or are you engaged in the management of any business enterprise that has a financial interest with the City of Deltona? Please give details, including the name of the enterprise, the nature of the business, and the position you hold.

NA

Have you ever been convicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? If so, give details. Do not include traffic violations or fines of \$100 or less that were imposed, unless it also included a jail sentence.

No

List names, addresses, and telephone numbers of at least three persons who are in a position to comment on your qualifications and of whom inquiry may be made by the City of Deltona.

Al Garces 5905 Riverside Port Orange, FL 32127

Maurice Crane 723 Indigo Ave Orlando, FL 32828

Patricia Bell 2780 Lafoy Ct Deltona, FL 32738

Additional Information or Comments

I declare the foregoing facts to be true, correct, and complete.

I agree

Request From: Jose Irizarry  
 Email: [joseirizarry47@gmail.com](mailto:joseirizarry47@gmail.com)  
 1931 Kirkwood Street  
 Deltona, Florida 32738  
 Phone: 386-218-6812  
 Alt Phone: 386-218-6812  
 Organization: IPC Investigations & Consultants

Checkbox Choices: Planning & Zoning Board,

Number of Years as a Deltona Resident: 16 - 20 Years

What Commission district do you reside in? District 4

Are you a registered voter in Volusia County? Yes

Who is your employer? (Please include number of years, address, phone number and title/position)  
 IPC Investigations & Consultants (Self Employed) 386-218-6812 Legal Document preparation

Please summarize your work experience. 13 years as a police officer for the City of Mount Dora

List any volunteer service organizations, clubs, or professional societies you are a member of and give the positions or titles you have held. Planning and Zoning Board for the City of Deltona, Latino Officers Association

Have you ever served on a committee or advisory board? Have you ever held public office; List offices involved, whether elected or appointed, and the length of service. Yes, City of Deltona Planning and Zoning Board

Describe any additional knowledge, skill, education, or experience: Masters degree in legal studies with a concentration in Homeland Security. Prior experience as a Deltona Planning and Zoning Board member.

Explain why you want to serve on this Board/Committee, and include any potential contribution you selection would bring.

Serving on the Board would allow me to become better acquainted with the residents of the City of Deltona and further familiarize myself with the zoning requirements for new and proposed construction projects within our growing and expanding city. To increase economic development within the City of Deltona, so that we become a thriving member of the SW Volusia and Volusia County Community

Potential conflict of interest: Do you do business, or are you engaged in the management of any business enterprise that has a financial interest with the City of Deltona? Please give details, including the name of the enterprise, the nature of the business, and the position you hold. No

Have you ever been convicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? If so, give details. Do not include traffic violations or fines of \$100 or less, unless it also included a jail sentence. No

List names, addresses, and telephone numbers of at least three persons who are in a position to comment on your qualifications and of whom inquiry may be made by the City of Deltona.

Additional Information or Comments: Served on the P& Z Board prior

I declare the foregoing facts to be true, correct, and complete. I agree

Request From: Maribel Montanez  
 Email: maribelmmontanez@gmail.com  
 Source IP: 108.254.25.134

Address: 102 Heather Lane Drive  
 City: Deltona  
 State: FL  
 Zip: 32738  
 Phone: 407-538-2921  
 Alt Phone: 407-562-5364  
 Fax:  
 Organization:

#### Checkbox Choices

Economic Development Advisory Board, Planning & Zoning Board,

Number of Years as a Deltona Resident

2 - 5 Years

What Commission district do you reside in?

District 6

Are you a registered voter in Volusia County?

No

Who is your employer? (Please include number of years, address, phone number and title/position)

Davison Publishing

Please summarize your work experience.

Business development, and Marketing.

List any volunteer service organizations, clubs, or professional societies you are a member of and give the positions or titles you have held.

I volunteer to raise money for the following organizations, St Jude Hospital, The Down Syndrome Association of Central Florida. I participate ever year

Have you ever served on a committee or advisory board? If so, give the details, including any positions held. Have you ever held public office? If so, give the details, including offices involved, whether elected or appointed, and the length of service.

No

Describe any additional knowledge, skill, education, or experience you have, which would assist

you in the duties of this Board/Committee.

My marketing and development skills, and knowing what individuals or/and families look for to call a place home.

Explain why you want to serve on this Board/Committee, and include any potential contribution you selection would bring.

Coming up with ideas for make sure that our disabled residents like my neighbor, is not ridiculed and hazarded by people in or city while in his home.

Getting rid of or coming up with ideas to deal with the alley that is between Courtland, and Heather lane drive.

Coming up with ideas to make our district the safest in Deltona, and to bring the community together as a family to achieve this goal.

Potential conflict of interest: Do you do business, or are you engaged in the management of any business enterprise that has a financial interest with the City of Deltona? Please give details, including the name of the enterprise, the nature of the business, and the position you hold.

No

Have you ever been convicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? If so, give details. Do not include traffic violations or fines of \$100 or less that were imposed, unless it also included a jail sentence.

No

List names, addresses, and telephone numbers of at least three persons who are in a position to comment on your qualifications and of whom inquiry may be made by the City of Deltona.

Additional Information or Comments

I declare the foregoing facts to be true, correct, and complete.

I agree

**Angela Meyer**

---

**From:** Joyce Raftery  
**Sent:** Friday, May 24, 2013 12:08 PM  
**To:** Angela Meyer  
**Subject:** Fwd: Citizen Board/Committee Application  
**Attachments:** Attach0.html; ATT00001..htm

Angela

Please contact this person and find out which board they are applying for, I didn't see it on the form.

Joyce Raftery, CMC  
 City Clerk, City of Deltona

Begin forwarded message:

**From:** Deborah Soto <[debbiesoto2003@yahoo.com](mailto:debbiesoto2003@yahoo.com)>  
**Date:** May 24, 2013, 11:05:25 AM EDT  
**To:** Joyce Raftery <[JRaftery@deltonafl.gov](mailto:JRaftery@deltonafl.gov)>  
**Subject:** **Citizen Board/Committee Application**

Request From: Deborah Soto  
 Email: [debbiesoto2003@yahoo.com](mailto:debbiesoto2003@yahoo.com)  
 Source IP: 75.112.144.26

Address: 2092 E. Prairie Circle  
 City: Deltona  
 State: FL  
 Zip: 32725  
 Phone: 386-405-0544  
 Alt Phone:  
 Fax:  
 Organization:

Checkbox Choices *P+Z, P+R, VGMC*  
 Other Boards/Committees (Write Board Name in "Additional Information"),

Number of Years as a Deltona Resident  
 6 - 10 Years

What Commission district do you reside in?  
 District 2

Are you a registered voter in Volusia County?  
 Yes

Who is your employer? (Please include number of years, address, phone number and title/position)

Complete Parachute Solutions, 2 years, 1320 International Speedway Blvd. #1, Deland, FL 32724, 386-523-0717, Department of Defense Contract Administrator

Please summarize your work experience.

I have been working in the private sector in the capacity of Business Administrator and Legal Administrator for the past 15+ years overseeing many facets of the daily business operations including risk management, accounting, human resources and facilities management.

List any volunteer service organizations, clubs, or professional societies you are a member of and give the positions or titles you have held.

Vice Chair Leader - Universal Zulu Nation

Member - Zeta Phi Beta Inc.

Have you ever served on a committee or advisory board? If so, give the details, including any positions held. Have you ever held public office? If so, give the details, including offices involved, whether elected or appointed, and the length of service.

No

Describe any additional knowledge, skill, education, or experience you have, which would assist you in the duties of this Board/Committee.

Explain why you want to serve on this Board/Committee, and include any potential contribution you selection would bring.

I believe I offer a well rounded approach as a citizen with the citizen's best interest in mind. With the economic climate the way it is, I would be cautious with any financial commitments, if any are needed drawing from my years of experience of being the financial gatekeeper at the organizations I have been employed at. I would bring my skills in project management, risk management, human resource, event planning, facilities management, and accounting. I consider myself a dedicated, self-starting team player with positive attitude and strong skills in planning, organization, problem solving, communications, and cultivating relationships and I am fluent in Spanish and Italian.

Potential conflict of interest: Do you do business, or are you engaged in the management of any business enterprise that has a financial interest with the City of Deltona? Please give details, including the name of the enterprise, the nature of the business, and the position you hold.

No

Have you ever been convicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? If so, give details. Do not include traffic violations or fines of \$100 or less that were imposed, unless it also included a jail sentence.

No

List names, addresses, and telephone numbers of at least three persons who are in a position to comment on your qualifications and of whom inquiry may be made by the City of Deltona.

Robert Martin 386-848-3489

Yoselin Rodriguez 386-479-8699

Bob Keyes 386-785-9059

Additional Information or Comments

I declare the foregoing facts to be true, correct, and complete.  
I agree

**From:** Raphael Gomez [<mailto:raphael2g@yahoo.com>]  
**Sent:** Tuesday, August 20, 2013 5:45 AM  
**To:** Joyce Raftery  
**Subject:** Citizen Board/Committee Application

Request From: Raphael Gomez  
 Email: [raphael2g@yahoo.com](mailto:raphael2g@yahoo.com)  
 Source IP: 99.40.166.214

Address: 2652 Travida Drive  
 City: Deltona  
 State: Florida  
 Zip: 32738  
 Phone: (407) 221-2991  
 Alt Phone:  
 Fax:  
 Organization:

#### Checkbox Choices

Affordable Housing Advisory Committee, Economic Development Advisory Board, Planning & Zoning Board, Parks & Recreation Youth Advisory Sub-Committee,

Number of Years as a Deltona Resident  
 21 - 25 Years

What Commission district do you reside in?  
 District 3

Are you a registered voter in Volusia County?  
 Yes

Who is your employer? (Please include number of years, address, phone number and title/position)

Recently resigned 8/16/13

Department of Education

8 years, 11 months

250 Mariott Drive,

Tallahassee, Florida 32399

850-717-8590

Government Operation Consultant III

Please summarize your work experience.

Provided training and technical assistance to 31 early learning coalition boards statewide charged with providing oversight in the local delivery of state administered early learning programs.

List any volunteer service organizations, clubs, or professional societies you are a member of and give the positions or titles you have held.

None

Have you ever served on a committee or advisory board? If so, give the details, including any positions held. Have you ever held public office? If so, give the details, including offices involved, whether elected or appointed, and the length of service.

For over a 4 year period, until November of 2004, I managed the daily affairs of the Early Learning Coalition Board of Volusia/Flagler Counties. I was the lead administrator of a 13 million dollar program and responsible for a 21 member board. Aside from my primary program responsibilities, I was required to recruited board memebtrs, provide orientation training, complete monthly program and financial reports, presentation materials, establish board committees, advertise meetings, and observe sunhsine laws.

Describe any additional knowledge, skill, education, or experience you have, which would assist you in the duties of this Board/Committee.

Explain why you want to serve on this Board/Committee, and include any potential contribution you selection would bring.

I believe my experience in the delivery of state and federal programs can be helpful in the planning and implementation of activities and initatives driven by the commission. I am also very interested in ensuring that the city of Deltona continues to grow in a responsible and prosperous manner.

Potential conflict of interest: Do you do business, or are you engaged in the management of any business enterprise that has a financial interest with the City of Deltona? Please give details, including the name of the enterprise, the nature of the business, and the position you hold.

Have you ever been convicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? If so, give details. Do not include traffic violations or fines of \$100 or less that were imposed, unless it also included a jail sentence.

No

List names, addresses, and telephone numbers of at least three persons who are in a position to comment on your qualifications and of whom inquiry may be made by the City of Deltona.

Gerie Nasche - (850) 321-2811

Jennifer Parks - (386) 299-2425

Sandra Graf - (321)663-8161

Additional Information or Comments

I declare the foregoing facts to be true, correct, and complete.

I agree

Applied 7/11/13

Request From: Timothy O. Willis  
Email: twillis@aohrs.com  
Source IP: 99.170.244.189

Address: 89 South Courtland Blvd.  
City: Deltona  
State: FL  
Zip: 32738  
Phone: (407) 323-8895  
Alt Phone: (386) 801-4555  
Fax:  
Organization:

Checkbox Choices

Planning & Zoning Board,

Number of Years as a Deltona Resident  
6 - 10 Years

What Commission district do you reside in?  
District 6

Are you a registered voter in Volusia County?  
Yes

Who is your employer? (Please include number of years, address, phone number and title/position)  
Alpha & Omega Human Resource Solutions, LLC  
89 South Courtland Blvd. Deltona, FL 32738-8313 / (407) 323-8895  
Owner/ President

Please summarize your work experience.  
I have a total of 28 year law enforcement experience and 10 year retail loss prevention.

List any volunteer service organizations, clubs, or professional societies you are a member of and give the positions or titles you have held.

West Volusia Regional Chamber of Commerce(Member), West Volusia Realtors Association (Affiliate Member), South East Volusia Chamber of Commerce(Memeber), National Sheriff's Association (Member), Florida Deputy Sheriff's Association(Memeber).

Have you ever served on a committee or advisory board? If so, give the details, including any positions held. Have you ever held public office? If so, give the details, including offices involved, whether elected or appointed, and the length of service.

None

Describe any additional knowledge, skill, education, or experience you have, which would assist you in the duties of this Board/Committee.

Of my 28 years in law enforcement, 6 years were as a police officer for both the City of Longwood and City of Winter Springs, apart of my job duties were the enforcement of city code enforcement.

Explain why you want to serve on this Board/Committee, and include any potential contribution you selection would bring.

I believe that my yeas experiences in law enforcement and loss prevention gives me more than enough knowledge or qualifications needed for making good solid sound decisions.

Potential conflict of interest: Do you do business, or are you engaged in the management of any business enterprise that has a financial interest with the City of Deltona? Please give details, including the name of the enterprise, the nature of the business, and the position you hold.

None

Have you ever been convicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? If so, give details. Do not include traffic violations or fines of \$100 or less that were imposed, unless it also included a jail sentence.

None

List names, addresses, and telephone numbers of at least three persons who are in a position to comment on your qualifications and of whom inquiry may be made by the City of Deltona.

David & Bonnie Nixon 161 Poinciana Lane Deltona, Fl (407)321-8978/ David & Anita Auginblick 93 South Courtland Blvd Del;tona, Fl 32738 (407) 415-9662/ Kevin Keys 2813 Howland Blvd Deltona, Fl 32725 (386) 532-5100

Additional Information or Comments

I declare the foregoing facts to be true, correct, and complete.

I agree