



SPECIAL CITY COUNCIL MEETING

June 19, 2024 at 6:30 PM

City Council Chambers, 16 Colomba Rd.

DeBary, Florida 32713

AGENDA

CALL TO ORDER

Invocation

Flag Salute

ROLL CALL

PUBLIC PARTICIPATION: For any items **ON THE AGENDA**, citizen comments are limited to five (5) minutes per speaker. Speakers will be called when the item is introduced for discussion.

DELETIONS OR AMENDMENTS TO THE AGENDA (City Charter Sec. 4.11)

CONSENT AGENDA

1. Staff is requesting City Council allow one Historic 35.5" Diameter at Breast Height (DBH) Live Oak to be removed from 258 Fraser Rd, on behalf of Palm Investments of Orlando, LLC, for the purpose of building a New Single Family Residence.
2. City Manager is requesting City Council approve the Local Government Cybersecurity Grant Agreement between Florida Department of Management Services and the City of DeBary.
3. The Parks and Recreation Department is requesting City Council approve the attached grant application submitted by the DeBary Babe Ruth 8U Softball All Star Team.

PUBLIC HEARINGS

4. Staff is requesting City Council approve the first reading of Ordinance No. 09-2024, amending the Comprehensive Plan's (the Plan) Future Land Use Map (FLUM) to change the Future Land Use classification of the property addressed as 181 Fort Florida Road from Agriculture/Rural (A/R) to Residential/Low-Density (R/LD).
5. Staff is requesting City Council approve the first reading of Ordinance No. 10-2024, amending the Zoning Map to rezone the property addressed as 181 Fort Florida Road from Rural Agriculture (A-2) to Residential Planned Unit Development (RPUD) and adopt a development agreement (DA) and master development plan (MDP) for the Riverview Estates RPUD (quasi-judicial).

COUNCIL MEMBER REPORTS / COMMUNICATIONS

Member Reports/ Communications

- A. Mayor and Council Members
- B. City Manager
- C. City Attorney

DATE OF UPCOMING MEETING / WORKSHOP

Regular City Council Meeting July 3, 2024, 6:30 p.m.

ADJOURN

If any person decides to appeal any decision made by the City Council 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 (FS 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 668-2040.



City Council Meeting City of DeBary AGENDA ITEM

Subject: Historic Tree Removal – 258 Fraser Rd	Attachments: <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Supporting Documents/ Contracts <input checked="" type="checkbox"/> Other
From: Steve E. Bapp, AICP Growth Management Director	
Meeting Hearing Date June 19, 2024	

REQUEST

Staff is requesting that City Council allow one Historic 35.5” Diameter at Breast Height (DBH) Live Oak to be removed from 258 Fraser Rd, on behalf of Palm Investments of Orlando, LLC, for the purpose of building a New Single Family Residence.

PURPOSE

The removal of the Historic 35.5” DBH Live Oak tree at 258 Fraser Rd. is requested due to concerns about its proximity to the proposed building and the potential impact of construction on the tree's health and longevity.

CONSIDERATIONS

The application for a tree removal permit for the subject property has been reviewed for consistency with the City of DeBary Land Development Code. City staff concur that the 35.5” DBH Live Oak tree conflicts with the proposed Single Family Residence and related infrastructure. The Live Oak, approximately 50’ tall with a 55’ canopy spread, is located 8.5’ from the closest point of the proposed house wall and 18’ at the farthest point. According to the attached ISA Certified Arborist’s report (Exhibit A), the Oak tree is in good condition.

This property is zoned R-4, requiring the principal structure to meet a minimum front setback of 25’, rear setback of 20’, and side setbacks of 8’ on any one side, with a combined side setback minimum of 20’. The applicant has tried multiple iterations of the development footprint to increase the distance from the closest wall to the tree. They have chosen the layout that minimizes impact on the tree, as other designs failed to meet the minimum setback requirements for R-4 zoning or positioned the structure closer to the Live Oak tree.

Section 5-95 of the Land Development Code (L.D.C) requires the Tree Protection Zone (TPZ) barrier to be constructed at a distance equal to one foot for every inch of DBH. The required TPZ cannot be provided due to the lot size and the proposed house location. Based on Best Management Practices, the Arborist’s report (Exhibit A) initially suggested reducing the TPZ to 18’, which would be sufficient to maintain the tree's health without restricting construction. It was proposed that where the house wall encroaches on

the TPZ, the actual installed TPZ barrier should be placed 1 foot from the wall for a 37.7-foot length. The Arborist recommended air excavation, root pruning followed by antifungal treatment on the cut root ends, and canopy pruning under the supervision of a certified arborist. Additional remedial measures were also suggested to improve the long-term survivability and recovery of the tree.

An activity report (Exhibit B) detailing the air excavation, canopy pruning, and root inspection was then provided by the Arborist. During the inspection, it was found that the area closest to the proposed structure was densely inhabited by root material. Root pruning in this area would be detrimental to both the survivability and structural stability of the tree. Therefore, the only viable course of action would be to remove the tree to ensure safety and prevent future damage to the property or people.

Section 5-94 of the Land Development Code requires that historic trees can only be removed or relocated with a permit approved by the City Council. Please refer to the attached Plot Plan (Exhibit C) showing the location of the tree to be removed. Additionally, the arborist's report detailing the tree's health and recommended protection measures during construction (Exhibit A), and the activity report detailing the air excavation and root conditions (Exhibit B) have been provided for reference in this agenda.

COST/FUNDING

There will be no cost to the City for the proposed action.

RECOMMENDATION

It is recommended that the City Council approve the removal of the one Oak tree with the following conditions:

- Must fulfill a 14" DBH tree replacement requirement;
- Trees must be a minimum 2" caliper and 6' height, as stipulated in Section 5-93 of the LDC;
- Replacement trees must conform to the Florida No. 1 or better grade standards

IMPLEMENTATION

If approved, the City will issue a building permit.

ATTACHMENTS

- Exhibit A -Arborist Report
- Exhibit B – Root Pruning Report
- Exhibit C- Plot Plan.

ARBORIST REPORT-EXHIBIT A

TREE HEALTH EVALUATION AND RECOMMENDATIONS

258 Fraser Rd, Debarry FL 32713



Quercus virginiana – Live Oak. 35.5” diameter at breast height (dba), approximately 50’ tall, approximately 55’ canopy spread maximum, Live Crown Ratio approximately 65%.

REPORT

The occasion of this tree health evaluation is that a new home construction is planned at this address, and the municipality is concerned about the impact of construction activities to the health and longevity of this tree. This report will detail the pertinent data concerning the health of the tree as it stands and an opinion will be offered by the reporting ISA Certified Arborist

concerning the likelihood of survivability of this tree in spite of construction activities in its immediate area.

Subject tree is in very good health. Tree exhibits new season growth throughout the perimeter of the canopy. Branch distribution is normal for a healthy specimen of this species. Foliage is normal size and color. Foliage quantity is normal to full. Tree exhibits new trunk growth with emphasis at buttressing location opposite "lean" side of the tree. Root flare has proper exposure, with no evidence of fungal fruiting bodies which would indicate presence of root rot fungus. There is a normal, healthy mound of root plate around the trunk of the tree. On the west side of the tree trunk it appears there is somewhat of a flattening at the root flare which is an indication that there may be girdling subterranean root on that side of the tree, but there is no indication in the branch structure or canopy that this has been detrimental to the tree. There is an abundance of spanish moss in the lower canopy shaded areas of the tree, which is normal for the species. The tree demonstrates excellent wound response, with compartmentalization and complete wound closure at previous pruning wound locations. It appears that the tree has not been maintenance pruned for more than the previous 5 years. The active presence of squirrels in and around this tree is a reliable indicator that it fruits abundantly in the fall; fruiting is the best indicator of tree health possible.

Recommendations for long-term survivability of this tree, with considerations for construction on the lot where it stands.

The tree is 8'6" from the closest proposed house wall at the closest point. At the farthest points of the wall from the tree the distance is approximately 18 feet (slightly less at the southeast corner and slightly more at the northeast corner of the house.) The Debary Land Development Code calls for a Tree Protection Zone (TPZ) barrier to be constructed at a distance equal to one foot for every inch of dbh. While it is best for the tree to have as much of a TPZ as possible, this lot is relatively small to have a house built on it and preserve the tree also. Tree preservation is

a high priority for the municipality, but so is residential occupancy. In this case, it is the experienced opinion of the reporting ISA Certified Arborist that a compromise is possible that will allow for the house to be built while preserving the tree, and insuring the long-term survivability of the tree.

The International Society of Arboriculture (ISA) Best Management Practices publication titled "Managing Trees During Site Development and Construction" Third Edition (2023) page 18, states that, "Arborists should recommend a TPZ that is large enough to maintain the health of the tree without needlessly restricting construction." Also, "A TPZ can be calculated for trees in good condition using the trunk diameter, the species tolerance to construction and the age class of the tree." A table is provided on page 19 which gives a matrix for using this method. It has already been reported above that this tree is in good condition, and demonstrates good response to previous wounds. In fact, it is well known in the industry that Live Oak is one of, if not the single most tolerant tree to stresses related to mechanical impacts by severe storms or proximal construction activities. In the provided matrix table, for a tree with a High tolerance for construction damage, and a relative age of "Young or Semi-mature" (which this particular tree is for the species) the multiplication factor can be as small as 6. Therefore, a 36" dbh Live Oak should have a TPZ of 18 feet radius from the tree.

This lot will accommodate a TPZ of 36 feet diameter around the tree except for a small portion of the TPZ radius on the west side of the tree which contains part of the house. Where the wall of the house encroaches on the TPZ, the actual installed TPZ barrier will be placed 1 foot from the wall for the 37.7 feet length of the wall. Along the line of the wall, the soil will be excavated with a supersonic pneumatic tool called an Air Spade to reveal any root material that would be beneath the foundation and slab of the house. Roots revealed will be cleanly cut 6 inches from the line of the house for the length of the wall. Also, an anti-fungal treatment will be applied to the cut ends of the roots. Obviously, the farther along the wall the line progresses away from the tree, the diameter of any root material present will decrease proportionally, as will the impact to the future health of the tree. As reported above, the closest the tree is to the wall is 8'6", and the farthest the tree is from the wall is 18', which is the perimeter of the TPZ.

The ISA Best Management Practices publication titled "Root Management" (2017) page 17, heading "Pruning Method" states that, "The consequences of root pruning have not been studied as extensively as the consequences of branch pruning. We do know that the principles of Compartmentalization of Decay in Trees (CODIT) apply to roots as well as to stems. Because root injuries are common in nature, roots have evolved to be strong compartmentalizers. Small root cuts do not usually lead to extensive decay. Decay development as a result of root cutting can take years or decades to develop in temperate climates. Factors including root diameter, distance from trunk, and presence of heartwood on the cut surface can affect decay development after pruning, but more research is needed to determine and recommend specific practices." It is the experienced opinion of the reporting ISA Certified Arborist that properly executed Air Excavation, clean root cutting, and additional recommendations to follow (some of which will be optional/remedial as indicated by future observation of tree health conditions) will insure the long-term survivability of this tree while also permitting the house to be built on this lot.

An additional recommendation which is not optional is that the tree should be pruned under the direction and supervision of an ISA Certified Arborist who also has earned the Florida Chapter Prescription Pruning Qualification. The pruning objective is reduction of over-extended downward growing limbs around the entire perimeter of the canopy, and removal of most of (65%) the large concentrations of spanish moss. The reasons for this recommended pruning are: reduction of nutrient and water demand by the tree in consideration of the loss of a small portion of its root volume, and reduction of weight in the canopy (especially opposite the area root pruned) also considering the loss of a small portion of root volume. This tree is, as noted above, overdue for maintenance pruning anyway, and proper periodic pruning is advisable for any urban environment hardwood tree of value. Page 23 of the referenced "Root Management" publication states that, "In cases of extreme root loss, crown thinning or reduction may help to prevent stress, dieback, or whole tree failure." While this case doesn't represent extreme root loss, the principle is still sound, and as such, pruning is recommended to be performed.

Optional/remedial but recommended additional measures to improve the long-term survivability and recovery of this tree include installation of a 6 foot radius 3 inch deep mulch ring around the tree, fertilization in the fall (after the fertilization limitation is expired in October) and again in the spring of 2025 with a 10-10-10 fertilizer for the area beneath the canopy of the tree extending to the dripline, and inoculation of the soil under the canopy of the tree with a mycorrhizae additive. It would also benefit the tree to have a tree growth regulator (paclobutrizol) applied as a basal drench every 3 years for the life of the tree. (This is a controlled chemical which must be applied by a contractor holding the appropriate pesticide application credentials.) These recommendations are no different than what is advisable for any hardwood tree in Central Florida, given the relatively poor quality of the native (mostly alkaline sand) soil profile.

Documentation of compliance with recommendations

The reporting ISA Certified Arborist will inspect and document the following activities in compliance with the above recommendations (not including the options discussed in the previous paragraph).

1. The Air excavation and root pruning will be performed by a subcontractor who is also an ISA Certified Arborist. The root pruning will be performed by the reporting Arborist. The work will be documented in a written report, emailed to the appropriate parties, and photos will be available.
2. The canopy pruning will be performed by a well qualified, adequately equipped, abundantly insured, and professionally experienced local tree care contractor as directed by and under the supervision of the reporting Arborist. The work will be documented in a written report, emailed to the appropriate parties, and photos will be available.

3. Construction of the TPZ barrier in compliance with these recommendations will be inspected by the reporting Arborist. The work will be documented in a written report, emailed to the appropriate parties, and photos will be available.

This concludes the written Tree Health Evaluation and Recommendations. It is the experienced opinion of this reporting Arborist that based on this report and the recommendations provided, a permit for construction be issued to the General Contractor so that these and other construction activities may commence. The reporting Arborist will remain available on a consulting basis beyond the activities herein stated until the construction is completed and a Certificate of Occupancy has been issued for the property.

Johnny Turvin

ISA Certified Arborist FL-9415A

ISA Tree Risk Assessment Qualified

ISA (Florida Chapter) Prescription Pruning Qualified

(407) 684-5888

johnny@johnnyarborist.com

EXHIBIT B

5/23/2024

TIMOTHY WILKERSON

PALM INVESTMENTS OF ORLANDO, LLC
120 S CHANDLER AVE, DELAND FL 32724

REPORT OF ACTIVITIES RELATED TO PRESERVATION OF 36" DBH LIVE OAK TREE

On 5/22/2024, the subject tree was pruned in accordance with my recommendations submitted in letter to Client dated 5/21/2024. Tree Work Now, Inc. performed professional limb reduction and de-moss operations as directed and supervised by the reporting ISA Certified Arborist. All debris was removed from the jobsite and recycled, and the jobsite was raked clean. The following are "Before" and "After" photos of the tree.



Also on 5/22/2024, after the tree pruning was done and the jobsite cleaned up, the subcontracted ISA Certified Arborist (Daniel Pompei) prepared the root pruning zone for Air Spade work to be completed the next day. The following is a photo of the area prepared for Air Spade operations.



On 5/23, the reporting Arborist and the subcontracting Arborist returned to the site to perform Air Excavation and Root Pruning operations as detailed in the proposal letter mentioned above. The entire prepared area was excavated with compressed air through an Air Spade tool. This operation revealed the root volume in that area. To review, this is the area immediately adjacent to the proposed wall nearest the tree. It was necessary to expose root material in a non-destructive manner so that a determination could be made by the reporting Arborist if roots could be pruned without irreversible detriment to the survivability and structural stability of the tree. The following are photos of the areas most densely inhabited by root material, and a tape measure to provide scale. Additionally, there was more root material deeper in the area detected by probing, but it was determined unnecessary to further disturb the roots since enough material had been revealed to make a decision to cease and desist. Although the entire

length of the area prepared was excavated and photographed, only the relevant areas are shown here.





Based on the quantity and size of the root material exposed, it was determined by the reporting Arborist, and agreed upon by the subcontracting Arborist, that pruning this amount of root material (including the areas not shown here) this close to the root flare of the tree would be detrimental to both the survivability and structural stability of the tree.

The excavated area was backfilled, and the sod replaced. The following is photo documentation of that.



The Client was informed by telephone of the decision to not prune root material, effectively requiring a complete change of strategy to build a house on the lot with the tree standing. It was determined by the Client that the only viable course of action would be to apply for a permit to remove the tree and pay whatever mitigation cost is required by the Debary Land Development Code. A tree removal permit will be applied for on 5/24/2024 by the reporting Arborist on behalf of the Client who is also the property owner.

The Client respectfully requests that the Senior Planner inform the Arborist what the cost of mitigation as a payment into the Municipal Tree Fund will be, and what other actions may be required to secure a permit to begin construction of the house. The same tree company which performed the pruning (Tree Work Now, Inc.) will remove the tree and recycle all of the debris. The Client company will excavate the stump and whatever existing root material is required by Code.

SINCERELY,

JOHNNY TURVIN
ISA CERTIFIED ARBORIST FL-9415A
ISA TREE RISK ASSESSMENT QUALIFIED
ISA (FLORIDA CHAPTER) PRESCRIPTION PRUNING QUALIFIED

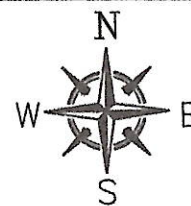
SECTION 34
TOWNSHIP 18 SOUTH
RANGE 30 EAST
JOB# 23.551

SITE PLAN

LEGAL DESCRIPTION

LOTS 18, PLANTATION ESTATES UNIT 31, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 23, PAGE 167, AS RECORDED IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

GRAPHIC SCALE



1 inch = 30 ft.



1 inch = 30 ft.
(IN FEET)

SUNRISE BLVD.
50' PLATTED RIGHT-OF-WAY

NOT INCLUDED
LOT 17

Parcel ID: 803441020170
Owner: CROSS KIMBERLY
Address: 257 SUNRISE BLVD,
DEBARY, FL 32713

LOT 16
Parcel ID: 803441020160
Address: 255 SUNRISE BLVD,
DEBARY, FL 32713
Owner: MCCLARNON MADELEINE
NOT INCLUDED

FD. 1/2" I.R.C.
RLS#3282

FD. 1/2" I.R.C.
RLS#3282

Parcel ID: 803441020190
Address: 256 FRASER RD,
DEBARY, FL 32713
Owner: BONILLA MARTA BEATRIZ
NOT INCLUDED

LOT 19

FD. 1/2" I.R.C.
(ILLEGIBLE)

FD. 1/2" I.R.C.
RLS#3282

FD. 1/2" I.R.C.
RLS#3282

NOTES

* Total inches to be removed 35.9 DBH *

* It has been determined that the tree cannot remain.

* The tree and/or the root system will most likely be damaged during the construction of the house.

SURVEYOR'S NOTES:

- NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT-OF-WAYS AND/OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN.
- NO UNDERGROUND IMPROVEMENTS OR INSTALLATIONS HAVE BEEN LOCATED EXCEPT AS SHOWN.
- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- THE BASIS OF BEARING IS ASSUMED NORTH RIGHT-OF WAY LINE OF FRASER ROAD & THE SOUTH PROPERTY LINE OF THE SUBJECT PARCEL, AS BEING N 79°37'57" E.
- ELEVATIONS SHOWN HEREON ARE IN U.S. SURVEY FEET, BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). REFERENCE BENCHMARK IS NGS E 620, PID DI4540, A BRASS DISC SET IN CONCRETE, HAVING A PUBLISHED ELEVATION OF 52.18'.
- SYMBOLS SHOWN HEREON ARE NOT TO SCALE AND SHOWN HEREON FOR INFORMATIONAL PURPOSES ONLY.

SET BACKS:

FRONT: 25'
BACK: 20'
SIDE: 10'

FLOOD ZONE: "X"

MAP DATE: SEPTEMBER 29, 2017
MAP NUMBER: 12127C0620K

ADDRESS:

258 FRASER ROAD
DEBARY, FL. 32713
PARCEL#: 803441020180

LEGEND

- (M) Field Measurement
- (P) Plat Measurement
- (C) Calculated
- F.F.E. Finished Floor Elevation
- I.R.C. Iron Rod & Cap
- CL Center Line Road
- D&U Drainage & Utility
- ⊙ Found Rebar
- ⊙ Set 5/8" Rebar # 3305
- △ Found Nail & Disc
- Found 4x4 Conc. Marker
- ⊕ Found Iron Pipe
- ⊗ Found X - Cut
- ⊗ Found Section Corner
- WM Water Meter
- T Telephone Box
- W Well
- Wood Fence
- Chain Link Fence
- ⊙ Wood Power Pole
- ⊙ Camphor Tree
- ⊙ Oak Tree

C M ARRINGTON & ASSOCIATES, INC.

CIVIL ENGINEERING / LAND SURVEYING/ URBAN PLANNING
849 E. OAK STREET - KISSIMEE, FLORIDA 34744
(407) 846-2239 FAX (407) 846-8891
CERTIFICATE OF AUTHORIZATION - CA NO. 3305

DocuSigned by:

5/22/2024

F5547C2AFFD6490...

LICENSE BUSINESS #3305
JASON C ARRINGTON SR., P.S.M.#7333

I HEREBY CERTIFY THAT THIS SKETCH REPRESENTED HEREON HAS BEEN PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE AS SET FORTH IN CHAPTER 5J-17.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. VALID ONLY WITH EMBOSSED SURVEYOR'S SEAL.

REVISIONS:

5-9-24 REVISED F.F.E.

PREPARED FOR:
PALM INVESTMENTS OF ORLANDO, LLC

DATE: 11/7/2023

TYPE OF SURVEY: SITE PLAN

PARTY CHIEF: JCA

SCALE: 1" = 30'

DRAWN BY: JCA

SHEET 1 OF 1



**City Council Meeting
City of DeBary
AGENDA ITEM**

Subject: FDMS' Florida Digital Service - Cybersecurity Grant Program	Attachments: <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Supporting Documents/ Contracts <input type="checkbox"/> Other
From: Carmen Rosamonda, City Manager	
Meeting Hearing Date June 19, 2024	

REQUEST

City Manager is requesting that the City Council approve the Local Government Cybersecurity Grant Agreement between Florida Department of Management Services and the City of DeBary.

PURPOSE

City Staff applied for a grant to procure service to help bolster our Cybersecurity environment.

CONSIDERATIONS

These services include:

Renewal of service from previous year

Services Redacted per F.S. 119.0725

COST/FUNDING

No cost. The grant covers all cost.

RECOMMENDATION

It is recommended the City Council approve the City Manager to sign the Local Government Cybersecurity Grant Agreement between Florida Department of Management Services and the City of DeBary.

IMPLEMENTATION

The Grant agreement defines implementation. Grant agreement must be signed by June 27, 2024

ATTACHMENTS

City Council Members received a confidential and exempt copy of the Agreement and award letter



**City Council Meeting
City of DeBary
AGENDA ITEM**

Subject: Grant Application – DeBary Babe Ruth 8U Softball All Star Team	Attachments: <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Supporting Documents/ Contracts <input type="checkbox"/> Other
From: Jason Schaitz, Parks and Recreation Director	
Meeting Hearing Date 6/19/2024	

REQUEST

The Parks and Recreation Department is requesting Council approve the attached grant application submitted by the DeBary Babe Ruth 8U Softball All Star Team.

PURPOSE

The DeBary Babe Ruth 8U Softball All Star Team is raising money to be able to take the team to the All Star Tournament and help cover expenses such as lodging, food, and tournament fees. They are requesting \$500 in matching funds to go towards their tournament expenses.

CONSIDERATIONS

The DeBary Babe Ruth 8U Softball All Star Team has met all the criteria to be eligible for the matching grant program. They have also completed the grant request application as well as provided all the necessary attachments that are required with the application.

COST/FUNDING

Funding for the matching grant program was approved in the FY 23/24 budget in line item 001-1100-511-8200. This request would cost \$500. This is the 5th grant application this FY.

RECOMMENDATION

It is recommended that the City Council approve the attached grant application in the amount of \$500 to the DeBary Babe Ruth 8U Softball All Star Team.

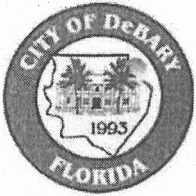
IMPLEMENTATION

Upon approval the Parks and Recreation Department will submit a check request to the finance department in the amount of \$500 for the 8U Softball Team.

ATTACHMENTS

Attachment A: Grant Application DeBary Babe Ruth 8U SB

24-5



16 Colomba Road
DeBary, FL 32713
Phone: (386) 601-0206
Fax: (386) 668 - 3523

GRANT REQUEST APPLICATION

Applicant Information

Legal Entry Name West Volusia Athletic Club
 D/B/A Subgroup: Bu softball allstars
 Physical Address (No PO Box): 41 A S Charles Richard Beall Blvd.
 City: DeBary State FL Zip Code 32713
 Contact Person: Haley Duncan Title: Team Manager
 Primary Phone Number: 386 956 4942 Cell Phone Number: 386 956 4942
 E-Mail: haleyduncan0317@gmail.com
 Tax Status: 501 c 3 (Attach Exempt Certificate)

Grant Information:

TYPE: Monetary Contribution In Kind Services _____ Waiver of Fees _____

Total Value of the Request (cannot exceed \$500): \$ 500

Description of Event, Include Date and Location:

Our Bu softball team just won districts, and is trying to raise money to go to states. States is June 26 - July 1st in Lake City.

Will Admission Fees be Charged at your Event: Yes _____ No

If Yes, Admission Charge: \$ _____ Per _____

Are Other Donations Being Solicited or Been Received: Yes No

If Yes, Please Provide Information We have done two bucket drops
at Winn-Dixie in DeBary, as well as a
raffle for a cooler and a 50/50 raffle.

Have Legal Entity or Subgroup Applied for a Grant Request from the City of DeBary within the last twelve months?: Yes No

Required Attachments

All attachments are required in order to accept the application. Please check each to confirm they are included in your application.

- Tax Exempt Certificate
- W-9 Request for Taxpayer Identification Number and Certification
- Insurance Certificate listing City of DeBary as an additional named insured
- A letter on organization letterhead outlining the details of your request. Please make sure to answer the following questions:
 - a. Describe your organization and the purpose/goals of your event.
 - b. How will any monetary contributions, in kind services, or waiver of fees be used?
 - c. How will the grant benefit the City?
- Event Budget. Budget must include the following:
 - d. All event expenses
 - e. Projected event revenue

I/we have read and have been given a copy of the Special Event Policy and agree to abide by the regulations of the City of DeBary.

I hereby state the above information is true and accurate to the best of my knowledge. I further understand and agree to any and all conditions of the required application.

I understand that the City of DeBary assumes no liability for this event. I hereby agree to defend, hold harmless, and indemnify the City, at the City's option, from any and all demands, claims, suits, actions and legal proceedings brought against the City of DeBary in connection with this event, whether threatened or otherwise, to the full extent as permitted by the law of the State of Florida.

This provision shall survive the term of the Agreement and shall remain in full force and effect until the expiration of the time for the institution of any action at law or equity or administrative action against the City of DeBary under either federal law or the laws of Florida.

Hailey Duncan
Signature of Applicant

6/4/24
Date signed

Submission of this application DOES NOT guarantee a grant or event approval. All applications go to the City Council for approval.

INTAKE ACCEPTANCE (Office Use Only)

Name of Event: _____ Organization/Person: _____

Application # _____ Application Complete: YES NO

Received By/Title: _____ Date Accepted: _____ Initial: _____

SPONSORSHIP APPROVED or DENIED Date _____

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 2/1/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER: K&K INSURANCE GROUP, INC. 1712 MAGNAVOX WAY PO BOX 2338 FORT WAYNE IN 46801
CONTACT NAME: Hollie Lamle
PHONE (A/C, No. Ext): 800-736-7358 FAX (A/C, No): 847-953-2873
E-MAIL ADDRESS: hollie.lamle@kandkinsurance.com
INSURER(S) AFFORDING COVERAGE: INSURER A: New Hampshire Insurance Company NAIC #: 23841
INSURER B: National Union Fire Ins Co of Pittsburgh 19445
INSURER C:
INSURER D:
INSURER E:
INSURER F:

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

Table with columns: INSR LTR, TYPE OF INSURANCE, ADDL INSD, SUBR WVD, POLICY NUMBER, POLICY EFF (MM/DD/YYYY), POLICY EXP (MM/DD/YYYY), LIMITS. Rows include Commercial General Liability, Automobile Liability, Umbrella Liab, Workers Compensation and Employers' Liability, and Participant Accident.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
ADDITIONAL INSURED: ANY PERSON, ORGANIZATION OR ENTITY WHO IS ENGAGED IN PROVIDING THE PREMISES, IS A SPONSOR OR CO-PROMOTER, BUT SOLELY WITH RESPECT TO THE OPERATIONS OF THE NAMED INSURED.
SEXUAL ABUSE/MOLESTATION: \$1,000,000 PER OCCURRENCE/\$2,000,000 AGGREGATE

CERTIFICATE HOLDER Evidence of Coverage
CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Scott Fairhead



Consumer's Certificate of Exemption

DR-14
R. 01/18

Issued Pursuant to Chapter 212, Florida Statutes

85-8017074809C-1	01/26/2022	01/31/2027	501(C)(3) ORGANIZATION
Certificate Number	Effective Date	Expiration Date	Exemption Category

This certifies that

WEST VOLUSIA ATHLETIC CLUB INC
200 W HIGHBANKS RD
DEBARY FL 32713

is exempt from the payment of Florida sales and use tax on real property rented, transient rental property rented, tangible personal property purchased or rented, or services purchased.



Important Information for Exempt Organizations

DR-14
R. 01/18

1. You must provide all vendors and suppliers with an exemption certificate before making tax-exempt purchases. See Rule 12A-1.038, Florida Administrative Code (F.A.C.).
2. Your *Consumer's Certificate of Exemption* is to be used solely by your organization for your organization's customary nonprofit activities.
3. Purchases made by an individual on behalf of the organization are taxable, even if the individual will be reimbursed by the organization.
4. This exemption applies only to purchases your organization makes. The sale or lease to others of tangible personal property, sleeping accommodations, or other real property is taxable. Your organization must register, and collect and remit sales and use tax on such taxable transactions. Note: Churches are exempt from this requirement except when they are the lessor of real property (Rule 12A-1.070, F.A.C.).
5. It is a criminal offense to fraudulently present this certificate to evade the payment of sales tax. Under no circumstances should this certificate be used for the personal benefit of any individual. Violators will be liable for payment of the sales tax plus a penalty of 200% of the tax, and may be subject to conviction of a third-degree felony. Any violation will require the revocation of this certificate.
6. If you have questions about your exemption certificate, please call Taxpayer Services at 850-488-6800. The mailing address is PO Box 6480, Tallahassee, FL 32314-6480.

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
West Volusia Athletic Club

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.
 Individual/sole proprietor or single-member LLC
 C Corporation
 S Corporation
 Partnership
 Trust/estate
 Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____
Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.
 Other (see instructions) ▶ _____

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
 Exempt payee code (if any) _____
 Exemption from FATCA reporting code (if any) _____
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.
200 W Highbanks Rd.

6 City, state, and ZIP code
DeBary, FL 32713

7 List account number(s) here (optional)

Requester's name and address (optional)
**WVAC-16U
PO Box 530035
DeBary, FL 32753**

Print or type. See Specific Instructions on page 3.

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
			-				-		
or									
Employer identification number									
6	1	-	1	5	7	9	6	8	6

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here Signature of U.S. person ▶ *Sarah M. Gockey* Date ▶ 06/01/18

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

To the City of DeBary,

My name is Haley Duncan, and I am the team manager for an 8 and under softball team out of West Volusia Athletic Club. My girls just won all four of their games in their District 6 Allstars tournament to be named district champions, and are preparing to go to states June 26 to July 1st.

With this five night stay, our girls have been working to fundraise as much of the costs as possible. They have already done a 50/50 raffle, a raffle for a cooler full of beach day necessities, and two bucket drops at the Winn-Dixie in DeBary on June 1 and 2. Any monetary contributions will be allocated for drinks and food for the team cooler during the 5 day tournament, hotel stays, and jerseys.

This 8 and under team has been working so hard in order to be successful at the state tournament. By contributing to this group of young girls, it would bring exposure to DeBary and shed light on the community involvement and youth development that are on display. This team will play so much more confidently knowing that the entirety of DeBary supports them. In addition, these girls are only seven and eight years old and they are fantastic softball players because of a youth program that was founded in DeBary.

Expenses and budget for this state tournament include: a five night stay in Lake City, Florida, food and drinks for the team for each of the five day's worth of games, gas to commute, and uniforms.

The hotel rooms came out to approximately \$900

Waters will be approximately \$7 per game

Snacks will be approximately \$3 per girl per game (12 girls on the team)

Gas is contingent, but the drive to Lake City is 2 ½ hours, and the park is 15 minutes from the field.

Your support means a tremendous amount, and we thank you for taking the time to read this.



**City Council Meeting
City of DeBary
AGENDA ITEM**

Subject: Ordinance # 09-2024	Attachments: <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Supporting Documents/ Contracts <input type="checkbox"/> Other
From: Steven E. Bapp, AICP Growth Management Director	
Meeting Hearing Date June 19, 2024	

REQUEST

Staff is requesting the City Council approve the first reading of Ordinance # 09-2024, amending the Comprehensive Plan’s (the Plan) Future Land Use Map (FLUM) to change the Future Land Use classification of the property addressed as 181 Fort Florida Road from Agriculture/Rural (A/R) to Residential/Low-Density (R/LD).

PURPOSE

To permit the development of a single-family residential development of up to four (4) dwelling units per acre.

CONSIDERATIONS

Background:

The subject property is located at 181 Fort Florida Road, a 59.296-acre property fronting West Highbanks Road and Fort Florida Road. The property’s existing land use is a pasture. The applicant wishes to develop the property for single-family detached residential homes at a higher density than what is currently permitted. The existing Future Land Use, A/R, permits up to one (1) dwelling unit per five (5) acres. The applicant wishes to change the FLUM classification to Residential/Low-Density, which permits up to four (4) dwelling units per acre.

The City’s Development Review Committee (DRC) recommended approval of the FLUM amendment on June 7, 2022.

On June 12, 2024, the applicant hosted a community meeting at City Hall. Roughly 50 residents were in attendance. The most prevalent issues discussed were:

- Flooding/drainage onto neighboring properties;
- School capacity with regard to DeBary Elementary; and
- Traffic impacts on Fort Florida Road and West Highbanks Road.

Proposed Amendment:

Ordinance # 09-2024 would change the FLUM classification of the subject property from A/R to R/LD.

Comprehensive Plan Compatibility:

All Future Land Use Map amendments are reviewed against the goals, objectives, and policies of the Plan.

Management of Natural Resources

Policy 4.101 provides for criteria on the identification of environmentally sensitive lands:

- Wetlands – **Wetlands have been identified on the property.**
- Water bodies and shorelines – **None have been identified.**
- Wellfield protection areas – **None have been identified.**
- Unique vegetative communities – **None have been identified.**
- Habitat for threatened and endangered species and species of special concern – **None have been identified.**

Policy 4.204 states wetland areas will be buffered from new development consistent with the regulations of the St. John’s River Water Management District (SJRWMD) and Volusia County. **No development orders will be issued until compliance with these regulations is verified during subdivision review.**

Future Land Use

Policy 5.107 requires the City to consider, when making decisions about FLUM designations, the compatibility of new and existing land uses, as well as the need for buffers, traffic patterns, access to the area, and the need for development of different types to serve the future growth of the community.

Land Development Code (LDC) Chapter 1, Section 1-3(c) provides for the City’s definition of net density, which is the acreage of the property minus the land used for public or private rights-of-way; transmission/power line easements; lakes and areas defined as wetlands; and floodprone and preservation areas.

With regard to the subject property, there is 1.56 acres of floodplain and 7.69 acres of floodplain/wetlands, making a total of 50.046 acres developable (minus any proposed public/private rights-of-way). The total right-of-way for Riverview Estates, the corresponding RPUD rezoning application, is 7.23 acres. Thus, the developable land would be 42.816 acres. The property’s current zoning requires lots to be a minimum of 5 acres, permitting 8 residential lots.

LDC Chapter 3, Article I, Section 3-2a provides for the City’s Zoning/Future Land Use Compatibility Matrix.

Future Land Use	Net Density (Dwelling units per net buildable acre)	Allowable Zoning Classifications
Agricultural Rural (A/R)	Max 1 DU/5 acres	A-2 (Rural Agriculture), A-3 (Transitional Agriculture), RR (Rural Residential), RA (Rural Estate), Planned Unit Development

The property's current FLUM would permit Transitional Agriculture (A-3) zoning. The A-3 zoning classification requires lots to be a minimum of 1 acre in area. This would permit 43 residential lots, depending on the amount of public/private rights-of-way.

To the north is River Bluff Estates, whose lots are a minimum of 2.5 acres in area and is classified as A/R. To the south is St. John's River Estates, Unit 2, whose lots tend to be just under half an acre in size and is classified as A/R. To the east is St. John's River Estates, Unit 1, whose lots tend to be just under half an acre in size and is classified as R/LD. To the west is Olive Bluff and Traders Cove. Lots in Olive Bluff are between 3 and 5 acres in size and it is classified with a mix of A/R and R/LD. Lots in Traders Cove range from 7,000 square feet to 16,000 square feet and it is classified as Residential/Mobile Home (R/MH), which permits up to eight (8) dwelling units per acre. **The majority of the adjoining land uses have been developed at a density within or exceeding the requested R/LD classification. The requested FLUM amendment would appear to be consistent with the development of the nearby area.**

Transportation

Policy 6.103 provides for regulatory levels of service (LOS) for roadways and public transportation systems in the City. West Highbanks Road and Fort Florida Road are local roads with a regulatory LOS of D.

If the property were developed at the maximum permitted net density, West Highbanks Road and Fort Florida Road would continue to meet the regulatory LOS.

Capital Improvements

Objective 10.1 provides for the City's Capital Improvement Program (CIP). During the subdivision review process, it shall be determined whether any projects under the existing CIP will be impacted by any proposed development.

Public School Facilities

No development orders will be issued without the issuance of a certificate of concurrency from Volusia County Public Schools. Any proposed projects will be subject to further capacity review from Volusia County Public Schools.

Infrastructure Impacts

The proposed FLUM amendment could have impacts on the City's infrastructure.

- Transportation – If developed at the maximum permitted density, West Highbanks Road and Fort Florida Road would continue to meet the regulatory LOS.
- Potable Water – Volusia County Utilities has indicated there is sufficient capacity.
- Sanitary Sewer – Volusia County Utilities has indicated there is sufficient capacity.
- Drainage – Details on drainage would be provided in further detail upon application for preliminary plat and construction plan approval. No development orders may be granted without adequate infrastructure in place for drainage.
- Solid Waste – The adopted regulatory LOS for solid waste is five (5) pounds per person per day. No development orders may be granted without adequate infrastructure in place for solid waste.

- Recreation – The adopted regulatory LOS for parks is 4.0 acres of total park land per 1,000 residents. The City is currently meeting this LOS. It is not anticipated that development from the proposed ordinance would reduce the LOS below this threshold.
- School Capacity – Development stemming from the proposed ordinance will produce students. No development orders may be issued for any development that does not receive a certificate of school concurrency from Volusia County Public Schools.

Community Planning Act:

The State of Florida’s Community Planning Act provides for the requirements of a Comprehensive Plan, including the Future Land Use Element. F.S. § 163.3177(6)(a)8 requires certain analyses to be performed by the City when evaluating a FLUM amendment:

- An analysis of the availability of facilities and services;*
- An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site; and*
- An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.*

F.S. § 163.3177(6)(a)9 requires FLUM amendments to discourage the proliferation of urban sprawl and provides for indicators of FLUM amendments that do not discourage urban sprawl and those that do. F.S. § 163.3164 defines urban sprawl as “...a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.”

During the course of Staff’s review, it has been determined the proposed ordinance does not fail to discourage urban sprawl as defined by the State and that it discourages urban sprawl. The proposed ordinance discourages urban sprawl as follows:

- Directs/locates economic growth to areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
- Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
- Preserves open space and natural lands and provides for public open space and recreation needs.

COST/FUNDING

N/A

RECOMMENDATION

It is recommended the City Council: Upon first reading, approve Ordinance # 09-2024, the proposed FLUM amendment to reclassify 181 Fort Florida Road to R/LD.

IMPLEMENTATION

Due to the total area affected (approximately 59 acres) by the proposed FLUM amendment, this is categorized as a large-scale amendment, and therefore the proposed amendment must follow the expedited State review process prescribed in F.S. § 163.3184(3). If the City Council approves the first reading, within 10 days after the public hearing (transmittal hearing), Staff must transmit the proposed amendments to the Department of Commerce for distribution to the State reviewing agencies, who will have up to 30 days upon receipt to submit comments on the amendments. The reviewing agencies are:

- Department of Commerce;
- East Central Florida Regional Planning Council;
- St. John's River Water Management District;
- Department of Environmental Protection;
- Department of State;
- Department of Transportation; and
- Volusia Growth Management Commission.

The second public hearing (adoption hearing) for the ordinance must be held within 180 days after receipt of all reviewing agency comments.

ATTACHMENTS

- Ordinance # 09-2024
- Future Land Use Map – Current
- Future Land Use Map – Proposed
- Riverview Estates Master Development Plan

ORDINANCE NO. 09-2024

AN ORDINANCE OF THE CITY COUNCIL OF DEBARY, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN FUTURE LAND USE MAP (FLUM); CHANGING THE FUTURE LAND USE DESIGNATION OF A PARCEL OF LAND BEING APPROXIMATELY 59.296 +/- ACRES, LOCATED AT 181 FORT FLORIDA ROAD WHICH IS ADJACENT TO AND SOUTH OF WEST Highbanks Road, East of Fort Florida Road, West of Keeble Avenue, and North of Konomac Lake Drive, Having Volusia County Tax Parcel Identification Number 8031-00-00-0010, AMENDING SUCH DESIGNATION FROM AGRICULTURE/RURAL (A/R) TO RESIDENTIAL/LOW-DENSITY (R/LD); PROVIDING FOR TRANSMITTAL, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City of DeBary has adopted a Comprehensive Plan (including a Future Land Use Element and Future Land Use Map) in accordance with Chapter 163, Part II, Florida Statutes governing the use, growth and development of property within the City's jurisdiction; and

WHEREAS, the applicant and fee simple owners of that certain real property generally described as approximately **59.296 +/-** acres in size and having a Volusia County Tax Parcel Identification Number **8031-00-00-0010**, and legally described in **Attachment "A"** (the "Property") have petitioned the City to amend the City of DeBary Comprehensive Plan to change the Future Land Use classification of the Property from Agriculture/Rural (A/R) to Residential/Low-Density (R/LD); and

WHEREAS, the comprehensive plan amendment adopted by this Ordinance is internally consistent with the City of DeBary Comprehensive Plan and its goals, policies and objectives and is in compliance as defined by the applicable provisions of Chapter 163, Florida Statutes; and

WHEREAS, the City Council, sitting as the local planning agency and as the local governing body, held the required public hearings after due notice to consider the proposed future land use map amendment set forth herein, and has determined the requested comprehensive plan amendment to be appropriate and in the best interest of the public welfare.

IT IS HEREBY ORDAINED BY THE CITY OF DEBARY AS FOLLOWS:

SECTION 1. *FLUM Amendment.* The City of DeBary hereby amends the Future Land Use Map of the City of DeBary Comprehensive Plan by designating the Property described in **Attachment "A"** from Agriculture/Retail (A/R) to Residential/Low-Density (R/LD). See **Attachment "B"** to this Ordinance for a graphical depiction of the Property.

SECTION 2. *Severability.* If any portion of this Ordinance is finally determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable or void, the balance of the Ordinance shall continue in full force and effect.

SECTION 3: *Conflicts.* In the event of a conflict or conflicts between this Ordinance and any other ordinances or part thereof, this Ordinance controls to the extent of the conflict.

SECTION 4. *Effective Date.* This Ordinance shall become effective 31 days after its adoption if no timely challenge is filed. If timely challenged, this Ordinance shall become effective as provided in the applicable provisions of Chapter 163, Part II, Florida Statutes.

FIRST READING AND PUBLIC HEARING: _____, 2024.

SECOND READING AND PUBLIC HEARING: _____, 2024.

ADOPTED BY the City Council of the City of DeBary, Florida this _____ day of _____, 2024.

CITY COUNCIL
CITY OF DEBARY, FLORIDA

By: _____
Karen Chasez, Mayor

ATTEST:

By: _____
Annette Hatch, City Clerk

ATTACHMENT "A"

PROPERTY LEGAL DESCRIPTION:

EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, LESS AND EXCEPT ANY PORTION LYING WITHIN HIGHBANKS ROAD AS ESTABLISHED AND IN USE, AND LESS AND EXCEPT THE FOLLOWING TWO PARCELS:

(EXCEPTION PARCEL 1)

LANDS CONVEYED UNDER WARRANTY DEED RECORDED IN D.R. BOOK 4651, PAGE 4640, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 30 EAST. THENCE N01°16'11"W ALONG THE WEST LINE OF SAID EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, 2657.98 FEET TO THE NORTH LINE OF SAID EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, THENCE N88°35'00"E ALONG SAID NORTH LINE, 60.00 FEET; THENCE S01°16'11"E, 1328.97 FEET TO THE BEGINNING OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1280.00 FEET, AND A CENTRAL ANGLE OF 08°53'06"; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE 198.50 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1220.00 FEET, AND A CENTRAL ANGLE OF 08°53'06"; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE 189.19 FEET; THENCE S01°16'11"E, 942.78 FEET TO THE SOUTH LINE OF SAID EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31; THENCE S88°15'09"W ALONG SAID SOUTH LINE 30.00 FEET TO THE POINT OF BEGINNING.

(EXCEPTION PARCEL 2)

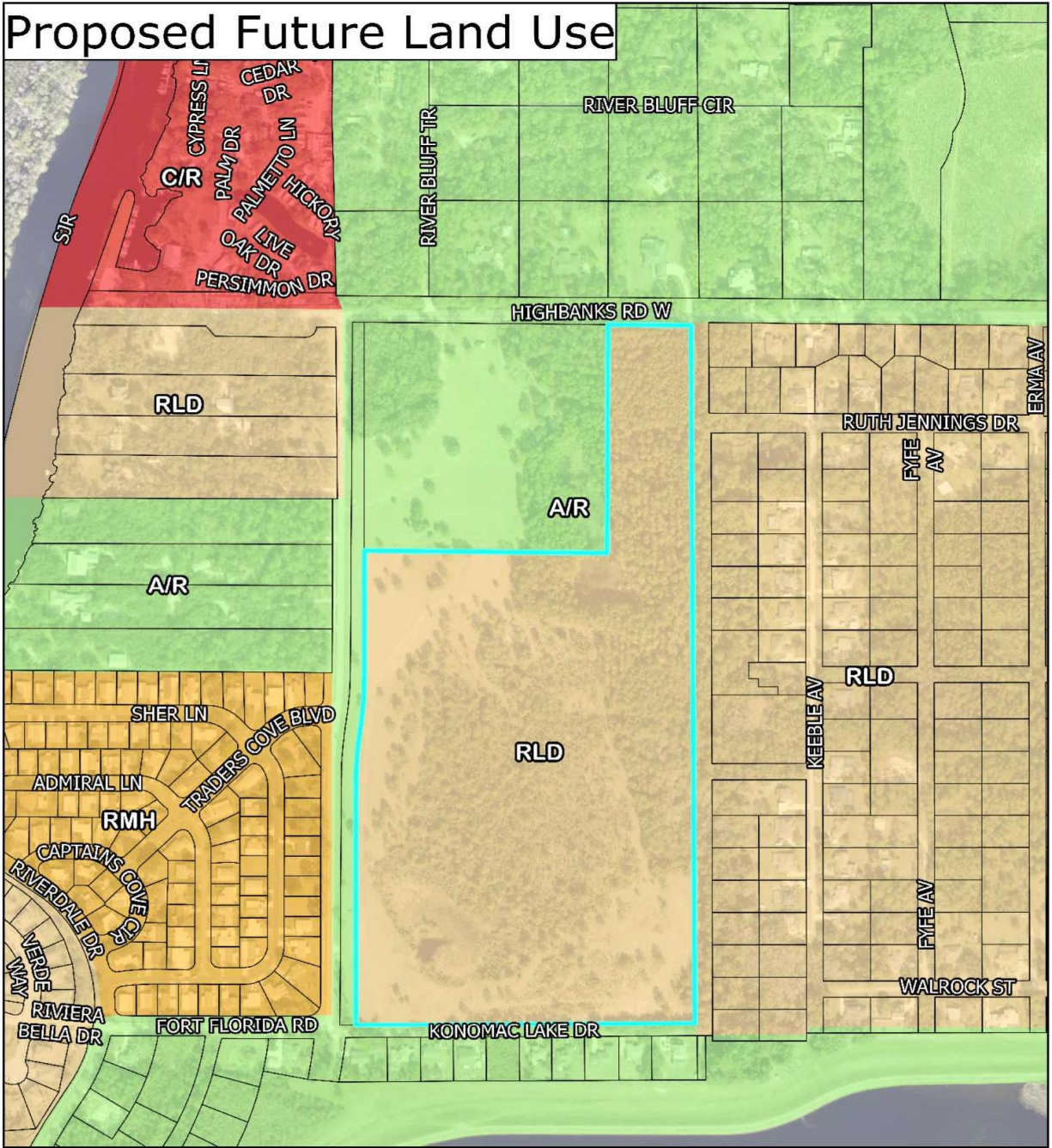
LANDS CONVEYED UNDER TRUSTEE'S DEED RECORDED IN D.R. BOOK 5089, PAGE 562, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 30 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 31; THENCE RUN SOUTH 01°43'26" ALONG THE EAST LINE OF SAID SECTION 31, A DISTANCE OF 36.53 FEET TO THE APPARENT SOUTHERLY MAINTAINED RIGHT-OF-WAY LINE OF HIGHBANKS ROAD; THENCE CONTINUE SOUTH 89°03'57" WEST ALONG SAID SOUTHERLY RIGHT-OF-WAY BOUNDARY A DISTANCE OF 335.40 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY BOUNDARY HEADING SOUTH 01°16'11" EAST A DISTANCE OF 850 FEET; THENCE SOUTH 89°03'57" WEST A DISTANCE OF 925 FEET TO A POINT LYING ON THE

EASTERLY RIGHT-OF-WAY LINE OF FORT FLORIDA ROAD AS MONUMENTED AND RECORDED; THENCE CONTINUE NORTH $01^{\circ}16'11''$ WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF FORT FLORIDA ROAD A DISTANCE OF 850 FEET TO A POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID Highbanks Road; THENCE NORTH $89^{\circ}03'57''$ EAST ALONG THE SOUTHERLY RIGHT-OF-WAY OF Highbanks Road A DISTANCE OF 925 FEET TO THE POINT OF BEGINNING.

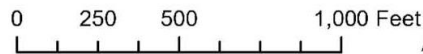
ATTACHMENT "B"

FUTURE LAND USE MAP

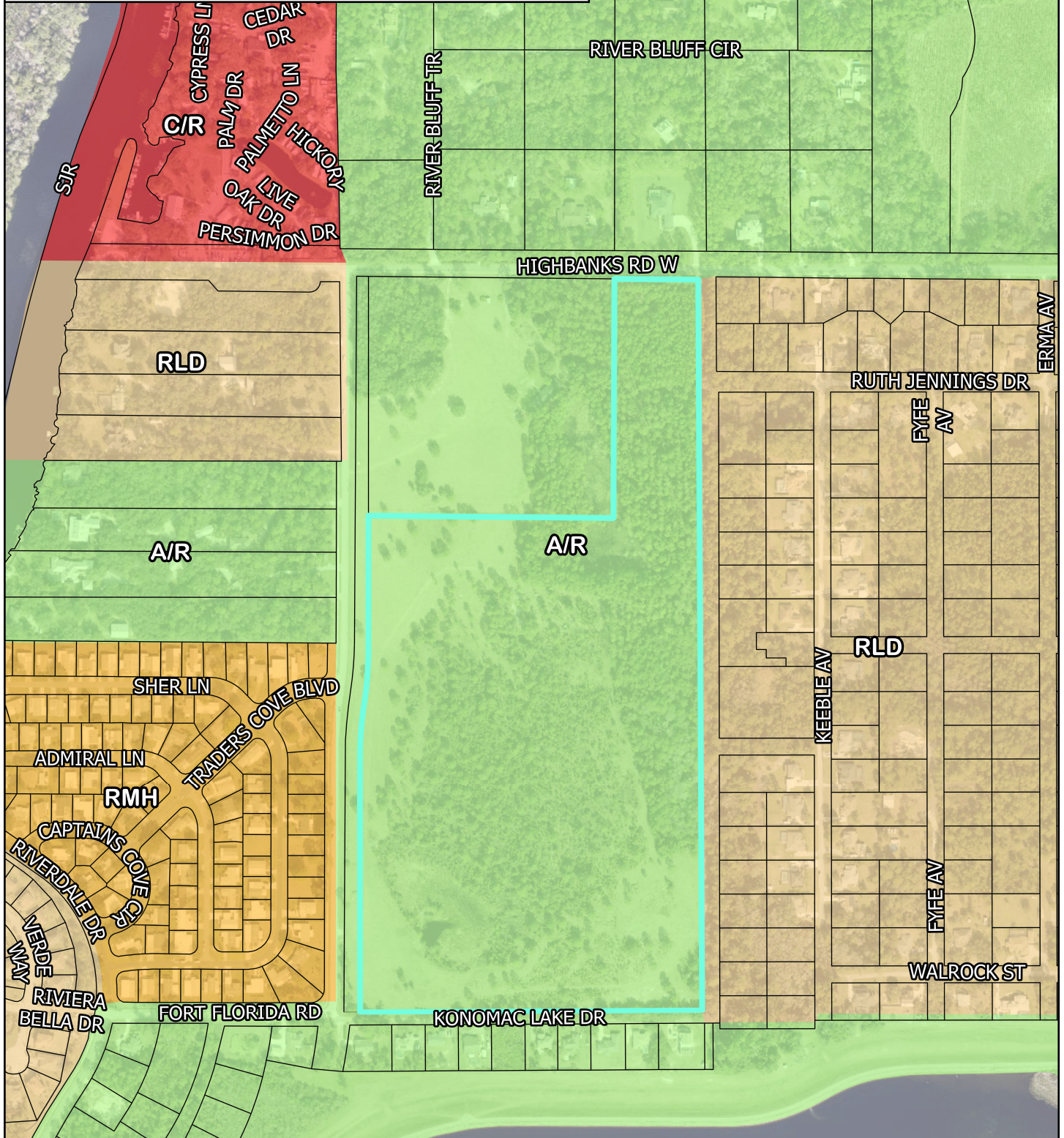


Legend

- Subject Property
- A/R
- R/LD
- R/MH
- C/R



Current Future Land Use



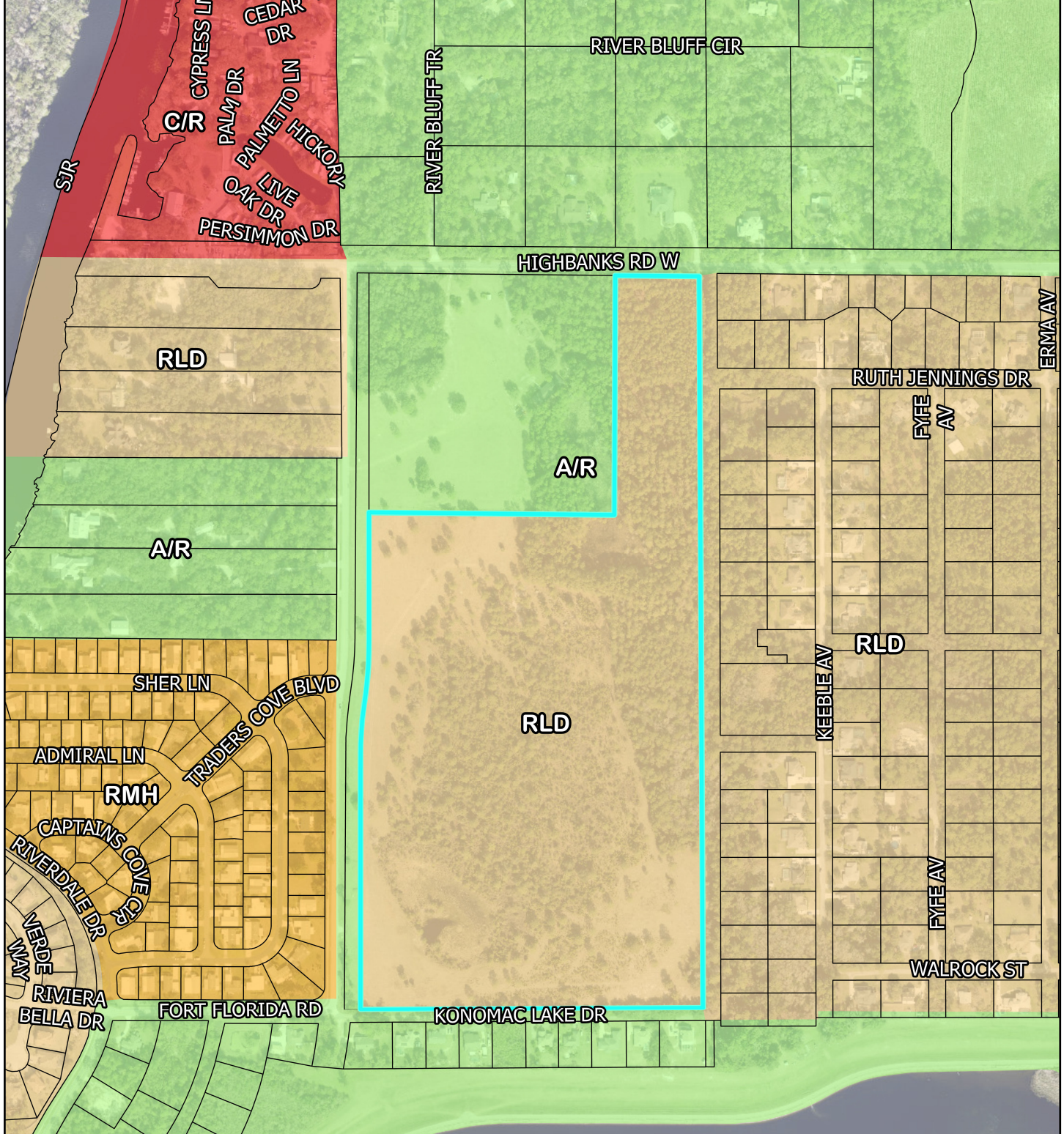
Legend

- Subject Property
- A/R
- R/LD
- R/MH
- C/R

0 250 500 1,000 Feet



Proposed Future Land Use

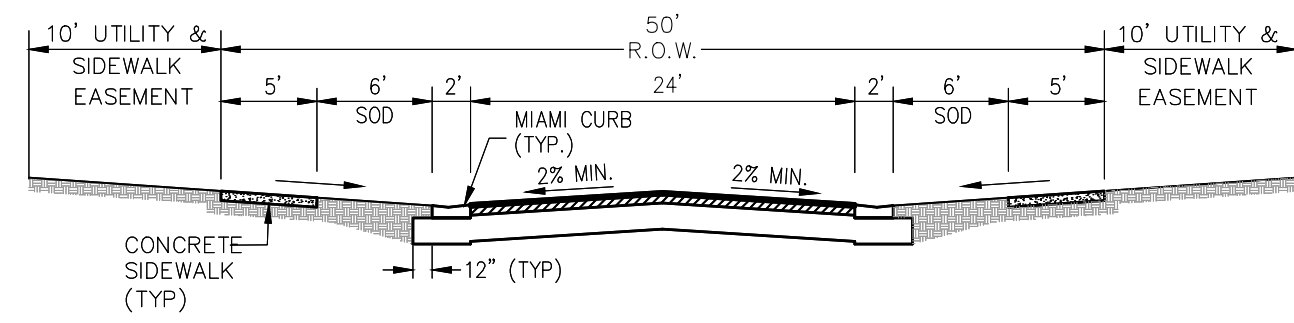


Legend

- Subject Property
- A/R
- R/LD
- R/MH
- C/R

0 250 500 1,000 Feet





TYPICAL RIGHT-OF-WAY SECTION
NOT TO SCALE

LAND USE TABLE		
DESCRIPTION	AREA AC.	(%)
SINGLE FAMILY DETACHED DWELLING	20.806	35.09%
PUBLIC RIGHT OF WAY	7.23	12.19%
OPEN SPACE (RECREATION AREAS, PONDS, BUFFERS, WETLANDS, OPEN GRASSED AREAS, ETC.)	31.26	52.72%
TOTAL:	59.296AC	100%

HATCH LEGEND

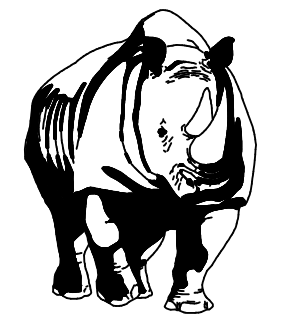
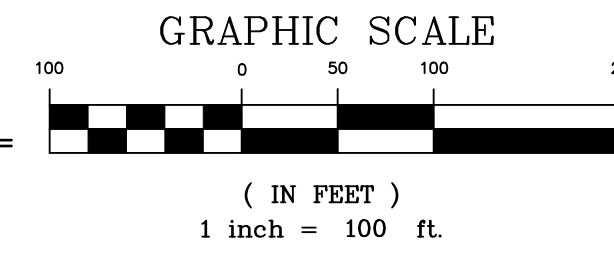
- NATURAL TREE SAVE AREA (8.89 AC/15.00%)
- OPEN SPACE AREA (5.93 AC/10.00%)

SOILS LEGEND		
SOIL NUMBER	SOIL NAME	HYDROLOGIC GROUP
17	DAYTONA SAND	A
29	IMMOKALEE SAND	B/D
61	ST. JOHN'S FINE SAND	B/D

SOURCE: USDA, NATURAL RESOURCE CONSERVATION SERVICE, SEMINOLE COUNTY, FLORIDA 2023

SITE DATA:

- TOTAL PROJECT AREA: 59.296
- PARCEL ID'S: 8031-00-00-0010
- EXISTING ZONING: A-2, RURAL AGRICULTURE
PROPOSED ZONING: RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD)
- EXISTING FUTURE LAND USE: AR, AGRICULTURE/RURAL
PROPOSED FUTURE LAND USE: RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD)
- PROPOSED RESIDENTIAL LOTS: 91 LOTS
- RESIDENTIAL USE LOT SIZE:
70' X 125' LOTS 1-12, 24-74
85' X 130' LOTS 13-23, 75-91
- NET DEVELOPABLE AREA:
TOTAL AREA - R.O.W. - FLOODPLAIN - FLOODPLAIN/WETLANDS
59.296AC - 7.23AC - 1.56AC - 7.69AC = 42.816AC
- MAXIMUM GROSS DENSITY: 4 DU/AC
PROPOSED GROSS DENSITY: 91/59.296 = 1.53 DU/AC
NET DENSITY: 91/42.816 = 2.13 DU/AC
- PERIMETER BUFFER REQUIRED: 20'
- OPEN SPACE REQUIRED: 20% (11.9 AC)



MADDEN
HOORHEAD & STOKES, LLC
CIVIL ENGINEERS
431 E. Horatio Avenue
Suite 260
Maitland, Florida 32751
(407) 629-8330

MASTER DEVELOPMENT PLAN
FOR
RIVERVIEW ESTATES
FLORIDA
CITY OF DEBARY

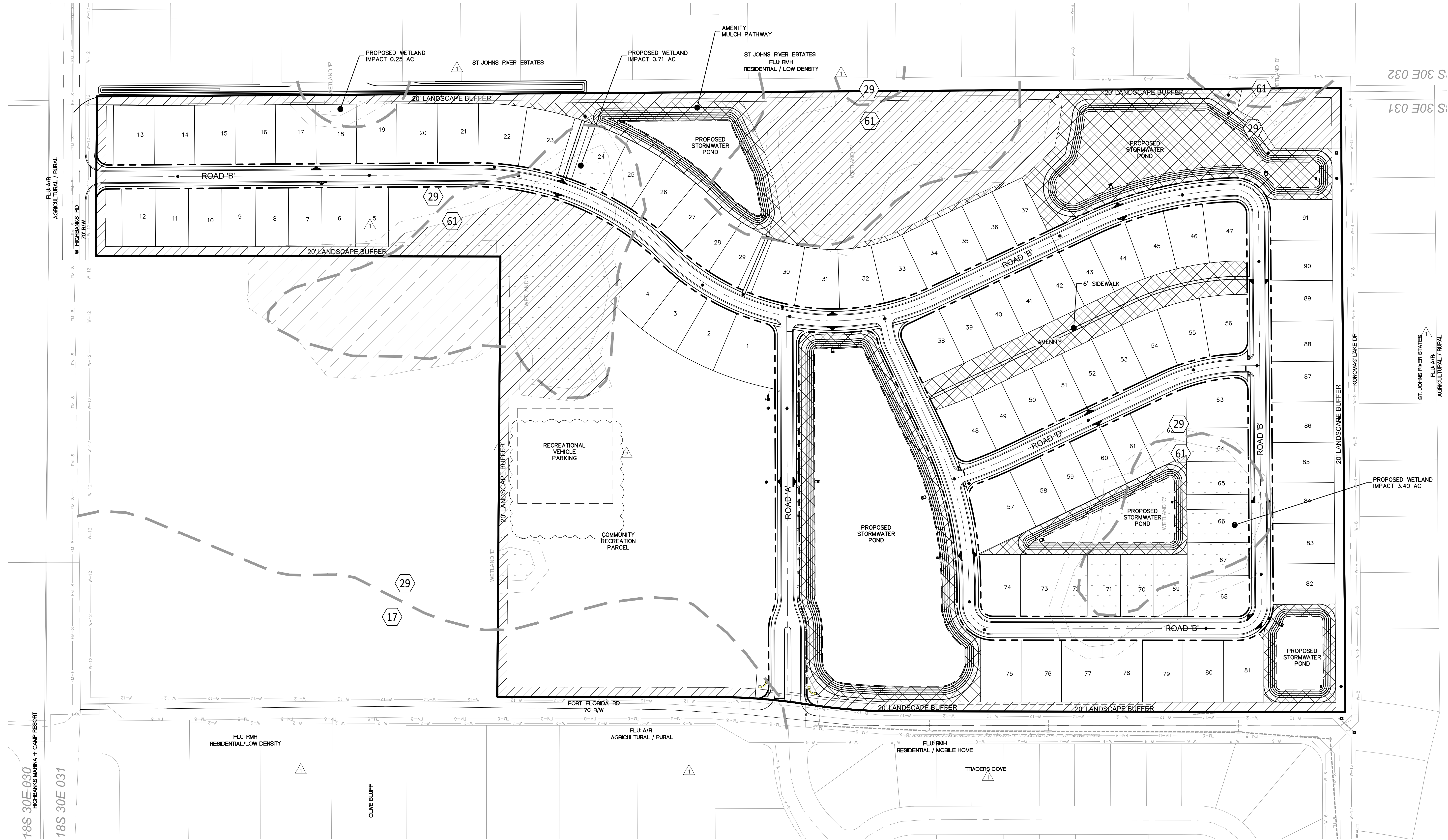
DOYLE LIVING TRUST, INC.

ENGINEER: BENJAMIN S. BLECHAM
LICENSE NO. 79452
STATE OF FLORIDA
DA PERMITS DIVISION 024
CERTIFICATE OF AUTHORIZATION NO. CA-0007723

NO.	DATE	REVISIONS
1	4/5/23	COMMENTS FOR THE CITY OF DEBARY
2	8/15/23	COMMENTS FOR THE CITY OF DEBARY
3	9/10/24	CORRECTED TYPO

JOB # 20072
DATE: 12/15/21
SCALE: 1"=100'
DESIGNED BY: CHM
DRAWN BY: JAS
APPROVED BY: CHM

C100



P:\Data\20072\6105\MDP\20072_C100.dwg June 10, 2024 11:47 AM



City Council Meeting City of DeBary AGENDA ITEM

Subject: Ordinance # 10-2024	Attachments: <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Supporting Documents/ Contracts <input type="checkbox"/> Other
From: Steve E. Bapp, AICP Growth Management Director	
Meeting Hearing Date June 19, 2024	

REQUEST

Staff is requesting the City Council approve the first reading of Ordinance # 10-2024, amending the Zoning Map to rezone the property addressed as 181 Fort Florida Road from Rural Agriculture (A-2) to Residential Planned Unit Development (RPUD) and adopt a development agreement (DA) and master development plan (MDP) for the Riverview Estates RPUD (quasi-judicial).

PURPOSE

To permit a development of up to 91 single-family detached residential homes.

CONSIDERATIONS

Background:

The subject property is located at 181 Fort Florida Road, a 59.296-acre property fronting West Highbanks Road and Fort Florida Road. The property’s existing land use is a pasture. The applicant wishes to develop the property for single-family detached residential homes at a higher density than what is permitted by the A-2 zoning classification. The A-2 zoning classification requires a minimum lot size of five (5) acres.

The City’s Development Review Committee (DRC) recommended approval of the Zoning Map amendment on May 21, 2024.

On June 12, 2024, the applicant hosted a community meeting at City Hall. Roughly 50 residents were in attendance. The most prevalent issues discussed were:

- Flooding/drainage onto neighboring properties;
- School capacity with regard to DeBary Elementary; and
- Traffic impacts on Fort Florida Road and West Highbanks Road.

Proposed Amendment:

Ordinance # 10-2024 would rezone the property to RPUD, Riverview Estates, and would adopt a DA and MDP.

Permitted Uses:

The proposed ordinance would permit the following uses:

- Single-family dwelling units (maximum of 91 units);
- Parks and recreational areas accessory to residential developments, including a swimming pool, playground, pavilion, trails, and other recreational uses as deemed appropriate by the City Manager;
- Publicly owned parks and recreational areas; and
- Boat and RV parking for use only by residents of the development.

Lot Development Standards:

The proposed ordinance would adopt the following development standards:

Single-Family Detached Dwellings

Minimum lot area:	8,400 square feet
Minimum lot width and frontage:	70 feet
Minimum lot depth:	120 feet
Minimum floor area:	1,500 square feet
Maximum impervious coverage:	60%
Maximum building height:	35 feet
Dwelling units per lot:	1 unit
Setbacks:	
Front:	20 feet
Street side:	15 feet
Interior side:	5 feet on each side
Rear:	20 feet for primary structure; 5 feet for accessory structure including attached and detached garages
Pool:	5 feet from side or rear
Pool enclosure:	2.5 feet from side or rear

Boat and RV parking

Minimum lot area:	1 acre
--------------------------	--------

Minimum lot width:	100 feet
Maximum lot coverage:	35%
Maximum building height:	40 feet
Perimeter building setback:	35 feet
Building setback from any roadway:	100 feet
Maximum number of boat parking spaces:	15 spaces
Maximum number of RV parking spaces:	15 spaces

General Development Standards

In addition to development standards for the lots to be developed, the proposed DA also provides general development standards for the proposed development:

- Plant materials;
- Buffers;
- Street and median landscaping standards; and
- Signage development standards.

Comprehensive Plan Compatibility:

The proposed ordinance has been reviewed against the goals, objectives, and policies of the City’s Comprehensive Plan (the Plan).

Management of Natural Resources

Policy 4.101 provides for criteria on the identification of environmentally sensitive lands:

- Wetlands – **Wetlands have been identified on the property.**
- Water bodies and shorelines – **None have been identified.**
- Wellfield protection areas – **None have been identified.**
- Unique vegetative communities – **None have been identified.**
- Habitat for threatened and endangered species and species of special concern – **None have been identified.**

Policy 4.204 states wetland areas will be buffered from new development consistent with the regulations of the St. John’s River Water Management District (SJRWMD) and Volusia County. **No development orders will be issued until compliance with these regulations is verified.**

Future Land Use

The property’s current Future Land Use Map (FLUM) classification is Agriculture/Rural (A/R), which permits one (1) dwelling unit per five (5) acres. There is a FLUM amendment application being processed

concurrently with the proposed ordinance that would reclassify the subject property to Residential/Low-Density (R/LD). Please see the Staff Report for Ordinance # 09-2024 for more details.

If Ordinance # 09-2024 is adopted and becomes effective, the proposed ordinance's density would be permissible.

Transportation

Policy 6.103 provides for regulatory levels of service (LOS) for roadways and public transportation systems in the City. West Highbanks Road is a local road with a regulatory LOS of D. The applicant has submitted a technical memorandum analyzing site access and adjacent roadway segments. **It is not anticipated the proposed development will result in a reduced LOS.**

Policy 6.201 states that when making zoning changes, the City must consider the need for new transportation facilities necessitated by the potential development.

Capital Improvements

Objective 10.1 provides for the City's Capital Improvement Program (CIP). During the subdivision review process, it shall be determined whether any projects under the existing CIP will be impacted by any proposed development.

Public School Facilities

On April 6, 2022, the School Board of Volusia County issued a finding of adequate school capacity for the proposed project.

Criteria for Rezoning:

Land Development Code Chapter 1, Section 1-6(b) provides for criteria for the consideration of a Zoning Map amendment:

- 1. The proposal shall be consistent with the Comprehensive Plan, including proposed uses and intensity or density of use. **The proposal is consistent with the Comprehensive Plan, assuming Ordinance # 09-2024 is adopted and goes into effect.***
- 2. The establishment, maintenance, or operation of the uses permitted by the proposed rezoning shall not be detrimental to or endanger the public health, safety, or general welfare. **It is not anticipated the uses permitted by the proposed rezoning will be detrimental to or endanger the public health, safety, or general welfare.***
- 3. The uses permitted by the proposed rezoning shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district and shall be consistent with the character of the immediate neighborhood. **The uses permitted by the proposed rezoning will not impede the normal and orderly development and improvement of surrounding properties and is consistent with the character of the immediate neighborhood.***
- 4. The establishment, maintenance, or operation of the uses permitted by the proposed rezoning shall be supported by adequate infrastructure or provisions shall be made to ensure that infrastructure*

is adequate when needed to serve the development. No development orders will be issued without support of adequate infrastructure when needed to serve the development.

COST/FUNDING

N/A

RECOMMENDATION

It is recommended the City Council: Upon first reading, approve Ordinance # 10-2024, the proposed Zoning Map amendment to rezone 181 Fort Florida Road from A-2 to RPUD.

IMPLEMENTATION

This ordinance is being proposed concurrently with Ordinance # 09-2024, the FLUM amendment application to reclassify the property from A/R to R/LD. That ordinance is subject to State review and cannot go to a second reading until after that review period ends (please see the Staff Report for Ordinance # 09-2024 for more details). The proposed ordinance’s validity is contingent upon Ordinance # 09-2024 being adopted.

ATTACHMENTS

- Ordinance # 10-2024
- Riverview Estates DA
- Riverview Estates MDP

ORDINANCE NO. 10-2024

AN ORDINANCE OF THE CITY COUNCIL OF DEBARY, FLORIDA, AMENDING THE CITY'S ZONING MAP TO REZONE A PARCEL OF LAND BEING APPROXIMATELY 59.296 +/- ACRES, LOCATED AT 181 FORT FLORIDA ROAD WHICH IS ADJACENT TO AND SOUTH OF WEST Highbanks Road, EAST OF FORT FLORIDA ROAD, WEST OF KEEBLE AVENUE, AND NORTH OF KONOMAC LAKE DRIVE, HAVING VOLUSIA COUNTY TAX PARCEL IDENTIFICATION NUMBER 8031-00-00-0010, FROM A-2 (RURAL AGRICULTURE) ZONING DESIGNATION TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) ZONING DESIGNATION; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the applicant and fee simple owners of that certain real property generally described as approximately **59.296 +/-** acres in size and having a Volusia County Tax Parcel Identification Number **8031-00-00-0010**, and legally described in **Attachment "A"** (the "Property") have petitioned the City to amend the City of DeBary Zoning Map to change the zoning classification of the Property from Rural Agriculture (A-2) to Residential Planned Unit Development (RPUD); and

WHEREAS, this Ordinance has been advertised and noticed in accordance with the requirements of state law and Section 1-10 of the City of DeBary Land Development Code; and

WHEREAS, the City Council, sitting as the local planning agency and as the local governing body, held the required public hearings after due notice to consider the proposed rezoning set forth herein; and

WHEREAS, based upon competent, substantial evidence presented in the record, this Ordinance meets the requirements for rezoning pursuant to Section 1-6, City of DeBary Land Development Code and Comprehensive Plan Policy 5.505 and is consistent with the City of DeBary Comprehensive Plan.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF DEBARY AS FOLLOWS:

SECTION 1. *Recitals.* The City Council finds that the above recitals are true and correct.

SECTION 2. *Rezoning Approved.* The City of DeBary hereby approves the requested rezoning and amends the Zoning Map of the City of DeBary by re-designating the Property described in **Exhibit "A" of Attachment "A"** from A-2 (Rural Agriculture) zoning designation to RPUD (Residential Planned Unit Development). The development of the Property shall be governed by the Development Agreement and Master Development Plan attached hereto as **Attachment "A"** and is incorporated herein by this reference, and the same are hereby approved. With respect to any conflict between the City of DeBary Land Development Code, as amended, and the

Development Agreement, the provisions of the Development Agreement shall control to the extent of the conflict. The RPUD approved by this Ordinance shall be referred to as the “Riverview Estates RPUD.” The City of DeBary Land Development Code, as amended, shall govern the development of the Property with respect to any matter not addressed by this Ordinance or the Development Agreement. The City of DeBary Growth Management Director will ensure overall compliance with this Ordinance and the attached Development Agreement and Master Development Plan. A violation of this Ordinance or any provision of the attached Development Agreement and Master Development Plan is considered a violation of the Land Development Code and zoning of the Property.

SECTION 3. *Zoning Map.* The City Growth Management Director is hereby authorized and directed to amend the Official DeBary Zoning Map in accordance with the provisions of this Ordinance.

SECTION 4. *Recording.* The City Clerk is hereby directed to record this Ordinance and the attached Development Agreement and Master Development Plan in the Public Records of Volusia County, Florida. This Ordinance and attached Development Agreement and Master Development Plan affecting the Property shall run with the land and shall be applicable to and binding on the applicant and any and all successors and assigns in interest.

SECTION 5. *Severability.* If any portion of this Ordinance is finally determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable or void, the balance of the Ordinance shall continue in full force and effect.

SECTION 6. *Conflicts.* In the event of a conflict or conflicts between this Ordinance and any other ordinances or part thereof, this Ordinance controls to the extent of the conflict.

SECTION 7. *Effective Date.* This Ordinance shall become effective simultaneously upon the effective date of Ordinance 09-2024, which is an amendment to the Future Land Use Map of the City of DeBary Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____, 2024.

SECOND READING AND PUBLIC HEARING: _____, 2024.

ADOPTED BY the City Council of the City of DeBary, Florida this _____ day of _____, 2024.

CITY COUNCIL
CITY OF DEBARY, FLORIDA

By: _____
Karen Chasez, Mayor

ATTEST:

By: _____
Annette Hatch, City Clerk

After Recording Return to: City of DeBary
Attn: City Clerk
16 Colomba Road
DeBary, Florida 32713

ORDINANCE No. 10-2024 ATTACHMENT “A”

**RPUD DEVELOPMENT AGREEMENT
RIVERVIEW ESTATES RPUD**

THIS RPUD DEVELOPMENT AGREEMENT (“Development Agreement” or this “Agreement”) is made and entered into by and between the **CITY OF DEBARY**, a Florida municipal corporation (herein “City”) and Steven Costa on behalf of the Costa Family (herein “Applicant”).

WHEREAS, the Applicant is the agent for the property owner of that certain real property being approximately 59.296 +/- acres in size and having a Volusia County Tax Parcel Identification Number 8031-00-00-0010, and legally described in Exhibit “**A**” attached hereto and incorporated herein (herein the “Property”) and being the same property described in City of DeBary Ordinance No. 10-2024; and

WHEREAS, the Applicant has requested that the Property be rezoned from A-2 (RURAL AGRICULTURE) to a RPUD (RESIDENTIAL Planned Unit Development) Zoning Classification; and

WHEREAS, the Applicant has requested an amended Comprehensive Plan Future Land Use Map designation of Residential Low Density; and

WHEREAS, Ordinance No. 10-2024 approving this Development Agreement has been advertised and noticed in accordance with the requirements of state law and Section 1-10 of the City of DeBary Land Development Code; and

WHEREAS, the City of DeBary City Council acting as both the Local Planning Agency and Governing Body has conducted the necessary public hearings on Ordinance No. 10-2024 approving this Development Agreement; and

WHEREAS, based upon competent, substantial evidence presented in the record, Ordinance No. 10-2024 and this Development Agreement have been determined by the City of DeBary City Council to meet the requirements for rezoning pursuant to Section 1-6, City of DeBary Land Development Code and Comprehensive Plan Policy 5.505 and are consistent with the City of DeBary Comprehensive Plan and Land Development Code; and

WHEREAS, the City of DeBary City Council finds that this Development Agreement promotes the public health, safety, and welfare and is consistent with and authorized by its authority under Chapter 166, Florida Statutes, Article VIII, Section 2 (b) of the State Constitution, and the City's home rule authority and police powers.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Recitals. The recitals herein contained are true and correct and are incorporated herein by reference as material terms of this Agreement.

A. Development Concept. The Property shall be developed as a Residential Planned Unit Development (RPUD) substantially in accordance with the Master Development Plan (as hereinafter defined). The Master Development Plan shall govern the development of the Property as a RPUD and shall regulate the future land use of this parcel.

1. **Master Development Plan**. The Master Development Plan shall consist of the Preliminary Plan series dated June 10, 2024, and prepared by MADDEN MOORHEAD & STOKES, LLC and this Development

Agreement (collectively, the “Master Development Plan”). The Master Development Plan is hereby approved and incorporated in this Development Agreement by reference as Exhibit “B”. The Master Development Plan, as part of this Development Agreement, shall be filed and retained for public inspection in the office of the City Clerk and it shall constitute a supplement to the Official Zoning Map of the City DeBary.

2. **Amendments.** The Master Development Plan is intended to be a conceptual plan to guide development of the Property in compliance with the terms and conditions of this Development Agreement. The parties hereto acknowledge that reductions in density and/or intensity may and do occur; and that minor changes to roadway design, location and size of structures, and locations and design of stormwater storage, landscape buffers and upland buffers may occur during the plat and/or site plan review and approval processes. Proposed revisions to the Master Development Plan that also necessitate revisions to the substantive terms of this Development Agreement shall require approval by the City Council as either a major or minor amendment to this RPUD in accordance with the Land Development Code, as may be amended. The DeBary City Manager shall make determinations as to whether requested revisions to the Master Development Plan rise to the level of a minor or major amendment of this RPUD pursuant to the Land Development Code, or is merely a minor deviation of the Master Development Plan. Minor and major amendments to this RPUD shall be processed in accordance with the Land Development Code, as may be amended. Changes determined by the City Manager to

be minor deviations to the Master Development Plan may be approved by the City in the issuance of subsequent development orders. A minor deviation shall be a deviation from the Master Development Plan, which has no substantive effect on the overall goals, purpose and objectives of this Development Agreement and the Master Development Plan. Generally, a minor deviation would be a change that does (a) not conflict with the requirements of the Master Development Plan or any exhibit adopted as part of the Master Development Plan, (b) not conflict with any substantive provision of this Development Agreement, any City ordinance or regulation not superseded by the terms of Ordinance No. 10-2024 and this Development Agreement, and (c) not trigger the minor or major amendment PUD provisions of the City of DeBary Land Development Code.

3. **Site Plan or Subdivision Approval.** After the Master Development Plan is recorded, and prior to issuance of any permits for construction, including clearing and landfill, a Site Plan or Subdivision Plat shall be prepared and submitted for review and approval to the City of DeBary in the manner required by the City of DeBary Land Development Code (herein referred to as the “Land Development Code” or “LDC”).

4. **Unified Ownership.** The Applicant or its successors shall maintain unified ownership of the respective portions of the Property until after approval and recording of final plat(s) of the Property. In other words, the Applicant cannot convey portions of the Property without first having obtained a final plat approval(s) creating a legal subdivision of the portion of the Property it intends to convey separately from the remainder of the

Property.

5. **Phases of Development.** The site may be developed in multiple phases. Development phasing will be determined during the Site Plan and/or Subdivision approval process.

6. **Land Uses Within the RPUD.** The development of the parcels shall be consistent with the uses prescribed for each area within the proposed RPUD. The location of said land use areas are shown on the Master Development Plan (Exhibit "B" attached to this Agreement), which location and size may vary with final design considerations. The following land uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures, and essential utilities:

6.1 Parks and recreational areas accessory to residential developments

6.2 Publicly owned parks and recreational areas

6.3 Single-family standard dwelling

6.4 Boat and RV parking - Boat and RV parking in designated parking spaces for use only by the residents of the subdivision developed upon the Property as an accessory use to single-family residential community; no commercial boat and RV parking operation or use is permitted

7. **Recreation.** The following uses are permitted within the community recreation tracts for use by residents and guests within the development:

7.2 Swimming Pool

7.4 Playground

- 7.5 Pavilion
- 7.6 Trails
- 7.8 Other recreational uses as deemed appropriate by the DeBary City Manager.

8. **Number of Dwelling Units.** Provided the requirements of the DeBary Land Development Code, the rules and regulations of any other governmental agency having jurisdiction over the Property, and the terms of this Agreement are complied with, the Property is entitled to be developed with a maximum of 91 residential dwelling units (the “Maximum Number of Residential Units”).

9. **Prohibited Uses.** All uses not expressly permitted by this Development Agreement are prohibited on the Property and within this RPUD.

B. Development Standards.

1. SINGLE-FAMILY DETACHED DWELLINGS:

Detached Unit Lot and Building Guidelines

- 1.1 Minimum Lot Area: 8,400 sq. ft.
- 1.2 Minimum Lot Width and Frontage: 70’ for single family
- 1.3 Minimum Lot Depth: 120’
- 1.4 Minimum Floor Area: 1,500 sq. ft. for primary dwelling unit
- 1.5 Maximum Impervious Coverage: 60%
- 1.6 Maximum Building Height: 35’
- 1.7 Maximum Number of Dwelling Units per Lot: 1

1.8 Minimum Building Setbacks:

1.8.1 Front: 20’.

1.8.2 Street Side: 15’

1.8.3 Interior Side: 5’ on each side.

1.8.4 Rear: 20’ for primary structure, 5’ accessory structure including attached and detached garages.

1.8.5 Pool and/or Enclosure shall be 5’ from side or rear property lines and pool enclosures shall be a minimum of 2.5’ from side or rear property lines.

1.9 Low Density Residential Density, Max. 4 dwellings per/ Gross Acre, as defined in the 2010 Comprehensive Plan. Gross Acres for this Project shall be defined per the calculations below:

1.9.1 Total Land Area: 59.296 acres

1.9.2 Less Dedicated Rights of Way: 7.23 acres

1.9.3 Less Conservation Areas: 5.92 acres (as measured at the extent of proposed conservation easements to include wetland and upland buffer areas)

1.9.4 Gross Developable Land Area 59.296 acres

1.9.5 Project Density = 91 units

2. Boat and RV Parking:

2.1 Minimum Lot Area: 1 acre

2.2 Minimum Lot Width: 100 ft.

2.3 Maximum Lot Coverage: 35%

2.4 Maximum Building Height: 40 ft.

- 2.5 Perimeter Building Setback: 35 ft.
- 2.6 Building Setback from any Roadway: 100 ft.
- 2.7 Maximum Number of Boat Parking Spaces: 15
- 2.8 Maximum Number of RV Parking Spaces: 15

C. General Development Standards:

1. All plant materials in landscaped areas to be installed shall be Florida No. 1 grade, or better, according to the current “Grades and Standards for Nursery Plants,” State of Florida, Department of Agriculture, Tallahassee. The number of plantings within the created landscaped areas shall conform to the City of DeBary landscaping regulations. Developer may substitute fruit and nut producing trees and shrubs in place of traditional landscaping materials permitted in DeBary’s Land Development Code throughout the project area in common areas, parks, street rights-of-way, wetland buffers and perimeter buffers (Developer will coordinate with University of Florida IFAS local extension office to provide landscape pallet that compliments existing native flora to create Food Forests in appropriate areas).

2. Perimeter buffers shall be required from the property line and shall be the following width:

- 2.1 North property line: 20’
- 2.2 West property line: 20’
- 2.3 East property line: 20’
- 2.4 South property line: 20’

2.5 Perimeter buffers shall remain in their natural condition where possible and shall not be required to have irrigation. Additional

landscaping may be added to the perimeter buffers where existing landscaping does not meet City buffer standards per the Land Development Code. The supplemental landscaping will be irrigated. Where existing vegetation is inadequate or of undesirable appearance, excavation to create ponds or embankment to create a berm will be permitted within the buffer to aid site development. Following grading of the buffer in this manner, the buffer shall be landscaped to meet City buffer standards per the Land Development Code. Bike paths and pedestrian trails shall be allowed in required buffer areas.

2.6 Wetland buffers and landscape buffers can be located within a residential lot. Wetland buffers will be placed in a conservation easement during platting to allow for a homeowners' association (HOA) to maintain upland buffers per St. Johns Water Management Regulations. In no case shall the buffer make up more than 25% of the rear minimum setback area.

3. Street and Median Landscaping will be provided as follows:

3.1 Number/Type: Street trees will be provided according to Chapter 5 of the land development code, landscape code unless conflict occurs with proposed edible landscape design. Street trees will count towards required tree mitigation.

3.2 Minimum Size: Where and if street trees are used, they shall meet the requirements of Chapter 5, Art. I, § 5-13(c) of the LDC.

3.3 Location: Where street trees are to be used, they shall be not

less than four (4) feet from back of curb. Street trees installed in future public ROW shall not be required to secure a specific encroachment or use permit.

3.4 Maintenance: The City shall not be responsible for maintenance of trees in dedicated rights of way.

4. Signage Development Standards:

4.1 Freestanding or wall signage: A double-sided permanent monument style entrance sign at the Project entrances shall be permitted, as depicted on the Master Development Plan - Exhibit "B" to this Development Agreement. Sign copy area, height and setback requirements for the subdivision signs shall comply with the applicable Land Development Code requirements.

4.2 All other signage applicable to residential uses may be erected in accordance with the Land Development Code.

D. Model Homes and Sales Office Requirements:

1. Model home construction prior to plat recording shall be allowed upon compliance with the following requirements:

1.1 Provision for fire protection, including on-site hydrants, if required, shall be required to service areas where model homes will be constructed. Testing and approval of the water system by the Florida Department of Environmental Protection (FDEP) shall also be required prior to the occupancy of any model homes.

1.2 Construction of stabilized access roads that are sufficient to

support emergency vehicle access to the model home sites is required prior to building permit issuance.

1.3 Permanent utility connections cannot be made until the sanitary sewer system has been completed and certified to FDEP.

2 Two types of sales offices shall be permitted:

2.1 Model Homes – A model home may be used as a sales office until such time as the last lot is developed within the specific development.

2.2 Temporary Offices – Temporary structures, such as approved office trailers, and the like, may be permitted as a temporary sales office while a model home is under construction. Such temporary sales office shall only be permitted for an interim period not to exceed sixty (60) days from placement or until completion of the first model home, whichever occurs first.

2.3 Building permits are required for both model homes and temporary offices. A final building inspection to insure conformance with the building and life safety codes shall be required for any model home or temporary office prior to occupation.

2.4 Parking at the model home/sales office can be on the street and in the residential driveway. These parking requirements shall be in lieu of the parking requirements set forth in the City's Land Development Regulations, notwithstanding safety and health regulations. Temporary parking lots located on lots or areas adjacent to model homes are permitted and may be surfaced with gravel,

mulch, shell, or similar materials.

2.5 Signage shall be limited to one sign per model home, not to exceed an area of ten (10) square feet and a height of four (4) feet. Signs shall be at least ten (10) feet away from any dedicated public or private roadway.

E. Open Space Requirements: Open Space shall be provided as required by the Land Development Code, as amended and as depicted on the Master Development Plan; provided that in no event shall such open space be less than 20% of total site area. Areas counted towards the minimum open space requirement shall include, but are not limited to, recreation areas, stormwater treatment areas, landscape buffers, tree preservation areas, open grassed or vegetated areas, wetlands and required upland buffers. The recreation uses shall be distributed evenly throughout the project as generally depicted on the Master Development Plan - Exhibit "B" and consistent with Policy 8.101 of the City Comprehensive Plan.

F. Tree Preservation Requirements: Fifteen percent (15%) of the site shall be preserved in a natural state, as per Land Development Code Chapter 3, Article III, Division 3, Section 3-108(b)(4)b.

G. Environmental Considerations: The Property shall be developed in a manner so as to preserve jurisdictional wetlands on site with minimum 25-foot buffer, as required by St. Johns River Water Management District and City of

DeBary. No development will occur in such buffer except as in compliance with the DeBary Land Development Code. Any permitted impacts to jurisdictional wetlands located on the Property shall be mitigated according to the Land Development Code and St. John's River Water Management District requirements.

H. Sewage Disposal and Potable Water: Each dwelling unit and amenity structure developed on the Property shall be connected to central potable water, sanitary sewer service and reclaimed water. Water, sewer and reclaimed lines appurtenances thereto shall be extended by Volusia County and then connected to the Property by Applicant, at the Applicant's expense, in accordance with applicable sizes, pressures, metering, regulations and standards. All project internal utility lines shall be provided at the expense of the Applicant. If available from Volusia County in suitable capacity to provide reliable reuse service, Applicant will install re-use water lines within the development by connecting to re-use water lines provided at the property lines by the City of DeBary or Volusia County Utilities. Applicant shall cause the granting of all utility easements necessary for the required utility lines to the extent said lines are not located within public rights-of-way. No certificates of completion for site infrastructure and building permits and certificates of occupancy for structures shall be issued until all potable water and sewer off-site and on-site main lines are properly permitted, installed, inspected and fully functional.

I. Stormwater Drainage. Stormwater management shall be in accordance with the requirements of the St. John's River Water Management District and the

City of DeBary. Moreover, the Applicant, at its expense, shall provide for proper stormwater drainage, detention and retention of stormwater arising from and concerning the improvements described in Section J of this Agreement and for the purposes of providing retention for Ft. Florida Road and Highbanks Road. Prior to or at the time of final plat, the Applicant shall, at no charge to the City of DeBary, cause the granting to the City of DeBary of perpetual drainage easements, in a form and with terms acceptable to the City, necessary to allow stormwater drainage from Fort Florida Road and West Highbanks Road rights-of-way and improvements therein to be conveyed to and retained on portions of the Property developed to accommodate such stormwater drainage. The project's HOA shall have the perpetual obligation to maintain, replace and repair all of the Property's stormwater management systems within the limits of the Property, including but not limited to, drainage easements granted to the City of DeBary and improvements located thereon. After Applicant's construction, final completion and the City's acceptance thereof, the City shall have the perpetual obligation to maintain, replace and repair all the stormwater management systems located in a public right-of-way.

J. Access and Transportation System Improvements: All access and transportation system improvements shall be provided in accordance with the Land Development Code.

The Property shall be developed in substantial accordance with the following access and transportation system improvements:

1. Access:

There shall be a minimum of two ingress/egress points to and from public rights- of-way. The ingress/egress points will be provided by the Applicant in accordance with the schedule outlined below in section 2.1 Transportation System Improvements. The location of these vehicular access points shall meet City of DeBary Land Development Code standards.

2. Transportation System Improvements/Operations.

21 All access and transportation system improvements shall be provided in accordance with the Land Development Code, unless otherwise provided for within this Agreement and as part of the approved Master Development Plan. Applicant shall be responsible for installing all appropriate internal roadway traffic control devices and signs in accordance with applicable standards. There shall be a minimum of one (1) ingress/egress point to Fort Florida Road and West Highbanks Road. The location of these vehicular access points shall meet City of DeBary Land Development Code standards. At least one permanent ingress/egress point shall be built in conjunction with the project's first phase. The second ingress/egress point shall be completed prior to receiving a certificate of completion. However, prior to any certificates of occupancy being issued a stabilized entry to and from the Property and a public right-of-way shall be installed by the Applicant to serve as a secondary access point for emergency vehicles until such time as the second ingress/egress point is constructed.

3. Road Maintenance Agreement

Prior to Applicant's construction commencement, Applicant shall be required to enter into separate agreement with the City to set forth the terms, conditions and specifications for the maintenance of secondary access road improvements for emergency vehicles until such time as the second ingress/egress point is constructed. Such agreement may require performance and maintenance guarantees (in the form of cash, letter of credit or surety bonds) to be provided by the Applicant to secure the proper and timely completion of the road improvements.

K. Internal Roadways. Changes to the dimensions, design speeds, and other features of internal streets may be allowed in accordance with the roadway typical sections presented in Exhibit B, subject to City review and approval during the site development review process. On street parking shall be permissible as part of the development. This Developer's Agreement is intended to offer flexibility to the Applicant in selecting private or public roadways or a mix thereof.

L. Homeowners' or Property Owners' Association. The Applicant shall create a homeowners' association(s) in accordance with Chapter 720, Florida Statutes, and other applicable statutes prior to or concurrently with the recording of a plat of the Property or any portion thereof. The property owners' association(s) shall be responsible for the ongoing maintenance, repair and replacement of any common areas, open space, retention, recreation areas, private streets, sidewalks and other private subdivision infrastructure improvements and provide for the

assessment of property owners for such purposes. Common area tracts, including retention tracts and private rights-of-way (if any), shall be conveyed in fee simple ownership to the property owners' association concurrently with the recording of the applicable plat creating such tracts. If the Property is developed with private roads, the declaration of covenants, conditions, easements or restrictions ("declaration") shall grant the City non-exclusive ingress and egress rights over private roadways for the City, emergency service providers and other public service providers. Further, the declaration shall be consistent with Chapter 720, Florida Statutes and include provisions required by the Land Development Code and other reasonable provisions that the City may require. The by-laws of said association and the declaration shall be furnished to the City of DeBary for review and approval prior to final plat approval for the first phase of development. The Applicant shall be responsible for recording the declaration in the Public Records of Volusia County, Florida. Also, the Applicant shall bear and pay all costs for recording all of the aforementioned declaration. With respect to the enforcement of said declaration entered into between the Applicant and the owners or occupiers of property within the RPUD, the City of DeBary shall only be given the right to enforce the provisions required by this Development Agreement, Land Development Code, as amended, and conditions of development orders, whichever is applicable, and not the private agreements entered into between the aforementioned parties.

M. Development Regulations. The DeBary Land Development Code, as amended from time to time, will control the development of the Property regarding

any items not specifically covered by Ordinance No. 10-2024 and this Agreement. All buildings within the Property shall have a consistent architectural design theme, which shall be established during subdivision review. The local development approvals and permits required to be approved or issued by the City for the intended use contemplated by this Development Agreement include, but are not limited to, construction plan approvals, site plans, plats, stormwater drainage, SJRWMD permits, demolition permit, grading, arbor permits, engineering and utility plans, and construction permits for buildings and other structures. These development approvals and permits shall be processed and issued by the City in accordance with procedures with respect to same as otherwise set forth in the City's Land Development Code and subject to this Development Agreement. Failure of this Development Agreement to address a particular permit, condition, term or restriction shall not relieve the Applicant of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions. This Development Agreement does not, and is not intended to prevent or impede the City from exercising its legislative authority as the same may affect the Property. Nothing contained in this Agreement nor in any instruments executed pursuant to the terms of this Agreement shall be construed as a waiver or attempted waiver by the City of its sovereign immunity under the Constitution and laws of the State of Florida and federal law or other any other privilege, immunity or defense afforded under the law to the City or any of its elected or appointed officials, employees and agents.

N. Utility Lines: All new utility lines associated with new development on the

Property, including electric transmission and distribution lines shall be installed underground.

O. Binding Effect of Plans: Recording: and Effective Date. This Development Agreement and the Master Development Plan, including any and all supplementary orders and resolutions, shall bind and insure to the benefit of the Applicant and Owner and their successors in title or interest. The RPUD zoning, provisions of this Development Agreement, and all approved plans shall run with the land and shall be administered in a manner consistent with the Land Development Code, as amended. This Development Agreement shall be filed with the Clerk of the Court and recorded within forty-five (45) days following execution of the document by the City Council, in the Official Records of Volusia County, Florida. One copy of the document, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the City Clerk. The date of City Council approval of Ordinance No. 10-2024 shall constitute the effective date of the RPUD and this Development Agreement. The Applicant shall pay all filing costs for recording documents. If the Applicant does not become the owner of the Property, then the Owner and its successors and assigns shall be responsible for the Applicant's obligations under this Development Agreement.

P. Expiration: All provisions of this Development Agreement and the Master Development Plan shall expire and terminate in accordance with the Land Development Code, subject to any extensions that may be available according to the terms of the Land Development Code. In event of expiration and termination of this Development Agreement and Master Development Plan occurs, the Property

shall revert back to its previous zoning designations as City A- 2 (Rural Agriculture) zoning classification, and the RPUD entitlements become null and void.

Q. Authority. Each party represents and warrants to the other that it has all necessary power and authority to enter into and consummate the terms and conditions of this Development Agreement, that all acts, approvals, procedures and similar matters required in order to authorize this Development Agreement have been taken, obtained, or followed, as the case may be, that this Development Agreement and the proposed performance of this Development Agreement by such party is not an *ultra vires* act and that, upon the execution of this Development Agreement by all parties, this Development Agreement shall be valid and binding upon the parties and their successors in interest. Furthermore, Applicant represents and warrants to City that Applicant is the contract purchaser and potential sole owner of the Property, in fee simple, free and clear of any monetary encumbrances, including but not limited to mortgages and liens, in the event such an encumbrance exists, Applicant, Applicant's sole cost, shall obtain the necessary joiners, consents and subordination to this Development Agreement or releases from the appropriate parties with an interest in the property.

R. Development Review Cost. The Applicant (and its successors and assigns in interests) shall timely pay the City for any and all development review costs concerning the development and the Property in accordance with Section 1-16, City of DeBary Land Development Code. Applicant acknowledges and agrees that Applicant have read Section 1-16, DeBary Land Development Code and understand Applicant's responsibilities and obligations under such code provision

and this Development Agreement and acknowledges and agrees that Applicant is bound by such code provision for all development applications and approvals relating to the Property.

AGREED to by the City Council of the City of DeBary, Florida, and the Applicant on this ____ the day of _____, 20_____.

ATTEST:

CITY OF DEBARY:

Annette Hatch, CMC, City Clerk

Karen Chasez, Mayor

WITNESSES:

Richard Steven Costa, Jr., as Trustee of the Richard Steven Costa, Jr. Revocable Trust

Signature

By: _____

Print

Print Name: _____

Signature

Title : _____

Print

NOTARIAL ACKNOWLEDGEMENT

STATE OF Florida

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ day of _____ 20____ by Richard Steven Costa, Jr., as Trustee of the Richard Steven Costa, Jr. Revocable Trust, who is _____ personally known to me or who has produced _____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name _____

Commission No. _____

My Commission Expires: _____

WITNESSES:

Hugh West Costa and Kristen Leigh Costa, as Co-Trustees of the Hugh West Costa and Kristen Leigh Costa Revocable Trust

Signature

By: _____

Print

Print Name: _____

Signature

Title : _____

Print

Signature

By: _____

Print

Print Name: _____

Signature

Title : _____

NOTARIAL ACKNOWLEDGEMENT

STATE OF Florida

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ day of _____ 20____ by Hugh West Costa and Kristen Leigh Costa, as Co-Trustees of the Hugh West and Kristen Leigh Costa Revocable Trust, who is _____ personally known to me or who has produced _____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name _____

Commission No. _____

My Commission Expires: _____

WITNESSES:

Rhett Allan Costa

Signature

By:_____

Print

Print Name: _____

Signature

Title : _____

Print

NOTARIAL ACKNOWLEDGEMENT

STATE OF Florida

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ day of _____ 20____ by Rhett Allan Costa, who is _____ personally known to me or who has produced _____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name_____

Commission No._____

My Commission Expires:_____

WITNESSES:

Hannah E. L. Hall

Signature

By: _____

Print

Print Name: _____

Signature

Title : _____

Print

NOTARIAL ACKNOWLEDGEMENT

STATE OF Florida

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ day of _____ 20____ by Hannah E. L. Hall, who is _____ personally known to me or who has produced _____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name _____

Commission No. _____

My Commission Expires: _____

EXHIBIT "A" – LEGAL DESCRIPTION

EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, LESS AND EXCEPT ANY PORTION LYING WITHIN Highbanks Road AS ESTABLISHED AND IN USE, AND LESS AND EXCEPT THE FOLLOWING TWO PARCELS:

(EXCEPTION PARCEL 1)

LANDS CONVEYED UNDER WARRANTY DEED RECORDED IN D.R. BOOK 4651, PAGE 4640, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 30 EAST. THENCE N01°16'11"W ALONG THE WEST LINE OF SAID EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, 2657.98 FEET TO THE NORTH LINE OF SAID EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, THENCE N88°35'00"E ALONG SAID NORTH LINE, 60.00 FEET; THENCE S01°16'11"E, 1328.97 FEET TO THE BEGINNING OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1280.00 FEET, AND A CENTRAL ANGLE OF 08°53'06"; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE 198.50 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1220.00 FEET, AND A CENTRAL ANGLE OF 08°53'06"; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE 189.19 FEET; THENCE S01°16'11"E, 942.78 FEET TO THE SOUTH LINE OF SAID EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31; THENCE S88°15'09"W ALONG SAID SOUTH LINE 30.00 FEET TO THE POINT OF BEGINNING.

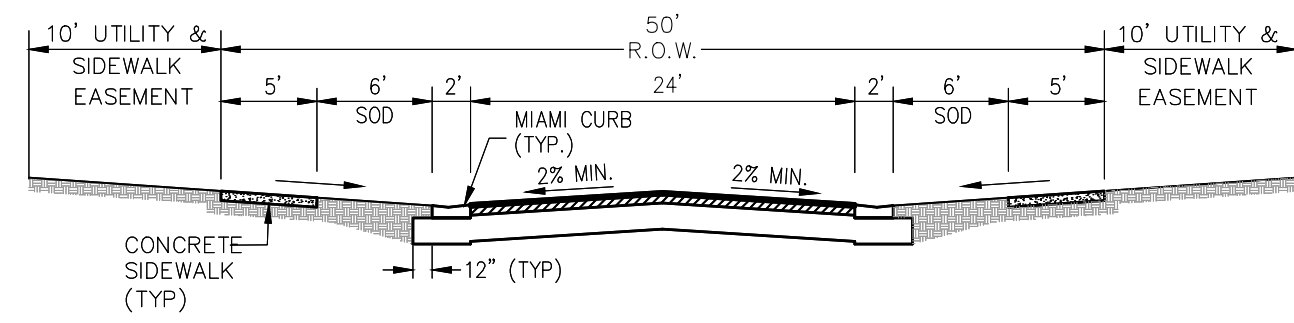
(EXCEPTION PARCEL 2)

LANDS CONVEYED UNDER TRUSTEE'S DEED RECORDED IN D.R. BOOK 5089, PAGE 562, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 30 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 31; THENCE RUN SOUTH 01°43'26" EAST ALONG THE EAST LINE OF SAID SECTION 31, A DISTANCE OF 36.53 FEET TO THE APPARENT SOUTHERLY MAINTAINED RIGHT-OF-WAY LINE OF Highbanks Road; THENCE CONTINUE SOUTH 89°03'57" WEST ALONG SAID SOUTHERLY RIGHT-OF-WAY BOUNDARY A DISTANCE OF 335.40 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY BOUNDARY HEADING SOUTH 01°16'11" EAST A DISTANCE OF 850 FEET; THENCE SOUTH 89°03'57" WEST A DISTANCE OF 925 FEET TO A POINT LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF FORT FLORIDA ROAD AS MONUMENTED AND RECORDED; THENCE CONTINUE

NORTH 01°16'11" WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF FORT FLORIDA ROAD A DISTANCE OF 850 FEET TO A POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID Highbanks Road; THENCE NORTH 89°03'57" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY OF Highbanks Road A DISTANCE OF 925 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B" MASTER DEVELOPMENT PLAN



TYPICAL RIGHT-OF-WAY SECTION
NOT TO SCALE

LAND USE TABLE		
DESCRIPTION	AREA AC.	(%)
SINGLE FAMILY DETACHED DWELLING	20.806	35.09%
PUBLIC RIGHT OF WAY	7.23	12.19%
OPEN SPACE (RECREATION AREAS, PONDS, BUFFERS, WETLANDS, OPEN GRASSED AREAS, ETC.)	31.26	52.72%
TOTAL:		59.296AC 100%

HATCH LEGEND

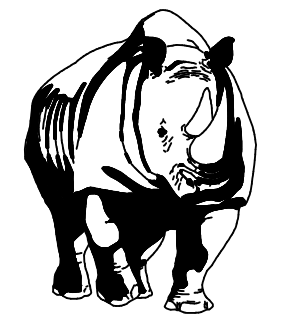
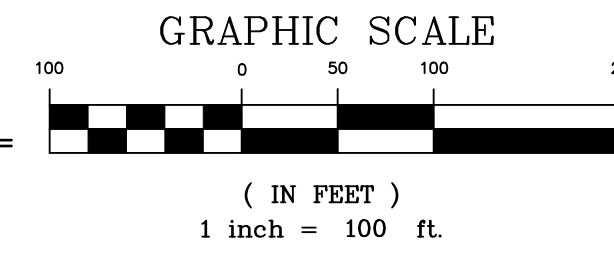
- NATURAL TREE SAVE AREA (8.89 AC/15.00%)
- OPEN SPACE AREA (5.93 AC/10.00%)

SOILS LEGEND		
SOIL NUMBER	SOIL NAME	HYDROLOGIC GROUP
17	DAYTONA SAND	A
29	IMMOKALEE SAND	B/D
61	ST. JOHN'S FINE SAND	B/D

SOURCE: USDA, NATURAL RESOURCE CONSERVATION SERVICE, SEMINOLE COUNTY, FLORIDA 2023

SITE DATA:

- TOTAL PROJECT AREA: 59.296
- PARCEL ID'S: 8031-00-00-0010
- EXISTING ZONING: A-2, RURAL AGRICULTURE
PROPOSED ZONING: RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD)
- EXISTING FUTURE LAND USE: AR, AGRICULTURE/RURAL
PROPOSED FUTURE LAND USE: RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD)
- PROPOSED RESIDENTIAL LOTS: 91 LOTS
- RESIDENTIAL USE LOT SIZE:
70' X 125' LOTS 1-12, 24-74
85' X 130' LOTS 13-23, 75-91
- NET DEVELOPABLE AREA:
TOTAL AREA - R.O.W. - FLOODPLAIN - FLOODPLAIN/WETLANDS
59.296AC - 7.23AC - 1.56AC - 7.69AC = 42.816AC
- MAXIMUM GROSS DENSITY: 4 DU/AC
PROPOSED GROSS DENSITY: 91/59.296 = 1.53 DU/AC
NET DENSITY: 91/42.816 = 2.13 DU/AC
- PERIMETER BUFFER REQUIRED: 20'
- OPEN SPACE REQUIRED: 20% (11.9 AC)



MADDEN
HOORHEAD & STOKES, LLC
CIVIL ENGINEERS
431 E. Horatio Avenue
Suite 260
Maitland, Florida 32751
(407) 629-8330

MASTER DEVELOPMENT PLAN
FOR
RIVERVIEW ESTATES
FLORIDA
CITY OF DEBARY

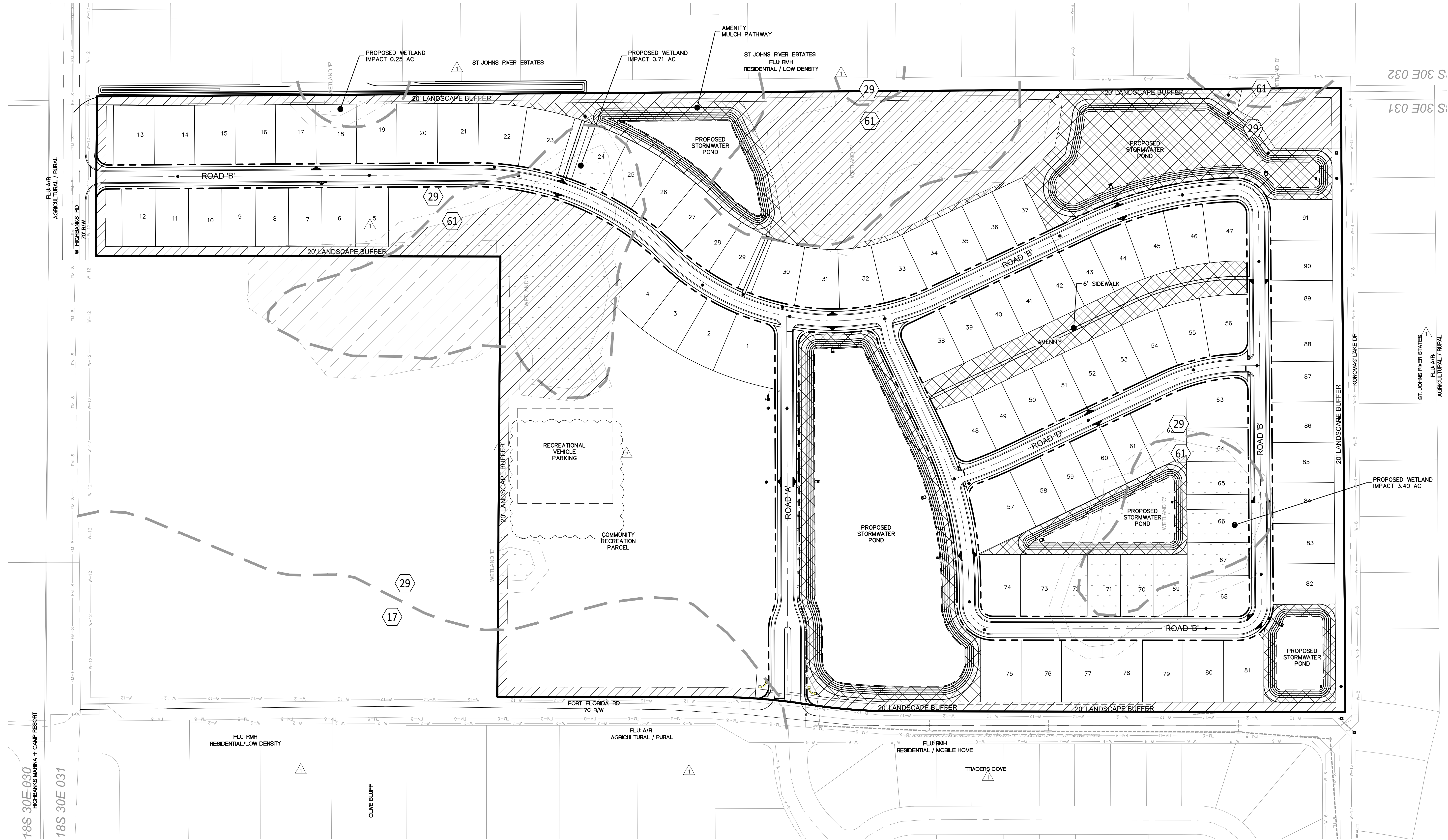
DOYLE LIVING TRUST, INC.

ENGINEER
BENJAMIN S. BLECHAM
STATE OF FLORIDA
LICENSE NO. 79452
DA 9/10/24
CERTIFICATE OF AUTHORIZATION NO. CA-0007723

NO.	DATE	REVISIONS
1	4/5/23	COMMENTS FOR THE CITY OF DEBARY
2	8/15/23	COMMENTS FOR THE CITY OF DEBARY
3	9/10/24	CORRECTED TYPO

JOB # 20072
DATE: 12/15/21
SCALE: 1"=100'
DESIGNED BY: CHM
DRAWN BY: JAS
APPROVED BY: CHM

C100



18S 30E 030
HICKMAN MARINA + CAMP RESORT

18S 30E 031

