



SPECIAL CITY COUNCIL MEETING

April 17, 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)

PRESENTATIONS

Proclamation: National Child Abuse Prevention Month, Lisa Burke, Residing Hope

PUBLIC HEARINGS

1. Staff is requesting the City Council approve the second reading of Ordinance No. 07-2024, amending the Swallows Planned Unit Development (PUD) to change the permitted use provided in the existing development agreement (DA) and adopt development standards therein (Quasi-Judicial).

NEW BUSINESS

2. City Manager is requesting City Council hear presentations, discuss and provide guidance on Current Development Growth, Transportation and Other Capital Improvement Initiatives, Stormwater Projects and Council Strategic Initiatives.

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 May 1, 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: Ordinance # 07-2024	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 April 17, 2024	

REQUEST

Staff is requesting the City Council approve the second reading of Ordinance # 07-2024, amending the Swallows Planned Unit Development (PUD) to change the permitted use provided in the existing development agreement (DA) and adopt development standards therein (Quasi-Judicial).

PURPOSE

To permit townhouses and eliminate multifamily residential as a permitted use.

CONSIDERATIONS

Background:

On September 18, 1972, the Zoning Commission for Volusia County Council District 5 approved an order granting request for a change of zoning for a tract of land roughly 862 acres in area, which created the Swallows (referred to hereafter as “Glen Abbey”) PUD and its corresponding Community Development Plan (CDP). In the southwest area of the tract, roughly 82 acres on the CDP were zoned for 180 condominium units.

On September 7, 1978, Volusia County adopted Resolution No. 1978-96, amending the Glen Abbey PUD in various ways, including changing the permitted use on the 82-acre phase intended for condos to multi-family residential for a maximum of 526 units.

Since Resolution No. 1978-96 was adopted, the subject area has remained undeveloped while the remainder of Glen Abbey surrounding this multi-family residential phase has developed overtime in a way that strongly deviates from the original CDP. The Spring Glen (Unit 1 in 1999) and Glen Abbey (Unit 8 in 2000) subdivisions were instead developed through amendments to the PUD over the years. In addition, much of the remaining undeveloped multi-family phase is in a flood plain (Flood Zone A). Thus, the original vision for the multi-family residential phase cannot feasibly be realized.

On April 7, 2023, Kimley-Horn & Associates, Inc., representing the property owner as the applicant, submitted a request for a development order for an overall development plan (ODP), the first stage of the City’s subdivision application process. The ODP was discussed by the Development Review Committee on

June 6, 2023. Because the proposed project could not meet the development standards of the existing DA, it was concluded a major PUD amendment application would need to be submitted.

On August 23, 2023, a major PUD amendment application was submitted. The DRC discussed the proposed amendment on October 17, 2023, and continued the item due to the outstanding comments that remained at that time.

On January 2, 2024, the major PUD application was discussed by the DRC again, and given a recommendation of approval contingent on outstanding comments by Staff being resolved.

On March 11, 2024, the applicant hosted a community meeting on the proposed development. Around 60 residents were in attendance. Many concerns were expressed by attendees, including:

- Flooding;
- Wildlife protection and preservation of wetlands;
- Traffic improvements for East Highbanks Road, such as road widening, turn lanes, and a traffic signal for the intersection of East Highbanks Road and Amigos Road.
- How the applicant will provide potable water and sanitary sewer services;
- The aesthetics and visibility of the accessory RV and boat storage use, with a preference for green space instead;
- Buffering the propose development from Spring Glen and Glen Abbey to preserve privacy;
- Whether the proposed development would be comprised of rental units or owner-occupied units;
- Number of entrances onto East Highbanks Road;
- School capacity
- Security; and
- Property values.

On March 20, 2024, the City Council held a public hearing for the first reading of the proposed ordinance. Many of the same concerns expressed by attendees of the community meeting were discussed at this hearing. In particular, there were aesthetical concerns with the proposed accessory RV and boat storage and separation from the Spring Glen and Glen Abbey subdivisions. The Council also expressed a desire to see multi-family residential struck as a permitted use from the existing DA. The Council approved the first reading of the proposed ordinance with the understanding that their requested changes would be made to the ordinance prior to the second reading.

Proposed Amendments:

Ordinance # 07-2024 (the proposed ordinance) would amend the PUD with regard to two tracts of land with Volusia County parcel IDs 8027-00-00-0062 and 8026-00-00-0065 (approximately 32.21 acres) and create a new DA for the two subject parcels. The DA would adopt the existing provisions of the original 1978 DA, but would amend Sections 4 (Permitted Uses) and Section 6 (Multi-Family Dwellings), as well as adding its own provisions as required by the Land Development Code (LDC). In addition, a Master Development Plan specific to the subject parcels would be adopted.

Permitted Uses:

The proposed ordinance would strike out multi-family residential as a permitted use and add townhomes as a permitted use.

Development Criteria:

The proposed ordinance would create development standards designed for the use of townhomes. The development standards are as follows:

- Lot Standards
 - Project size, minimum (acreage) – 1 acre
 - Density, maximum (dwellings/acre) – 8
 - Lot size, minimum (square feet) – 1,900
 - Lot width, minimum (feet) – 20
- Setbacks, Minimum
 - Front (feet) – 10
 - Rear (feet) – 10
 - Side (feet) – None
 - Building separation, front to rear (feet) – 50
 - Building separation, any other combination (feet) – 15
 - Project perimeter (feet) – 20
- Building Standards
 - Building height, maximum (feet) – 35
 - Building length, maximum (feet) – 200
 - Building width, maximum (feet) – 200
 - Floor area, minimum (square feet) – 575
 - Total density (net acre) – 8 dwelling units/acre
 - Minimum open space – 21%
 - Land area for each land use – Residential, 100% with 126 total units
 - 6-foot tall fence shall be constructed on the north and east sides of the property.

Comprehensive Plan Compatibility:

The proposed ordinance has been reviewed against the goals, objectives, and policies of the Comprehensive Plan (the Plan). Due to the scope of this project and the context of the vicinity, many elements of the Comprehensive Plan have been reviewed in depth by Staff. The following items related to comprehensive planning will be further reviewed in-depth during the Engineering and Pre-Plat:

- Management of Natural Resources, which includes tree protection, tree replacement requirements, threatened/endangered species, wetland preservation, and associated items.
- Capital Improvements Program Compliance.
- Future Land Use Compliance.
- Transportation Impact Analysis.

- Public Facilities and Infrastructure.
- School Concurrency.

Changes Made for Second Reading

In concert with the Council's request, the following changes have been made to the proposed ordinance since the first reading:

- Multi-family residential has been struck out as a permitted use, where before it would have remained a permitted use;
- Originally, boat and RV storage as an accessory use for residents of the townhouse development was proposed. This has been removed from the proposed ordinance and will remain open space; and
- A 6-foot tall fence will be erected on the north and east sides of the property abutting the residential lots of Pine Side Drive to the north and Adelaide Street to the east.

COST/FUNDING

N/A

RECOMMENDATION

It is recommended the City Council: Upon second reading, approve Ordinance No. 07-2024, the proposed major PUD amendment to amend the DA to permit the proposed use and development standards.

IMPLEMENTATION

If the Council adopts the ordinance, the applicant may resume the subdivision application process in order to obtain a development order, in which compliance with other provisions of the LDC and all objectives, goals, and policies of the Comprehensive Plan will be ensured.

ATTACHMENTS

- Ordinance # 07-2024
- Zoning Amendment Exhibit (with and without aerial imagery)
- Community Meeting Memorandum
- 1972 Swallows Change of Zoning Order and DA
- 1972 Swallows CDP
- 1978 Swallows DA

ORDINANCE NO. 07-2024

AN ORDINANCE OF THE CITY OF DEBARY, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE GLEN ABBEY PLANNED UNIT DEVELOPMENT (A/K/A SWALLOWS PUD) GOVERNING AN APPROXIMATELY 32.21+/- ACRES OF LAND LOCATED ON THE NORTH SIDE OF EAST HIGHBANKS ROAD, EAST OF US HIGHWAY 17-92 WITH A VOLUSIA COUNTY PROPERTY TAX IDENTIFICATION NUMBER OF 8027-00-00-0062 AND 8026-00-00-0065 AND OWNED BY KIMAYA, LLC; AMENDING THE PLANNED UNIT DEVELOPMENT AGREEMENT TO PERMIT CERTAIN ADDITIONAL SPECIFIED USES ON THE PROPERTY AND UPDATING THE CONCEPTUAL DEVELOPMENT PLAN TO SHOW THE PLANNED DEVELOPMENT OF THE PROPERTY; PROVIDING FOR SEVERABILITY, RECORDING AND AN EFFECTIVE DATE.

WHEREAS, the 32.21 +/- acre parcel of land located in the City of DeBary, Florida and having Volusia County Tax Parcel Identification Number 8027-00-00-0062 & 8026-00-00-0065 and legally described on attached Exhibit "A" (the "Subject Property") is part of and included in the Planned Unit Development known as the Glen Abbey Planned Unit Development (A/K/A Swallows Planned Unit Development); and

WHEREAS, on September 18, 1972, the County Council of Volusia County, Florida rezoned the Subject Property as part of the Community Development Plan for the Glen Abbey Development (A/K/A Swallows Planned Unit Development) and other subsequent amendments to other portions of the development have been approved; and

WHEREAS, the Subject Property was originally identified on the Community Development Plan for the Glen Abbey Development (A/K/A Swallows Planned Unit Development) as a portion of the area designated for multi-family development north of Highbanks Road, east of its intersection with U.S. 17-92; and

WHEREAS, the Subject Property was originally assigned the use of multifamily, but did not allow for townhouses or related accessory uses as permitted uses; and

WHEREAS, Mark A. Watts, Esq., has submitted an application on behalf of Kimaya, LLC, a Florida limited liability company, as owner of the Subject Property, that requests a major amendment to the Glen Abbey Planned Unit Development (A/K/A Swallows Planned Unit Development) that seeks to update the Conceptual Development Plan with the plan attached as Exhibit "B" and add certain additional permitted uses for the Subject Property; 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 Ordinance meets the requirements for zoning pursuant to Section 1-6 of the City of DeBary Land Development Code, is consistent with Policy 5.505 of the City of DeBary Comprehensive Plan and the City Council has determined that the amendments to the Glen Abbey Planned Unit Development (A/K/A Swallows Planned Unit Development) proposed herein are 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. **Major Amendment.** A major amendment to the Glen Abbey Planned Unit Development (A/K/A Swallows Planned Unit Development) and the corresponding Community Development Plan and Development Agreement is hereby approved to modify the permitted uses for the Subject Property (only) to allow for the following principle permitted uses to be developed and operated consistent with the Development Agreement attached hereto as Exhibit "B": (uses deleted shown as ~~stricken~~; uses added shown with underlined text):

~~1. Multifamily~~

1. Townhouses

The Subject Property shall be developed and operated consistent with the Conceptual Development Plan and Development Agreement. Development criteria for the proposed uses of the Subject Property are set forth in the Development Agreement. Except as specifically amended herein with regard to the Subject Property, this Ordinance is not altering the permitted uses or development criteria for any other portion of the Glen Abbey Planned Unit Development (A/K/A Swallows Planned Unit Development).

Section 3. **Recording.** The City Clerk is hereby directed to record this Ordinance in the Public Records of Volusia County, Florida. This Ordinance affecting the Subject Property shall run with the land and shall be applicable to and binding on all successors and assigns.

Section 4. **Severability.** If any portion of this Ordinance is determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable or void, the remaining portions not invalidated shall continue in full force and effect.

Section 5. **Effective Date.** This Ordinance shall take effect immediately upon its adoption.

First reading and public hearing occurred on _____.

Second reading and public hearing occurred on _____.

ADOPTED BY the City Council of the City of DeBary, Florida this ____ day of _____, 202__.

CITY COUNCIL

CITY OF DEBARY, FLORIDA

BY: _____

KAREN CHASEZ, MAYOR

ATTEST:

BY: _____

_____, City Clerk

Attachments:

Exhibit A – Legal Description of Subject Property

Exhibit B – Development Agreement

Exhibit A – Legal Description of Subject Property

PARCEL 3:

THE SOUTH 525 FEET OF THE WEST 864.79 FEET OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 26, TOWNSHIP 18 SOUTH, RANGE 30 EAST, LESS ROAD RIGHT-OF-WAY FOR HIGHBANKS ROAD.

PARCEL 4:

THAT PORTION OF THE SOUTH 530.00' OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 27, TOWNSHIP 18 SOUTH, RANGE 30 EAST, LYING EAST OF DEBARY CORNER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 55, PAGE 21-24, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA SOUTH OF THE DEBARY GOLF COURSE AND SPRING GLEN, UNIT 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 47, PAGE 103-107, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; LESS ROAD RIGHT-OF-WAY FOR HIGHBANKS ROAD.

PART OF THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE 'A', AREA OF 100 YEAR FLOODING, WITH NO BASE FLOOD ELEVATION PROVIDED WITH THE BALANCE OF SAID PROPERTY BEING LOCATED IN ZONE 'X', AREA OF MINIMAL FLOODING, AS PER F.I.R.M. COMMUNITY PANEL NO. 12127C0620 K, VOLUSIA COUNTY, FLORIDA. MAP DATED SEPTEMBER 29, 2017.

Exhibit B – Development Agreement

Development Agreement – Glen Abbey Planned Unit Development (A/K/A Swallows Planned Unit Development) – Residential Area North of Highbanks Road

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

MAJOR AMENDMENT

TO

RESIDENTIAL AREA NORTH OF HIGHBANKS ROAD OF THE GLEN ABBEY PLANNED UNIT DEVELOPMENT (A/K/A SWALLOWS PLANNED UNIT DEVELOPMENT)

THIS MAJOR AMENDMENT TO RESIDENTIAL AREA NORTH OF HIGHBANKS ROAD OF THE GLEN ABBEY PLANNED UNIT DEVELOPMENT (A/K/A SWALLOWS PLANNED UNIT DEVELOPMENT) (the "Residential Amendment") is made and entered into by and between the **CITY OF DEBARY**, a Florida municipal corporation and **KIMAYA, LLC, a Florida limited liability company**, or its successors or assigns (herein "Applicant").

WHEREAS, Kimaya, LLC, a Florida limited liability company, is the developer and owner of that certain real property being approximately 32.21+/- acres of land located north of Highbanks Road, east of its intersection with U.S. 17-92, having Volusia County Tax Parcel Identification Numbers 8027-00-00-0062 AND 8026-00-00-0065, zoned Glen Abbey PUD, and being the same property described in Exhibit "A" herein (the "Subject Property"); and

WHEREAS, on September 18, 1972, and thereafter amended and restated on September 7, 1978, the County Council of Volusia County, Florida rezoned the Subject Property as part of the Community Development Plan for the Glen Abbey Development (A/K/A Swallows Planned Unit Development) recorded at Book 2114, Page 1203, in the Public Records of Volusia County, Florida (Res. 78-96), and other subsequent

amendments to other portions of the development have been approved (“Original Agreement”); and

WHEREAS, the Applicant proposes this Residential Amendment to: (a) modify the permitted uses for the Subject Property only to allow for certain principle permitted uses to be developed and operated consistent with the Conceptual Development Plan provided herein; and (b) amend and replace the Master Development Plan for the Subject Property only to the Conceptual Development Plan included herein as Exhibit “B.”

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:

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

B. Amendments. The Original Agreement is hereby amended as follows:

Section 4 of the Original Agreement, as amended, is amended to provide for the following (underlined language are additions; ~~stricken through~~ language are deletions):

4. Permitted Uses.

Except as otherwise provided, use of property which is the subject of this zoning change shall be limited to single family dwellings, ~~multi-family dwellings~~, commercial, golf course and other recreational uses, as more particularly described in said Exhibit "B" and more fully set forth herein.

For the 32.21 acre property subject to the Residential Amendment approved in 2024, townhouses are a permitted principal use and multi-family dwellings is eliminated as a permitted principal use.

Section 6 of the Original Agreement, as amended, is amended to provide for the following (underlined language are additions; ~~stricken through~~ language are deletions):

6. Development Criteria.

I. Development Criteria:

For the 32.21 acre property subject to the Residential Amendment approved in 2024, the following development criteria apply:

<u>LOT STANDARDS</u>	
<u>Project size, min. (acre)</u>	<u>1</u>
<u>Density, max. (dwellings/acre)</u>	<u>8</u>
<u>Lot size, min. (sq. ft.)</u>	<u>1,900</u>
<u>Lot width, min. (ft.)</u>	<u>20</u>
<u>SETBACKS, MINIMUM</u>	
<u>Front (ft.)</u>	<u>10</u>
<u>Rear (ft.)</u>	<u>10</u>
<u>Side (ft.)</u>	<u>None</u>
<u>Building separation, front to rear (ft.)</u>	<u>50</u>
<u>Building separation, any other combination (ft.)</u>	<u>15</u>
<u>Project perimeter (ft.)</u>	<u>20</u>
<u>BUILDING STANDARDS</u>	
<u>Building height, max. (ft.)</u>	<u>35</u>
<u>Building length, max. (ft.)</u>	<u>200</u>
<u>Building width, max. (ft.)</u>	<u>200</u>

<u>Floor area, min (sq. ft.)</u>	<u>575</u>
<u>Total Density (Net Acre)</u>	<u>8 dwelling units/acre</u>
<u>Min. Open Space</u>	<u>21%</u>
<u>Maximum Unit Count</u>	<u>126 units</u>
<u>Land Area for Each Land Use*</u> <u>Subject to change based on engineering considerations.</u>	<u>Residential, 100%</u>
<u>Fencing</u>	<u>A six (6) foot fence shall be constructed on the north and east side of the Property.</u>

Exhibit “B” to the Original Agreement, as amended, is amended to fully replace the Master Development Plan with the amended Conceptual Development Plan prepared by Kimley-Horn, Inc., dated 02/16/2024 that is attached to this Residential Amendment.

The following sections shall be added to the Original Agreement, as amended, to provide for the following (underlined language are additions; ~~stricken through~~ language are deletions):

12. 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.

13. 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.

14. Sewage Disposal and Potable Water: Each dwelling unit, amenity structure and commercial structure developed on the Property shall be connected to central potable water and sanitary sewer service, which is currently provided by Volusia County. Water and sewer lines and appurtenances thereto shall be extended and 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, 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.

15. 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.

16. Transportation System Improvements/Operations. 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. Any roadway improvements required by the traffic impact analysis shall be provided for by the Applicant. 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 E. Highbanks Road. The Conceptual Development Plan indicates the anticipated connection locations; however, the final locations may vary due to final engineering design and permitting considerations.

17. Homeowners' or Property Owners' Association. The Applicant shall create a property owners' 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.

18. Development Regulations. The DeBary Land Development Code will control the development of the Property regarding any items not specifically covered by this Agreement. 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. The final plat may deviate from the Conceptual Development Plan as necessary to comply with the Land Development Code's requirements for tree protection and replacement and landscaping and irrigation and any other engineering requirements.

19. Guarantees. Applicant may be required to provide performance and maintenance guarantees (in the form of cash, letter of credit or surety bonds) to secure the proper and timely completion of certain road or other improvements.

20. Expiration: All provisions of this Development Agreement and the Master Development Plan shall expire and terminate 720 days following the effective date of this Development Agreement if a subsequent development order for the Property has not been secured in writing by the Applicant within said period of time. In the event of expiration and termination of this Development Agreement and Master Development Plan occurs, the Property shall revert back to its previous zoning designations.

C. Full Force & Effect; Binding. The Original Agreement and any associated amendments shall remain in full force and effect except as expressly modified by this Residential Amendment. This Residential Amendment shall run with the land and be binding upon, and inure to the benefit of, the parties hereto, their respective heirs, successors, assigns and anyone claiming by, through or under any of them.

D. Effective Date. The effective date of this Residential Amendment shall be the date approved by the City Council.

AGREED to by the City Council of the City of DeBary, Florida, Owner, and the Applicant on this ____the day of _____, 202__.

CITY OF DEBARY, FLORIDA

ATTEST:

Annette Hatch, City Clerk

Karen Chasez, Mayor

Exhibit A

PARCEL 3:

THE SOUTH 525 FEET OF THE WEST 864.79 FEET OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 26, TOWNSHIP 18 SOUTH, RANGE 30 EAST, LESS ROAD RIGHT-OF-WAY FOR HIGHBANKS ROAD.

PARCEL 4:

THAT PORTION OF THE SOUTH 530.00' OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 27, TOWNSHIP 18 SOUTH, RANGE 30 EAST, LYING EAST OF DEBARY CORNER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 55, PAGE 21-24, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA SOUTH OF THE DEBARY GOLF COURSE AND SPRING GLEN, UNIT 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 47, PAGE 103-107, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; LESS ROAD RIGHT-OF-WAY FOR HIGHBANKS ROAD.

PART OF THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE 'A', AREA OF 100 YEAR FLOODING, WITH NO BASE FLOOD ELEVATION PROVIDED WITH THE BALANCE OF SAID PROPERTY BEING LOCATED IN ZONE 'X', AREA OF MINIMAL FLOODING, AS PER F.I.R.M. COMMUNITY PANEL NO. 12127C0620 K, VOLUSIA COUNTY, FLORIDA. MAP DATED SEPTEMBER 29, 2017.

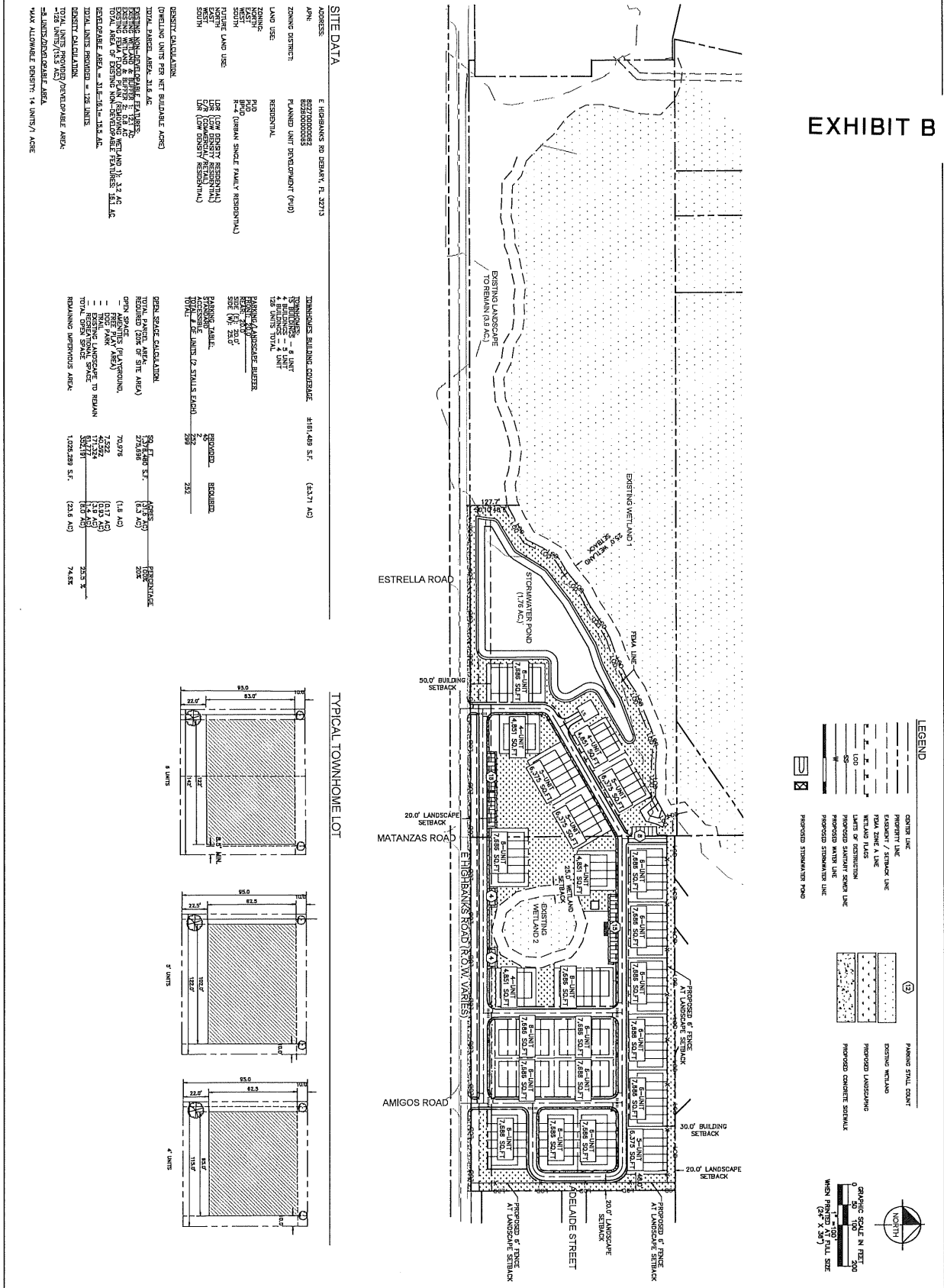
Exhibit B
Conceptual Development Plan

THIS INFORMATION IS PROVIDED TO YOU AT THE REQUEST OF OUR CLIENT AND IS SOLELY FOR YOUR INFORMATION AND CONVENIENCE. THESE PLANS AND PROJECTIONS ARE PROVIDED TO YOU WITHOUT WARRANTY, REPRESENTATION OR AGREEMENT. NEITHER KIMLEY-HORN NOR KIMLEY-HORN'S CLIENT WILL BE RESPONSIBLE FOR ANY LOSSES OR COSTS ASSOCIATED WITH RELIANCE ON THIS PRELIMINARY INFORMATION OR ON CHANGES MADE TO THE INFORMATION PRIOR TO FINAL DESIGN.

Revised By: Donny Jordan Email: Donny.Jordan@kha.com Date: 08-16-2024 Location: 15100 E HIGHBANKS RD, ORLANDO, FL 32713 Project: E HIGHBANKS TOWNHOMES (PHD) Overall DTE Plan, Amendment Exhibit 1.dwg

The document, together with the concept and design presented herein, is an instrument of service, to be retained only for the specific purpose and client for which it was prepared. It is not to be used for any other purpose without the written authorization and approval of Kimley-Horn and Associates, Inc. shall be retained solely by Kimley-Horn and Associates, Inc.

EXHIBIT B



SITE DATA		TOWNHOMES BUILDING COVERAGE	
ADDRESS:	E HIGHBANKS 30 DENSITY, FL. 20713	481,449 S.F.	(43.77 AC)
APN:	0211010101000000000		
ZONING DISTRICT:	PLANNED UNIT DEVELOPMENT (PHD)		
LAND USE:	RESIDENTIAL		
ZONING:	PHD		
LAND TYPE:	PHD (LOW DENSITY RESIDENTIAL)		
NATURE LAND USE:	PHD (LOW DENSITY RESIDENTIAL)		
LAND SOUTH:	PHD (LOW DENSITY RESIDENTIAL)		
LAND NORTH:	PHD (LOW DENSITY RESIDENTIAL)		
DENSITY CALCULATION:			
DEVELOPING UNITS PER NET BUILDABLE ACRES:			
TOTAL EXISTING AREA: 31.6 AC			
EXISTING BUILDING FOOTPRINT:			
EXISTING PAVED AREA:			
EXISTING OPEN SPACE:			
TOTAL AREA OF EXISTING DEVELOPABLE FEETPRINTS: 24.1 AC			
TOTAL AREA OF EXISTING NON-DEVELOPABLE FEETPRINTS: 6.5 AC			
TOTAL UNITS PROVIDED: 128 UNITS			
TOTAL UNITS PROVIDED / DEVELOPABLE AREA:			
228 UNITS / 24.1 AC			
MAX ALLOWABLE DENSITY: 14 UNITS / ACRE			

GENERAL SPACE CALCULATION		PARKING STALL COUNT	
TOTAL PAVED AREA:	272,638 S.F.	REQUIREMENT:	12 STALLS EACH
OPEN SPACE (PER ALPHABETIC):	70,976 S.F.	REQUIRED:	288
TOTAL PAVED AREA:	272,638 S.F.	REQUIREMENT:	232
OPEN SPACE (PER ALPHABETIC):	70,976 S.F.	REQUIRED:	232
TOTAL PAVED AREA:	272,638 S.F.		
OPEN SPACE (PER ALPHABETIC):	70,976 S.F.		
TOTAL PAVED AREA:	272,638 S.F.		
OPEN SPACE (PER ALPHABETIC):	70,976 S.F.		

TYPICAL TOWNHOME LOT	
1 UNIT	Diagram showing lot dimensions: 85.0' x 22.2' x 102.0' x 22.2'
2 UNITS	Diagram showing lot dimensions: 85.0' x 22.2' x 102.0' x 22.2'
3 UNITS	Diagram showing lot dimensions: 85.0' x 22.2' x 102.0' x 22.2'

OVERALL DEVELOPMENT PLANS - E HIGHBANKS TOWNHOMES

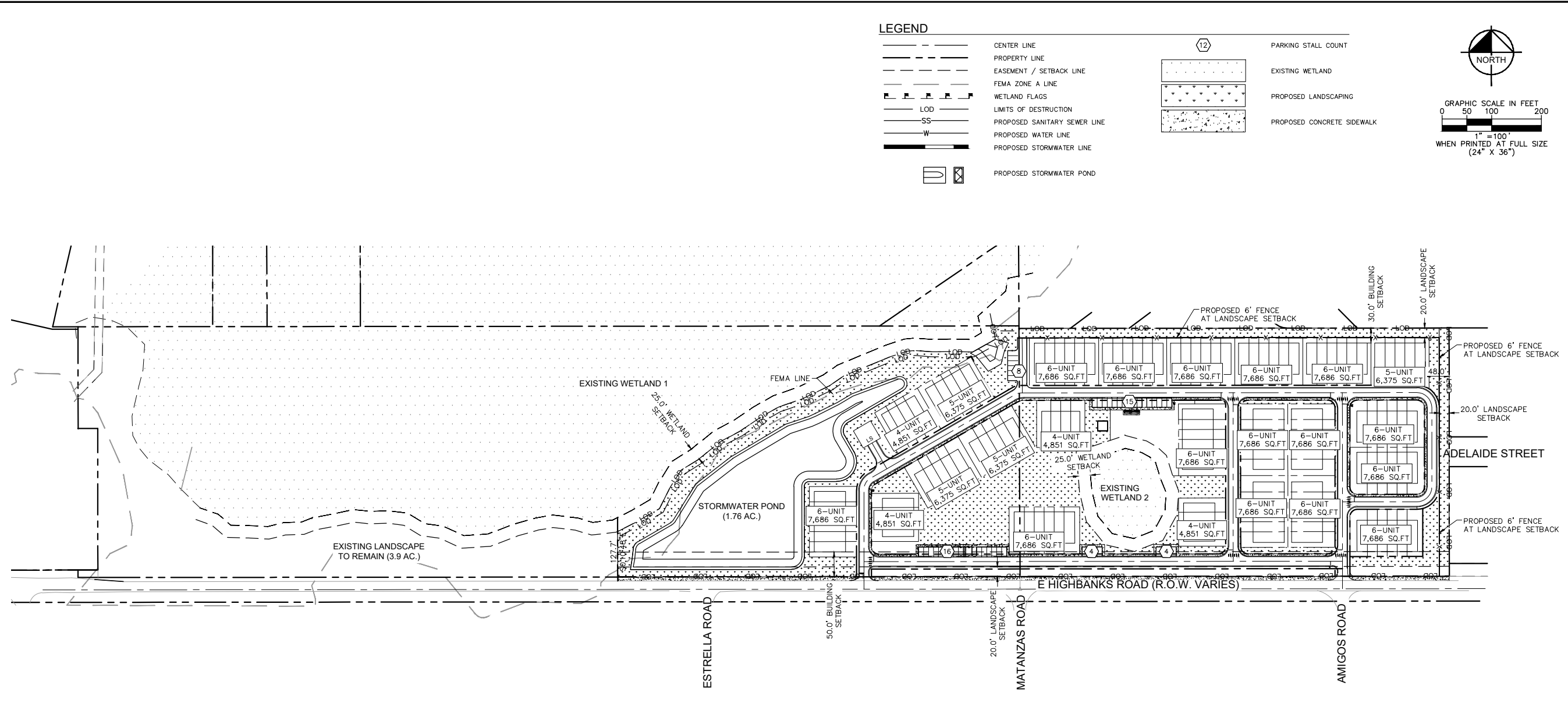
ZONING AMENDMENT EXHIBIT

Kimley-Horn
 189 S. ORANGE AVE., SUITE 1000, ORLANDO, FL 32801
 PHONE: 407-688-1511
 WWW.KIMLEY-HORN.COM REGISTRY No. 655

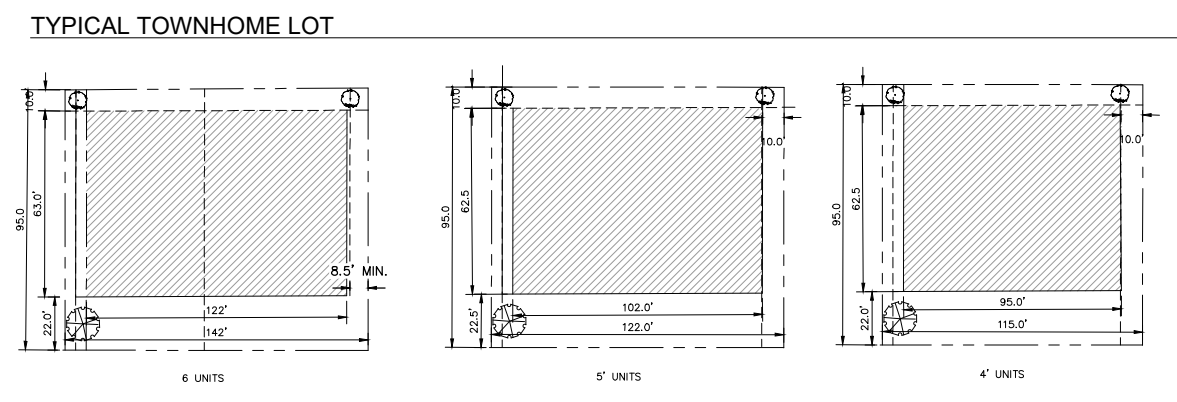
NO.	REVISIONS	DATE	BY

THIS INFORMATION IS PROVIDED TO YOU AT THE REQUEST OF OUR CLIENT AND IS SOLELY FOR YOUR INFORMATION AND CONVENIENCE. THESE PLANS AND PRELIMINARY INFORMATION ARE SUBJECT TO CHANGE WITHOUT NOTICE. KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE RESPONSIBLE FOR ANY LOSSES OR COSTS ASSOCIATED WITH RELIANCE ON THIS PRELIMINARY INFORMATION OR CHANGES IN THE INFORMATION PRIOR TO FINAL DESIGN.

Projected By: J. Jordan, Sheet Set: 14933004 - Sanford MF @ STC Layout: C1.D OVERALL SITE PLAN March 28, 2024 09:18:55am K:\ORL\CM\240908007-E Highbanks Townhomes\CADD\EXHIBITS\ZONING AMENDMENT EXHIBIT\OVERALL SITE PLAN-AMENDMENT EXHIBIT.dwg



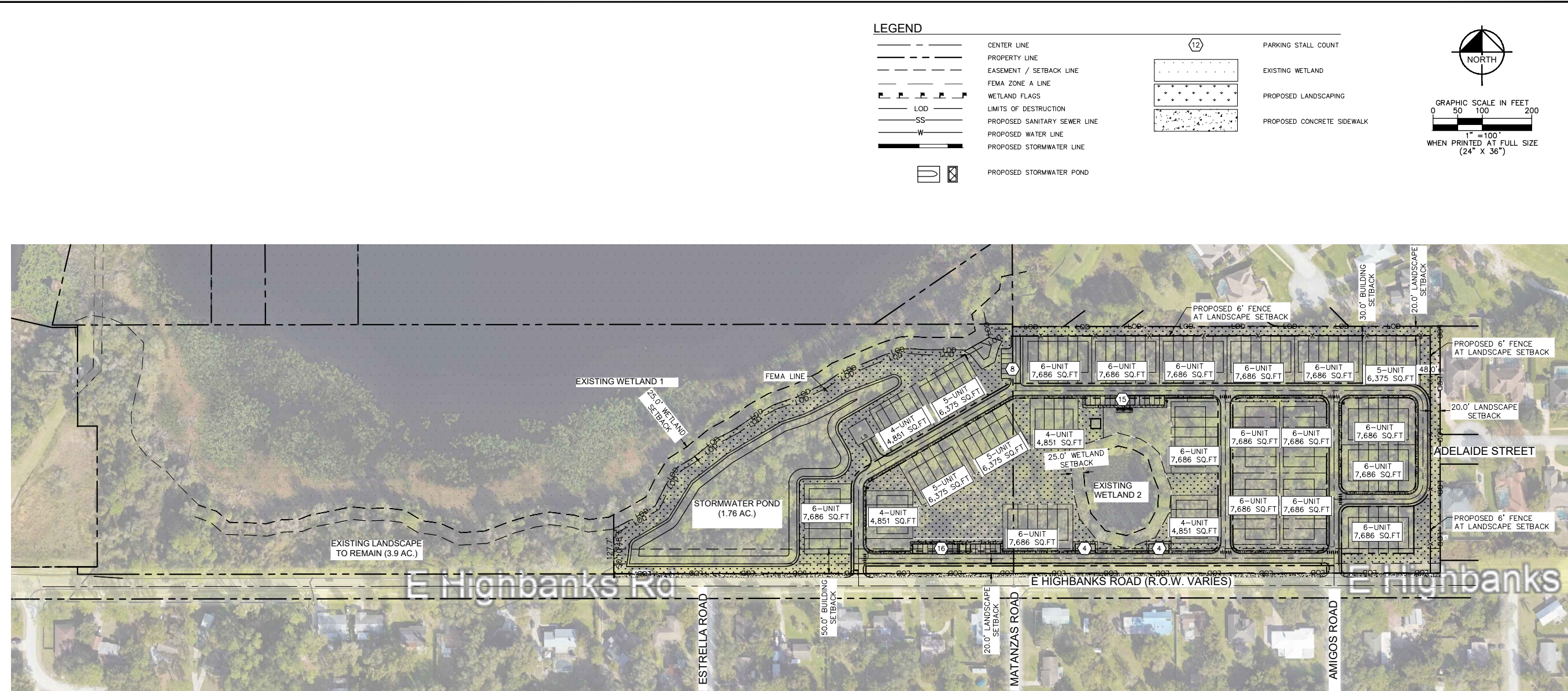
SITE DATA	
ADDRESS:	E HIGHBANKS RD DEBARY, FL 32713
APN:	802700000062 802600000065
ZONING DISTRICT:	PLANNED UNIT DEVELOPMENT (PUD)
LAND USE:	RESIDENTIAL
ZONING:	PUD NORTH EAST WEST SOUTH
FUTURE LAND USE:	LDR (LOW DENSITY RESIDENTIAL) LDR (LOW DENSITY RESIDENTIAL) C/R (COMMERCIAL/RETAIL) LDR (LOW DENSITY RESIDENTIAL)
DENSITY CALCULATION (DWELLING UNITS PER NET BUILDABLE ACRE) TOTAL PARCEL AREA = 31.6 AC EXISTING NON-DEVELOPABLE FEATURES: EXISTING WETLAND & BUFFER 1: 12.1 AC EXISTING WETLAND & BUFFER 2: 0.8 AC EXISTING FEMA FLOOD PLAIN (REMOVING WETLAND 1): 3.2 AC TOTAL AREA OF EXISTING NON-DEVELOPABLE FEATURES: 16.1 AC DEVELOPABLE AREA = 31.6 - 16.1 = 15.5 AC TOTAL UNITS PROVIDED = 126 UNITS DENSITY CALCULATION TOTAL UNITS PROVIDED/DEVELOPABLE AREA: = 126 UNITS / 15.5 AC = 8 UNITS/DEVELOPABLE ACRE *MAX ALLOWABLE DENSITY: 14 UNITS/1 ACRE	
TOWNHOMES BUILDING COVERAGE ±161,489 S.F. (±3.71 AC) TOWNHOMES: 15 BUILDINGS - 6 UNIT 4 BUILDINGS - 5 UNIT 4 BUILDINGS - 4 UNIT 126 UNITS TOTAL PARKING / LANDSCAPE BUFFER FRONT: 20.0' REAR: 20.0' SIDE (E): 20.0' SIDE (W): 25.0'	
PARKING TABLE: STANDARD ACCESSIBLE TOTAL # OF UNITS (2 STALLS EACH) PROVIDED: 45 REQUIRED: 2 TOTAL: 299	
OPEN SPACE CALCULATION TOTAL PARCEL AREA: 1,378,480 S.F. (31.6 AC) 100% REQUIRED (20% OF SITE AREA): 275,696 (6.3 AC) 20% OPEN SPACE: 70,976 (1.6 AC) - AMENITIES (PLAYGROUND, FREE PLAY AREA): 7,522 (0.17 AC) - TRAIL: 40,592 (0.93 AC) - EXISTING LANDSCAPE TO REMAIN: 171,324 (3.9 AC) - RECREATIONAL SPACE: 61,777 (1.4 AC) TOTAL OPEN SPACE: 352,191 (8.0 AC) 25.5% REMAINING IMPERVIOUS AREA: 1,026,289 S.F. (23.6 AC) 74.6%	



Kimley»Horn 189 S. ORANGE AVE., SUITE 1000, ORLANDO, FL 32801 PHONE: 407-898-1511 WWW.KIMLEY-HORN.COM REGISTRY No. 696	
KHA PROJECT	DATE
SCALE AS SHOWN	DESIGNED BY
DRAWN BY	CHECKED BY
ZONING AMENDMENT EXHIBIT	
OVERALL DEVELOPMENT PLANS - E HIGHBANKS TOWNHOMES	
SHEET NUMBER EX1.0	
CITY OF DEBARY COMMENTS REVISION 02-16-24 DS	DATE
CITY OF DEBARY COMMENTS REVISION 03-20-24 DS	BY
No.	REVISIONS

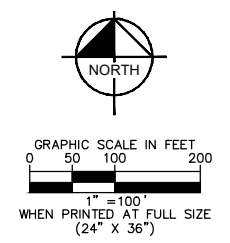
THIS INFORMATION IS PROVIDED TO YOU AT THE REQUEST OF OUR CLIENT AND IS SOLELY FOR YOUR INFORMATION AND CONVENIENCE. THESE PLANS ARE PRELIMINARY AND ANY SUBSEQUENT CHANGES WILL BE RESPONSIBLE FOR ANY LOSSES OR COSTS ASSOCIATED WITH RELIANCE ON THIS PRELIMINARY INFORMATION OR CHANGES IN THE INFORMATION PRIOR TO FINAL DESIGN.

Projected by: Jordan, Sheet Set: 14933004 - Sanford MF @ STC Layout: C1.D OVERALL SITE PLAN March 28, 2024 09:19:47am K:\ORL\CH\24090807-E Highbanks Townhomes\CADD\EXHIBITS\ZONING AMENDMENT EXHIBIT OVERALL SITE PLAN-AMENDMENT EXHIBIT.dwg



LEGEND

	CENTER LINE		PARKING STALL COUNT
	PROPERTY LINE		EXISTING WETLAND
	EASEMENT / SETBACK LINE		PROPOSED LANDSCAPING
	FEMA ZONE A LINE		PROPOSED CONCRETE SIDEWALK
	WETLAND FLAGS		
	LIMITS OF DESTRUCTION		
	PROPOSED SANITARY SEWER LINE		
	PROPOSED WATER LINE		
	PROPOSED STORMWATER LINE		
	PROPOSED STORMWATER POND		



Δ	CITY OF DEBARY COMMENTS REVISION 02-16-24	DS
Δ	CITY OF DEBARY COMMENTS REVISION 03-20-24	DS
No.		
	REVISIONS	DATE
		BY

Kimley»Horn

189 S. ORANGE AVE., SUITE 1000, ORLANDO, FL 32801
 PHONE: 407-598-1511
 WWW.KIMLEY-HORN.COM REGISTRY No. 696

KHA PROJECT	
DATE	
SCALE AS SHOWN	
DESIGNED BY	
DRAWN BY	
CHECKED BY	

ZONING AMENDMENT EXHIBIT

OVERALL DEVELOPMENT PLANS- E HIGHBANKS TOWNHOMES

SHEET NUMBER
EX1.0

SITE DATA

ADDRESS: E HIGHBANKS RD DEBARY, FL 32713

APN: 802700000062
802600000065

ZONING DISTRICT: PLANNED UNIT DEVELOPMENT (PUD)

LAND USE: RESIDENTIAL

ZONING: PUD
NORTH: PUD
EAST: BPUD
WEST: R-4 (URBAN SINGLE FAMILY RESIDENTIAL)
SOUTH: R-4 (URBAN SINGLE FAMILY RESIDENTIAL)

FUTURE LAND USE: NORTH: LDR (LOW DENSITY RESIDENTIAL)
EAST: LDR (LOW DENSITY RESIDENTIAL)
WEST: C/R (COMMERCIAL/RETAIL)
SOUTH: LDR (LOW DENSITY RESIDENTIAL)

TOWNHOMES BUILDING COVERAGE	±161,489 S.F.	(±3.71 AC)
TOWNHOMES:		
15 BUILDINGS - 6 UNIT		
4 BUILDINGS - 5 UNIT		
4 BUILDINGS - 4 UNIT		
126 UNITS TOTAL		
PARKING / LANDSCAPE BUFFER		
FRONT: 20.0'		
REAR: 20.0'		
SIDE (E): 20.0'		
SIDE (W): 25.0'		
PARKING TABLE:		
STANDARD ACCESSIBLE	PROVIDED	REQUIRED
TOTAL # OF UNITS (2 STALLS EACH)	252	252
TOTAL:	299	252

DENSITY CALCULATION

(DWELLING UNITS PER NET BUILDABLE ACRE)

TOTAL PARCEL AREA: 31.6 AC

EXISTING NON-DEVELOPABLE FEATURES:
 EXISTING WETLAND & BUFFER 1: 12.1 AC
 EXISTING WETLAND & BUFFER 2: 0.8 AC
 EXISTING FEMA FLOOD PLAIN (REMOVING WETLAND 1): 3.2 AC
 TOTAL AREA OF EXISTING NON-DEVELOPABLE FEATURES: 16.1 AC

DEVELOPABLE AREA = 31.6 - 16.1 = 15.5 AC

TOTAL UNITS PROVIDED = 126 UNITS

DENSITY CALCULATION

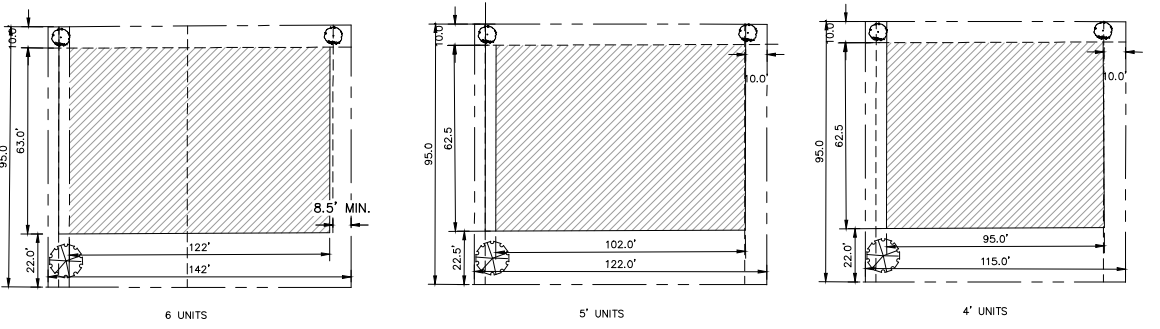
TOTAL UNITS PROVIDED/DEVELOPABLE AREA:
 = 126 UNITS / 15.5 AC

= 8 UNITS/DEVELOPABLE ACRE

*MAX ALLOWABLE DENSITY: 14 UNITS/1 ACRE

OPEN SPACE CALCULATION			
TOTAL PARCEL AREA:	SO. FT	ACRES	PERCENTAGE
REQUIRED (20% OF SITE AREA)	1,378,480 S.F.	(31.6 AC)	100%
	275,696	(6.3 AC)	20%
OPEN SPACE			
- AMENITIES (PLAYGROUND, FREE PLAY AREA)	70,976	(1.6 AC)	
- DOG PARK	40,592	(0.93 AC)	
- TRAIL	171,524	(3.9 AC)	
- EXISTING LANDSCAPE TO REMAIN	61,777	(1.4 AC)	
- RECREATIONAL SPACE	352,191	(8.0 AC)	25.5 %
TOTAL OPEN SPACE			
REMAINING IMPERVIOUS AREA:	1,026,289 S.F.	(23.6 AC)	74.6%

TYPICAL TOWNHOME LOT



Memorandum

To: Steven Bapp, Growth Management Director

City of DeBary

From: Mark Watts, CobbCole

Date: March 12, 2024

Re: Summary of March 11, 2024 Community Meeting regarding proposed amendment to Glen Abby (The Swallows) PUD - 23-04-MAJPUD-Tailwinds Residential

Please accept this memorandum as our summary of the community meeting held at City Hall on March 11, 2024 at 6PM. We estimate that approximately 60 residents attended the meeting to listen to our presentation of the proposed amendments and provide feedback or ask questions regarding the planned development. A copy of the sign in sheets from the meeting are also attached. Here is a summary of the issues discussed:

- 1. Current Permitted v. Proposed Use.** We outlined the current multi-family entitlements associated with the property and summarized that of the approximately 526 multi-family units authorized under the existing Swallows PUD, approximately 200-220 could be located on the subject property based on the R/MD land use classification. At least one resident asked the maximum height allowed for the current multi-family units and we confirmed that the current height limit is two stories. We outlined the proposal to amend the use of the subject property to townhomes with a maximum height of two stories. Residents asked if they would be rental units and we stated that the units would be individually platted, but noted that individual units could be rented if desired by the individual owners. Several residents asked if single family development was considered and we confirmed that it was not and that the property owner intends to develop the property as townhomes or, if the pending amendment is not approved, multi-family. We also confirmed that no road connections to the existing Glen Abby development is proposed.
- 2. Proposed RV/Boat Storage Area.** Numerous questions were asked about the proposed RV and boat storage area. We clarified that the proposed accessory use would be limited to use by residents of the planned townhome development to provide a location for storage of such vehicles. Several residents raised questions about the buffering of the storage area from both No Name Lake and Highbanks Road. We clarified that a required 25' upland buffer

would be maintained from the wetland (lake) area and that all required landscape buffers would be maintained along Highbanks. At least one resident asked if the area would be fenced or otherwise secured and we confirmed that it would. Several residents suggested that the area remain undeveloped and dedicated as a park.

3. **Stormwater.** Numerous questions were raised about stormwater. We confirmed that the property would have to comply with all City and SJRWMD standards for design of the stormwater system. We further confirmed that compliance with all design standards, including applicable closed basin standards, would be followed in order for the property to be developed. Specific questions were asked about the potential design of the stormwater system, the amount of fill necessary for the site and how the system would function. We clarified that the system has not been designed at this time since we are only at the zoning stage, but confirmed the general requirements that the property cannot increase the rate or volume of stormwater being discharged from the property in the post-development condition. City staff provided handouts that summarized the City's stormwater system and pumps associated with No Name Lake and confirmed that the system has functioned as designed since its installation. Some residents expressed concern regarding past flooding issues in Glen Abby and on the existing golf course. We noted that more recent developments that meet modern stormwater standards tend to perform better during storm events.
4. **Buffering.** Several residents who live on Pine Side Street and Adelaide Street expressed concerns regarding buffering and privacy. We confirmed that a 20' landscape buffer was proposed adjacent to both areas and that a 30' minimum building setback from the property lines is proposed. Adjacent to Adelaide Street, we confirmed that an interior roadway is planned between the landscape buffer and proposed buildings so 50-60' of separation from the property line to the side of the planned townhomes would be maintained. We also confirmed that the landscape buffer would be designed to meet City standards with either existing vegetation that is retained, supplemented or replaced with new plantings. Several residents asked if a wall or fence would be included in the buffers adjacent to Pine Side Street or Adelaide Street and we confirmed that the City's current standards do not require a wall or fence between compatible residential uses.
5. **Traffic.** Several questions were raised regarding traffic and planned improvements to the area road network. We confirmed that the project will be required to undergo

concurrency review as part of the site plan or subdivision process and that all required access related improvements or mitigation improvements necessary to meet the required levels of service would be required as part of the project approval. Residents off of Matanzas and Amigos Roads asked about planned intersection improvements for the driveways proposed to align with those roadways and we indicated that any required improvements would be evaluated as part of the site plan or subdivision review. We also addressed and provided a general overview of the proportionate fair share process. After the general meeting concluded, at least one resident asked about signalization of those intersections and we explained the signal warrant analysis process and indicated that it would be performed, if necessary, as part of the traffic impact analysis.

6. **School Capacity.** Numerous questions were asked about school capacity and we explained the capacity reservation process required with Volusia County Schools. We outlined both the process for confirming capacity availability and the reservation of that capacity through the site plan or subdivision plan process. We also outlined how any potential capacity deficiencies are addressed by the school district and the potential requirement for a mitigation agreement in the event capacity is not available. City staff mentioned that Volusia County Schools is currently evaluating a 48-acre site off of South Charles R. Beall Boulevard as a potential K-8 school location.
7. **Displacement of Wildlife.** Residents mentioned that the proposed project site supports a population of wildlife, including bear, deer, bobcats, birds, gopher tortoises and other animals and that a bald eagles nest is located north of the site on other property. We outlined the general requirements for survey of the property for protected species and the permitting/relocation requirements associated with those species. In general, we also discussed the conservation programs both the City and County of Volusia have implemented and the extensive amount of conservation and wildlife corridor areas that exist in the County.

56026

IN THE ZONING COMMISSION
FOR COUNTY COUNCIL DISTRICT 5
OF VOLUSIA COUNTY, FLORIDA

IN RE: APPLICATION OF :
LTP PROPERTIES, INC. :
: :
: :

ORDER GRANTING REQUEST FOR
CHANGE OF ZONING

This application, coming to be heard before the Zoning Commission for County Council District 5 on the 18th day of September, 1972, and it being found as follows:

1. That the application was duly submitted, proper fee paid, public hearing therefor duly advertised and all adjacent property owners were notified of said public hearing, said application being for change of zoning from M-1, C-1, and A-1 to Community Development Plan, said change being upon the property described in the Exhibit "A" attached hereto and made a part hereof;

2. That the application for Community Development Plan was properly executed and all required exhibits were presented by the applicant;

3. That the Community Development Plan as proposed by the applicant would be compatible with the surrounding land uses, would not diminish the land values in the area and would promote the orderly growth of the area. A Land Use Summary has been prepared and is on file in the Volusia County Legal Department and shall become a part hereof;

NOW THEREFORE, the Zoning Commission of County Council District 5, Volusia County, Florida, does hereby resolve and order that the application for change of zoning to a Community Development Plan be and is hereby granted, and the Official Regulations and Maps of the said Zoning District are hereby amended to reflect the zoning changes set forth in this application, which change shall be subject to the following conditions:

ORDER GRANTING REQUEST FOR
CHANGE OF ZONING -- LTP PROPERTIES, INC.
Page 2.

1. The applicant shall develop the Community Development Plan in accordance with the preliminary plan which is attached hereto and made a part hereof as Exhibit "B".
2. Within six (6) months from the date of adoption of this Resolution, the applicant shall submit to the Zoning Commission a final plan, which plan shall include a detailed plat complying with the subdivision regulations of Volusia County and which plat shall conform to the plan set forth in Exhibit "B". If the applicant fails to submit such plan within the time prescribed, this resolution shall be considered null and void and of no effect, and any permits granted thereunder shall be considered null and void.
3. The applicant shall assume the cost of recording this Resolution in the Official Records of Volusia County, Florida.
4. PERMITTED USES:

Except as otherwise provided, use of property which is the subject of this zoning change shall be limited to single family dwellings, condominiums, commercial, golf course and other recreational uses, as more particularly described in said Exhibit "B" and more fully set forth herein.

PERMITTED ACCESSORY USES:

Accessory buildings or uses incidental to the permitted principal use.
5. SINGLE FAMILY DWELLINGS:

Except as otherwise provided, the following minimum dimensional requirements shall be applicable throughout the Community Development Plan. In the event of any conflict between this resolution and Exhibit "B", this Resolution shall prevail.

ORDER GRANTING REQUEST FOR
CHANGE OF ZONING - LTP PROPERTIES, INC.
Page 3

Minimum Lot Size:

Area - 20,000 square feet.

Width - 100 feet measured at the building line.

Minimum Yard Size:

Front Yard - 30 feet

Rear Yard - 20 feet

Side Yard - In all cases, the minimum side yard shall be eight (8) feet on any one given side. The total of the side yards, added together, however, must be a minimum of 20 feet. For example, if the one side yard of a particular parcel is (8) feet, then the opposite side yard shall be (12) feet.

Maximum Building Height:

Two stories or 35 feet, whichever is less.

Maximum Building Coverage:

The total area covered with buildings on any lot shall not exceed 25% of the total lot area.

Minimum Floor Area:

Twelve hundred (1200) square feet per dwelling unit.

6. CONDOMINIUM UNITS

A. Number of units: 180

B. Type of Structure: Two (2) story

C. Number of units per structure: Two to five (2-5)

D. Height maximum: Two stories or 35 feet

E. Unit size: One (1) bedroom and larger

7. COMMERCIAL AREAS

A. Commercial area #1

1. Permitted uses professional offices and other business offices.

ORDER GRANTING REQUEST FOR
CHANGE OF ZONING -- LTP PROPERTIES, INC.
Page 4

- B. Commercial area #2
 - 1. Permitted uses -- retail establishments.

- C. Access for vehicles to commercial areas shall be restricted to one access road to a public highway per commercial area.

- 8. GOLF COURSE
 - A. Type -- Community membership; guest privileges.

- 9. GREEN BELT AREAS - All green belt areas, parks and other common areas not encompassed by the Volusia County subdivision regulations and not privately owned shall be maintained by the applicant or its successors or assigns in interest.

- 10. PARCEL A - as shown on master plan -- Present Zoning is maintained.

- 11. The applicant shall conform and comply with all state and county regulations with regard to health and pollution control.

- 12. This Resolution shall run with the land and shall be applicable to any successors in interest to the applicant. In the event that the applicant desires to make any changes in the plan, he shall be required to make application to the Zoning Commission and a public hearing shall be held thereon in accordance with Ordinance 72-10 as adopted by the County Council of Volusia County, Florida.

ORDER GRANTING REQUEST FOR
CHANGE OF ZONING -- LTP PROPERTIES, INC.
Page 5

DONE and ORDERED this 18th day of September, 1972 in
open meeting at New Smyrna Beach, Florida.

WITNESSES:

Robert Ellis

Raymond H. Hester
CHAIRMAN

David McCallister

Joseph Kennard
SECRETARY

Carroll A. Mason

James A. Ireland

STATE OF FLORIDA,
COUNTY OF VOLUSIA

I, the undersigned officer duly authorized to take and certify acknowledgments of deeds in said State and County, hereby certify that before me came Raymond H. Hester and Joseph Kennard. Chairman and Secretary of Zoning Commission for County Council District 5, Volusia County, Florida; that said persons so appearing before me are the individuals described in and who executed the foregoing order; that their names officially are by them respectively subscribed thereto.

WITNESS my hand and Official Seal at N.Smyrna Bch., County of Volusia and State of Florida this 18th day of September, A. D., 1972.

Raymond H. Hester (SEAL)

NOTARY PUBLIC
MY COMMISSION EXPIRES FEB. 10, 1976
BONDED THRU GENERAL INSURANCE UNDERWRITERS

EXHIBIT "A"

That part of the East 1/2 of the Southeast 1/4 and that part of the Northwest 1/4 of the Southeast 1/4, Section 22, Township 18 South, Range 30 East, lying East of U. S. Highway 17-92; and

The South 2 chains of the West 1/2 of the Northeast 1/4 of the Southwest 1/4, and the West 1/2 of the Southeast 1/4 of the Southwest 1/4, and the Southwest 1/4 of the Southwest 1/4, and the Southeast 1/4 of the Northwest 1/4 of the Southwest 1/4, and the West 1/2 of the Northwest 1/4 of the Southwest 1/4, Section 23, Township 18 South, Range 30 East; and

All that part of the Southeast 1/4 lying west of Orange City-Enterprise Road, and the West 1/2, Section 26, Township 18 South, Range 30 East; and

That part of the East 1/2 of Section 27, Township 18 South, Range 30 East, lying East of U. S. Highway 17-92, less and except parcel deeded to American Telephone and Telegraph Company by instrument recorded February 26, 1962, in the Official Records Book 430, page 437, Public Records of Volusia County, Florida;



THE SWALLOWS Golf and Country Club

Dickens, Florida 32717

Dominic Palombo and Associates
Co-Ordinating Design Discipline
445 Blvd of Allies, Pittsburgh, Penna.

CONSULTANTS

Deeter Richey Sippel Associates
Architects
Pittsburgh, Penna.

Mayne Engineering Inc.
Engineers
Orange City, Florida

Dominic Palombo and Associates
Planners - Golf Course Architects
Pittsburgh, Penna.

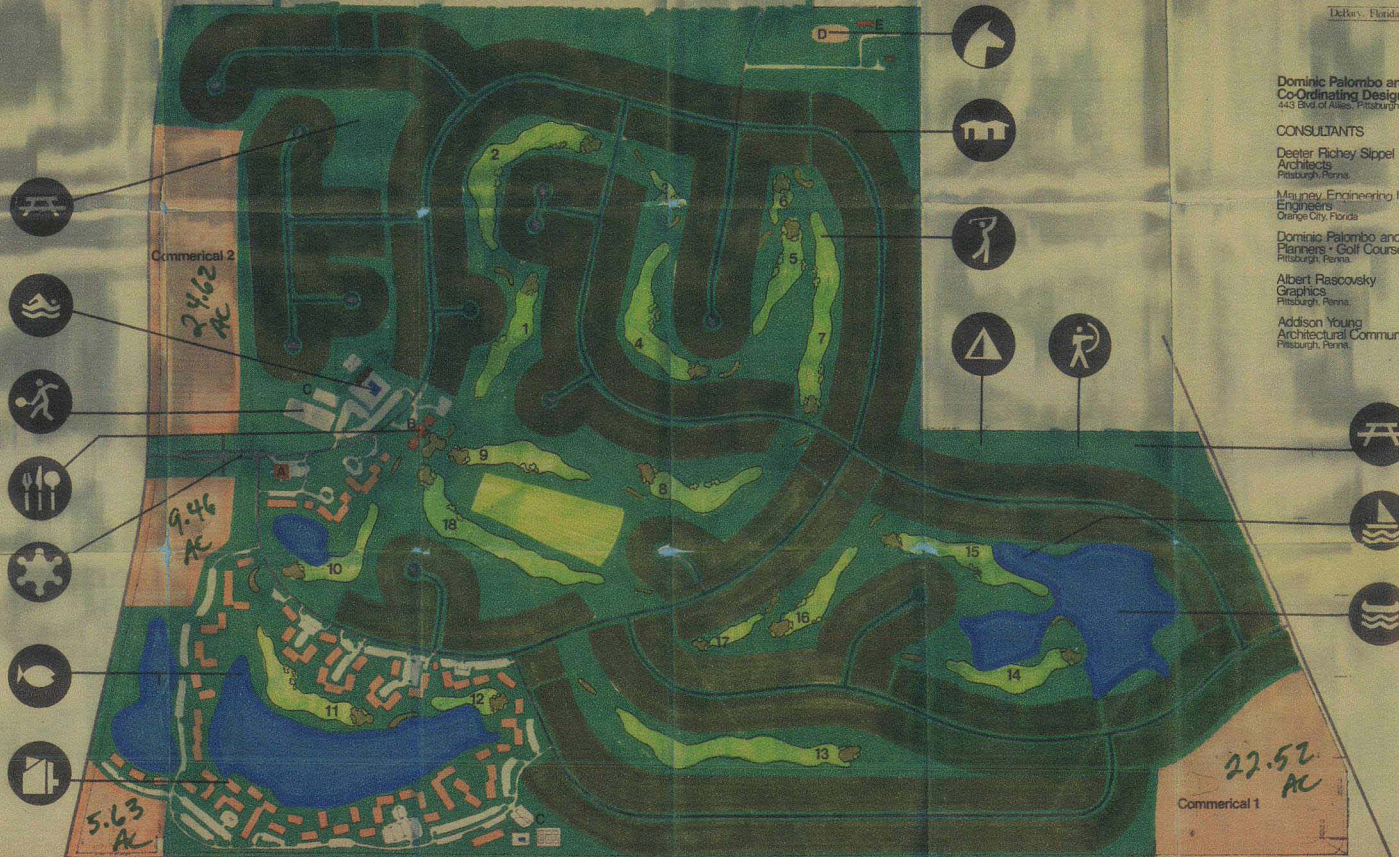
Albert Pascovsky
Graphics
Pittsburgh, Penna.

Addison Young
Architectural Communications
Pittsburgh, Penna.

FUTURE DEVELOPMENT

LEGEND

- A Administration Building
- B Club House
- C Tennis Courts & Pool
- D Horse Ring
- E Stable



SITE PLAN
SWALLOWS
GOLF AND COUNTRY CLUB
APR. 14, 1978

BOOK: 4327
 PAGE: 810
 Diane M. Matousek
 Volusia County, Clerk of Court

EXHIBIT "A"

LEGAL DESCRIPTION

A parcel of land lying in Section 27, Township 10 South, Range 30 East, Volusia County, Florida, described as follows: Commencing at the intersection of the North Right-of-Way line of Highbanks Road and the East Right-of-Way line of U.S. Highway 17-92, run N-12°-30'-50"-E along said East Right-of-Way line a distance of 1685.75 feet to a Point of Curvature on said Right-of-Way line; thence by a curve concave to the left in said Right-of-Way line having a chord bearing of N-08°-20'-21"-E, a chord length of 841.48 feet, a radius of 5779.58 feet, a central angle of 08°-20'-58", and an arc length of 842.23 feet to a point, thence N-89°-39'-03"-E a distance of 715.99 feet to a point; thence by a curve concave to the left having a chord bearing of N-85°-39'-37"-E, a chord length of 248.18 feet, a radius of 1783.11 feet, a central angle of 07°-58'-52", and an arc length of 248.38 feet to a Point of Beginning; thence N-08°-19'-49"-W a distance of 362.38 feet to a point; thence N-42°-26'-45"-E a distance of 400.23 feet to a point; thence S-66°-37'-24"-E a distance of 295.78 feet to a point; thence by a curve concave to the right having a chord bearing of S-48°-31'-58"-W, a chord length of 387.80 feet, a radius of 456.14 feet, a central angle of 50°-18'-43", and an arc length of 400.54 feet to a point; thence S-16°-18'-41"-E a distance of 230.00 feet to a point; thence S-73°-41'-19"-W a distance of 21.52 feet to a Point of Curvature; thence by a curve concave to the right having a chord bearing of S-77°-40'-45"-W, a chord length of 248.18 feet, a radius of 1783.11 feet, a central angle of 07°-58'-52", and an arc length of 248.38 feet to the Point of Beginning, except the Southerly 30 feet which is reserved for roadway purposes. Parcel contains 4.26 acres more or less.

41203
BOOK PAGE
21141203

1979

IN THE COUNTY COUNCIL
OF VOLUSIA COUNTY, FLORIDA

IN RE: APPLICATION OF :
EDWIN P. B. SANDERS, AGENT FOR :
DIVERSIFIED LAND SALES, INC. :

REC'D
COUNTY CLERK
VOLUSIA COUNTY
FLORIDA

OCT 12 12 44 PM '78

087321

RESOLUTION NO. 78-96
RESOLUTION AND ORDER GRANTING REQUEST FOR
AMENDMENT TO ORDER APPROVING REQUEST FOR
CHANGE OF ZONING TO COMMUNITY DEVELOPMENT PLAN

This application, coming to be heard before the County Council
of Volusia County on the 7th day of September, 1978,
and it being found as follows:

1. That the application was duly submitted, proper fee paid,
public hearing therefor duly advertised and all adjacent property
owners were notified of said public hearing, said application being
for an Amendment of the Swallows Community Development Plan, said change
being upon the property described in the Exhibit "A" attached hereto
and made a part hereof;
2. That the application for the Amendment of the Community
Development Plan was properly executed and all required exhibits were
presented by the applicant;
3. That the Amendment of the Community Development Plan as
proposed by the applicant would be compatible with the surrounding
land uses, would not diminish the land values in the area and would
promote the orderly growth of the area. A Land Use Summary has been
prepared and is on file in the Volusia County Legal Department and shall
become a part hereof;

NOW THEREFORE, the County Council of Volusia County, Florida,
does hereby resolve and order that the application for Amendment of the

Zoning

RESOLUTION AND ORDER GRANTING
REQUEST OF EDWIN P. B. SANDERS,
AGENT FOR OWNER, DIVERSIFIED LAND
SALES, INC.

PAGE 2.

Community Development Plan be and is hereby granted, and the Official Regulations and Maps of the West Volusia Zoning District are hereby amended to reflect the zoning changes set forth in this application, which change shall be subject to the following conditions.

1. The applicant shall develop the Community Development Plan in accordance with the preliminary plan which is attached hereto and made a part hereof as Exhibit "B".

2. Within six (6) months from the date of adoption of this Resolution, the applicant shall submit to the County Council through the West Volusia Zoning Commission a final plan, which plan shall include a detailed plat complying with the subdivision regulations of Volusia County and which plat shall conform to the plan set forth in Exhibit "B". If the applicant fails to submit such plan within the time prescribed, this resolution shall be considered null and void and of no effect, and any permits granted thereunder shall be considered null and void.

3. The applicant shall assume the cost of recording this Resolution in the Official Records of Volusia County, Florida.

4. PERMITTED USES:

Except as otherwise provided, use of property which is the subject of this zoning change shall be limited to single family dwellings, multi-family dwellings, commercial, golf course and other recreational uses, as more particularly described in said Exhibit "B" and more fully set forth herein.

PERMITTED ACCESSORY USES:

Accessory buildings or uses incidental to the permitted principal use.

5. SINGLE FAMILY DWELLINGS:

Except as otherwise provided, the following minimum dimensional requirements shall be applicable throughout

RESOLUTION AND ORDER GRANTING
REQUEST OF EDWIN P. B. SANDERS,
AGENT FOR OWNER, DIVERSIFIED LAND
SALES, INC.

PAGE 3.

the Community Development Plan. In the event of any conflict between this Resolution and Exhibit "B", this Resolution shall prevail.

Minimum Lot Size:

Area - 20,000 square feet

Width - 100 feet measured at the building line

Minimum Yard Size:

Front Yard - 30 feet

Rear Yard - 20 feet

Side Yard - In all cases, the minimum side yard shall be eight (8) feet on any one given side. The total of the side yards, added together, however, must be a minimum of 20 feet. For example, if the one side yard of a particular parcel is (8) feet, then the opposite side yard shall be (12) feet.

Maximum Building Height:

Two stories or 35 feet, whichever is less.

Maximum Building Coverage:

The total area covered with buildings on any lot shall not exceed 25% of the total lot area.

Minimum Floor Area:

Twelve hundred (1200) square feet per dwelling unit.

6. MULTI-FAMILY DWELLINGS:

- A. Maximum number of units: 526
- B. Maximum Height: Two stories or 35 feet
- C. Maximum length of buildings: 200 feet

RESOLUTION AND ORDER GRANTING
REQUEST OF EDWIN P. B. SANDERS,
AGENT FOR OWNER, DIVERSIFIED LAND
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D. Minimum required floor area (exclusive of attached
roofed-over porches, carports, terraces, and patios)
per dwelling unit:

One (1) bedroom.	750 sq. ft.
Two (2) bedrooms	950 sq. ft.
Two or more bedrooms	950 sq. ft. plus 150 sq. ft. for each additional bedroom

E. Minimum spacing requirements for buildings:

Side to side	- 25 ft.
Side to front or rear	- 50 ft.
Front to front	- 50 ft.
Rear to rear	- 50 ft.
Front to rear	- 85 ft.
Setback from parking areas	- 10 ft.
Setback from public right-of-way	- 50 ft.
Setback from private drives	- 30 ft.
Setback from project perimeter boundary line	- 50 ft.

F. Minimum number of parking spaces:

Two (2) parking spaces per dwelling unit each
measuring 10 x 20 ft.

G. Minimum setbacks from parking areas and interior drives:

Ten (10) ft. from perimeter boundary line

H. Villas shown on the site plan for Parcel A shall be
defined as single family dwellings on common property
and shall meet all the restrictions in Section 5 above.

Maximum number of villas: 94

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7. COMMERCIAL AREAS:

A. Commercial Area #1

1. Permitted uses: Professional and business offices
2. Development regulations: Same as those required
in the C-1A zoning district

B. Commercial Area #2

1. Permitted uses: Retail sales and services
2. Development regulations: Same as those required
in the C-1 district

C. Commercial Area #3

(Shopping center proposed in site plan for Parcel A
fronting on U.S. 17-92 in the north part of the CDP)

1. Permitted uses:

Retail Sales and services, excluding:

- motor vehicle sales or rental;
- automobile driving schools;
- boat or mobile home sales and services;
- car washes, mini-warehouses, go-kart tracks,
and water slides

Retail specialty shops

Auction parlors

Automotive service stations

Bars

Bowling Alleys

Cafeterias

Employment agencies

Financial institutions

Game rooms or arcades for pool, billiards, pin-ball
machines, juke boxes or other coin-operated

amusements

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Laundry and dry-cleaning pickup stations

Nightclubs

Professional offices

Public uses

Restaurants

Stamp redemption centers

Taxi-cab stands

Theaters

Travel Agencies

2. Minimum yard size:

Front yard - 100 ft.

Rear yard - 50 ft.

Side yard - Interior Lot - 50 ft.

Abutting any street - 100 ft.

3. Off-street parking and loading requirements:

Same as those required in Section 17 of the

West Volusia Zoning Regulations

4. Landscaping:

As required by site plan review

D. Access for vehicles to commercial areas shall be restricted to one access road to a public highway per commercial area.

8. GOLF COURSE:

A. Type - Community membership: Guest privileges

B. Parking for tennis club: Two spaces per court

9. GREEN BELT AREAS

All green belt areas, parks and other common areas not encompassed by the Volusia County subdivision regulations and not privately owned shall be

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maintained by the applicant or its successors or
assigns in interest.

10. The applicant shall conform and comply with all state and
county regulations with regard to health and pollution control.

11. This Resolution shall run with the land and shall be
applicable to any successors in interest to the applicant. In the
event that the applicant desires to make any changes in the plan, he
shall be required to make application to the County Council and a
public hearing shall be held thereon in accordance with Ordinance 74-17
as adopted by the County Council of Volusia County, Florida.

DONE AND ORDERED this 7th day of September,
1978, in open meeting at DeLand, Volusia County,
Florida.

WITNESSES:

Edward J. Mised
Dorothy S. Williamson
Rosellen A. Rowand
Annella H. Mcbrat

[Signature]
CHAIRMAN
[Signature]
COUNTY MANAGER

RESOLUTION AND ORDER GRANTING
REQUEST OF EDWIN P. B. SANDERS,
AGENT FOR OWNER, DIVERSIFIED LAND
SALES, INC.

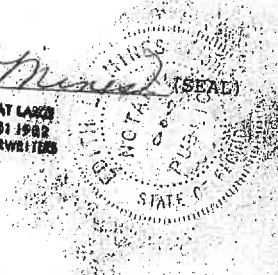
PAGE 8.

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, the undersigned officer duly authorized to take and
certify acknowledgments of deeds in said State and County, hereby
certify that before me came JOHN W. SUMMERS,
Chairman of the County Council and THOMAS C. KELLY,
County Manager of Volusia County, Florida; that said persons so appearing
before me are the individuals described in and who executed the fore-
going Resolution and Order; that their names officially are by them
respectively subscribed thereto.

WITNESS my hand and Official Seal at DeLand,
County of Volusia and State of Florida this 4th day of
October, A. D., 1979.

Edwin P. Sanders
NOTARY PUBLIC STATE OF FLORIDA AT LARGE
BY COMMISSION EXPIRES NOV. 11 1982
BENEFICENT TRUST GENERAL INS. UNDERWRITERS



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PARCEL 1:

That part of the East 1/2 of the Southeast 1/4 and that part of the Northwest 1/4 of the Southeast 1/4, Section 22, Township 18 South, Range 30 East, lying East of U.S. Highway 17-92; and

The Southwest 1/4 of the Southwest 1/4 and the Southeast 1/4 of the Northwest 1/4 of the Southwest 1/4 and the West 1/2 of the Northwest 1/4 of the Southwest 1/4, Section 23, Township 18 South, Range 30 East; and

The North 760 feet of the Northwest 1/4 of the Northwest 1/4, Section 26, Township 18 South, Range 30 East; and

The North 760 feet of the Northeast 1/4 of Section 27, Township 18 South, Range 30 East, lying East of U.S. Highway 17-92.

PARCEL 11:

A parcel of land lying in Section 26 and 27, Township 18 South, Range 30 East, more specifically described as follows: Commencing at the Southeast corner of Section 27, run North $00^{\circ}29'17''$ West along the East line of Section 27 a distance of 530.00 feet to a Point of Beginning; thence South $89^{\circ}41'25''$ West a distance of 1324.62 feet to a point on the North-South centerline of the East 1/2 of Section 27; thence North $00^{\circ}27'24''$ West along said centerline a distance of 4011.13 feet to a point; thence North $89^{\circ}37'21''$ East along a line parallel to and 760.00 feet south of the North line of Section 27, a distance of 1322.41 feet to a point on the East line of Section 27; thence North $89^{\circ}39'28''$ East along a line parallel to and 760.00 feet south of the North line of Section 26 a distance of 1100.00 feet to a point; thence South $00^{\circ}29'17''$ East along a line parallel to and 1100.00 feet east of the West line of Section 26 a distance of 1878.51 feet to a point on the East-South centerline of Section 26; thence South $89^{\circ}23'48''$ West along said centerline a distance of 1100.00 feet to a point on the West line of Section 26; thence South $00^{\circ}29'17''$ East along said West line a distance of 2129.18 feet to the Point of Beginning with the following exceptions:

Exception A:

Commencing at the Southeast corner of Section 27, run North $00^{\circ}29'17''$ West along the East line of Section 27 a distance of 530.00 feet to a Point of Beginning; thence South $89^{\circ}41'25''$ West a distance of 280.00 feet to a point; thence North $55^{\circ}28'28''$ East a distance of 337.89 feet to a point on the East line of Section 27; thence South $00^{\circ}29'17''$ East a distance of 190.00 feet to the Point of Beginning.

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Exception B:

Commencing at the Southeast corner of Section 27, run North $00^{\circ}29'17''$ West along the East line of Section 27 a distance of 1051.33 feet to a Point of Beginning; thence South $78^{\circ}48'46''$ West a distance of 726.88 feet to a point; thence North $72^{\circ}04'11''$ West a distance of 292.66 feet to a point; thence North $58^{\circ}24'15''$ West a distance of 276.64 feet to a point; thence North $28^{\circ}26'48''$ West a distance of 208.74 feet to a point; thence North $00^{\circ}27'24''$ West along the North-South Centerline of the East 1/2 of Section 27 a distance of 295.10 feet to a point; thence South $55^{\circ}15'35''$ East a distance of 209.97 feet to a Point of Curvature; thence by a curve concave to the left having a chord bearing of South $68^{\circ}07'24''$ East, a chord length of 598.30 feet, a central angle of $25^{\circ}43'38''$, a radius of 1343.70, and an arc length of 603.36 feet to a Point of Tangency; thence South $80^{\circ}59'13''$ East a distance of 341.55 feet to a Point of Curvature; thence by a curve concave to the left having a chord bearing of South $88^{\circ}02'53''$ East, a chord length of 262.56 feet, a central angle of $14^{\circ}07'20''$, a radius of 1067.97 feet and an arc length of 263.23 feet to a point on the East line of Section 27; thence South $00^{\circ}29'17''$ East along said section line a distance of 167.60 feet to the Point of Beginning.

Exception C:

Commencing at the Northeast corner of Section 27, Township 18 South, Range 30 East, Volusia County, Florida, designated as Permanent Reference Monument 9; run South $00^{\circ}29'17''$ East, along the East line of said section, a distance of 1214.10 feet to a point; thence run South $79^{\circ}08'20''$ West a distance of 692.48 feet to the intersection of Purple Martin Court and Swallow Lane; thence run North $11^{\circ}26'39''$ East a distance of 144.56 feet, for the Point of Beginning; thence run North $78^{\circ}33'21''$ West a distance of 230.00 feet to a point; thence run North $11^{\circ}26'39''$ East a distance of 100.00 feet to a point; thence run South $78^{\circ}33'21''$ East a distance of 230.00 feet to a point; thence run South $11^{\circ}26'39''$ West a distance of 100.00 feet to the Point of Beginning. Excepting the Easterly 30.00 feet for roadway purposes.

Exception D:

Commencing at the Northeast corner of Section 27, Township 18 South, Range 30 East, Volusia County, Florida, designated as Permanent Reference Monument 9; run South $00^{\circ}29'17''$ East, along the East line of said section, a distance of 2463.04 feet, to a point; thence run South $89^{\circ}39'43''$ East a distance of 369.35 feet to a point; thence run North $59^{\circ}22'47''$ East a distance of 47.83 feet to the Point of Beginning; thence continue North $59^{\circ}22'47''$ East a distance of 90.43 feet to a point; thence run South $30^{\circ}37'13''$ East a distance of 226.69 feet to a point; thence run South $41^{\circ}25'12''$ West a distance of 43.80 feet to a point; thence run South $65^{\circ}24'04''$ West a distance of 61.64 feet to a point; thence North $27^{\circ}32'57''$ West a distance of 234.06 feet to the Point of Beginning. Excepting the North Westerly 30.00 feet for roadway purposes.

Exception E:

Commence at the Northeast corner of Section 27, Township 18 South, Range 30 East, Volusia County, Florida, designated as Permanent Reference Monument 9; run South $00^{\circ}29'17''$ East a distance of 2024.86 feet to a point; thence run South $89^{\circ}30'43''$ West a distance of 342.42 feet to a point; on the centerline of North Pine Meadow Drive; thence North $03^{\circ}44'29''$ West, along said centerline a distance of 675.0 feet to the intersection of Sky High Lane, the Point of Beginning; thence South $89^{\circ}31'15''$ West a distance of 230.38 feet; thence South $03^{\circ}44'29''$ East a distance of 121.29 feet; thence North $86^{\circ}15'31''$ East a distance of 230.0 feet; thence North $03^{\circ}44'29''$ West a distance of 138.23 feet to the Point of Beginning. Excepting the Easterly and Northerly 30.00 feet for roadway purposes.

Exception F:

A parcel of land lying in Section 27, Township 18 South, Range 30 East, Volusia County, Florida, described as follows: Commencing at the intersection of the North right-of-way line of Highbanks Road and the East right-of-way line of U.S. Highway 17-92, run North $12^{\circ}30'50''$ East along said East right-of-way line a distance of 1685.75 feet to a Point of Curvature on said right-of-way line; thence by a curve concave to the left in said right-of-way line having a chord bearing of North $08^{\circ}20'21''$ East, a chord length of 841.48 feet, a radius of 5779.58 feet, a central angle of $08^{\circ}20'58''$ and an arc length of 842.23 feet to a point; thence North $89^{\circ}39'03''$ East a distance of 624.88 feet to a Point of Beginning; thence North $89^{\circ}39'03''$ East a distance of 91.11 feet to a Point of Curvature; thence by a curve concave to the left having a chord bearing of North $84^{\circ}59'11''$ East, a chord length of 290.01 feet, a central angle of $09^{\circ}19'44''$, a radius of 1783.11 feet; and an arc length of 290.33 feet to a point; thence South $00^{\circ}01'51''$ West a distance of 233.58 feet; thence South $89^{\circ}39'03''$ West a distance of 394.59 feet to a point; thence by a curve concave to the left having a chord bearing of North $06^{\circ}40'58''$ East, a chord length of 125.95 feet, a central angle of $13^{\circ}18'14''$, a radius of 543.63 feet, and an arc length of 126.23 feet to a point; thence North $00^{\circ}01'51''$ East, a distance of 85.00 feet to the Point of Beginning, except the Northerly and Westerly 30.00 feet which is reserved for roadway purposes.

Exception G:

A parcel of land lying in Section 27, Township 18 South, Range 30 East, Volusia County, Florida, described as follows: Commencing at the intersection of the North right-of-way line of Highbanks Road and the East right-of-way line of U.S. Highway 17-92, run North $12^{\circ}30'50''$ East along said East right-of-way line a distance of 1685.75 feet to a Point of Curvature on said right-of-way line; thence by a curve concave to the left in said right-of-way line having a chord bearing of North $08^{\circ}20'21''$ East, a chord length of 841.48 feet, a radius of 5779.58 feet, a central angle of $08^{\circ}20'58''$ and an arc length of 842.23 feet to a point; thence North $89^{\circ}39'03''$ East a distance of 715.99 feet to a point; thence by a curve concave to the left having a chord bearing of North $85^{\circ}39'37''$ East, a chord length of 248.18 feet, a radius of 1783.11 feet, a central angle of $07^{\circ}58'52''$, and an arc length of 248.38 feet to a Point of Beginning;

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Exception G(cont'd.):

thence North $08^{\circ}19'49''$ West a distance of 362.38 feet to a point;
thence North $42^{\circ}26'45''$ East a distance of 400.23 feet to a point;
thence South $66^{\circ}37'24''$ East a distance of 295.78 feet to a point;
thence by a curve concave to the right having a chord bearing of
South $48^{\circ}31'58''$ West, a chord length of 387.80 feet, a radius of
456.14 feet, a central angle of $50^{\circ}18'43''$, and an arc length of
400.54 feet to a point; thence South $16^{\circ}18'41''$ East a distance of
230.00 feet to a point; thence South $73^{\circ}41'19''$ West a distance of
21.52 feet to a Point of Curvature; thence by a curve concave to
the right having a chord bearing of South $77^{\circ}40'45''$ West, a chord
length of 248.18 feet, a radius of 1783.11 feet, a central angle of
 $07^{\circ}58'52''$, and an arc length of 248.38 feet to the Point of Begin-
ning, except the Southerly 30 feet which is reserved for roadway
purposes.

Subject to terms and conditions of land lease (known as Golf Course
Lease) given by LTP Properties, Inc. to J. R. Costin, dated May 10,
1973 and recorded June 7, 1973 in Official Records Book 1600, Page 467,
Public Records of Volusia County, Florida.

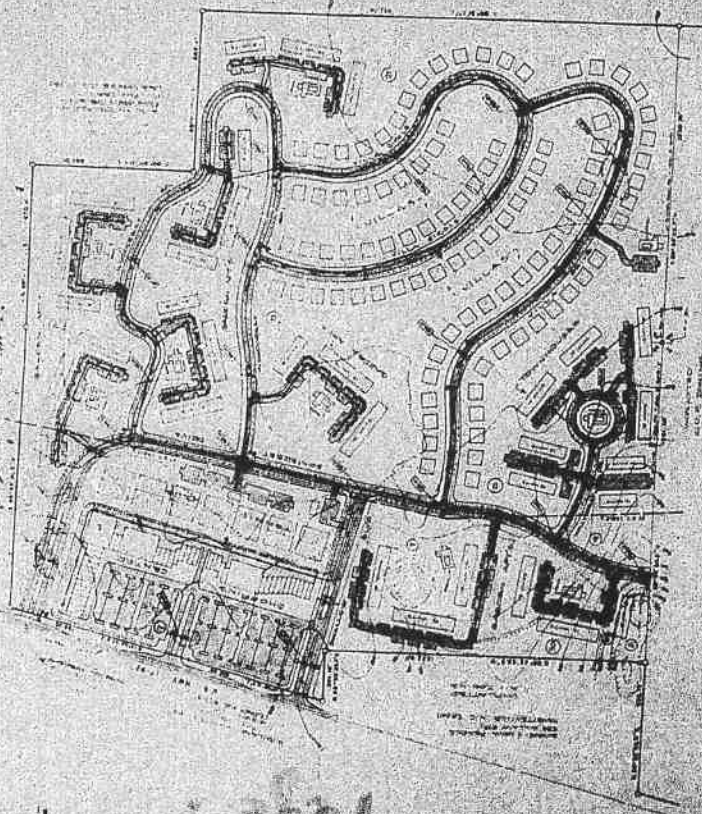
Subject to cable easement in Sections 22 and 27, Township 18 South,
Range 30 East, held by American Telephone and Telegraph Company,
unrecorded as to Sections 22 and 27, except for Deed filed in Deed
Book 430, Page 437, Public Records of Volusia County, Florida.

Subject to easements granted to Florida Power Corporation per Official
Records Book 1750, Page 1487 and Official Records Book 1886, Page 771,
Public Records of Volusia County, Florida.

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Vertical text on the left side of the page, possibly a page number or reference code.

Handwritten text: "Exhibit" and "Page 1" written in a cursive style.

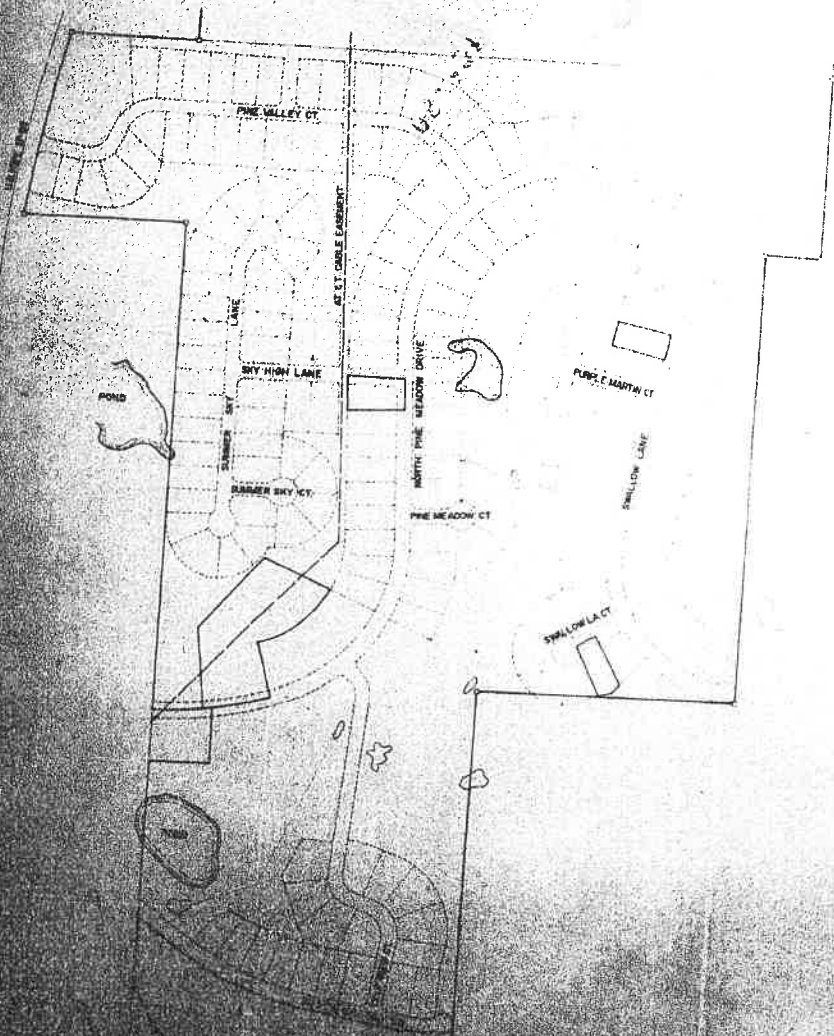
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21141216

BOOK PAGE

Exhibit

THE SWALLOWS
OVERLAY SHEET PLAN



FERRARA ENGINEERING INC
 CONSULTING ENGINEERS AND LAND SURVEYORS
 100 S. 7th St. P.O. Box 1074, Milwaukee, WI 53233

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

<p>Subject: Comprehensive Update on Development, Transportation & Other Capital Improvements, Stormwater and Strategic Initiative Projects</p> <p>From: Carmen Rosamonda, City Manager</p> <p>Meeting Hearing Date April 17, 2024</p>	<p>Attachments:</p> <p><input type="checkbox"/> Ordinance</p> <p><input type="checkbox"/> Resolution</p> <p><input type="checkbox"/> Supporting Documents/ Contracts</p> <p><input checked="" type="checkbox"/> Other</p>
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REQUEST

City Manager is requesting City Council hear presentations, discuss and provide guidance on Current Development Growth, Transportation and Other Capital Improvement Initiatives, Stormwater Projects and Council Strategic Initiatives.

PURPOSE

The purpose is to provide Council and public a comprehensive update on all of the City’s initiatives and community projects.

CONSIDERATIONS

- Presentation on the current Development Projects in the City
- Presentation on the current Transportation and Other Capital Projects in the City.
- Presentation on the current Stormwater Projects in the City
- Presentation on the current Council’s Strategic Initiatives

COST/FUNDING

N/A

RECOMMENDATION

It is recommended the City Council review, discuss and provide guidance on these projects and initiatives.

IMPLEMENTATION

Based upon Council’s review, discussion and guidance, Staff will adjust accordingly.

ATTACHMENTS

N/A