



**GROWTH AND RESOURCE MANAGEMENT DEPARTMENT
PLANNING AND DEVELOPMENT SERVICES DIVISION
CURRENT PLANNING ACTIVITY**
123 W. Indiana Avenue, DeLand, FL 32720
(386) 736-5959

PLDRC HEARING: July 12, 2016 - Planning and Land Development Regulation Commission (PLDRC)

CASE NO: PUD-16-011

SUBJECT: Rezoning from Urban Single-Family Residential (R-4) to Residential Planned Unit Development (RPUD)

LOCATION: West Lisbon Parkway, DeLand

APPLICANT: Darcy Unroe, PE

OWNER: Mike Davis, Lisbon Holding, LLC

STAFF: Susan Jackson, AICP, Senior Planning Manager

I. SUMMARY OF REQUEST

The applicant is requesting a rezoning from Urban Single-Family Residential (R-4), to Residential Planned Unit Development (RPUD) for the purposes of obtaining a density bonus allowed for the provision of affordable housing, on 3.76 acres located on west Lisbon Parkway, DeLand.

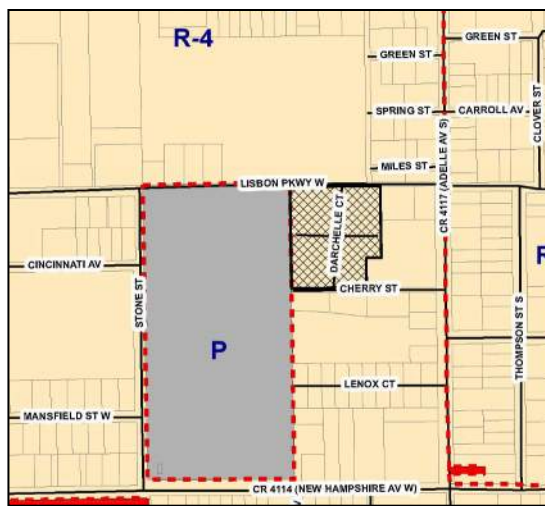
Staff Recommendation: Forward to the county council for final action with a recommendation of approval with staff recommended conditions.

II. SITE INFORMATION

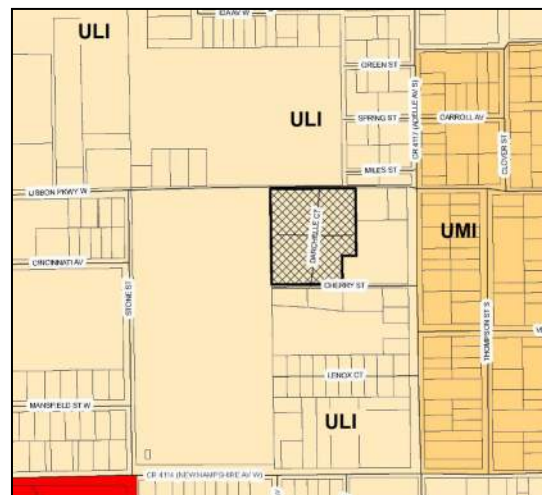
1. Location: The property is located on the south side of West Lisbon Parkway and the north side of Cherry Street, adjacent to Southwestern Middle School on the west, and approximately 300 feet west of Adelle Avenue South, on the south side of the city of DeLand.
2. Parcel No: 7020-11-00-0010
3. Property Size: 3.86 acres
4. County Council District: 1
5. Zoning: Urban Single-Family Residential (R-4)
6. FLU Designation: Urban Low Intensity
7. ECO Map: No
8. NRMA Overlay: No
9. Adjacent Zoning and Land Use:

Direction	Zoning	Future Land Use	Existing Use
North	R-4	Urban Low Intensity	Large vacant/wooded parcel directly north, single-family house to the northwest, single-family homes to the northeast.
East	R-4	Urban Low Intensity	Single-family house on northeast side, large vacant/wooded parcel on southeast side.
South	R-4	Urban Low Intensity	Large vacant/wooded parcels directly south, single-family homes to the southeast, Southwestern Middle School to the southwest.
West	Public	Urban Low Intensity	Southwestern Middle School

10. Location Maps



ZONING MAP



FUTURE LAND USE MAP

III. BACKGROUND

The subject property is a single parcel of 3.86 acres. In the past, the site contained approximately 14 farmworkers living quarters; however, as of the 2008 tax rolls, all the buildings have been demolished. There were two roads that served as access to the living quarters, and which remain on the parcel; Beatrice Lane and Darchelle Court. These roads form a cross intersection in the middle of the parcel. Darchelle Court intersects Lisbon Parkway on the north and runs southward. Beatrice Lane runs east and west within the parcel, crossing Darchelle Court roughly in the middle.



With the exception of the existing roads, the parcel is now vacant, and partially wooded. Lisbon Holdings purchased the property in 2014 with the intention of developing affordable rental housing on the site. In order to make the project viable, the developers desire to take advantage of the density bonus allowed per the Volusia County comprehensive plan policy, as follows:

Policy 1.3.3.3 To foster the creation of housing for very low, low and moderate income groups, a density bonus will be permitted for projects that are certified by Community Services and are processed through the Planned Unit Development process. Below are the increased densities for the following designations when such housing is to be constructed:

- Low Impact Urban (increase up to 5 du's/ac)
- Urban Low Intensity (increase up to 8 du's/ac)
- Urban Medium Intensity (increase up to 14 du's/ac)
- Urban High Intensity (cannot exceed 20 du's/ac)

Density bonuses may be transferred among the above four designations when located in a unified development.

The site contains a future land use designation of Urban Low Intensity, which allows a normal density of 0.2 to four (4) dwelling units per acre. On a 3.86 acre parcel, the maximum yield would be 15 dwelling units. The maximum affordable housing density bonus allows up to an additional four (4) dwelling units per acre, for a total of eight (8) dwelling units per acre in this land use designation. With this bonus, the site could potentially yield up to 30 dwelling units.

In order to receive an affordable housing density bonus, the project must be certified by the Community Services division. To that end, the applicant must submit a Self-Certification – Affordable Housing Development form, to be approved by the Community Assistance director. The certification requires that construction for all certified units must commence within one (1) year of certification approval, otherwise the approval shall expire. Based on the density being requested by the developer, the commitment made by the self-certification must be for 15 units. The applicant is in the process of obtaining this certification.

Also, an affordable housing density bonus requires that the project be processed as a planned unit development. Thus, the applicants have submitted a preliminary plan and development agreement, which together form the masterplan for the project. The preliminary plan has been reviewed by county development review staff to identify any development issues in advance of site plan submittal and permitting. The development agreement has been reviewed and revised by staff and agreed to by the applicant. Both these items are discussed in more detail below.

Compatibility issues with surrounding properties could arise due to the incentive for providing affordable housing being a density bonus within the land use designation. The bonus being requested is an additional four (4) dwelling units per acre, which will result in a maximum of eight (8) dwelling units per acre. When allowing such a density bonus, sensitivity to surrounding properties is important. In this case the subject property is adjacent to the Southwest Middle School along its western boundary, which should pose no conflicts. Adjacent to the north, east and south sides is primarily vacant/wooded properties, with a few single family homes nearby. Even so, the area is designated Urban Low Intensity and zoned R-4. The expected development pattern would be single-family residential, with minimum 7,500-square foot lots. If the density bonus is approved, the subject property will be a pocket of higher density within the R-4 zoning classification. However, just 300 feet east is Urban Medium Intensity future land use and R-5 zoning. This land use designation and zoning classification allow up to 8 dwelling units per acre. Thus, the proposed development is not anticipated to be incompatible at this location. Nevertheless, to reduce potential conflicts between the proposed development and adjacent properties, a 15-foot landscaped buffer containing canopy, understory trees and shrubs, and a six (6)-foot high masonry or brick wall, is required per the proposed development order.

The project site is located within Spring Hill Community Redevelopment Area (CRA). This CRA was established in 2004 and includes both the City of DeLand and Volusia County jurisdictions. It is an area that has been identified as blighted and economically challenged. Since the downturn of the economy in 2008, the CRA has struggled to maintain its tax base and thus secure dedicated funding through the tax increment financing mechanism. The taxable value of properties within the area has been stagnant during the past six (6) years. Future funding of the CRA is jeopardized due to the difficulty of the area to increase in taxable value. Development of this property will improve its property assessment and thereby increase the tax increment that is dedicated to the CRA. The intent of the CRA is to bolster property values and improve conditions within the area. Development of this project is compatible with the purpose of the CRA.

Further, the initial Blight Study conducted for the establishment of the CRA found that the median income for Spring Hill area residents is approximately 61% of the median income of

Volusia County residents in general. A greater number of individuals and families live at poverty levels within this community than within the county as a whole. As a consequence, a greater share of incomes are spent on housing. The proposed project is well placed for meeting needed affordable housing in the area.

IV. REVIEW CRITERIA AND ANALYSIS

The applicant is seeking this rezoning to Residential Planned Unit Development (RPUD), in accordance with the comprehensive plan, to obtain a density bonus in exchange for the provision of affordable housing. Staff has reviewed the proposed Master Development Plan that consists of a preliminary plan and a written development agreement.

Preliminary Plan

The preliminary plan, dated June 20, 2016, depicts the proposed multi-family development. There are eight (8) buildings situated to access the existing streets, Beatrice Lane and Darchelle Court. A total of 30 dwelling units are proposed. Six (6) of the buildings contain four (4) dwelling units, one (1) building contains five (5) dwelling units, and one (1) building contains two (2) dwelling units.

The development is accessed from West Lisbon Parkway, which abuts the north side of the property. A potential for secondary emergency access exists to Cherry Street, on the southeast corner, although the right-of-way is insufficient. Cherry Street will dead-end into the development, and a designed turn-around mechanism will be provided.

The plan meets parking regulations. There are 76 parking spaces provided, including eight (8) handicapped spaces.

The plan meets open space requirements. An RPUD is required to provide 20% common open space. There is a designated recreational area in the south west portion of the site. The remainder is provided by the open space around the retention ponds, buffers and buildings.

Setbacks are proposed as 25 feet on the front (north) and rear (south), and 16 feet on the east and west sides. Landscaping will be provided within the setback/buffer areas per the development agreement.

There are two historic trees on site. The development has been designed so as to maintain these trees.

Development Agreement

The key elements of this development agreement reflect the specific conditions for the development of the property as depicted on the preliminary plan and further requirements that must be met in order to achieve the full dwelling unit density bonus.

Land uses within the RPUD are limited to Multifamily Residential Standard Dwellings, with a maximum number of dwelling units capped at 15. A density bonus may be granted,

subject to the number of units being dedicated to affordable housing. The agreement proposes that the full density bonus is not granted unless 50% or greater number of units are set aside as affordable. In this case 15 units would have to be affordable in order to be able to develop to the full density bonus. The applicant has submitted a self-certification that commits 15 units, or 50%, as affordable and therefore is eligible for the full density bonus.

The property shall remain under unified ownership and construction will be in one phase.

Development standards including setbacks, building height, building separation, minimum floor area, landscaping buffers, parking, signage, illumination, and open space are set forth and generally in line with standard code requirements.

Access and transportation system improvements require that the project site will be accessed via West Lisbon Parkway. Access to Cherry Street shall be closed to through-traffic. The developer shall provide a cul-de-sac or other means for turn-around movements at the western end of Cherry Street.

All utilities shall be provided underground.

The developer is to ensure that a certain percentage of the units shall be maintained as affordable, in accordance with the density bonus, by recordation of a deed restriction, lien, covenant, or other similar instrument. This document shall be submitted to the Growth and Resource Management Department prior to issuance of the final site plan development order.

Zoning Amendment Criteria

Section 72-414(e) of the zoning code includes the following criteria for review of rezoning applications:

(1) *Whether it is consistent with all adopted elements of the comprehensive plan.*

The request is consistent with the comprehensive plan. The purpose of the RPUD zoning is to gain a density bonus based on the provision of affordable housing. The site has a future land use designation of Urban Low Intensity. This designation allows a density range of 0.2 to four (4) dwelling units per acre. Subject to policy 1.3.3.3, this land use may achieve a density bonus of up to four (4) additional units per acre, for a total of (8) dwelling units per acre.

Policy 1.3.3.3

To foster the creation of housing for very low, low and moderate income groups, a density bonus will be permitted for projects that are certified by Community Services and are processed through the Planned Unit Development process. Below are the increased densities for the following designations when such housing is to be constructed:

Low Impact Urban (increase up to 5 du's/ac)
 Urban Low Intensity (increase up to 8 du's/ac)
 Urban Medium Intensity (increase up to 14 du's/ac)
 Urban High Intensity (cannot exceed 20 du's/ac)

Density bonuses may be transferred among the above four designations when located in a unified development.

Other policies that support affordable housing include the following:

- 1.3.3.2 The Future Land Use Element shall allow for various types, sizes and costs of dwelling units in any designation that allows residential uses.
- 1.3.3.5 Affordable housing is considered compatible with all residential zoning classifications, including farmworker living facilities in rural and agricultural areas. It should be considered as one of the preferred uses for urban infill development.
- 5.1.2.2 Volusia County shall continue to develop and implement incentive programs to encourage the private sector to participate in the provision of affordable housing.
- 5.1.6 Volusia County shall offer incentives to assist in the provision of affordable housing and preservation of significant historic housing.
- 5.1.6.2 Volusia County shall continue to use a density bonus program that encourages the private sector to provide affordable housing for very low, low, and moderate income persons. Said density bonus shall amount to at least a 10% increase for projects that provide very low and low income housing needs, provided that increased density is consistent with environmental and concurrency goals set forth in this plan.

(2) Its impact upon the environment or natural resources.

Approval of this rezoning will not impose additional impacts to the environment or natural resources. This site was previously developed with at least 14 farmworker housing units. The units have been demolished, however the access roads still exist. It is not within the Natural Resource Overlay or Environmental Core Overlay, or the 100-year Flood Plain. The site contains two historic trees that the developer has committed to protecting throughout the development process. Development of the site shall be required to meet all zoning and land development code requirements, as well as applicable state, federal and local regulations. Any impacts to the environment will be addressed during the development review and permitting processes.

(3) Its impact upon the economy of any affected area.

The proposed development is within the Spring Hill CRA area. This area has historically been considered economically disadvantaged. Development of this site is expected to have a positive effect on the CRA and the local economy. The property contributes little to the

CRA tax base in its current vacant/unkempt state. A new development is expected to increase the property value and the tax increment contribution that is funneled back into the CRA.

(4) Notwithstanding the provisions of division 14 of the Land Development Code [article III], its impact upon necessary governmental services such as schools, sewage disposal, potable water, drainage, fire and police protection, solid waste or transportation systems.

Traffic Engineering has reviewed the proposed development and finds there is adequate capacity on the area roadway network to accommodate the additional 57 average daily trips that the proposed rezoning would generate if approved. (See attached Traffic Engineering Memorandum.)

The Volusia County School District has reviewed the application and has determined that adequate capacity exists in the impacted schools. (See attached Volusia County School Board letter.)

Solid Waste capacity exists to serve this development. The adopted level of service standard for solid waste capacity is a minimum of 5 years of construction life. Volusia County's Tomoka Landfill site has permitted capacity well beyond 5 years and a construction capacity well beyond 2050.

Drainage and stormwater shall be addressed during the site plan review process and shall meet the requirements of Article III, Division 8, Stormwater Management, of the Land Development Code.

The site will be served by City of DeLand utilities.

(5) Any changes in circumstances or conditions affecting the area.

The property was part of Hutchinson's Subdivision and contained five (5) lots or portions of lots. This subdivision was platted prior to the enactment of subdivision regulations. In preparation for the rezoning application, the new owners applied to combine the lots through the exempt subdivision process. The property is now one (1) development parcel, known as Davis Unrecorded #15 (2016-S-EXM-0076), approved in February 2016.

(6) Any mistakes in the original classification.

There are no known mistakes in the original classification.

(7) Its effect upon the use or value of the affected area.

As discussed above, the subject property is within the Spring Hill CRA. The proposed development is anticipated to have a positive impact on the property values and commensurate tax increment dedicated to funding the CRA. The property has lain barren and unkempt since 2008 when the last of the dilapidated houses was removed from the

site. Discarded mattresses, furniture and other debris litter the site. New construction will improve the value of the affected area.

(8) Its impact upon the public health, welfare, safety, or morals.

This rezoning is in the best interest of the public health, welfare and safety as it will incentivize an affordable housing development that will serve an area, Spring Hill, where such development is beneficial to area residents.

V. STAFF RECOMMENDATION

Staff recommends that the commission forward the rezoning request from Urban Single-Family Residential (R-4) zoning classification to Residential Planned Unit Development (RPUD) zoning classification to the county council with a recommendation of approval, subject to the attached resolution and development agreement, and with the following conditions:

1. Prior to the county council public hearing, the developer shall submit the approved Self-Certification - Affordable Housing Development form, committing to a minimum of 15 dwelling units being reserved for affordable housing.
2. Upon approval of the rezoning, and prior to issuance of the final site plan development order, the applicant shall commit to maintaining the aforementioned housing units as affordable housing units pursuant to a deed restriction, lien, covenant, or other similar instrument. Said instrument shall be recorded in the Volusia County Public Records and shall run with the land. A copy of the instrument, bearing the book and page number of the Official Record in which the instrument was recorded, shall be submitted to the Growth and Resource Management.
3. Development shall be in one phase and commence within one year of the date of approval of the Self-Certification - Affordable Housing Development form. If construction has not commenced by this date, the Self-Certification approval shall expire and therefore approval of this Development Agreement shall expire. Should an extension be granted for the Self-Certification by the Volusia County Community Assistance Director, the Development Agreement shall also be extended commensurately.

VI. ATTACHMENTS

- Order and Resolution
- Development Agreement
- Transportation Engineering Memorandum
- Volusia County School Board comments
- Survey
- Site Photographs
- Map Exhibits

VII. AUTHORITY AND PROCEDURE

Pursuant to Section 72-414, the county council shall hold a public hearing after due public notice on all recommendations from the commission. It may accept, reject, modify, return, or seek additional information on those recommendations. No approval of a rezoning application shall be made unless, upon motion, four members of the county council concur. The county council will thereafter forward its decision to the applicant.

Any new information presented at the planning and land development regulation commission for any application will be grounds to continue an application to the next planning and land development regulation commission. Applicants shall inform and provide staff with the new information prior to the planning and land development regulation commission.

Any new information presented at the county council meeting not previously presented to the planning and land development regulation commission for any application will be grounds to return an application to the planning and land development regulation commission for further review. Applicants shall inform and provide staff with the new information prior to the council meeting.

RESOLUTION 2016-____

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, APPROVING PUD-16-011 AND AMENDING THE OFFICIAL ZONING MAP OF VOLUSIA COUNTY, FLORIDA, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN HEREIN DESCRIBED PROPERTY FROM THE URBAN SINGLE-FAMILY RESIDENTIAL (R-4) CLASSIFICATION TO THE RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) CLASSIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the application of Lisbon Holdings, LLC hereinafter, "Applicant," for rezoning was heard by and before the Volusia County Council, Volusia County, Florida, on _____ . Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations of the Growth and Resource Management Department, Legal Department, and other Departments and agencies of Volusia County; and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning and Land Development Regulation Commission on July 12, 2016, and otherwise being fully advised, the Volusia County Council does hereby find and determine as follows:

A. That the application of Lisbon Holdings, LLC was duly and properly filed herein on December 11, 2015, as required by law.

B. That the Applicant has applied for a change of zoning classification from Urban Single-Family Residential (R-4) to Residential Planned Unit Development (RPUD) for the parcel described in Exhibit "A" to the Development Agreement for case PUD-16-011, Lisbon Parkway Townhomes.

C. That all fees and costs that are by law, regulation, or ordinance required to be borne and paid by the applicant have been paid.

D. That the applicant is the Owner or authorized representative of the Owner of a 3.76 acre parcel of land, which is situated in Volusia County. This parcel of land is described more particularly in the legal description, a true copy of which is attached as Exhibit "A" to the Development Agreement, and depicted on the property survey attached as Exhibit "B" to the Development Agreement, for case PUD-16-011.

E. That the Applicant has held a pre-application meeting as required by Chapter 72, County Code of Ordinances, as amended.

F. That the Applicant has complied with the "Due Public Notice" requirements of Chapter 72, County Code of Ordinances, as amended.

G. That the said rezoning to RPUD is consistent with both the Volusia County Comprehensive Plan and the intent and purpose of the Zoning Ordinance of Volusia County, Florida ("zoning code"), as codified in article II of Chapter 72, Code of Ordinances, and does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

H. That the owner of the property, **Lisbon Holdings, LLC** agrees with the provisions of the Development Agreement, which is attached hereto as Exhibit "1."

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN AN OPEN MEETING DULY ASSEMBLED IN THE THOMAS C. KELLY COUNTY ADMINISTRATION BUILDING, COUNTY COUNCIL MEETING ROOM, DELAND, FLORIDA, THIS _____ OF _____, A.D., _____, AS FOLLOWS:

A. That the Application of **Lisbon Holdings, LLC** for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Exhibit "A" to the Development Agreement is hereby amended from the Urban Single-Family (R-4) classification to the Residential Planned Unit Development (RPUD) classification as described in zoning code.

C. That the Official Zoning Map of Volusia County is hereby amended to show the rezoning of said parcel to Residential Planned Unit Development (RPUD).

D. With respect to any conflict between the zoning code and this Resolution or the attached Development Agreement, the provisions of this Resolution and Development Agreement shall govern. The zoning code shall govern with respect to any matter not covered by this Resolution or the Development Agreement. The Volusia County Zoning Enforcement Official will ensure compliance with this Resolution and the Development Agreement.

E. Unless otherwise provided in paragraph D, nothing in this Resolution or the Development Agreement shall abridge the requirements of the Code of Ordinances, County of Volusia. Timing and review procedures contained in this Resolution and the Development Agreement may be modified to comply with the Land Development Code of

Volusia County, Florida, as codified in article III of Chapter 72, Code of Ordinances, County of Volusia (“land development code”).

EFFECTIVE DATE. This resolution shall take effect immediately upon adoption by the council.

DONE AND ORDERED IN OPEN MEETING.

ATTEST:

**COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA**

James T. Dinneen, County Manager

Jason Davis, County Chair

Please return recorded document to:

Volusia County
Growth and Resource Management
123 W. Indiana Ave., Room 202
Deland, FL 32720

EXHIBIT "1"

DEVELOPMENT AGREEMENT **(PUD-16-011, Lisbon Parkway Townhomes)**

A. Development Concept. The property shall be developed as a Residential Planned Unit Development substantially in accordance with the Master Development Plan. The Master Development Plan shall govern the development of the property and shall regulate the future use of this parcel as a single phase multifamily development.

1. Master Development Plan. The Master Development Plan shall consist of the Preliminary Plan prepared by Unroe Engineering, Inc., dated June 20, 2016, and this Development Agreement (hereinafter "Agreement"), along with any attachments thereto. The Preliminary Plan is hereby approved and incorporated in this Agreement by reference as Exhibit "C." The Master Development Plan shall be filed and retained for public inspection in the Growth and Resource Management Department and shall constitute a supplement to the Official Zoning Map of Volusia County.

2. Amendments. All amendments of the Master Development Plan, other than those deemed by the Zoning Enforcement Official's reasonable opinion to be minor amendments, in accordance with section 72-289 of the zoning code, shall require the review and recommendation of the Planning and Land Development Regulation Commission and action by the Volusia County Council in the same manner as a rezoning of the parcel.

3. Subdivision Approval. This parcel shall be maintained as one lot under single ownership and shall not be approved for subdivision.

4. Final Site Plan Approval. After the Preliminary Plan is recorded, and prior to issuance of any permits for construction, including clearing and landfill, a Final Site Plan shall be prepared and submitted for review and approval in the manner required by the land development code, as amended. The preliminary plan, attached as Exhibit "C", meets the minimum submittal requirements of a Conceptual Site Plan application in accordance with land development code. Therefore, the Master Development Plan shall be in-lieu of a Conceptual Site Plan application, and the owner/developer is authorized to proceed with submittal of a Final Site Plan application once this Order and Resolution has been recorded.

In accordance with the Self-Certification - Affordable Housing Development form, attached hereto as Exhibit D, the Final Site Plan shall be approved and construction commenced on all certified affordable housing units within one year of Certification approval. If construction of the units has not commenced by this time, the Certification approval shall expire and therefore approval of this Agreement shall expire. The Certification was approved by the Volusia County Community Assistance Director on _____. Should this expiration date be extended by the Community Assistance Director, the Agreement may also be extended for a commensurate period.

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

C. Phases of Development. The development of the RPUD, as shown on the Preliminary Plan, shall occur in one (1) phase.

D. Land Uses within the PUD. The development of the parcel shall be consistent with the uses prescribed for each area within the proposed RPUD. The locations and sizes of said land use areas are shown on the Preliminary Plan, Exhibit "C", consistent with the Master Development Plan.

The subject parcel shall be used only for the following uses and their customary accessory uses or structures:

1. Permitted Uses:

a. Multifamily Residential Standard Dwellings.

Maximum number of residential dwelling units: 15

A density bonus may be permitted subject to certification by Community Services that the development intends to provide affordable housing for very low, low and moderate income groups.

The density bonus shall be graduated based on the percentage of units being set aside as affordable units as follows:

Number dwelling units dedicated to affordable housing	Dwelling Units per Acre	Maximum number of dwelling units per project site (3.76 acres)
0 – 9%	4	15
10-19%	5	19
20% - 34%	6	23
35% - 49%	7	26
50% or greater	8	30

b. Park and recreation areas accessory to the multifamily project.

E. Development Standards.

1. Minimum lot area: 3.76 acres
2. Minimum Perimeter building/structure setbacks:
 - a. Front yard (north side): 25 feet
 - b. Rear yard (south side): 25 feet
 - c. Side yard (east and west sides): 16 feet
3. Internal Building/structure setbacks: 10 feet

No building shall be located closer than ten (10) feet from any interior street, drive or off-street parking area.

4. Maximum lot coverage: 35 %
5. Maximum building height: 35 feet
6. Maximum Building length and width: 200 feet
7. Minimum building separation distance: 20 feet
8. Minimum floor area per residential unit:
 - a. Studio or efficiency unit: 480 square feet
 - b. One bedroom unit: 575 square feet
 - c. Each additional bedroom: 150 square feet

9. Landscape Buffer requirements: Required landscaping shall comply with the minimum requirements of Section 72-284 of the zoning code as amended, except as otherwise stated in this document. At least 50% of required landscaping shall be native species that is drought tolerant.

- a. North side buffer: 15 feet wide consisting of 4 group A, 4 group B and 27 group C or D from the approved plant material guide per

each 100 linear feet.

- b. East side buffer: 15 feet wide consisting of a continuous 6-foot high brick or masonry wall; and landscape material consisting of 4 group A, 4 group B, and 27 group C or D from the approved plant material guide per each 100 linear feet.
- c. South side buffer: 15 feet wide consisting of a continuous 6-foot high brick or masonry wall; and landscape material consisting of 4 group A, 4 group B, and 27 group C or D from the approved plant material guide per each 100 linear feet.
- d. West side buffer: 15 feet wide consisting of a continuous 6-foot high brick or masonry wall; and landscape material consisting of 4 group A, 4 group B, and 27 group C or D from the approved plant material guide per each 100 linear feet.

10. Off-street parking and loading requirements: Off-street parking and loading requirements shall be in accordance with Section 72-286 of the zoning code and Section 72-618 of the land development code, as amended. A minimum of two (2) parking spaces per dwelling unit shall be provided, of which three (3) spaces shall be designated as handicapped spaces.

11. Signage requirements: Signs shall comply with applicable requirements of the zoning code as amended, including, Section 72-298 *Sign regulations* unless otherwise stated by this document. Per section 72-298(7)a.2 of the zoning code, the maximum allowable sign copy area permitted per premises is 16 square feet. The maximum sign height shall not exceed eight (8) feet.

12. Illumination: To minimize obtrusive aspects of excessive and/or nuisance outdoor light usage, while preserving safety, security and the nighttime use and enjoyment of the property, the following apply:

- a. A signed and sealed illumination plan shall be submitted with the Final Site Plan application.
- b. In no case shall illumination from the property increase the level of illumination at the property lines by more than half (0.5) fc.
- c. All light fixture including wall and surface mounted luminaries shall be installed and maintained in such a manner that is fully-shielded down.
- d. Curfew: all external lighting shall be reduced by 50% after 11pm until sunrise.
- e. The illumination plan shall not exceed 70,000 lumens per acre (average 1.6 fc).
- f. Light fixtures shall be decorative in appearance and compliment the architectural style of the building. Light poles shall not exceed 20 feet in height.

13. Common Open Space Requirements: A minimum of 20% of the RPUD area shall be common open space, useable by all residents of the development. Common open space shall consist of a recreation area and other open spaces shown on the Preliminary Plan, in compliance with the minimum requirements of Section 72-289 (4) *Open Space Requirements* of the zoning code, as amended. Maintenance of all common

open space areas shall be the responsibility of the owner and/or manager of the RPUD project.

F. Environmental Considerations. The minimum environmental requirements of Chapter 72 of the Code of Ordinances, County of Volusia, as amended, shall be met.

The site contains two (2) historic trees as shown on the master development plan. These trees shall be preserved and protected during the site development as specified in section 72-844 of the land development code.

G. Sewage Disposal and Potable Water Facilities. Provisions for sewage disposal and potable water needs of the RPUD will be provided in accordance with the comprehensive plan, the land development code and Fla. Admin. Code Ann. r. 64E-6. Potable water shall be provided by the City of DeLand. Sanitary sewer treatment/waste disposal shall be provided by the City of DeLand.

H. Stormwater Drainage. Provision for stormwater retention shall be in accordance with the land development code.

I. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the land development code. The parcel shall be developed in substantial accordance with the following access and transportation system improvements:

1. Access. Access to the project site shall be from West Lisbon

Parkway. Access to Cherry Street shall be closed to through-traffic at the southern terminus of the internal north/south driveway boundary, unless emergency access is required as determined during final site plan review. The developer shall provide a cul-de-sac or other means for turn-around movements at the western end of Cherry Street meeting requirements of the Traffic Engineering Division. An easement shall be recorded over any portion of said turn-around mechanism that encroaches on the subject property. Site access, pedestrian, bicycle and traffic circulation improvements and access points shall be finally determined during final site plan in accordance with the requirements of the land development code as may be modified by the Development Review Committee and/or Volusia County Traffic Engineer as may be necessary to provide required pedestrian, bicycle, and traffic safety improvements on and adjacent to the site.

2. Transportation System Improvements. Transportation system improvements shall be provided as required by the land development code, as determined during final site plan review, as may be modified by the Development Review Committee and/or Volusia County Traffic Engineer.

J. Internal Driveways. Internal driveways shall be constructed in accordance with the applicable requirements and standards of the land development code.

K. Fire Protection. The applicant is responsible for providing adequate on site water supply and other fire protection improvements to serve the RPUD project. The design, capacity, and location of the required water supply and other fire protection improvements shall be as required by the Volusia County Fire Marshall's office.

L. Other Requirements.

1. Affordable Housing. This RPUD proposes a density bonus based on providing a minimum of fifty-percent (50%) affordable housing units in accordance with the Self-Certification - Affordable Housing Development form submitted by the applicant and approved by the Volusia County Community Assistance Director on _____. This Certification certifies that 15 dwelling units shall be set aside for beneficiaries meeting the definition of low, very low, or moderate income housing. The Owner, or his successors or assigns, shall ensure that fifty-percent (50%) of the dwelling units will remain affordable in accordance with the density bonus granted per section D.1. of this document and the approved Certification. Said units shall be maintained as affordable housing units in accordance with the Certification, pursuant to a deed restriction, lien, covenant, or other similar instrument. Said instrument shall be recorded in the Volusia County Public Records and shall run with the land. A copy of the instrument, bearing the book and page number of the Official Record in which the instrument was recorded, shall be submitted to the Growth and Resource Management Department prior to issuance of the Final Site Plan

Development Order.

2. Underground Utilities. All utility distribution lines within the RPUD shall be located underground.

M. Expiration of Development Agreement. In accordance with the Self-Certification - Affordable Housing Development form, the Final Site Plan shall be approved and construction commenced on all certified affordable housing units within one year of Self-Certification approval. If construction of the units has not commenced by this time, the Self-Certification approval shall expire and therefore approval of this Development Agreement shall expire. The Self-Certification was approved by the Volusia County Community Assistance Director on _____. Therefore, failure to timely commence construction shall render this development agreement null and void, and the density bonus provided herein shall be retracted. Should an extension be granted for the Self-Certification by the Volusia County Community Assistance Director, this Development Agreement shall be extended commensurately.

N. Binding Effect of Plans, Recording, and Effective Date. The Master Development Plan, including any and all supplementary orders and resolutions, and the Preliminary Plan shall bind and inure to the benefit of the Applicant and his successor in title or interest. The RPUD zoning, Order and Resolution and all approved plans shall run with the land.

This Order and Resolution and all subsequent Orders and Resolutions shall be filed with the Clerk of the Court and recorded within forty-five (45) days following execution of the document by the Volusia County 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 Growth and Resource Management Department. The date of receipt of this document by the Growth and Resource Management Department shall constitute the effective date of this Order and Resolution and its subsequent amendments. The applicant shall pay all filing costs for recording documents.

O. Conceptual Approval: The parties hereto acknowledge that reductions in density and/or intensity may and do occur; and that minor changes to roadway design, location and size of structures, actual location of parking spaces, specific locations for land uses, and locations and design of stormwater storage, landscape buffers and upland buffers may result to comply with the land development code. A request for such an amendment shall be reviewed by the zoning enforcement official and may be processed as a minor amendment in accordance with section 72-289 of the zoning code. The Applicant agrees to revise and record the Revised Preliminary Plan which reflects any such changes with the Clerk of the Court immediately following the expiration of the 30 day period for appealing Development Review Committee (DRC) decisions to the County Council. A copy of the Revised Preliminary Plan, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Growth and Resource Management Department.

DONE and ORDERED by the County Council of Volusia County, Florida, this ____ day of _____, 2016.

ATTEST:

VOLUSIA COUNTY COUNCIL

James T. Dinneen
County Manager

Jason Davis
Chair

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by James T. Dinneen and Jason Davis, as County Manager and Chair, Volusia County Council, respectively, on behalf of the County of Volusia, and who are personally known to me.

NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:

Commission No.: _____

My Commission Expires: _____

WITNESSES:

OWNER(S):

(insert property owner's name and Title)

(insert property owner's name and Title)

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this _____ day of _____, 2016 by _____ who *(insert property owner's name and Title)* is (are) personally known to me or who have produced _____ as identification(s).

NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:

Commission No.: _____

My Commission Expires: _____

EXHIBIT "A"
Legal Description

Lots 1, 2 and 3 and the West ½ of Lots 6 and 7, HUTCHINSONS'S SUBDIVISION of the east ½ of the Southwest ¼ of the Northeast ¼ of Section 20, Township 17 South, Range 30 East, according to the Map in Plat Book 2, Page 81 thereof, as recorded in the Public Records of Volusia County, Florida.

Exhibit "B"
Survey

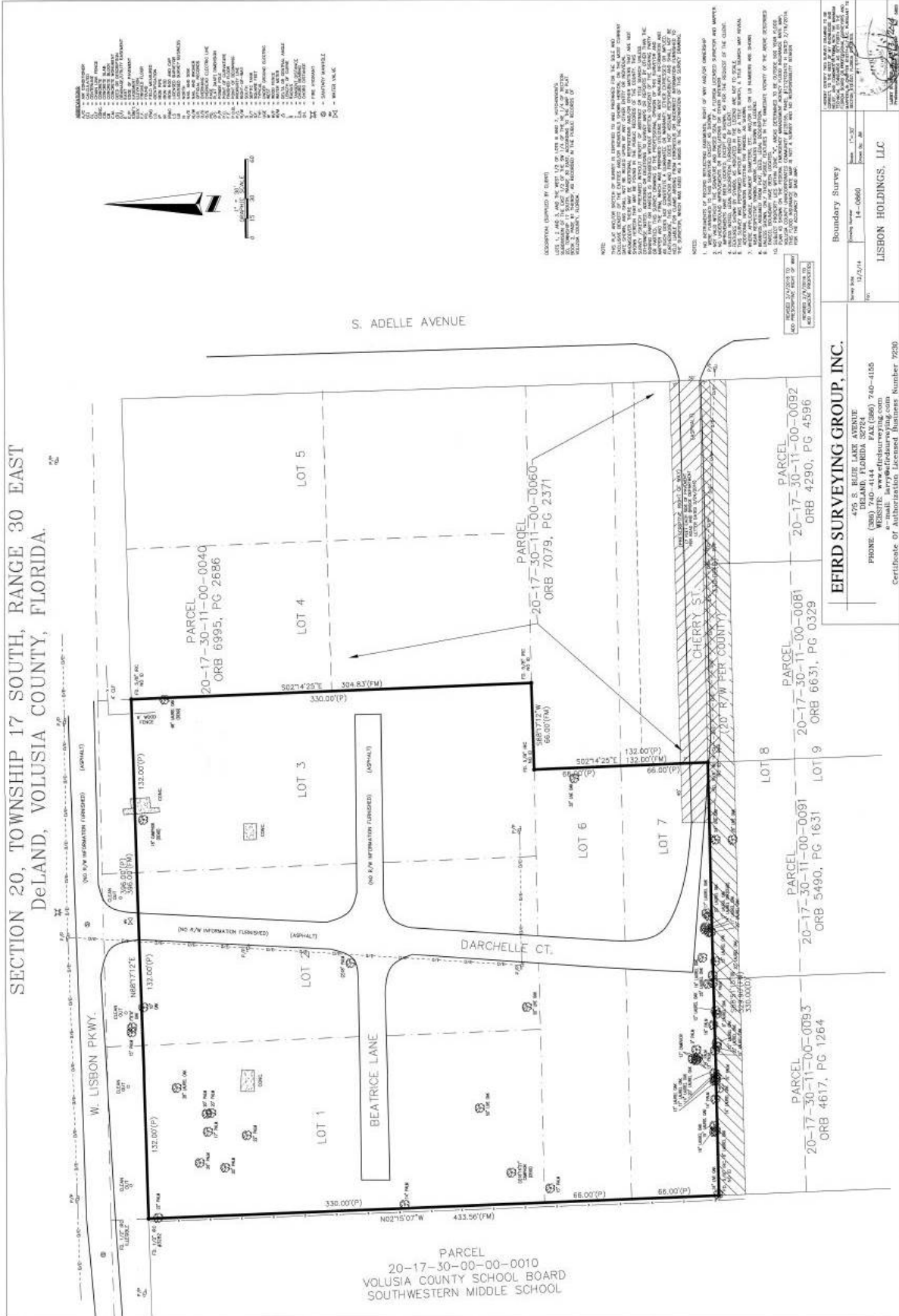


Exhibit "D"

Self-Certification - Affordable Housing Development Form

(To be provided prior to County Council Public Hearing)

INTER-OFFICE MEMORANDUM



TO: Susan Jackson, AICP
Senior Planning Manager

DATE: June 24, 2016

FROM: Melissa Winsett
Transportation Planner

RSN: 832293

SUBJECT: Lisbon Parkway Townhomes

LOCATION: Lisbon Parkway, west of US 17-92, near DeLand

Application and Site Information

The applicant is proposing Planned Unit Development (PUD) zoning on 3.76 acres located on the south side of Lisbon Parkway, west of US 17-92, near DeLand. The current zoning classification is Urban Single-Family Residential (R-4). Approval of the PUD would allow a 30-unit townhome affordable housing development. For detailed information on the allowable uses for the proposed amendment, please see the amendment application.

Transportation Analysis

The theoretical maximum trip generation estimate for the existing zoning category was compared to that of the proposed zoning to compute the net trip increase or decrease, which would occur if the zoning amendment were approved. The Institute of Transportation Engineers (ITE) Trip Generation, 9th Edition manual was used to estimate the number of trips for both zoning categories.

- Existing Zoning trip generation: The existing R-4 zoning, which is designated as Urban Low Intensity (ULI) on the Future Land Use Plan, could produce 15 Single-Family Residential Dwelling Units based upon a maximum density of 4 units per acre.
- Proposed Zoning trip generation: The proposed PUD zoning allows 15 multifamily residential dwelling units with a density bonus provision for affordable housing unit set-aside. The maximum with the density bonus is 30 units.

Table 1 depicts the trip net decrease if the rezoning were approved:

Table 1

<i>Existing Zoning:</i>				
<i>Existing Zoning</i>	<i>Theoretical Max Intensity</i>	<i>Allowable Density</i>	<i>Trip Generation Rate</i>	<i>Net Daily Trips</i>
R-4	Single Family Dwelling Unit	15 Dwelling Units	9.52/SFRDU	143
<i>Proposed Zoning</i>				
<i>Proposed Zoning</i>	<i>Theoretical Max Intensity</i>	<i>Allowable Density</i>	<i>Trip Generation Rate</i>	<i>Net Daily Trips</i>
PUD	Townhome Development	30 Townhomes	6.65/Townhome Unit	200
Additional Daily Trips with Rezoning:				+57 Trips

Roadway Analysis

Trips were distributed on the roadway network based on engineering logic (see Attachment). It should be pointed out that since the development is west of US 17-92, several alternative north-south roadway options are located west of US 17-92, and congestion exists on US 17-92 north of Beresford Avenue, trips are not projected to impact the congested segments of US 17-92 between Beresford Avenue and Plymouth Avenue.

Table 2 shows the minimal trip impact on the impacted roadway segments. All roadways have adequate capacity to handle the additional 57 daily zoning trips.

Table 2

Roadway	Zoning daily trip impact
US 17-92 (Beresford Ave to Taylor Road)	17
US 17-92 (south of Taylor Road)	23
Beresford Ave (US 17-92 to Hill Ave)	6
Beresford Ave (Clara Ave to SR 15A)	6
Clara Ave (north of Lisbon Parkway)	9
Adelle Ave (north of Lisbon Parkway)	17
Adelle Ave (south of Lisbon Parkway)	6
SR 44 (west of SR 15A)	3
SR 44 (east of SR 15A)	9
SR 15A (SR 44 to US 17-92)	6
New Hampshire Ave (Adelle Ave to US 17-92)	17
Lisbon Parkway (west of Adelle Ave)	57
Lisbon Parkway (east of Adelle Ave)	34

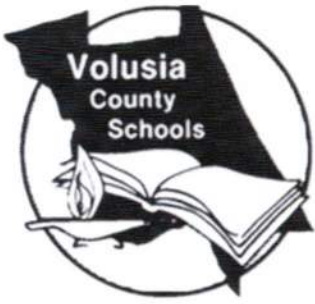
The roadways impacted are fully able to accommodate the additional 57 rezoning trips. If the rezoning were approved, the trip impacts of the redevelopment site, at the time of application, would be analyzed separately and more comprehensively. In addition to vehicular trips and site access, other modes such as pedestrian, bicycle, and transit needs, would be evaluated.

CONCLUSIONS AND RECOMMENDATIONS

The applicant has requested a zoning change from R-4 to PUD. The zoning change represents a net increase of 57 trips to the roadway system. The roadway system has capacity to handle the additional 57 daily trips. If approved, the site would be reviewed more thoroughly during the site plan phase and additional comments would be provided at that time.

MW/

C: Stephanie McClain, Engineer Assistant



James T. Russell
Superintendent of Schools

FACILITIES SERVICES

3750 Olson Drive, Daytona Beach, Florida 32124
PHONE: 386/734-7190 FAX: 386/506-5056

School Board of Volusia County

Mrs. Ida D. Wright, Chairman
Mrs. Melody Johnson, Vice-Chairman
Mrs. Linda Costello
Mrs. Linda Cuthbert
Dr. John Hill

29 June, 2016

Mike Davis
Lisbon Holdings LLC
11936 NW 19 Ave.
Miami, FL 33167

**RE: Lisbon Townhomes
School Concurrency Case #16-06-22-002-R**

Dear Mr. Davis:

School district staff has reviewed the project information for the proposed residential project known as Lisbon Townhomes. The 3.76 +/- acre site is located at 545 W. Lisbon Parkway in the DeLand area of Volusia County. The information provided in the application packet indicates the development of a 32 dwelling unit townhome subdivision to be completed in one phase.

By utilizing the School District's student generation rates of (.305) for single family dwelling unit types; the project could generate ten (10) full time students. The table below contains the impacted school concurrency areas (CSA) and their associated capacity information.

Schools	Adopted LOS	SY15/16 Enrollment	Reserved Capacity	% of Permanent Capacity	Students Generated by Request	Change to LOS
Woodward Elementary	115%	678	0	108%	4	108%
Southwestern Middle School	115%	737	0	84%	2	84%
West High School CSA	120%	5321	131	100%	3	100%
Other					1	

Lisbon Townhomes

29 June, 2016


This addition of students is not projected to increase the school capacity beyond current adopted LOS percentages. At this time the impacted school concurrency areas are operating at or below the adopted level of service standards; for that reason, the school district does not have an objection to the proposed subdivision.

At a minimum advance planning considerations should include both pedestrian and vehicular access, safety, connectivity and buffering. The site plan should indicate sidewalks connecting this subdivision to the surrounding neighborhood thus aiding in the bicycle/ pedestrian connectivity of the site. As this subdivision will be adjacent to Southwestern middle school the creation of a pedestrian access point onto school property would benefit both the developer and the school. Please work with the school district planning department to find the best opportunity to fulfill the needs of both entities.

Please note that the School Board has the right to adjust the attendance boundaries to balance the student enrollment populations at these area schools. Therefore, students generated from this project may not attend the current assigned schools.

If you should have additional questions or require more information, please feel free to contact me at extension 50810.

Sincerely,


29 June 2016

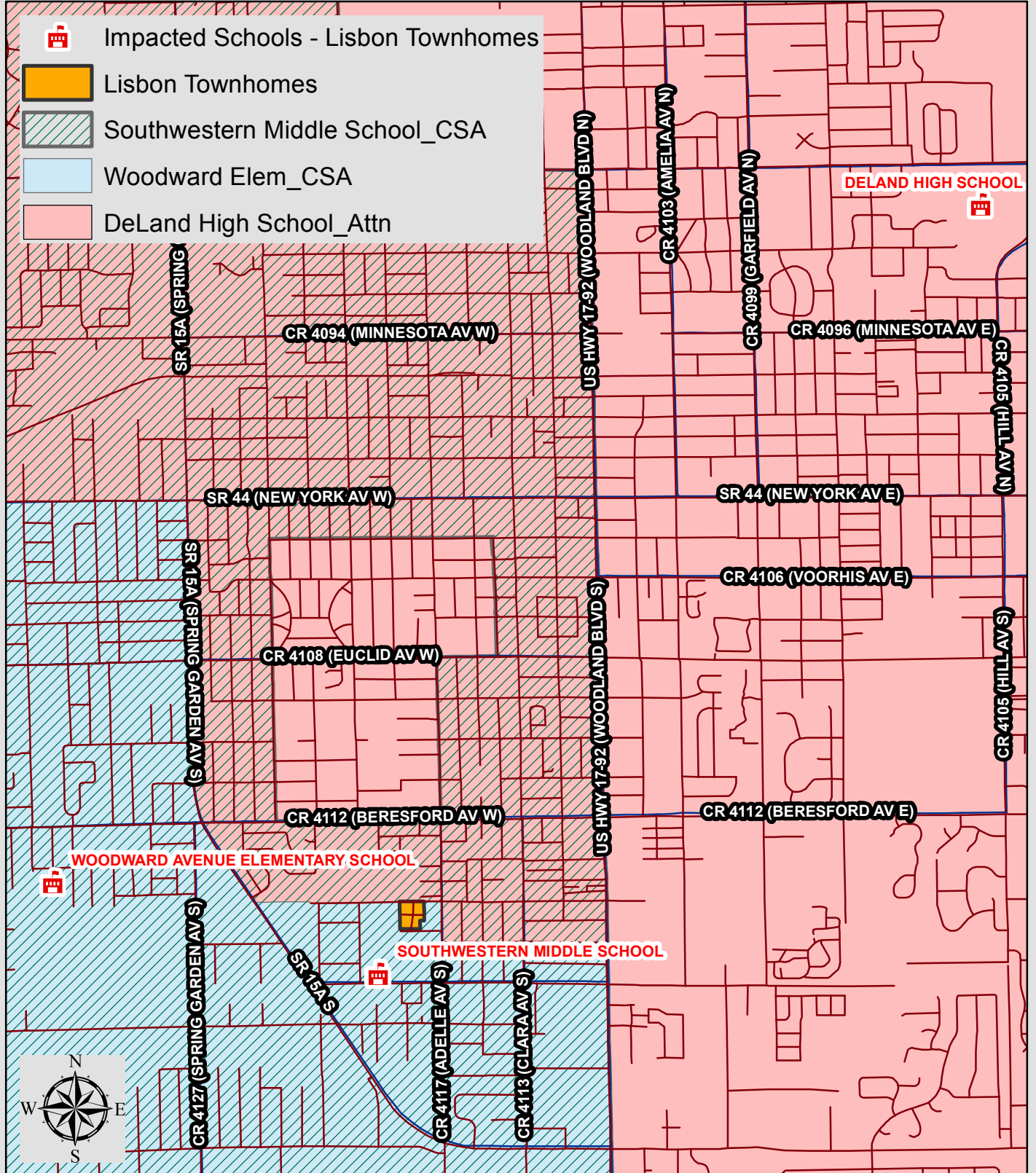
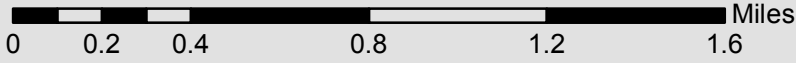
Eric A. Kozielski
Planning & GIS Specialist

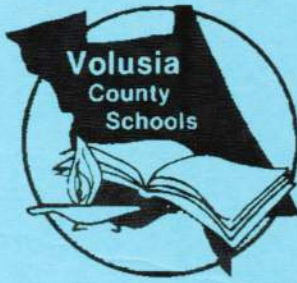
Cc: James Russell, Superintendent of Schools
Susan Jackson, Volusia County Planning
Project File

VCSB Schools Impacted by Development Proposal



Created by Facilities Services
June 2016





Certificate of School Concurrency

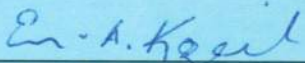
Volusia County School Board

Project Information	
Project Name	Lisbon Townhomes
VCSB Project #	16-06-22-002-R
Jurisdiction Project#	
Parcel ID Numbers:	20-17-30-11-00-0010
Project Location:	545 W. Lisbon Parkway
# of residential units:	32
Residential Unit Type:	Single Family Townhome
Property Owners:	Lisbon Holdings
Applicant/Agent Name:	Mike Davis

School Concurrency Analysis					
Schools:	Elementary	Middle	High	Other	Total Capacity Reserved
Students Generated	4	2	3	1	10
Comments:					
This certificate is required to be included with the building permit submittal(s) as proof of school concurrency.					

This School Concurrency Certificate shall reserve capacity for the above referenced project and shall confirm that said project meets the School Concurrency requirements of the adopted Interlocal Agreement for Public School Facility Planning.

This concurrency reservation shall expire two (2) years from the date of issuance of this certificate.



 Eric Kozielski
 Planning and GIS Specialist

29 June 2016

 Issue Date



View from Darchelle Court, looking across W. Lisbon Parkway.



View from Darchelle Ct. looking west towards Southwest Middle School.



View from intersection of Darchelle Ct. and Beatrice Ln., looking west toward Southwest Middle School.



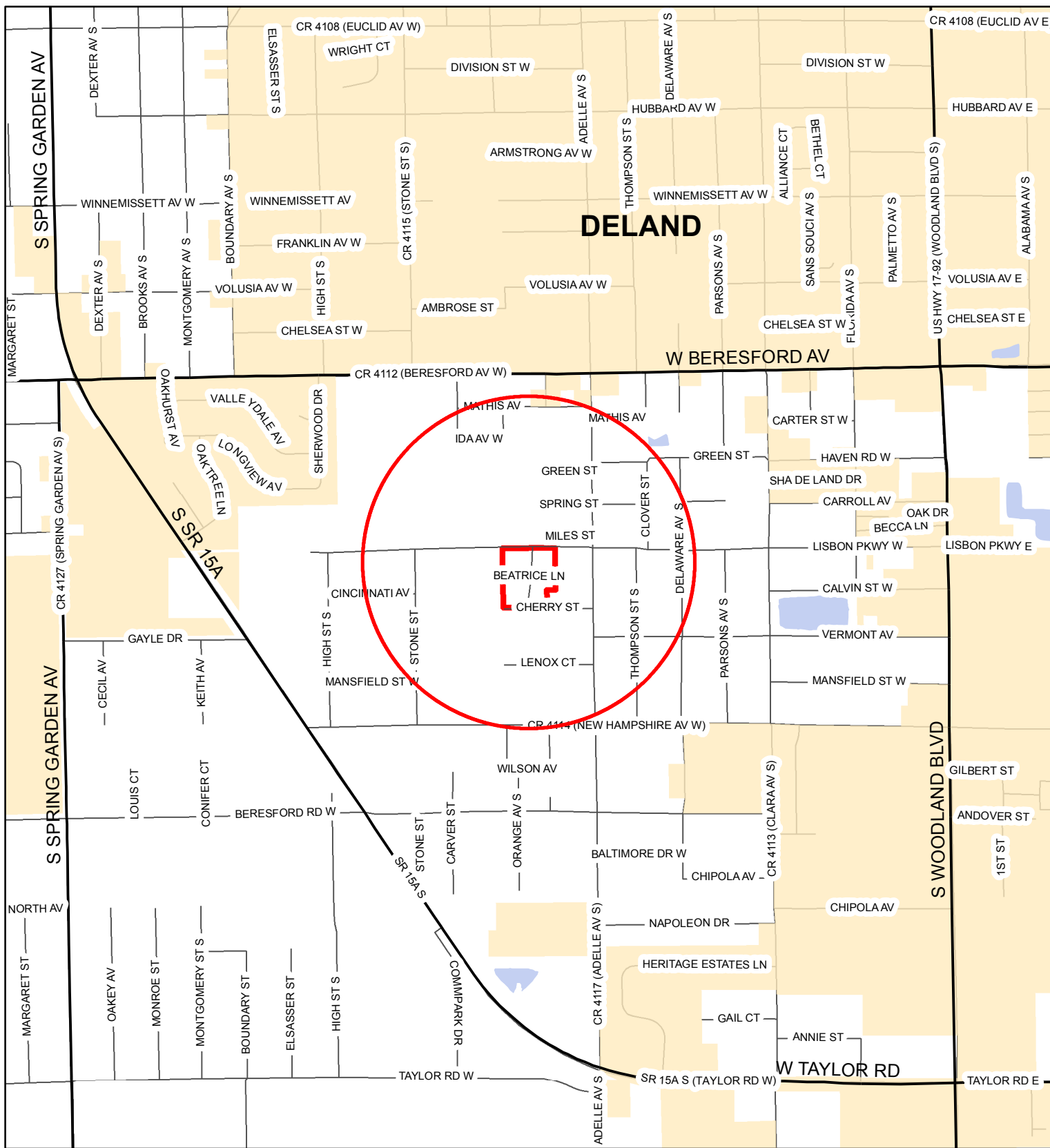
View from intersection of Darchelle Ct. and Beatrice Ln., looking south toward Cherry St.



View looking north from south end of Darchelle Ct., towards W. Lisbon Parkway.



View from south end of Darchelle Ct., as it intersects with Cherry St.




REQUEST AREA LOCATION

1" = 1,000 feet



CASE NUMBER

PUD-16-011

 REQUEST AREA



AERIAL 2015

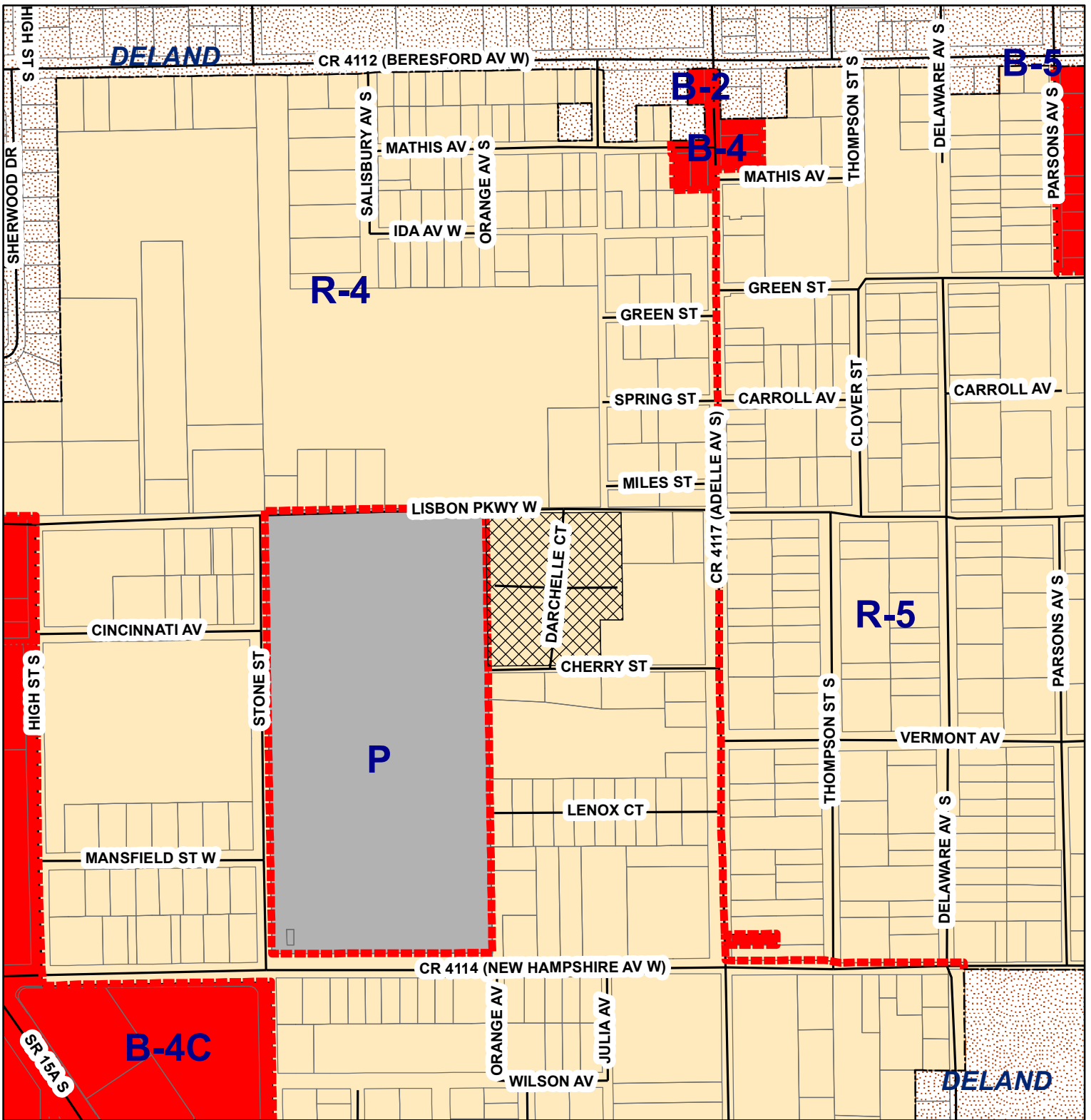
 **REQUEST AREA**

1" = 400'







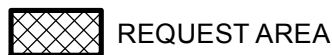
**CASE NUMBER
PUD-16-011**

**FROM: R-4
TO: RPUD**



ZONING CLASSIFICATION

-  INCORPORATED
-  COMMERCIAL
-  PUBLIC
-  RESIDENTIAL



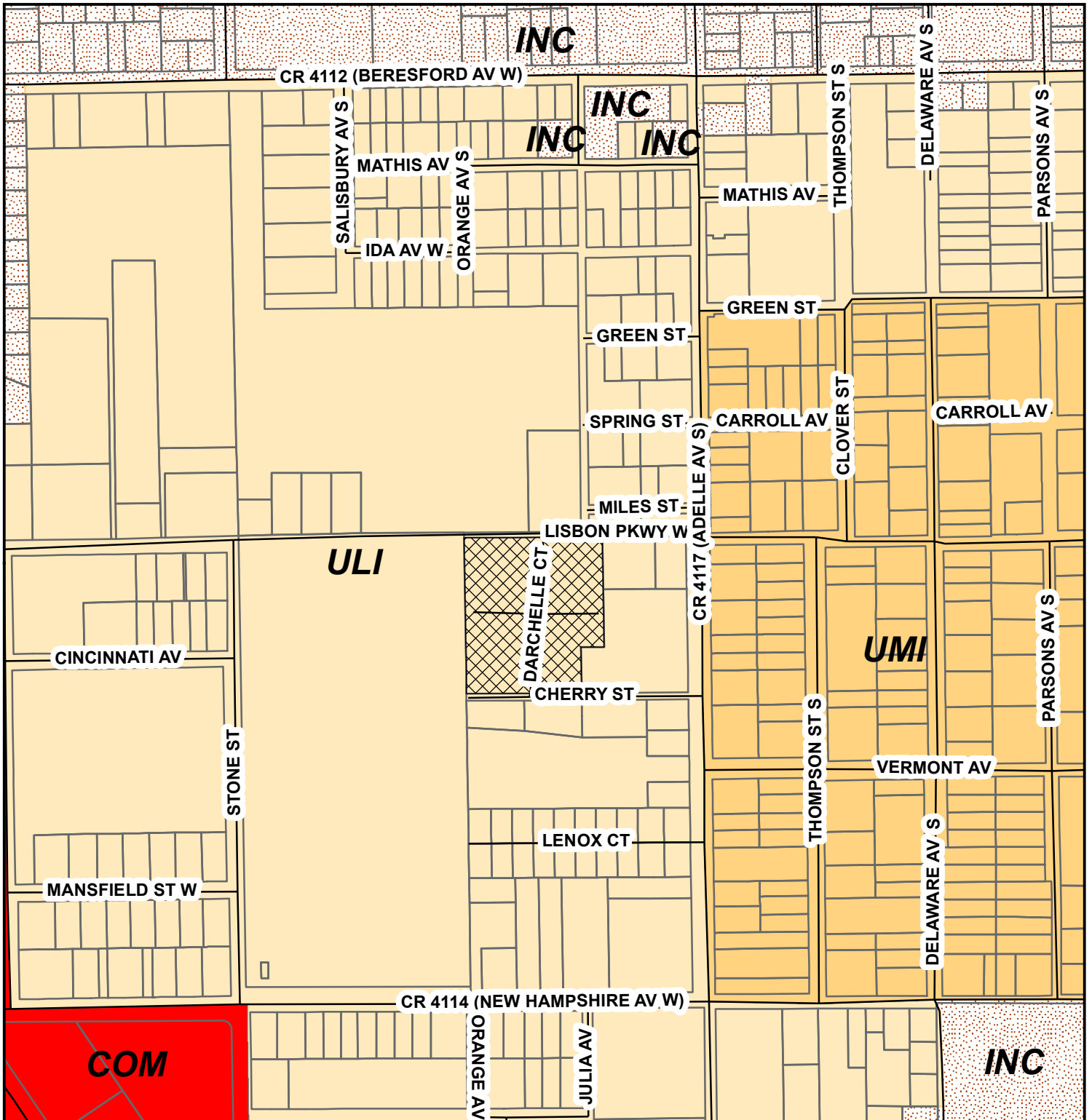
1" = 400'

**FROM: R-4
TO: RPUD**

CASE NUMBER



PUD-16-011



FUTURE LAND USE DESIGNATION

1" = 400'

CASE NUMBER



COMMERCIAL



URBAN LOW INTENSITY

FROM: R-4

PUD-16-011



INCORPORATED



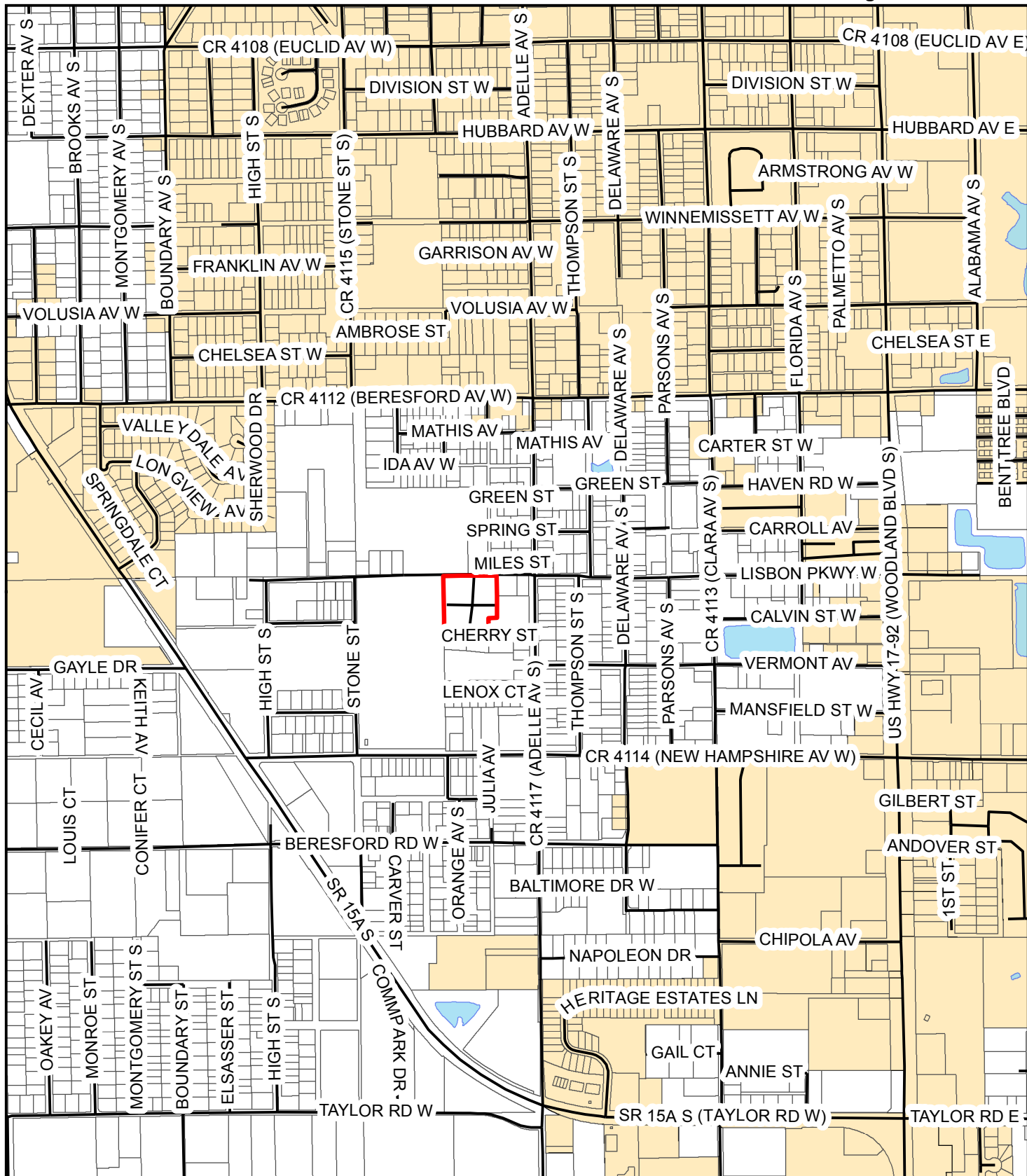
URBAN MEDIUM INTENSITY

TO: RPUD



REQUEST AREA





ECO/NRMA



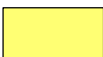
REQUEST AREA

1" = 400'

CASE NUMBER



ECO



NRMA



INCORPORATED

FROM: R-4

TO: RPUD

PUD-16-011