

ORDINANCE NO. 2024 - 46

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE TRINITY GARDENS PLANNED DEVELOPMENT (PD), ON PROPERTY LOCATED AT 791 SOUTH BLUE LAKE AVENUE; APPROVING AN AMENDMENT TO A PLANNED DEVELOPMENT PLAN ORIGINALLY CONSISTING OF APPROXIMATELY 183.93 +/- ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Applicant, Michael Woods, Esquire, on behalf of the owners, has filed for an amendment to the Trinity Gardens Planned Development (PD) originally consisting of approximately 183.93 +/- acres of land located at 791 S. Blue Lake Avenue, which is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, the Trinity Gardens Planned Development was approved by the City Commission on May 16, 2022 (Ordinance No. 2022-10); and

WHEREAS, the applicant is proposing an amendment to the Trinity Gardens PD to update the verbiage that allows construction of homes to begin sooner, while still upholding infrastructure standards and requirements;

WHEREAS, said rezoning is consistent with both the Comprehensive Plan and the purpose and intent of Section 33-32 of the Code of Ordinances of the City of DeLand (the "Code"); and

WHEREAS, the Applicant has submitted an application for the approval of a development plan in order to change certain development standards for the property described in Exhibit "A" (hereinafter the "Property" or the "Project"); and

WHEREAS, the proposed development plan meets or exceeds the minimum conditions and standards for the PD District with respect to minimum development size, perimeter setbacks, comprehensive plan consistency, internal compatibility, external compatibility, open spaces, sidewalks, environmental constraints, internal access and circulation, external transportation access, off-street parking, public facilities and unified control; and

WHEREAS, the proposed development plan is consistent with the Urban Low Intensity future land use designation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. The City Commission has held a public hearing to approve the amendment to the Trinity Gardens, Planned Development (PD) Agreement originally consisting of approximately 183.93 +/- acres of land located at 791 S. Blue Lake Avenue.

Section 2. Pursuant to the determination made at public hearing, the City Commission hereby amends the Comprehensive Zoning Map of the City to include the land described in Exhibit "A" as Trinity Gardens PD, Planned Development District.

Section 3. The zoning of the Property as PD, Planned Development District, is made pursuant to Section 33-32 of the Code and the development of the Property shall take place in accordance with that Section and in substantial compliance with the Development Plan Agreement, Maps and other supporting documentation which were previously submitted for the Trinity Gardens PD, Planned Development District, as well as the documentation submitted along with the current application, all of

which has been filed and will be retained for public inspection in the office of the City Planning Department and constitute a supplement to the official Zoning Map of the City.

Section 4. The approved Development Plan and Development Agreement for Trinity Gardens PD, Planned Development District, shall be amended as per the attached Exhibit "B" which by this reference made a part hereof.

Section 5. The failure of the approved Development Plan to address a particular permit, condition, term or restriction shall not relieve the Applicant of the necessity of complying with any law governing said permitting requirements, conditions, terms or restrictions, as same may be amended or enacted from time to time in the future. All current land development regulations of the City are applicable to the PD District except to the extent that they conflict with a specific provision of the approved Development Plan.

Section 6. At the time of development, the Applicant shall comply with all relevant building codes and development standards contained in the City's Code of Ordinances or in the Development Plan; provided, however, that the development standards contained in the adopted Development Plan shall supersede comparable standards contained in the Code of Ordinances.

Section 7. Pursuant to Article 5 of the City's Land Development Regulations, the Applicant shall comply with all applicable infrastructure regulations.

Section 8. The Planning Director is hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

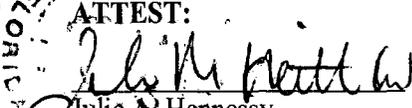
Section 9. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 10. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 16th day of December, 2024.



Christopher M. Cloudman
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading: December 02, 2024
Adopted on second reading: December 16, 2024

APPROVED AS TO FORM AND LEGALITY:



Darren J. Elkind
City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 1:

The North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, also the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, less and except the Northeast $\frac{1}{4}$ thereof, also the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$, less 200 foot Road Right of Way for the West Volusia Beltline and less that portion of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, lying East of the 200 foot West Volusia Beltline Road Right of Way, and less the Volusia County Water Retention Area and the Florida Power Company Substation Site and Access Parcel, all lying and being in Section 14, Township 17 South, Range 30 East, Volusia County, Florida.

PARCEL 2:

The South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, and the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, Section 14, Township 17 South, Range 30 East, Volusia County, Florida.

PARCEL 3:

The North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, Section 14, Township 17 South, Range 30 East, Volusia County, Florida.

PARCEL 4:

The South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, Section 14, Township 17 South, Range 30 East, Volusia County, Florida, less that portion deeded to the City of DeLand in Special Warranty Deed recorded May 4, 2020 in Official Records Book 7848, Page 2721, Public Records of Volusia County, Florida.

PARCEL 5:

The South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, Section 14, Township 17 South, Range 30 East, Volusia County, Florida, less Road Right of Way and less that portion deeded to the City of DeLand in Special Warranty Deed recorded May 4, 2020 in Official Records Book 7848, Page 2721, Public Records of Volusia County, Florida.

CONTAINING: 183.92 acres, more or less.

BOUNDARY & TOPOGRAPHIC SURVEY

SECTION 14, TOWNSHIP 17 SOUTH, RANGE 30 EAST
VOLUNTA COUNTY, FLORIDA

PARCEL 1
DESCRIPTION
The North 1/2 of the Southwest 1/4 of the Southwest 1/4, also the Northeast 1/4 of the Southwest 1/4, less and except the Northeast 1/4 thereof, when the South 1/2 of the Southwest 1/4, less 500 Foot Road Right of Way for the West Volusia Right-of-Way and less that portion of the Southwest 1/4 of the Southwest 1/4, being East of the 200 Foot West Volusia Right-of-Way, and less the Volusia County Water Reclamation Area and the Florida Power Corporation Substation 328 and Access Parcel, of Map and being in Section 14, Township 17 South, Range 30 East, Volusia County, Florida.

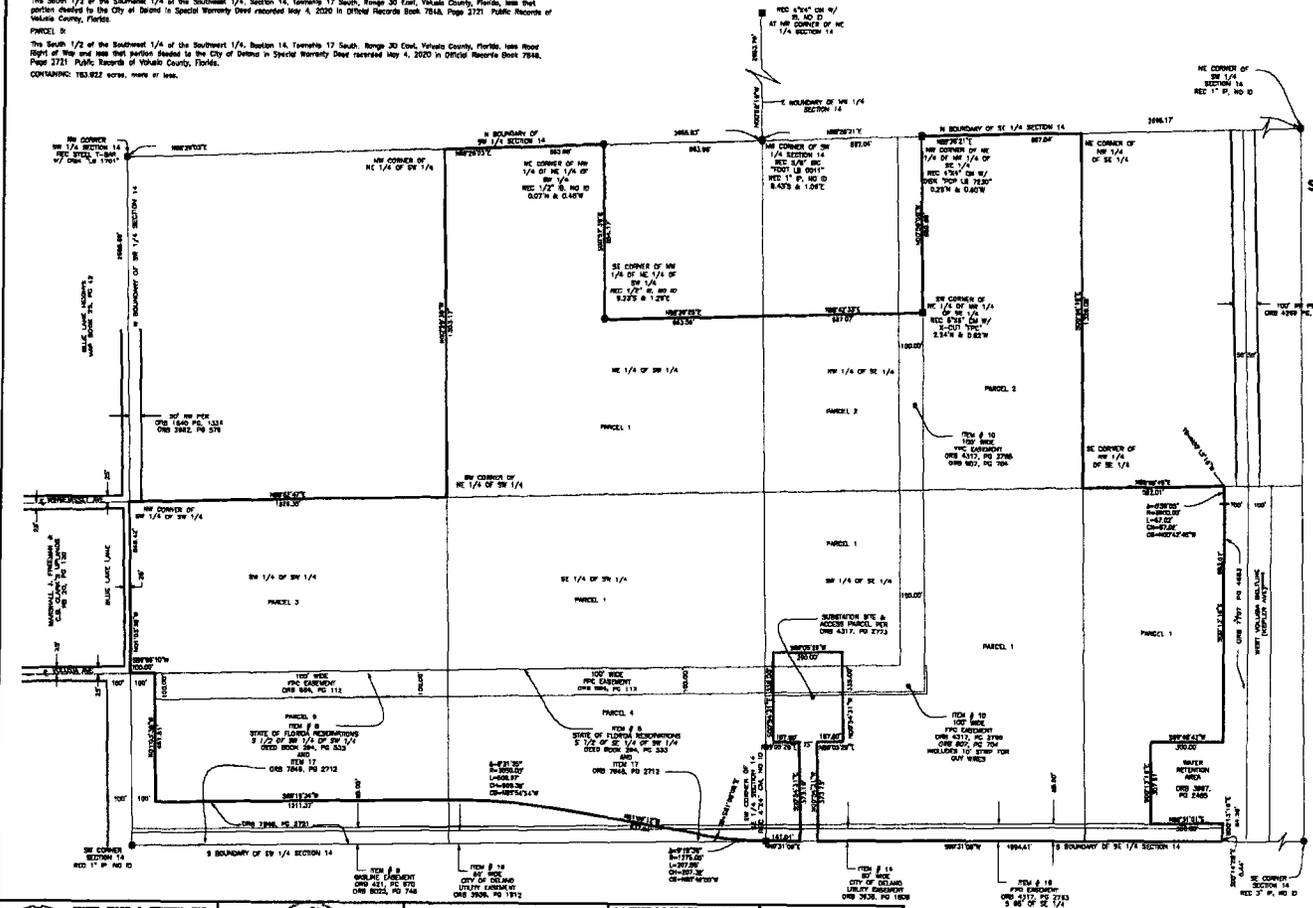
PARCEL 2
The South 1/2 of the Northwest 1/4 of the Southwest 1/4, and the Northeast 1/4 of the Northwest 1/4 of the Southwest 1/4, Section 14, Township 17 South, Range 30 East, Volusia County, Florida.

PARCEL 3
The North 1/2 of the Southwest 1/4 of the Southwest 1/4, Section 14, Township 17 South, Range 30 East, Volusia County, Florida.

PARCEL 4
The South 1/2 of the Southwest 1/4 of the Southwest 1/4, Section 14, Township 17 South, Range 30 East, Volusia County, Florida, less that portion owned by the City of Delton in Special Warranty Deed recorded May 4, 2020 in Official Records Book 7814, Page 2721 Public Records of Volusia County, Florida.

PARCEL 5
The South 1/2 of the Southwest 1/4 of the Southwest 1/4, Section 14, Township 17 South, Range 30 East, Volusia County, Florida, less Road Right of Way and less that portion owned by the City of Delton in Special Warranty Deed recorded May 4, 2020 in Official Records Book 7814, Page 2721 Public Records of Volusia County, Florida.

CONTAINING 183.922 acres, more or less.



NOTES

1. This Plat represents a Boundary Survey of the description provided by John Wood & Company, Inc. and does not include easements.

2. Easements shown hereon are based on the Best Boundary of the Southwest 1/4 of Section 14 as located METRO 2004, per Florida State Plane coordinate Zone East.

3. A Conveyance for This location was prepared by Chicago Title Insurance Company, Commission No. REC120288 with a recordation date of April 18, 2021 at 5:00 P.M. and was provided to James Wood & Company, Inc. for use in preparing this survey. Research of the public records was not a part of the Scope of Surveying Services contract, Name listed in Schedule B Section 5 of the 018 conveyance, in the event they affect and can be shown graphically on the survey, rights to the subject property, are noted herein.

ITEM 1. Phosphate, Mineral, Mobile and Petroleum Reservations and rights in favor of the State of Florida, as set forth in the deed from the Trustees of the Internal Improvement Fund, recorded in Deed Book 294, Page 532 as to land reservation, the right of entry has been released pursuant to Florida Statute 370.11 (Booked over Parcels 4 and 5).

ITEM 2. Easement Grant in favor of Houston Texas Gas and Oil Corporation recorded January 18, 1989 in Official Records Book 471, Page 470, as affected by Conveyance Agreement recorded April 7, 2021 in Official Records Book 8022, Page 748, (Parcels 1, 4 and 5) as shown hereon.

ITEM 3. Easement in favor of Florida Power Corporation recorded June 2, 1987 in Official Records Book 367, Page 706, Supplemental Easement for Distribution Facilities in Existing and to be constructed June 8, 19, 1990 in Official Records Book 4317, Page 2788, (Parcels 1 and 2) as shown hereon.

ITEM 4. Easement in favor of Florida Power Corporation recorded September 29, 1990 in Official Records Book 3527, Page 1951 (Parcels 1 and 2) as shown hereon.

ITEM 5. Easement in favor of Florida Power Corporation recorded December 15, 1990 in Official Records Book 3537, Page 783 (Parcels 1 and 2) as shown hereon.

ITEM 6. Deed of Easement in favor of the City of Delton recorded July 14, 1994 in Official Records Book 3636, Page 1808 (Parcel 1) as shown hereon.

ITEM 7. Deed of Easement in favor of the City of Delton recorded July 14, 1994 in Official Records Book 3636, Page 1812, (Parcels 4 and 5) as shown hereon.

ITEM 8. Easement in favor of Florida Power Corporation recorded June 18, 1989 in Official Records Book 4317, Page 2783 (Parcel 1) as shown hereon.

ITEM 9. Description of Conveyance and Restrictions recorded May 4, 2020 in Official Records Book 7814, Page 2712 (Parcels 4 and 5) Booked.

- LEGEND**
- H = HAZARD
 - C = CENTERLINE
 - L = LENGTH
 - CH = CHORD LENGTH
 - CB = CHORD BEARING
 - TB = TANGENT BEARING
 - BRWY = BOUNDARY
 - E = CENTERLINE
 - CAS = CURB & GUTTER
 - CM = CONCRETE MONUMENT
 - CONG = CONCRETE
 - CSL = CONCRETE SLAB
 - DOC = DOCUMENT
 - EL = ELEVATION
 - EP = EDGE OF PAVEMENT
 - F = FIELD
 - FPC = FLORIDA POWER CORPORATION
 - SB = SOIL BENT & CAP
 - ID = IDENTIFICATION
 - MES = INTERED END SECTION
 - DHE = OVERHEAD ELECTRIC WIRES
 - OW = OPTICAL ELECTRIC WIRES
 - P = PLAT
 - PH = PLAT BOOK
 - PD = PAGE
 - POB = POINT OF BEGINNING
 - POC = POINT OF COMMENCEMENT
 - REC = REINFORCED CONCRETE PIPE
 - REC = RECOVERED
 - R/W = RIGHT OF WAY
 - FW = POWER POLE-WOOD
 - C = 4"x4" CONCRETE MONUMENT
 - Ø = 5/8" IRON BAR & CAP UNLESS NOTED OTHERWISE

JOHN WOOD & COMPANY, INC.
SURVEYING ENGINEERS AND SURVEYORS - L.P.
1000 W. COLLEGE AVENUE
ORLANDO, FLORIDA 32817
407-888-7788

HANOVER LAND COMPANY, LLC
1000 W. COLLEGE AVENUE
ORLANDO, FLORIDA 32817
407-888-7788

BY: DGG
DATE: 07-12-2021
DRAWN BY: DGG
JOB #: 28282
SHEET: 1 OF 1 SHEET

BY: DGG
DATE: 07-12-2021
DRAWN BY: DGG
JOB #: 28282
SHEET: 1 OF 1 SHEET

EXHIBIT "B"**FIRST AMENDMENT TO TRINITY GARDENS****PLANNED DEVELOPMENT AGREEMENT**

This First Amendment to the Trinity Gardens Planned Development Agreement (the "First Amendment") is made this 16th day of December 2024 between the **CITY OF DELAND**, a Florida municipal corporation (hereafter, the "City"), whose mailing address is 120 S. Florida Avenue, DeLand, FL 32720, **TLC TRINITY GARDENS, LLC**, a Florida limited liability company with a mailing address of 605 Commonwealth Ave., Orlando, FL 32803 (hereafter, "Trinity") and **LANDSEA HOMES OF FLORIDA, LLC**, a Delaware limited liability company with a mailing address of 1717 McKinney, Suite 1000, Dallas, TX 75202 (hereafter, "LandSea" and collectively with Trinity as "Owners")

WHEREAS, the City and Trinity previously entered into that certain Planned Development Agreement (the "PD Agreement") dated on or about May 16, 2022 and recorded in Official Records Book 8309, Page 3859 of the Public Records of Volusia County, Florida in connection with the rezoning of +183.92 acres known as the "Trinity Gardens PD"; and

WHEREAS, Owners desire to modify the language regarding the timing of model home construction for each phase and clarify the timing of the construction on the Phase II Amenity Tract; and

WHEREAS, the application of Owners to amend the Trinity Gardens PD was duly and properly filed with the City on September 11, 2024 and the application was reviewed by the City's Community Development Department and determined to be consistent with the City's Comprehensive Plan; and

WHEREAS, Public Hearings on this First Amendment to the Trinity Gardens PD Agreement were held by the Planning Board on November 13, 2024 and the City Commission on

December 2, 2024 and December 16, 2024 after due public notice was provided in accordance with the City's Land Development Regulations Ordinance No. 2013-11, as amended.

NOW THEREFORE, the City and Owners acknowledge and agree that the Trinity Gardens PD is hereby amended to reflect the following changes, revisions and amendments to the Trinity Gardens PD Agreement and amended Planned Development Plan:

1. Paragraph H (8) of the Development Agreement for the Trinity Gardens PD is amended and restated in its entirety as follows (changes shown in ~~strikethrough~~/underline format):

~~8. Model Homes and Temporary Sales Offices. Construction of a Model Home and/or Temporary Sales Office for a particular phase may commence after final plat approval, and all the infrastructure improvements for said phase have been approved and accepted by the City of DeLand. The City Engineer shall make the final determination on the acceptance and approval.~~

8. Model Homes and Temporary Sales Offices. Up to six (6) model homes and two (2) homes for use as a temporary sales office may be constructed within each phase of the project following approval of the preliminary plat and construction plans for the corresponding phase, installation and activation of fire hydrants, and paved roads from the nearest open public road up to the point of the model home(s) (first lift of asphalt is acceptable if multiple lifts being installed) within the said phase. Under no circumstances may the homes be occupied or otherwise utilized until such time as they are connected to potable water and sanitary sewer pursuant to a permit issued by the City of DeLand. The applicant and its successors and assigns shall be and remain jointly and severally liable for any violation of this provision. Furthermore, the applicant and its successors and assigns hereby acknowledge and agree that any violation of this provision shall

constitute a serious threat to the public health, safety and welfare for purposes of Section 162.06(4), Florida Statutes, hereby waive any argument in reference thereto, and waive any and all statutory notice requirements as may otherwise be required for entry of a code enforcement lien.

2. Paragraphs O (1)(c)(i-iii) of the Development Agreement for the Trinity Gardens PD is amended as follows (changes shown in ~~strikethrough~~/underline format):

- c. Amenity Tracts: Amenity Tracts are identified on Exhibit “B” ~~and shall be constructed concurrent with the development of the Phase within which it is located~~ and shall be recorded within the plat for the Phase within which it is located. Construction of the amenity improvements identified herein shall begin concurrent with the development of the Phase within which it is located. Amenity Tracts shall be owned and maintained by the homeowner’s association and shall be reserved for the use of the residents of the community.
 - i. Phase 1 Amenity Tract. A passive, open space park shall be provided in the southeast corner of Phase 1.
 - ii. Phase 2 Amenity Tract. Phase 2 shall consist of the primary amenity center, which shall include a pool facility (with zero degree entry, a lap segment and child splash area), fire pit, gazebo and bathroom facilities. Construction of said amenities must be completed prior to the issuance of the 125th Certificate of Occupancy (either Single Family or Townhome) and no later than 18 months from the recording of the Phase 2 Plat.
 - iii. Phase 3 Amenity Tracts. Phase 3 shall consist of three amenity tracts. Outdoor exercise stations shall be provided in the northwest portion of the Property. A dog park, with segregated fencing for small and large dogs,

shall be provided near the southern boundary of Phase 3. A playground facility shall be provided near the Property entrance at Blue Lake.

IN WITNESS WHEREOF, the City and Owners have caused this First Amendment to the Trinity Gardens Planned Development Agreement to be duly executed by their authorized representatives as of the last date entered below.

(Signatures on Following Pages)

ATTEST:

Michael Pleus
Michael Pleus
City Manager

City Commission of DeLand Florida

Christopher M. Cloudman
Christopher M. Cloudman
Mayor

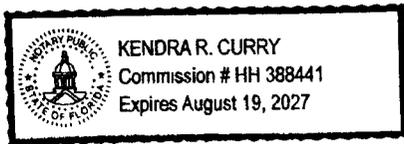
STATE OF FLORIDA
CITY OF DELAND

ATTEST:

Julie A. Hennessy, MMC
Julie A. Hennessy, MMC
City Clerk - Auditor



The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 16th day of December (mo/yr), 2024 by Michael Pleus and Christopher M. Cloudman, as City Manager and Mayor, City of DeLand, respectively, on behalf of the City of DeLand, and who are personally known to me.



NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name

[Signature]

Commission No.: HH 388441

My Commission Expires: 8/19/2027

WITNESSES

JASON LEWIS
Print Name

[Signature]
Sign Name

TAN TRAN
Print Name

[Signature]
Sign Name

TLC TRINITY GARDENS, LLC,
a Florida limited liability company

By: [Signature]

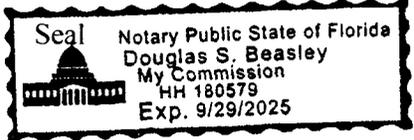
Print: Andrew Cross
Title: Authorized Person

Date: 1/27/2025

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of physical presence
or online notarization this 7 day of January, 2025, by Andrew Cross as
authorized person for and on behalf of TLC TRINITY GARDENS, LLC. He/She is personally
known to me or has produced _____ as identification.

[Signature]
Notary Public



Type or Print Name: Douglas S. Beasley
Commission No. HH 180579
My Commission Expires: 9/29/2025

WITNESSES

LANDSEA HOMES OF FLORIDA, LLC,
a Delaware limited liability company

CHAD CLOVENER
Print Name
[Signature]
Sign Name

By: [Signature]
Print: Daniel Kaiser
Title: Div. VP.

Krys Guillaume
Print Name
[Signature]
Sign Name

Date: 1/7/25

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 7 day of January, 2025, by Dan Kaiser, as _____ for and on behalf of **LANDSEA HOMES OF FLORIDA, LLC**. He/She is personally known to me or has produced _____ as identification.

[Signature]
Notary Public

Seal

Type or Print Name: Renee L Colonna
Commission No. 10/8/2028 HH 601665
My Commission Expires: 10/8/2028

