

Review of Developers Agreement 2001-050510 (98-SUBXM-004)

In review the subject Developer's Agreement, it is important to keep in mind that 4 of the 6 six lots have legal access to the existing and longstanding shell drive easement. To develop lots 1-4 should require a nothing more building permit. They have clear legal access to an existing "all-weather" easement. It appears as if the DA was written to purposely prevent the development of these 6 lots.

I find several items I believe to be excessively burdensome to the owners/developers of the 6 single family residential lots in this rural setting. The first is a paved or all-weather driveway surface for the Wilburton extension and Gator Lane. The second is the POA to maintain that driveway. The third is lack of driveways in the flood zone. Forth, the potential for the City of Deltona to require one or more retention ponds. Fifth, the landscape code requirements, and lastly, the referenced "Exhibit B" was not recorded by the City with the Developers Agreement.

The road, the POA, and the ponds (page 2 section 4) are excessive because a longstanding shell road already exist and is used by the surrounding neighbors. Those neighbors will continue to use that easement in perpetuity but not pay into the POA. They have more rights to the easements than the actual land owners, all of the benefits, and none of the expenses. Furthermore, the paved or all-weather driveway surface is ambiguous and allows the City reject at will the proposed driveway surfaces. The 6 lots in question are 108,900 square feet (SF) or 2.5 acres each. They are zoned RE-1 which allows for one dwelling (minimum 1,400 SF) and one accessory dwelling or granny flat. Assuming these lots are built with a 12x100' driveway, a 2,500 SF single story house with a 500 SF garage, and an 800 SF granny flat, the impervious surface ratio would only equal 4.5%. These lots are very large, and runoff / water retention will not be an issue. The only way the POA makes sense is if one drive isle runs down the center of the 6 properties and serves all six properties, while excluding outsider use. Retention ponds are not needed. A Special Assessment Tax District (SAD) consisting of all of the surrounding property owners would be the appropriate way to pave Gator Lane and the Wilburton Extension. Much like the City has done with the street lighting districts.

The purpose of a floodzone is to allow for temporary storage of water until the excess water can dissipate. The subject floodzones are 100-year floodzones, meaning that each year they have 1% chance of flooding. The drive isle in the flood zone in no way inhibit the safe use of the property. In the event of a 100 year flood, the drive isle would be inches deep in the floodzone, not feet. The lack of drive isle in the flood zone (Page 4 subsection 5.e) creates an undue hardship because the in 2001 the flood zones were significantly different than today and the subdivision exemption was based on outdated information. Secondly, the drive isle would be in the floodplain, not in a floodway. If the drives were in the floodway, moving water with current, the raised roads would make sense, but this is not the case. The 2016 survey provided by Ms. McCaskill shows the updated flood plain lines. While the elevation numbers on these have since changed from 28 feet to 27 feet, the line hasn't moved. The revisions in the 2017 floodplain map fix an outdated elevation datum. Drive isle are not the insured object in the flood zone, the insured object is the home, drive isle should not be elevated, but should remain in the flood zone and allowing for the event rare water storarge. Raising these lanes may create the need for a pond. The City of Deltona has miles of roads, including sections of thoroughfares, in the flood plain with absolutely no plan to change that. The roads are depressed on purpose to protect the insured object, the home. In part, that is why the City of Deltona requires homes to be built 1.5 feet above the crown of

the road. Creating separate approval conditions for these 6 lots creates an undue and discriminating burden to the owners/developers of this land.

Landscape compliance is specifically mentioned in section 9, the City of Deltona landscape code does not apply to single family homes on individual lots. It applies to developments requiring approval of final site plans such as multifamily, commercial, institutional, parks, and so on. Specific landscape references should be removed from the Development agreement. The applicant asking the DRC to rescinded, or remove the overly burdensome conditions placed on the property in the 2001 Development Agreement.

Thank you,

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