

# 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:** August 14, 2012 - Planning and Land Development Regulation

Commission (PLDRC)

**CASE NO:** Z-12-024

**SUBJECT:** Rezoning from the Prime Agriculture (A-1) classification to the

Transitional Agriculture (A-4) classification.

**LOCATION:** 1167 Ohio Street, DeLeon Springs

**APPLICANT:** Rita Cochran

**OWNER:** Elizabeth Karst, Ralph and Brenda Fleshman, owners

**STAFF:** Susan Jackson, AICP, Planner III

#### I. SUMMARY OF REQUEST

The applicant is requesting a rezoning from the Prime Agriculture (A-1) classification to the Transitional Agriculture (A-4) classification on ±7.87 acres located near DeLeon Springs, south of Spring Garden Ranch Road. The applicant has submitted a companion small scale comprehensive plan amendment application to change the future land use from the Agricultural Resource (AR) designation to the Rural (R) designation. This rezoning will be contingent upon the adoption of the amendment to the comprehensive plan.

Staff Recommendation: Forward to the county council with a recommendation of approval once the Volusia Growth Management Commission (VGMC) certification on the companion small scale comprehensive plan amendment (CPMA 001-12) has been received.

#### **II. SITE INFORMATION**

1. Location: The property is located in the vicinity of DeLeon

Springs, approximately 1.25 miles east of U.S. Highway 17, and 1,300 feet south of Spring Garden Ranch Road,

between New Jersey Avenue and East Avenue.

2. Parcel No: 6006-01-20-0032 and 6006-01-20-0020

3. Property Size: 7.87 acres

4. County Council District: 1

5. Zoning: Prime Agriculture (A-1)

6. FLU Designation: Agriculture Resource (AR) - Current

Rural (R) - Proposed

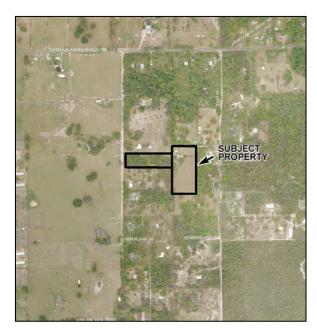
7. ECO Map: No8. NRMA Overlay: No9. Adjacent Zoning and Land Use:

Direction	Zoning	Future Land Use	Existing Use
North	A-1	Agricultural Resource	Single Family residential
East	A-1	Agricultural Resource	Single Family residential
South	A-1	Agricultural Resource	Single Family ranchette
West	A-1	Agricultural Resource	Agriculture

#### 10. Location Maps



**Location Map** 



**Aerial Map** 

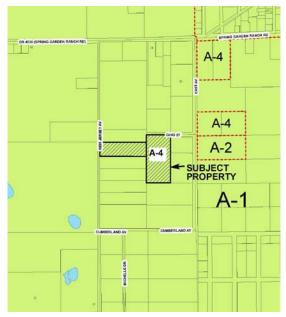
#### III. BACKGROUND

The property is comprised of a 5.01-acre parcel and a 2.86-acre parcel, purchased by the Karsts in 1992 and 1994, respectively. The larger parcel contains a single-family house, the smaller parcel is vacant. The property currently has an Agricultural Resource future land use designation, which specifies a maximum density of 1 dwelling unit per 10 acres, and Prime Agriculture (A-1) zoning, which requires a minimum lot size of 10 acres. Before being under single ownership, the parcels were each considered legitimate nonconforming lots. When under single ownership, the zoning code considers the parcels combined as one per section 72-206(1) of the zoning code.

(1) Nonconforming lots. ... [ If two or more lots and/or combinations of lots and/or portions of lots that abut in single ownership existed on the effective date of adoption or amendment of this article, or if such lots and/or portions thereof are subsequently combined in single ownership with other adjoining lots, and if all or part of the lots do not meet the requirements established for lot width or lot area, then the lands involved shall be considered to be an undivided lot for the purposes of this article. No portion of said undivided lot shall be sold or subdivided in a manner which does not comply with the lot width or lot area requirements established by division 7 of this article.]...

The owner of the property, Mrs. Karst, died in 2010, leaving instructions in her will to sell the property in order to close her estate. The executor of the estate did not realize the parcels are nonconforming and are not to be separated. The Fleshmans purchased the larger parcel with the house. The smaller, vacant parcel is to be conveyed to a relative. To remedy the sale, the applicant is requesting a future land use amendment and rezoning to a classification that would allow smaller lot sizes so that the parcels can meet the land use and zoning requirements, and again be separated as they previously were. Because the conveyance of these properties occurred during the application process, the new owners are party to this application.

The proposed future land use designation is Rural, which generally allows a density of 1 dwelling unit per 5 acres. A density of 1 dwelling unit per 1 acre is allowed subject to compatibility with other properties in proximity that are developed similarly. If the proposed Rural future land use designation is approved, then the property may be rezoned to a classification that also allows smaller lot sizes. The applicant is requesting Transitional Agriculture (A-4), which allows a minimum lot size of 2.5 acres. If both applications are approved, the lots would be considered conforming lots and may be separated and sold individually.



Agricultural Resource

Rural

SUBJECT
PROPERTY

CUMBERLAND AV

CUMBERLAND AV

Agricultural Resource

**Proposed Zoning Map** 

**Proposed Future Land Use Map** 

#### IV. REVIEW CRITERIA AND ANALYSIS

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 property currently has an Agricultural Resource future land use designation, but the applicant is requesting a small scale comprehensive plan amendment to the Rural designation. The Rural designation allows a density up to a maximum of one dwelling unit per acre. The proposed A-4 zoning classification allows 2.5-acre minimum lot size. The A-4 zoning classification is conditionally compatible with the proposed Rural future land use designation in accordance with the Matrix for Consistent Zoning table of the comprehensive plan.

The proposed zoning is consistent with the adopted elements of the comprehensive plan, if the county council approves the companion future land use map amendment. If the county council denies the companion future land use map amendment, the rezoning cannot be approved, because the A-4 zoning classification is not compatible with the AR future land use designation.

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

Approval of the requested rezoning should not significantly affect the environment, as the properties are not within an area requiring special environmental review. The property is not in a 100-year floodplain, nor contains soils unsuitable for development. The site is also not within the NRMA or ECO overlays.

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

This rezoning will enable a maximum of two additional units on the property, if the 5.01-acres parcel is subdivided in accordance with the land development code and one additional dwelling unit if not subdivided. Based on the surrounding lot pattern, this development potential should have minimal impact on the economy of the affected area.

# (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.

This rezoning will enable a maximum of two additional dwelling units on the property. The area is served by well and septic. Area thoroughfares may experience an additional 29 trips, which will not reduce the level of service on the area network. It will have minimal impact on other necessary governmental services.

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

In the past ten years, the county has approved a few small scale comprehensive plan amendment requests to change the land use from the Agricultural Resource designation to the Rural designation. Rezonings to a classification that allows lot sizes down to 2.5 acres have followed the land use action.

#### (6) Any mistakes in the original classification.

The current zoning classification of A-1, established in 1994, does not allow the size of the subject property, nor of many of the other parcels in the area. Parcels in this area are generally less than 10 acres. Most of the subdivisions occurred prior to the adoption of the Comprehensive Plan in 1990, utilizing the exempt subdivision process.

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

The effect of allowing one additional dwelling unit, without subdivision, or two additional dwelling units with subdivision upon the use or value of the affected area is difficult to determine. The dirt road access to both properties is the only mitigating factor in considering the rezoning request, albeit access to the dirt road for the vacant property could have occurred prior to 1994.

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

This rezoning will not negatively impact the public health, welfare, safety or morals of the citizens of Volusia County.

#### V. STAFF RECOMMENDATION

Staff finds the requested rezoning consistent with the comprehensive plan, subject to approval of the companion small scale future land use amendment. Therefore, staff recommends approval of this request for rezoning from the A-1 (Prime Agriculture)

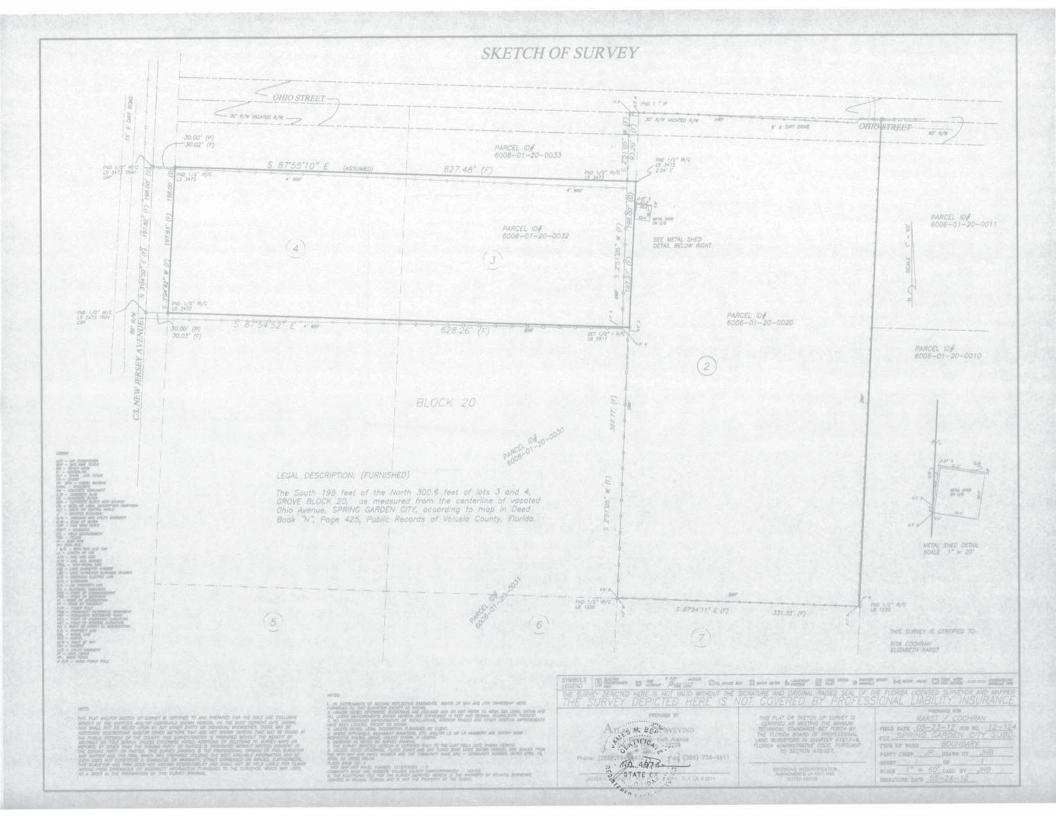
classification to the A-4 (Transitional Agriculture) classification.

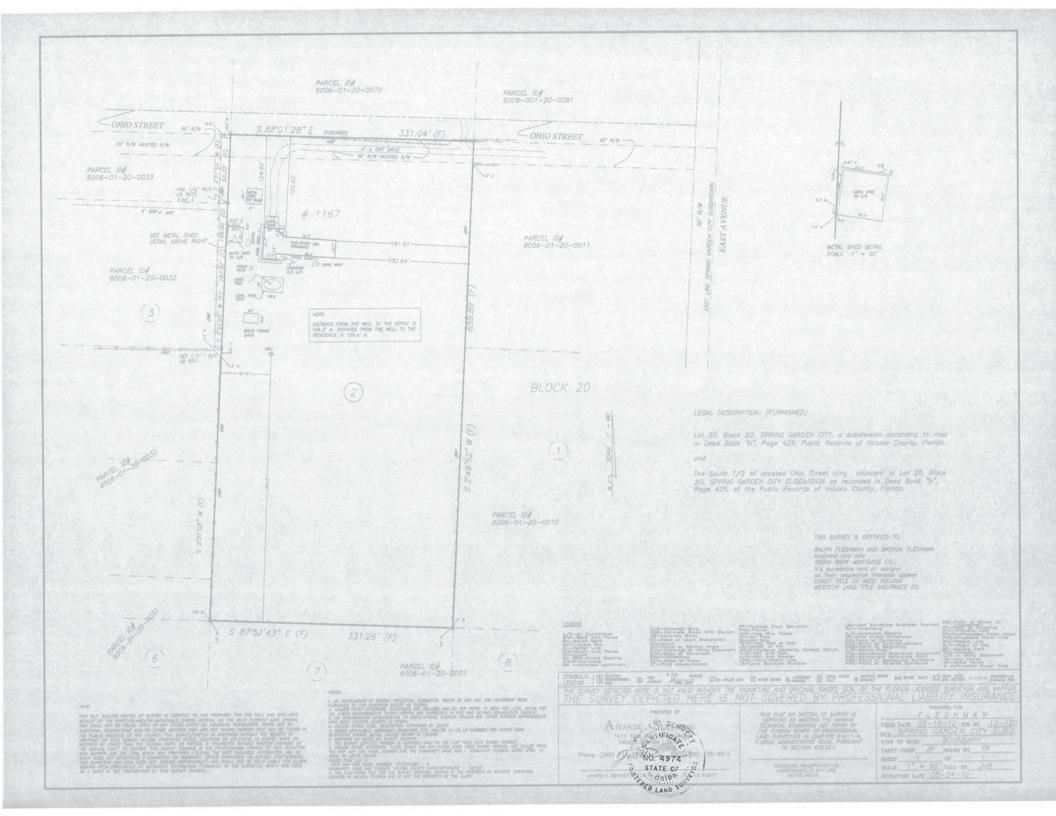
#### VI. AUTHORITY AND PROCEDURE

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.







TO:

Susan Jackson

Planner III

DATE:

July 6, 2012

FROM:

Melissa Winsett

FILE:

z-12-024.doc

Transportation Play

RSN:

735286

SUBJECT:

Cochran/Karst Rezoning, Z-12-024

LOCATION:

On the east side of New Jersey Avenue (County local) south of Spring Garden Ranch

Road (County collector)

#### SITE INFORMATION

The proposed rezoning is for 7.87 acres from an existing zoning of Prime Agriculture (A-1) to a proposed zoning of Transitional Agriculture (A-4). The existing A-1 zoning could produce one Single-Family Residential Dwelling Unit (SFRDU) (on a non-conforming lot) based upon a maximum density of 0.1 SFRDU per acre. The proposed A-4 zoning could produce three SFRDU based upon a maximum density of 0.4 SFRDU per acre.

#### **Transportation Analysis**

The transportation impact of the existing and proposed zoning trip generation was computed for the maximum case scenario using ITE Trip Generation, 8<sup>th</sup> Edition.

Table 1

		I abic i		
Existing Zoning	<b>]</b> :	<del>"</del>		
Existing Zoning	Land Use or Acreage	Density	Trip Generation Rate	Net Daily Trips
A-1	SFRDU	One SFRDU	9.57/SFRDU	10
Proposed Zoni	ng:			
Proposed Zoning	Land Use or Acreage	Density	Trip Generation Rate	Net Daily Trips
A-4	SFRDU	Three SFRDU	9.57/SFRDU	29
Potential Addit	ional Daily Trips:	•	•	19

Roadway Analysis

The 2011 Volusia County Traffic Counts were used to determine the Average Annual Daily Traffic (AADT) and the Level of Service (LOS). The Volusia County Comprehensive Plan Maximum Capacity was used to determine the potential LOS after addition of the anticipated project trips to the 2011 AADT for each thoroughfare roadway.

Table 2

Spring Garden Ranch Road (US-17 to Arredondo Grant Road)				
2011 AADT	2011 LOS	Comp. Plan Max. Capacity	Comp. Plan Allowable LOS	Potential LOS
2,910	В	12,710	Е	В

#### **CONCLUSIONS**

Addition of the proposed 29 trips will not cause LOS problems for the thoroughfares near this development. After our examination of the subject rezoning this office has no comments at this stage.

MW/rsm

# REVIEW STAFF COMMENTS Cochran-Karst-Flechman

#### **Z-12-024**

#### **COUNTY EXTENSION**

David Griffis June 20, 2012

#### Comments:

As requested, I visited the site. Soils were found to be #4 Astatula fine sand, 0 to 8 percent slopes. This excessively drained, nearly level to sloping sandy soil occurs on sand hills. The water table is usually below a depth of 72 inches. This soil has a high potential for community development.

Portions of the property have been developed.

\* \* \* \* \* \*

#### LAND DEVELOPMENT

Jesse Bowers June 19, 2012

#### Comments:

There is a Future Land Use changes from Agriculture Resource to Rural as well. Palmer and I have done extensive research on this and it can be found in RSN 732709. I have also kept a paper copy of the research if you need it.



Dr. Margaret A. Smith Superintendent of Schools

## **FACILITIES SERVICES**

3750 Olson Drive, Daytona Beach, Florida 32124 PHONE: 386/947-8786 FAX: 386/506-5056

#### School Board of Volusia County

Dr. Al Williams, Chairman Ms. Judy Conte, Vice-Chairman Mr. Stan Schmidt Ms. Candace Lankford Mrs. Diane Smith

May 30, 2012

Ms. Rita Cochran Personal Representative for the Karst Estate 5490 East Avenue DeLeon Springs, FL 32130

RE: School Planning Case#12-05-23-001-NI

Karst Rezoning - Volusia County

Dear Ms. Cochran:

The School District has reviewed the proposed rezoning for 8± acres located on New Jersey Avenue and Ohio Street in the DeLeon Springs area within unincorporated Volusia County. The subject property supports an existing residential dwelling.

The proposed rezoning is from Prime Agriculture (A-1) zoning to Transitional Agriculture (A-4) zoning. The existing A-1 zoning designation would permit one (1) residential dwelling unit per ten (10) acres. The proposed zoning designation of A-4 could permit one dwelling unit per 2.5 acres or up to three (3) residential dwelling units. Therefore, this rezoning could result in an increase of residential density.

By utilizing the School District's student generation rate for a single family unit, the proposed rezoning could generate approximately one (1) full time student. The schools impacted by this rezoning are as follows:

Schools	11/12 SY Enrollment	% of Permanent Capacity	Planned Capacity On site	Projected 5 YR Capacity%	Students Generated by requested zoning
McInnis Elementary	397	95%	N	94%	1
Taylor Middle/High	1020	78%	N	86%	0

The impacted schools are currently at or below their permanent capacities and projected to remain the same for the five (5) year planning period. Based on the minimal students anticipated to be generated from this residential rezoning the school district staff has no objection to the zoning change.

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

If you should have additional questions please contact me at (386) 947-8786, extension 50805.

Sincerely.

Helen LaValley

Planning Specialist

C: Saralee L. Morrissey, Director of Site Acquisition and Intergovernmental Coordination Scott Ashley, VC Planning Mgr (via email)

Project File



## REZONING APPLICATION

THE ZONING ORDINANCE OF VOLUSIA COUNTY, FLORIDA

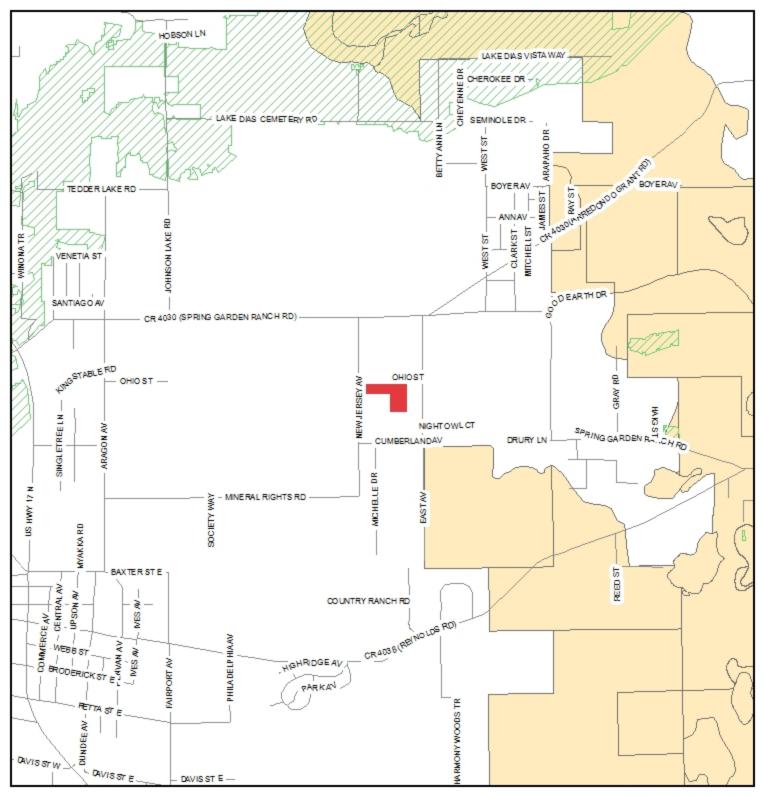
## PLEASE PRINT IN BLUE OR BLACK INK OR TYPE

	Pre-Application Meeting D	Pate:			
APPLICA	ANT: Rita Cochraw Name 5490 FAST Arr	Write - to: E-Mail Addr	Write - to - rita @ Yahoo Com. E-Mail Address		
	Street Address Deleon Springs City	F / Phone State	32/30 Zip		
STATUS:	: OwnerAgent for Owner	Attorney for Owner	Contract Purchaser		
OWNER:	Elizabeth KarsT Name Oeceased Street Address	E-Mail Addr	ess		
	City	State	Zip		
	equest for change of classification from (Current Z on the points	property described below. The C			
	arcel $5.01$ Acres Tax $2.86$ Acres North-Gide Notety is located on the $\frac{UUST}{}$ side of $\frac{U}{}$	600 601 2000 3	2		
approxima	ately 150 ft./mi. N-S-E-W from its interse		10 St./Ave.		
	erty is near	d/or adjacent to the City of DeLe	in the		
	plicable Utility: Private Septic/Well Central S		V		
APPLICA	TION WILL <u>NOT</u> BE ACCEPTED UNLESS <u>AL</u>	L OF THE FOLLOWING ARE ATT	rached:		
<ul><li>2</li><li>A</li><li>P</li><li>T</li><li>V</li></ul>	wo (2) signed and sealed surveys of the Copies of Legal Description (furnished outhorization of Owner (if applicant is other-application Meeting Form.  IA submission if applicable.  Yolusia County School Board Concurrence, application Fee.	on 3½" computer disk or CD- ner than owner or attorney for	Rom, if possible) rowner).		

# ALL SUBMITTALS MUST BE <u>MADE IN PERSON</u> BY 12:00 NOON ON DEADLINE DATE AND <u>FEES MUST BE PAID</u> BEFORE APPLICATION WILL BE ACCEPTED.

IF THIS APPLICATION IS APPROVED, ALL OTHER COUNTY ORDINANCES SHALL BE COMPLIED WITH AND FEES PAID.

This request will be considered at the Planning and Land Development Regulation Commission (PLDRC) Public Hearing held
on(mo/day/yr), in the County Council Chambers of the Thomas C. Kelly Administration
Center, 123 West Indiana Avenue, DeLand, Florida, beginning at 9:00 a.m.
The recommendation of the aforesaid Commission will be considered at the Volusia County Council Public Hearing held on
(mo/day/yr), in the County Council Chambers of the Thomas C. Kelly Administration
Center, 123 West Indiana Avenue, DeLand, Florida beginning at 2:00 p.m.
APPLICANT'S RIGHTS FOR APPEAL OR REHEARING AND RES JUDICATA ARE STATED IN SECTIONS 72-378 AND 72-381 OF THE ZONING ORDINANCE, AS AMENDED.
ANY NEW INFORMATION TO BE PRESENTED AT THE COUNTY COUNCIL MEETING THAT WAS 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.
BY SIGNING, I HEREBY AUTHORIZE VOLUSIA COUNTY STAFF PERMISSION TO VIEW AND ENTER UPON THE SUBJECT PROPERTY FOR THE PURPOSES OF INVESTIGATING AND REVIEWING THIS REQUEST.
Signature of Applicant: Rite Cochran Print Signature
Signature of Applicant: Print Signature
-
Date Submitted: 5-23-2013 Accepted By.:
PILING FEE PAID: \$1152.00 pack 1007 RECEIPT#: OFFICE: Deland
AMANDA ROW ID:
CITY NOTIFICATION REQUIRED (1,320 ft.) YES NO
NAME OF CITY



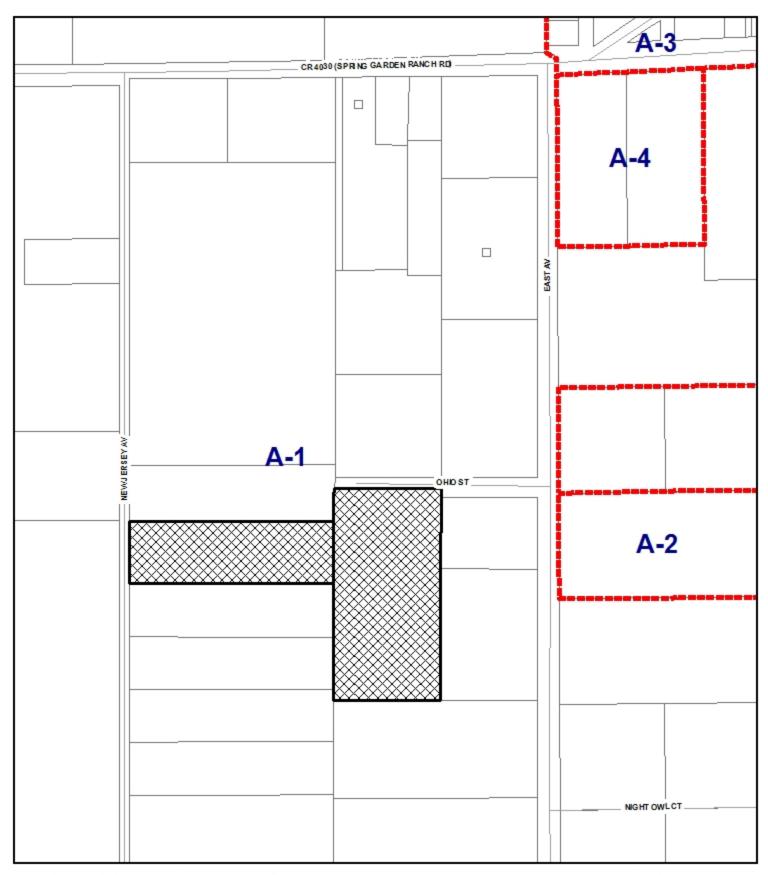
ECO/NRMA

ECO NRMA

REQUEST AREA

1"= 2000'

FROM: A-1 TO: A-4 REZONING CASE NUMBER Z-12-024



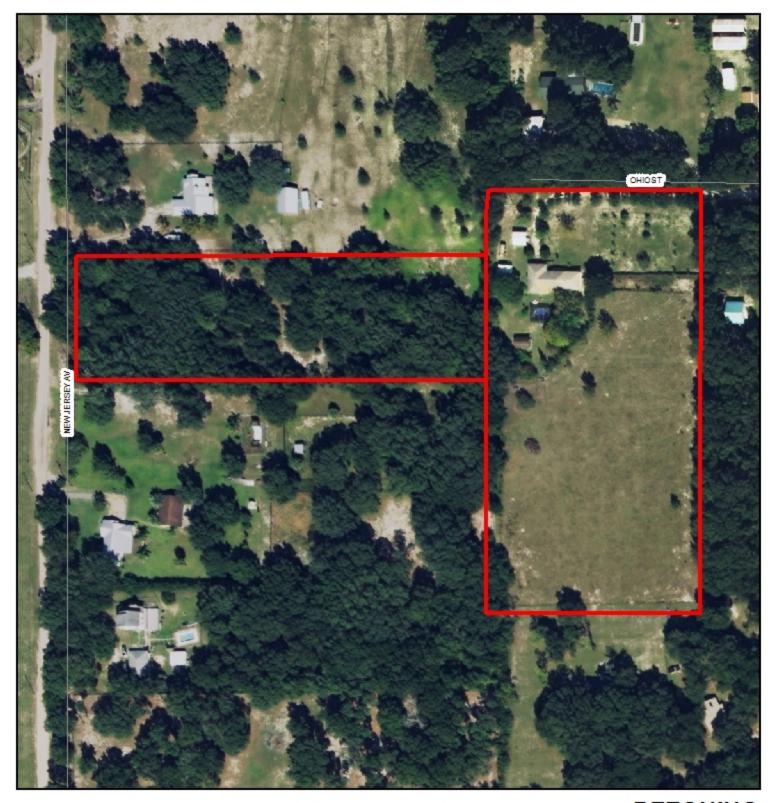
# ZONING CLASSIFICATION

REQUEST AREA

1"= 200' FROM: A-1

TO: A-4

REZONING CASE NUMBER Z-12-024



**AERIAL** 

IMAGE DATE: 2009

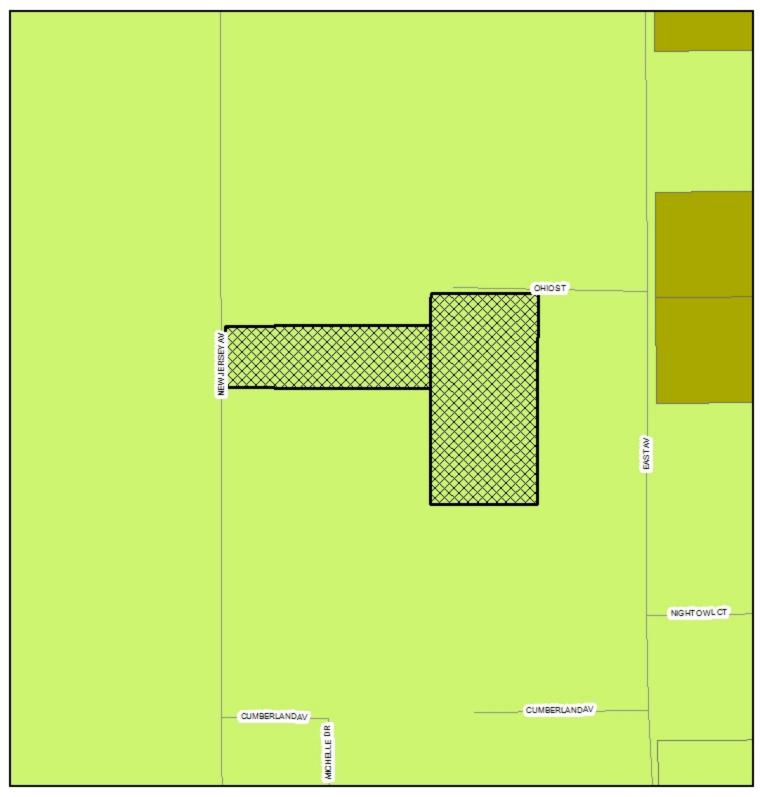
REZONING CASE NUMBER Z-12-024

1"= 150'

REQUEST AREA

FROM: A-1 TO:

A-4



### **FUTURE LAND USE DESIGNATION**

AGRICULTURE RESOURCE RURAL

REZONING CASE NUMBER Z-12-024

1"= 300'



FROM: A-1

TO: A-4