



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

PUBLIC HEARING: August 11, 2015 – Planning and Land Development Regulation Commission (PLDRC)

CASE NO: Z-15-055

SUBJECT: Rezoning from Transitional Agriculture (A-3) zoning classification to Rural Agriculture (A-2) zoning classification.

LOCATION: 630-680 Richfern Road, DeLand

APPLICANT: HSA Golden, agent

OWNER: DeLand Landfill, Inc., dba Waste Management of Florida, Inc.

STAFF: William Gardner, Project Activity Manager

I. SUMMARY OF REQUEST

The applicant is requesting a rezoning from a Transitional Agriculture (A-3) classification to a Rural Agriculture (A-2) classification on 20.15 acres located at 630-680 Richfern Road, west of the City of DeLand. The purpose of the rezoning is to enable the owner to apply for a nonexempt excavation through the permitted special exception process under the Rural Agriculture (A-2) zoning classification. The current A-3 zoning classification does not permit nonexempt excavations as a special exception. The five parcels comprising the rezoning request currently abut an existing excavation and landfill operation owned by DeLand Landfill, Inc.

Staff recommendation: Forward to county council for final action with a recommendation of approval.

II. SITE INFORMATION

- 1. Location: The property is located on Richfern Road, approximately 820 feet south of its intersection with West Plymouth Avenue, west of the City of DeLand
- 2. Parcel No(s): 7939-01-00-0350, 7939-03-00-0080, 7939-03-00-0070, 7939-03-00-0060 and 7939-01-00-380
- 3. Property Size: 20.15 acres
- 4. Council District: 1
- 5. Zoning: A-3
- 6. Future Land Use: Rural
- 7. ECO Overlay: No
- 8. NRMA Overlay: No
- 9. Adjacent Zoning and Land Use:

DIRECTION	ZONING	FUTURE LAND USE	CURRENT USE
North:	A-2	Rural	Class III landfill
East:	A-2 & A-3	Rural	Fernery and pasture
South:	A-3	Rural	Single-Family Dwellings
West:	A-2 & A-3	Rural	Single-Family Dwellings and Class III landfill

10. Location Maps:



AERIAL MAP



ZONING MAP

III. BACKGROUND

The property consists of five parcels fronting onto Richfern Road. The 20.15-acre property was a former fernery that was acquired by DeLand Landfill, Inc. in 2006. Abandoned facilities on the property include a one-story house with a swimming pool, a maintenance building, various wood and metal sheds, irrigation wells and pumps, and fernery shade structures. The original intent for the purchase of the property was to apply for a special exception for a nonexempt excavation to provide fill and cover material for the ongoing operations of the adjacent DeLand Class III landfill.

Adjacent to the property to the north and west is the existing Waste Management, Inc. of Florida (WMIF) DeLand Class III landfill that covers approximately 59 acres. The WMIF landfill over the past 28 years was granted two special exceptions (S-86-105 and S-97-033) for nonexempt excavations and landfills with an approved rezoning (Z-97-040) from Transitional Agriculture (A-3) zoning classification to Rural Agriculture (A-2) zoning classification to accommodate the existing and expanded landfill operations since 1987. The current special exception (S-97-033) expires in July 2017.

The existing A-3 zoned acreage allows for single-family or manufactured modular dwellings with the purpose and intent to preserve and protect small farms for personal and limited agricultural production or to provide a transitional agricultural zone between more intensive agricultural use areas and residential areas. The minimum lot size area is one acre which would allow a gross maximum of twenty dwelling units that could be realized from the property's overall A-3 acreage. Under this request, the applicant is proposing a change to the A-2 zoning classification which permits similar agriculture pursuits and residential development at a minimum lot size area of five acres, which would yield an overall four units.

The requested rezoning for the A-2 classification allows the applicant to submit an application for a special exception for a nonexempt excavation to support the ongoing operations at the DeLand Class III landfill and ongoing reclamation plan.

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 is designated Rural on the future land use map. This designation description in the Future Land Use Element is as follows:

Rural (R) – This designation consists of areas which are a mixture of agriculture and low density residential development. Rural areas provide two functions, the first being a transitional use between the agriculture and urban uses and the second would be a rural

community which serves as the economic focal point of a small region. Rural areas should be developed in a manner consistent with the retention of agriculture and the protection of environmentally sensitive areas. Strict limitation of development in rural areas contributes to the efficient growth and operation of public services and facilities, thus ensuring the most effective use of public resources. The natural features and constraints will be the primary determinants in deciding whether or not an area is suitable for rural type development. Lands designated as rural shall be developed at a density of one (1) dwelling unit per five (5) acres.

The request for a rezoning to A-2 is consistent with the Rural future land use designation, as the A-2 zoning classification is listed as assumed compatible in the Matrix For Consistent Zoning Classification With Future Land Use Designations. The A-2 zoning classification has a minimum lot size area of five acres or a density of one dwelling unit per five acres. When compared to the current A-3 zoning classification, which has a minimum lot size area of one acre, this rezoning request results in a decrease of potential density. The A-2 zoning's five-acre lot area requirement is consistent with the referenced density of the Rural land use designation, and is compatible with adjacent zoning and lot sizes in the area.

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

Approval of the requested rezoning should not affect the environment or impact the site's natural resources, as the property is not within an area requiring special environmental review. The property is not in a 100-year floodplain; no wetlands are located within the property boundaries nor contains soils unsuitable for development. The site is also not within the NRMA or ECO overlays. The request to an A-2 zoning classification is a downsizing of the density.

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

The property is in a transitional area containing a mix of limited rural residential development, agriculture use lands and a closed landfill. Value impacts on the area are difficult to determine due to lack of data and current economic conditions.

(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.

Schools: The A-2 classification requires a minimum lot area of five acres, which is a reduction in the development potential of the property. This rural agriculture zoning classification should have an insignificant impact on area schools.

Sewage disposal and potable water: The property is currently serviced by on-site potable water and septic/drain field system.

Solid waste: Development of this site should not impact the level of service standards for the county's solid waste facilities.

Transportation: The change of zoning will reduce the residential development potential of the property and will correspondingly reduce the amount of trips generated by the property.

Fire and police protection: The County of Volusia provides fire and law enforcement services for the area. Under this rezoning request, the residential development potential of the property area will generate less trips.

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

The existing DeLand Class III landfill that is adjacent to the requested rezoning has been operating within the neighborhood over the past 28 years. Two previous special exceptions for excavations and landfills have been approved and a similar rezoning of the adjacent landfill property from A-3 to A-2 took place in 1997. One closed landfill is located to the north of the property.

(6) Any mistakes in the original classification.

There are no mistakes in the property's zoning classification. The A-3 zoning classification has existed on the subject property since 1980.

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

The change to the A-2 classification allows similar principal uses and structures, and other potential special exception uses not permitted under the A-3. The property is located in an area containing a mix of land use types with RPUD, rural residential and agriculture classifications. Value impacts on the area are difficult to determine due to lack of data and current economic conditions. The A-2 zoning does exist on adjoining properties, thus it will not be a new classification for the area.

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

There are no known negative impacts on the public health, welfare, safety, or morals of the surrounding neighborhood.

V. STAFF RECOMMENDATION

Staff recommends the commission forward this request to the county council with a recommendation of approval for the rezoning from the Transitional Agriculture (A-3) to the Rural Agriculture (A-2) zoning classification as presented.

VI. ATTACHMENTS

- Survey
- Reviewers Comments
- 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 zoning 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 to be 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 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.

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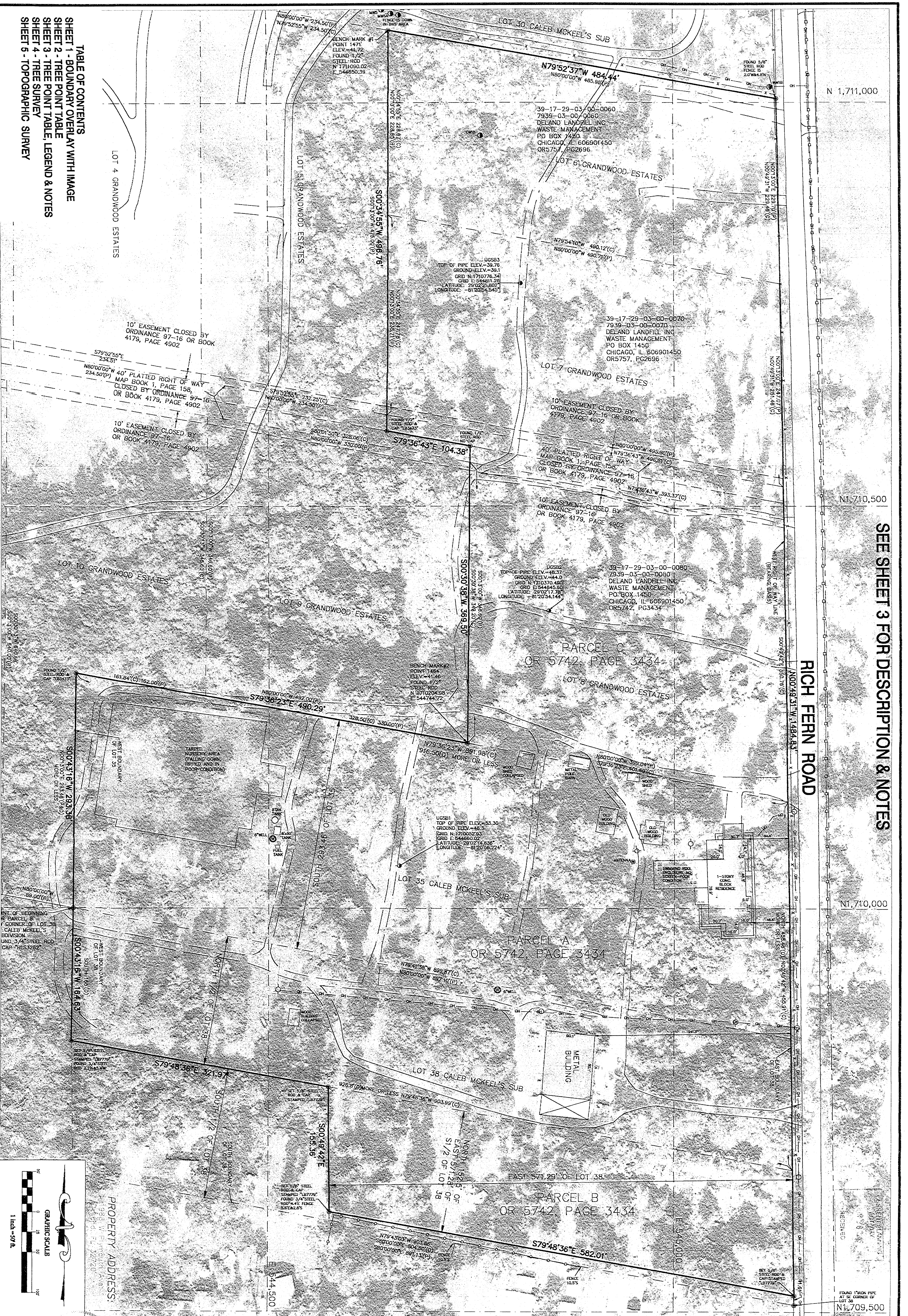
SHEET 1 - BOUNDARY OVERLAY WITH IMAGE

SHEET 2 - TREE POINT TABLE

SHEET 3 - TREE POINT TABLE, LEGEND & NOTES

SHEET 4 - TREE SURVEY

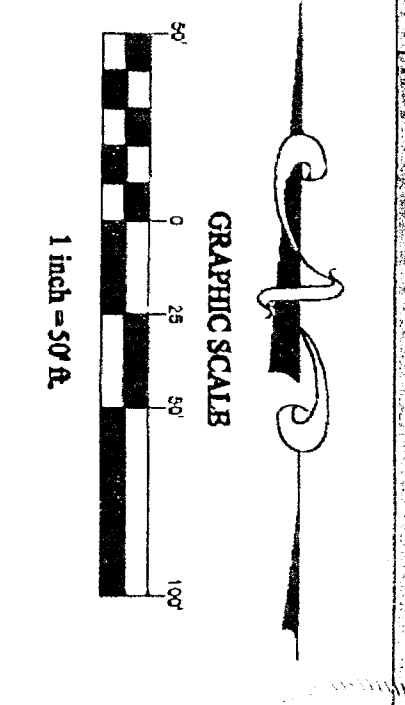
SHEET 5 - TOPOGRAPHIC SURVEY



SEE SHEET 3 FOR DESCRIPTION & NOTES

RICH FERN ROAD

PROPERTY ADDRESS:
988 W. Plymouth Ave
P.O. Box 122720



**BOUNDARY SURVEY - TREE SURVEY
PORTION OF GRANDWOOD ESTATES
& CALEB MCKEEL'S SUBD.
SECTIONS 1&12-T17S-R29E DELAND, FL**

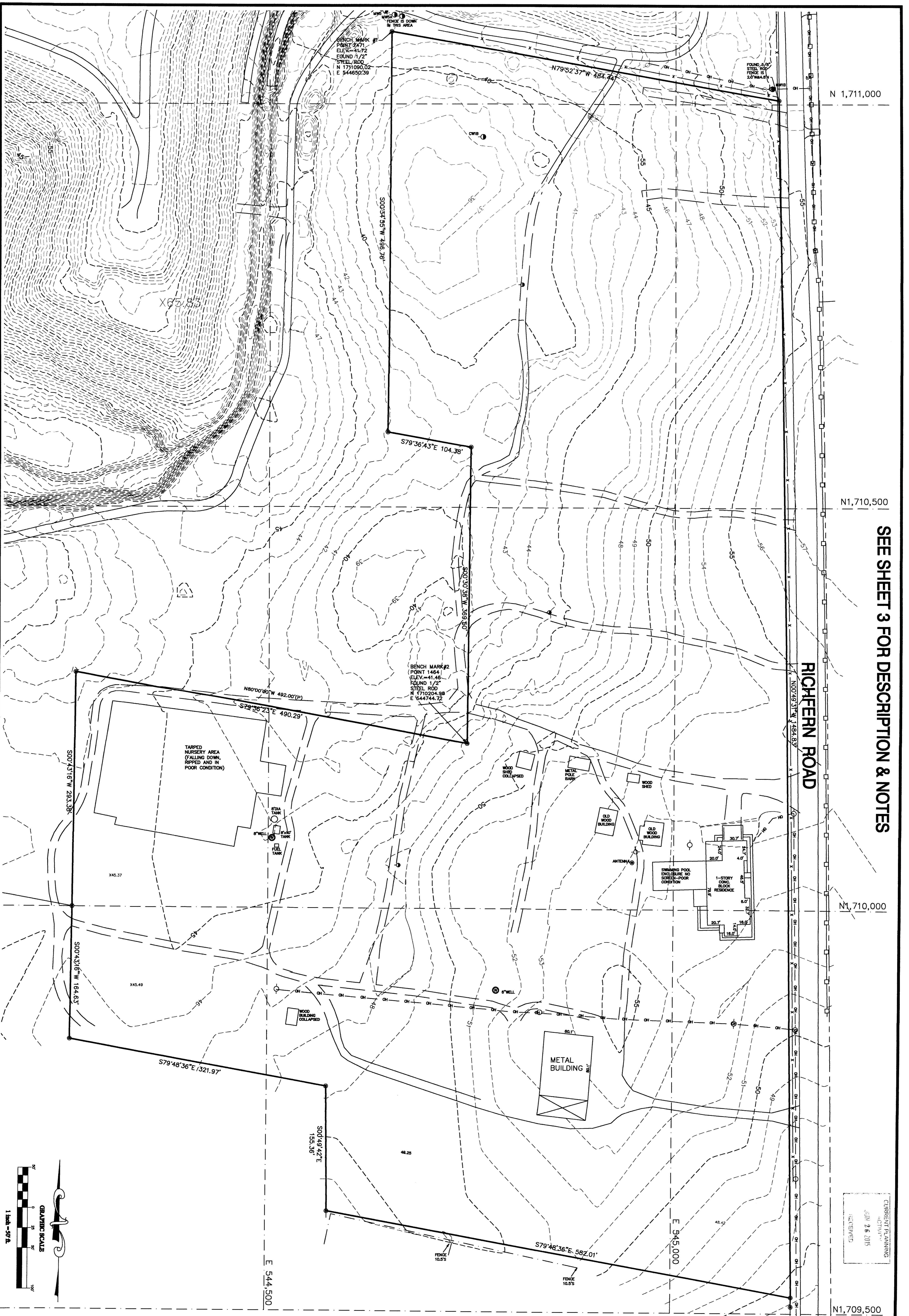
CLIENT:
WASTE MANAGEMENT
6501 GREENLAND ROAD
JACKSONVILLE, FL

Peavey & Associates
SURVEYING & MAPPING PA
9399 N LAKE BUFFUM RD
FORT MEADE, FL 32841
PHONE: 863-738-4960
FLORIDA BUSINESS NO. 7779

Drawn By: DLP
Party Chief: SP
Field Book: 32
FILE NAME: 308 deland bndy trees-use.owg

NO.	DATE	REVISION

PROJECT NO. 305
SHEET 7



N 1,711,000

N1,710,500

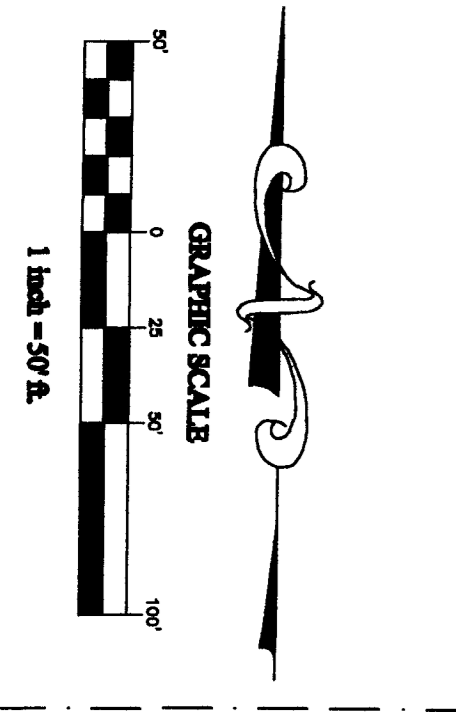
N1,710,000

N1,709,500

SEE SHEET 3 FOR DESCRIPTION & NOTES

RICHEFERN ROAD

CURRENT PLANNING
 ACTIVE
 JUN 26 2015
 RECEIVED



**TOPOGRAPHIC SURVEY
 PORTION OF GRANDWOOD ESTATES
 & CALEB MCKEEL'S SUBD.
 SECTIONS 1&12-T17S-R29E DELAND, FL**

CLIENT:
**WASTE MANAGEMENT
 6501 GREENLAND ROAD
 JACKSONVILLE, FL**

Peavey & Associates
 SURVEYING & MAPPING PA
 9399 N LAKE BUFFUM RD
 FORT MEADE, FL 32841
 PHONE: 863-738-4960
 FLORIDA BUSINESS NO. 7779

Drawn By: DLP
 Party Chief: SP
 Field Book: 32
 FILE NAME: 308 deland bndy trees-use.dwg

NO.	DATE	REVISION

DEBORAH L. PEAVEY, P.S.M.
 FLORIDA REGISTRATION
 NUMBER 4393
 NUMBER 4393
 5/13/2015
 SCALE 1"=50'
 PROJECT NO. 305
 SHEET 5

**Inter-Office
Memorandum**



TO: William Gardner, Activity Manager **DATE:** July 13, 2015

FROM: Danielle Dangleman, Environmental Specialist III

SUBJECT: Planning & Land Development Regulation Commission meeting for
Date: August 11, 2015
Parcel #: 7939-01-00-0350, 7939-01-00-0380,
7939-03-00-0060, 7939-03-00-0070, and
7939-03-00-0080
Case #: Z-15-055, DeLand Landfill, Owner

Environmental Permitting (EP) has reviewed the application and conducted a site inspection for this project. The property is wooded with several specimen sized oak trees.

EP has no objection to the project. However, the proposed landfill will remove several of these trees and will require a tree removal permit. The applicant will have to meet all of the environmental requirements of the Land Development code, not just the sections regarding tree removal.



LOOKING NORTH ON RICHFERN ROAD
PROPERTY ON THE LEFT



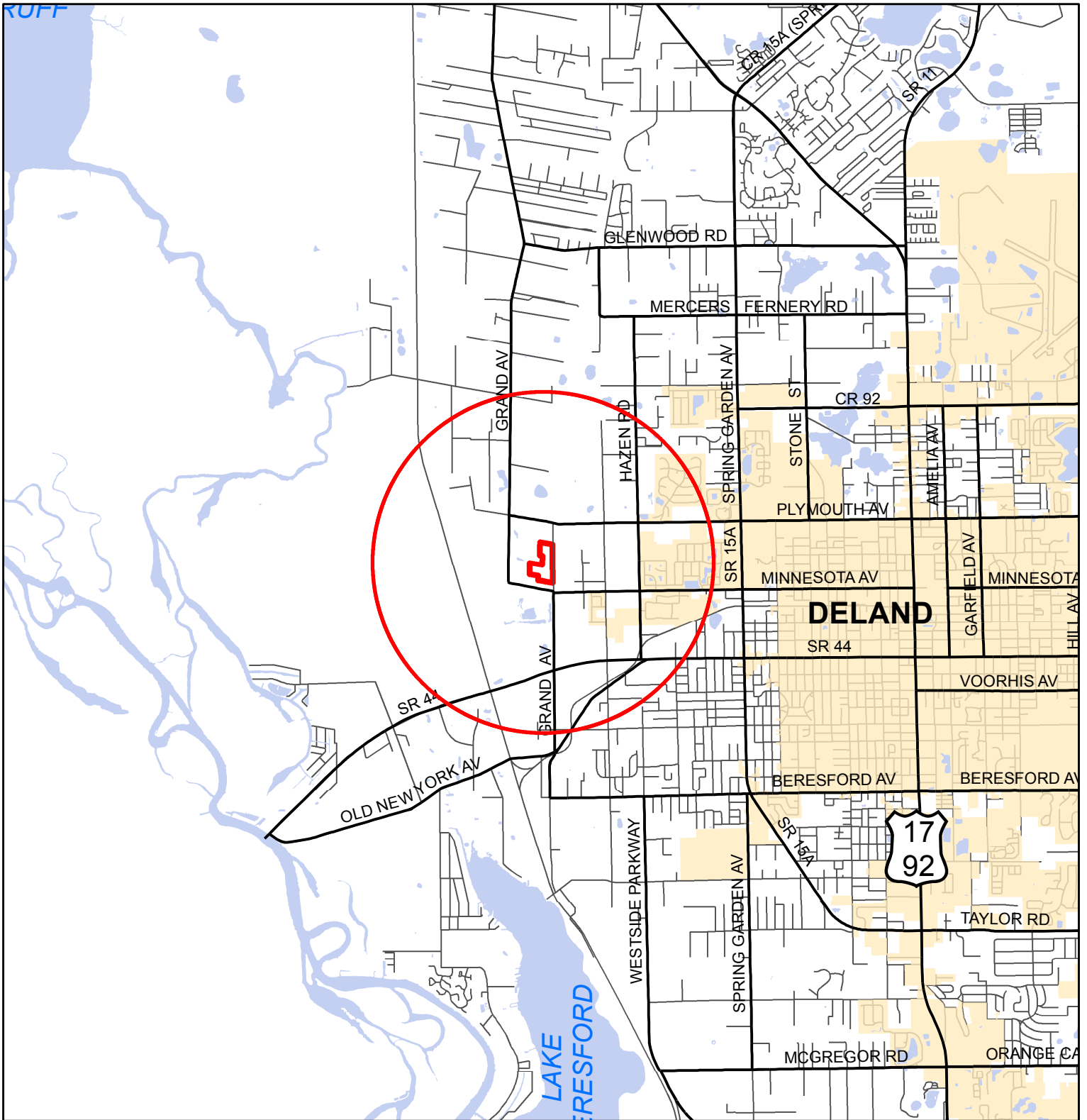
LOOKING SOUTH ON RICHFERN ROAD
PROPERTY ON THE RIGHT




INTERIOR VIEW



INTERIOR VIEW



REQUEST AREA LOCATION

 REQUEST AREA

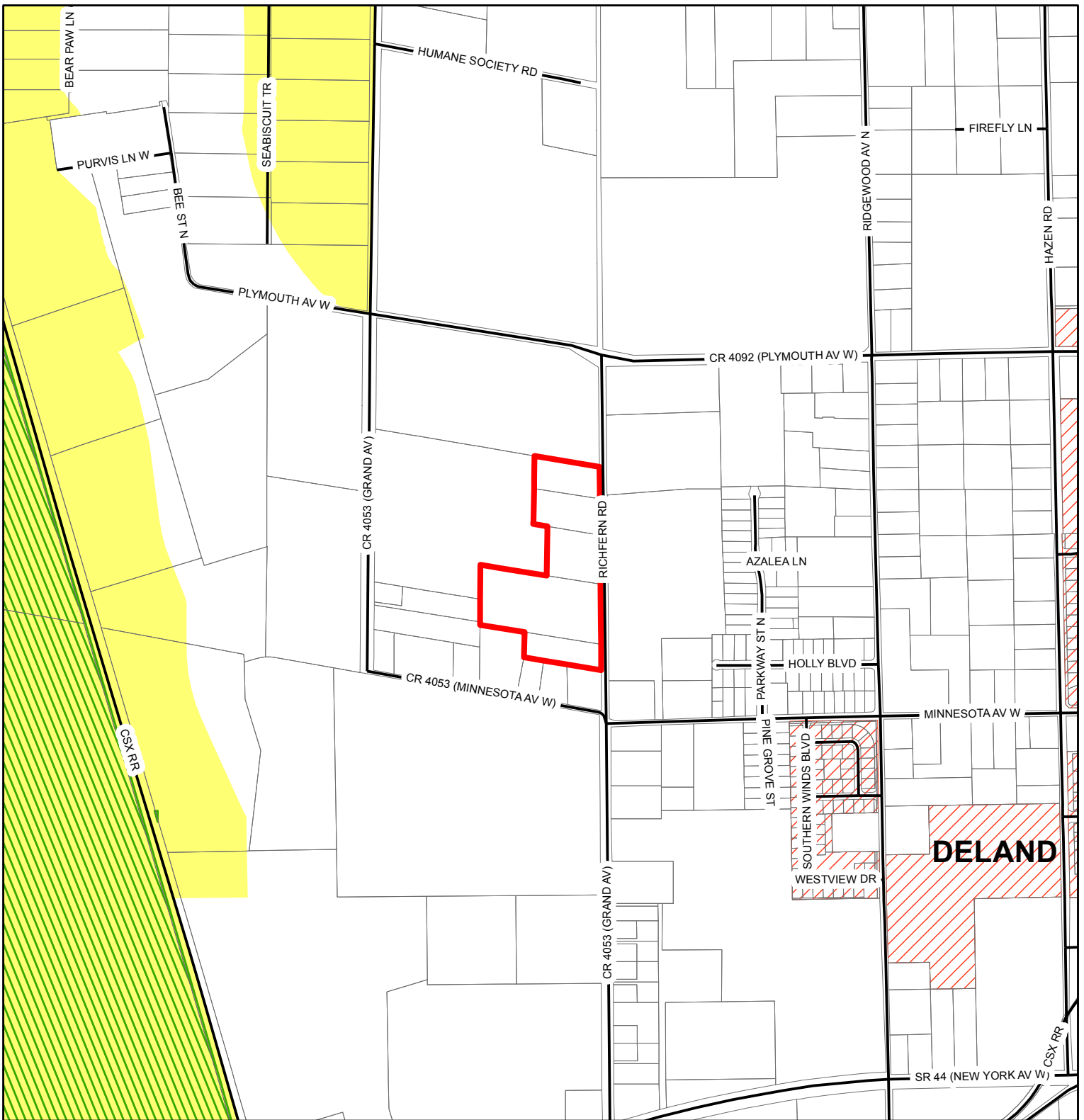
1" = 1 MILE

ZONING



CASE NUMBER

Z-15-055



ECO/NRMA

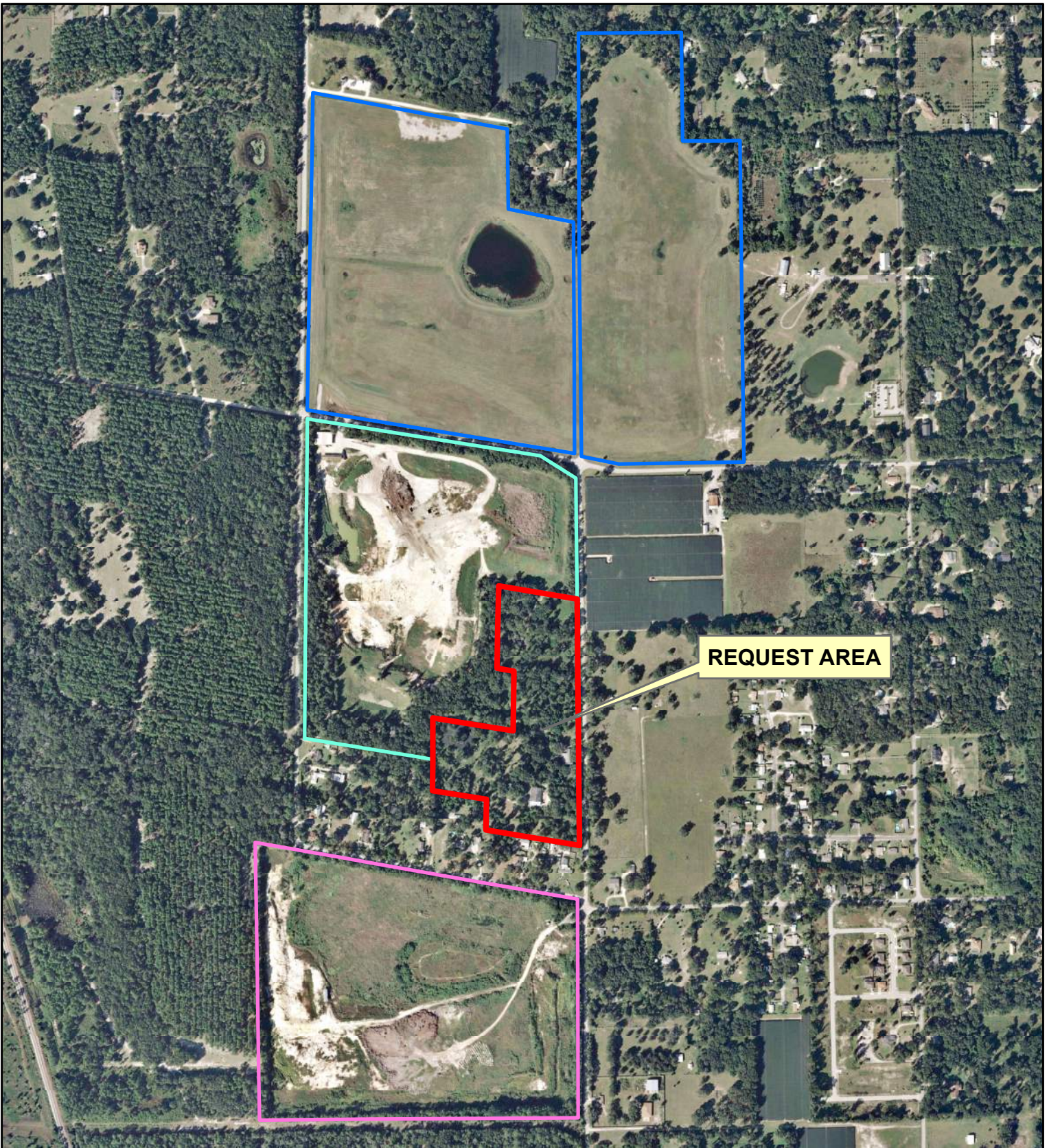
1 inch = 1,000 feet

ZONING

- REQUEST AREA
- ECO
- NRMA
- INCORPORATED



CASE NUMBER
Z-15-055



AERIAL 2012

1 inch = 800 feet

 HTS ENVIRONMENTAL SERVICES LANDFILL 67 Acres

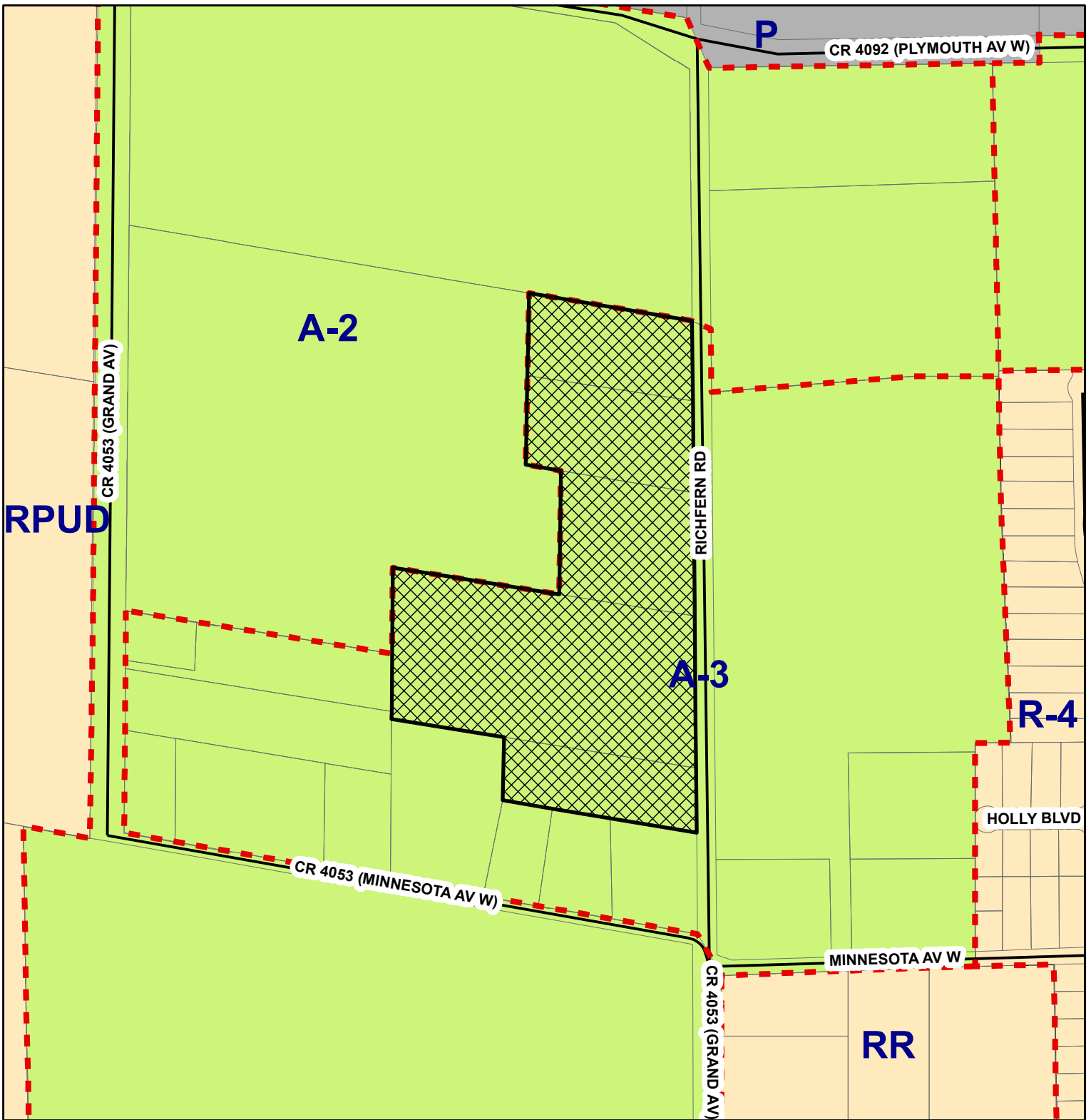
 PLYMOUTH LANDFILL 130 Acres

 DELAND LANDFILL 59 Acres

**ZONING
CASE NUMBER**



Z-15-055



ZONING CLASSIFICATION

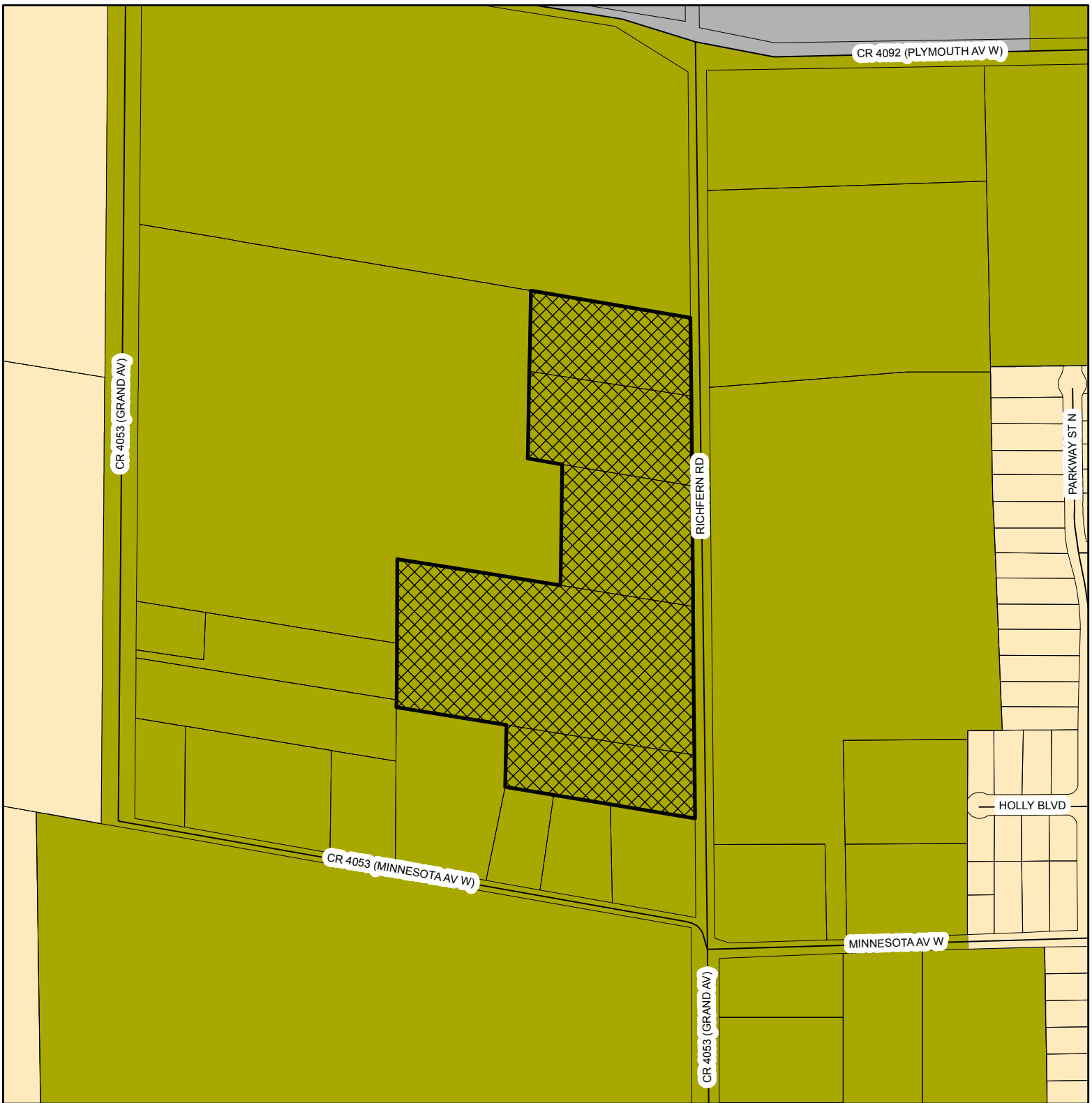
1 inch = 400 feet

ZONING

- AGRICULTURAL
- RESIDENTIAL
- PUBLIC
- REQUEST AREA



CASE NUMBER
Z-15-055



FUTURE LAND USE DESIGNATION

1 inch = 400 feet

- PUBLIC/SEMI PUBLIC
- URBAN LOW INTENSITY
- RURAL
- REQUEST AREA

ZONING

CASE NUMBER



Z-15-055