



**GROWTH AND RESOURCE MANAGEMENT DEPARTMENT  
PLANNING AND DEVELOPMENT SERVICES DIVISION  
CURRENT PLANNING ACTIVITY**

**PLDRC HEARING:** December 10, 2013-Planning and Land Development Regulation Commission (PLDRC)

**CASE NO:** Z-14-008

**SUBJECT:** Rezoning from the Prime Agriculture (A-1) classification to the Rural Agriculture Estate (RA) classification.

**LOCATION:** 4820 State Road 11, DeLeon Springs

**APPLICANT/Owner:** Jeff Rogers and Brynn Ahrens-Rogers

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

---

**I. SUMMARY OF REQUEST**

The applicant is requesting a rezoning from a Prime Agriculture (A-1) classification to the Rural Agriculture Estate (RA) classification on 10.4 acres located at 4820 State Road 11, DeLeon Springs. This rezoning application has a companion future land use amendment application requesting an amendment from the Agricultural Resource (AR) designation to a Rural (R) designation. The property is part of a 18.5-acre parent parcel that currently has split future land use designations and zoning classifications. Approval of both applications would allow the entire parcel to have a single future land use designation and a single zoning classification that is compatible and harmonious with the surrounding area. Approval of the rezoning application is subject to approval of the future land use amendment.

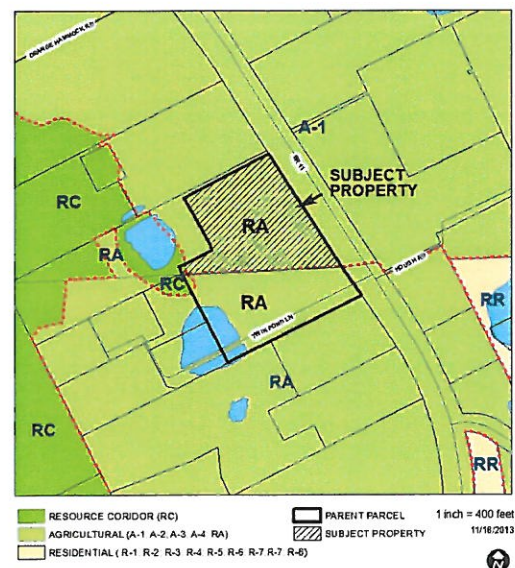
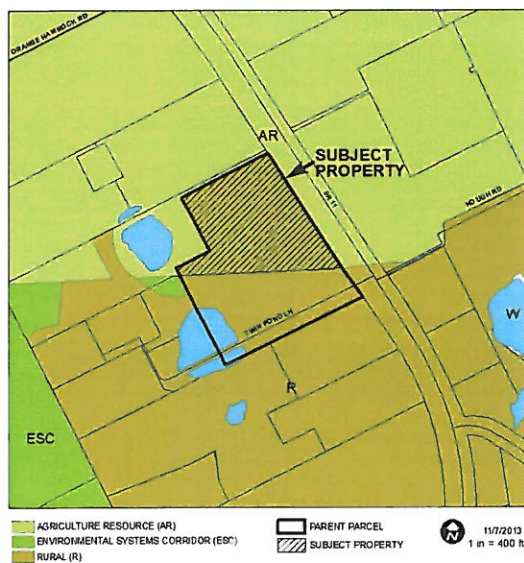
Staff Recommendation: Forward to the county council with a recommendation of approval.

## II. SITE INFORMATION

1. Location: The property is located on the Northwest corner of the intersection of State Road 11 and Twin Pond Lane, DeLeon Springs.
2. Parcel No: 6041-01-00-0074
3. Property Size: 10.4 acres of an 18.5-acre parent parcel
4. County Council District: 1
5. Zoning: Prime Agriculture (A-1)
6. FLU Designation: Rural (R) (proposed)
7. ECO Map: No
8. NRMA Overlay: No
9. Adjacent Zoning and Land Use:

Direction	Zoning	Future Land Use	Existing Use
North	Prime Agriculture	Agricultural Resource	Agriculture/Rural Residential
East	Prime Agriculture	Agricultural Resource	Agriculture/Rural Residential
South	Rural Agriculture Estates	Rural	Agriculture/Rural Residential
West	Prime Agriculture, Resource Corridor, and Rural Agriculture Estates	Agricultural Resource, Environmental Systems Corridor and Rural	Agriculture/Rural Residential

### 10. Maps

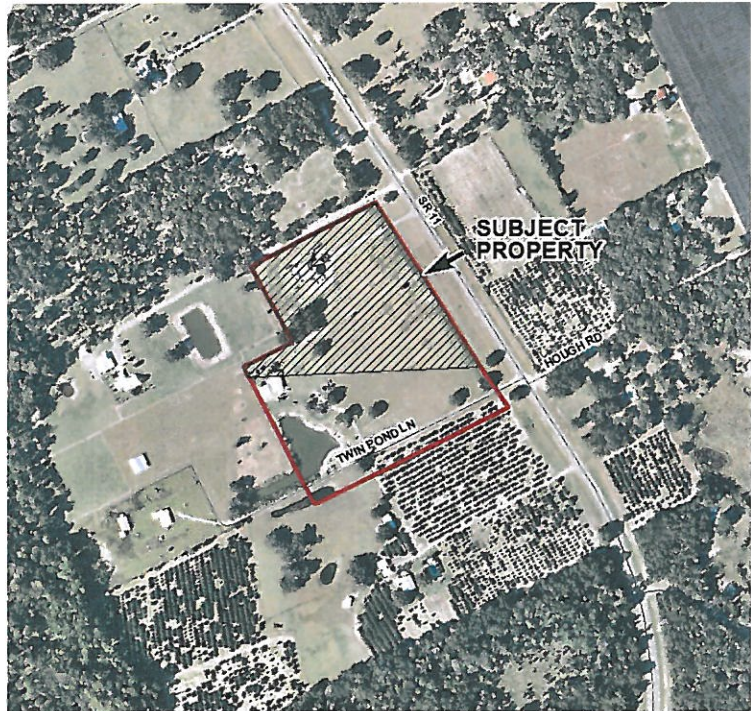




### III. BACKGROUND

This rezoning request only effects approximately 10.4 acres of an 18.5-acre parent parcel. The parent parcel has a split future land use designation, with the northern 10.4 acres designated as Agricultural Resource (AR) and the southern 8.1 acres designated as Rural (R). It has commensurate split zoning classifications, with the north half classified as Prime Agriculture (A-1) and the south half classified as Rural Agriculture Estate (RA). The boundary between the classifications runs diagonally through the parcel, following a section line rather than a parcel boundary line. The owners have applied to amend the future land use in order that the entire parcel be designated Rural. This rezoning is a companion application in order that the entire parcel be zoned RA.

The subject property is currently limited to a density of one-unit per 10 acres and a minimum lot size of 10 acres. The property currently contains a house and a pole barn/metal farm building. The owner desires to subdivide the parcel into two lots in order to sell a five-acre lot containing the existing house and build another house on the remaining 13.5 acres. Because the portion that contains the house is designated Agricultural Resource (AR) and zoned Prime Agriculture (A-1), a five-acre parcel cannot be created in this portion of the parcel. Therefore, the owner is requesting the land use amendment and rezoning to match the rest of the property.



If adopted, the future land use amendment and companion rezoning could potentially allow up to four parcels on the amendment site, or three additional dwelling units.

### 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.***

Subject to approval of the future land use amendment from Agriculture Resource to Rural, the rezoning is consistent with the comprehensive plan.

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

Approval of the requested rezoning will not significantly affect the environment or natural resources. The property is currently developed with a single family house and a farm building. Approval of the rezoning would allow a maximum of three additional homes sites on the subject property.

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

The zoning change will not effect on the economy of the 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.***

Approval of the requested rezoning will have no significant impact upon necessary governmental services.

**Transportation:** The capacity of the adjacent roadway, State Road 11 (from State Road 40 to County Road 15A) is 8,400 average daily trips (ADTs) based on a maximum allowable Level of Service (LOS) C. The current LOS of this segment is B, averaging 2,700 trips per day. The land use amendment calculated at the theoretical maximum could potentially generate 86 additional ADTs. The companion rezoning would further limited the additional trips to 28. The land use amendment will not cause a reduction in the LOS of the thoroughfares adjacent and near the amendment site. Transportation Engineering's traffic analysis memorandum is attached as Attachment A.

**Potable Water:** There are no central water utilities available to serve this site. Individual wells will be used to service any potential development.

**Sanitary Sewer:** There are no central sewer utilities available to serve this site. Individual septic systems will be used to service any potential development.

**Stormwater:** All stormwater requirements shall be addressed during the development review process.

**Solid Waste:** Expansion of this site will not degrade level of service standards for the County's solid waste facilities. The adopted level of service standard for solid waste capacity is a minimum of five years of construction life. Volusia County's Tomoka Landfill site has permitted capacity well beyond five years and a construction capacity well beyond 2050.

**Schools:** Pursuant to a school capacity analysis, attached as Attachment B, the school district has determined that school capacity is adequate to serve the proposed increase in residential density.

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

There have been no changes in circumstances or conditions affecting the area.

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

There is no mistake in the original classification, however the section line was used as the demarcation between zoning classifications rather than property boundaries, which has created the split zoning of this parcel.

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

The rezoning of this property will enable it to be subdivided into a maximum of four lots, subject to other requirements of the zoning code and land development code being met.

***(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 meets the specified criteria for considering a rezoning application. Therefore, staff recommends that the PLDRC forward this request for rezoning from the Prime Agriculture (A-1) zoning classification to the Rural Agriculture Estates (RA) zoning classification to the county council with a recommendation of approval.

## **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.

**VII. Attachments.**

Attachment A – Traffic Impact Analysis

Attachment B – School Capacity Analysis  
Survey

Resolution 2014-xx

Map Series



**INTER-OFFICE MEMORANDUM**



TO: Susan Jackson, AICP  
Planner III

DATE: November 15, 2013

FROM: Melissa Winsett *MW*  
Transportation Planner

RSN: 771002

SUBJECT: Rogers, Z-14-008 & CPA-14-001

LOCATION: On the west side of SR 11 (State Route) north of DeLand

Application and Site Information

The applicant is proposing to change the current zoning category of Prime Agriculture (A-1) to Rural Residential (RA) on a 10.4 acre parcel located on US 11 north of the City of DeLand. Additionally, the applicant is proposing to change the current land use category of Agricultural Resource (AR) to Rural (R).

Transportation Analysis

The proposed land use amendment and rezoning trips were analyzed to determine how they would impact the transportation network. To complete this review, the land use amendment and rezoning's trip generation were calculated under the theoretical maximum case scenario using

ITE Trip Generation, 9<sup>th</sup> Edition. The 2012 Volusia County traffic counts were used to determine Average Annual Daily Traffic (AADT) and compute the Level of Service (LOS) information. Additionally, the Volusia County Comprehensive Plan maximum capacity information was used to determine the allowable LOS/capacity.

*Land Use Amendment Trip Potential:*

Table 2 depicts the trip generation comparison between the existing land use category and that of which the applicant is seeking. The land use amendment approval would generate an additional 86 daily trips.

**Table 1**

<i>Existing Land Use:</i>				
<i>Existing Land Use</i>	<i>Land Use or Acreage</i>	<i>Density</i>	<i>Trip Generation Rate</i>	<i>Net Daily Trips</i>
AR	Single Family Dwelling unit (SFRDU)	1 per 10 Acres	9.57/SFRDU	10
<i>Proposed Land Use:</i>				
<i>Proposed Land Use</i>	<i>Land Use or Acreage</i>	<i>Density</i>	<i>Trip Generation Rate</i>	<i>Net Daily Trips</i>
R	Single Family Dwelling unit (SFRDU)	1 per 1 Acre	9.57/SFRDU	96
Potential Additional Daily Trips with Land Use Amendment: 86				

***Zoning Trip Potential:***

Table 1 depicts the trip generation comparison between the existing zoning category and that of which the applicant is seeking. The rezoning approval would generate an additional 28 daily trips.

**Table 2**

<i>Existing Zoning:</i>				
<i>Existing Zoning</i>	<i>Land Use or Acreage</i>	<i>Density</i>	<i>Trip Generation Rate</i>	<i>Net Daily Trips</i>
A-1	Single Family Dwelling unit (SFRDU)	1 per 10 Acres	9.57/SFRDU	10
<i>Proposed Zoning:</i>				
<i>Proposed Zoning</i>	<i>Land Use or Acreage</i>	<i>Density</i>	<i>Trip Generation Rate</i>	<i>Net Daily Trips</i>
RA	Single Family Dwelling unit (SFRDU)	1 per 2.5 Acres	9.57/SFRDU	38
Potential Additional Daily Trips with Zoning Amendment: 28				



### *Roadway Impact Analysis:*

Table 3 depicts how the land use amendment and rezoning's additional trips would impact the transportation network, and helps determine enough capacity is available to handle the respective trips. As shown below, the adjacent impacted roadway has 2,700 average vehicles per day. Since the capacity is 8,400, the roadway is fully able to accommodate the additional 86 land use amendment and 28 rezoning trips. Additionally, rezoning and land use amendment trip impacts on other parts of the transportation network could be accommodated and would be considered de minimus.

**Table 3**

<i>SR-11 (from SR 40 to CR-15A)</i>				
<i>2012 AADT</i>	<i>2012 LOS</i>	<i>Comp. Plan Max. Capacity</i>	<i>Comp. Plan Allowable LOS</i>	<i>Potential LOS</i>
2,700	B	8,400	C	B

### Conclusion

If the land use amendment and rezoning were both approved, the additional 86 land use amendment and 28 rezoning trips would not cause LOS problems for the thoroughfares adjacent and near the rezoning/land use amendment site. Therefore, Traffic Engineering has no additional comments regarding the rezoning or land use amendment. If the land use amendment and rezoning were approved, additional comments regarding potential development on this site would be addressed through the site plan review process.

MW/



Dr. Margaret A. Smith  
Superintendent of Schools

## FACILITIES SERVICES

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

**Attachment B**

### School Board of Volusia County

Mrs. Diane Smith, Chairman  
Ms. Candace Lankford, Vice-Chairman  
Mrs. Linda Costello  
Mr. Stan Schmidt  
Mrs. Ida D. Wright

November 15, 2013

Mr. Jeffrey Rogers  
Ms. Brynn Ahrens-Rogers  
4820 SR 11  
DeLeon Springs, FL 32130

RE: 4820 SR 11  
School Capacity Case #13-11-12-001-A

CURRENT PLANNING  
ACTIVITY

NOV 18 2013

RECEIVED

Dear Mr. and Ms. Rogers:

The School District has reviewed the information for the proposed comprehensive plan amendment and rezoning of the approximate 10.4 acre parcel located on SR 11. The request is to change the land use from Agricultural Resource to Rural, and a companion rezoning from A-1 to RA. The information provided indicates that the future land use and zoning would permit an increase in residential density from one lot to four lots. The schools impacted are as follows:

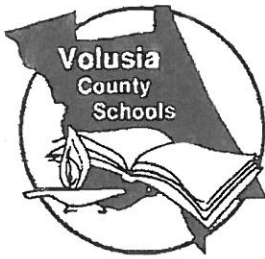
Schools	13/14 SY Enrollment	% of Permanent Capacity	Additional Permanent Capacity Planned On site	Estimated Students Generated by request
McInnis Elementary	367	87%	N	1
Taylor Middle High	1086	83%	N	1

The impacted schools currently have available capacity and the school district has no objections to the proposed comprehensive plan amendment and rezoning. If you should have additional questions please contact me at (386) 947-8786, extension 50772.

Sincerely,

Saralee L. Morrissey, AICP  
Director, Planning

C: Dr. Margaret Smith, Superintendent  
Susan Jackson, County of Volusia  
Project File



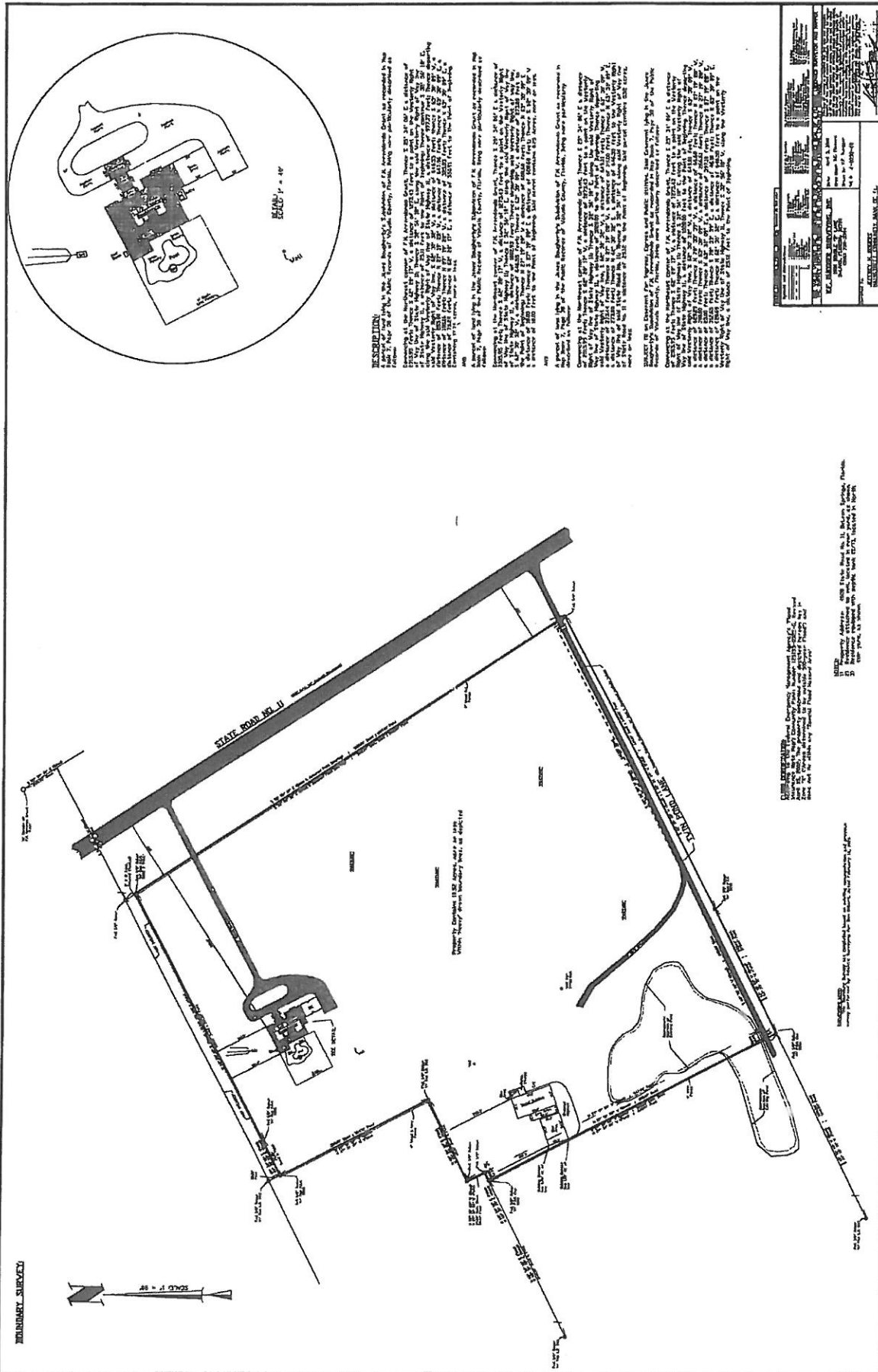
***Finding of Adequate School Capacity***  
**Volusia County School Board**

Project Information	
Project Name	4820 SR 11 CPA
VCSB Project #	2013-11-12-001-A
Jurisdiction Project#	
Parcel ID Numbers:	6041-01-00-0074
Project Location:	
Residential Units:	4
Property Owner/Applicant:	Mr. Jeffrey Rogers, Ms. Brynn Ahrens-Rogers
Notes: Additional review may be required at time of subdivision/site plan submittal(s).	

Based upon the Findings of Fact, pursuant to School Board Policy 612 and Section 206 of the County Charter, the school district has determined at this time that school capacity is adequate to serve the proposed increase in residential density. This Finding shall constitute competent substantial evidence that adequate public school capacity is likely to be available at the time it is required to serve the planned new development. Capacity is not being reserved with this Finding unless otherwise noted on this document. This Finding of Adequate School Capacity allows this subject project to continue through the Comprehensive Plan Amendment and/or rezoning process; however, may be subject to additional school capacity review in the future.

*Saralee L. Morrissey*  
 Saralee L. Morrissey, AICP, Director  
 Planning

*November 15, 2013*  
 Issue Date

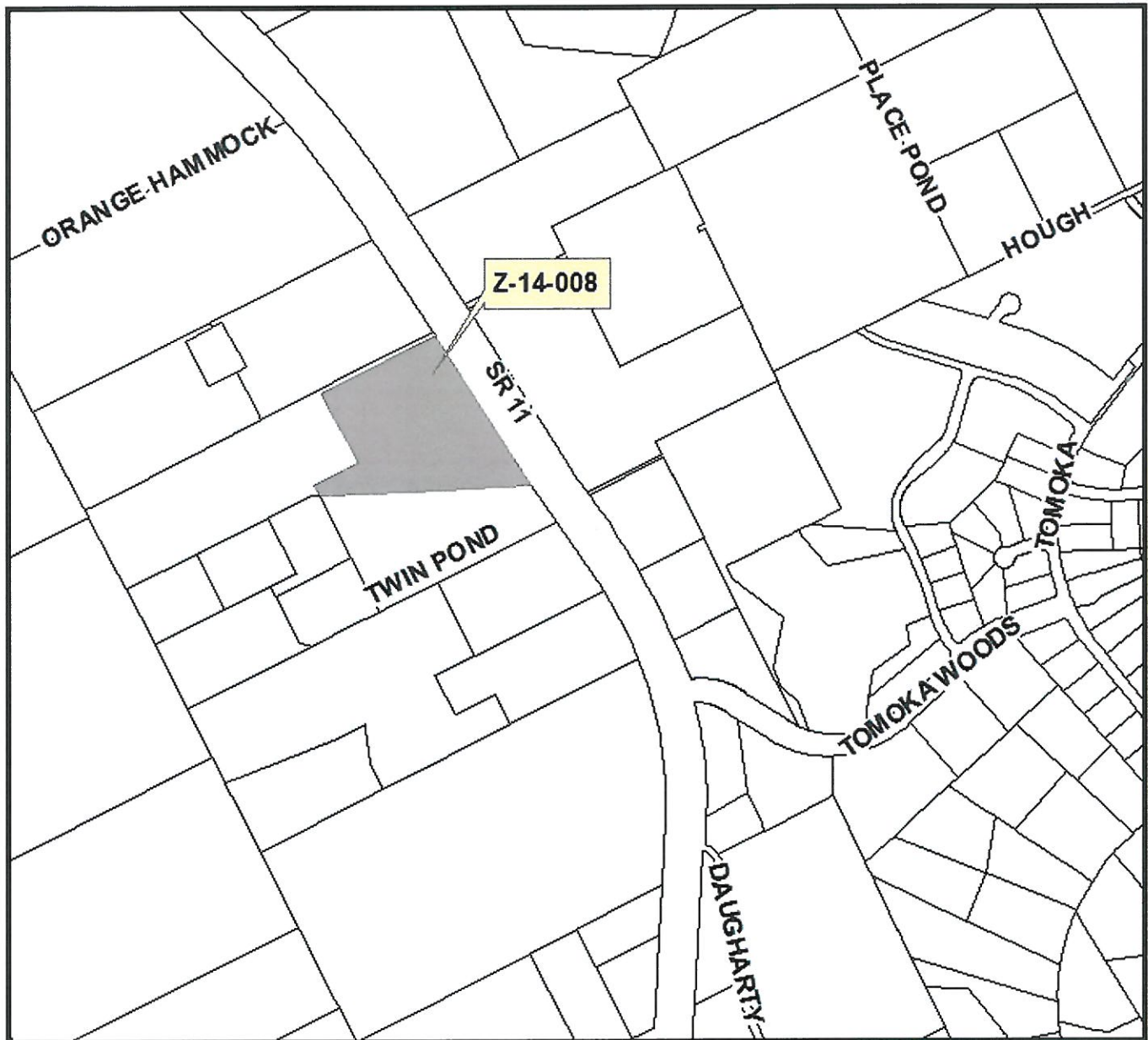


<p>Surveyed for ...</p> <p>Surveyed by ...</p> <p>Surveyed on ...</p> <p>Surveyed at ...</p>	<p>Surveyed for ...</p> <p>Surveyed by ...</p> <p>Surveyed on ...</p> <p>Surveyed at ...</p>
--	--

... (Additional text and notes related to the survey, including a statement of the surveyor's qualifications and a declaration of the accuracy of the survey) ...



**VOLUSIA COUNTY  
PROPOSED REZONING  
Z-14-008**






Amendment Location  
Z-14-008

Page 14 of 21



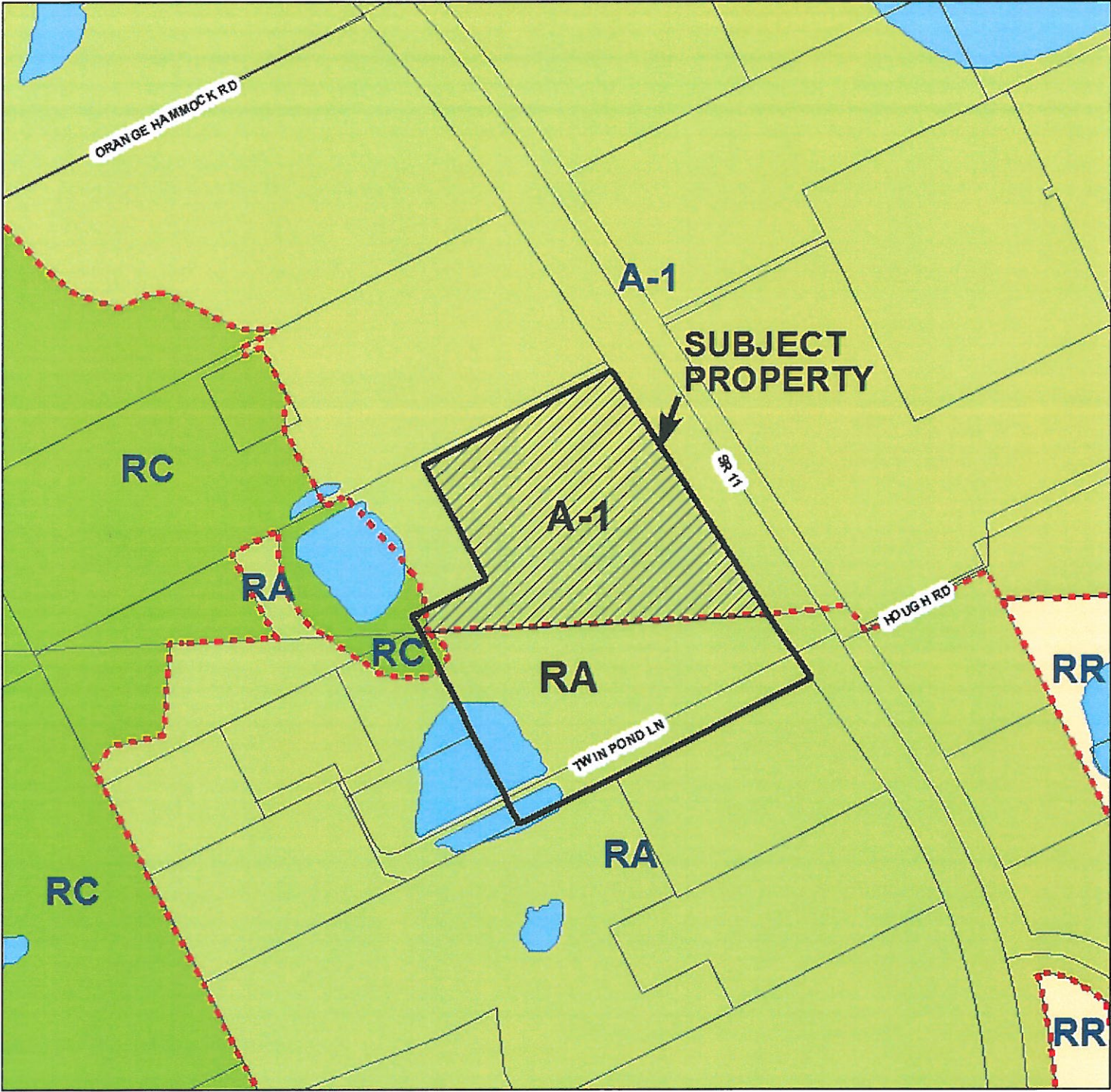
IMAGE DATE: 2012






 PARENT PARCEL  SUBJECT PROPERTY

 11/22/2013  
1 in = 400 ft



Current Zoning  
Z-14-008



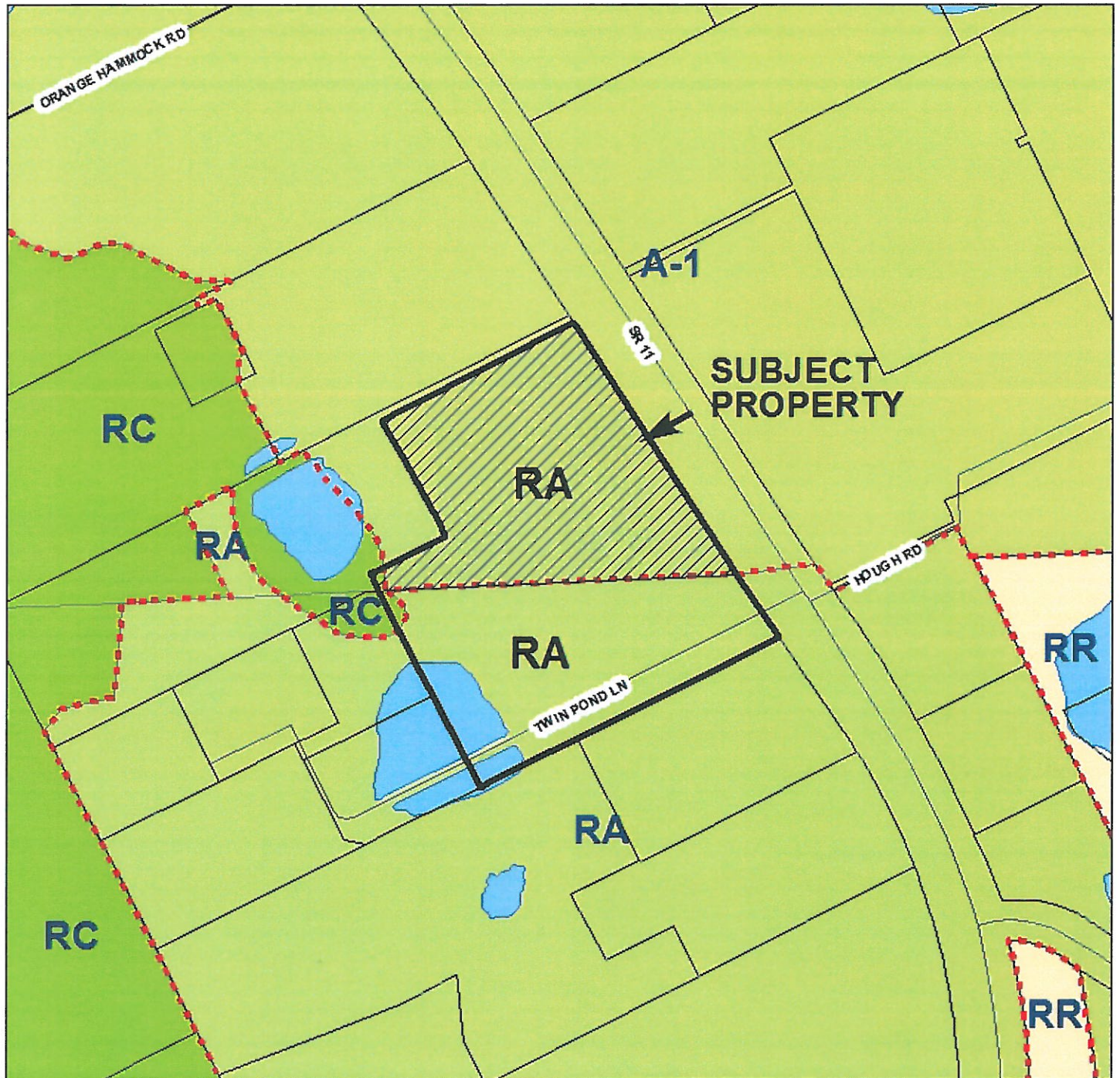
- |  |  |
|--|--|
|  RESOURCE CORRIDOR (RC)                                |  SUBJECT PROPERTY |
|  AGRICULTURAL (A-1; A-2; A-3; A-4; RA)                 |  PARENT PARCEL    |
|  RESIDENTIAL ( R-1; R-2; R-3; R-4; R-5; R-6; R-7; R-8) |  |

1 inch = 400 feet  
11/22/2013





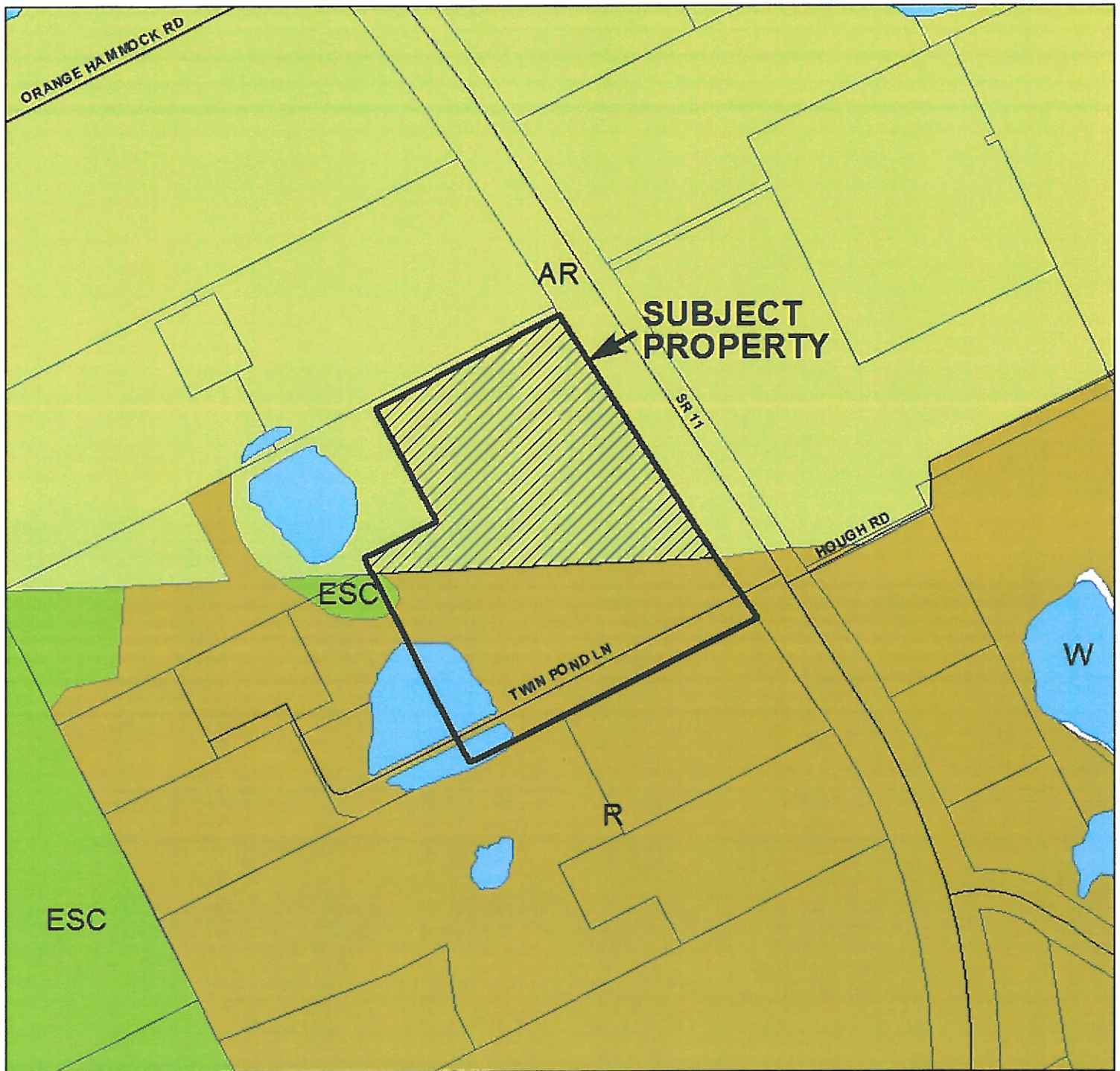
# Proposed Zoning Z-14-008





# Current Future Land Use Z-14-008

Page 17 of 21



- AGRICULTURE RESOURCE (AR)
- ENVIRONMENTAL SYSTEMS CORRIDOR (ESC)
- RURAL (R)

- PARENT PARCEL
- SUBJECT PROPERTY

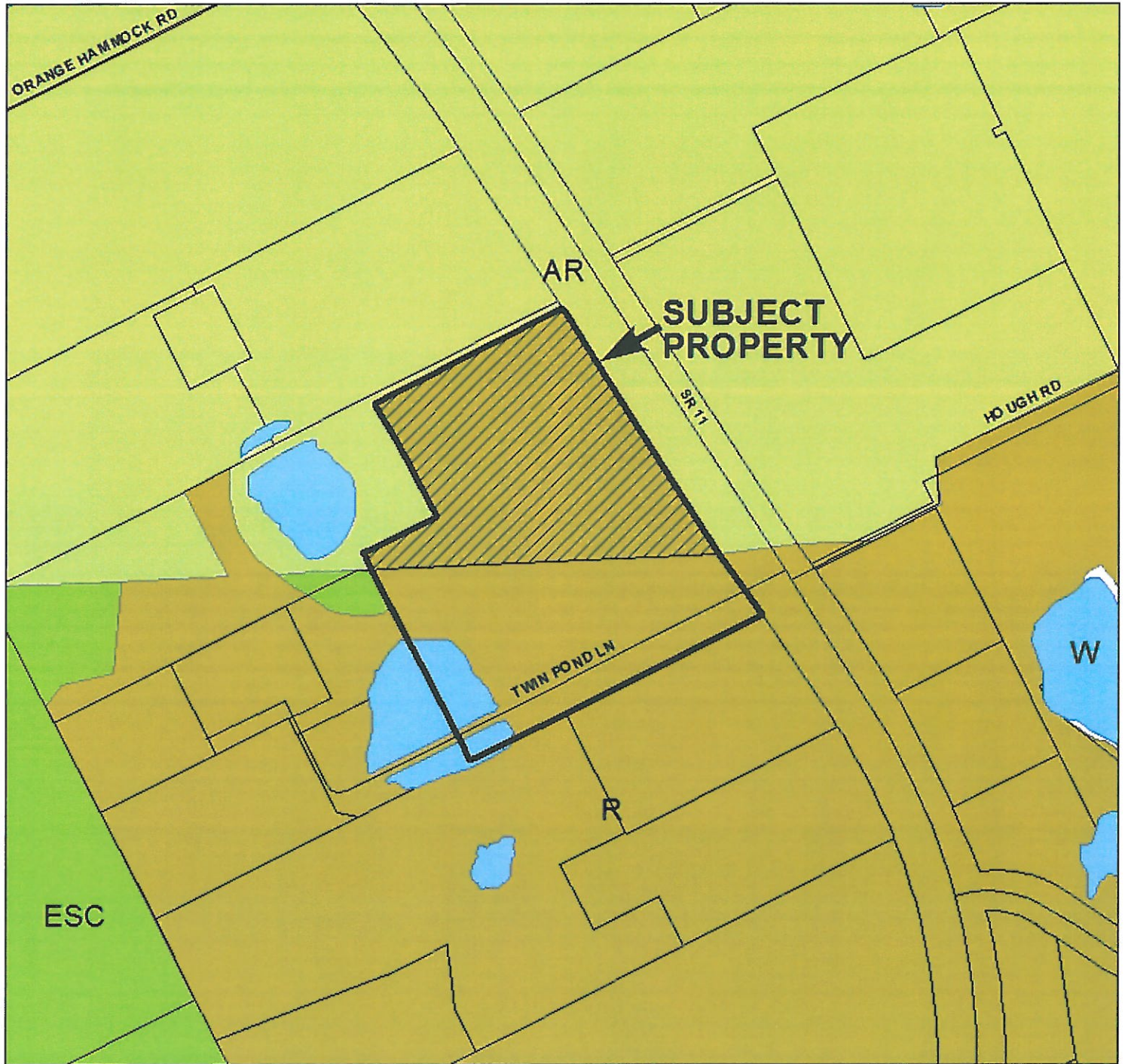


1 in = 400 ft  
11/22/2013



# Proposed Future Land Use Z-14-008

Page 18 of 21



- AGRICULTURE RESOURCE (AR)
- ENVIRONMENTAL SYSTEMS CORRIDOR (ESC)
- RURAL (R)

- PARENT PARCEL
- SUBJECT PROPERTY

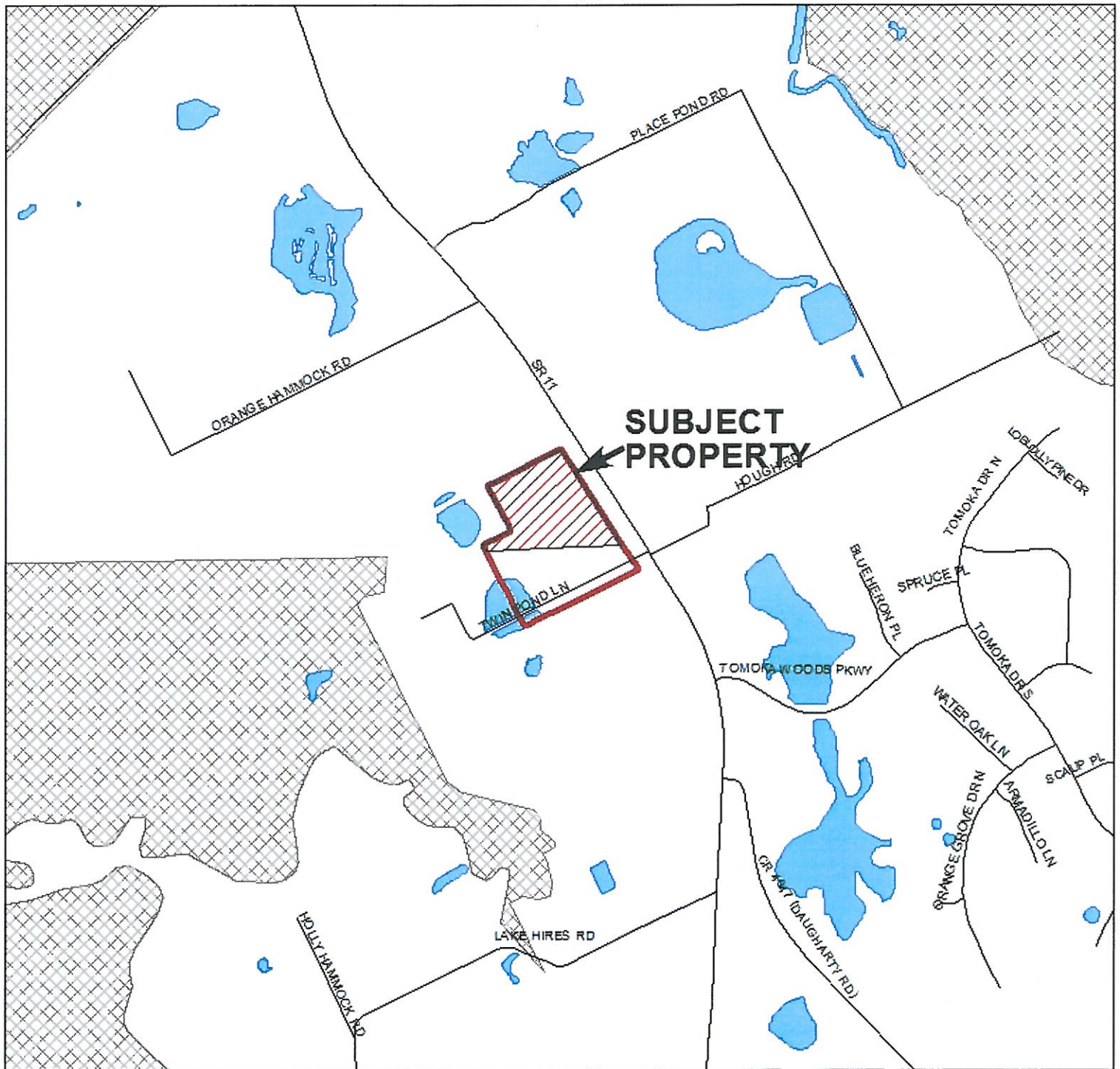


11/22/2013  
1 in = 400 ft



# ECO/NRMA Overlay Z-14-008

Page 19 of 21



NRMA



ENVIRONMENTAL CORE OVERLAY



SUBJECT PROPERTY



PARENT PARCEL



11/22/2013

1 in = 1,000 ft



# Existing Land Use Z-14-008



VACANT RESIDENTIAL AGRICULTURE  
EXISTING RESIDENTIAL NOT AGRICULTURE EXEMPT

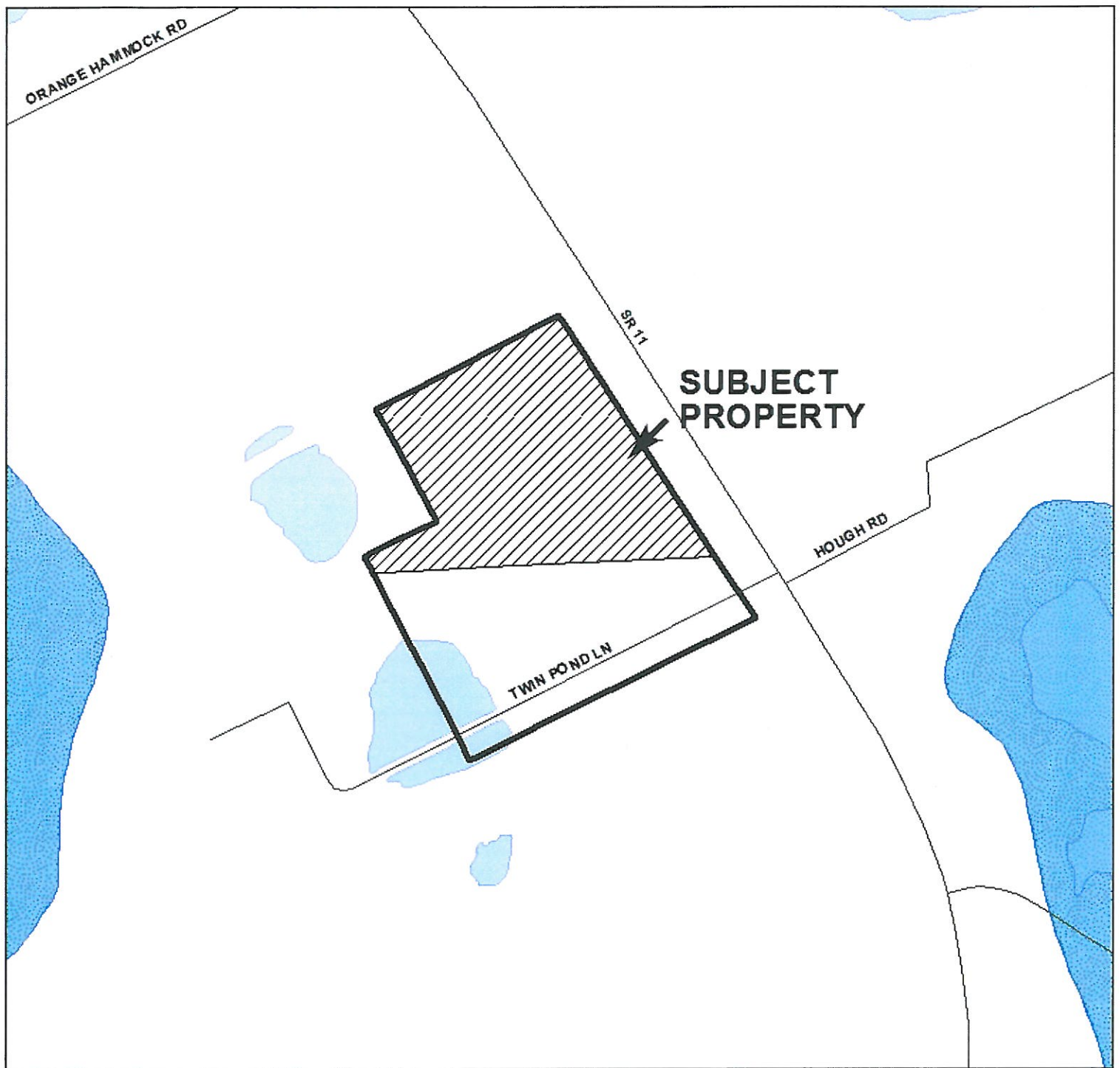
PARENT PARCEL  
SUBJECT PROPERTY






1 inch = 400 ft  
11/22/2013



# Flood Zone Z-14-008



-  PARENT PARCEL
-  SUBJECT PROPERTY
-  AREAS WITHIN 100 YEAR FLOODPLAIN



11/22/2013  
1 in = 400 ft