



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

PLDRC HEARING: June 10, 2014 - Planning and Land Development Regulation Commission (PLDRC)

CASE NO: Z-14-045

SUBJECT: Rezoning from the Prime Agriculture (A-1) classification to the Rural Agriculture (A-2) classification.

LOCATION: 645 Tedder Lake Road, DeLeon Springs

APPLICANT: Judy Thompson and Denver Brownlee

OWNER: Myra Cook

STAFF: Susan Jackson, AICP, Planner III

I. SUMMARY OF REQUEST

The applicant is requesting a rezoning from a Prime Agriculture (A-1) classification to a Rural Agriculture (A-2) classification on nine acres located at 645 Tedder Lake Road, DeLeon Springs. The purpose of the rezoning is to enable a prospective buyer to be able to build one single-family house on the nine-acre parcel. The property is currently non-conforming as to size for the A-1 district and is unable to gain zoning clearance for a building permit. The A-1 classification requires a minimum of 10 acres. Rezoning this property to the A-2 classification will allow a five-acre lot size and enable zoning clearance for a building permit.

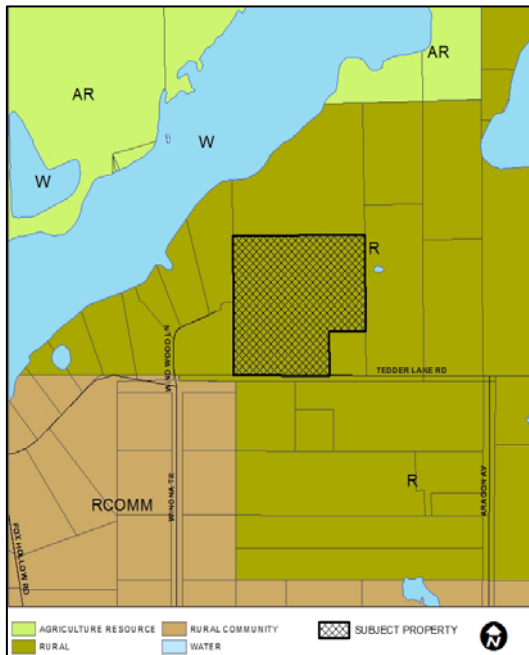
Staff Recommendation: Forward to the county council with a recommendation of approval.

II. SITE INFORMATION

1. Location: 645 Tedder Lake Road, DeLeon Springs.
2. Parcel No: 5936-00-00-0170
3. Property Size: 9.0 acres
4. County Council District: 1
5. Zoning: From: Prime Agriculture (A-1)
To: Rural Agriculture (A-2)
6. FLU Designation: Rural
7. ECO Map: Yes
8. NRMA Overlay: No
9. Adjacent Zoning and Land Use:

Direction	Zoning	Future Land Use	Existing Use
North	A-1	Rural	Rural Residential
East	A-1	Rural	Rural Residential
South	A-1	Rural	Rural Residential
West	A-3	Rural	Rural Residential

10. Maps



Future Land Use Map



Zoning Map
(proposed)

III. BACKGROUND

The subject property was previously under common ownership with the 10-acre parcel to the north. The property was split in April, 1989, creating one 10-acre parcel and one 9-acre parcel. The 10-acre parcel meets the minimum requirements of the A-1 zoning district, and contains a single-family house built in 1989. Access to this parcel is through a 20-foot ingress/egress easement over the nine-acre subject parcel.



The subject parcel has remained under the same ownership since 1989, and has remained vacant. It is nonconforming with the A-1 zoning classification and therefore unable to gain zoning clearance for a residential building permit.

The owner now lives out of state and wishes to sell the property. The prospective buyers are interested in building one single-family home on it. In order to obtain zoning approval to do so, the property must be rezoned to a classification that permits a smaller lot size. The proposed A-2 classification requires a minimum of five acres. If the rezoning is approved the parcel would only be eligible for one single-family house. At nine acres, the property could not be further split into more lots. The future land use designation of the property is Rural. Both the A-1 and A-2 zoning classifications are considered compatible with the Rural future land use designation.

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 A-2 zoning classification is compatible with the Rural future land use designation. The Rural land use designation provides a density range of one dwelling unit per five acres to one dwelling unit per one-acre. The A-2 zoning classification requires a minimum five-acre lot size. Rezoning this property to the A-2 classification 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. Agricultural uses are permitted in both the existing and proposed zoning

classifications. The property is currently vacant. If the rezoning is approved it will be able to be developed with one single-family house.

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

The zoning change will not effect 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 rezoning does not increase the approved density of the area. It will enable one single- family home to be constructed on a nine-acre parcel. The rezoning will have no significant impact governmental services.

(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.

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

The rezoning of this property will enable it to be developed with one single-family house, 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 Agricultural (A-2) zoning classification to the county council with a recommendation of approval.

VI. Attachments.

- Survey
- Site Photos
- Reviewer Comments
- Maps

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 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.

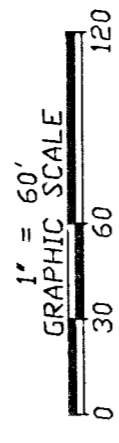
Any new information presented at the planning and land development regulation commission for any application will be grounds to continue an application to the next planning and land development regulation commission. Applicants shall inform and provide staff with the new information prior to the planning 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.

SECTION 36, TOWNSHIP 15 SOUTH, RANGE 29 EAST
VOLUSIA COUNTY, FLORIDA

CURRENT PLANNING
ACTIVITY
APR 01 2014
RECEIVED

- ABBREVIATIONS:
- M/C = AIR CONDITIONER
 - CL = CALCULATED
 - CLF = CENTERLINE
 - CLF = CHAIN LINK FENCE
 - CONC. = CONCRETE
 - CONC. = CONCRETE SLAB
 - CONC. = CONCRETE BLOCK
 - C.M. = CONCRETE MONUMENT
 - (O) = DEED OR DESCRIPTION
 - D/U = DRAINAGE/UTILITY EASEMENT
 - E = EDGE OF PAVEMENT
 - ESM.T. = EASEMENT
 - ELEV. = ELEVATION
 - FF = FINISHED FLOOR
 - (FM) = FIELD MEASURED
 - ID. = IDENTIFICATION
 - IP = IRON PIPE
 - IR = IRON ROD
 - IR&C = IRON ROD AND CAP
 - LS = LICENSED SURVEYOR
 - LB = LICENSED SURVEY BUSINESS
 - N = NORTH
 - N/D = NAIL AND DISK
 - N/W = NAIL AND WASHER
 - N/R = NOTED RECORDS
 - O/H = OVERHANG
 - O/E = OVERHEAD ELECTRIC LINE
 - PG. = PAGE
 - (P) = PLAT (MAP) DIMENSION
 - P/P = POWER POLE SURVIVATURE
 - PL = PLAT
 - FF = FINISHED FLOOR
 - P.O.B. = POINT OF BEGINNING
 - P/L = PROPERTY LINE
 - R/W = RIGHT-OF-WAY
 - S = SOUTH
 - S/T = SOUTH TANK
 - SP. = SPOT
 - TY. = TYPICAL
 - UGE = UNDER GROUND ELECTRIC
 - W = WEST
 - W/F = WOOD FENCE
 - W/M = WATER METER
 - Δ = DELTA OR CENTRAL ANGLE
 - R = RADIUS
 - T = TANGENT DISTANCE
 - C.B. = CHORD BEARING
 - CH. = CHORD DISTANCE



UNPLATTED

DESCRIPTION: (SUPPLIED BY CLIENT)

THE SOUTH 1/2 OF THE WEST 20 ACRES OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, SECTION 36, TOWNSHIP 15 SOUTH, RANGE 29 EAST, VOLUSIA COUNTY, FLORIDA, LESS AND EXCEPT ONE ACRE IN THE SOUTHEAST CORNER THEREOF, AND BEING SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS AND PUBLIC UTILITIES, OVER, UNDER AND ACROSS THE WEST 20.00 FEET THEREOF.

NOTE:

THIS PLAT AND/OR SKETCH OF SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR INDIVIDUALS SHOWN HEREON, ON THE MOST CURRENT DATE SHOWN, AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOSOEVER. THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN HEREON THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY. THIS SURVEY/SKETCH IS PREPARED WITHOUT BENEFIT OF ABSTRACT OR TITLE SEARCH UNLESS OTHERWISE NOTED. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THIS SURVEYOR AND OR PARTIES. THIS SURVEY DRAWING IS THE PROFESSIONAL OPINION OF THIS SURVEYOR AND MAPPER AND THE FIRM, WHICH WAS PREPARED UTILIZING THE BEST AVAILABLE INFORMATION AND AS SUCH DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. FURTHERMORE, THIS SURVEYOR AND FIRM DOES NOT ASSUME RESPONSIBILITY AND SHALL NOT BE HELD LIABLE FOR CLAIMS ARISING FROM ERRONEOUS OR INCORRECT INFORMATION FURNISHED TO THE SURVEYOR, WHICH WAS USED AS A BASIS IN THE PREPARATION OF THIS SURVEY DRAWING.

NOTES:

1. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN. A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. NOT VALID WITHOUT IMPROVEMENTS OR EASEMENTS OR OTHER INTERIOR IMPROVEMENTS.
3. IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN AS PER THE REQUEST OF THE CLIENT.
4. UNLESS NOTED, LEGAL DESCRIPTION FURNISHED BY CLIENT.
5. FEATURES SHOWN BY SYMBOL AS INDICATED IN THE LEGEND ARE NOT TO SCALE.
6. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE SEARCH, A TITLE SEARCH MAY REVEAL ADDITIONAL INFORMATION AFFECTING THE PARCEL AS SHOWN.
7. WHERE APPLICABLE, MONUMENT DIAMETERS, ETC., AND/OR LS OR LB NUMBERS ARE SHOWN.
8. BEARINGS ASSUMED FROM PLAT, DEED, LEGAL DESCRIPTION.
9. UNLESS SHOWN, ONLY THOSE VISIBLE FEATURES IN THE IMMEDIATE VICINITY OF THE ABOVE DESCRIBED PARCEL BOUNDARY HAVE BEEN LOCATED.
10. SUBJECT PROPERTY LIES WITHIN ZONE "X". AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOOD PLAN AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, VOLUSIA COUNTY COMMUNITY #125155, PANEL #12127C0325 H, DATED FEBRUARY 19, 2014. THIS FLOOD INSURANCE RATE MAP IS NOT A SURVEY AND NO RESPONSIBILITY IS TAKEN FOR THE ACCURACY OF SAID MAP.

I HEREBY CERTIFY THIS SURVEY DRAWING TO BE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND TO THE BEST OF MY TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 11C, P.A.C. PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

My Commission Expires: 03/31/2014

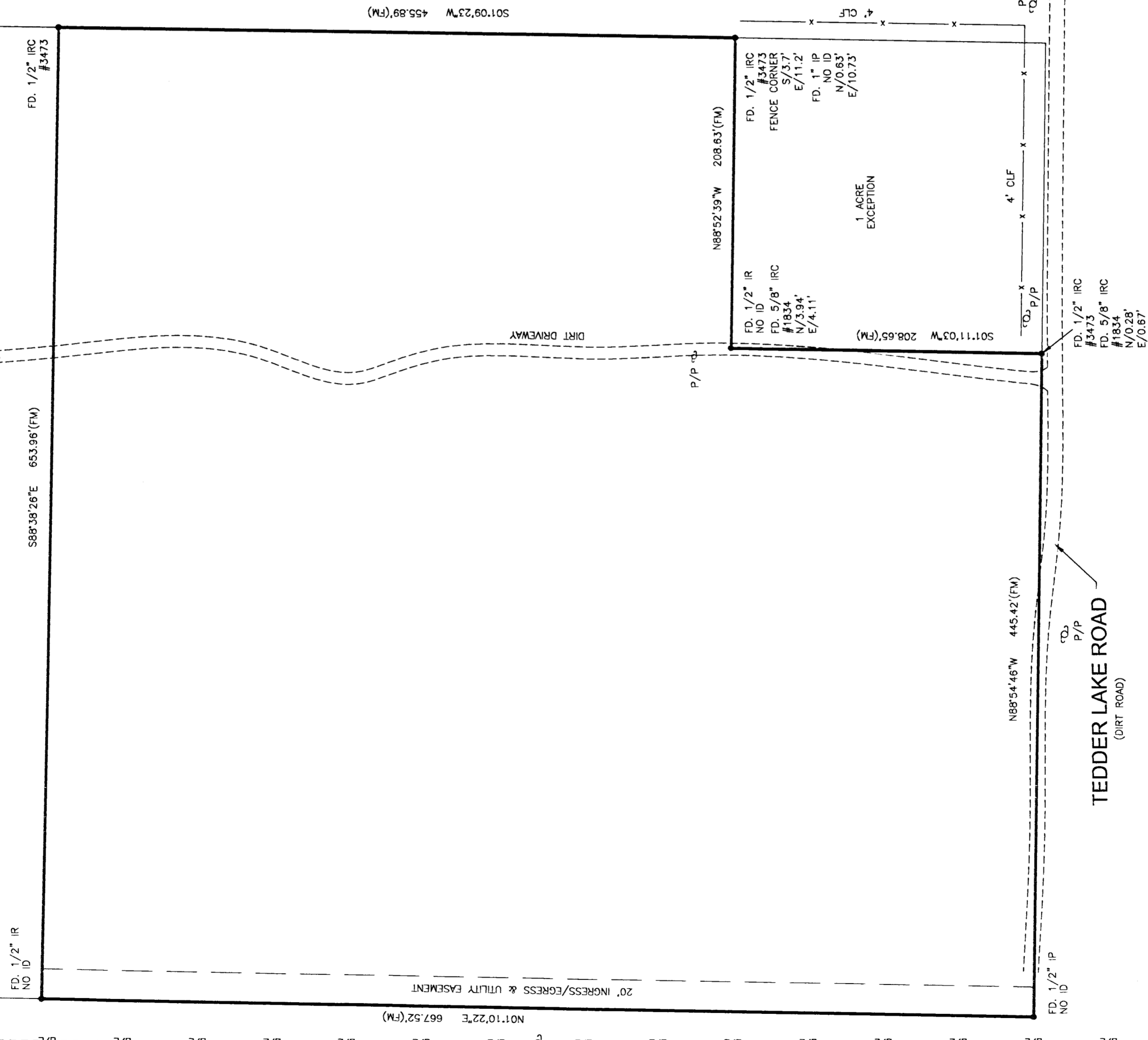
My License No. 5823

Boundary Survey

Survey Date: 3/21/14
Drawing Number: 14-0180
Scale: 1"=20'
Drawn By: JM

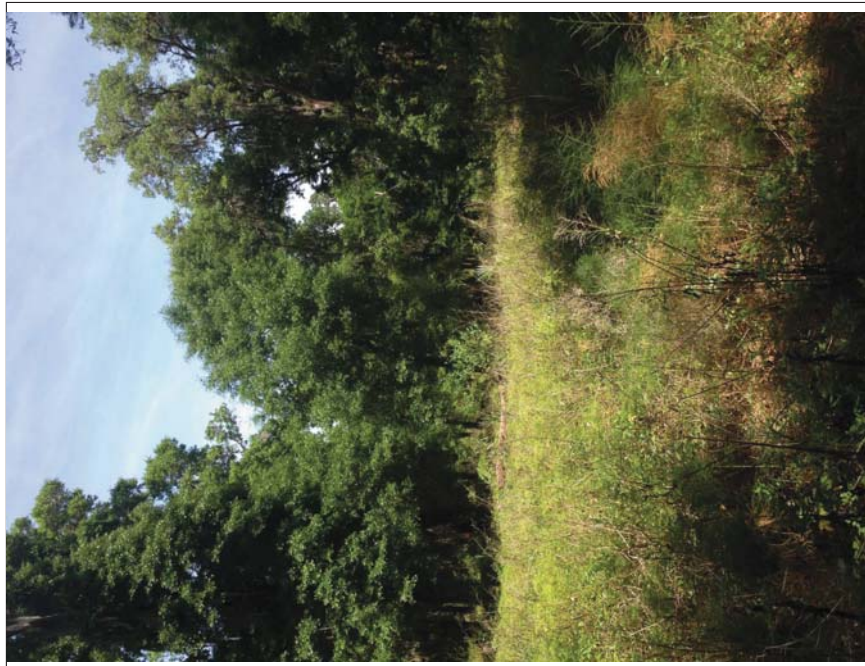
MYRA LAURENE BRAQDOCK COOK, TRS

UNPLATTED



EFIRD SURVEYING GROUP, INC.

475 S. BLUE LAKE AVENUE
DELAND, FLORIDA 32724
PHONE: (386) 740-4144 FAX: (386) 740-4155
e-mail: lefird@bellsouth.net
Certificate Of Authorization Licensed Business Number 7230



*Inter-Office
Memorandum*



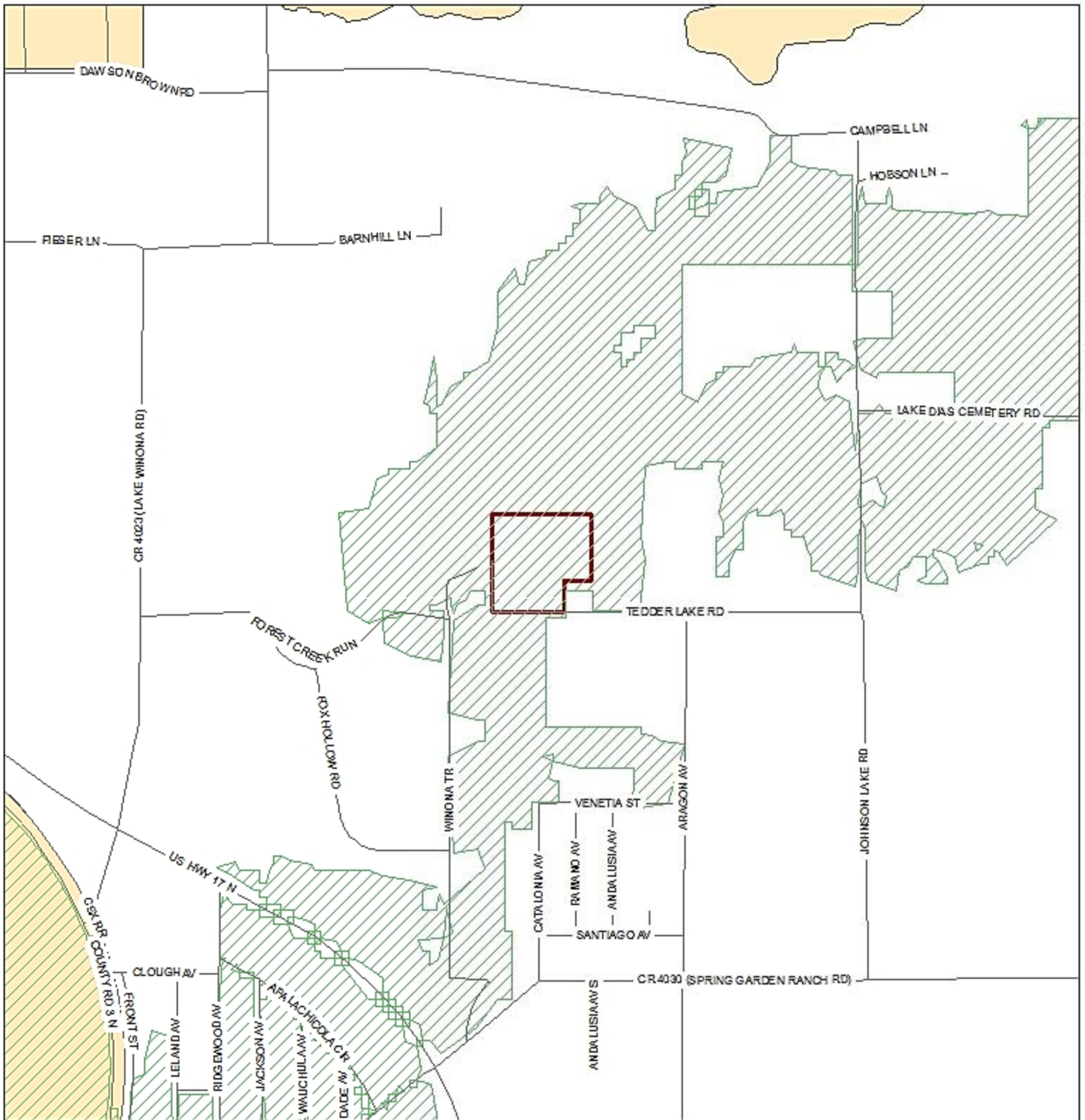
TO: Susan Jackson, Planner III **DATE:** April 11, 2014

FROM: Danielle Dangleman, Environmental Specialist III




SUBJECT: Planning & Land Development Regulation Commission meeting for
Date: June 10, 2014
Parcel #: 5936-00-00-0170
Case #: Z-14-045

Environmental Permitting (EP) has reviewed the application and conducted a site inspection for this project. The property was an old fernery with laurel oaks spread throughout the parcel. There are wetlands in the rear of the property that have a 25 foot upland buffer. Any alteration of this wetland or its buffer will require an issued permit from EP.

EP has no objection to the rezoning of this parcel from A-1 to A-2. However, the applicant needs to be aware that upon any construction, clearing or alteration of any kind the environmental provisions of the Land Development Code must be followed.



ECO/NRMA

 ECO
  NRMA
  REQUEST AREA

1 inch = 1,000 feet

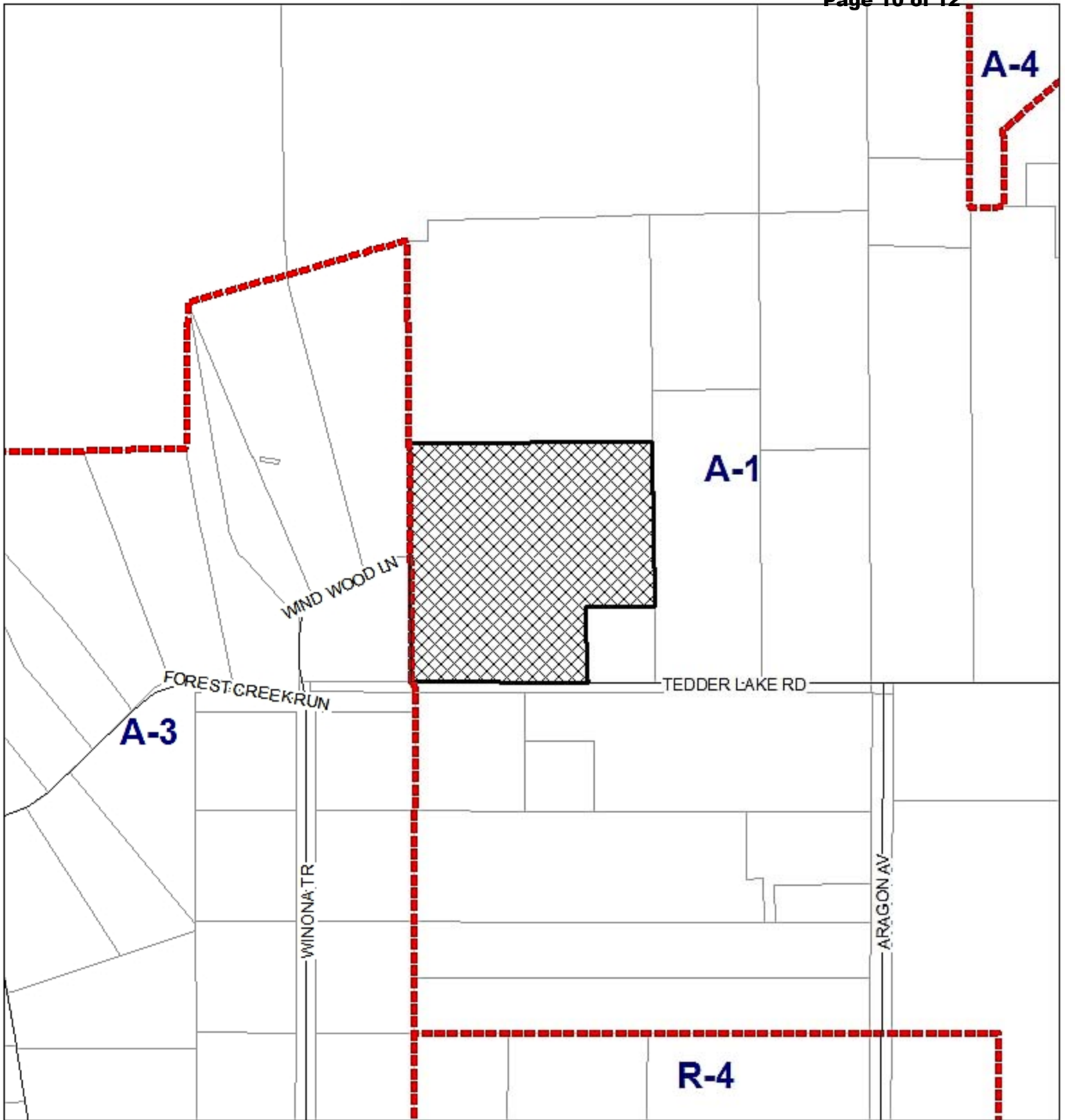
**REZONING
CASE NUMBER**

FROM: A-1


TO: A-2



Z-14-045



ZONING CLASSIFICATION

 REQUEST AREA

FROM: A-1
TO: A-2

1 inch = 400 feet




**ZONING
CASE NUMBER
Z-14-045**



AERIAL 2012

1 inch = 200 feet

 REQUEST AREA

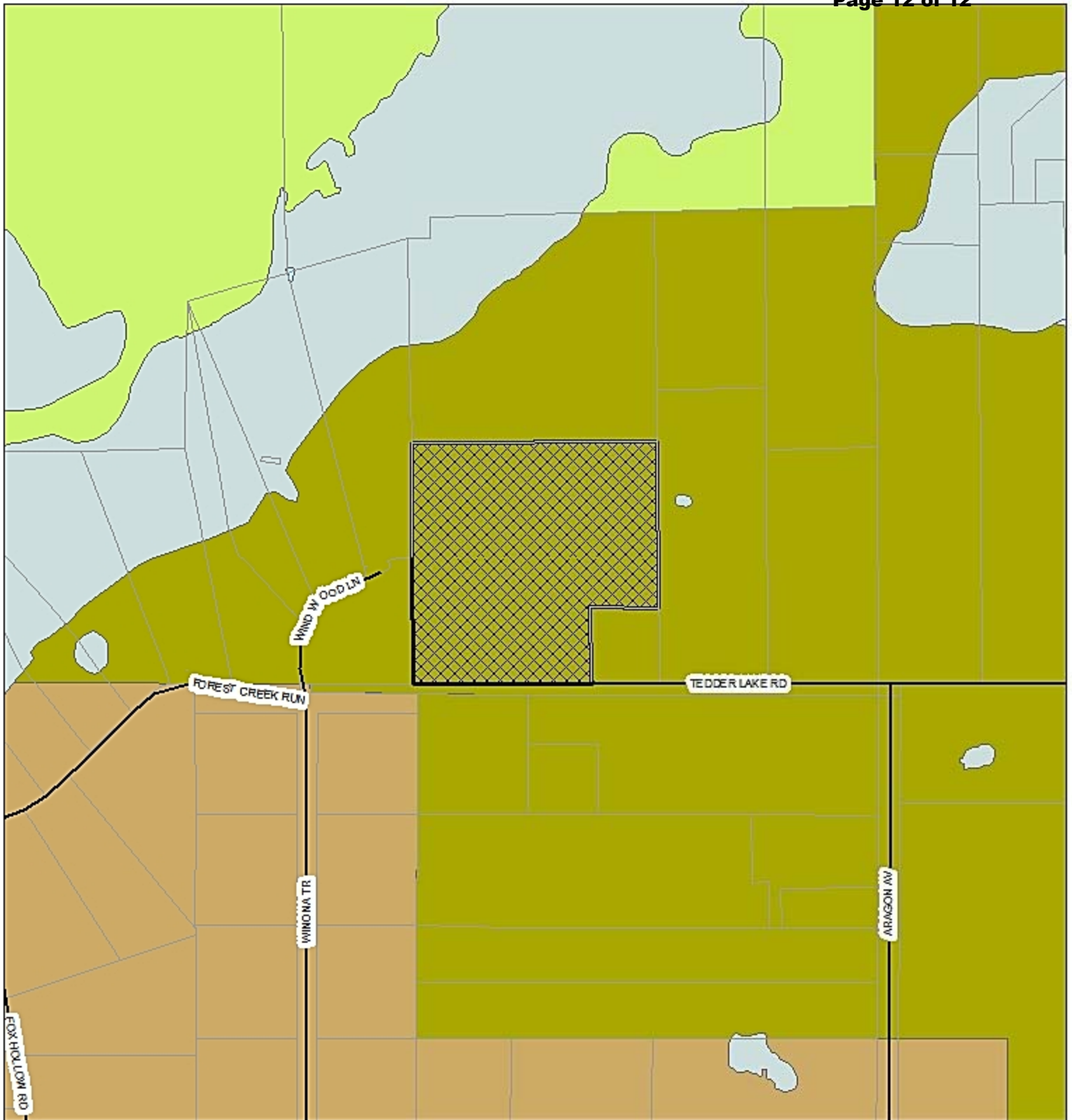
FROM: A-1

TO: A-2



**REZONING
CASE NUMBER**

Z-14-045



FUTURE LAND USE CLASSIFICATION

- AGRICULTURE RESOURCE
- RURAL
- RURAL COMMUNITY
- WATER
- REQUEST AREA

1 inch = 400 feet

FROM: A-1
TO: A-2



REZONING
CASE NUMBER
Z-14-045