



**GROWTH AND RESOURCE MANAGEMENT DEPARTMENT
PLANNING AND DEVELOPMENT SERVICES DIVISION**
123 West Indiana Avenue, DeLand, Florida 32720
(386) 736-5959

PUBLIC HEARING: November 19, 2020 - Planning and Land Development Regulation Commission (PLDRC)

CASE NUMBER: PUD-20-012

SUBJECT: Rezoning from the Urban Single-Family Residential (R-3) and Rural Residential (RR) classifications to the Planned Unit Development (PUD) zoning classification

LOCATION: 2578 North Spring Garden Avenue, DeLand
872 Glenwood Road, DeLand

APPLICANT(S): Michael Wojtuniak, P.E., Engineered Permits, Inc.

OWNER(S): Highway Evangelistic Ministries of the Bible Baptist Church, Incorporated

I. SUMMARY OF REQUEST

The applicant is requesting to rezone 12 acres from the Urban Single-Family Residential (R-3) and Rural Residential (RR) Classifications to the Planned Unit Development (PUD) with a Business (B) sub-classification, to expand the existing house of worship.

Staff Recommendation:

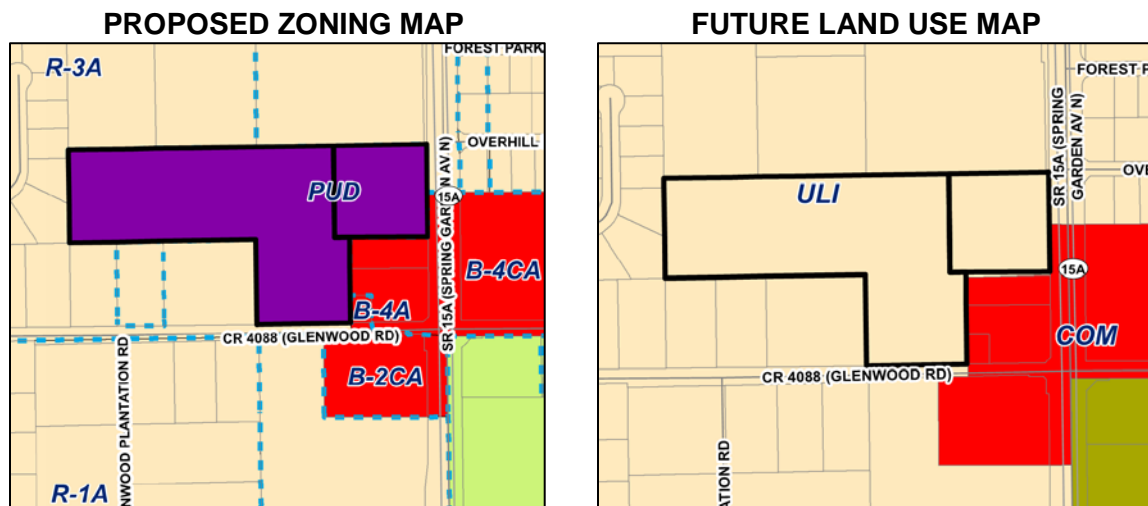
Forward the rezoning application, case number PUD-20-012, to county council for final action with a recommendation of approval, with staff-recommended conditions.

II. SITE INFORMATION

1. Location: Parcel 6030-00-00-0130 - West side of North Spring Garden Avenue, approximately 315 feet north from its intersection with Glenwood Road, DeLand
Parcel 6030-00-00-0170 - North side of Glenwood Road, approximately 268 feet west of its intersection with North Spring Garden Avenue, DeLand
2. Parcel Numbers: 6030-00-00-0130 and 6030-00-00-0170
3. Property Size: ±11.94 acres
4. Council District: 1
5. Zoning: Urban Single-Family Residential (R-3) and Rural Residential (RR)
6. Future Land Use: Urban Low Intensity (ULI)
7. Overlays: Airport Protection Overlay Zone
Thoroughfare Overlay Zone
8. Local Plan Area: Not Applicable
9. Adjacent Zoning and Land Use:

DIRECTION	ZONING	FUTURE LAND USE	EXISTING USE
North:	R-3	Urban Low Intensity	Residential; Pasture
East:	R-4 and B-4	Urban Low Intensity and Commercial	Residential, Commercial
South:	RR, R-1, R-3, and B-4	Urban Low Intensity and Commercial	Undeveloped; County Fire Facility; Residential
West:	R-3	Urban Low Intensity	Residential

10. Location Maps:



III. BACKGROUND AND OVERVIEW

The property includes two adjacent parcels near the northwest corner of North Spring Garden Avenue and Glenwood Road, which are identified as the Bible Baptist Church unrecorded subdivision (2008-S-EXM-0032). An existing house of worship fronts Glenwood Road, and two single-family dwellings, constructed in 1972 and 1975, front North Spring Garden Avenue, which is also classified as State Road 15A. The applicant is planning to remove the residential structures, make improvements to the existing house of worship, and build a new worship center on the property.

The parcel fronting on State Road 15A is split-zoned Rural Residential (RR) and Urban Single-family Residential (R-3), and the parcel fronting on Glenwood Road is zoned RR. The entire property lies within the Urban Low Intensity future land use designation, which typically includes residential land uses, and it can also include neighborhood commercial uses that support the surrounding area. The applicant requests a rezoning to a Planned Unit Development (PUD) zoning classification. While a house of worship is allowed by right within all zoning classifications, it is subject to the land development regulations for commercial buildings. The PUD classification can allow more flexibility with parking, setbacks, nonresidential development design standards, and thoroughfare overlay zone requirements. Improvements are designed to help the facility blend with surrounding community.

North Spring Garden Avenue is one of the county's designated Thoroughfare Overlay Zone corridors, and it is also on the county's thoroughfare road network. These designations require additional regulations for setbacks, landscaping, signage, and nonresidential design standards.

In addition to being on a thoroughfare, the property is located within the Airport Protection Overlay Zone for DeLand Municipal Airport. The zone extends over unincorporated lands underneath the protected air space surrounding public use airports in Volusia County. The purpose of this zoning overlay is to prevent structures and land uses from being built around airports that could pose a hazard to aircraft in the air or to people on the ground.

IV. DEVELOPMENT PROPOSAL

DEVELOPMENT AGREEMENT

Specific permitted uses will include auditoriums, lecture halls, or conference rooms accessory to the principal use, houses of worship, outdoor entertainment events, communication towers not exceeding 70 feet in height, cemeteries, group homes, single family dwelling for the owner or manager, essential utility services, exempt excavations, and exempt landfills. The initial application also included a request for a daycare facility; however, the applicant has withdrawn his request for this use. The future addition of a daycare or a school will require a major amendment to the Development Agreement, as well as a traffic analysis that considers the traffic impacts of these potential uses.

In order to provide consistency with the surrounding residential classifications, a maximum lot coverage requirement of 30 percent and maximum height requirement of 35 feet is provided within the Development Agreement. Due to its proximity to the City of DeLand, the city's emerging gateway district standards will apply. Proposed landscape buffers are 35 feet along the State Road 15A thoroughfare, 25 feet along Glenwood Road, and 20 feet along all other property boundaries. The exception to this is in the area where the property adjoins the county's fire department parcel. In this area, the access drive will be allowed to encroach into the landscape buffer in order to meet fire safety and engineering requirements of the county's land development code. A 50-foot setback will be required for all buildings. Nonresidential design standards will apply to the construction of the new worship center, but these standards will be waived for the existing worship center as part of the development agreement.

There are currently 60 off-street parking spaces to accommodate the existing facility. A total of 108 parking spaces will be required with the expansion. The applicant is proposing a total of 112 parking spaces, including paved, unpaved, and ADA accessible parking spaces. The total number of proposed parking spaces falls within the requirements of the zoning ordinance.

PRELIMINARY PLAN

The applicant applied for the PUD rezoning in 2019, and the proposed plan and Development Agreement were submitted to the county's technical review staff in November 2019 for comments. A second staff review meeting was held on October 1, 2020 to resolve any remaining staff issues. The attached conceptual plan, dated October 9, 2020, depicts the layout of the existing and proposed structures based on comments received during the staff review meetings.

The project includes the existing worship center with upgraded paved and unpaved parking facilities, a new worship center, which will be located north of the existing structure, as well as additional paved parking, landscaping, and stormwater retention areas. The project will also include landscape buffers and 50-foot building setbacks from each property line. The exception to the setback requirements is an existing, non-conforming shed that is currently located just to the northeast of the existing worship center. The applicant has requested to leave the shed in its current location. The main entrance will be from North Spring Garden Avenue. A second access will be from Glenwood Road. Signage will be subject to the City of DeLand emerging gateway standards.

This plan does not constitute final site plan approval. Pursuant to the Development Agreement, a detailed review of this development will occur during the final site plan review process to assure compliance with the applicable sections of Chapter 72 of the Code of Ordinances.

V. REVIEW CRITERIA AND ANALYSIS

Zoning Amendment Criteria - Section 72-414(e), of the Zoning Ordinance, includes the following criteria for review of a rezoning application:

(1) Whether it is consistent with all adopted elements of the comprehensive plan.

The property is developing under the Urban Low Intensity (ULI) future land use designation. Pursuant to the Future Land Use/Zoning Matrix, PUD zoning with a Business (B) sub-classification is assumed compatible with the ULI designation. Rezoning requests within the ULI designation should be developed in a manner compatible with the surrounding uses and availability of public utilities. The uses within the proposed PUD are already being conducted on site as a permitted right within the RR and R-3 zoning classifications. Improvements are designed to help the facility blend with surrounding community. The rezoning to PUD is consistent with the comprehensive plan.

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

The property is not within any flood risk zones, and it does not contain wetlands. There are some historic trees that will be placed in a perpetual tree preservation easement dedicated to Volusia County. The PUD is not anticipated to have a negative impact on the environment or natural resources. The development proposal is required to meet the minimum environmental protections established in the Land Development Code and any applicable state or federal regulations.

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

The facility is not-for-profit organization, and it is not anticipated to have an impact upon the economy of the surrounding 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.

Potable water and central sewer will be provided by the City of DeLand. The City has confirmed that it has capacity to serve the project. Police protection will be provided by the Volusia County Sheriff's Office and fire protection through Volusia County Fire Services. The traffic analysis provided by the applicant was calculated using residential and church uses, and it did not consider daycare uses. A revised traffic analysis and a major amendment to the PUD will be required if the applicant moves forward with a daycare request in the future. At this point, with the current zoning, the facility generates 247 total daily trips and 23 PM peak hour trips. The expanded worship center is anticipated to generate a total of 162 new external trips during the weekday and 24 PM peak hour trips. During the staff review meetings, traffic engineering staff provided the applicant with recommendations to address traffic circulation and capacity. The applicant's request to provide a 100-foot long taper on Glenwood Road in lieu of a new

right turn lane was accepted by the Traffic Engineer. The final transportation improvements will be reviewed and evaluated during the final site plan process by the county traffic engineer. Conceptually, it appears that the expansion of the church (without a daycare facility) will have minimal impacts on necessary government services.

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

There have been no changes to the surrounding area.

(6) Any mistakes in the original classification.

There are no mistakes in the property's current zoning classification.

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

Houses of worship provide messages of hope, solace, and inspiration to the communities that they serve. They also provide key social services that may be otherwise overlooked by the general population. These facilities have an intrinsic value that positively supports the affected area. Property values for surrounding properties will increase as building improvements are made to the subject property.

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

There is currently a house of worship on the subject property. Increasing the size of the facility will provide additional space for worship and fellowship. This brings the opportunity to provide a positive impact on the public health, welfare, safety and morals of the community.

VI. STAFF RECOMMENDATION

Forward the rezoning application, case number PUD-20-012, to county council for final action with a recommendation of approval, with the following staff-recommended conditions:

1. Approval is subject to the staff-recommended order and resolution.
2. The property owner or authorized agent(s) shall apply for and obtain final site plan approval through the Land Development office.

VII. ATTACHMENTS

- Resolution and Development Agreement
- Environmental Management Comments
- Traffic Engineering Comments
- Staff Review Comments
- Site Photos
- Map Exhibits

VIII. AUTHORITY AND PROCEDURE

Pursuant to Section 72-412, no recommendations for approval of any amendment to the official zoning map may be made unless a majority of members of the PLDRC present concur. A tie vote shall be grounds for continuance to the next scheduled meeting.

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.

RESOLUTION 2021 -

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, APPROVING PUD-20-012 AND AMENDING THE OFFICIAL ZONING MAP OF VOLUSIA COUNTY, FLORIDA, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN HEREIN DESCRIBED PROPERTY FROM THE URBAN SINGLE-FAMILY RESIDENTIAL (R-3) AND RURAL RESIDENTIAL (RR) CLASSIFICATION TO A PLANNED UNIT DEVELOPMENT (PUD) WITH A BUSINESS (B) SUB-CLASSIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the application of Highway Evangelistic Ministries of the Bible Baptist Church, Inc., hereinafter, "Applicant," for rezoning was heard by and before the Volusia County Council, Volusia County, Florida, on _____. Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations of the Growth and Resource Management Department, Legal Department, and other Departments and agencies of Volusia County; and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning and Land Development Regulation Commission on November 19, 2020, and otherwise being fully advised, the Volusia County Council does hereby find and determine as follows:

- A. That the application of Highway Evangelistic Ministries of the Bible Baptist Church, Inc. was duly and properly filed herein on October 9, 2019, as required by law.
- B. That the Applicant has applied for a change of zoning from the Urban Single-Family Residential (R-3) and Rural Residential (RR) to a Planned Unit Development (PUD) with a Business (B) sub-classification for the parcel described in Exhibit "A" to the Development Agreement for PUD-20-012.

C. That all fees and costs that are by law, regulation, or ordinance required to be borne and paid by the applicant have been paid.

D. That the applicant is the Owner or authorized representative of the Owner of a 11.94-acre parcel of land, which is situated in Volusia County. This parcel of land is described more particularly in the property survey and legal description, a true copy of which is attached as Exhibit "A" to the Development Agreement for PUD-20-012.

E. That the Applicant has held a pre-application meeting as required by Chapter 72, County Code of Ordinances, as amended.

F. That the Applicant has complied with the "Due Public Notice" requirements of Chapter 72, County Code of Ordinances, as amended.

G. That the said rezoning to PUD is consistent with both the Volusia County Comprehensive Plan and the intent and purpose of the Zoning Ordinance of Volusia County, Florida ("Zoning Ordinance"), as codified in Article II of Chapter 72, Code of Ordinances, and does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

H. That the owner of the property, Highway Evangelistic Ministries of the Bible Baptist Church, Inc., agrees with the provisions of the Development Agreement, which is attached hereto as Exhibit "1".

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN AN OPEN MEETING DULY ASSEMBLED IN THE THOMAS C. KELLY COUNTY ADMINISTRATION BUILDING, COUNTY COUNCIL MEETING ROOM, DELAND, FLORIDA, THIS _____ DAY OF _____, A.D., _____, AS FOLLOWS:

A. That the Application of Highway Evangelistic Ministries of The Bible Baptist Church Inc. for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Exhibit A to the Development Agreement is hereby amended from the Urban Single-Family Residential (R-3) and Rural Residential (RR) zoning classifications to a Planned Unit Development (PUD) with a Business (B) sub-classification as described in Zoning Ordinance.

C. That the Official Zoning Map of Volusia County is hereby amended to show the rezoning of said parcel to PUD with a Business (B) sub-classification.

D. With respect to any conflict between the Zoning Ordinance and this Resolution or the attached Agreement, the provisions of this Resolution and Development Agreement shall govern. The Zoning Ordinance shall govern with respect to any matter not covered by this Resolution or the Development Agreement. The Volusia County Zoning Enforcement Official will ensure compliance with this Resolution and the Development Agreement.

E. Unless otherwise provided in paragraph D, nothing in this Resolution or the Development Agreement shall abridge the requirements of the Code of Ordinances, County of Volusia. Timing and review procedures contained in this Resolution and the Development Agreement may be modified to comply with the Land Development Code of Volusia County, Florida, as codified in Article III of Chapter 72, Code of Ordinances, County of Volusia ("Land Development Code").

EFFECTIVE DATE. This resolution shall take effect immediately upon adoption by the council.

DONE AND ORDERED IN OPEN MEETING.

ATTEST:

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

George Recktenwald
County Manager

Ed Kelley
County Chair

DRAFT - PLDRC Hearing

Please return recorded document to:

Volusia County
Growth and Resource Management
123 W. Indiana Ave., Room 202
Deland, FL 32720

EXHIBIT “1”

DEVELOPMENT AGREEMENT **PUD-20-012**

A. Development Concept. The property shall be developed as a Planned Unit Development (PUD) with a Business (B) sub-classification, substantially in accordance with the Master Development Plan. The Master Development Plan shall govern the development of the property as a PUD and shall regulate the future use of this parcel.

1. Master Development Plan. The Master Development Plan shall consist of the Preliminary Plan prepared by Engineered Permits, Inc., dated 10/09/20 and this Development Agreement (hereinafter “Agreement”). The Preliminary Plan is hereby approved and incorporated in this Agreement by reference as Exhibit "B." The Master Development Plan shall be filed and retained for public inspection in the Growth and Resource Management Department and shall constitute a supplement to the Official Zoning Map of Volusia County.

2. Amendments. All amendments of the Master Development Plan, other than those deemed by the Zoning Enforcement Official's reasonable opinion to be minor amendments, in accordance with Section 72-289 of the Zoning Ordinance, as amended, shall require the review and recommendation of the Planning and Land Development Regulation Commission and action by the Volusia County Council in the same manner as a rezoning of the parcel.

3. Final Site Plan Approval. After the Preliminary Plan is recorded, and prior to issuance of any permits for construction, including clearing and landfill, a Final Site Plan shall be prepared and submitted for review and approval in the manner required by the Land Development Code, as amended. The preliminary plan, attached as Exhibit B, meets the minimum submittal requirements of a Conceptual Site Plan application in accordance with Section 72-577(c)(1) of the Land Development Code. Therefore, the MDP shall be in-lieu of a Conceptual Site Plan application, and the owner/developer is authorized to proceed with submittal of a Final Site Plan application in accordance with Section 72-577(c)(2) of the Land Development Code, once this Order and Resolution has been recorded.

B. Unified Ownership. The Owner or his successors has and shall maintain unified ownership of the subject parcel until after the issuance date of Final Site Plan Development Order.

C. Phases of Development. The development of the PUD, as shown on the Preliminary Plan, shall occur in one phase, including improvements to the existing facility and construction of the new worship center. The addition of a daycare facility or a school will require a major amendment to the PUD and a traffic analysis that is approved by the county traffic engineer.

D. Land Uses within the PUD. The development of the parcel shall be consistent with the uses prescribed for each area within the proposed PUD. The locations and sizes of said land use areas are shown on the Preliminary Plan, Exhibit B, consistent with the Master Development Plan.

The subject parcel shall be used only for the following uses and their customary accessory uses or structures defined under Section 72-2, Article I of Chapter 72, Code of Ordinances, and as provided below. Any proposal to add or operate a use not listed shall require an amendment pursuant to Section A.2 of this Agreement.

1. Permitted Uses:

Auditoriums, lecture halls or conference rooms accessory to the principal use

Houses of worship

Outdoor entertainment event

Communication towers not exceeding 70 feet in height above ground level

Cemeteries

Group homes

One single-family dwelling for the owner or manager of an existing permitted principal use

Essential utility services

Exempt excavations

Exempt landfills

2. Prohibited Uses:

Any use not listed under Permitted Uses

E. Development Standards.

1. Minimum lot area: 11.94 acres
2. Minimum lot width: 329 feet
3. Minimum yard size (building):
 - a. Front yard: 50 feet
 - b. Rear yard: 50 feet
 - c. Side yard: 50 feet

Note: The existing shed identified on the preliminary plan may remain in its current location.

4. Maximum lot coverage: 30%
5. Maximum building height: 35 feet
6. Maximum floor area: 0.50 FAR
7. Landscape Buffer Requirements: Required landscaping shall comply with the minimum requirements of Section 72-284 of the Zoning Ordinance, as amended, except as otherwise stated in this document. The City of DeLand's Emerging Gateway District standards shall apply regarding the width and planting requirements for the landscape buffer adjoining North Spring Garden Avenue. At least 50 percent of required landscaping shall be native species that are drought tolerant. All landscape buffers, excluding those adjoining North Spring Garden Avenue and Glenwood Road, shall include a six-foot high screen consisting of a landscape planting hedge from Groups C and/or D, a brick or finished masonry wall, or a vinyl or wood fence, or a combination, thereof. The following landscape buffer widths are required:

- a. Adjoining North Spring Garden Avenue: 40 feet
- b. Adjoining Glenwood Road: 25 feet

- c. Adjoining all other property boundaries: 20 feet

Note: The drive aisle may encroach into the western landscape buffer adjoining the fire station property, as proposed within the preliminary plan.

d. Required Mix of Tree Species: When eight (8) or more trees are required to be planted to meet the requirements of this subsection, a mix of tree species shall be provided, at least one of which shall be native to the Central Florida region. A minimum number of species to be planted are indicated below:

Required Number of Trees	Minimum Number of Species
8 - 14	2
14 – 20	3
21 – 30	4
30+	5

8. Minimum building separation distance: 20 feet

9. Off-street parking and loading requirements: Off-street parking and loading requirements shall be met for each permitted use in accordance with Section 72-286 of the Zoning Ordinance as amended.

10. Signage requirements: Signs shall comply with applicable requirements of Sections 72-298 and 72-303(j) of the Zoning Ordinance, as amended. The City of DeLand's Emerging Gateway District standards shall apply regarding the type, height, and size of a ground sign on North Spring Garden Avenue.

11. Nonresidential Development Design Standards: The requirements of Section 72-303 of the Zoning Ordinance, as amended, shall apply to the construction of the new worship center. These standards shall not apply to the portion of the property with the existing house of worship, unless a future redevelopment, expansion, or alteration of an existing structure within this portion of the site increases the cumulative

gross floor area by more than 25 percent. A joint access easement to adjacent commercial properties shall not be required to meet the zoning code requirements for nonresidential design standards. However, it is required to meet the traffic engineering requirements of the land development code, unless a waiver is granted by the Development Review Committee during the final site plan process.

12. Thoroughfare Overlay Zone: The requirements of Section 72-297 of the Zoning Ordinance, as amended, apply to the development. However, a service road shall not be required to meet the zoning code requirements for the thoroughfare overlay zone. It will be required to meet the traffic engineering requirements of the land development code, unless a waiver is granted by the Development Review Committee during the final site plan process.

13. Airport Protection Overlay Zone: Due to its proximity to the DeLand Municipal Airport, the requirements of Section 72-296 of the Zoning Ordinance, as amended, apply to the development.

14. Illumination: To minimize obtrusive aspects of excessive and/or nuisance outdoor light usage, while preserving safety, security and the nighttime use and enjoyment of the property, illumination from the property shall not increase by more than half (0.5) fc at the property lines and all light fixtures including wall and surface mounted luminaries shall be installed and maintained in such a manner that is fully-shielded down. The maximum height of any light fixture shall not exceed 20 feet above grade.

F. Environmental Considerations. The minimum environmental requirements of Chapter 72 of the Code of Ordinances, County of Volusia, as amended, shall be met.

Historic trees and their associated tree protection zone shall be placed in a perpetual tree preservation easement and dedicated to the County of Volusia. The following are prohibited in the tree preservation easements: structures, impervious surface of any kind including driveways or sidewalks, trenching for utilities, change in the natural grade, or stockpiling or storage of any materials. Placement of sod and irrigation, mowing, and mechanical edging is prohibited. Limited crossings of the easement may be permitted, if such improvements are constructed of pervious material that does not change the natural grade or damage the roots of the tree.

G. Sewage Disposal and Potable Water Facilities. Provisions for sewage disposal and potable water needs of the PUD will be provided in accordance with the comprehensive plan, the Land Development Code and Florida Statutes. Potable water shall be provided by the City of DeLand. Sanitary sewer treatment /waste disposal shall be provided by the City of DeLand.

H. Storm water Drainage. Provision for storm water retention shall be in accordance with the Land Development Code. Stormwater management areas, associated easements and appurtenances are prohibited within the required landscape buffers.

I. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the Land Development Code. The parcel shall be developed in substantial accordance with the following access and transportation system improvements:

1. Access. Access for the project will be provided via North Spring Garden Road and Glenwood Road. Pedestrian, bicycle and traffic

circulation improvements and access points shall be determined during final site plan review, in accordance with the requirements of the Land Development Code, or as may be modified by the Development Review Committee and/or Volusia County Traffic Engineer to provide required pedestrian, bicycle, and traffic safety improvements on and adjacent to the site.

2. Transportation System Improvements. Transportation system improvements shall be provided as required by the Land Development Code, or as may be modified by the Development Review Committee and/or Volusia County Traffic Engineer. This may include, but not be limited to, right-of-way dedication and access improvements. The applicant intends to request a waiver to the cross access connector requirement of the Land Development Code during the final site plan process.

J. Fire Protection. The applicant is responsible for providing adequate on-site water supply and other fire protection improvements to serve the PUD project. The design, capacity, and location of the required water supply and other fire protection improvements shall be as required by the Volusia County Fire Marshall's office.

K. Underground Utilities. All utilities within the development shall be located underground, pursuant to Section 72-289(3) of the Zoning Ordinance, as amended, and Section 72-611(c)(4) of the Land Development Code, as amended. Required public utility lines or appurtenances may traverse required perimeter landscape buffers to the minimum extent required. Any damage to the landscape buffers must be repaired and restored to pre-existing landscape conditions.

L. Expiration of Development Agreement. The Applicant shall file a final site plan within five (5) years from the effective date of this Order and Resolution. Failure to timely file said final site plan shall immediately render the development agreement null and void, unless the zoning enforcement official, for good cause shown, approves a minor amendment to the extend the time period indicated in this paragraph.

M. Binding Effect of Plans, Recording, and Effective Date. The Master Development Plan, including any and all supplementary orders and resolutions, and the Preliminary Plan shall bind and inure to the benefit of the Owner and his successor in title or interest. The PUD zoning, Order and Resolution and all approved plans shall run with the land.

This Order and Resolution and all subsequent Orders and Resolutions shall be filed with the Clerk of the Court and recorded within forty-five (45) days following execution of the document by the Volusia County Council, in the Official Records of Volusia County, Florida. One copy of the document, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Growth and Resource Management Department. The date of receipt of this document by the Growth and Resource Management Department shall constitute the effective date of this Order and Resolution and its subsequent amendments. The applicant shall pay all filing costs for recording documents.

N. Conceptual Approval. The parties hereto acknowledge that reductions in density and/or intensity may and do occur; and that minor changes to roadway design, location and size of structures, actual location of parking spaces, specific locations for land uses, and locations and design of stormwater storage, landscape buffers and upland

buffers may result to comply with the Land Development Code. A request for such an amendment shall be reviewed by the zoning enforcement official and may be processed as a minor amendment in accordance with Section 72-289 of the Zoning Ordinance, as amended. The Applicant agrees to revise and record the Revised Preliminary Plan which reflects any such changes with the Clerk of the Court immediately following the expiration of the 30 day period for appealing Development Review Committee (DRC) decisions to the County Council. A copy of the Revised Preliminary Plan, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Growth and Resource Management Department.

DONE and ORDERED by the County Council of Volusia County, Florida, this ____
day of _____, 2021.

ATTEST:

VOLUSIA COUNTY COUNCIL

George Recktenwald
County Manager

Ed Kelley
Chair

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day
of _____, 2021, by George Recktenwald and Ed Kelley, as
County Manager and Chair, Volusia County Council, respectively, on behalf
of the County of Volusia, and who are personally known to me.

NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:

Commission No.:_____

My Commission Expires:_____

WITNESSES:

OWNER(S):

(insert property owner's name and Title)

(insert property owner's name and Title)

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this _____ day of _____, 2021 by _____ who
(insert property owner's name and Title)
is (are) personally known to me or who have produced _____ as
identification(s).

NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:

Commission No.: _____

My Commission Expires: _____

EXHIBIT A:

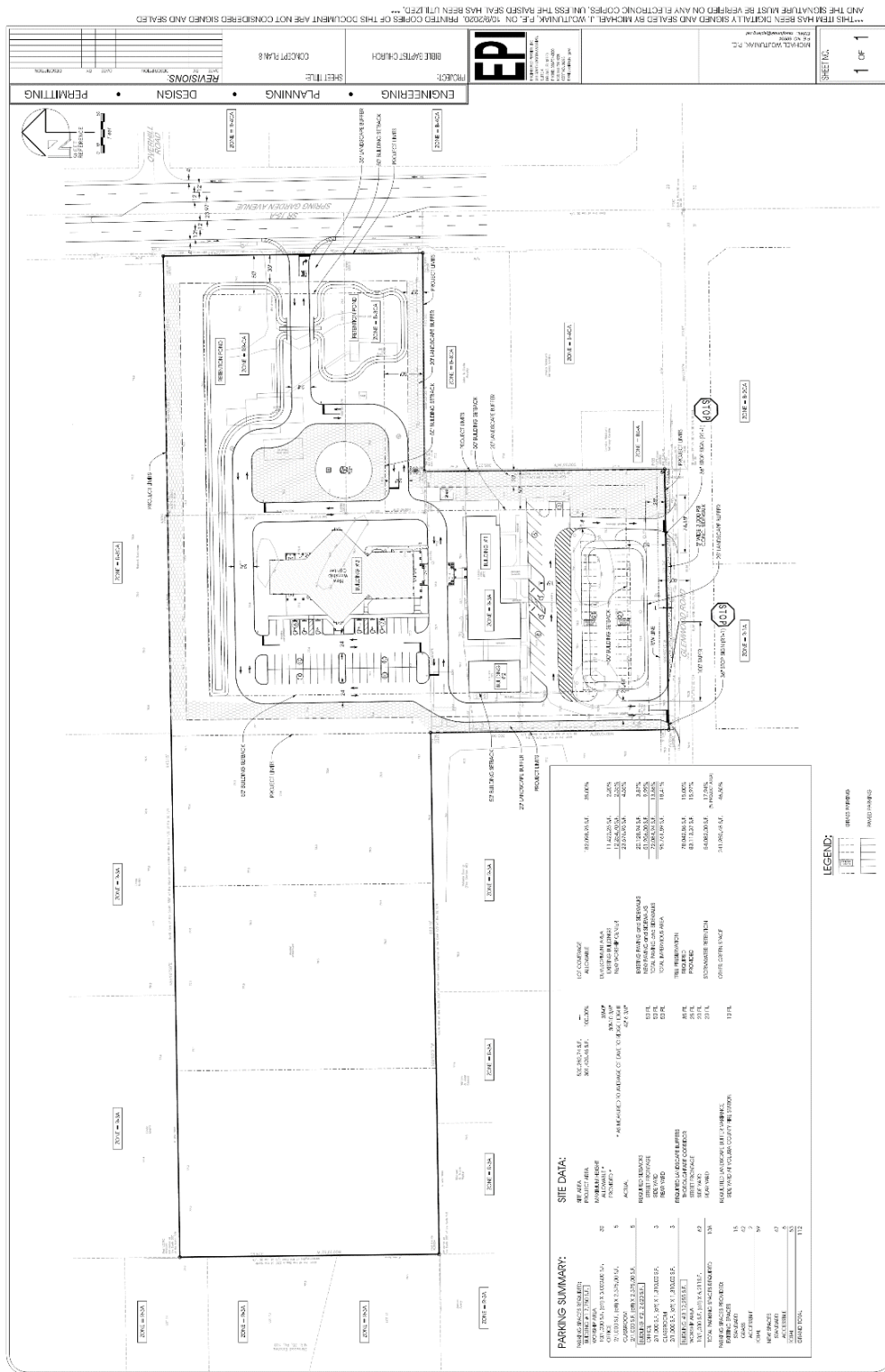
LEGAL DESCRIPTION:

Being a part of the Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 30, Township 16 South, Range 30 East, Volusia County, Florida,

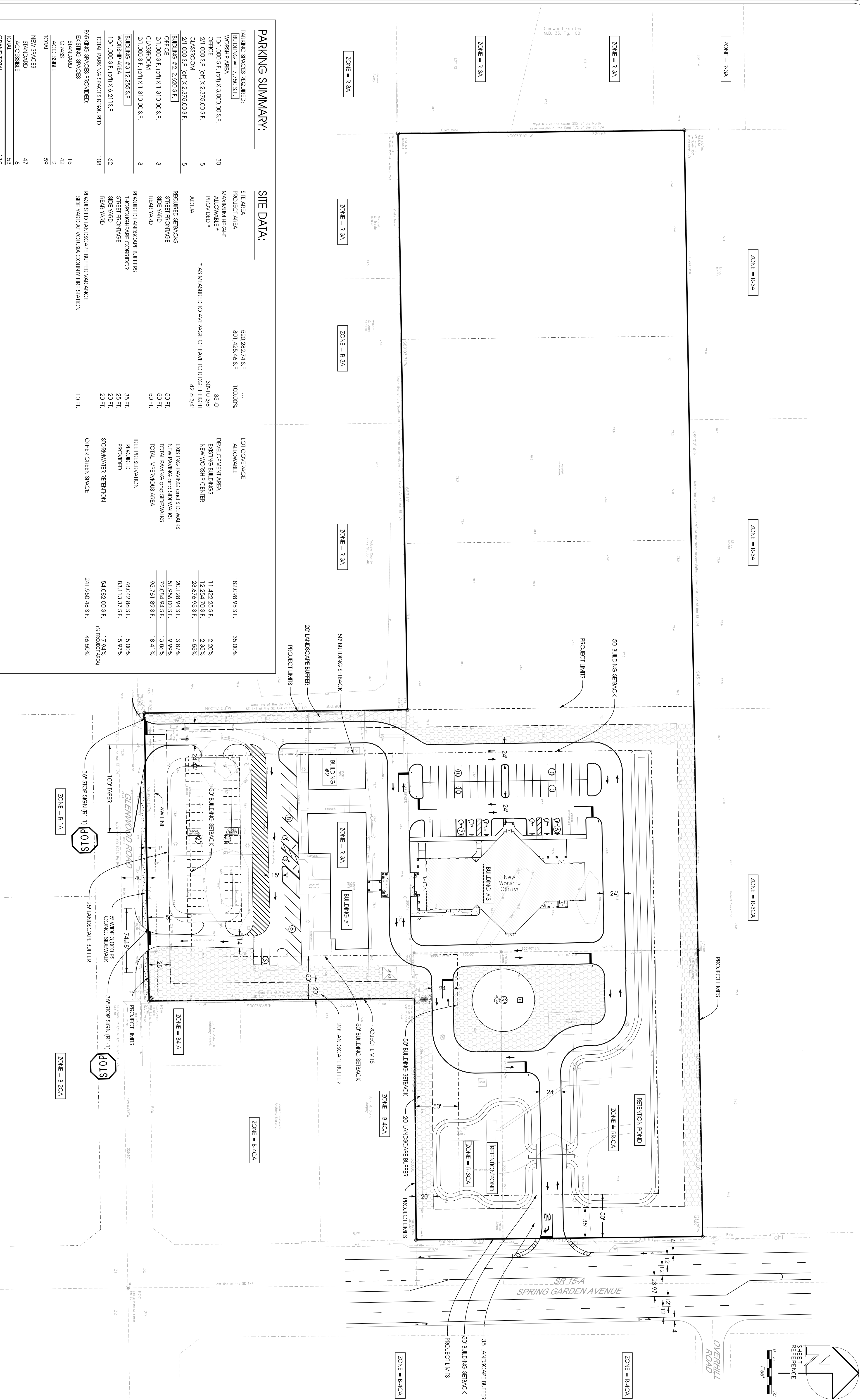
AND:

Being a part of the South 330 feet of the North seven-eighths of the East 1/2 of the Southeast 1/4 of Section 30, Township 16 South, Range 30 East, Volusia County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Section 30, Township 16 South, Range 30 East, Volusia County, Florida; thence S89°03'15"W, along the South line of the Southeast 1/4 of said Section 30, a distance of 329.67 feet to the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of said Section 30; thence N00°56'45"W, a distance of 30.00 feet to the North Right of Way of Glenwood Road, according to Official Records Book 1924, Page 949, Public Records of Volusia County, Florida and the Point of Beginning; thence S89°03'15"W, along said North Right of Way, a distance of 331.34 feet to a point on the West line of the aforesaid Southwest 1/4; thence N00°43'08"W, along said West line, a distance of 302.90 feet to a point on the South line of the South 330 feet of the North seven eighths of the East 1/2 of the Southeast 1/4 of said Section 30; thence S89°03'31"W, along said South line, a distance of 663.10 feet to the Southwest corner of said South 330 feet of the North seven eighths; thence N00°39'52"W, along the West line of said South 330 feet of the North seven eighths, a distance of 329.65 feet to the Northwest corner of said South 330 feet of the North seven eighths; thence N89°02'50"E, along the North line of said South 330 feet of the North seven eighths, a distance of 943.15 feet; thence S00°40'12"E, a distance of 326.98 feet; thence N89°33'35"E, a distance of 52.10 feet to the Northeast corner of the aforesaid Southwest 1/4; thence S00°33'36"E, along the East line of said Southwest 1/4, a distance of 305.27 feet to the Point of Beginning. Containing 411,618.26 square feet (09.449 acres, +/-)



PARKING SUMMARY:			SITE DATA:		
PARKING SPACES REQUIRED:			SITE AREA		
BUILDING #1 7,750 S.F.	...	...	PROJECT AREA	520,282.74 S.F.	...
WORKSHOP AREA	...	...	MAXIMUM HEIGHT ALLOWABLE *	100.00%	...
101,000 S.F. (6H) X 3,000.00 S.F.	30	30	DEVELOPMENT AREA	182,098.95 S.F.	35.00%
OFFICE	...	...	EXISTING BUILDINGS	11,422.25 S.F.	2.20%
21,000 S.F. (6H) X 2,375.00 S.F.	5	5	NEW WORKSHOP CENTER	12,254.70 S.F.	2.35%
CLASSROOM	...	...	EXISTING PAVING and SIDEWALKS	23,676.95 S.F.	4.55%
21,000 S.F. (6H) X 2,375.00 S.F.	5	5	NEW PAVING and SIDEWALKS	20,128.94 S.F.	3.87%
BUILDING #2 2,620 S.F.	...	...	TOTAL PAVING and SIDEWALKS	51,956.00 S.F.	9.99%
OFFICE	...	...	TOTAL IMPERVIOUS AREA	72,084.74 S.F.	13.86%
21,000 S.F. (6H) X 1,310.00 S.F.	3	3	TREE PRESERVATION	95,761.89 S.F.	18.41%
CLASSROOM	...	...	REQUIRED	78,042.86 S.F.	15.00%
21,000 S.F. (6H) X 1,310.00 S.F.	3	3	PROVIDED	83,113.37 S.F.	15.97%
BUILDING #3 12,255 S.F.	...	...	STORMWATER RETENTION	54,082.00 S.F.	17.94%
WORKSHOP AREA	...	...	OTHER GREEN SPACE	241,950.48 S.F.	46.50%
101,000 S.F. (6H) X 6.21 S.F.	62	62			
TOTAL PARKING SPACES REQUIRED	108	108			
EXISTING SPACES	15	15			
STANDARD	42	42			
ACCESSIBLE	2	2			
TOTAL	59	59			
NEW SPACES	47	47			
STANDARD	6	6			
ACCESSIBLE	53	53			
TOTAL	112	112			



LEGEND:

	GRASS PARKING
	PAVED PARKING

ENGINEERING • PLANNING • DESIGN • PERMITTING

PROJECT: BIBLE BAPTIST CHURCH

SHEET TITLE: CONCEPT PLAN 8

REVISIONS:				
DATE	BY	DESCRIPTION	DATE	DESCRIPTION

MICHAEL WOJTUNIAK, P.E.
P.E. NO. 69894
EMAIL: mw@wojtuniak.com

EPI
ENGINEERED PERMANENT
317 SOUTH WOODLAND BLVD.
SUITE 100, R. 27700
BIRMINGHAM, AL 35270
PHONE: 205-314-6880
FAX: 205-314-6880
EMAIL: info@epieng.com

**Inter-Office
Memorandum**



TO: Patricia Smith, AICP, Planner III **DATE:** November 5, 2020
FROM: Samantha J. West, Environmental Specialist III
SUBJECT: Parcel #: 6030-00-00-0130 and 6030-00-00-0170
Case #: PUD-20-012

Environmental Permitting (EP) has reviewed the application for a rezoning from the Urban Single-Family Residential (R-3) and Rural Residential (RR) zoning classifications to the Planned Unit Development (PUD) with a Business (B) sub-classification for a ±12-acre site. EP provides the following report for the requested rezoning:

Overview

The subject property is an existing developed site located within the DeLand Ridge watershed.

Review Criteria and Analysis

Protected Species

The subject property has been identified as containing suitable habitat for the gopher tortoise. The gopher tortoise is a Candidate species for federal protection and designated as threatened in the State of Florida. A 100-percent gopher tortoise burrow survey will be required with submission of a Final Site Plan.

Trees

All historic trees and their associated driplines shall be placed in a perpetual tree preservation easement dedicated to the County of Volusia. In addition, the Final Site Plan shall depict 15 percent of the total site designated for the protection of existing trees.

Conclusion

EP staff does not object to the proposed rezoning from the Urban Single-Family Residential (R-3) and Rural Residential (RR) zoning classifications to the Planned Unit Development (PUD) with a Business (B) sub-classification. However, future development of the site must comply with the applicable requirements of the Land Development Code, in addition to the specific environmental requirements stated within the Development Agreement, during the Final Site Plan process.

STAFF REVIEW COMMENTS

**Meeting Date: October 1, 2020
PUD-20-012 Open Bible Baptist
2020-Z-TRS-0359, RSN 1002813**

Development Engineering

Scott Carraro, Civil Engineer II

September 18, 2020

PUD-20-012 Open Bible Baptist

2020-Z-TRS-0359

Staff has reviewed the requested application and provides the following comments:

1. Per LDC Sec. 72-777(a), the proposed subdivision shall require a stormwater management permit.
2. Per LDC Sec. 72-691, a use permit is required for any work proposed within the county right-of-way.

Informational:

3. An FDOT Access Permit is required for the proposed connection to N Spring Garden Avenue.

* * * * *

Environmental Permitting

Samantha West, Environmental Specialist III

September 2, 2020

PUD-20-012 Open Bible Baptist

2020-Z-TRS-0359

Staff has reviewed the requested application and provides the following comments:

The following comments are specific to the PUD rezoning:

1. EP staff recommends modifying the language within Section F, of the DA, to remove the allowance of landscape materials within the dripline of historic trees.

The following comments are specific to the future Final Site Plan submittal:

2. A tree survey is required for all trees at least six inches in diameter at breast height with specimen and historic trees noted. The tree survey must identify pine, palm and hardwood trees by specific species and common name.
3. Pursuant to Section 72-838, of the LDC, the site must meet the minimum tree coverage

standard of one tree per 2,500 square feet of parcel area (rounded up to the nearest whole tree). The future final site plan shall demonstrate that there are a sufficient number of trees on-site to meet this requirement.

4. Pursuant to Section 72-837, of the LDC, 15 percent of the total site shall be designated for the protection of existing trees. The future final site plan shall clearly label the required tree preservation areas.
5. Section 72-837, of the LDC, requires tree preservation areas to be designed to contain sufficient land area to comply with minimum tree protection standards to adequately protect the trees within this area. In addition, pursuant to Section 72-844(5), the root system of existing trees shall be protected. Therefore, all tree preservation, natural vegetation retention areas, and landscape buffers must encompass the dripline of all protected, specimen and historic trees for these to not count as removed.
6. The project must comply with County specimen tree (ST) preservation requirements pursuant to Section 72-843, of the LDC. Please identify all STs on the entire parcel and demonstrate compliance by providing the total number of STs on site, the number of STs per acre, the number of STs required to be protected per the LDC and the number of STs that will actually be preserved within the development.
7. A tree removal plan is required, indicating all trees planned for removal, including those with encroachment into the drip line (approximated as one-foot of radius per inch of tree diameter), and label them with an X or similar notation.
8. The project must comply with Section 72-842 Tree Replacement Requirements, of the LDC. Tree removal and replacement calculations are required for all specimen trees removed on-site. Replacement is 15 percent of the total cross sectional area removed. The applicant has three options for replacement:
 - a. Save existing trees between two inches and 5.9 inches in designated Natural Vegetation Retention Areas (NVRA).
 - b. Plant tree replacement stock at a minimum caliper of two inches and a height of at least six feet, pursuant to Section 72-842. Refer to <http://www.volusia.org/environmental/permitting> for a list of acceptable replacement stock.
 - c. If the county forester determines that replacement is not feasible due to lack of available planting space, the applicant may pay into the Volusia County Tree Replacement Trust Account at \$49 per cross sectional square inch, after the minimum tree coverage standard is met.
9. The plans shall include a tree protection detail consistent with Section 72-844, of the LDC. The root zone of the tree is approximated by one-foot of radius per inch of tree diameter.
10. A biological survey must be provided. This survey should document the types of habitat on-site and indicate compliance with state and federal rules concerning protection of threatened and endangered species.

11. This property has been identified as containing suitable habitat for the gopher tortoise (GT), a threatened species. Pursuant to Section 72-1140, of the LDC, a 100 percent GT burrow survey is required to be conducted by an Authorized Agent to determine if GT burrows or their 25-foot buffers are located on the property. This survey is required upon submission of the final site plan application. If any GT burrows are found on-site and their 25-foot buffers cannot be avoided, a Florida Fish and Wildlife Conservation Commission GT relocation permit will be required. If construction does not commence within 90 days of this initial survey, an updated survey must be submitted. Please be aware that Environmental Permitting may request the applicant redesign the project to avoid GT burrow impacts.

Informational:

12. This office reserves the right to provide additional comments based on review of a future plan submittal.

* * * * *

Fire Safety

Shane Lanoue, Interim Fire Marshal

August 25, 2020

PUD-20-012 Open Bible Baptist

2020-Z-TRS-0359

Staff has reviewed the requested application and provides the following comments:

1. All roads shall be 20ft wide.
2. No indication of fire hydrants shown on property. Provide fire hydrants required to meet fire flow per Ch18 of the Florida Fire Prevention Code 6th edition.

* * * * *

Health

Britt Williams, Environmental Specialist II
DOH/Volusia County Public Health Unit

September 3, 2020

PUD-20-012 Open Bible Baptist

2020-Z-TRS-0359

Staff has reviewed the requested application and provides the following comments:

1. Potable water to be provided by the City of Deland and sewage disposal to be provided by an onsite sewage treatment and disposal system (OSTDS). Applicant will need to apply for an OSTDS construction permit.

* * * * *

Land Development

Emilio O'Brien, Planner I

September 30, 2020

PUD-20-012 Open Bible Baptist

2020-Z-TRS-0359

Staff has reviewed the requested application and provides the following comments:

1. Provide a key on the plan labeling all lines and cross-hatching. Specifically, explain the difference between the dashed-line parking spaces versus the solid line parking spaces, and what the honeycomb hatching represents.
2. Will the drive-aisle at the northwest portion of the developed area be closed or open to grass overflow parking? Is the plan to ever construct a second phase or additional building in that area? If so, show on the plans. Per section 72-618(a)(2)(b), any grass parking area must be stabilized.
3. The 34-foot wide, one way drive-aisle south of the existing building is wider than the required 14-foot width per section 72-618(a)(3). Revise the plans to meet the required 14 feet for one-way or 24 feet for two-way, or provide a request for the larger width and a justification.
4. According to the plans, it is unclear which of the existing structures are being removed and which are staying. Please provide a demolition plan at the time of final site plan review.
5. Staff will not approve this plan as meeting the requirements of a conceptual plan, until staff comments are addressed. Please provide a revised plan for review before staff can authorize the language in page 6, paragraph 4 of the Development Agreement.

* * * * *

Planning

Patricia Smith, Planner III

September 29, 2020

PUD-20-012 Open Bible Baptist

2020-Z-TRS-0359

Staff has reviewed the requested application and provides the following comments:

1. This project is currently being reviewed by planning staff for a zoning change to a PUD. It underwent staff review in late 2019, and it appears that the applicant has revised the plan to incorporate TRS comments. The project will undergo a second staff review on September 10, 2020.
2. The applicant has requested to remove the daycare and school use from the list of approved uses. The project will be limited to improvements to the existing facility and construction of a new fellowship center. Future day care and/or school uses would require a major amendment to the PUD. If the applicant wants to pursue a daycare or school use at this

time, a traffic analysis must be revised and resubmitted to address these uses (see Traffic Engineering comments from June 2020).

3. According to the applicant, the project will be completed in a single phase.
4. A cross access connector will be required by the Traffic Engineering staff unless a waiver is granted by the DRC. The waiver should be requested during the final site plan process.
5. Please provide justification through a traffic study for the need to exceed 125% of the allowable parking spaces.
6. This item is scheduled for PLDRC on October 15, 2020.

* * * * *

School Board

Stephanie Doster, Planning and GIS Specialist
PUD-20-012 Open Bible Baptist

2020-Z-TRS-0359

Staff has reviewed the requested application and provides the following comments:

* * * * *

Survey

Mark E. McClain, Engineering Supervisor

August 28, 2020

PUD-20-012 Open Bible Baptist

2020-Z-TRS-0359

Staff has reviewed the requested application and has no comment.

* * * * *

Traffic

Anthony Taylor, Engineering Assistant

September 4, 2020

PUD-20-012 Open Bible Baptist

2020-Z-TRS-0359

Staff has reviewed the requested application and provides the following comments:

As requested, the Traffic Engineering Division has examined the subject development and provides the following comments:

1. A traffic study will be required for this development. This is not to be confused with

requesting a full Traffic Impact Analysis (TIA). A Traffic Study performed by a professional traffic engineer is required. A rezoning transportation analysis checklist has been attached for the benefit of the applicant. If permitted through the proposed DA, please include a daycare in the analysis. The study should include the following items:

- a. Trip Generation (both PM Peak-hour and Sunday, Peak Hour of the Generator)
 - b. Peak Hour of the Generator Build-out Driveway Turning Movement counts
 - c. Project Build-out turning movement volumes at the Glenwood Rd. / SR 15A intersection.
2. Based on the traffic study, modifications to the signalized intersection of Glenwood Rd. @ S.R. 15 A may be required.
3. S.R. 15A is a thoroughfare road with a posted speed limit equal to or exceeding 35 MPH (50 MPH). Per VCLDC section 72-619, a 12-foot wide, 385-foot long southbound right turn lane will be required.
4. Glenwood Rd. is a County maintained collector thoroughfare with a posted speed limit of 35 MPH (35 MPH). Per Section 72-619, a 12-foot wide, 155-foot long westbound right turn lane will be required for the full access driveway.
5. Per VCLDC section 72-612, County maintained collector thoroughfare roadways require 80 feet of right of way. Based on the existing right-of-way provided in the plans, there will need to be an additional right-of-way dedication so that 40-feet of right-of-way, taken from the center line of Glenwood Rd. to the north, is provided
6. Pursuant to VCLDC section 72-620, a sidewalk will be required along the property frontage of Glenwood Rd. In addition, a safe and convenient pedestrian access onto the development will be required from both SR15A and Glenwood Rd. Sidewalks are to be placed within the right of way, but not closer than 1 foot of the property line.
7. VCLDC section 72-618 (3)(d) requires that single-lane driveways are to be a minimum of 14 feet wide and two-way driveways are to be 24 feet in width.
8. The off-street parking within the development will need to be appropriately signed (Do not enter, one way, stop, etc.)
9. All parking spaces are to be curbed with a 6" curb or a wheel stop.
10. All parking spaces must be sized based on VCLDC section 72-618.
11. Pursuant to VCLDC section 72-619 (e)(3)(2), traffic movements to and from any driveway within 370 feet of a signalized intersection with a collector or an arterial shall be limited to right turns only. The exit only driveway intersecting Glenwood Rd. will need to be constructed as a right out only driveway and appropriately signed.
12. How will the patrons utilizing the southern two handicap parking spaces access the building?

* * * * *

Utilities

Scott Mays, Utilities Engineer

PUD-20-012 Open Bible Baptist

2020-Z-TRS-0359

Staff has reviewed the requested application and has no comment.

* * * * *

From: Anthony Taylor
To: Wojtuniak, Michael <mwojtuniak@epieng.net>
CC: McFarlane, Carol; Smith, Patricia; Morin', 'Ursula <ursula@epieng.net>; Brown', 'David <dbrown1079@icloud.com>
Date: 10/2/2020 10:19 AM
Subject: Re: [EX] Bible Baptist Traffic TIA by TEDDS

Good day Mike!

I spoke with Jon about the analysis, and he was OK with waiving the right turn lane on Glenwood for the proposed 100 foot right turn taper.

If you have any further questions, please feel free to contact me.

Thanks.

Anthony Taylor
Engineering Assistant
Volusia County Traffic Engineering
123 W. Indiana Ave.
DeLand, FL 32720
386-736-5968 x12176

>>> "Michael Wojtuniak" <mwojtuniak@epieng.net> 10/1/2020 3:24 PM >>>

CAUTION: This email originated from outside Volusia County's email system. DO NOT CLICK links or attachments unless you recognize the sender and/or know the content is safe.

Good Afternoon Anthony,

Attached is the TIA study that was completed by TEDDS that covered the right turn lane taper. Hopefully this study answers the traffic issues that were raised.

Mike

Michael Wojtuniak, P.E.
Project Manager
Licensed In FL, VA, MS, AL
Engineered Permits Inc

311-A South Woodland Boulevard
DeLand, FL 32720
Phone: (386) 734-0830
Fax: (386) 734-8226
Mobile: (386) 490-5474

"and a good ole' buffalo too"

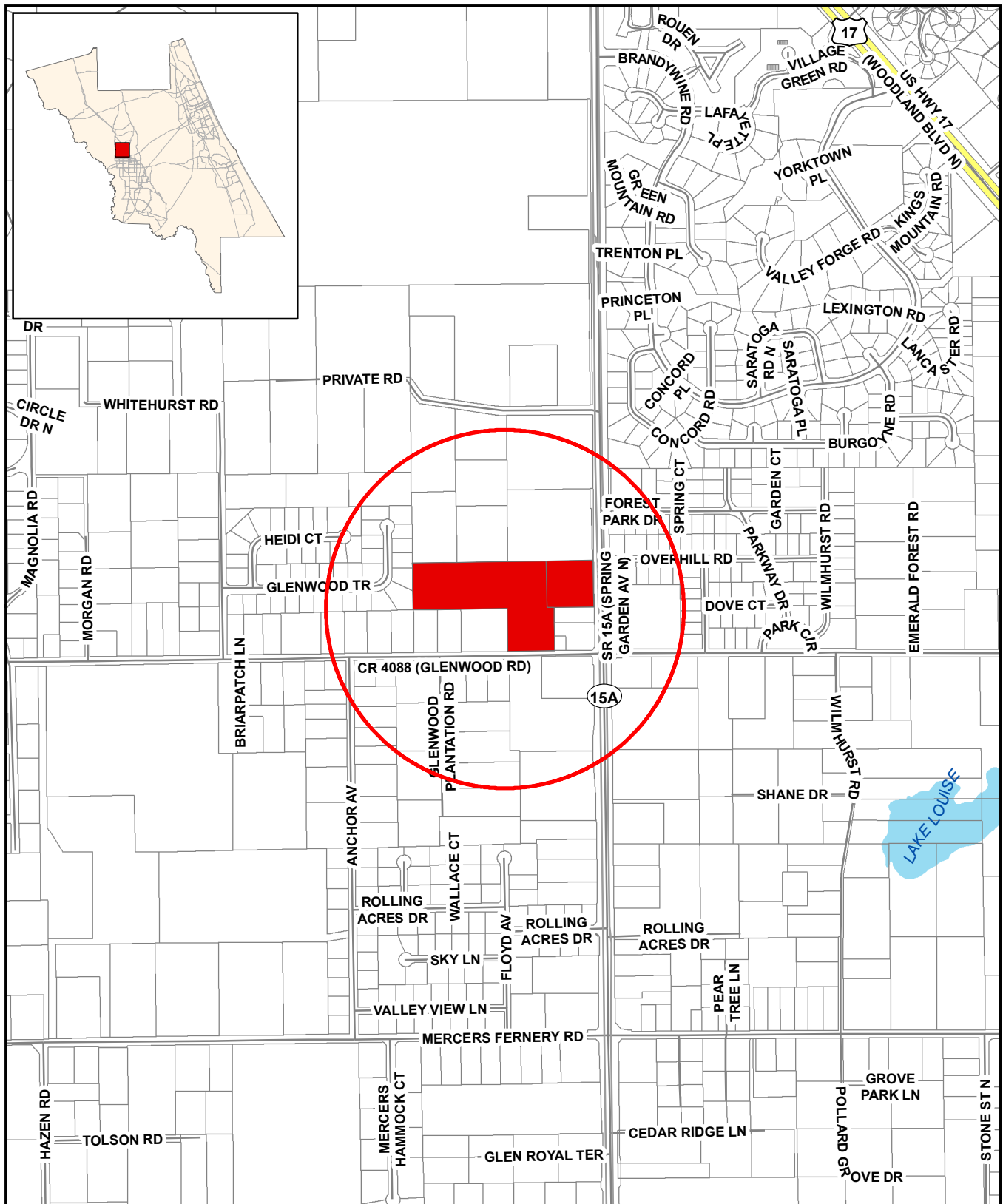
SITE PHOTOGRAPHS
PUD-20-012 - BIBLE BAPTIST CHURCH





PROPERTY LOCATION PUD-20-012

Page 40 of 45

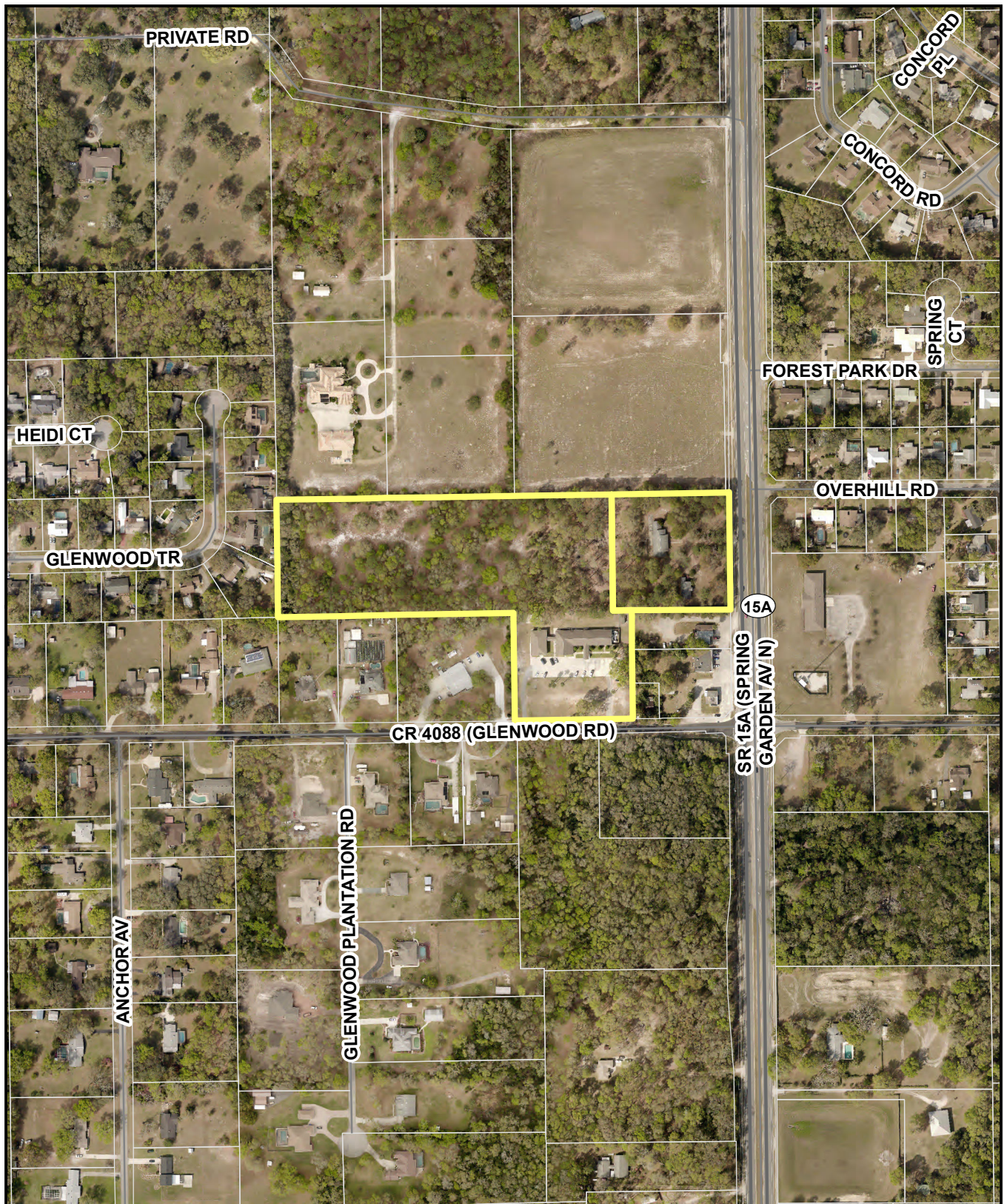


SUBJECT PROPERTY



1" = 1,000'

11/8/2019



 SUBJECT PROPERTY

IMAGE DATE 2018

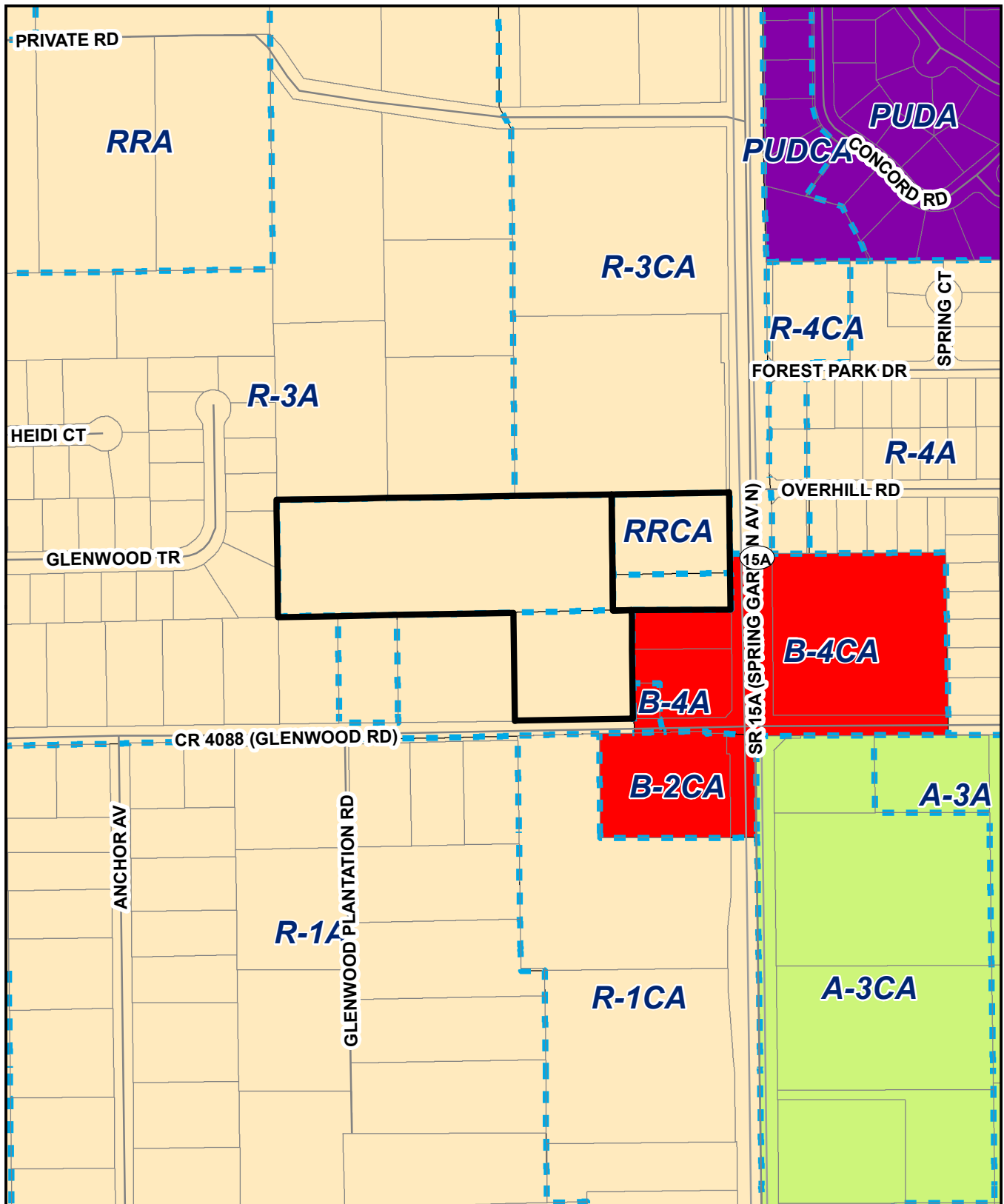


1" = 400'
11/8/2019

ZONING CLASSIFICATION - CURRENT

Page 42 of 45

PUD-20-012



FROM: R-3 & RR
TO: PUD
 - - - ZONING BNDY

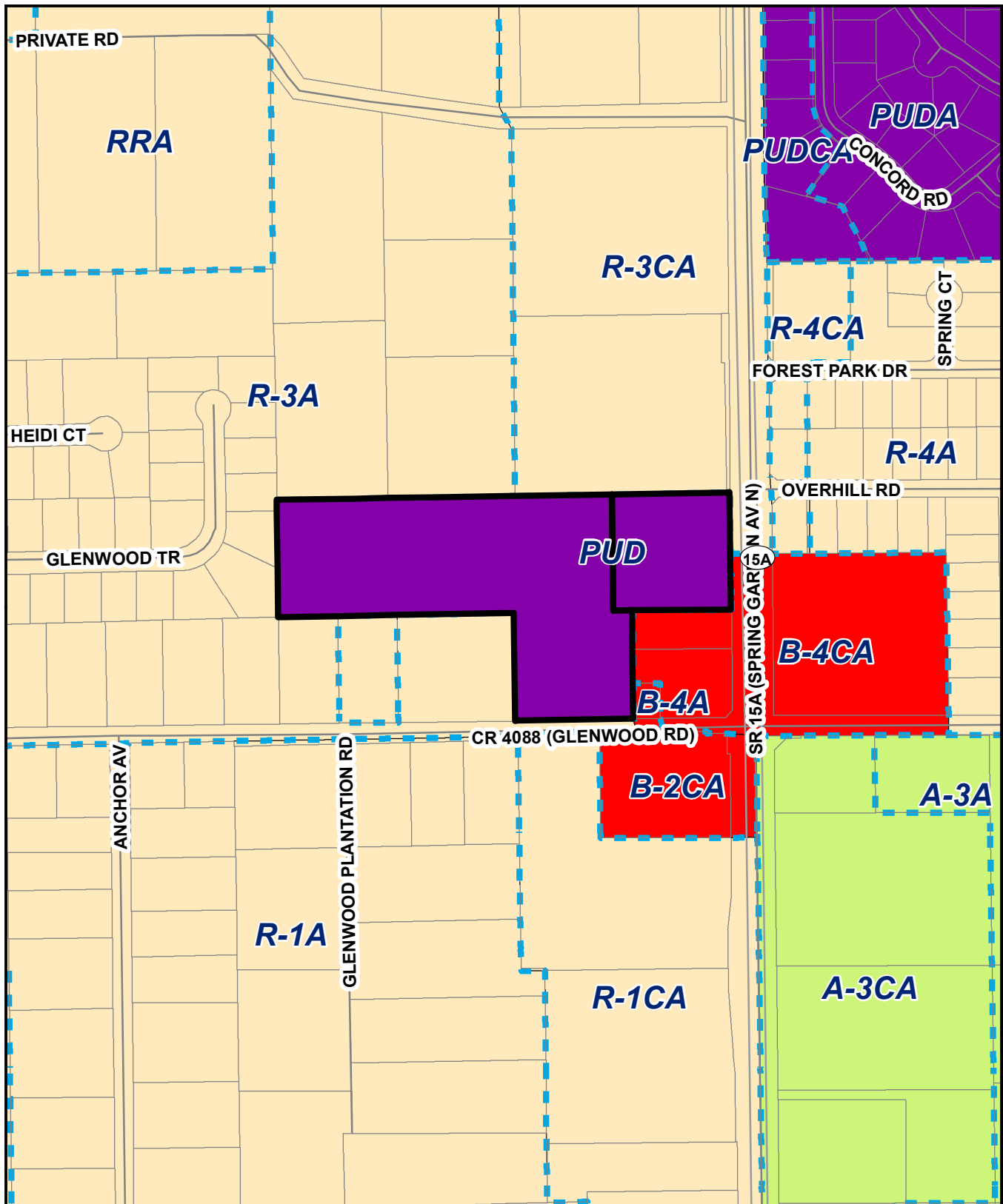


1" = 400'
 11/8/2019

ZONING CLASSIFICATION - PROPOSED

Page 43 of 45

PUD-20-012



SUBJECT PROPERTY

**FROM: R-3 & RR
TO: PUD**



1" = 400'

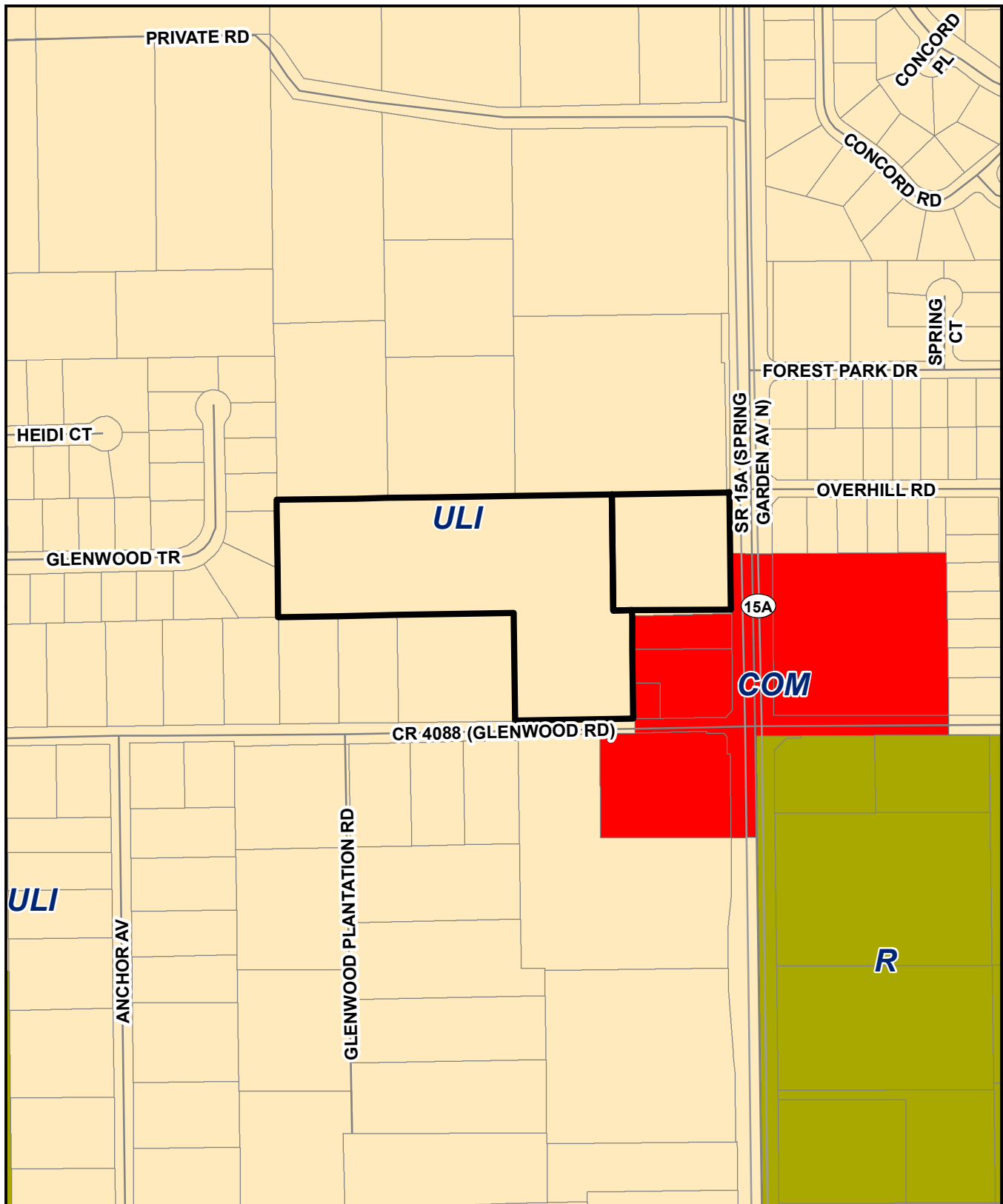
11/8/2019

--- ZONING BNDY
 RESIDENTIAL
 COMMERCIAL
 AGRICULTURAL

PLANNED UNIT DEVELOPMENT

FUTURE LAND USE PUD-20-012

Page 44 of 45



 SUBJECT PROPERTY

 COMMERCIAL  URBAN LOW INTENSITY

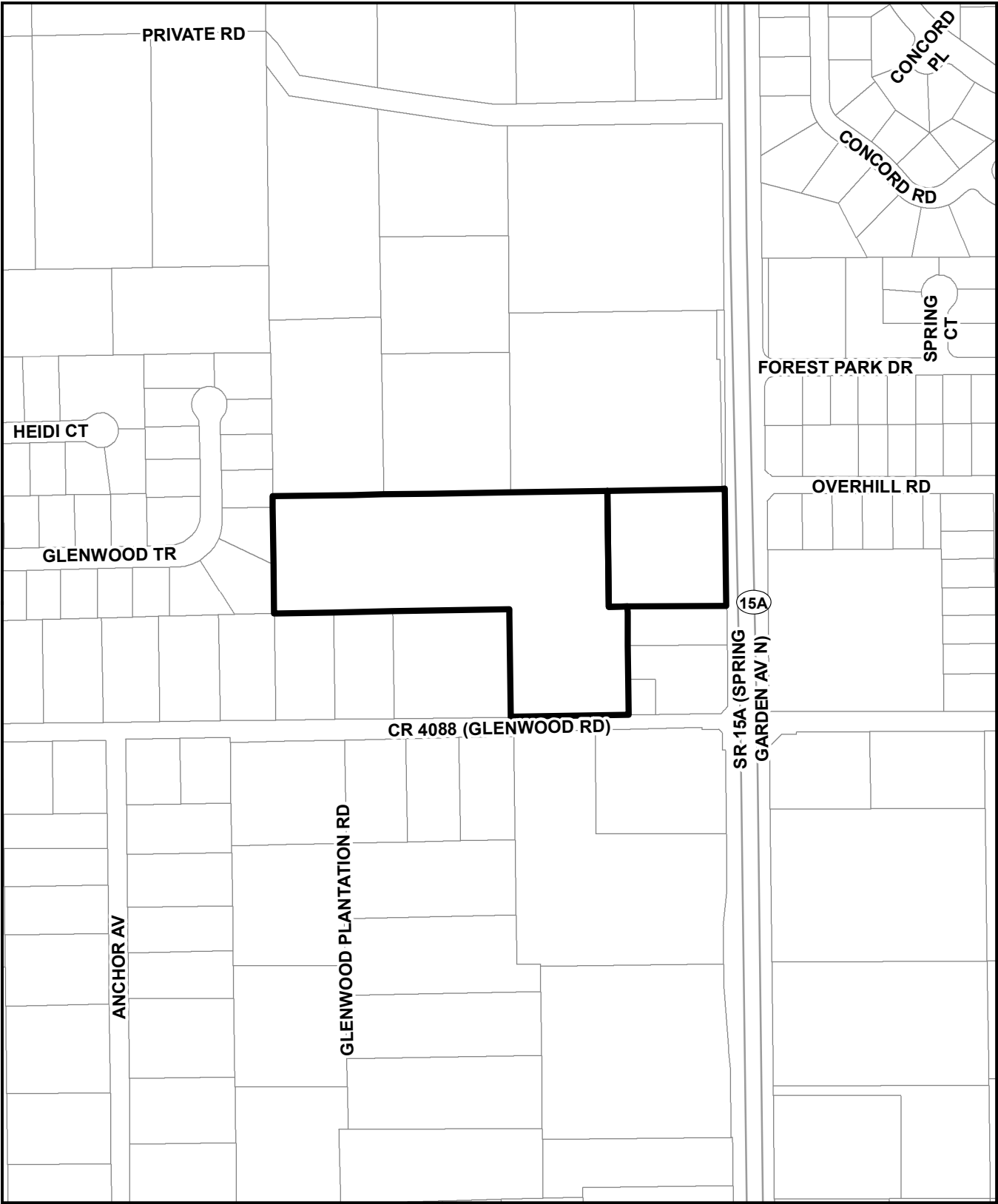
 RURAL






1" = 400'

11/8/2019

ECO/NRMA OVERLAY
PUD-20-012



-  SUBJECT PROPERTY
-  ECO
-  NRMA



1 " = 400 '
11/8/2019