PLDRC HEARING: March 8, 2016 – Planning and Land Development Regulation Commission (PLDRC)

CASE NO: Z-16-019

SUBJECT: Rezoning from Urban Single-Family Residential/Highridge Neighborhood Plan (R-2(5)) zoning classification to Urban Single-Family Residential/Highridge Neighborhood Plan (R-3(5)) zoning classification.

LOCATION: 3581 Old DeLand Road, Daytona Beach

APPLICANT/OWNER: Travis Hutson

STAFF: Danalee Petyk, Planner II

I. SUMMARY OF REQUEST

The applicant’s property is zoned R-2(5). It is ± 15,400 square feet in area and ± 89 feet in width. It meets the minimum square footage requirement, however, it is nonconforming with the minimum lot width requirement of the R-2 zoning classification, which requires 100 feet. The applicant is requesting to rezone from R-2(5) to R-3(5) in order to bring the lot into conformance and to match the zoning of the adjoining property also owned by the applicant. If the rezoning is approved, the applicant intends to combine the two lots into a single parcel.

Staff Recommendation: Forward the request to the county council with a recommendation of approval.
II. SITE INFORMATION

1. Location: The property is located on the south side of Old DeLand Road, approximately 500 feet east from its intersection with Fire Tower Road near the City of Daytona Beach.

2. Parcel No: 6205-01-00-0130

3. Property Size: ± 15,400 square feet

4. County Council District: 4

5. Zoning: Urban Single-Family Residential (R-2(5))

6. FLU Designation: Urban Low Intensity / Highridge Neighborhood Plan

7. ECO Map: No

8. NRMA Overlay: No

9. Adjacent Zoning and Land Use:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Future Land Use</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>FR</td>
<td>Low Impact Urban</td>
<td>State owned fire tower</td>
</tr>
<tr>
<td>East</td>
<td>R-3(5)</td>
<td>Urban Low Intensity/ Highridge Neighborhood Plan</td>
<td>Single-Family dwelling</td>
</tr>
<tr>
<td>South</td>
<td>B-1C(5)</td>
<td>Mixed Use Zone/ Highridge Neighborhood Plan</td>
<td>Office</td>
</tr>
<tr>
<td>West</td>
<td>R-2(5)</td>
<td>Urban Low Intensity/ Highridge Neighborhood Plan</td>
<td>Single-Family dwelling</td>
</tr>
</tbody>
</table>

10. Maps

ZONING MAP

FUTURE LAND USE MAP
III. BACKGROUND

The rezoning application is for a 15,400 square-foot single-family lot currently zoned R-2(5) (Lot 13 of Tower Gardens Subdivision). The owner, Mr. Hutson, owns the adjacent property (Lot 15 of Tower Gardens) which is zoned R-3(5). The subject property is a nonconforming lot as it does not meet minimum 100-foot lot width requirement of the R-2 zoning classification. Rezoning the lot to R-3(5) will make the lot conforming and enable the property owner’s plan to apply to combine Lots 13 and 15 into a single parcel if the rezoning is successful.

The subject property (Lot 13) originally had several buildings, including a principal residential structure, that were subject to a code violation case. The owner has since demolished several of these buildings, and only a metal carport remains on the property. Since the owner wishes to construct an accessory structure on the property, a lot combination is required since the principal use and structure is on Lot 15.

The applicant’s property at 3575 Old DeLand Road was subject to a rezoning in 2006 (Case No Z-06-003) and was similarly approved to be rezoned from R-2(5) to R-3(5). The reason for this rezoning request was to bring the subject lots into conformance due to lot width.

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 Urban Low Intensity on the future land use map. The proposed zoning of R-3(5) is compatible with this future land use designation. Further, the subject property is part of the “Highridge Neighborhood” which is a local plan designed to afford greater protection to the Highridge Estates area. The requested R-3 zoning classification is consistent with the policies delineated in the comprehensive plan because it is not changing the permitted principal use of single-family residential.

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

The applicant proposes to combine the lot with the adjoining parcel and construct an accessory structure. Since the existing and the proposed zonings are both urban single-family residential, the impact on the environment or natural resources would not change.
(3) Its impact upon the economy of any affected area.

Since the existing and proposed zonings are both urban single-family residential, it is not anticipated to negatively impact 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.

The proposed rezoning will not change the potential impact on governmental services.

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

There are no known circumstances or conditions affecting the 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.

The effect upon the use or value of the affected area is negligible. If approved, two platted lots will be combined to create a single lot of record.

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

A change in zoning from R-2(5) to R-3(5) will not have any known negative impacts on the public health, welfare, safety, or morals of the neighborhood.

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 Urban Single-Family Residential/Highridge Neighborhood Plan (R-2(5)) zoning classification to the Urban Single-Family Residential/Highridge Neighborhood Plan (R-3(5)) zoning classification to the county council with a recommendation of approval.

VI. ATTACHMENTS

- Survey
- 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 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.