

REVISED 07/06/16 - CORRECTION TO ADDRESS



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

PLDRC HEARING: July 12, 2016 - Planning and Land Development Regulation Commission (PLDRC)

CASE NO: Z-16-060

SUBJECT: Rezoning from the Rural Agriculture Estate (RA) Classification to the Rural Residential (RR) Classification.

LOCATION: 821 Deerfoot Road

APPLICANT: Robert Wojcik, agent for owner

OWNER: Christopher Wojcik

STAFF: Scott Ashley, AICP, Senior Zoning Manager

I. SUMMARY OF REQUEST

The applicant is requesting to rezone a ±4.9-acre property from one rural single-family residential classification to another to enable him to subdivide the parcel to create one additional lot.

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

II. SITE INFORMATION

- 1. Location: The property is located on the south side of Deerfoot Road at its intersection with Breezy Knoll Ranch Road, DeLand.
- 2. Parcel No: 7029-00-00-0250
- 3. Property Size: ±4.9 acres
- 4. County Council District: 1
- 5. Zoning: Rural Agriculture Estate (RA)
- 6. FLU Designation: Rural
- 7. ECO Map: No
- 8. NRMA Overlay: No
- 9. Adjacent Zoning and Land Use:

Direction	Zoning	Future Land Use	Existing Use
North	A-4	Rural	Single-Family residential
East	RR and RA	Rural	Single-Family residential
South	RA	Rural	Single-Family residential
West	RA	Rural	Single-Family residential

10. Location Maps



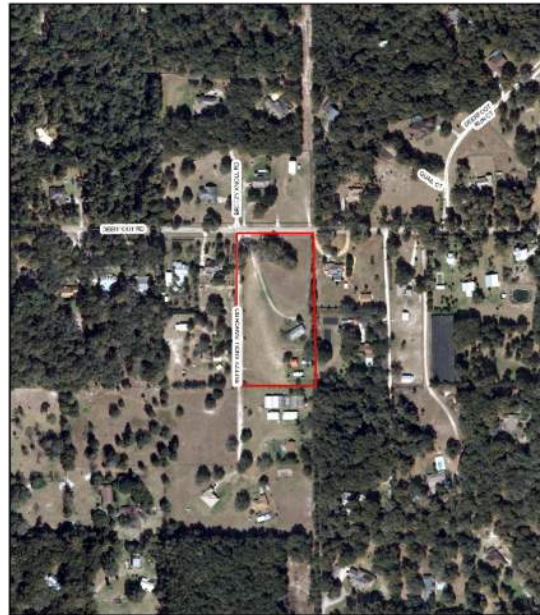
ZONING MAP



FUTURE LAND USE MAP

III. BACKGROUND

The property is the largest lot of the eight-lot Wheeler Exempt Unrecorded subdivision approved in 1987. This site is in an area west of the DeLand city limits, which has a rural character consisting of low-density acreage single-family home sites. Surrounding zoning consist of the A-4, RA and RR zoning classifications. Several exempt unrecorded subdivisions exist in the area. All parcels that bound the request site contain single-family dwellings. Parcel sizes located within the immediately area primarily range from 1.14 acres to 6 acres in size. A review of the area lot pattern reveals that the common lot size is 2.5 acres.



The applicant would like to subdivide the ±4.9-acre parcel to create at least one additional lot.

IV. REVIEW CRITERIA AND ANALYSIS

ZONING COMPARISON - The present RA zoning classification is a rural classification that allows single-family dwellings and personal agricultural pursuits, on a minimum lot size of two and one-half acres. Because the property is less than five acres in size, the applicant is unable to subdivide to create one additional and still meet the minimum 2.5-acre lot size of the current RA classification. Therefore, the existing lot is the maximum allowed. Under the requested RR, the development potential, based on the overall acreage of the request site, is four dwellings on minimum one-acre size lots. The proposed RR allows single-family residential units and personal use agricultural uses.

LAND USE CONSIDERATION - The property has a Rural future land use designation. The proposed RR zoning classification is a conditionally compatible classification with the designation. The comprehensive plan does contain specific policies relating to the location of the requested rezoning application. The Rural future land use requires a density of one dwelling unit per five acres, but this density allowance can increase under specific conditions as follows:

- (a) The subject parcel is within six-hundred-and-sixty feet (660') of an existing subdivision with a density less than one (1) dwelling unit per five (5) acres. In this case, the Rural land may be developed at a similar density not to exceed one (1) dwelling unit per one (1) acre and with lot sizes similar and compatible with said qualifying subdivision.
- (b) The subject parcel is adjacent to an urban land use. In this case, the Rural land may develop at a similar density not to exceed one (1) dwelling unit per one (1) acre, or intensity not to exceed a maximum Floor Area Ratio of twenty-five percent (0.25 FAR).

- (c) In addition to the above conditions, the appropriateness of allowing densities less than one (1) dwelling unit per five (5) acres will also be subject to the following:
- i. Compatibility of the proposed development in the context of existing uses, including the proximity of agricultural uses;
 - ii. Public facility capacity in the area, including the availability of paved public roads;
 - iii. Suitability for wells and septic tank usage (i.e. existence of hydric soils);
 - iv. The natural features of the subject parcel such as soils, vegetation, wildlife habitat and flood plain; and,
 - v. If applicable, consistency with Local Plans associated with this element.

REZONING CRITERIA - 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 has a Rural future land use designation put in place with adoption of the 1990 Future Land Use Map. The proposed RR zoning classification is a conditionally compatible classification under the Rural designation. This means that a zoning classification may be compatible under certain circumstances. Site conditions, in conjunction with the existing character of the surrounding area, are the determining factors. In this case, the area is rural residential in nature, with parcels generally under five acres in size. This request is consistent with the comprehensive plan.

The surrounding area to consider for lot sizes below 2.5 acres would be the properties 660 feet east of the subject parcel. There are three exempt unrecorded subdivisions with lot sizes less than 2.5 acres. They are the Wheeler Unrecorded, the Walter Unrecorded, and the Frost Unrecorded.

The following comprehensive plan policy is applicable to this rezoning request:

FUTURE LAND USE ELEMENT

- 1.3.1.11 The residential density guidelines for each Future Land Use category represent an acceptable range and the allowable density shall be based upon the following minimum criteria:
- a. Environmental constraints as established in the Conservation Element;
 - b. Land use compatibility;
 - c. Availability of public facilities and services at acceptable levels of service;
 - d. Character of an area;
 - e. Surrounding zoning;
 - f. Hurricane evacuation capabilities; and

- g. Other policies of this Comprehensive Plan which establish more stringent density requirements.

The application does meet the land use compatibility, character of the area, and surrounding zoning factors, as the predominant lot size and corresponding zoning, is 2.5 acres within 660 feet of the subject parcels.

Land Use Location Guidelines

RESIDENTIAL:

1. new residential development shall be compatible with the existing residential development, primarily through appropriate zoning and density placement;

The area zoning and density pattern is generally a 2.5-acre minimum lot size corresponding to the area's RA and A-4 classifications, with a mixture of parcels less than two acres size that meet the above-referenced Rural policies of the comprehensive plan.

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

Approval of the requested rezoning will not affect the environment, as the property already includes improvements, such as a single-family dwelling and accessory structures. The property is not situated in an area requiring special environmental review, is not in a 100-year floodplain, nor does it contain soils that are poor for development.

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

The area consists of large lot single-family residential uses. Rezoning the property to RR classification will maintain and support the rural character of the area and an additional dwelling unit. This rezoning should not have any significant impact on the economy of the affected 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 rezoning will have no significant impact on governmental services. Sewage disposal and potable water services for the property depend upon on-site septic systems and private wells, subject to Florida Department of Health approval. The requested rezoning will not significantly affect the area road system. Fire, police, and solid waste collection services are available to the property.

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

There have been no changes 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 requested rezoning is compatible with the immediate area. It allows continued single-family residential use and personal agriculture use (not for resale). However, the RR zoning classification does permit a smaller lot size of one acre versus 2.5 acres. Because the subject property is in proximity to other RR zoned parcels or lot sizes comparable to the RR requirement, it is unlikely to have an impact on the use or value of the affected area.

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

A change in zoning from RA to RR will have no appreciable impacts on the public health, welfare, safety, or morals of the neighborhood.

V. STAFF RECOMMENDATION

Staff finds the requested rezoning can meet the specified criteria for considering a rezoning application. Therefore, staff recommends that the PLDRC forward this request for rezoning from the Rural Agriculture Estate (RA) Classification to the Rural Residential (RR) Classification to the county council with a recommendation of approval.

VI. ATTACHMENTS

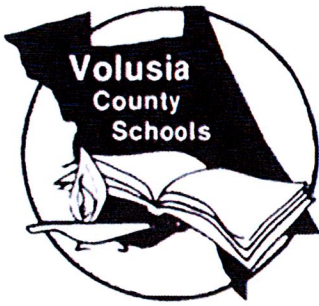
- Survey
- School Concurrency Letter
- Staff Review Comments
- Map Exhibits

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.



James T. Russell
Interim Superintendent of
Schools

FACILITIES SERVICES

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

School Board of Volusia County

Mrs. Linda Costello, Chairman
Mrs. Ida White, Vice-Chairman
Mrs. Linda Cuthbert
Dr. John Hill
Mrs. Melody Johnson

23 June, 2016

Mr. Robert Wojcik
821 Deerfoot Rd.
DeLand, FL 32720



RE: Wojcik Property Rezoning

Dear Mr. Wojcik:

District staff has reviewed the school adequate capacity application for the proposed rezoning of a 4.93± acre property located at 821 Deerfoot Road in Volusia County.

The current zoning classification of the subject property is (RA) Rural Agricultural Estate. The property currently supports one (1) residential dwelling unit. Rural Agricultural Estate zoning classification could permit one (1) dwelling unit per two and a half (2.5) acres based upon the maximum density by lot size. The proposed zoning is (RR) Rural Residential and permits up to one (1) dwelling units per acre.

The parcel could be subdivided into up to four (4) new lots which would support one (1) residential unit each though the development plan for the Wojcik property is to subdivide it into two (2) parcels which would then contain one (1) residential unit each.

The maximum development scenario would yield a net increase in potential density of three (3) dwelling units resulting in less than one projected student. The increased density from this zoning change will result in negligible impacts to the local schools. As the number of created lots in this development plan is less than ten (10) there will be no need to apply for concurrency review with the school board. Subdivisions of less than 10 potential units are de minimis and exempt from review requirements.

If you should have questions or require additional information, please do not hesitate to contact me at (386) 947-8786 extension 50810.

Sincerely,

Eric Kozielski
Planning Specialist

CC: James Russell, Superintendent of Schools
Danalee Petyk, Volusia County Planner II
Project File

INTER-OFFICE MEMORANDUM



TO: Danalee Petyk
Planner II

DATE: June 24, 2016

FROM: Melissa Winsett
Transportation Planner

SUBJECT: Wojcik Rezoning

LOCATION: Deerfoot Road, west of US 17-92, near DeLand

Application and Site Information

The applicant is proposing to change the current zoning classification of Rural Agriculture (RA) to Rural Residential (RR) on 4.93 acres located on the south side of Deerfoot Road, west of US 17-92, near DeLand.

Transportation Analysis

To analyze the impacts of the proposed zoning amendment, current zoning classification's trips were compared to the proposed zoning classification's trips.

*Zoning Amendment Trip Potential:***Table 1**

<i>Existing Zoning:</i>				
<i>Existing Zoning</i>	<i>Acreage</i>	<i>Theoretical Max Density</i>	<i>ITE Trip Generation</i>	<i>Net Daily Trips</i>
RA	4.93	1 Single Family Dwelling Unit**	9.52 per unit	9
<i>Proposed Zoning:</i>				
<i>Proposed Zoning</i>	<i>Acreage*</i>	<i>Theoretical Max Density</i>	<i>Trip Generation</i>	<i>Net Daily Trips</i>
RR	4.93	4 Single Family Dwelling Units***	9.52 per unit	38
Potential Additional Daily Trips with Zoning Amendment: +29				

**Allowable 1 unit per 2.5 acres, ITE Code 210 Single Family Detached Housing

***Allowable 1 unit per acre, ITE Code 210 Single Family Detached Housing

Roadway Impact:

Table 2 provides roadway level of service information, which determines whether enough capacity is available to handle the additional rezoning trips. As shown below, the closest adjacent impacted thoroughfare roadway, US 17-92, has 12,600 average vehicles per day. Since the capacity is 6,300, the roadway is fully able to accommodate the additional 29 rezoning trips.

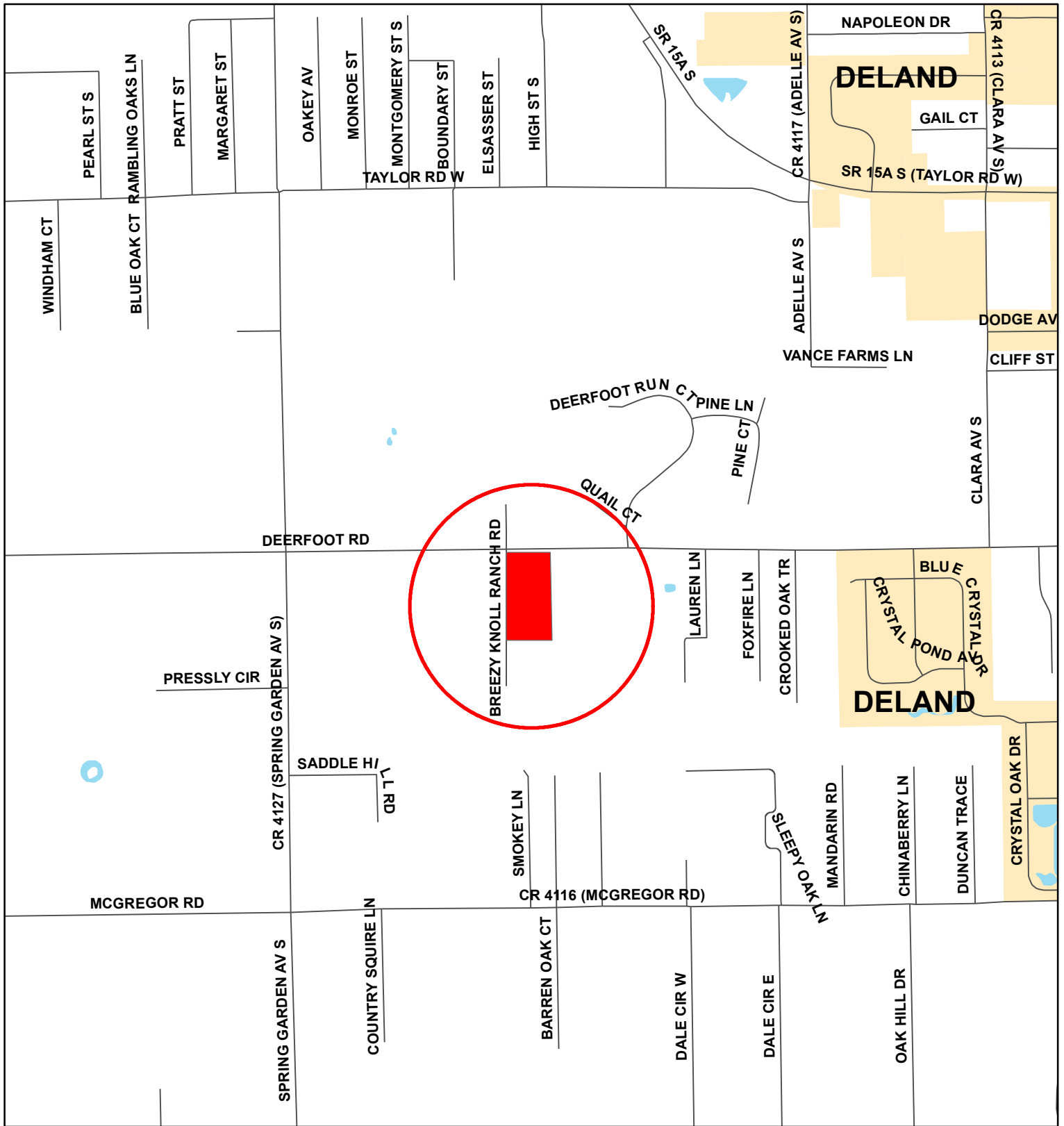
Table 2

<i>US 17-92 (Taylor Road to SR 472)</i>					
<i>2014 AADT</i>	<i>2014 LOS</i>	<i>Comp. Plan Max. Capacity</i>	<i>Comp. Plan Allowable LOS</i>	<i>Estimated Additional Trips</i>	<i>Potential LOS</i>
42,000	C	59,900	D	29	C

Conclusion

If the rezoning were approved, considering the theoretical maximum development scenario, the impact to the transportation system would be an additional 29 trips over what is allowed under the existing zoning classification. The transportation system has capacity to accommodate the additional trips generated by the proposed rezoning.

MW/



REQUEST AREA LOCATION



1" = 1000'

**ZONING
CASE NUMBER
Z-16-060**





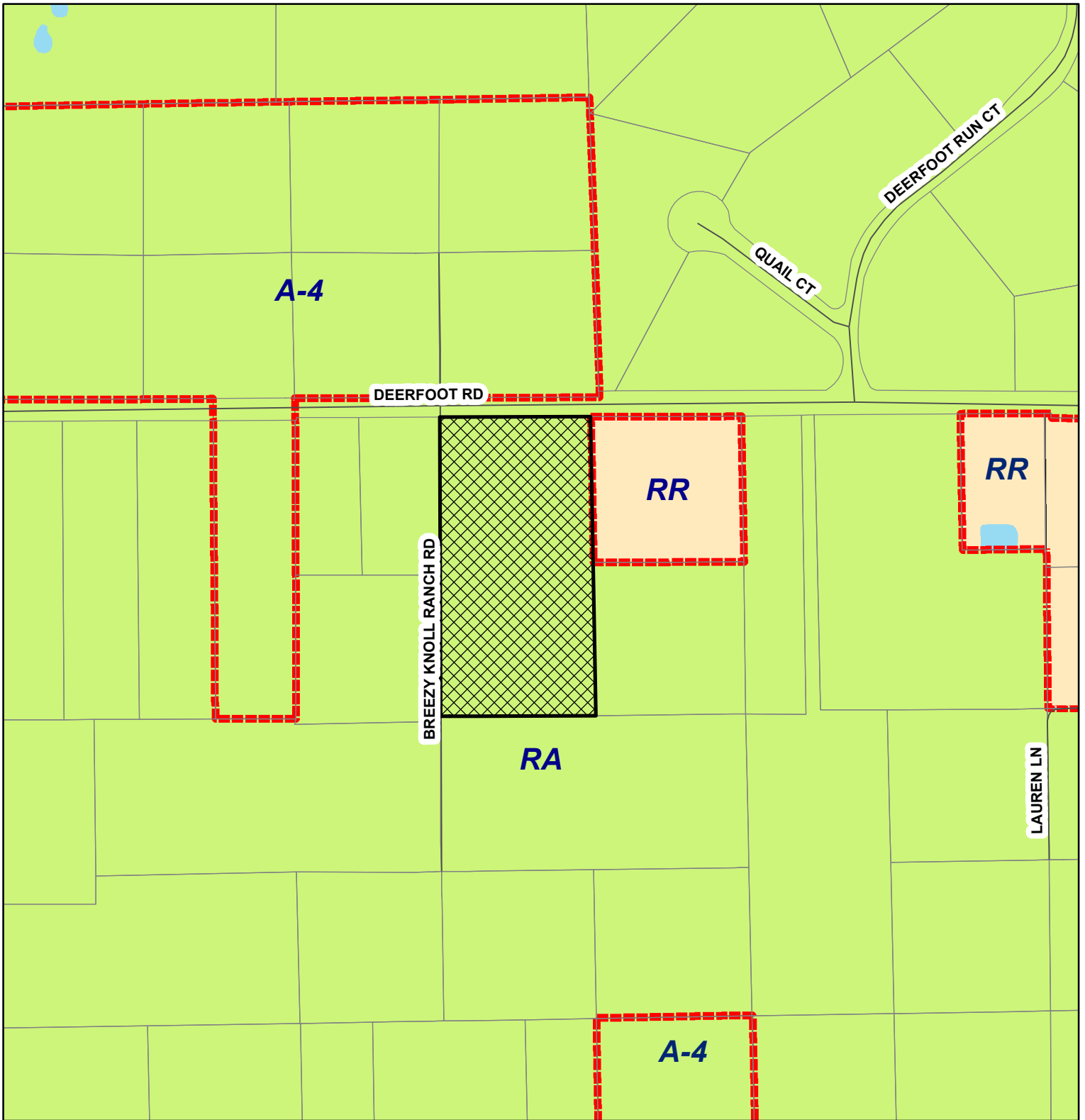
AERIAL 2015

1" = 300'

 **REQUEST AREA**



**ZONING
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ZONING CLASSIFICATION

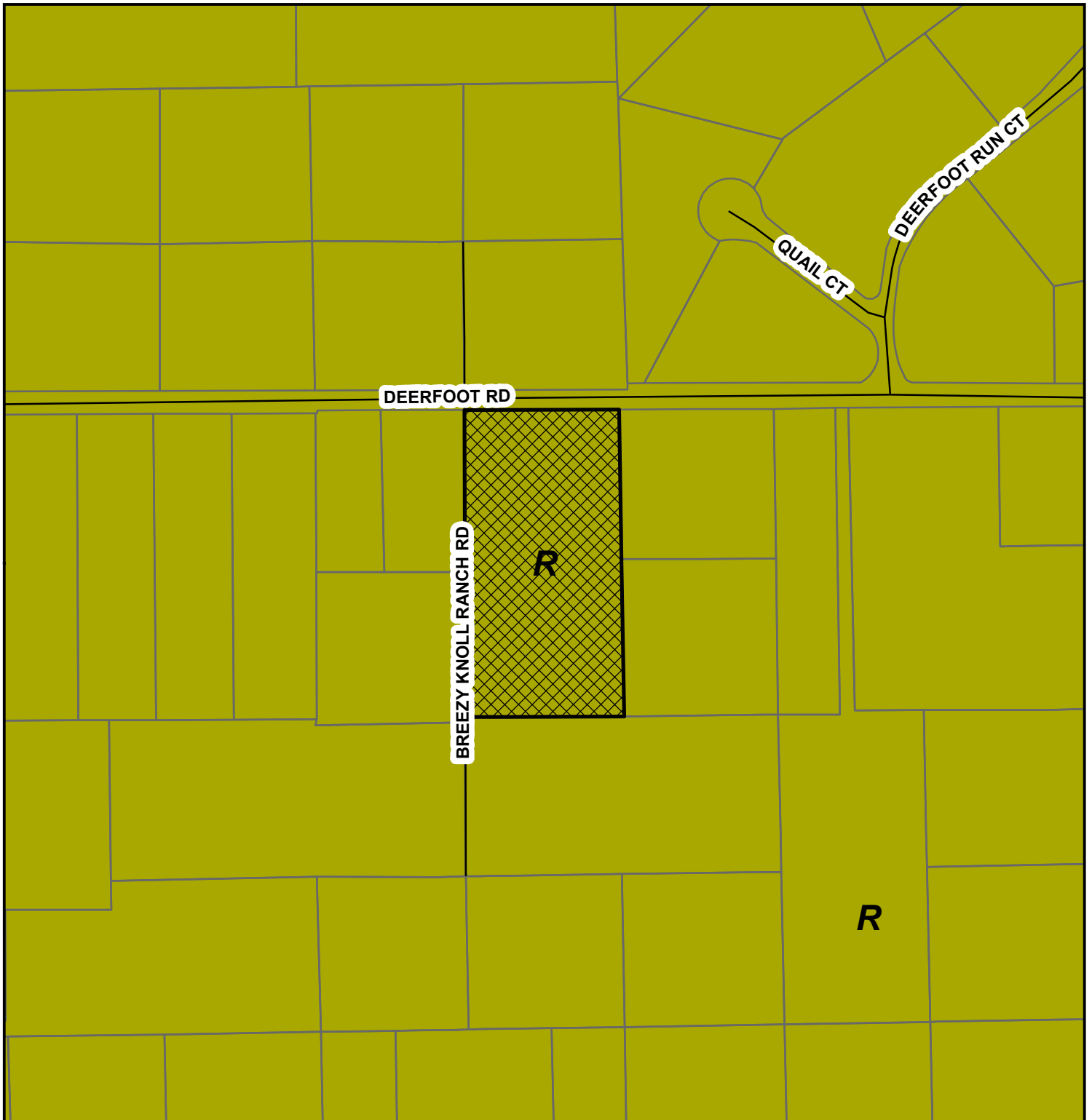
 AGRICULTURAL  RESIDENTIAL

 REQUEST AREA

1" = 300'



**ZONING
CASE NUMBER
Z-16-060**



FUTURE LAND USE DESIGNATION

1"= 300'

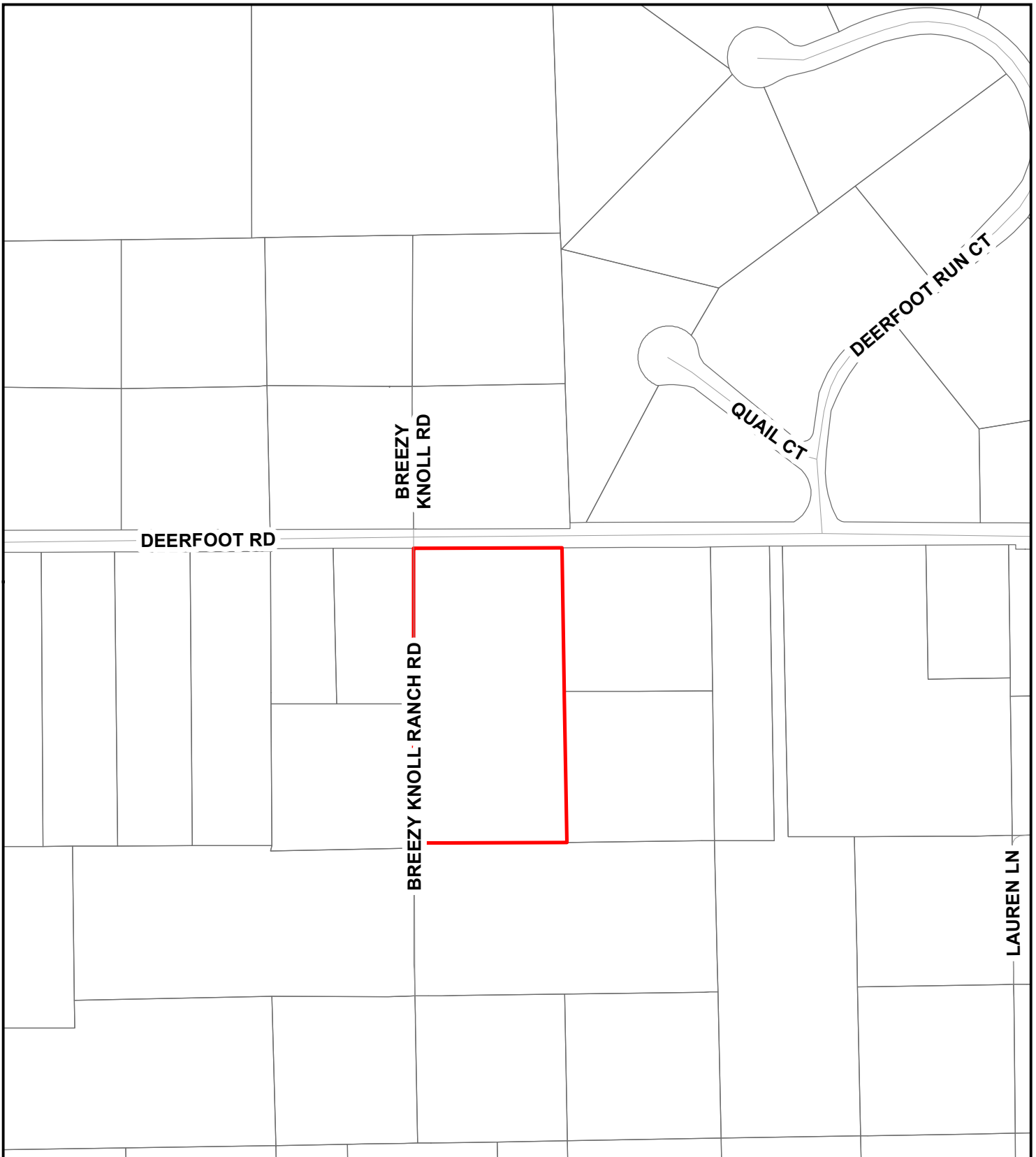
**ZONING
CASE NUMBER**

 RURAL

 REQUEST AREA



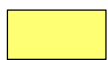
Z-16-060



ECO/NRMA



ECO



NRMA



REQUEST AREA

1"= 300'

**ZONING
CASE NUMBER**

Z-16-060