



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

123 W. Indiana Avenue, DeLand, FL 32720  
(386) 736-5959

**PUBLIC HEARING:** February 14, 2017 – Planning and Land Development Regulation Commission (PLDRC)

**CASE NO:** Z-16-074

**SUBJECT:** Rezoning from B-6 (Highway Interchange Commercial) to B-4 (General Commercial)

**LOCATION:** Orange Camp Road, DeLand

**AGENT/APPLICANT:** Mark A. Watts, Esq.

**OWNER:** F.A. Ford, Jr., Trustee

**STAFF:** Susan Jackson, AICP, Senior Planning Manager

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**I. SUMMARY OF REQUEST**

The applicant is requesting a rezoning of 9.63 acres of a 20-acre parent parcel from B-6 (Highway Interchange Commercial) to B-4 (General Commercial), located on Orange Camp Road near the Interstate-4 interchange. The purpose of the application is to gain the ability to use the property for automobile sales. If approved, the contract purchaser intends to relocate an automobile dealership to this location.

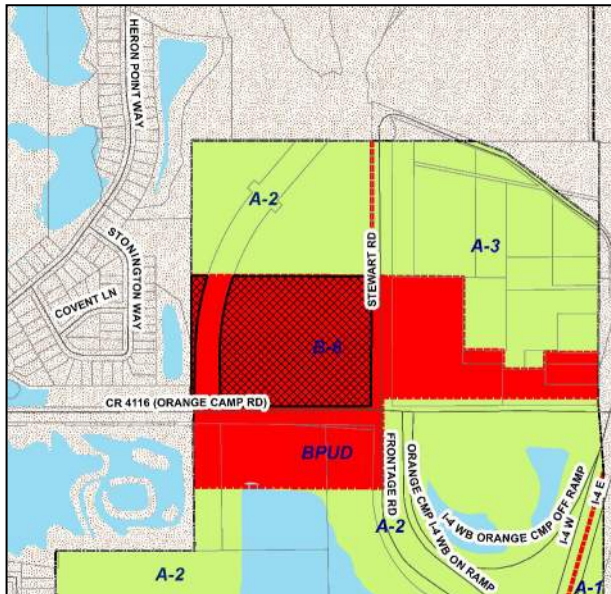
*Staff Recommendation:* Forward to the county council with a recommendation of approval.

## II. SITE INFORMATION

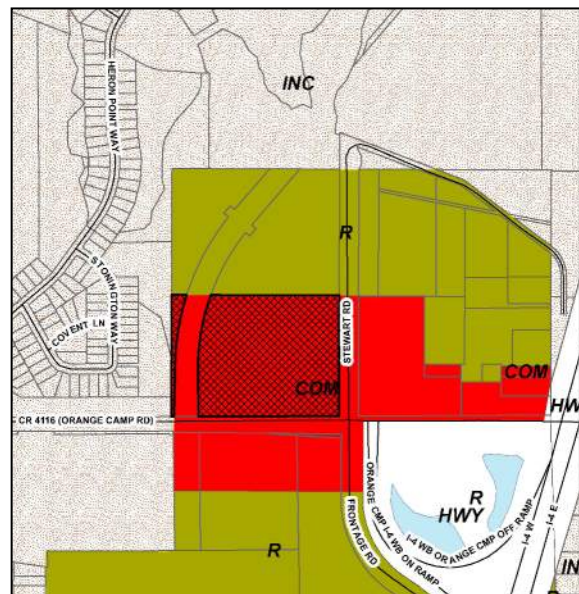
1. Location: North side of Orange Camp Road, approximately 1,100 feet west of I-4 and 2,900 feet east of Martin Luther King Jr. Beltway.
2. Property No: 7025-01-00-0051
3. Property size: 9.63 acres of a 20-acre parent parcel
4. County Council District: 1
5. Future Land Use: Commercial (rezoning area only)
6. Zoning: B-6 Highway Interchange Commercial (adopted)  
B-4 General Commercial (proposed)
7. ECO Map: No
8. NRMA Overlay: No
9. Adjacent Zoning and Land Use:

Direction	Future Land Use	Zoning	Existing Use
North	Rural	A-2	Vacant/wooded
East	Commercial	B-6	Vacant/wooded
South	Commercial	B-6, BPUD	Vacant
West	City of DeLand New Community Development	City of DeLand Victoria Park Planned Development	Single-Family Residential

### 10. Maps



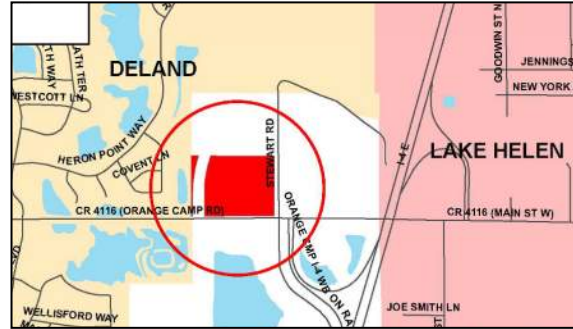
**ZONING MAP**



**FUTURE LAND USE MAP**

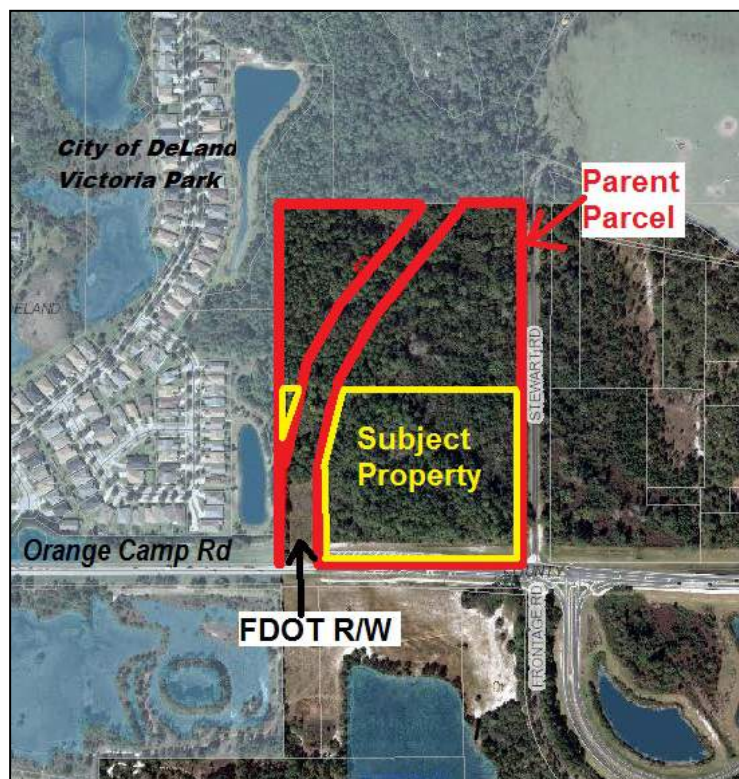
### III. BACKGROUND

The subject property is the south 9.63 acres of a 20-acre parent parcel. It is located on the north side of Orange Camp Road, between the Victoria Park development in the City of DeLand and the I-4 interchange. It is also located in a pocket of unincorporated Volusia County land between the cities of DeLand and Lake Helen.



The 20-acre parent parcel has split future land use and zoning. The south portion has a future land use designation of Commercial and a zoning classification of Highway Interchange Commercial (B-6). It is this portion that is the subject of this application. The north half of the parent parcel has a Rural future land use designation and a Rural Agriculture (A-2) zoning classification.

The property also bisected by a 150-foot wide parcel, owned by the Florida Department of Transportation (FDOT). This parcel runs from Orange Camp Road to the north boundary



of the parent parcel, along the western side of the parcel. This swath of property was intended for a frontage road that would parallel I-4, from S.R. 472 on the south to C.R. 4139 on the north. The road is not developed, and future construction is uncertain. Neither FDOT nor other entities have secured the remainder of the necessary right-of-way.

The parent parcel is currently under contract for purchase with I-4 Automall, LLC, for the purpose of relocating an automobile dealership to this location. The present dealership site is fully developed, with no room for expansion without encroachment into residential areas. Therefore, in order to expand, the owner must

relocate to a larger property.

Desirable locations for car dealerships include high visibility, easy customer access, and the proximity of suitable roads for test drives. This makes properties near interstate interchanges sought-after locations. There are additional locational criteria dictated by the automobile industry that impose distance requirements between existing dealerships. These distance requirements protect market areas, but effectively limit potential new sites. Dealerships in Daytona and Sanford affect the potentiality of sites along the I-4 corridor.

The only interchange that meets the distance criteria along this corridor is the I-4/Orange Camp Road interchange.

The unincorporated properties with frontage on Orange Camp Road, and in proximity to this interchange, are zoned Highway Interchange Commercial (B-6). The purpose of this classification is to provide for tourist-related retail facilities near major highway interchanges. Some of the more intensive uses that are permitted include, but are not limited to: automobile rental agencies, service stations, convenience stores with more than eight fueling stations, hotels/motels, recreational vehicle sales and service, nightclubs/bars, restaurants, theaters, retail specialty shops, and tire sales. Uses that are permitted as special exceptions include, but are not limited to: flea markets, recreational vehicle parks, truck stops and storage. This classification does not permit automobile sales, however. Therefore, the applicant is requesting a rezoning to the General Commercial (B-4) zoning classification.

The purpose of the B-4 zoning classification is to encourage the development of intensive commercial areas providing a wide range of goods and services, and located adjoining at least one major collector or arterial road. The B-4 classification allows many similar uses to the B-6 classification; however, it would specifically allow for: "Automobile, bicycle, boat, mobile home, motorcycle, recreational vehicle, trailer and light truck sales or rental establishments and the service thereof, when said service is performed as an accessory use to the principal use of sales or rental." A comparison of the two zoning classifications' uses is attached for reference.

The applicant conducted a traffic study to examine the differences in the theoretical maximum traffic impact of the existing zoning versus the proposed zoning. Due to the similarity of allowed uses within both zoning classifications, there is not a significant difference in the number of trips that could be generated under either scenario. However, it should be noted that any development in this area will impact critical and near-critical roadways including I-4, Veterans Memorial Parkway and Graves Avenue. If projected trips impact roadways that operate below level-of-service standards, the applicant would be responsible for mitigating these impacts at the time of development. Transportation Engineering's review memorandum is attached for reference.

Additionally, it should be acknowledged that there is interest in establishing more than just a single dealership in this area. The current application addresses specifically the 9.63 acre subject property, which is intended to accommodate one dealership at this time. In the future, however, the applicant is interested in expanding into an "auto-mall" concept. This concept would include several dealerships and other related automobile/vehicle businesses. Should this concept come to fruition, it will involve additional properties and more elaborate development plans. The applicant has met with staff, as well as the cities of DeLand and Lake Helen to discuss the potential of an auto-mall development at this interchange. Both cities and the county discussed using the Planned Unit Development zoning mechanism as a way to identify allowable uses and address potential concerns from the onset; however, the applicant has not yet secured all the properties that would be involved and the contract purchase deadline for the subject parcel is looming. Thus, the applicant determined to move forward with rezoning the subject property at this time. Both cities are aware of this current rezoning application and have provided comments, which are attached for review.

## 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 future land use designation of the property is Commercial. Under the Future Land Use/Zoning Matrix, the B-4 zoning classification is assumed compatible with the Commercial future land use designation. The rezoning request is consistent with the description of the Commercial future land use designation below.

### **Future Land Use Element**

**Section B.2.k. – Definition of Commercial future land use designation:** Commercial (COM)

- This designation accommodates the full range of sales and service activities. These uses may occur in self-contained centers, multi-story structures, campus parks, municipal central business districts, or along arterial highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and design will depend on locational factors, particularly compatibility with adjacent uses, availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be located to protect adjacent residential use from such impacts as noise or traffic. In wellfield protection areas uses are prohibited that involve the use, handling, storage, generation or disposal of hazardous or toxic material or waste or petroleum products. Intensity shall be no more than a fifty-five percent Floor Area Ratio (0.55 FAR) consistent with the applicable underlying zoning classification standards and land development regulations.

Commercial development in newly developing areas is designated in nodes at major thoroughfare intersections. Primarily new development should be designed to utilize the shopping center concept and not designed to encourage strip style commercial development. The various types of shopping centers are described in Chapter 20, Definitions under Shopping Centers.

...

Further, the B-4 zoning classification meets the location criteria set forth in section E.2 and 3. The most applicable standards are provided below:

2. Commercial (Generally-applicable to all commercial):

...

- b. Not be located solely on local streets (major frontage on thoroughfare roadways);
- c. Be located in areas which are adequately served by the arterial and collector road system so as not to unduly burden the local road network serving adjacent neighborhoods;
- d. Have adequate area and road frontage to allow for controlled access points and proper spacing between driveways to minimize the impact on the operating capacity and safety of the adjacent road network;



- e. Have sufficient area to provide adequate parking, landscaping, stormwater management, and building setbacks;
- f. Where appropriate, utilize service roads, shared access, or local roads at intersections with major roads;

...

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

Rezoning this property from B-6 to B-4 will not increase any impacts to the environment or natural resources. The property can be developed with the same intensity under the proposed B-4 zoning classification as it can under the existing B-6 classification. The site does contain significant tree cover and an on-site wetland. It is not within the 100-year flood plain, nor is it within the Environmental Core Overlay or the Natural Resource Management Overlay. Soils, outside of the wetland area, are considered suitable for development. Any impact to environmental concerns or natural resources will be addressed through the site plan approval process.

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

Rezoning the parcel from B-6 to B-4 is not likely to have a significant impact on the economy of the affected area. Both zoning classifications allow similar commercial uses and intensity of development. The existing B-6 classification does allow for some more transient related uses such as hotel/motels and truck stops, whereas the proposed B-4 classification allows more general commercial. If the zoning classifications were more divergent, such as Agriculture versus Commercial, the effect on the economy would be more quantifiable. In this case, however, it is uncertain if a rezoning to such a similar classification would affect the area's economy.

***(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.***

Rezoning this parcel from B-6 to B-4 will not increase any impacts to governmental services. Both zoning classifications allow similar intensity of commercial uses. As reported in the traffic impact analysis, area roadways will be impacted similarly under each zoning classification. The property is within the City of DeLand utility service area for potable water and sewage disposal. Fire, police, and solid waste collection services are available through Volusia County. As a commercial development, the property will not impact schools. The actual impacts of future development will be assessed during review of a specific site development plan application at the time it is submitted. Mitigation required to address any impacts will be determined as part of the concurrency analysis and site plan approval process for that project.

***(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.**

Both the B-6 and the B-4 zoning classifications allow similar commercial uses and intensity of development. Rezoning the parcel to such a similar zoning classification is not likely to have a significant 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 classification from B-6 to B-4 will have no impacts on the public health, welfare, safety, or morals of the neighborhood.

**V. STAFF RECOMMENDATION**

Staff finds the requested rezoning to be consistent with the comprehensive plan and the specified criteria for considering a rezoning application. Therefore, staff recommends that the PLDRC forward this request for rezoning from B-6 (Highway Interchange Commercial) to B-4 (General Commercial) to the County Council with a recommendation of approval.

**VI. ATTACHMENTS**

Resolution  
Survey  
B-4/B-6 Zoning Classification Comparison  
Traffic Engineering Memorandum  
Transportation Study  
City Comments  
Photographs  
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.



**LEGAL DESCRIPTION:**

A PORTION OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, BEING LOT 9, ASSESSOR'S SUBDIVISION OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4, SECTION 25, TOWNSHIP 17 SOUTH, RANGE 30 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 52 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LESS AND EXCEPT THE RIGHT OF WAY OF INTERSTATE 4 FRONTAGE ROAD (140 FOOT WIDE RIGHT OF WAY) PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, PROJECT NUMBER P-4738-1, AND LESS AND EXCEPT THE RIGHT OF WAY OF ORANGE CAMP ROAD (ALSO KNOWN AS COUNTY ROAD 4116), RIGHT OF WAY WIDTH VARIES PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, F.P. NUMBER 408463 1, TOGETHER WITH THAT CERTAIN PORTION OF LOT 10 OF SAID ASSESSOR'S SUBDIVISION LYING WEST OF STEWART ROAD (100 FOOT WIDE RIGHT OF WAY) AND LYING NORTH OF SAID ORANGE CAMP ROAD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**PART A:**

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA; THENCE N89°50'57"E, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 25, A DISTANCE OF 792.18 FEET; THENCE DEPARTING SAID SOUTH LINE, N00°48'18"W, A DISTANCE OF 93.40 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 4 FRONTAGE ROAD (140' WIDE RIGHT OF WAY) PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, PROJECT NUMBER P-4738-1; SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE N00°48'18"W, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 172.81 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1136.00 FEET, A CENTRAL ANGLE OF 20°17'18", A CHORD BEARING OF N09°20'21"E AND A CHORD DISTANCE OF 400.16 FEET; THENCE NORTHEASTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE A DISTANCE OF 402.25 FEET TO THE END OF SAID CURVE AND A POINT ON THE NORTH LINE OF LOT 9, ASSESSOR'S SUBDIVISION OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 17 SOUTH, RANGE 30 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 52 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE N89°57'20"E, ALONG SAID NORTH LINE OF LOT 9 AND THE NORTH LINE OF LOT 10 OF SAID ASSESSOR'S SUBDIVISION, A DISTANCE OF 459.48 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF STEWART ROAD (100 FOOT WIDE RIGHT OF WAY); THENCE S01°00'04"E, ALONG SAID

**SURVEY NOTES:**

1. THE BEARINGS SHOWN HEREON ARE ASSUMED AND BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983 NORTH AMERICAN DATUM, 1990 ADJUSTMENT, AS ESTABLISHED FROM F.D.O.T. GLOBAL POSITIONING NETWORK 79 00 A, FILED IN THE LOCATION SURVEY SECTION, DERIVING A BEARING OF N89°50'57"E, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, ADJOINERS OR OTHER INSTRUMENTS OF RECORD.
3. THIS SKETCH MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J17.050-.052, FLORIDA ADMINISTRATIVE CODE.
4. THIS IS NOT A BOUNDARY SURVEY.

*William D. Donley*  
 WILLIAM D. DONLEY  
 PROFESSIONAL SURVEYOR & MAPPER  
 LICENSE NUMBER LS 5381  
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A  
 FLORIDA LICENSED SURVEYOR AND MAPPER

**SHEET 1 OF 3**

(SEE SHEET 3 FOR SKETCH OF DESCRIPTION)

**SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.****SKETCH OF DESCRIPTION**

—OF—

**REZONING PARCEL**

SECTION 25, TOWNSHIP 17 SOUTH, RANGE 30 EAST

CITY OF DELAND VOLUSIA COUNTY, FLORIDA

**Dewberry**

131 WEST KALEY STREET  
 ORLANDO, FLORIDA 32806  
 PHONE: 321.354.9826 FAX: 407.648.9104  
 WWW.DEWBERRY.COM

CERTIFICATE OF AUTHORIZATION No. LB 8011

PREPARED FOR:

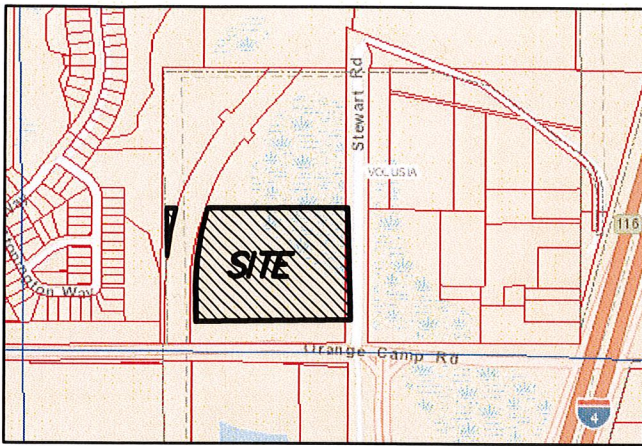
**HURLEY CHRYSLER  
 JEEP DODGE**

DATE: 12/05/16  
 REV DATE:  
 SCALE: N/A

PROJ: 50082060  
 DRAWN BY: KMS  
 CHECKED BY: WDD

RSN 853349





**VICINITY MAP**  
(SCALE: 1"=300')

**LEGAL DESCRIPTION:** (CONTINUED)

WEST RIGHT OF WAY LINE, A DISTANCE OF 563.92 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF ORANGE CAMP ROAD (ALSO KNOWN AS COUNTY ROAD 4116), RIGHT OF WAY WIDTH VARIES PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, F.P. NUMBER 408463 1; THENCE S89°40'07"W, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 748.59 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

PART B:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA; THENCE N89°50'57"E, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 25, A DISTANCE OF 662.17 FEET; THENCE N00°54'37"W, A DISTANCE OF 105.18 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE 4 FRONTAGE ROAD (140' WIDE RIGHT OF WAY) PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, PROJECT NUMBER P-4738-1; THENCE N01°00'58"W, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 308.07 FEET TO THE POINT OF BEGINNING; THENCE N01°01'36"W, ALONG THE WEST LINE OF LOT 9, ASSESSOR'S SUBDIVISION OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4, SECTION 25, TOWNSHIP 17 SOUTH, RANGE 30 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 52 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 248.06 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 9; THENCE DEPARTING SAID WEST LINE, N89°57'20"E, A DISTANCE OF 55.38 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF AFORESAID INTERSTATE 4 FRONTAGE ROAD AND A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1276.00 FEET, A CENTRAL ANGLE OF 11°23'18", A CHORD BEARING OF S11°34'27"W AND A CHORD DISTANCE OF 253.21 FEET; THENCE SOUTHWESTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE A DISTANCE OF 253.62 FEET TO THE POINT OF BEGINNING.

**SHEET 2 OF 3**

(SEE SHEET 3 FOR SKETCH OF DESCRIPTION)

**SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.**

**SKETCH OF DESCRIPTION**

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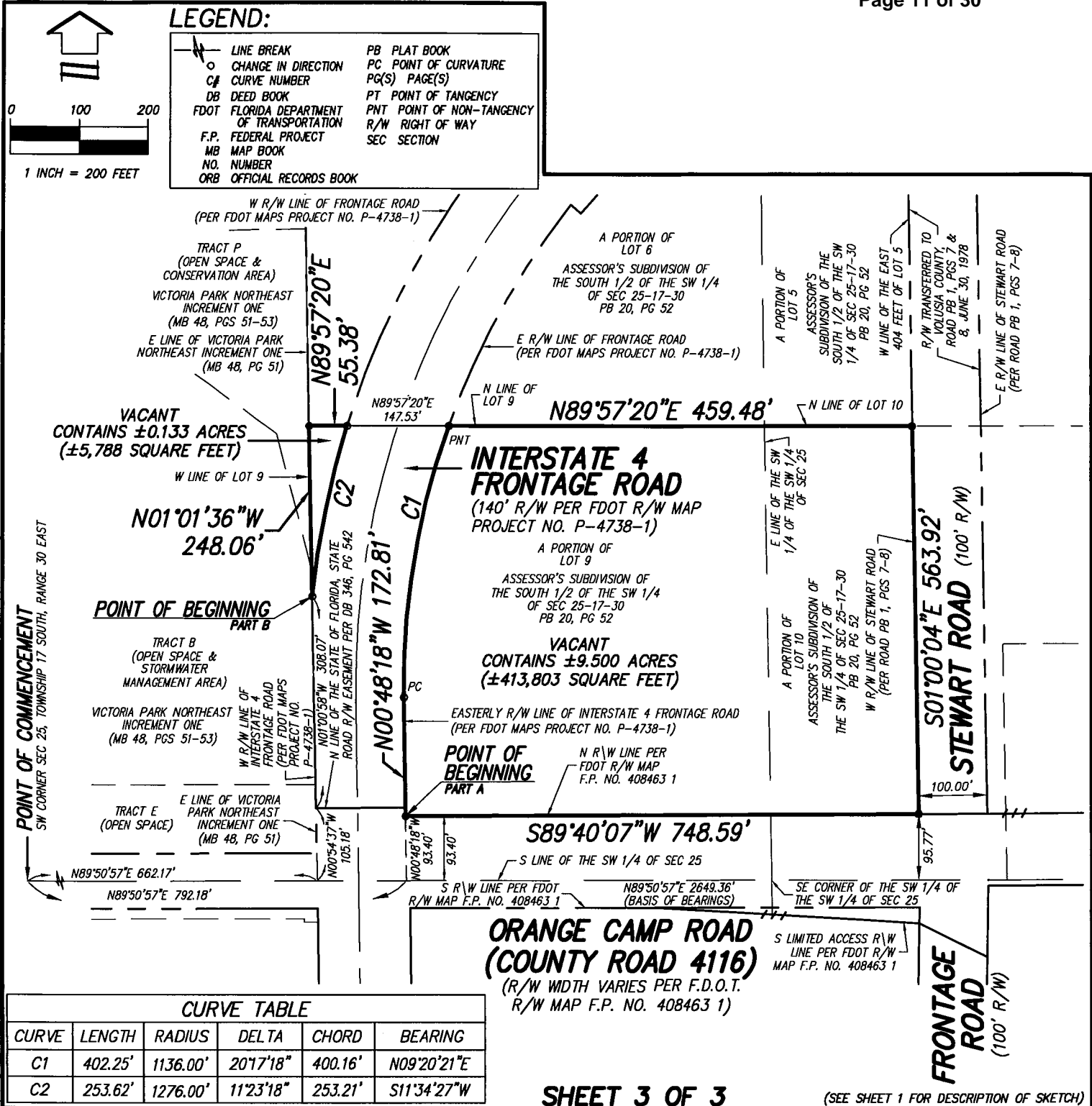
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CHECKED BY: WDD

RSN 853349

Drawing name: S:\Orange Camp Road Property\DWG-Civil 3D\Orange Camp Road\_sursketch\_rezoning parcel.dwg DEW desc. &amp; sketch Sheet 3 Dec 07, 2016 6:58am by: tcamden



**SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.**

### SKETCH OF DESCRIPTION

—OF—

### REZONING PARCEL

SECTION 25, TOWNSHIP 17 SOUTH, RANGE 30 EAST

CITY OF DELAND VOLUSIA COUNTY, FLORIDA



## Dewberry

131 WEST KALEY STREET  
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CERTIFICATE OF AUTHORIZATION NO. LB 8011

PREPARED FOR:

**HURLEY CHRYSLER  
JEEP DODGE**

DATE: 12/05/16  
REV DATE:  
SCALE 1" = 200'

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CHECKED BY: WDD

RSN 853349

## **B-4 GENERAL COMMERCIAL CLASSIFICATION**

Purpose and intent: The purpose and intent of the B-4 General Commercial Classification is to encourage the development of intensive commercial areas providing a wide range of goods and services, and located adjoining at least one major collector or arterial road. The B-4 classification is intended to be applied to existing or developing strip retail areas which, because of the nature of existing development, are not appropriate for inclusion in the B-3 Shopping Center Classification.

### **Permitted principal uses and structures:**

Art, dance, modeling and music schools.

Auction parlors.

Automobile, bicycle, boat, mobile home, motorcycle, recreational vehicle, trailer and light truck sales or rental establishments and the service thereof, when said service is performed as an accessory use to the principal use of sales or rental. (Ord. No. 98-25, § VII, 12-17-98)

Automobile driving schools.

Automobile service station, types A and C. (Ord. No. 84-1, § XXXI, 3-8-84)

Barber and beauty shops.

Bars and liquor stores.

Bowling alleys.

Catering services.

Communication towers not exceeding 70 feet in height above ground level. (Ord. No. 97-19, § II, 8-7-97)

Convenience stores with more than eight vehicular service positions per fuel dispenser island. (Ord. No. 2004-20, § V, 12-16-04)

Cultural art centers. (Ord. No. 92-6, § XXXVI, 6-4-92)

Day care centers (refer to subsection 72-293(6)). (Ord. No. 2004-20, § V, 12-16-04)

Dental laboratories. (Ord. No. 90-34, § 33, 9-27-90)

Employment agencies.

Essential utility services. (Ord. No. 84-1, § III, 3-8-84)

Exempt excavations (refer to subsection 72-293(15)) and/or those which comply with division 8 of the Land Development Code of Volusia County [article III] and/or final site plan review procedures of this article. (Ord. No. 84-1, § III, 3-8-84; Ord. No. 89-20, § VI, 6-20-89; Ord. No. 90-34, § 33, 9-27-90)

Exempt landfills (refer to subsection 72-293(16)). (Ord. No. 89-20, § VI, 6-20-89; Ord. No. 90-34, § 33, 9-27-90)

Financial institutions.

Fire stations. (Ord. No. 92-6, § XXXVI, 6-4-92)

Funeral homes.

Game rooms or arcades for pool, billiards, pinball machines, jukeboxes or other coin-operated amusements.

General offices. (Ord. No. 82-20, § VIII, 12-9-82; Ord. No. 84-1, § XXVI, 3-8-84)

Government-sponsored civic centers. (Ord. No. 92-6, § XXXVI, 6-4-92)

Hardware/home improvement retail center. (Ord. No. 98-25, § VII, 12-17-98; Ord. No. 2004-20, § V, 12-16-04)

Health clubs or spas. (Ord. No. 2004-20, § V, 12-16-04)

Home occupations, class A (refer to section 72-283). (Ord. No. 86-16, § X, 10-23-86)  
 Household moving center. (Ord. No. 90-34, § 33, 9-27-90)  
 Houses of worship. (Ord. No. 2004-20, § V, 12-16-04)  
 Laundry and dry-cleaning establishments.  
 Libraries. (Ord. No. 92-6, § XXXVI, 6-4-92)  
 Medical and dental clinics. (Ord. No. 2004-20, § V, 12-16-04)  
 Museums. (Ord. No. 92-6, § XXXVI, 6-4-92)  
 Nightclubs.  
 Outdoor entertainment event (refer to section 10-31 et seq., article II, Code of Ordinances of the County of Volusia). (Ord. No. 94-4, § XXXVIII, 5-5-94; Ord. No. 2002-22, § IX, 11-7-02)  
 Pawnshops.  
 Pest exterminators.  
 Private clubs. (Ord. No. 84-1, § XXXI, 3-8-84)  
 Public schools. (Ord. No. 92-6, § XXXVI, 6-4-92)  
 Publicly owned parks and recreational areas. (Ord. No. 92-6, § XXXVI, 6-4-92)  
 Publicly owned or regulated water supply wells. (Ord. No. 92-6, § XXXVI, 6-4-92)  
 Recycling collection center. (Ord. No. 90-34, § 33, 9-27-90)  
 Restaurants, types A and B. (Ord. No. 84-1, § XXXI, 3-8-84)  
 Retail plant nursery. (Ord. No. 84-1, § XXXI, 3-8-84)  
 Retail sales and services. (Ord. No. 84-1, § XXXI, 3-8-84)  
 Retail specialty shops.  
 Sweepstakes centers (refer to subsection 72-290(12)). (Ord. No. 2011-06, § II, 3-17-11)  
 Tailors.  
 Taxicab stands.  
 Theaters.  
 Travel agencies.  
 Veterinary clinics.

Permitted special exceptions:

Communication towers exceeding 70 feet in height above ground level. (Ord. No. 97-19, § II, 8-7-97)  
 Cemeteries (refer to subsection 72-293(4)). (Ord. No. 2004-20, § V, 12-16-04)  
 Bicycle motorcross tracks.  
 Bus stations.  
 Car washes.  
 Curb market. (Ord. No. 84-1, § XXXI, 3-8-84)  
 Excavations only for stormwater retention ponds for which a permit is required by this article. (Ord. No. 84-1, § VII, 3-8-84; Ord. No. 89-20, § VII, 6-20-89)  
 Group homes (refer to subsection 72-293(12)). (Ord. No. 90-34, § 33, 9-27-90)  
 Hotel/motel. (Ord. No. 84-1, § XXXI, 3-8-84)  
 Mini-warehouses (refer to subsection 72-293(5)).  
 Nursing homes, boardinghouses approved by the appropriate state agency (refer to subsection 72-293(12)). (Ord. No. 84-1, § XXXI, 3-8-84; Ord. No. 90-34, § 33, 9-27-90)

Outdoor entertainment and recreational uses and structures. (Ord. No. 92-6, § XXXVI, 6-4-92)

Professional or trade schools related to permitted uses (refer to section 817.00(b)).

Public uses not listed as a permitted principal use. (Ord. No. 92-6, § XXXVI, 6-4-92)

Public utility uses and structures (refer to subsection 72-293(1)). (Ord. No. 84-1, § III, 3-8-84)

Schools, parochial or private (refer to subsection 72-293(4)).

Only one single-family dwelling for the owner or manager of an existing permitted principal use. (Ord. No. 84-1, §§ XXX, XXXI, 3-8-84)

## **B-6 HIGHWAY INTERCHANGE COMMERCIAL CLASSIFICATION**

Purpose and intent: The purpose and intent of the B-6 Highway [Interchange] Commercial Classification is to provide a specialized classification for hotels, motels and tourist-related retail facilities near major highway interchanges.

### **Permitted principal uses and structures:**

Automobile rental agencies.  
 Automotive service stations, types A, B and C.  
 Bars as accessory uses to hotels and restaurants.  
 Barber and beauty shops.  
 Car washes.  
 Communication towers not exceeding 70 feet in height above ground level. (Ord. No. 97-19, § II, 8-7-97)  
 Convenience stores with more than eight vehiclular service positions per fuel dispenser island. (Ord. No. 2004-20, § V, 12-16-04)  
 Convenience stores, with or without fuel dispensers. (Ord. No. 98-25, § VII, 12-17-98)  
 Cultural art centers. (Ord. No. 92-6, § XXXVIII, 6-4-92)  
 Essential utility services. (Ord. No. 84-1, § III, 3-8-84)  
 Exempt excavations (refer to subsection 72-293(15)) and/or those which comply with division 8 of the Land Development Code of Volusia County [article III] and/or final site plan review procedures of this article. (Ord. No. 84-1, § III, 3-8-84; Ord. No. 89-20, § VI, 6-20-89; Ord. No. 90-34, § 35, 9-27-90)  
 Exempt landfills (refer to subsection 72-293(16)). (Ord. No. 89-20, § VI, 6-20-89; Ord. No. 90-34, § 35, 9-27-90)  
 Fire stations. (Ord. No. 92-6, § XXXVIII, 6-4-92)  
 Government-sponsored civic centers. (Ord. No. 92-6, § XXXVIII, 6-4-92)  
 Home occupations, class A (refer to section 72-283). (Ord. No. 86-16, § X, 10-23-86)  
 Hotels/motels. (Ord. No. 84-1, § XXXIII, 3-8-84)  
 Houses of worship. (Ord. No. 2004-20, § V, 12-16-04)  
 Laundry and dry-cleaning establishments.  
 Libraries. (Ord. No. 92-6, § XXXVIII, 6-4-92)  
 Newsstands.  
 Mobile recreational vehicle shelter sales and service.  
 Museums. (Ord. No. 92-6, § XXXVIII, 6-4-92)  
 Nightclubs.  
 Outdoor entertainment event (refer to section 10-31 et seq., article II, Code of Ordinances of the County of Volusia). (Ord. No. 94-4, § XL, 5-5-94; Ord. No. 2002-22, § XI, 11-7-02)  
 Public schools. (Ord. No. 92-6, § XXXVIII, 6-4-92)  
 Publicly owned parks and recreational areas. (Ord. No. 92-6, § XXXVIII, 6-4-92)  
 Publicly owned or regulated water supply wells. (Ord. No. 92-6, § XXXVIII, 6-4-92)  
 Restaurants, types A and B.  
 Retail specialty shops.  
 Theaters.  
 Tire sales.



Permitted special exceptions:

Communication towers exceeding 70 feet in height above ground level. (Ord. No. 97-19, § II, 8-7-97)

Cemeteries (refer to subsection 72-293(4)). (Ord. No. 2004-20, § V, 12-16-04)

Curb markets. (Ord. No. 84-1, § XXXIII, 3-8-84)

Excavations only for stormwater retention ponds for which a permit is required by this article. (Ord. No. 84-1, § VII, 3-8-84; Ord. No. 89-20, § VII, 6-20-89)

Flea markets (refer to subsection 72-293(7)).

Mobile recreational vehicle and shelter parks (refer to section 72-285).

Outdoor entertainment and recreational uses and structures. (Ord. No. 92-6, § XXXVIII, 6-4-92)

Professional or trade schools related to permitted uses (refer to subsection 72-293(2)).

Public uses not listed as a permitted principal use. (Ord. No. 92-6, § XXXVIII, 6-4-92)

Public utility uses and structures (refer to subsection 72-293(1)). (Ord. No. 84-1, § III, 3-8-84)

Railroad yards, sidings and terminals.

Schools, parochial or private (refer to subsection 72-293(4)).

Only one single-family dwelling for the owner or manager of an existing permitted principal use. (Ord. No. 84-1, §§ XXX, XXXIII, 3-8-84)

Truck stops and storage.

## INTER-OFFICE MEMORANDUM



TO: Susan Jackson, AICP  
Senior Planning Manager

DATE: January 20, 2017

FROM: Melissa Winsett  
Transportation Planner

RSN: 853349

SUBJECT: I-4 Automall Rezoning

LOCATION: Near the northwest quadrant of the Orange Camp Road/I-4 Interchange, near DeLand

#### Application and Site Information

The applicant is requesting a zoning change from B-6 (Highway Interchange Commercial) to B-4 (General Commercial) on approximately 9.63 acres near the I-4/Orange Camp Road intersection.

#### Transportation Analysis

The applicant's traffic engineering firm, Lassiter Transportation Group, Inc., submitted a transportation analysis as part of the rezoning application. The report reviewed the difference in trips based on both zoning classifications' theoretical maximum development potential. The analysis concluded that a "Shopping Center" was the most intensive, trip-generating use allowed under the B-4 and B-6 classifications; therefore, there was no difference in trip generation attributed to the zoning change. Volusia County Traffic Engineering accepts this conclusion, however, has the following commentary:

- Although there is no difference in trips under the theoretical maximum scenario, the allowed uses under both classifications do differ somewhat from a trip generating perspective. Specifically, the B-4 zoning would allow a 146,819 square-foot automobile dealership. Using the ITE Trip Generation Manual, 9<sup>th</sup> Edition, Land Use Code 841 (New Car Sales), an automobile dealership this size could generate a total of 380 PM peak-hour trips. Compared to the trip generation for the shopping center use, which is 441 PM peak-hour trips, the auto dealership's trip generation is lower.
- Regardless of whether the zoning change is approved, if the subject property were to be developed today, project trips would impact critical and near-critical roadways including, but not limited to, I-4, Veterans Memorial Parkway and Graves Avenue (See the 2015 Critical and Near-Critical Roadways map attached, which is based on the most recent 2015 traffic data and adopted capacities).

- As with any development project that generates 100 or more PM peak-hour trips, the site plan application will require a Transportation Impact Analysis (TIA) that is accepted by the county. If needed, mitigation will be required to address project trip impacts on roadways deemed over-capacity in the buildout year. Typically, when mitigation is required, the proportionate share monetary amount is calculated for trips that impact failing roadways. Equal to that amount, the developer would then construct a transportation improvement project(s) that would benefit the nearby area. The TIA would also be coordinated with adjacent jurisdictions as required in the adopted River to Sea TPO TIA Guidelines.
- All safety and access concerns will be addressed with the applicant during the final site plan phase.

### Conclusion

If the zoning change is approved, there would be no trip generation difference due to the allowable use similarities under both the current and proposed zoning classifications. If the zoning change is approved, a shopping center could be developed under the theoretical maximum intensity land use scenario. Impacts to roadways on the county's thoroughfare roadway system could occur on I-4, Veteran's Memorial Parkway, and Graves Avenue. To obtain concurrency approval, if project trips do impact roadways that operate below the adopted level of service, the applicant would be responsible for mitigating his project trips. This would be addressed during the site review process.

Attachment: 2015 Critical and Near-Critical Roadway map

MW/







Ref: 4224.02

## TECHNICAL MEMORANDUM

**To:** Mark Watts  
**From:** Colleen Nicoulin, AICP  
**Subject:** I-4 Automall Rezoning - Trip Generation Comparison  
**Date:** December 16, 2016

### INTRODUCTION

Lassiter Transportation Group, Inc. (LTG) was retained by I-4 Automall, LLC to prepare a trip generation comparison for a proposed Rezoning. The proposed application will rezone approximately 9.63 acres from Highway Commercial (B-6) to General Commercial (B-4). The property is located on the northside of Orange Camp Road, west of I-4.

### TRIP GENERATION FOR THE CURRENT ZONING DESIGNATION

According to the Volusia County Land Development Code, the Highway Interchange Commercial (B-6) zoning district allows a variety of commercial development at an FAR of 0.55. As such, the theoretical maximum development potential of the existing zoning designation on the 9.63-acre property is 230,716 square feet of commercial development. The Shopping Center Land Use (LU Code 820) was used to calculate the trip generation, since per the definition in the Trip Generation Manual, this land use allows for a variety of commercial uses consistent with the permitted uses in the B-6 zoning district. The p.m. peak-hour trip generation for this maximum development scenario was determined using the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 9<sup>th</sup> Edition*. As indicated in Table 2, the proposed zoning could yield 1,050 p.m. peak-hour trips, if developed to the theoretical maximum.

**Table 1**  
**Existing Zoning Designation - P.M. Peak-Hour Trip Generation**  
**I-4 Automall Rezoning**

Time Period	Land Use	ITE Land Use Code	Trip Rate Equation	Quantity	Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips
P.M. Peak-Hour	Shopping Center	820	$\ln(T) = 0.67\ln(X) + 3.31$	230.7 KSF	48%	52%	504	546	<b>1,050</b>

### TRIP GENERATION FOR THE PROPOSED ZONING DESIGNATION

According to the Volusia County Land Development Code, the General Commercial (B-4) zoning district allows a variety of commercial development at an FAR of 0.55. As such, the theoretical maximum development potential of the existing zoning designation on the 9.63-acre property is 230,716 square feet of commercial development. The Shopping Center Land Use (LU Code 820) was used to calculate the trip generation, since per the definition in the Trip Generation Manual, this land use allows for a variety of commercial uses consistent with the permitted uses in the B-4 zoning district. The p.m. peak-hour trip generation for this maximum development scenario was determined using the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 9<sup>th</sup> Edition*. As indicated in Table 2, the proposed zoning could yield 1,050 p.m. peak-hour trips, if developed to the theoretical maximum.

**TECHNICAL MEMORANDUM**

Mark Watts

December 16, 2016

Page 2

**Table 2**  
**Proposed Zoning Designation - P.M. Peak-Hour Trip Generation**  
**I-4 Automall Rezoning**

Time Period	Land Use	ITE Land Use Code	Trip Rate Equation	Quantity	Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips
P.M. Peak-Hour	Shopping Center	820	$\ln(T)=0.67\ln(X)+3.31$	230.7 KSF	48%	52%	504	546	<b>1,050</b>

**CONCLUSION**

This trip generation analysis was conducted to evaluate the impact that a change in zoning designations would have on a 9.63-acre property in Volusia County. As indicated in Tables 1 and 2, there is no increase in trip generation when comparing the theoretical maximum development potential of the existing and proposed zoning designations.

Since this trip generation comparison analyzes theoretical maximum development scenarios and not an actual development plan, concurrency and any mitigation required to offset roadway deficiencies, if warranted, will be assessed at the time of a site-specific development proposal at the time of application for concurrency.

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I affirm, by affixing my signature below, that the findings contained herein are, to my knowledge, accurate and truthful and were developed using current procedures standard to the practice of professional planning.

Name: Colleen Nicoulin, AICP

Signature: 

Date: December 16, 2016

*Inter-Office  
Memorandum*



**TO:** Susan Jackson, Planning Manager    **DATE:** September 19, 2016

**FROM:** Danielle Dangleman, Environmental Specialist III

**SUBJECT:** Planning & Land Development Regulation Commission meeting for  
Date: October 11, 2016  
Parcel #: 7025-01-00-0051  
Case #: Z-16-074

Environmental Permitting (EP) has reviewed the application and conducted a site visit in regards to this rezoning request. Portions of the property contain wetlands. These wetlands have a 25 foot upland buffer. Any alteration to the wetland or its associated buffer will require an issued wetland alteration permit. Tree removal for this project will require a tree removal permit. These issues will be discussed at the Final Site Plan review.

EP has no objection to this rezoning request. However, the project will have to comply with all of the environmental regulations of the Land Development Code.



## CITY COMMENTS

City of DeLand

**From:** Mike Holmes <Holmesm@deland.org>  
**To:** Susan Jackson <sjackson@volusia.org>  
**Date:** 1/23/2017 11:39 AM  
**Subject:** RE: I-4 Automall Rezoning

Since this rezoning request is only for the property that is already designated as commercial on the County's Future Land Use Map, the City of DeLand does not have any issue with this request. However, because this is one of our gateways, the City is interested in any future land use changes and the design of any development that may occur in this area. Also, please make sure the developer contacts the City Utilities Department to determine our ability to serve any future project.

.....

City of Lake Helen

**From:** Jason Yarboough <Jyarborough@lakehelen.com>  
**To:** Susan Jackson <sjackson@volusia.org>  
**Date:** 1/20/2017 4:01 PM  
**Subject:** RE: I-4 Automall Rezoning

Susan,

The City of Lake Helen objects to this zoning change without it containing a Planned Development element. In addition, while the property is not part of the Victoria Park DRI, we are of the opinion that it should contain elements and features required in this DRI because of its proximity.

Best regards,

Jason Yarborough, ICMA-CM  
 City Administrator  
 PO Box 39/ 327 S. Lakeview Dr.  
 Lake Helen, FL 32744  
 City Hall: (386) 228-2121  
 jyarborough@lakehelen.com

View of the southeast corner of subject property, from the intersection of Stewart Road and Orange Camp Road.



View of the center of the property from Orange Camp Road.

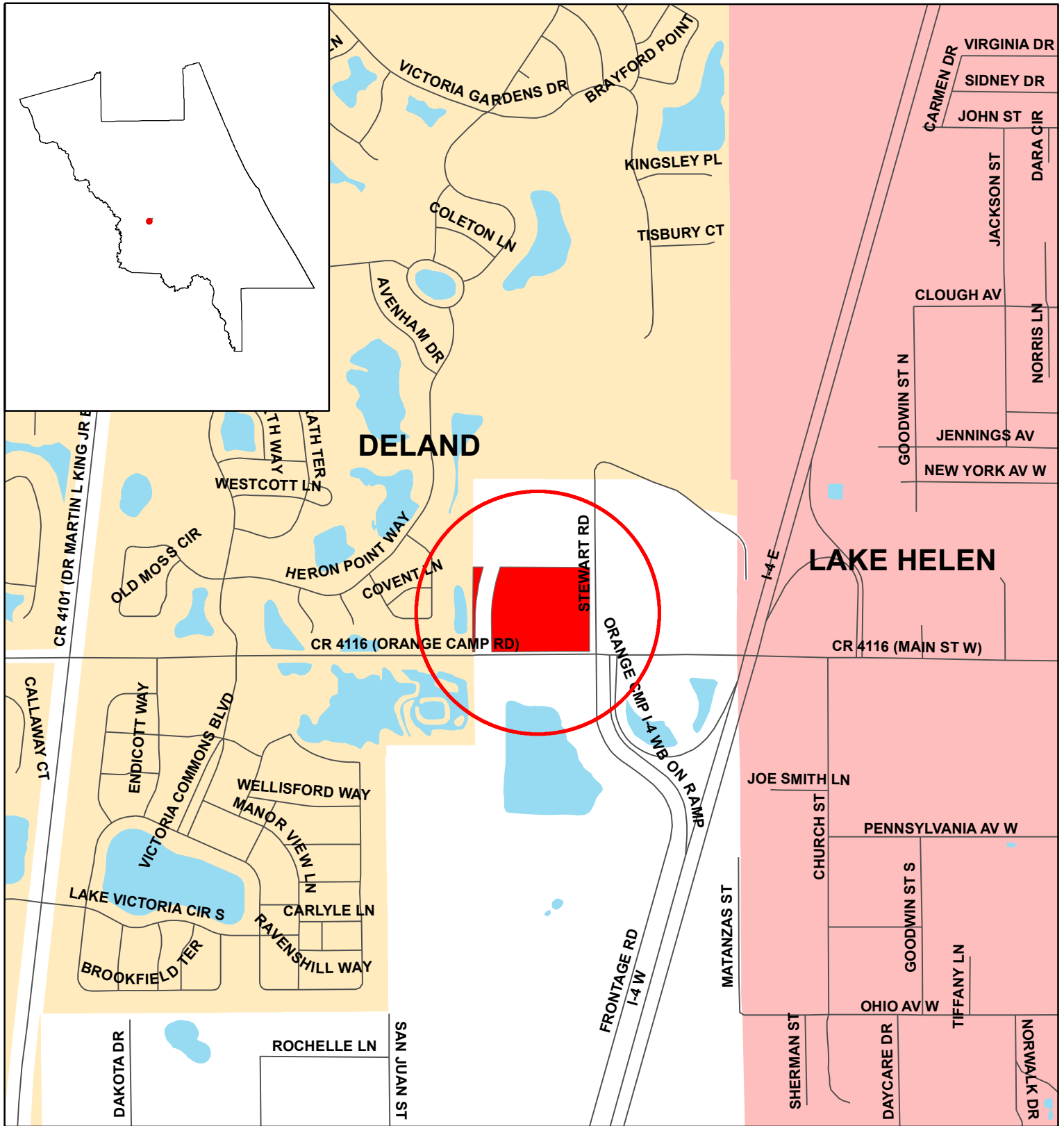


View from the southwest corner. Shows FDOT right-of-way.



View showing the FDOT right-of-way easement on the southeast side of property.





## REQUEST AREA LOCATION



**FROM: B-6**  
**TO: B-4**

1" = 1000'

**ZONING**  
**CASE NUMBER**  
**Z-16-074**







**AERIAL 2015**

**1"= 400'**

**CASE NUMBER**

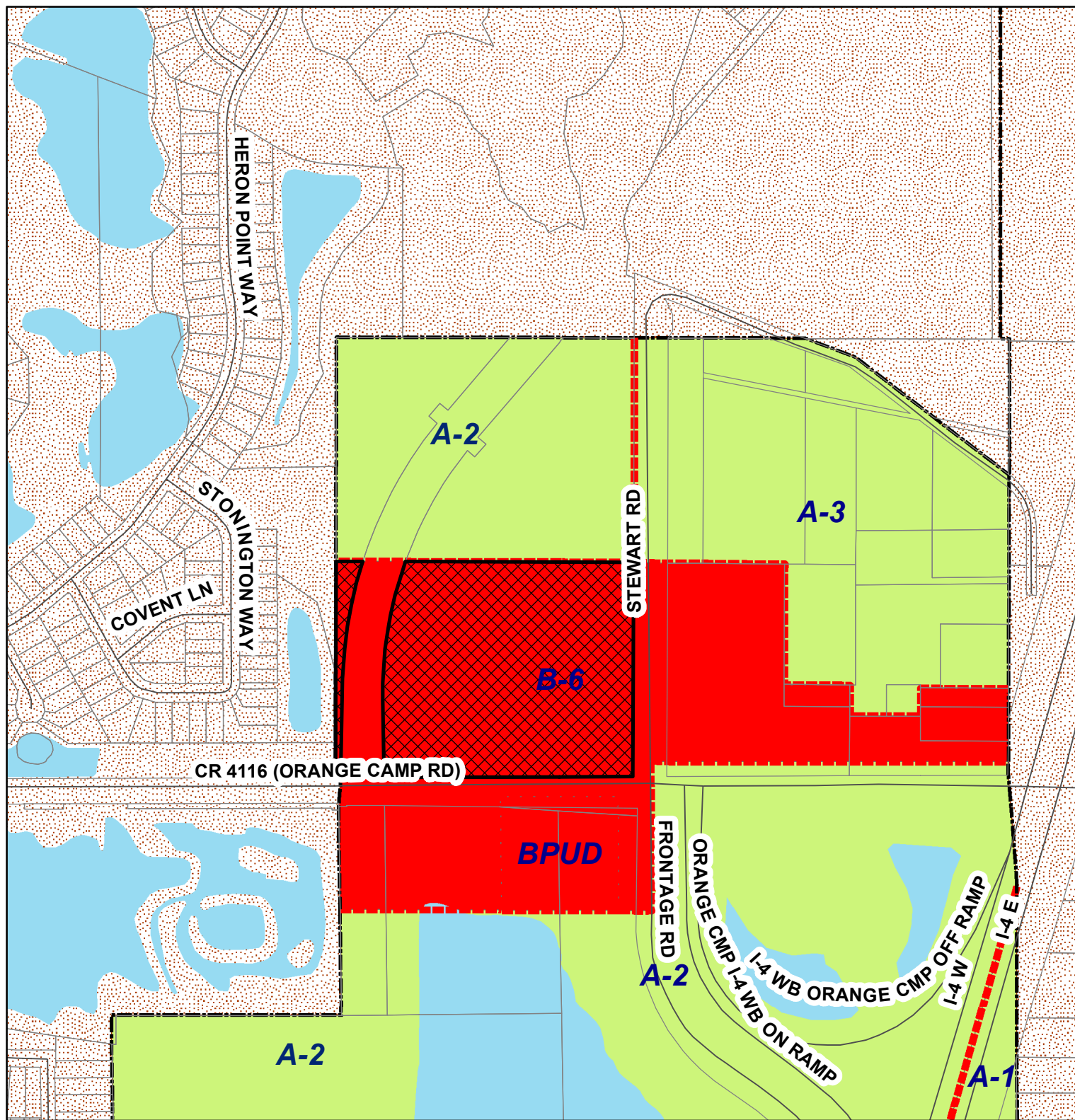
**Z-16-074**

 **REQUEST AREA**

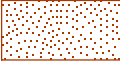

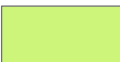

**FROM: B-6  
TO : B-4**







## ZONING CLASSIFICATION

	INCORPORATED		COMMERCIAL
	AGRICULTURAL		REQUEST AREA

1" = 400'

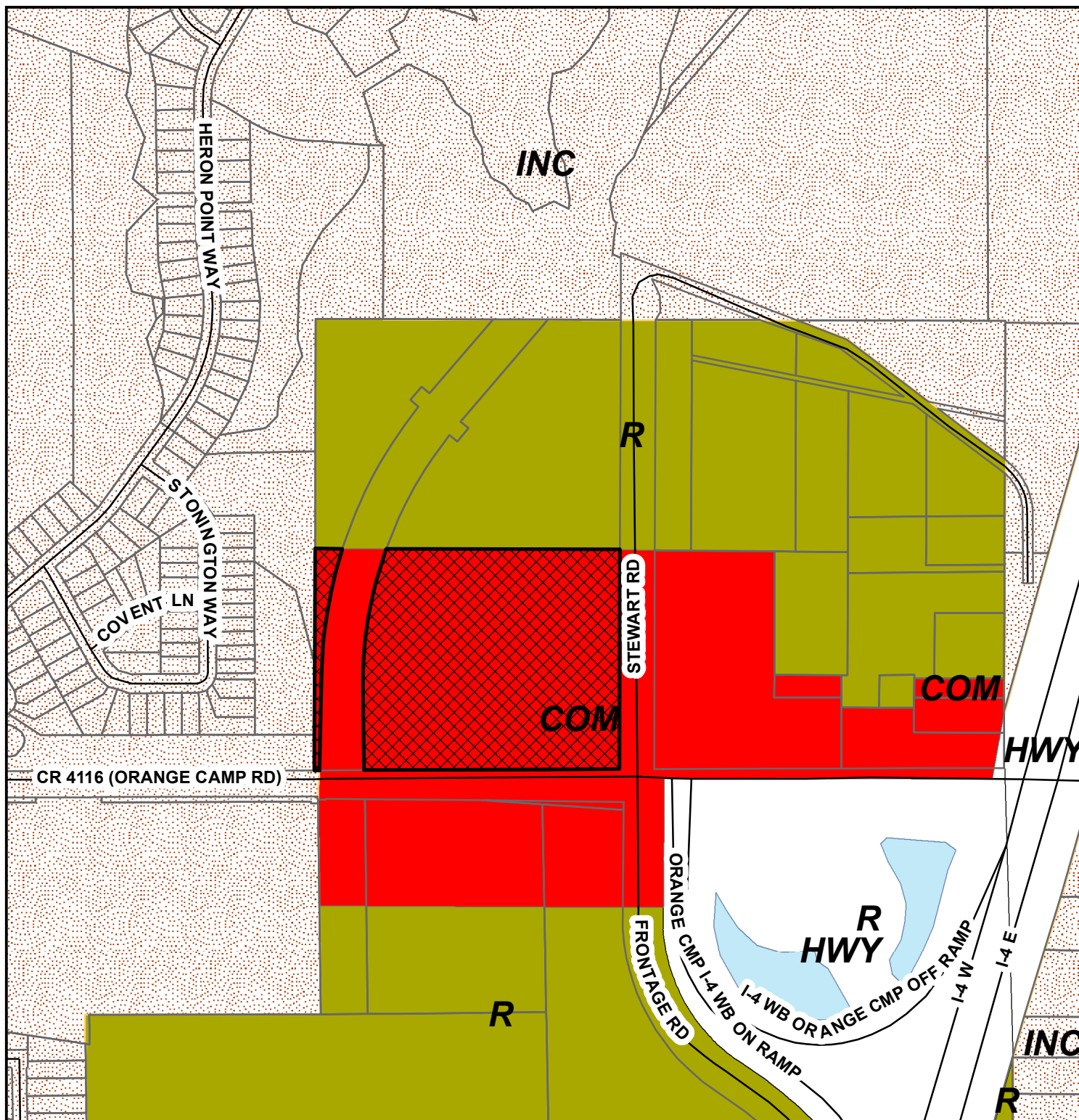
CASE NUMBER

FROM: B-6

TO: B-4



Z-16-074



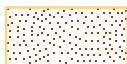
# **FUTURE LAND USE DESIGNATION**

1"= 400'

**ZONING**



COMMERCIAL



INCORPORATED



FEDERAL HIGHWAY



RURAL



REQUEST AREA

**CASE NUMBER**

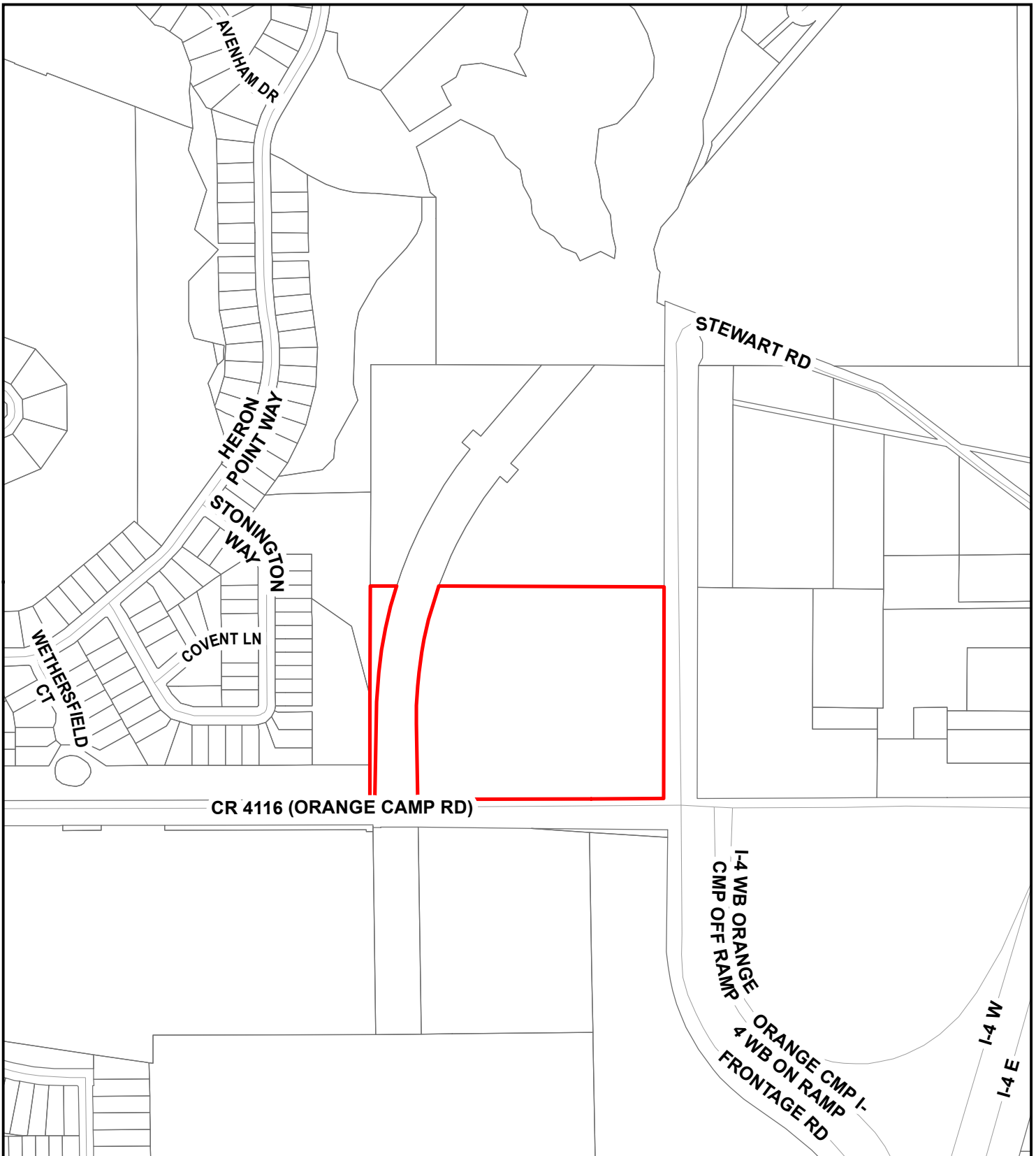
**FROM: B-6**

**TO : B-4**



**Z-16-074**





**ECO/NRMA**



ECO



NRMA



REQUEST AREA

1" = 400'

**CASE NUMBER**  
**Z-16-074**

**FROM: B-6**  
**TO : B-4**

