



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

PUBLIC HEARING: September 12, 2017 – Planning and Land Development Regulation Commission (PLDRC)

CASE NO: Z-17-051

SUBJECT: Rezoning from Rural Agriculture/Airport Protection Overlay Zone classification (A-2A) to Rural Residential/Airport Protection Overlay Zone classification (RRA)

LOCATION: 3075 Turnbull Bay Road, New Smyrna Beach

APPLICANT: Glenn Storch, Esq.

OWNER(S): Turnbull Crossing, LLC

STAFF: Michael E. Disher, AICP, Planner III

I. SUMMARY OF REQUEST

The applicant is requesting a rezoning of a ±31.9-acre parcel from a Rural Agriculture/Airport Protection Overlay Zone classification (A-2A) classification to a Rural Residential/Airport Protection Overlay Zone classification (RRA) classification. The purpose of the request is to decrease the minimum lot size from one dwelling unit per five acres, to one dwelling unit per acre, in accordance with the comprehensive plan. If approved, the rezoning would allow for single-family residential development with a minimum lot size of one acre.

Staff Recommendation

Forward the rezoning application, case number Z-17-051, to county council for final action with a recommendation of approval.

II. SITE INFORMATION

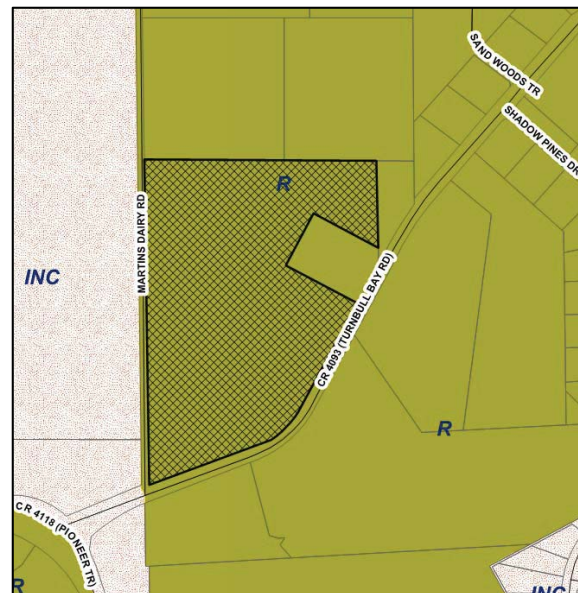
- 1. Location: Northeast corner of Turnbull Bay Road and Martins Dairy Road, 0.35 miles east of I-95, New Smyrna Beach
- 2. Parcel Number: 7304-00-00-0100
- 3. Property Size: ± 31.9 acres
- 4. Council District: 3
- 5. Zoning: Rural Agriculture/Airport Protection Overlay Zone classification (A-2A)
- 6. Future Land Use: Rural (R)
- 7. ECO Map: No
- 8. NRMA Overlay: Yes
- 9. Adjacent Zoning and Land Use:

DIRECTION	ZONING	FUTURE LAND USE	CURRENT USE
North	Volusia County A-2A	Rural	Single-family residential and agricultural
East	Volusia County A-2A Volusia County A-3 (incorporated) New Smyrna Beach A-2	Rural and New Smyrna Beach Rural	Single-family residential and undeveloped
South	Volusia County A-3 (incorporated)	Rural, New Smyrna Beach Rural and Low Density Residential	Undeveloped
West	Port Orange PUD	Port Orange Conservation and Rural Transition	Undeveloped

10. Maps



ZONING MAP



FUTURE LAND USE MAP

III. OVERVIEW

The subject property is located within an unincorporated enclave, between the City of New Smyrna Beach to the east and south and the City of Port Orange to the west. The property is in a rural setting surrounded by areas transitioning to more suburban residential development. The existing residential uses are interspersed among uncleared natural properties and cleared properties used for agricultural purposes. The property lies 0.75 miles south of the Dorris Leeper Spruce Creek Preserve, a 2,500-acre conservation area managed by Volusia County. It fronts on Turnbull Bay Road along its south and east sides, and on Martins Dairy Road to the west.

Since 2013, the property has been part of the New Smyrna Beach Interlocal Service Boundary Agreement (ISBA) area. The purpose of the agreement is to coordinate plans for infrastructure, service delivery and future development of lands that are logical candidates for future municipal annexation. Through this agreement between the city and Volusia County, parcels within the ISBA area may annex into the city even if they are not contiguous to the current city boundary. Pursuant to the agreement, the city enforces county zoning regulations until the properties are annexed and the city amends its comprehensive plan to include them. The city also has authority for oversee development review, permitting, inspections, and code enforcement of the county comprehensive plan and zoning code within the ISBA. However, applications to amend the county comprehensive plan and zoning classification for unincorporated property in the ISBA must still be made through Volusia County.

The subject property is located within the airport protection overlay zone around the New Smyrna Beach municipal airport. The zone extends over unincorporated lands underneath the protected airspace surrounding public-use airports in Volusia County. The purpose of this new 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. Any potential proposed airport hazards will be required to obtain a permit from Volusia County to ensure the continued safety of aircraft and airport operations.

Submitted with the rezoning application is a concept plan for a 25-lot subdivision called "Turnbull Crossings." Approval of the rezoning would not approve this subdivision. The plan is conceptual in nature for illustration purposes only. Any future subdivision proposal would have to be reviewed by the City of New Smyrna Beach, pursuant to the ISBA.

Copies of the application were sent to the cities of New Smyrna Beach and Port Orange. Port Orange responded that it has no objections to the rezoning. A response has not yet been received from New Smyrna Beach as of the date of this report.

IV. ANALYSIS AND REVIEW CRITERIA

ZONING AMENDMENT 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 subject property is designated Rural on the Future Land Use Map. The Rural land use category is described as follows:

Rural (R) – This designation consists of areas which are a mixture of agriculture and low density residential development. Rural areas provide two functions, the first being a transitional use between the agricultural and urban uses and the second would be a rural community which serves as the economic focal point of a small region. Rural areas should be developed in a manner consistent with the retention of agriculture and the protection of environmentally sensitive areas. Strict limitation of development in rural areas contributes to the efficient growth and operation of public services and facilities, thus ensuring the most effective use of public resources. The natural features and constraints will be the primary determinants in deciding whether or not an area is suitable for rural type development.

According to the future land use/zoning consistency matrix, the proposed RR zoning classification is conditionally compatible with the Rural future land use designation. The standard maximum density allowed is one dwelling unit per five acres. However, the density may be increased to one dwelling unit per acre under certain conditions:

- (a) The subject parcel is within 660 feet of an existing subdivision with a density less than one dwelling unit per five acres. In this case, the Rural land may be developed at a similar density, not to exceed one unit per acre and with lot sizes similar and compatible with the existing 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 dwelling unit per acre, or intensity not to exceed a maximum Floor Area Ratio of 25 percent.
- (c) In addition to the above conditions, the appropriateness of allowing densities less than one dwelling unit per five acres is also 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.

The subject property is located just to the southwest of the Sganga Unrecorded Subdivision, zoned A-3A, and the Shadow Pines subdivision, zoned RRA, each with one-acre single-family lots. The one-acre lots allowed by the RRA zoning would be consistent with this development density. The property abuts lands with urban future land uses in Port Orange to the west and New Smyrna Beach to the south.

The proposed request is consistent with the Volusia County comprehensive plan.

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

According to county environmental management staff (see attached memo), the subject property contains gopher tortoises, a threatened species protected by the State of Florida. Proposed development is required to maintain a 25-foot buffer around active burrows. However, if this cannot be accomplished, a permit to relocate the tortoise(s) must be obtained through the Florida Fish and Wildlife Commission.

Future development will be also required to demonstrate compliance with environmental provisions of the Land Development Code during the subdivision process, including wetland and buffer avoidance, minimization, mitigation, and permitting; as well as specimen tree preservation, area tree preservation, and removal and replacement requirements.

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

By itself, the rezoning is not likely to impact the economy. However, if developed, the new homes will add to the market population of existing and future commercial lands in the vicinity. Such areas include the planned Woodhaven commercial center in Port Orange, and the Venetian Bay town center and Coastal Woods planned commercial development in New Smyrna Beach.

(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 property is within the service area of the New Smyrna Beach Utilities Commission. Fire, police, and solid waste collection services are available to the property. The ISBA provides for continued county maintenance of thoroughfare roads such as Turnbull Bay Road and Pioneer Trail.

According to county traffic engineering staff (see attached memo), the existing A-2 zoning would allow development of six dwelling units, which would generate eight p.m. peak-hour trips. The proposed rezoning to RR could *theoretically* allow up to 31 dwelling units, and generate 31 p.m. peak-hour trips. The rezoning would indirectly lead to an increase of 25 p.m. peak-hour trips on the road network if the property is developed. Traffic engineering staff further examined the potential trips dispersed on the adjacent thoroughfare road network, including Turnbull Bay Road, Airport Road, Sugar Mill Drive, and Williamson Boulevard. The number of new trips is not expected to exceed the adopted Level-of-Service (LOS) for any of these roads.

If the rezoning is approved, any future development of the property will be required to comply with Volusia County zoning and development regulations until the city annexes the property and amends its comprehensive plan to include it. Although the city has review and approval authority for all development applications, this does not apply to the county thoroughfare network. Pursuant to the ISBA, the county retains jurisdiction, ownership, and control of the network. Accordingly, impacts to the county thoroughfare network will need to be reviewed and approved by Volusia County through a right-of-way use permit. The county permit will also need to address any access and safety

concerns.

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

The ISBA area as a whole is experiencing continuous annexation and development. As noted in the ISBA document¹, “These lands are considered ripe for urban infill development and have the necessary public facilities to support it.” Just to the west, the properties abutting both sides of I-95 have been under discussion for development for the past decade. Williamson Boulevard has recently been extended south in Port Orange to its new terminus at Pioneer Trail. And FDOT is once again considering the possibility of a new interchange for I-95 at Pioneer Trail. This activity is reflective of the rebounding housing market in this part of Volusia County following the economic recession 10 years ago.

The other notable change is to the zoning of this area. In May 2017, the county council adopted the airport protection overlay zone, designated by the suffix “A.” The subject property is located within the overlay zone around the New Smyrna Beach municipal airport. The purpose of this new 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. The potential residential development of the subject property is not considered an airport hazard, given the property’s 2.3-mile distance from the nearest runway.

(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 to RR would potentially allow development at a density five times greater than what is allowed today. Development of up to 31 one-acre residential lots will look different than development of six five-acre lots, involving more clearing and infrastructure improvements than what would be required now. The character of the property would change from rural to large-lot suburban, similar to other subdivisions to the east. The value of the property would likely increase if the rezoning is approved due to the higher potential lot yield.

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

A change in zoning from A-3A to RRA will have no negative impacts on the public health, welfare, safety, or morals.

V. STAFF RECOMMENDATION

Forward the rezoning application, case number Z-17-051, to county council for final

¹ Planning Services Sub-Agreement and Joint Planning Agreement, Paragraph 1.c.

action with a recommendation of approval.

VI. ATTACHMENTS

- Resolution No. 2017-XX
- Letter of Request
- Survey
- Turnbull Crossings concept plan
- Environmental Management memo
- Traffic Engineering memo
- Site Photos
- 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.

RESOLUTION 2017-_____

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF VOLUSIA COUNTY, FLORIDA, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN HEREIN DESCRIBED PROPERTY FROM A-2A TO RRA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Chapter 72, Article II, Section 72-414 of Volusia County Code of Ordinance, as amended, the Volusia County Council held public hearings after due public notice on October 19, 2017 on the application of Glenn Storch, attorney for Turnbull Crossing, LLC, owner, Zoning case Z-17-051, for an amendment to the Official Zoning Map of Volusia County; NOW THEREFORE,

BE IT RESOLVED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE THOMAS C. KELLY ADMINISTRATION CENTER, DELAND, FLORIDA, ON THIS 19TH DAY OF OCTOBER A.D. 2017, AS FOLLOWS:

SECTION I: In accordance with Volusia County Zoning Ordinance, as amended, the Volusia County Council hereby amends the Official Zoning Map of Volusia County, Florida, from the Rural Agriculture/Airport Protection Overlay Zone (A-2A) zoning classification to the Rural Residential/Airport Protection Overlay Zone (RRA) zoning classification, on the following described real property:

4-17-33 SW 1/4 OF SE 1/4 EXC E 175 AS MEAS ON N/L NW OF RD EXC IRREG PARCEL MEAS 181.16 FT ON RD & 353.31 FT ON N/L & GOVT LOT 1 NW OF RD SEC 9 PER OR 4646 PG 2313 PER OR 6613 PG 4415 PER OR 6658 PG 0155 PER OR 7339 PG 1891
Parcel No.: 7304-00-00-0100

SECTION II: The Zoning Enforcement Official is hereby directed to amend the Official Zoning Map of Volusia County to conform with Section I of this Resolution.

SECTION III: This Resolution shall take effect immediately upon its adoption.

DONE AND ORDERED IN OPEN HEARING THIS 19TH DAY OF OCTOBER, A.D. 2017.

COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

ATTEST: _____
James T. Dinneen
County Manager

BY: _____
Ed Kelley
County Chair

GLENN D. STORCH, P.A.

ATTORNEYS AT LAW

GLENN D. STORCH, ESQUIRE
glenn@storchlawfirm.com

COREY D. BROWN, ESQUIRE
corey@storchlawfirm.com

A. JOSEPH POSEY, ESQUIRE
joey@storchlawfirm.com

June 23, 2017

Via Hand Delivery

Mr. Scott Ashley, AICP
Senior Zoning Manager
Planning and Development Services
County of Volusia
123 W. Indiana Ave., Room 202
DeLand, Florida 32720-4604

Re: Rezoning of 3075 Turnbull Bay Road

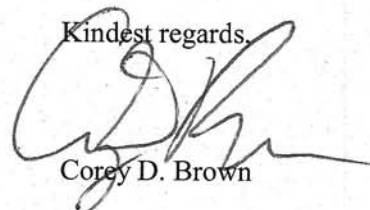
Dear Scott:

Thank you for reviewing this application for a rezoning of property at 3075 Turnbull Bay Road, Parcel ID Number 7304-00-00-0100, from A-2 (Rural Agriculture) to RR (Rural Residential). This rezoning will allow for residential development of up to 1 dwelling unit per acre. The underlying Rural Future Land Use designation generally limits density to 1 unit per 5 acres, but it allows density up to 1 unit per acre if 1 acre subdivisions or urban land uses are within 660 feet of the subject property. The 1 unit per acre density is justified for the subject property due to its proximity to the Sganga Unrecorded Subdivision to the Northeast, a City of New Smyrna Beach Urban Land Use (Low Density Residential) to the South, and a City of Port Orange Urban Land Use [Rural Transition (up to 2 du/acre) with PUD zoning] to the West.

Enclosed with this letter are the following application materials: signed application form; application fee in the amount of \$1,917.00; notarized authorization of owner; 2 copies of a signed and sealed survey of the property; property record card showing ownership; the legal description of the property, including a compact disc with electronic copy of the legal description; and an Application for School Capacity Determination with final page to be completed by County Staff (please email me a copy of the completed form for submittal to Volusia County Schools).

Please let me know if you have any questions or concerns regarding this rezoning application submittal.

Kindest regards,

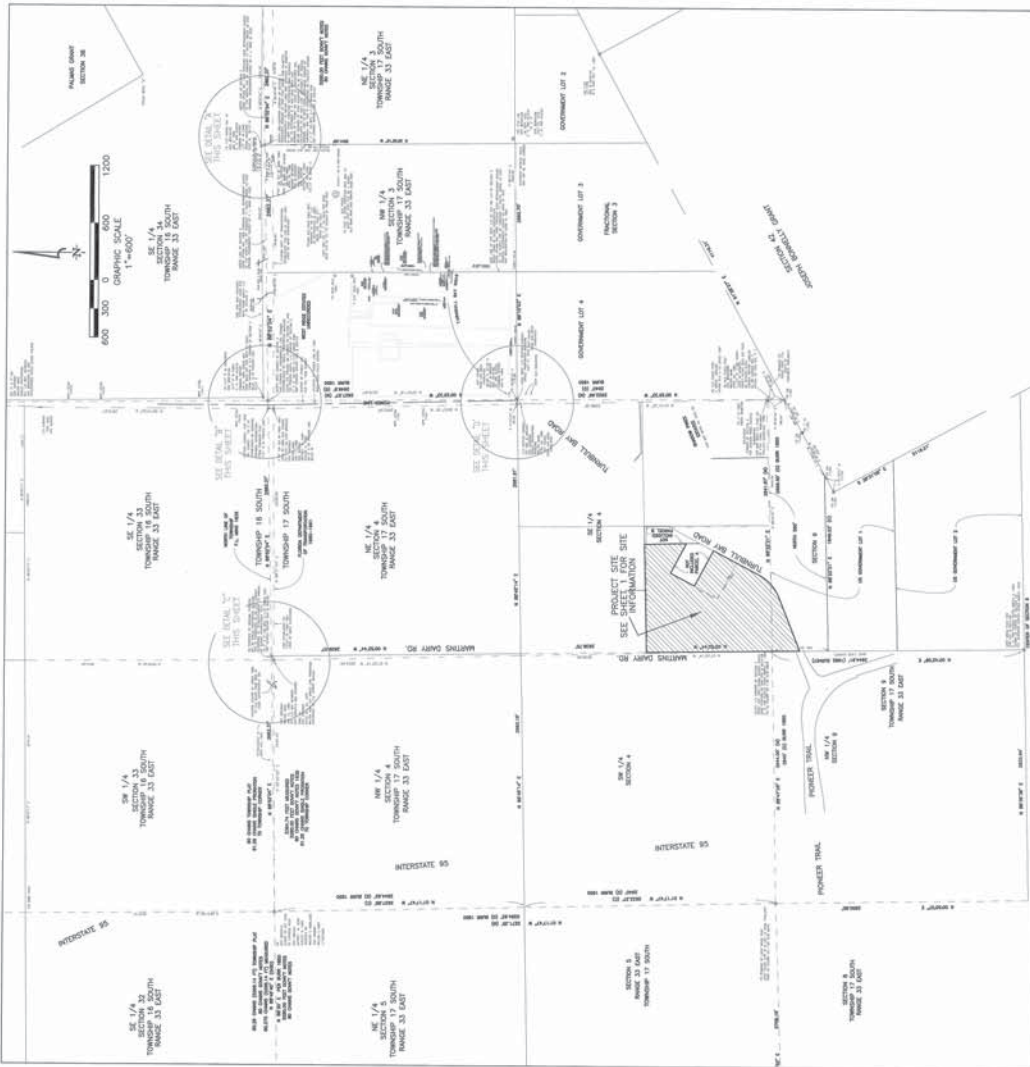
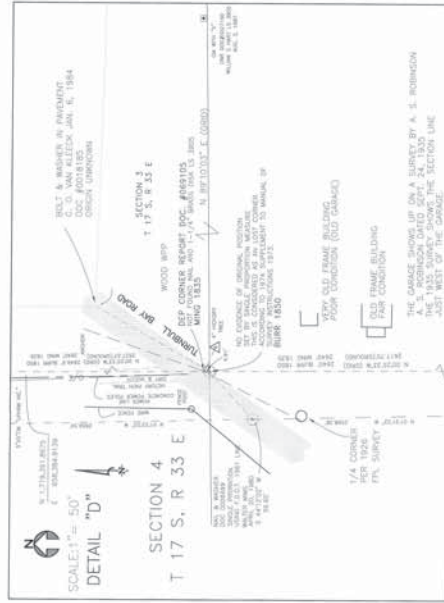
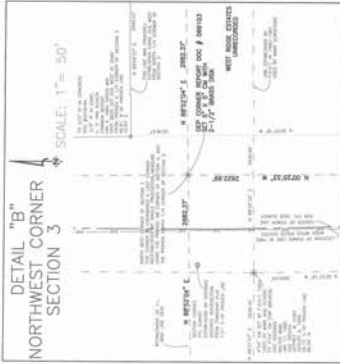
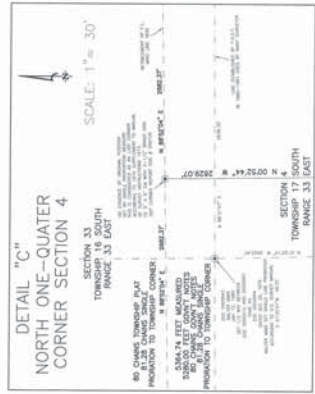


Corey D. Brown

CDB
Enclosures

SHEET 1 OF 3

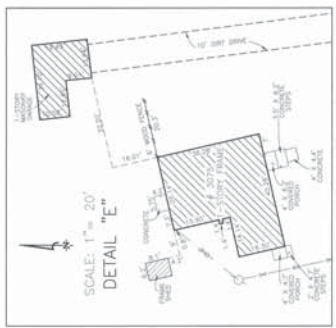
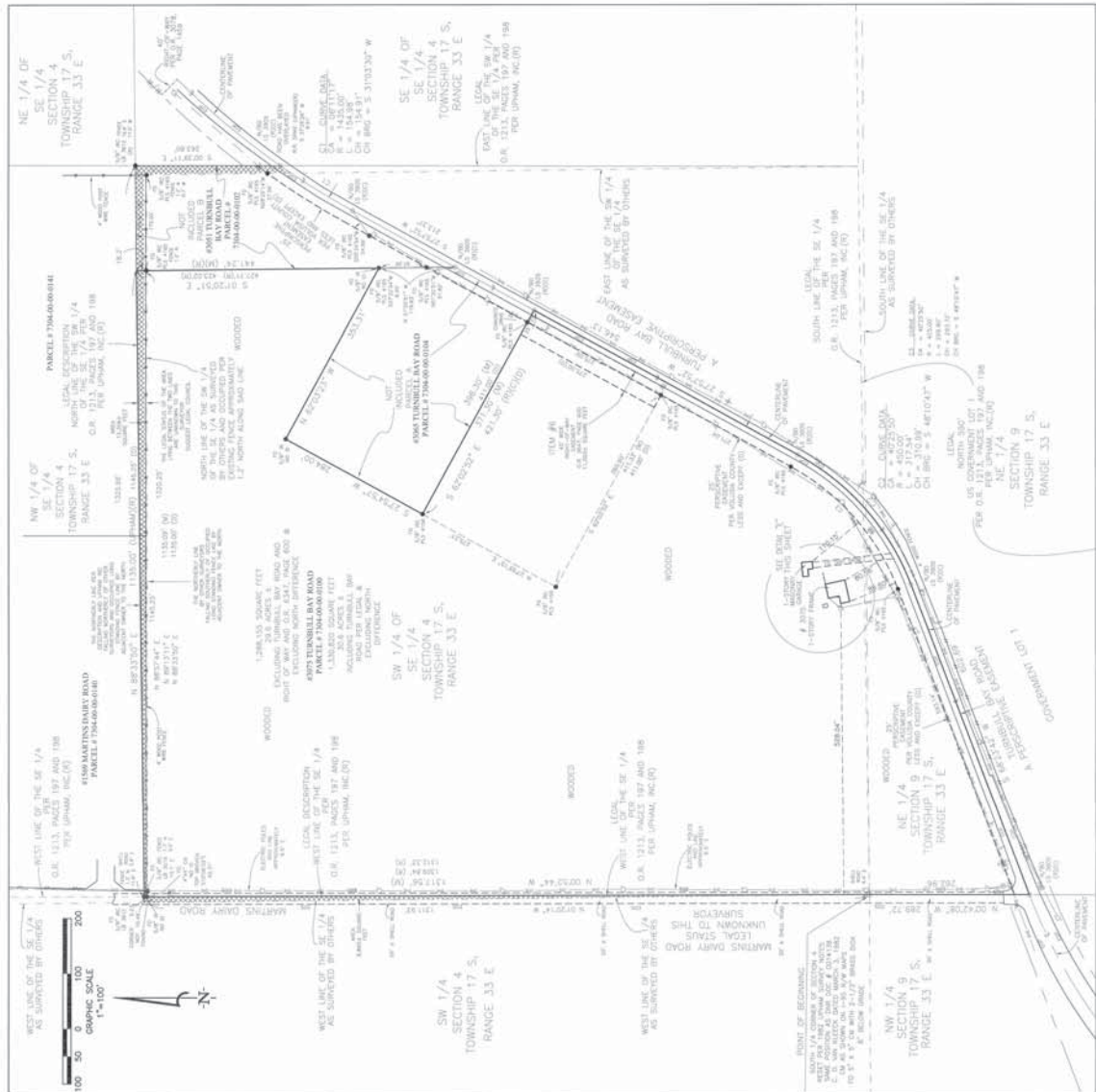
AIA SURVEYING
 LAND SURVEYING CONSTRUCTION LAYOUT
 244 Pidgeon
 Beach, Florida 32117
 Voice: 386.682.1888
 LB # 8205 LS # 6378



TYPE OF SURVEY	BOUNDARY
MAP SUBJECT	3075 TURNBULL BAY ROAD 3075 TURNBULL BAY ROAD NEW SMYRNA BEACH, FL
SEE SHEET 1 OF 3 FOR SURVEYOR'S SIGNATURE	

PROJECT No.	17-000	PREPARED FOR THE EXCLUSIVE USE OF	
FIELD WORK BY	AM	DATE	05/21/17
OFFICE WORK BY	AM	DATE	05/24/17
FIELD BOOK PAGE	11-71	SCALE	N/A

THIS MAP IS TO BE CONSIDERED AS A SCALE AS SHOWN OR SMALLER. ANY USE OF THIS MAP FOR A PURPOSE OTHER THAN THAT INTENDED BY THE SURVEYOR IS AT THE USER'S RISK.



SHEET 2 OF 3

A1A SURVEYING
 LAND SURVEYING CONSTRUCTION LAYOUT
 244 Ridgewood Avenue, Daytona Beach, Florida 32117
 Voice: 386.862.1686
 LB # 8205

TYPE OF SURVEY: BOUNDARY
 MAP SUBJECT: 3075 TURNBULL BAY ROAD
 ADDRESS: 3075 TURNBULL BAY ROAD
 NEW SMYRNA BEACH, FL

SEE SHEET 3 OF 3 FOR SURVEYORS SIGNATURE

PREPARED FOR THE EXCLUSIVE USE OF: [REDACTED]

PROJECT NO: 17-6901
 FIELD WORK BY: AM
 DATE: 08/2017
 OFFICE WORK BY: AM
 DATE: 08/2017
 FIELD BOOK: PAGE: 11-71
 SCALE: N/A

REVISIONS:

PROJECT TEAM

APPLICANT:
 TURNBULL ENGINEERS, LLC
 JERRY JOHNSON, MANAGER
 424 LUNA BELLA LANE
 NEW SMYRNA BEACH, FLORIDA 32118
 PHONE: (407) 477-1100
 EMAIL: Admin@turnbulleng.com

PROPERTY OWNER:
 GLENN D CLIFTON

CIVIL ENGINEER / LANDSCAPE ARCHITECT / PROJECT MANAGER:
 NEWBORN ENGINEERING, INC.
 1370 NORTH US HIGHWAY 1, SUITE 204
 ORMOND BEACH, FLORIDA 32174
 PHONE: (386) 222-7794
 EMAIL: TLE@NEWBORN-ENGINEERING.COM

SURVEYOR:
 AIA SURVEYING
 1370 NORTH US HIGHWAY 1, SUITE 204
 ORMOND BEACH, FLORIDA 32174
 PHONE: (386) 455-6787
 EMAIL: A.TAGONGI@GMAIL.COM

CONTACT NUMBERS

PERMITTING SERVICES - VOLusia COUNTY (386) 251-6689
 WASTEWATER - VOLusia COUNTY UTILITY COMMISSION, DEVELOPMENT SERVICES (386) 251-6000
 ELECTRIC - FLORIDA PUBLIC UTILITIES DEPARTMENT PERMITTING (386) 251-6000
 TELEPHONE: (386) 251-6000
 TELEPHONE: A.D.T. (844) 821-7688



NEWBORN ENGINEERING, INC.
 C.A. # 25009
 L.C. # 2500084
 C. 2013
 1370 North US1, Suite 204
 Ormond Beach, Florida 32174
 Phone: (386) 222-7794
 www.newborn-engineering.com

FLORIDA PROFESSIONAL ENGINEER
 NO. 75653
 JERRY JOHNSON

DRAWING NUMBER
 1

SUBDIVISION CONCEPT PLAN FOR
TURNBULL
CROSSINGS

SECTION 34, TOWNSHIP 16 S, RANGE 33 E
 04-17-33-00-00-0100
 3075 TURNBULL BAY ROAD
 NEW SMYRNA BEACH, FL 32168
 JULY 2017

INDEX OF SHEETS	
DWG. NO.	DESCRIPTION
1	COVER
2	SUBDIVISION CONCEPT PLAN

LEGAL DESCRIPTION

4475 SQ. FT. OF 651 EACS IN N.W. 1/4 OF RG. EVO. BEEG PARCEL MEAS 181.8FT ON BOLA 3333.1 FT ON N.E. & GOVT LOT 1 NW OF RG. SEC 9 PER OR 4648 PG 2113 PER OR 6613 PG 4415 PER OR 6638 PG 8155 PER OR 7328 PG 1891

PROJECT STATEMENT

PROPOSE A SINGLE FAMILY HOME SUBDIVISION PLANNED UNIT DEVELOPMENT WITH (25) 1/4-ACRE LOTS, ROADWAYS, WATER MAIN EXTENSION, AND MASTER STORMWATER SYSTEM.

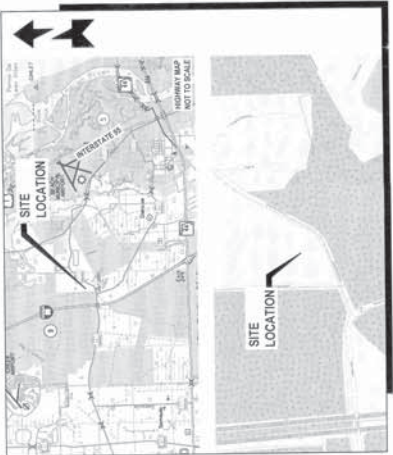
JURISDICTIONAL AGENCY

COUNTY OF VOLusia COUNTY (FSP)
 ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (STORMWATER)
 FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (WATER)
 FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (NPDES)

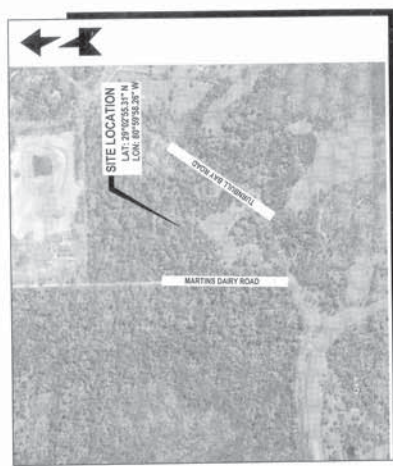
PERMIT NO.

.....

THE GENERAL CONTRACTOR SHALL ENSURE THAT ANY SUBCONTRACTOR HAS A COMPLETE SET OF CONSTRUCTION DRAWINGS FOR ITS RESPECTIVE WORK. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION MAY BE CONTAINED ON OTHER DRAWINGS WITHIN THE SET.
 THESE DRAWINGS ARE THE PROPERTY OF NEWBORN ENGINEERING, INC. ANY USE OR REPRODUCTION IN WHOLE OR PART IS PROHIBITED WITHOUT THE EXPRESSED WRITTEN CONSENT OF NEWBORN ENGINEERING, INC. COPYRIGHT 2017 ALL RIGHTS RESERVED.



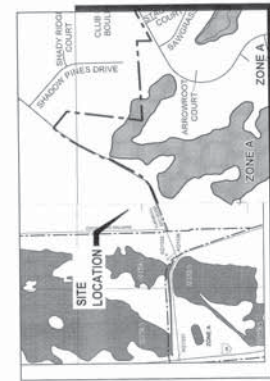
LOCATION MAP
 SCALE: 1" = 600'



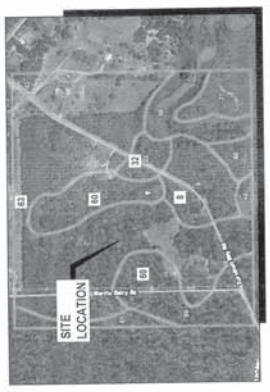
AERIAL MAP
 SCALE: 1" = 100'



ZONING MAP
 COUNTY ZONING: A-2 RURAL AGRICULTURE
 COUNTY FUTURE LAND USE: RESIDENTIAL
 SCALE: 1" = 900'



FLOOD ZONE MAP
 FLOOD ZONE "A"
 SCALE: 1" = 800'



SOILS MAP
 SOIL TYPE:
 (A) - UNDESIGNED SLOPES, 1:1.5 HORIZONTAL TO 1 VERTICAL SLOPES
 (B) - UNDESIGNED SLOPES, 1:1 HORIZONTAL TO 1 VERTICAL SLOPES
 (C) - UNDESIGNED SLOPES, 1:1 HORIZONTAL TO 1 VERTICAL SLOPES
 (D) - UNDESIGNED SLOPES, 1:1 HORIZONTAL TO 1 VERTICAL SLOPES
 (E) - UNDESIGNED SLOPES, 1:1 HORIZONTAL TO 1 VERTICAL SLOPES
 (F) - UNDESIGNED SLOPES, 1:1 HORIZONTAL TO 1 VERTICAL SLOPES
 (G) - UNDESIGNED SLOPES, 1:1 HORIZONTAL TO 1 VERTICAL SLOPES
 (H) - UNDESIGNED SLOPES, 1:1 HORIZONTAL TO 1 VERTICAL SLOPES
 (I) - UNDESIGNED SLOPES, 1:1 HORIZONTAL TO 1 VERTICAL SLOPES
 (J) - UNDESIGNED SLOPES, 1:1 HORIZONTAL TO 1 VERTICAL SLOPES
 (K) - UNDESIGNED SLOPES, 1:1 HORIZONTAL TO 1 VERTICAL SLOPES
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 (M) - UNDESIGNED SLOPES, 1:1 HORIZONTAL TO 1 VERTICAL SLOPES
 (N) - UNDESIGNED SLOPES, 1:1 HORIZONTAL TO 1 VERTICAL SLOPES
 (O) - UNDESIGNED SLOPES, 1:1 HORIZONTAL TO 1 VERTICAL SLOPES
 (P) - UNDESIGNED SLOPES, 1:1 HORIZONTAL TO 1 VERTICAL SLOPES
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 (W) - UNDESIGNED SLOPES, 1:1 HORIZONTAL TO 1 VERTICAL SLOPES
 (X) - UNDESIGNED SLOPES, 1:1 HORIZONTAL TO 1 VERTICAL SLOPES
 (Y) - UNDESIGNED SLOPES, 1:1 HORIZONTAL TO 1 VERTICAL SLOPES
 (Z) - UNDESIGNED SLOPES, 1:1 HORIZONTAL TO 1 VERTICAL SLOPES
 SCALE: 1" = 200'

PROJECT No. 2017-18

REVIEW COMMENTS

**Case: Z-17-051
RSN: 881492**

DEVELOPMENT ENGINEERING

Joe Spiller, Civil Engineer II

August 21, 2017

Comments:

A one foot non-vehicular easement needs to be provided for all proposed lots and the retention area parcel fronting on Turnbull Bay Road and Martin Dairy Road.

* * * * *

LAND DEVELOPMENT

Samantha West

August 29, 2017

Comments:

1. The subject parcel has been approved by Clifton Unrecorded #2 (Glenn) (1990-S-EXM-0316) and complies with the exempt provision of the county's subdivision regulations.

* * * * *

ENVIRONMENTAL MANAGEMENT

Keith Abrahamson

August 18, 2017

Comments:

Environmental Comments attached under separate memorandum.

* * * * *

TRAFFIC ENGINEERING

Melissa Winsett

August 23, 2017

Traffic Engineering Comments attached under separate memorandum.

* * * * *

VOLUSIA COUNTY SCHOOL BOARD

Eric Kozielski

July 19, 2017

School Board Comments attached under separate memorandum.

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CITY OF PORT ORANGE

Tim Burman

August 23, 2017

Comments:

There are no objections to the proposed rezoning request from the City of Port Orange Community Development staff.

*Inter-Office
Memorandum*



TO: Mike Disher, Planner III **DATE:** June 30, 2017

FROM: Keith Abrahamson, Environmental Specialist III

SUBJECT: Planning & Land Development Regulation Commission meeting for
Date: August 8, 2017
Parcel #: 7304-00-00-0100
Case #: Z-17-051

Environmental Permitting (EP) has reviewed the application for rezoning and conducted a site visit. This property contains gopher tortoises (GT), a threatened species. GT burrows have a 25 foot buffer if this buffer cannot be avoided, a Florida Fish and Wildlife Conservation Commission GT relocation permit will be required. Portions of this parcel may contain wetlands.

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

INTER-OFFICE MEMORANDUM



TO: Scott Ashley, AICP
Senior Planning Manager

DATE: July 7, 2017

FROM: Melissa Winsett
Transportation Planner

RSN: 881492

SUBJECT: 3075 Turnbull Bay Road Residential Development

LOCATION: Northeast quadrant of Martins Dairy Road/Turnbull Bay Rd

Application and Site Information

The applicant is proposing Rural Residential (RR) zoning on 31.89 acres located on the north side of Turnbull Bay Road, east of Martins Dairy Road, near the cities of New Smyrna Beach and Port Orange. The current zoning classification is Rural Agriculture (A-2). Approval of the PUD would allow a 31-unit single family residential development.

Transportation Analysis

The theoretical maximum trip generation estimate for the existing zoning classification was compared to that of the proposed zoning to compute the net trip increase or decrease, which would occur if the zoning amendment were approved. The Institute of Transportation Engineers (ITE) Trip Generation, 9th Edition manual was used to estimate the number of trips for both zoning categories. Both zoning classifications allow greater trip-producing uses such as churches, parks, and schools. Therefore, residential uses were compared:

- Existing Zoning trip generation: The existing A-2 zoning could produce 6 Single-Family Residential Dwelling Units based upon a maximum density of 1 unit per 5 acres.
- Proposed Zoning trip generation: The proposed RR zoning could produce 31 Single-Family Residential Dwelling Units based upon a maximum density of 1 unit per acre.

Table 1 depicts the PM peak-hour net trip increase if the rezoning were approved:

Table 1

<i>Existing Zoning:</i>				
<i>Existing Zoning</i>	<i>Theoretical Max Intensity</i>	<i>Allowable Density</i>	<i>Trip Generation Rate</i>	<i>Net PM Peak Hr Trips</i>
A-2	Single Family Dwelling Unit	6 Dwelling Units	1.0/SFRDU	6
<i>Proposed Zoning</i>				
<i>Proposed Zoning</i>	<i>Theoretical Max Intensity</i>	<i>Allowable Density</i>	<i>Trip Generation Rate</i>	<i>Net Daily Trips</i>
RR	Single Family Dwelling Unit	31 Dwelling Units	1.0/SFRDU	31
Net Trip Increase with Rezoning:				+25 Trips

Table 2 includes roadways that would be impacted by the rezoning's net trip increase:

Table 2

Roadway	Limits	Adopted LOS	Adopted Capacity (2-way Peak Hr)	2016 Volume (2-way Peak Hour)	PM Peak Hr Rezoning Trips*	Total Buildout Traffic	Exceeds Capacity?
Turnbull Bay Rd	Pioneer Trail to Site Entrance	E	1230	297	23	320	No
Turnbull Bay Rd	Site Entrance to Williams Rd	E	1230	297	2	299	No
Pioneer Tr	Airport Rd to Williamson Blvd	E	1230	351	4	355	No
Pioneer Tr	Williamson Blvd to Turnbull Bay Rd	E	1230	351	19	370	No
Pioneer Tr	Turnbull Bay Rd to Sugar Mill Drive	E	1020	299	4	303	No
Sugar Mill Drive	Pioneer Trail to SR 44	E	1230	229	2	231	No
Williamson Blvd	Pioneer Tr to Airport Rd	E	2740	1981	15	1996	No
Williamson Blvd	Airport Rd to Spruce Creek Bridge	E	2630	1711	15	1726	No
Williamson Blvd	Spruce Creek Bridge to Taylor Road	E	2630	161	15	176**	No

*Trip Distribution based on approved Shell Pointe Colony TIA distribution nearby the rezoning's location.

**Road under construction when count was taken in 2016.

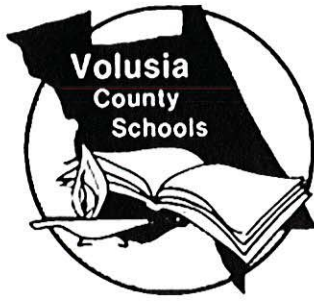
As shown above, the additional traffic generated by the rezoning will not cause impact any deficient roadway segments; therefore, there are no needed capacity improvements to the existing roadway network necessary to handle the traffic proposed to be generated from the rezoning site. All roadways are proposed to operate at the adopted level of service.

If the rezoning is approved, vehicular trips and site access, along with alternative mode needs such as pedestrian, bicycle, and transit, would be further analyzed during the site planning phase. If the site is developed, a right turn lane and possibly a left turn lane would be required at the driveway based on the posted speed limit and number of turns.

Conclusion

If the rezoning is approved, the additional 25 trips would not cause LOS problems on the thoroughfare roadway system. If approved, all safety and access concerns would be addressed with the applicant during the final site plan phase.

MW/



James T. Russell
Superintendent of Schools

FACILITIES SERVICES

3750 Olson Drive, Daytona Beach, Florida 32124
PHONE: 386/734-7190 FAX: 386/506-5056

School Board of Volusia County

Mrs. Melody Johnson, Chairman
Mrs. Linda Cuthbert, Vice Chairman
Mrs. Ida D. Wright
Dr. John Hill
Mr. Carl Persis

July 19, 2017

Mr. Cory Brown, Esq.
Storch Law Firm
420 South Nova Road
Daytona Beach, FL 32114

RE: 3075 Turnbull Bay Road Rezone – City of New Smyrna Beach
School Capacity Case #17-07-17-001-A

Dear Mr. Brown:

The School District has reviewed the information for the proposed rezoning associated with the 31.89+/- acres property located at 3075 Turnbull Bay Rd within Volusia County and adjacent to the City of New Smyrna Beach. The application materials indicate a rezoning of the parcel from Rural Agricultural (A-2) to Rural Residential (RR) would allow for a total of thirty one (31) dwelling units, a potential increase in density of twenty five (25) single family units.

The school adequacy evaluation utilizes the District's Student Generation Rate (SGR) for single family residential development (.305); therefore this rezoning could potentially generate an increase of eight (8) full time public school students. The existing schools impacted are as follows:

Table 1

Schools	16/17 SY Enrollment	% of Permanent Capacity	Planned Capacity On site	Students Generated by request	Projected 3 yr. % Capacity with (SG)
Read-Pattillo Elementary	446	90%	N	3	83%
New Smyrna Middle	1296	104%	N	2	110%
New Smyrna High	1877	81%	N	2	78%
Other				1	

3075 Turnbull Bay Road Rezone – City of New Smyrna Beach
July 19, 2017

It is anticipated that adequate capacity will be available; therefore, the school district has no objections to the proposed rezoning. However, please be advised that future development orders, such as site plans and subdivisions, are subject to school concurrency review. The school concurrency will be evaluated again at that time when the impact of development is specifically quantified and known. Only funded school improvements and then current capacity will be considered at that time.

Please note that the School Board has the right to adjust the attendance boundaries to balance the student enrollment populations at these area schools. Consequently, students generated from this project may not attend the current assigned schools.

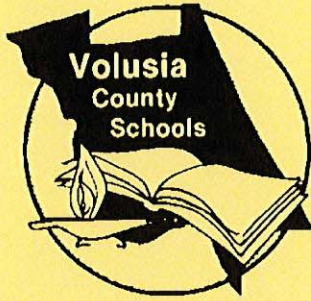
If you should have additional questions please contact me at (386) 947-8786, extension 50810.

Sincerely,



Eric A. Kozielski
Planning & GIS Specialist

Cc: James Russell, Superintendent of Schools
Cory D. Brown, Esq., Storch Law Firm
John Thompson, Volusia County
Jeff Gove, City of New Smyrna Beach
Project File

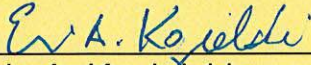


Finding of Adequate School Capacity

Volusia County School Board

Project Information	
Project Name	3075 Turnbull Bay Rd Rezoning
VCSB Project #	#17-07-17-001-A
Jurisdiction Project#	
Parcel ID Numbers:	7304-00-00-0100
Project Location:	3075 Turnbull Bay Rd, New Smyrna Beach, FL 32168
Potential Residential Units:	31
Property Owner/Applicant:	Glenn D. Clifton and Maria R. Clifton/ Cory D. Brown, Esq., Storch Law Firm 420 South Nova Road, Daytona Beach, FL 32114
Notes: Additional review will be required at time of subdivision/site plan submittal(s).	

Based upon the Findings of Fact, pursuant to School Board Policy 612 and Section 206 of the County Charter, the school district has determined at this time that school capacity is adequate to serve the proposed increase in residential density. This Finding shall constitute competent substantial evidence that adequate public school capacity is likely to be available at the time it is required to serve the planned new development. Capacity is not being reserved with this Finding unless otherwise noted on this document. This Finding of Adequate School Capacity allows this subject project to continue through the Comprehensive Plan Amendment and/or rezoning process; however, may be subject to additional school capacity review in the future.


 Eric A. Kozielski,
 Planning & GIS Specialist

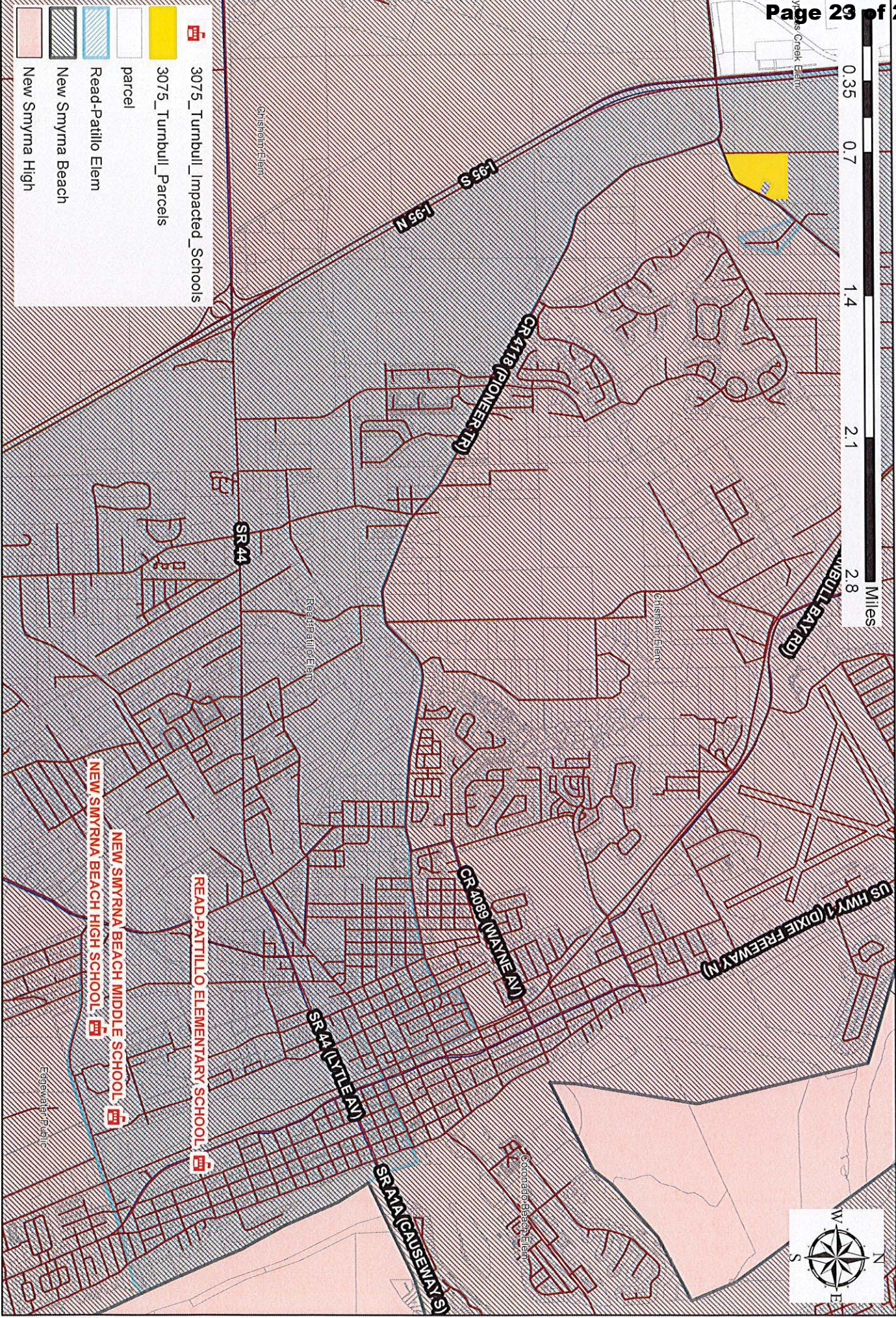

 Issue Date

VCSSB Schools Impacted by Development Proposal

Adequacy Review - 3075 Turnbull Bay Rd Rezone



- 3075_Turnbull_Impacted_Schools
- 3075_Turnbull_Parcels
- parcel
- Read-Patillo Elem
- New Smyrna Beach
- New Smyrna High



SITE PHOTOS



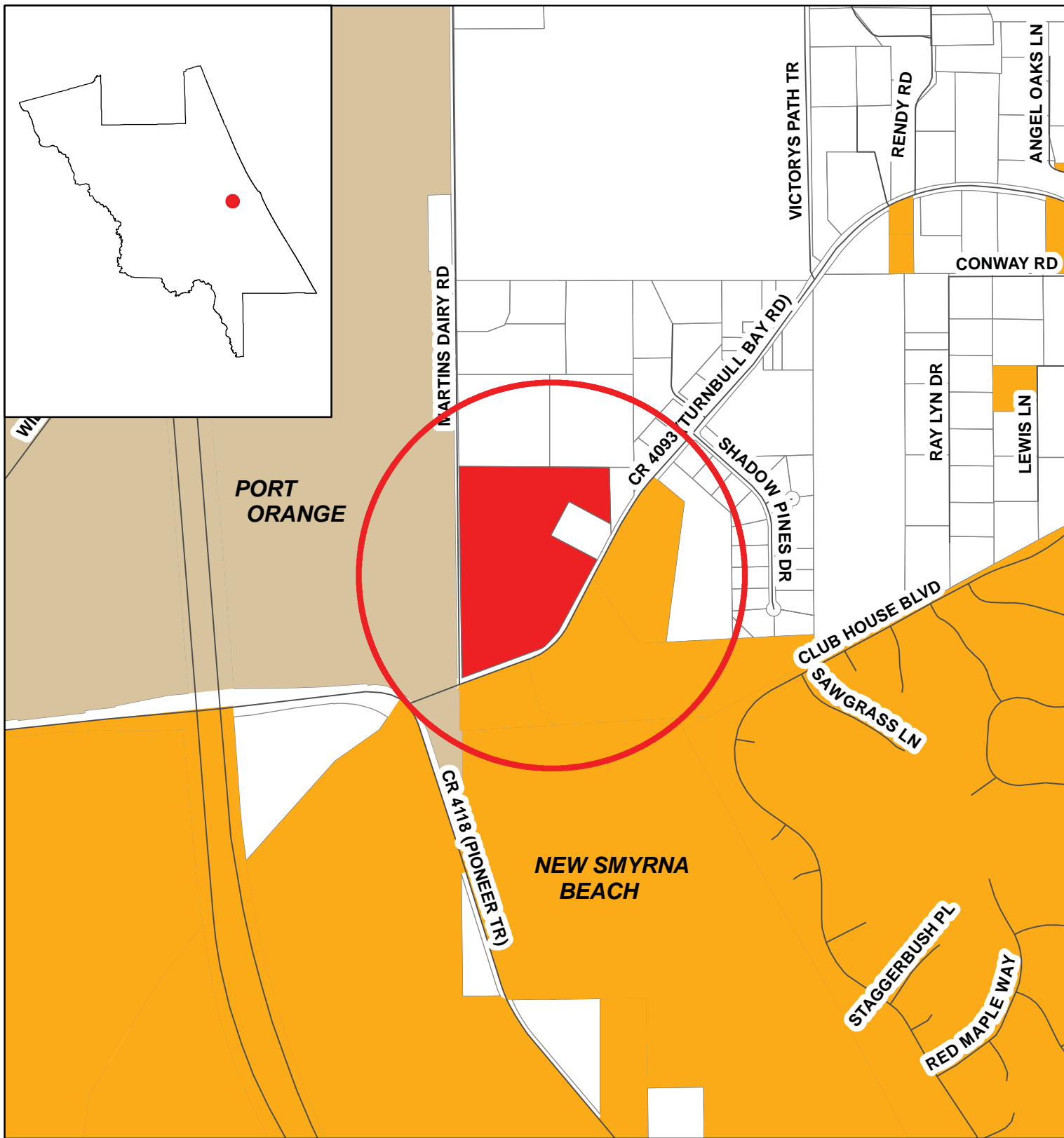
Intersection of Turnbull Bay Road and Martins Dairy Road. Subject property at middle.



Subject property, looking north



Turnbull Bay Road, looking northeast. Subject property at left.



REQUEST AREA LOCATION



**FROM: A-2
TO: RR**

1" = 1000'

**REZONING
CASE NUMBER
Z-17-051**





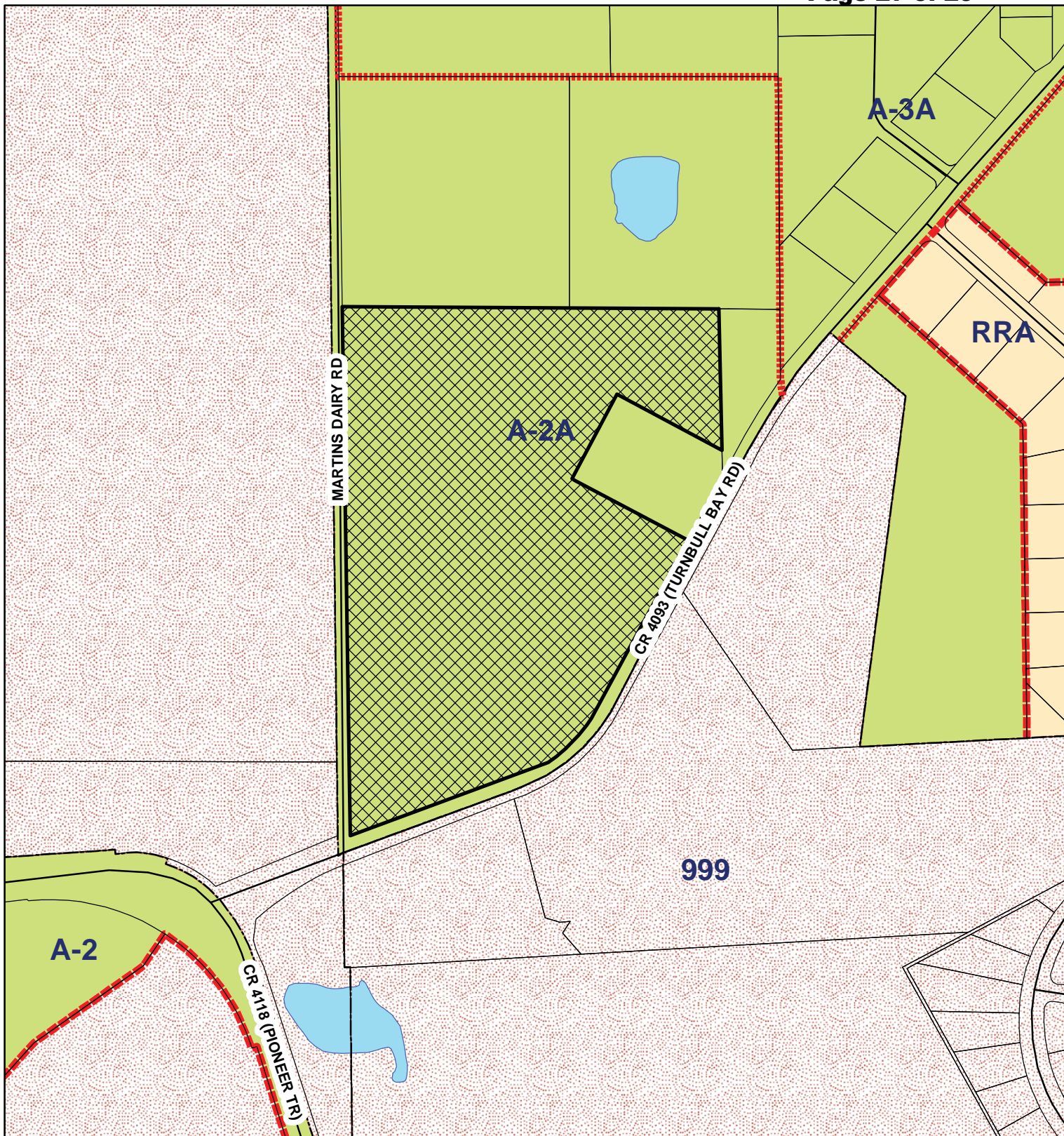
AERIAL 2015


REQUEST AREA

FROM: A-2
TO : RR

1" = 400'

REZONING
Z-17-051



ZONING CLASSIFICATION

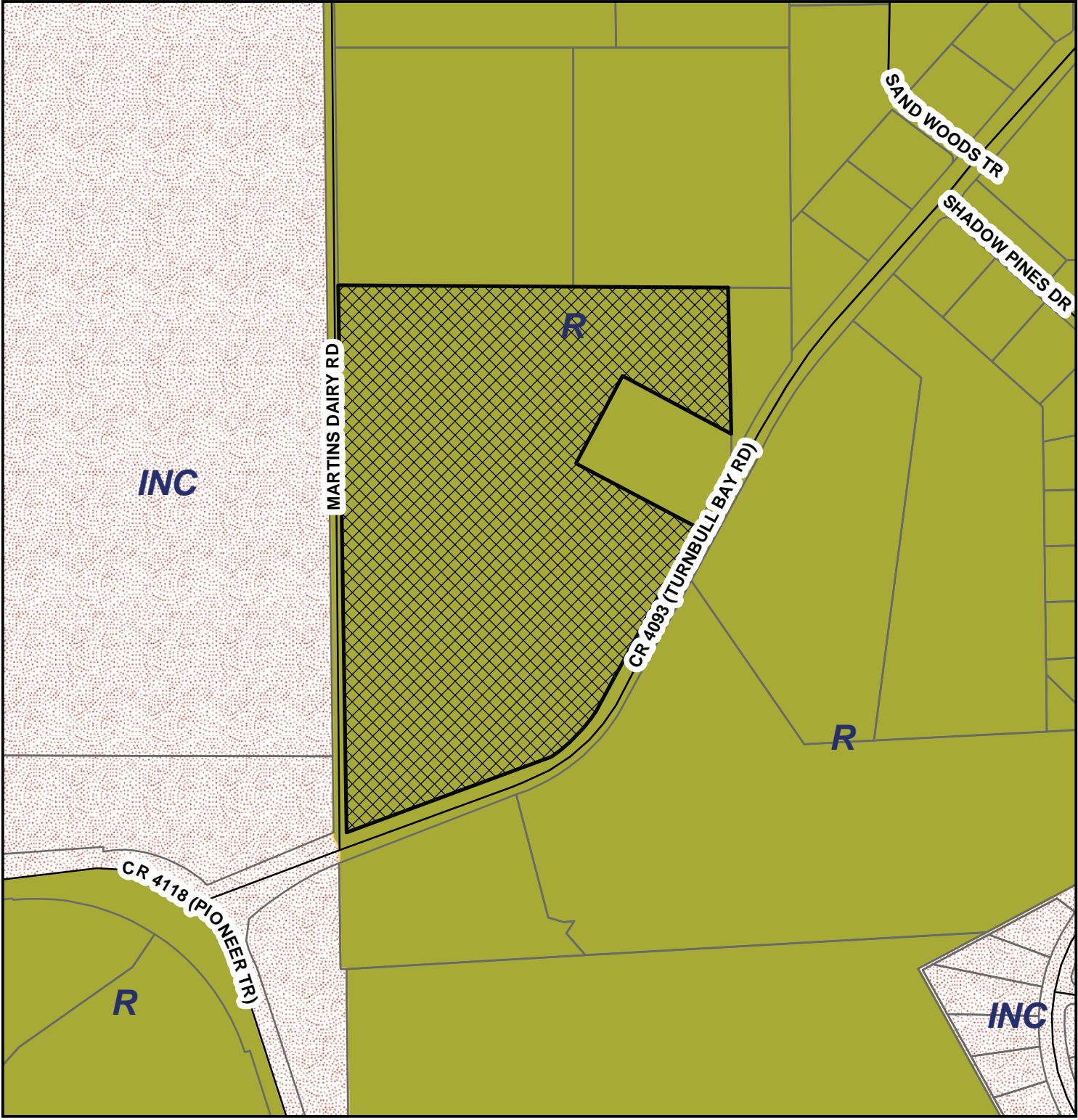
- RESIDENTIAL
- AGRICULTURAL
- INCORPORATED
- REQUEST AREA

1" = 400'



**REZONING
CASE NUMBER**

**FROM: A-2A Z-17-051
TO : RRA**



FUTURE LAND USE DESIGNATION

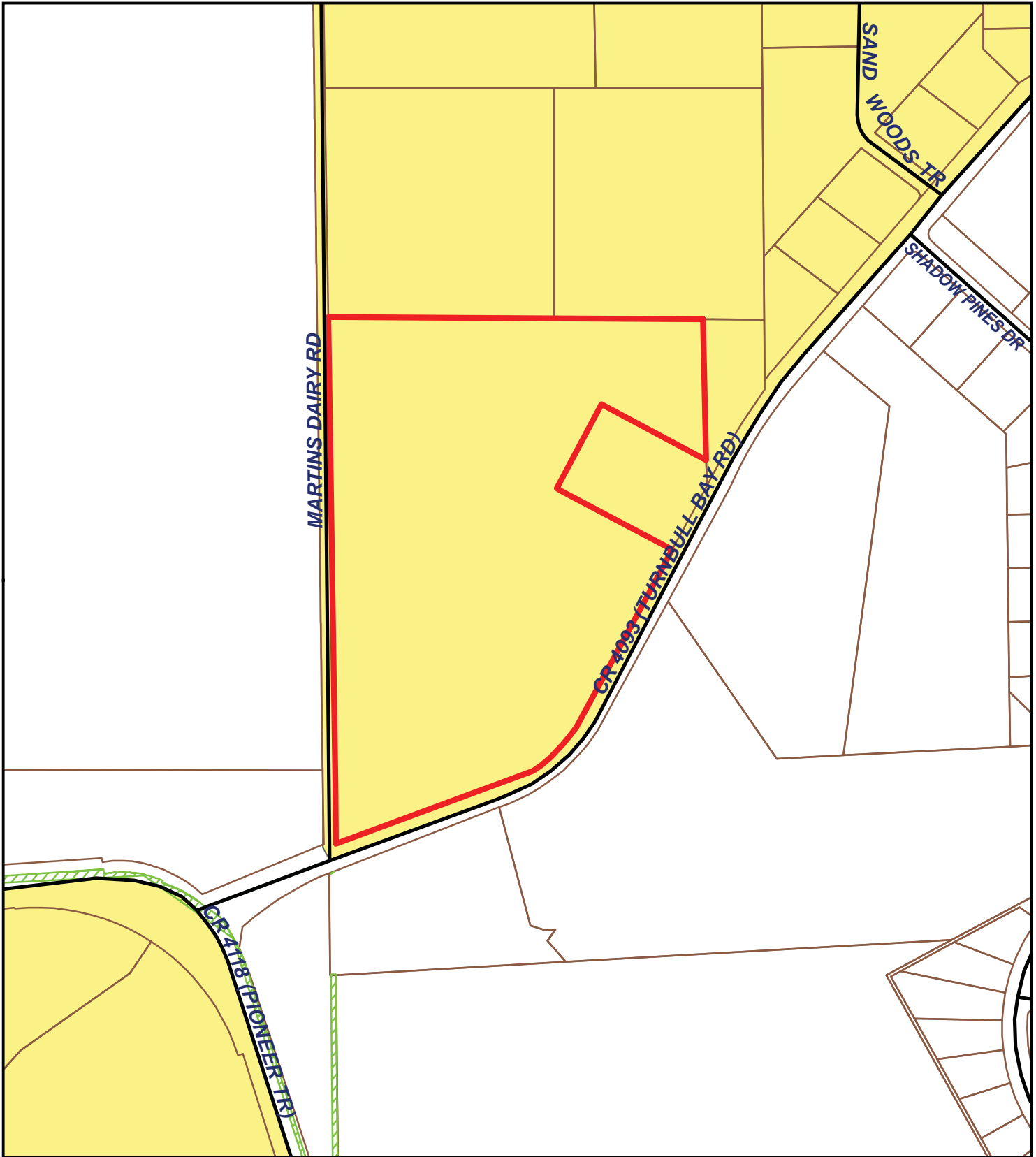
-  RURAL
-  CITIES
-  REQUEST AREA



1" = 400'

**REZONING
CASE NUMBER**

Z-17-051



ECO/NRMA



ECO



NRMA



REQUEST AREA

1" = 400'

REZONING

Z-17-051

FROM: A-2

TO: RR