



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

PUBLIC HEARING: August 16, 2018 – Planning and Land Development Regulation Commission (PLDRC)

CASE NO: Z-18-069

SUBJECT: Rezoning from a Transitional Agriculture (A-3) zoning classification to Prime Agriculture (A-1) zoning classification

LOCATION: 0 Peterson Road, Emporia

OWNER/APPLICANT: Dorothy Hansen; Donna Greenlund

STAFF: David Stallworth, Planner II

I. SUMMARY OF REQUEST

The applicant is requesting a rezoning of a ±0.3139-acre parcel from Transitional Agriculture (A-3) zoning classification to Prime Agriculture (A-1) zoning classification. The purpose of the request is to facilitate the familial division of Parcel 5814-02-08-0011 into two (2) parcels, each of which should meet the minimum development standards of the Prime Agriculture (A-1) zoning classification.

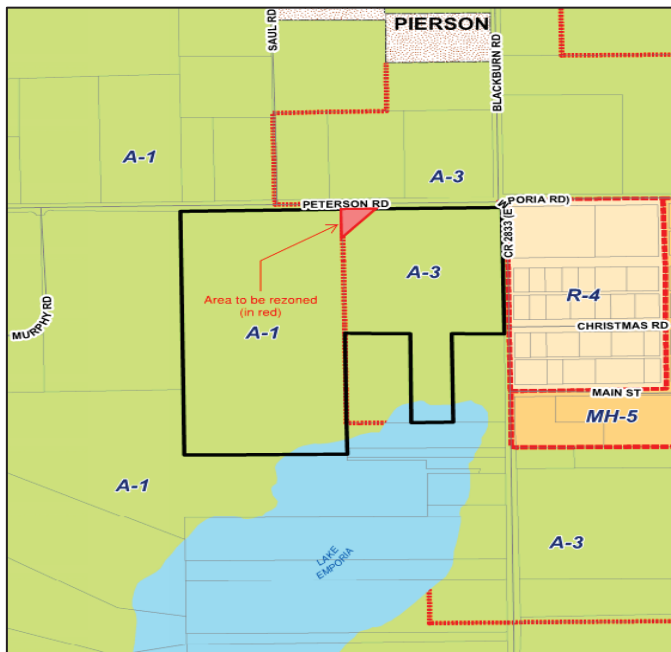
Staff Recommendation: Forward the rezoning application, case number Z-18-069, to the County Council for final action with a recommendation of approval.

II. SITE INFORMATION

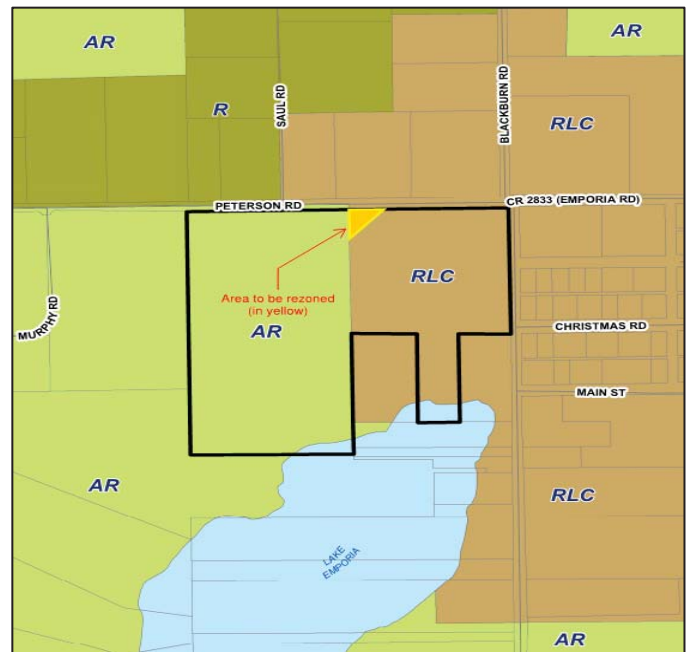
- 1. Location: The south side of Peterson Road, +/- 670 feet west of its intersection with Emporia Road (CR 2833)
- 2. Parcel Number: 5814-02-08-0010; 5814-02-08-0011
- 3. Property Size: ± 0.3139 acres (+/-13674.99 s.f.)
- 4. Council District: 1
- 5. Zoning: Transitional Agriculture (A-3)
- 6. Future Land Use: Prime Agriculture (A-1)
- 7. ECO Map: No
- 8. NRMA Overlay: No
- 9. Adjacent Zoning and Land Use:

DIRECTION	ZONING	FUTURE LAND USE	CURRENT USE
North:	A-3	Rural Community	Single-Family Residential; Vacant (Dilapidated Structure)
East:	A-3	Rural Community	Pond; Agricultural
South:	A-3	Rural Community	Pond; Agricultural
West:	A-1	Agricultural Resource	Single-Family Residential; Agricultural

10. Maps



ZONING MAP

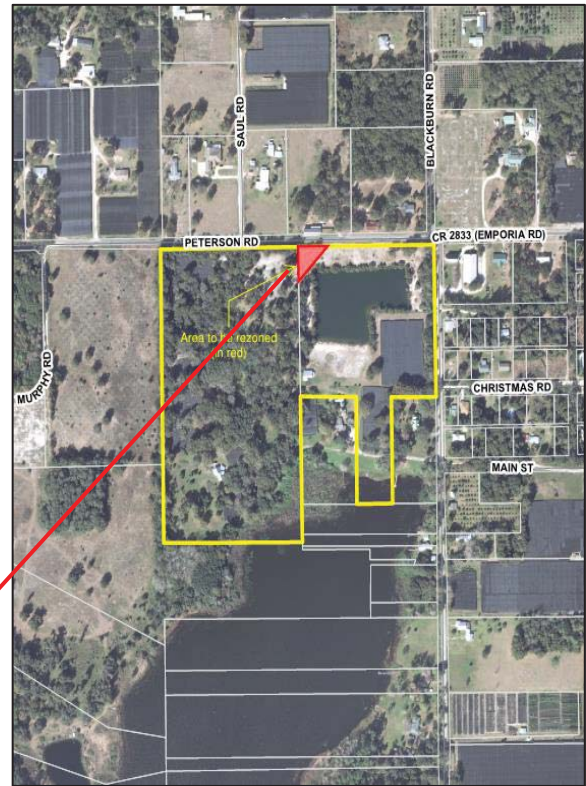


FUTURE LAND USE MAP

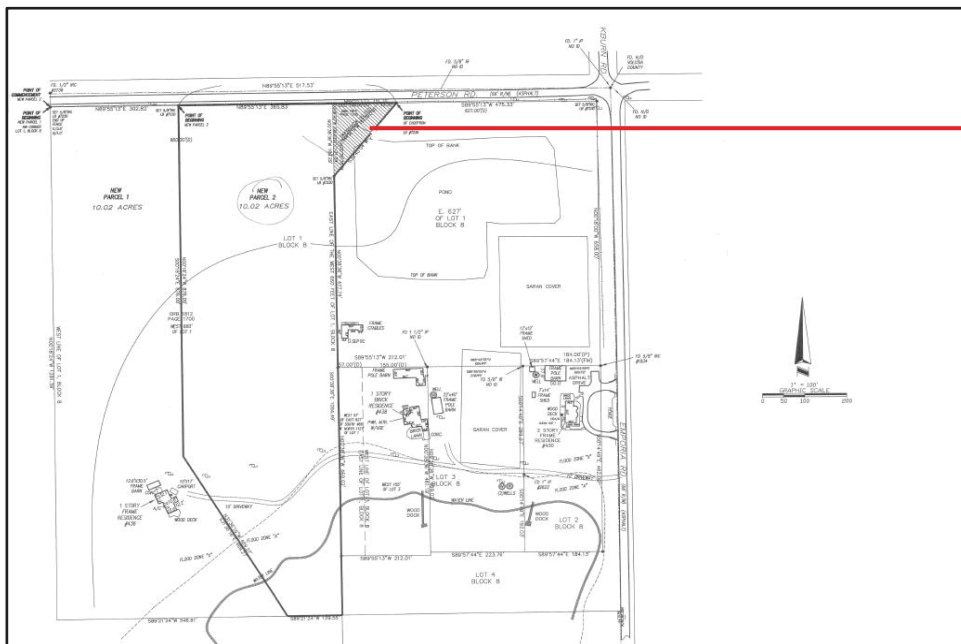
III. BACKGROUND AND OVERVIEW

The subject area consists of portions of two (2) contiguous tracts that are exclusively owned by the applicant. The parcel to the west (Parcel 1, PID 5814-02-08-0011) is heavily wooded with a single-family residence and accessory structures, while the parcel to the east (Parcel 2, PID 5814-02-08-0010) contains a pond and agricultural uses. The two parcels are part of an antiquated plat that was recorded in 1892. Surrounding land uses are indicated in the matrix provided in Section II.

The property owner seeks the downzoning from A-3 to A-1 to facilitate a subsequent familial land split into two (2) parcels in the near future. As it currently stands, the parcel to the west has roughly 19.00 acres. A parcel split would not be approved by the County because at least one ultimate parcel would contain substandard lot area (RE: Section 72-614 [a] requires new lots or parcels to be consistent with the Zoning Ordinance. The minimum lot area for properties classified as A-3 is ten [10] acres). The additional 0.31-acres to be rezoned should rectify this issue. As there is an existing residence within the southwest quadrant of the west parcel, the new parcel line must be oriented in such a manner as to not create a non-conforming side yard setback.



Area to be rezoned
(in red)



Area to be
rezoned
(hatched area)

IV. ANALYSIS AND REVIEW CRITERIA

ZONING COMPARISON

The purpose and intent of the A-1 Prime Agriculture Classification is to preserve valuable agricultural land for intensive agricultural uses, and to protect land best suited for agricultural uses from the encroachment of incompatible land uses. The purpose and intent of the A-3 Transitional Agriculture Classification is to preserve and protect small farms for personal and limited agricultural production or to provide a transitional agricultural zone between more intensive agricultural use areas and residential areas. It is intended that this classification be applied to properties which are within a designated rural community, to preserve existing agricultural uses in urban areas as depicted by the comprehensive plan, or to properties so as to coincide with the existing character of an area in a manner consistent with the comprehensive plan. The subject area is within the rural community of Emporia, which was laid out in the 1890's.

The minimum lot area for the A-1 Prime Agriculture Classification is ten (10) acres, while the minimum lot area the A-3 Transitional Agriculture Classification is one (1) acre. The rezoning will not affect Parcel 2 as it constitutes a loss of roughly one percent (1%) out of the overall 11+ acres. The rezoning will benefit Parcel 1 because it will gain sufficient land area to facilitate the desired familial property split. Both classifications have similar permitted use and special exception use schedules, and they both allow single-family detached and manufactured modular housing. It should be noted, however, that manufactured mobile homes are also allowed in A-1.

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.

Most of Parcel 1 is designated as Agricultural Resource (AR), while all of Parcel 2 and the portion of Parcel 1 which is part of the rezoning area is designated as Rural Community (RLC). Both the A-1 and A-3 zoning classifications are considered low density and are therefore assumed compatible with their underlying Future Land Use designations.

Staff finds that the requested rezoning is consistent with the Comprehensive Plan.

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

This rezoning will have no impact on the environment or natural resources as the subject property is not located within in an ECO or NRMA overlay nor floodplain.

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

The area to be rezoned has no significant impact on the economy regardless of its zoning classification. The subject area's size is negligible, and the intent is to prepare

Parcel 1 to the west for a familial property split, which will most likely lead to the placement of another single-family dwelling in the area.

(4) Notwithstanding the provisions of Article III, Division 14 of the Land Development Regulations, its impact upon necessary governmental services such as schools, sewage disposal, potable water, drainage, fire and police protection, solid waste or transportation systems.

Parcel 1 currently has a single-family residence; the petitioner intends to continue that use. Any future use of the property, to include a familial lot split and any subsequent new home construction, must comply with Volusia County zoning and land development regulations.

The rezoning will not have an appreciable effect on area density, and any potential impacts to schools, sewage disposal, potable water, drainage, fire and police protection, solid waste, or to the transportation system, as a result of the rezoning, will be negligible.

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

There have been no changes in circumstances or conditions affecting the area.

(6) Any mistakes in the original classification.

There are no mistakes in the original zoning classification.

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

This requested rezoning will have no impact upon the use or value of the affected area.

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

The rezoning will facilitate a lower intensity or density, which would, theoretically, have less of an impact on the surrounding areas following development. Thus, this request will have no negative impacts on the public health, welfare, safety, or morals.

V. STAFF RECOMMENDATION

Forward the rezoning application, case number Z-18-069, to the County Council for final action with a recommendation of approval.

VI. ATTACHMENTS

- Application
- Survey
- Site Photos
- Staff 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.



**COUNTY OF VOLUSIA
PLANNING AND ZONING APPLICATION FORM**

Print Form

Mail or hand deliver completed application to:

**GROWTH AND RESOURCE MANAGEMENT DEPARTMENT
PLANNING AND DEVELOPMENT SERVICES DIVISION**
123 W. Indiana Avenue, Room 202, DeLand, FL 32720-4604
(386) 736-5959
planning@volusia.org

TYPE OF APPLICATION:
(Check all that apply)

<input type="checkbox"/> COMPREHENSIVE PLAN AMENDMENT	<input checked="" type="checkbox"/> REZONING
<input type="checkbox"/> LARGE SCALE	<input type="checkbox"/> PLANNED UNIT DEVELOPMENT (PUD)
<input type="checkbox"/> SMALL SCALE	<input type="checkbox"/> MAJOR/MINOR AMENDMENT TO PUD
<input type="checkbox"/> ADMINISTRATIVE (660') BOUNDARY ADJUSTMENT	<input type="checkbox"/> SPECIAL EXCEPTION
	<input type="checkbox"/> VARIANCE

PROJECT INFORMATION:
(Attach additional sheets as necessary)

PROJECT NAME: Dorothy L. Hansen Rezoning

INTENDED USE: Continuing Agricultural Uses (Fern and Foliage)

PROJECT ADDRESS: 436 Emporia Road, Pierson, FL 32180

APPLICATION REQUEST: Rezone from A-3 to A-1

TAX PARCEL NUMBER(S): Portion of 5814-02-08-0011 and 5814-02-08-0010

TOTAL ACRES: Just over 6,100 square feet

EXISTING: FUTURE LAND USE: _____ ZONING: A-3

PROPOSED: FUTURE LAND USE: _____ ZONING: A-1

ADJACENT MUNICIPALITY: Town of Pierson

UTILITY PROVIDER(S): None and/or WELL and/or SEPTIC

.....
TO BE COMPLETED BY COUNTY STAFF:

Date Stamp:	<u>6-11-18</u>	Received by:	<u>YS</u>
Fee Paid: <small>(Breakdown of fees must be attached)</small>	<u>1002.⁰⁰</u>	Application #(s):	<u>2-18-069</u>
Pre-Application Meeting Date:		RSN #:	<u>916718</u>
Companion Application:		Project Manager:	

APPLICANT INFORMATION:

NAME: Donna L. Greenlund PRIMARY CONTACT

COMPANY: _____

ADDRESS: 438 Emporia Road

CITY, STATE, ZIP: Pierson, FL 32180

PHONE: (386) 717-1470 FAX: (386) 749-3009 EMAIL: dgreenlund@volusia.org

OWNER INFORMATION:

NAME: Dorothy L. Hansen PRIMARY CONTACT

COMPANY: D.L. Hansen Ferneries

ADDRESS: 436 Emporia Road

CITY, STATE, ZIP: Pierson, FL 32180

PHONE: (386) 749-2119 FAX: (386) 749-3009 EMAIL: None

ENGINEER(S) OF RECORD:

NAME: _____ PRIMARY CONTACT

COMPANY: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE: (_____) _____ FAX: (_____) _____ EMAIL: _____

CERTIFICATION AND STATEMENT OF UNDERSTANDING

By my signature hereto, I do hereby certify that the information contained in this application is true and correct to the best of my knowledge, and understand that deliberate misrepresentation of such information may be grounds for denial or reversal of this application and/or revocation of any approval based upon this application.

I understand that a formal concurrency review will be required if/when a final development order is issued for this project and that any statement of capacity availability provided for review of this application does not constitute concurrency review, nor does it constitute a reservation of said capacities.

I hereby authorize Volusia County staff permission to view and enter upon the subject property for the purposes of investigating and reviewing this request.

I understand that this application and payment of fees for the processing and public hearing advertisement does not imply or guarantee that the application will be approved.

I acknowledge that a complete application includes all fees and all required supplemental information and that applications determined to be incomplete shall not be scheduled for public hearing and may be returned to the applicant prior to acceptance.

APPLICANT(S) SIGNATURE: *Dorothy L. Hansen Donna L. Greenlund* DATE: June 11, 2018
 (*If you are not the property owner, you must have the owner complete the attached "Authorization of Owner" form.)

Dorothy L. Hansen Donna L. Greenlund

PRINT NAME

SECTION 14, TOWNSHIP 15 SOUTH, RANGE 28 EAST
PIERSON, VOLUSIA COUNTY, FLORIDA



DESCRIPTION: (NEW PARCEL 2)

A PORTION OF LOT 1, BLOCK 8, EMPORIA, ACCORDING TO MAP IN MAP BOOK 3, PAGE 5, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE RUN N89°55'13"E ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 302.82 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N89°55'13"E ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 517.53 FEET; THENCE RUN S39°40'04"W, A DISTANCE OF 234.48 FEET TO A POINT ON THE EAST LINE OF THE WEST 660.00 FEET OF SAID LOT 1; THENCE RUN S89°21'24"W, A DISTANCE OF 1094.49 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE RUN S89°21'24"W, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 128.55 FEET; THENCE RUN N31°38'16"W, A DISTANCE OF 489.27 FEET TO A POINT ON THE EAST LINE OF THE WEST 660.00 FEET OF SAID LOT 1; THENCE RUN N00°18'24"W ALONG THE EAST LINE OF THE WEST 660.00 FEET OF SAID LOT 1, A DISTANCE OF 461.19 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; AND THE POINT OF BEGINNING.

NOTE:

THIS PLAT AND/OR SKETCH OF SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR INDIVIDUALS SHOWN HEREON, ON THE MOST CURRENT DATE SHOWN, AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOEVER, THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN HEREON. THIS SURVEY IS PREPARED WITHOUT BENEFIT OF ABSTRACT OR TITLE SEARCH UNLESS OTHERWISE NOTED. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SHOWING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SHOWING PARTY AND THE FIRM. THIS SURVEYOR HAS REVIEWED THE SURVEY RECORDS AND THE SURVEY MAP AND MAPPER AND THE FIRM, WHICH WAS PREPARED UTILIZING THE BEST AVAILABLE INFORMATION AND AS SUCH DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. FURTHERMORE, THIS SURVEYOR AND FIRM DOES NOT ASSUME RESPONSIBILITY AND SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY OR FOR ANY CLAIMS MADE BY THE SURVEYOR, WHICH WAS USED AS A BASIS IN THE PREPARATION OF THIS SURVEY DRAWING.

NOTES:

1. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAY AND/OR OWNERSHIP INTERESTS HAVE BEEN LOCATED EXCEPT AS SHOWN, AS PER THE REQUEST OF THE CLIENT.
2. NO UNDERGROUND IMPROVEMENTS OR INSTALLATIONS OF OTHER INTERIOR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN, AS PER THE REQUEST OF THE CLIENT.
3. FEATURES SHOWN BY SYMBOL AS INDICATED IN THE LEGEND ARE NOT TO SCALE.
4. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE SEARCH, A TITLE SEARCH MAY REVEAL ADDITIONAL INFORMATION AFFECTING THE PARCEL AS SHOWN, OR LB NUMBERS ARE SHOWN NEAR RESPECTIVE SYMBOL ABOVE, UNLESS SHOWN IN LEGEND.
5. BEARINGS ASSUMED FROM PLAT, DEED, LEGAL DESCRIPTION.
6. UNLESS SHOWN, ONLY THOSE VISIBLE FEATURES IN THE IMMEDIATE VICINITY OF THE ABOVE DESCRIBED PARCEL ARE SHOWN.
7. UNLESS PROPERTY LIES WITHIN ZONES "X" AND "A".
8. AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, VOLUSIA COUNTY COMMUNITY #125155, PANEL #1212700500 N, DATED FEBRUARY 19, 2014, THIS FLOOD INSURANCE RATE MAP IS NOT A SURVEY AND NO RESPONSIBILITY IS TAKEN FOR THE ACCURACY OF SAID MAP.

AC	ADJACENT	AD	ADJUSTED	AP	APPROXIMATE	AR	AREA	AS	AS SHOWN	BL	BLOCK	BR	BROWNS	CA	CADASTRAL	CD	CHURCH	CL	CLUSTER	CM	COMMON	CO	CORNER	CP	COURT	CR	CROSSING	CS	CURB	CT	CUT	CU	CURB	CV	CURB	CA	CORNER	CC	CORNER	CD	CORNER	CE	CORNER	CF	CORNER	CG	CORNER	CH	CORNER	CI	CORNER	CJ	CORNER	CK	CORNER	CL	CORNER	CM	CORNER	CN	CORNER	CO	CORNER	CP	CORNER	CQ	CORNER	CR	CORNER	CS	CORNER	CT	CORNER	CU	CORNER	CV	CORNER	CW	CORNER	CX	CORNER	CY	CORNER	CZ	CORNER
----	----------	----	----------	----	-------------	----	------	----	----------	----	-------	----	--------	----	-----------	----	--------	----	---------	----	--------	----	--------	----	-------	----	----------	----	------	----	-----	----	------	----	------	----	--------	----	--------	----	--------	----	--------	----	--------	----	--------	----	--------	----	--------	----	--------	----	--------	----	--------	----	--------	----	--------	----	--------	----	--------	----	--------	----	--------	----	--------	----	--------	----	--------	----	--------	----	--------	----	--------	----	--------	----	--------

EFIRD SURVEYING GROUP, INC.
475 S. BLUE LAKE AVENUE
DELAND, FLORIDA 32724
PHONE: (386) 740-4144
FAX: (386) 740-4155
WEBSITE: www.efirdsurveying.com
e-mail: larry@efirdsurveying.com

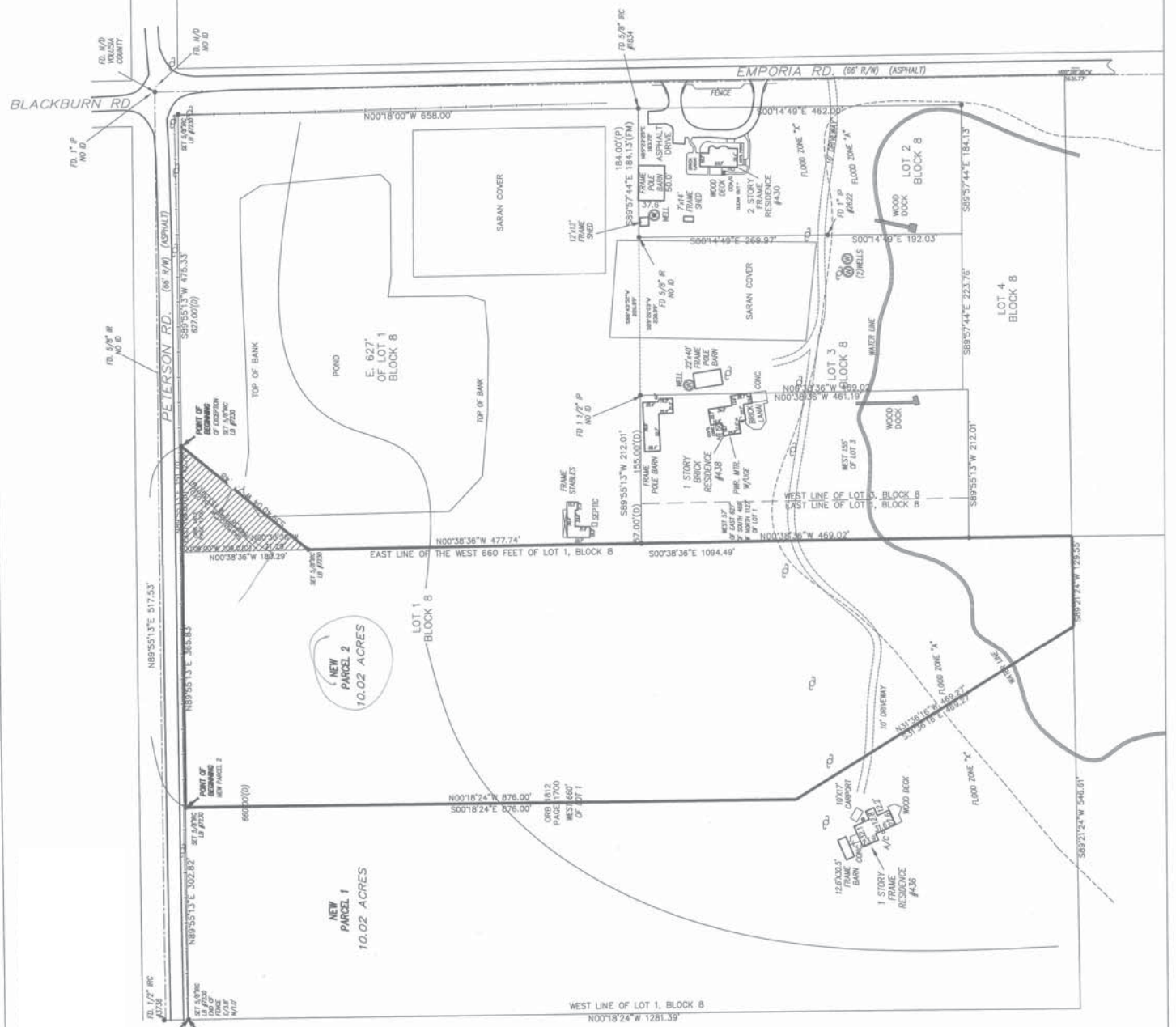
Certificate of Authorization Licensed Business Number 7230

Boundary Survey

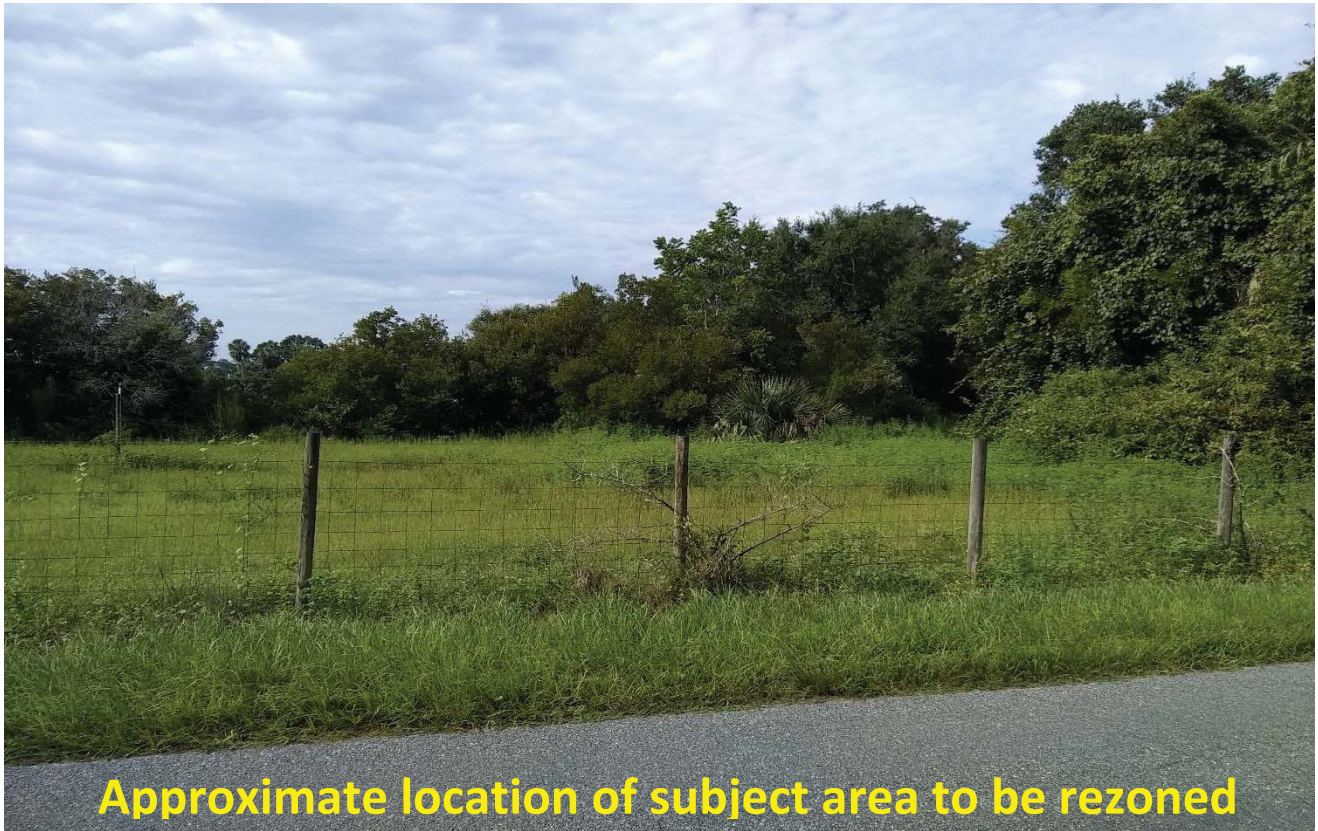
Survey Date: 4/9/18
Drawing Number: 18-0280-2
Scale: 1"=100'
Drawn By: JAL/LE

DOROTHY L. HANSEN

408 # 08 EMPORIA RD., PIERSON

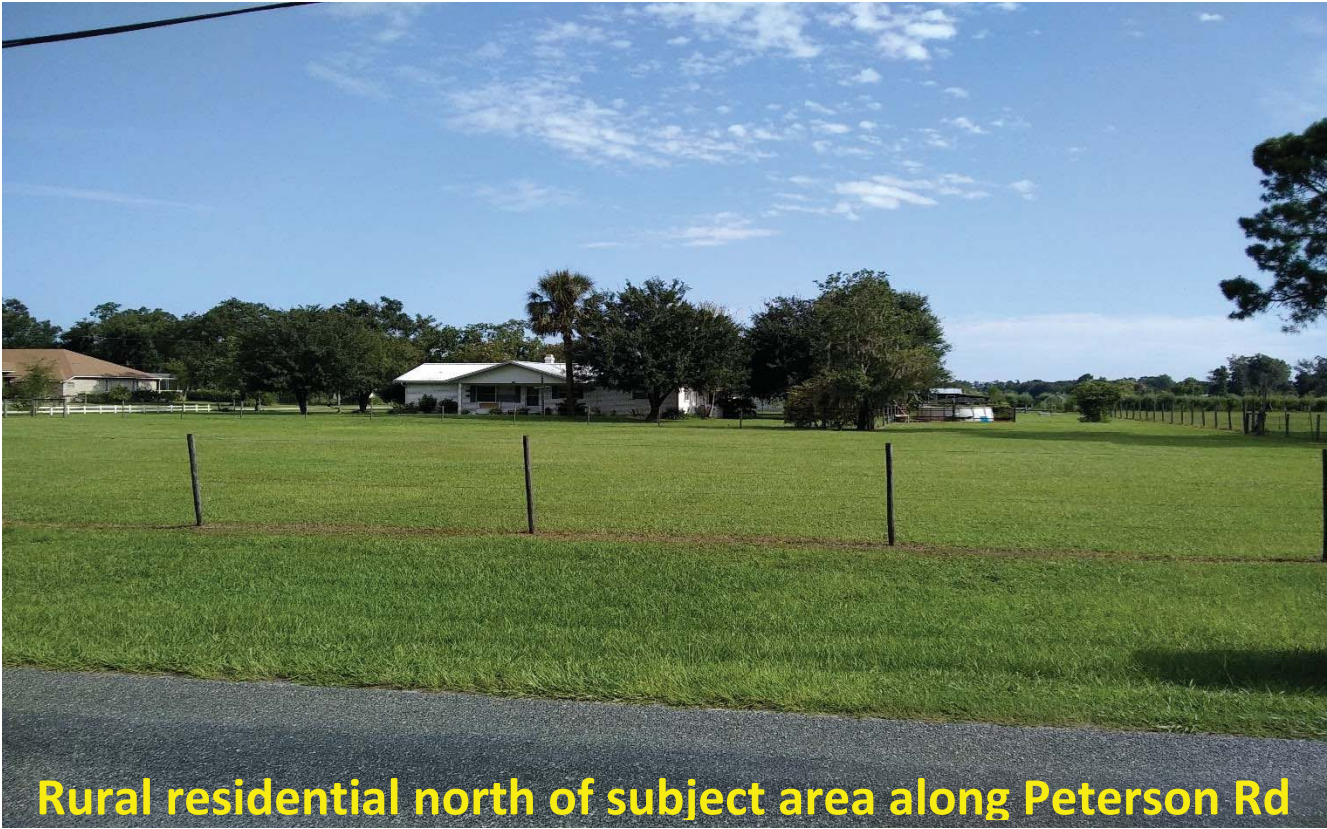


Site Photos: Z-18-069, Greenlund – Hansen





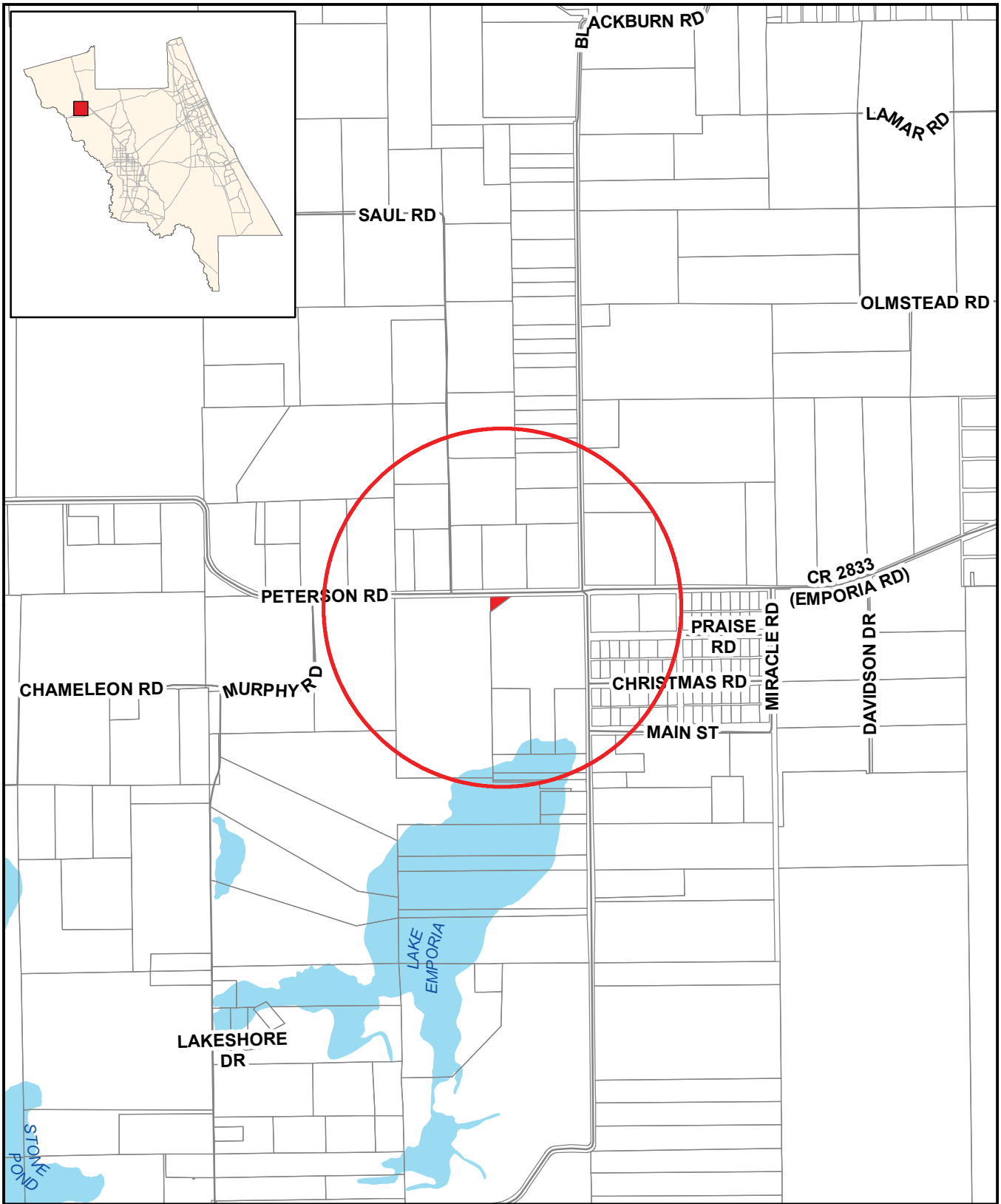
Restored residence directly north of subject area



Rural residential north of subject area along Peterson Rd



PROPERTY LOCATION Z-18-069



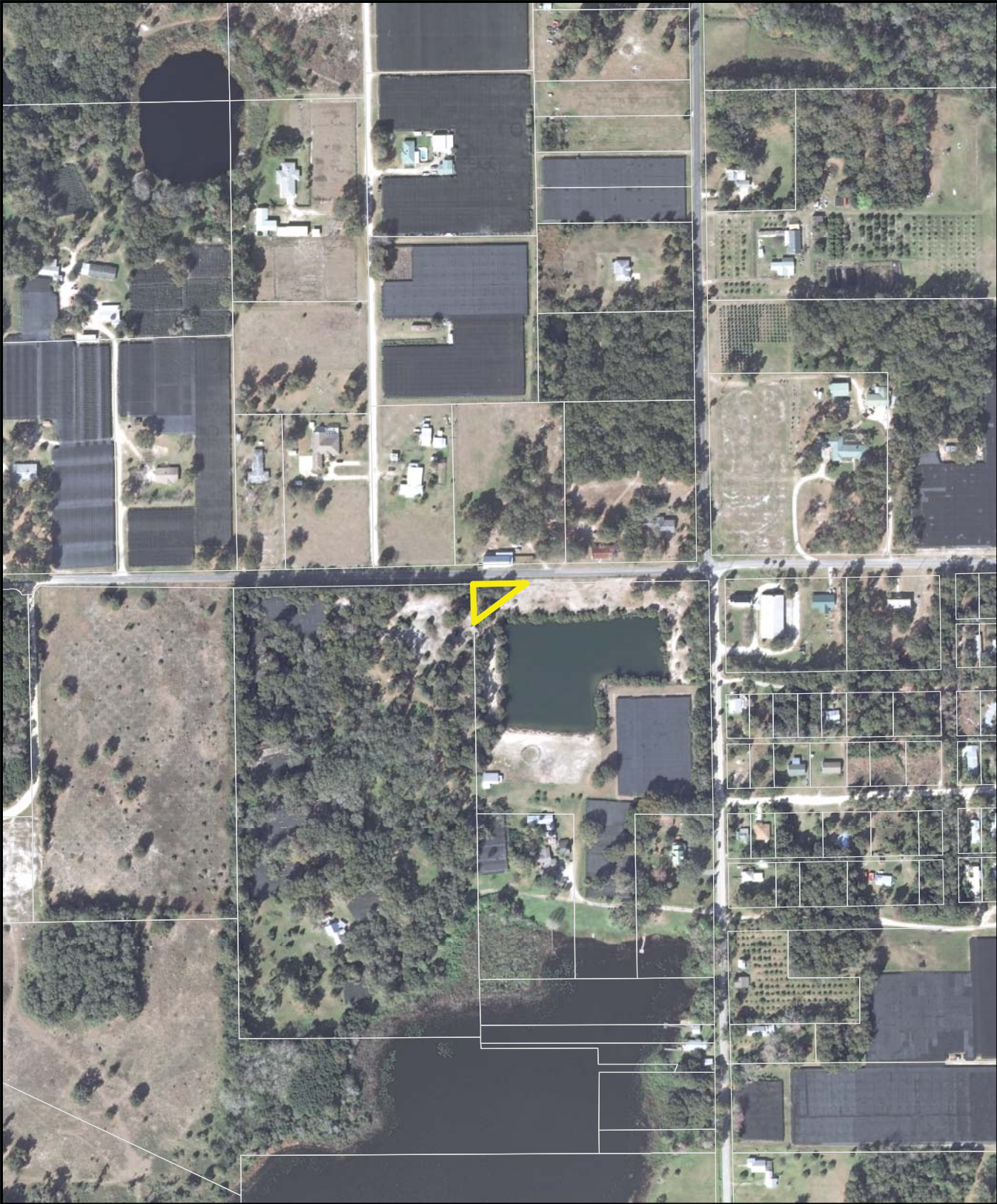
 SUBJECT PROPERTY



1" = 1,000'

7/26/2018

AERIAL
Z-18-069



 SUBJECT PROPERTY

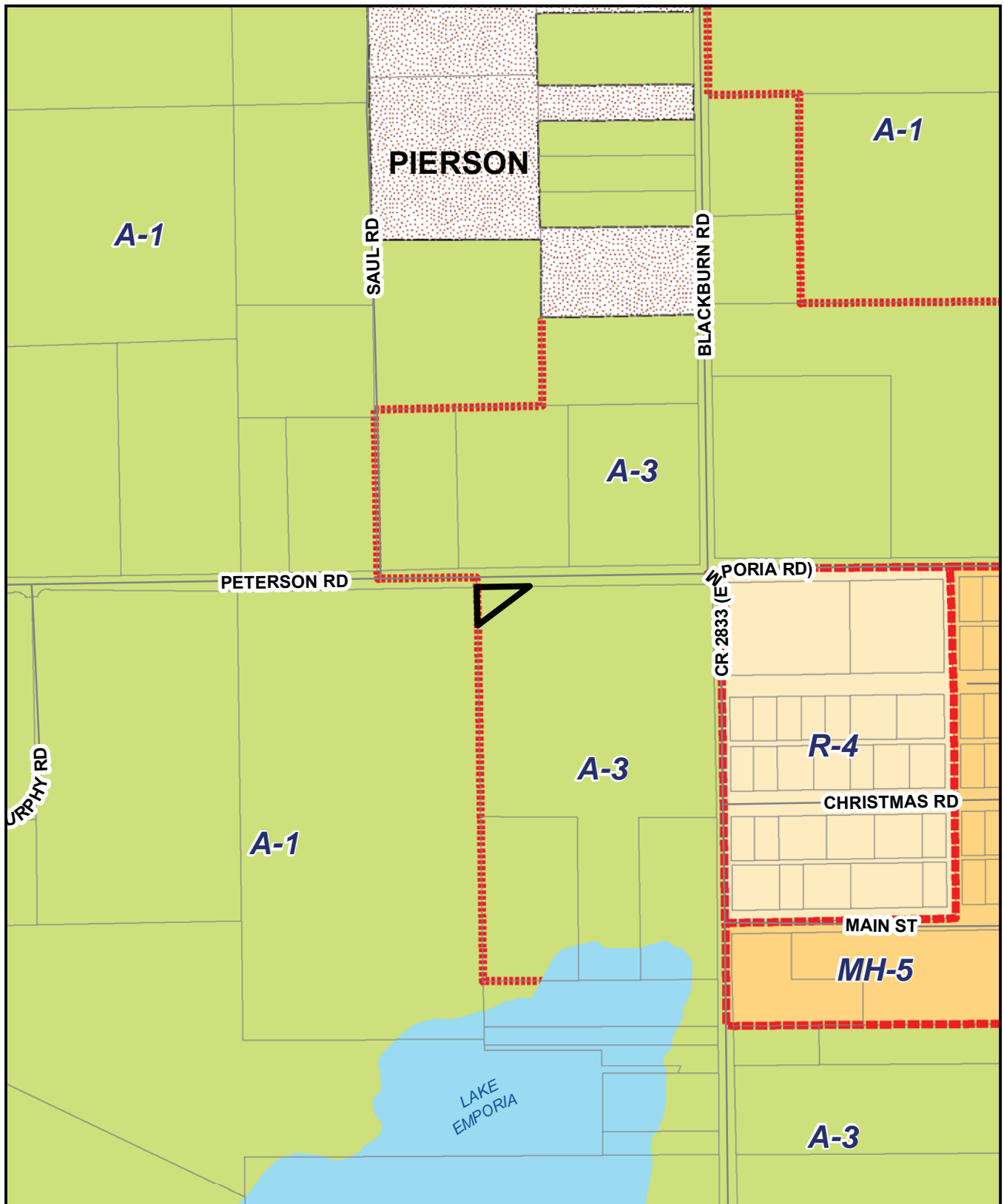
IMAGE DATE 2015



1" = 400'
7/26/2018

ZONING CLASSIFICATION - CURRENT

Z-18-069



SUBJECT PROPERTY

FROM: A-3
TO: A-1



1" = 400'
7/26/2018

- RESIDENTIAL
- AGRICULTURAL
- INCORPORATED
- MOBILE HOME

ZONING CLASSIFICATION - PROPOSED

Z-18-069



 SUBJECT PROPERTY

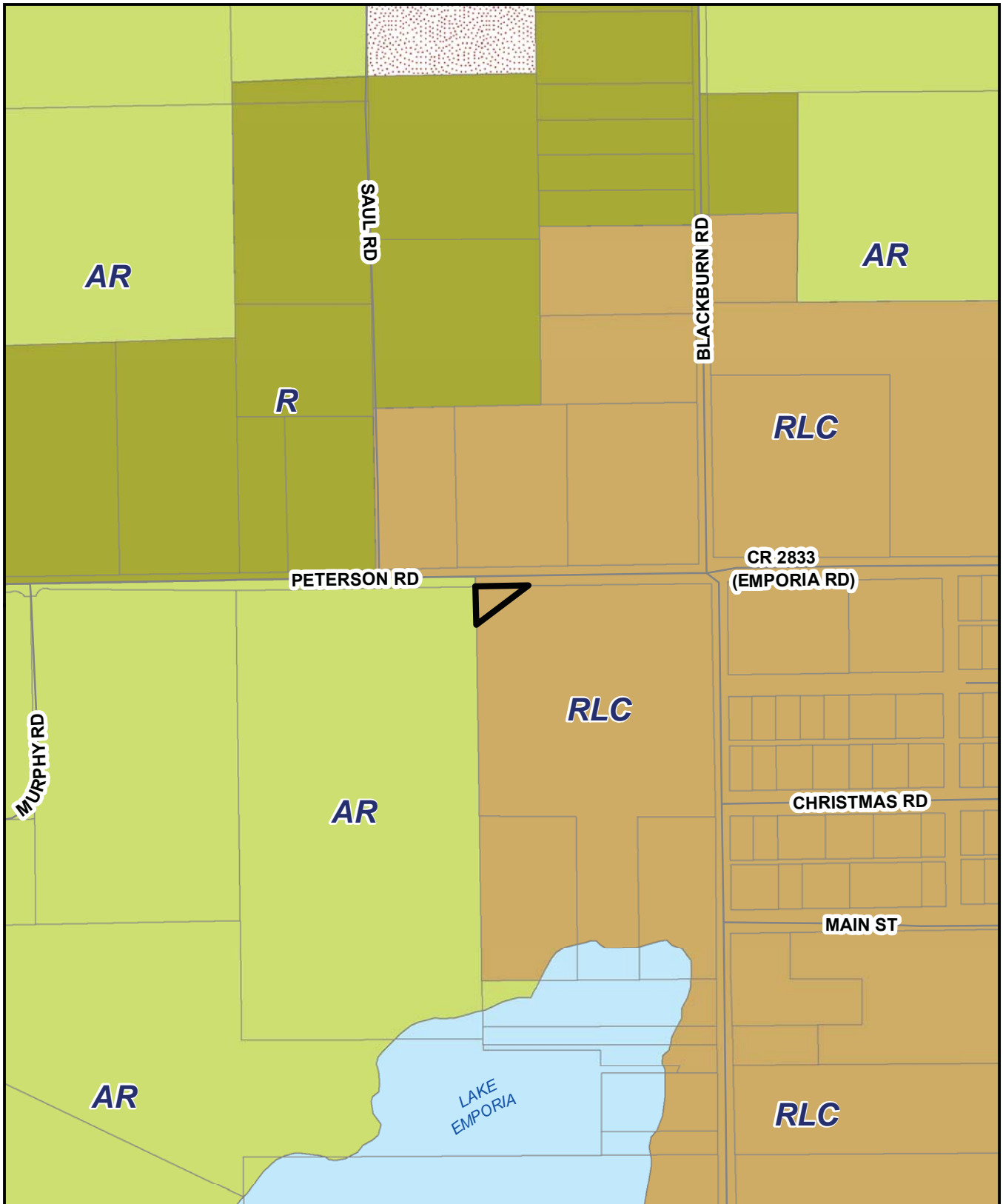
FROM: A-3
TO: A-1



1" = 400'
7/26/2018

- | | |
|--|--|
|  RESIDENTIAL |  AGRICULTURAL |
|  INCORPORATED |  MOBILE HOME |

FUTURE LAND USE Z-18-069



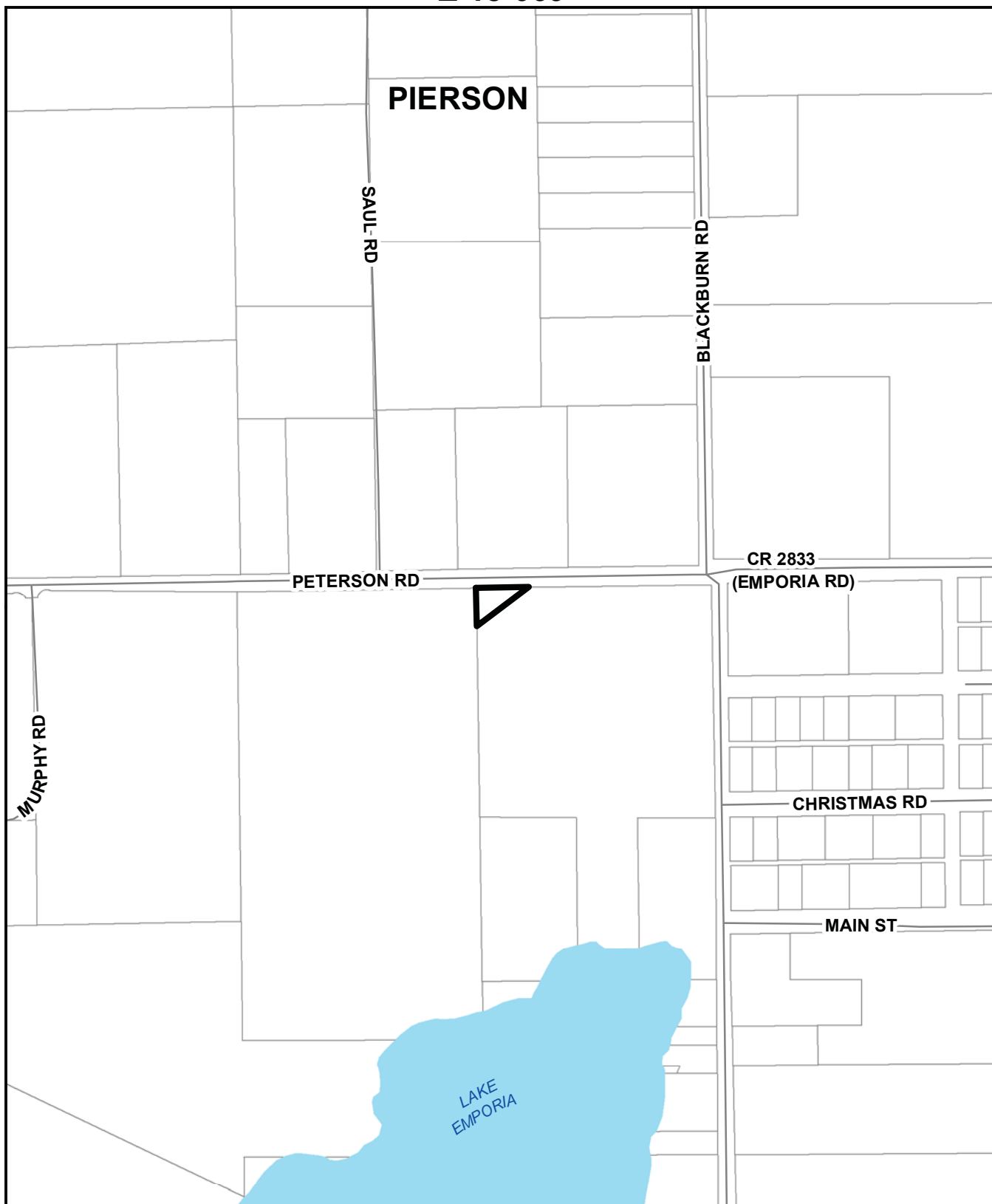
 SUBJECT PROPERTY






1" = 400'
7/26/2018

- | | | |
|--|---|--|
|  AGRICULTURE RESOURCE |  RURAL |  WATER |
|  INCORPORATED |  RURAL COMMUNITY | |

ECO/NRMA OVERLAY
Z-18-069



-  SUBJECT PROPERTY
-  ECO
-  NRMA



1" = 400'

7/26/2018