



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

PUBLIC HEARING: May 14, 2020 - Planning and Land Development Regulation Commission (PLDRC)

CASE NUMBER: Z-20-043

SUBJECT: Rezoning from the Rural Agriculture (A-2) to the Rural Residential (RR) zoning classification

LOCATION: 2120 Lime Street, DeLand

APPLICANT: Heath Frank

OWNER: Same as Above

I. SUMMARY OF REQUEST.

The applicant is requesting a rezoning of a 5.80-acre parcel from the Rural Agriculture (A-2) zoning classification to the Rural Residential (RR) Zoning Classification. The purpose of the request is to allow the property owner to subdivide the parcel into three separate parcels.

Staff Recommendation:

Forward the rezoning application, case number Z-20-043, to county council for final action with a recommendation of approval.

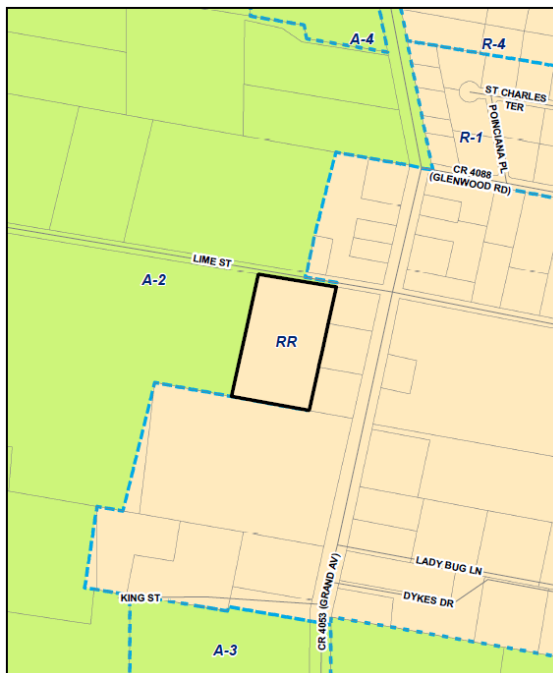
II. SITE INFORMATION.

1. Location: South side of Lime Street, approximately 288 feet west of its intersection with Grand Avenue (County Road 4053) in the DeLand area.
2. Parcel Number: 6944-01-00-0757
3. Property Size: 5.80 acres
4. Council District: 1
5. Zoning: Rural Agriculture (A-2)
6. Future Land Use: Rural
7. Overlays: N/A
8. Local Plan Area: N/A
9. Adjacent Zoning and Land Use:

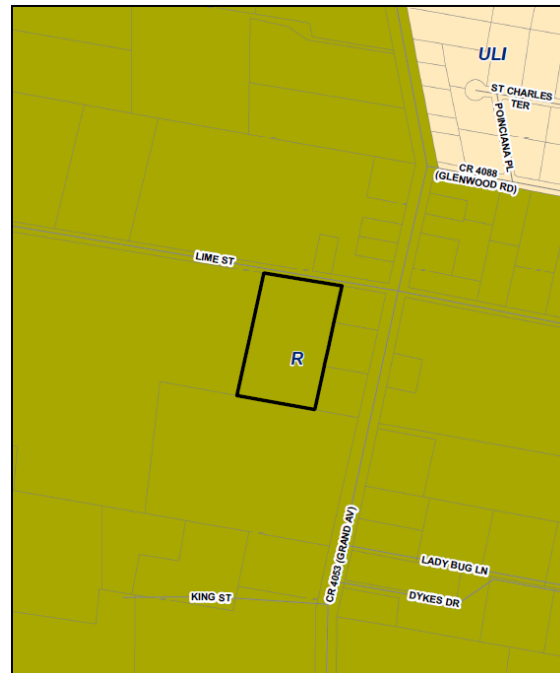
DIRECTION	ZONING	FUTURE LAND USE	EXISTING USE.
North:	RR / A-2	Rural	Vacant
East:	RR	Rural	Single-family residence / Vacant
South:	RR	Rural	Single-family residence
West:	A-2	Rural	Agriculture

10. Location Maps:

PROPOSED ZONING MAP



FUTURE LAND USE MAP



III. BACKGROUND AND OVERVIEW.

The subject parcel is +/- 5.80 acres in size and is located on the south side of Lime Street. It is approximately 288 feet west of its intersection with Grand Avenue (County Road 4053) in the DeLand area. The parcel is currently vacant and heavily vegetated.



The area includes a mix of agricultural properties and single-family residences. Parcels to the north, south, immediate west and immediate east of the subject parcel are five acres or larger in size, while parcels east of Grand Avenue, are typically 1-acre in size and larger.

There are two predominant zoning classifications in the area around the subject property, Rural Residential (RR) and Rural Agriculture (A-2). The subject parcel is zoned A-2 and the owner is proposing to rezone the property to RR. The adjacent properties to the north, south, and east are zoned RR, while properties to the west are zoned A-2.

The minimum dimensional requirements for the existing and proposed zoning are shown on the following table:

Minimum Dimensional Requirements		
Description	A-2 (Existing)	RR (Proposed)
Minimum Lot Size	5 acres	1-acre
Minimum Lot Width	150 feet	100 feet
Minimum Front Yard	50 feet	40 feet
Minimum Side Yard	25 feet	15 feet
Minimum Rear Yard	50 feet	40 feet
Maximum Building Height	45 feet	35 feet

At 5.80 acres in size and 399 feet in lot width, the parcel currently is not large enough to be subdivided under the A-2 zoning classification. Under the proposed RR zoning classification, the subject property has the potential to be subdivided into a maximum of three parcels. If subdivided equally, each parcel would have 133 feet of frontage on Lime Street and measure approximately 1.9 acres in size.

IV. REVIEW CRITERIA AND ANALYSIS.

Zoning Comparison

The purpose and intent of the proposed RR zoning classification is to provide for low density development and personal agricultural pursuits consistent with the comprehensive plan in rural areas of the county. The raising of crops and keeping of

animals for personal use is permitted by right as an accessory to a single-family dwelling.

The purpose and intent of the existing A-2 zoning classification is to preserve and protect rural areas of the county that have some agricultural value but that are also suitable for rural estate living. All agricultural pursuits including the processing, packaging, storage, and sale of agriculture products raised on the premises are allowed.

The most notable difference between the two zoning classifications is that they both allow the growing and keeping of crops and animals, but only the A-2 zoning classification allows the packaging and sale of agricultural products grown on site. The RR zoning classification limits the practice for personal use only, as an accessory to the principal residential use.

The second notable difference between the two zoning classifications is size. Under the current zoning of A-2, the parcel would be required to remain a single parcel, but under the proposed RR zoning, it could be subdivided into three lots. The minimum yard requirements would also be reduced. The front and rear yard setbacks would decrease by ten feet each if the property is rezoned. The maximum potential building height would also decrease from 45 feet to 35 feet.

Zoning Amendment Criteria - Section 72-414(e), of the zoning code, includes the following criteria for review of a rezoning application:

(1) Whether it is consistent with all adopted elements of the comprehensive plan.

The subject property and the surrounding area is designated Rural on the county's future land use map. 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 Rural designation consists of areas that are a mixture of agriculture and low density residential development. The comprehensive plan states that Rural properties should be developed in a manner consistent with the retention of agriculture and the protection of environmentally sensitive areas. They should be developed at a density of one dwelling unit per five acres. One exception that allows a density of one dwelling unit per one-acre is if the parcel is located within 660 feet of an existing subdivision with a density of less than one dwelling unit per five acres. In this case, the adjacent parcels to the northeast, east, and south are zoned RR with a minimum allowable lot size of one-acre. Staff finds that the proposed rezoning request is consistent with the Volusia County comprehensive plan.

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

The rezoning of this property will not have a significant impact on the environment or natural resources. The environmental permitting staff reviewed the application and determined that they do not object to the rezoning itself, as long as all environmental regulations are met during the development process. It should be noted that preliminary review of the county's Geographic Information System (GIS), revealed that the parcel is located in a gopher tortoise (GT) overlay zone. Gopher Tortoise burrows require a 25-

foot buffer during any construction activities. If the 25-foot buffer cannot be maintained during construction, a Florida Fish and Wildlife Conservation Commission gopher tortoise relocation permit would be required. No construction activity is currently proposed as part of this rezoning request.

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

As a low density, residential use, the parcel has no significant impact on the economy. The property is currently vacant and allows for the development of one single-family home. If rezoned to RR, it has the potential for three lots and three single-family homes. This could have a slight positive impact on the economy of the affected area.

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

The rezoning will not create significant impacts to schools, sewage disposal, potable water, drainage, fire and police protection, solid waste, or to the transportation system. If the rezoning is approved, any future development of the property will be required to comply with Volusia County zoning and land development regulations.

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

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

(6) Any mistakes in the original classification.

It does not appear that there are any mistakes in the original zoning classification.

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

Currently, the property is zoned A-2, which limits the property to one residence on the 5.80-acre parcel. Changing the zoning classification will allow the property owner to apply to subdivide the parcel into three buildable lots and allow the development of up to three single-family residences. This may increase the value of the subject property, but will likely have minimal effect on the affected area.

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

A change in zoning from A-2 to RR will have no negative impacts on the public health, welfare, safety, or morals.

V. STAFF RECOMMENDATION

Forward the rezoning application, case number Z-20-043 to county council for final action with a recommendation of approval.

VI. ATTACHMENTS

- Resolution
- Survey
- 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.

RESOLUTION 2020-__

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 RURAL AGRICULTURE (A-2) TO RURAL RESIDENTIAL (RR); 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 July 21, 2020 on the application of Heath Frank, owner, Zoning Case Z-20-043, 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 COUNCIL CHAMBERS OF THE THOMAS C. KELLY ADMINISTRATIVE CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS 21ST DAY OF JULY A.D. 2020, 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 Rural Agriculture (A-2) to Rural Residential (RR) for the subject property located at 2120 Lime Street, DeLand, Florida. The property is more particularly described as a ±5.80-acre parcel identified by tax parcel number 6944-01-00-0757 and as described in Exhibit A that is attached hereto and incorporated herein.

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

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

DONE AND ORDERED IN OPEN HEARING THIS 21ST DAY OF JULY, A.D.
2020.

COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

ATTEST: _____
George Recktenwald
County Manager

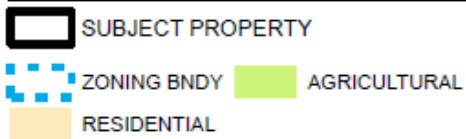
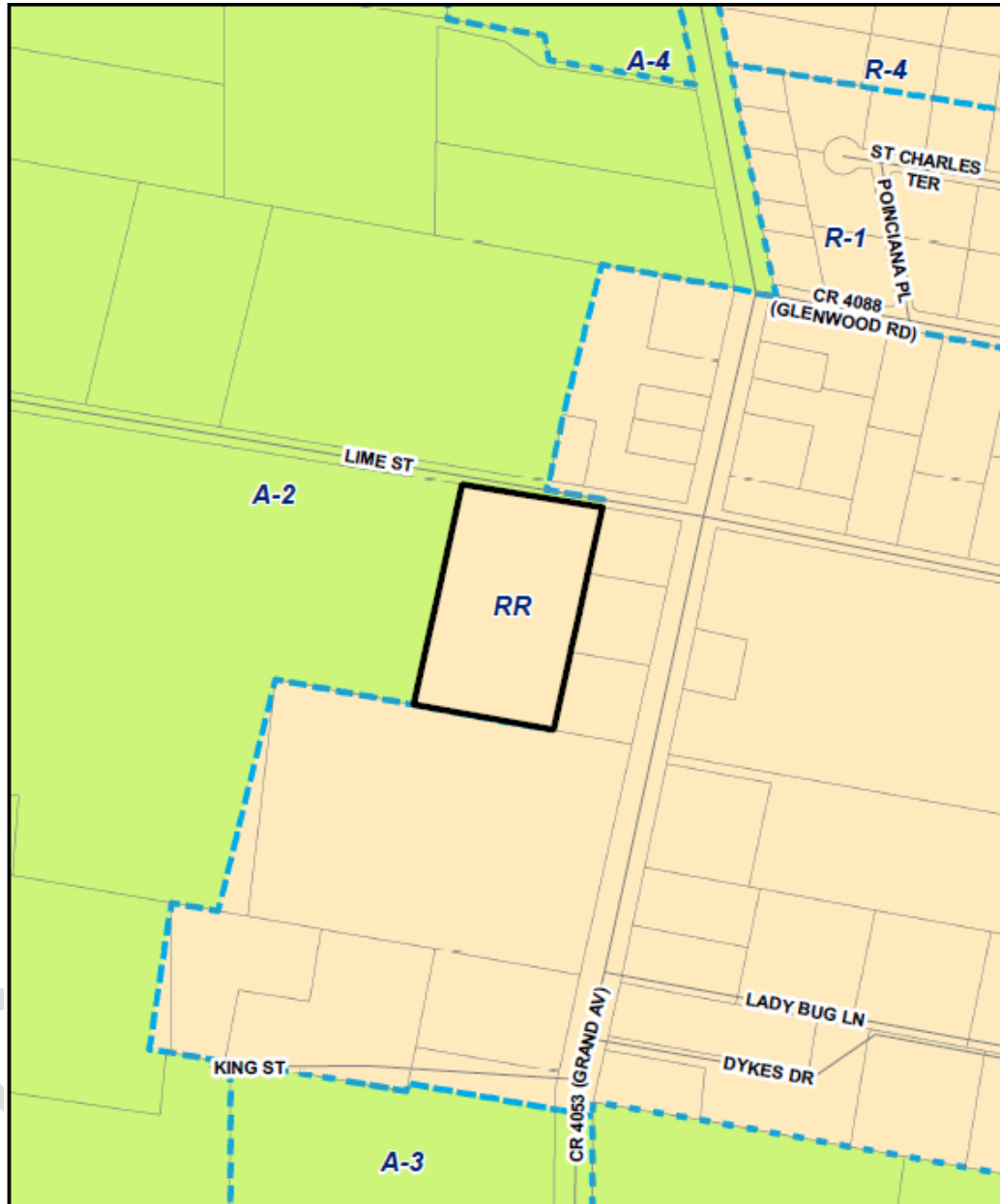
BY: _____
Ed Kelley
County Chair

DRAFT - PLDRC

EXHIBIT A

LEGAL DESCRIPTION

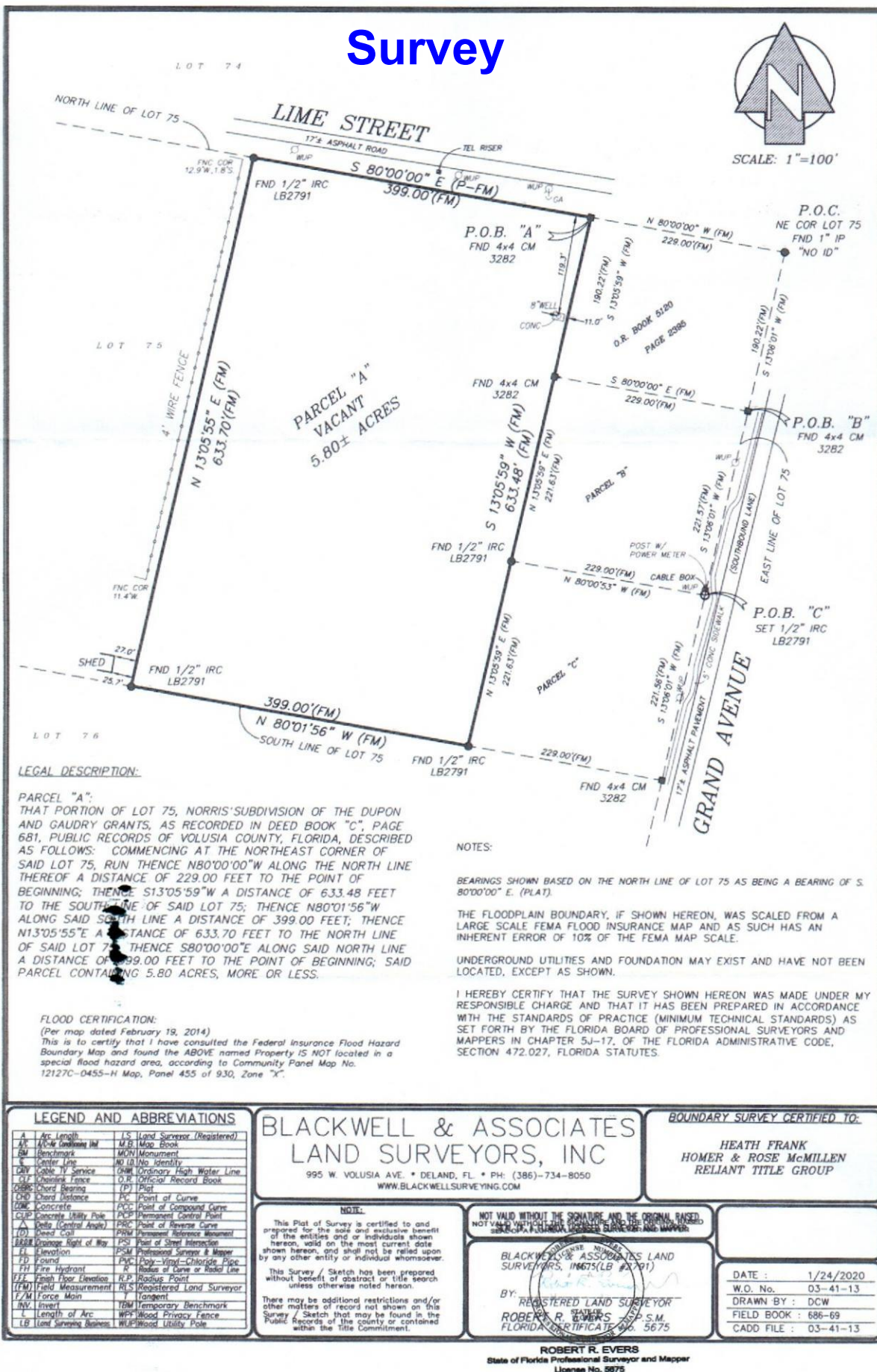
44 16 29 W 399 FT OF E 628 FT OF LOT 75 S OF LIME ST & W OF GRAND AVE DUPONT & GAUDRY
GRANT MB 12 PG 40 PER OR 4361 PG 0913 PER OR 6870 PG 4628



FROM: A-2
TO: RR



1" = 400'
2/25/2020



Site Photographs



Yolanda Somers - Fwd: [EX] Ref: rezoning app. # Z-20-043 property Lime St

From: Darren Ebersole <debersole@volusia.org>
To: Yolanda Somers
Date: 4/13/2020 7:59 AM
Subject: Fwd: [EX] Ref: rezoning app. # Z-20-043 property Lime St

Sent from my iPad

Begin forwarded message:

From: Donna Lanier <48donna@lanier@gmail.com>
Date: April 10, 2020 at 12:40:01 PM EDT
To: Darren Ebersole <DEbersole@volusia.org>
Subject: [EX] Ref: rezoning app. # Z-20-043 property Lime St

CAUTION: This email originated from outside Volusia County's email system. DO NOT CLICK links or attachments unless you recognize the sender and/or know the content is safe.

Dear Mr. Ebersole,
Hello, I am a homeowner on Lime Street. We built our home 22 years ago and this has been a beautiful place to live.
There was a 5 acre minimum per house when we built here which is still in effect. My home sits on a little more than 5 1/2 acres.
Lime Street is a special part of "Old Florida". We enjoy wildlife that is part of our beautiful state, black bear, deer, turkey and the occasional fox. We also have an abundance of unusual birds and many turtles. How fortunate are the people who live here that we can appreciate nature at its finest.
The property that is requesting rezoning is only 5.8 acres. It also has one of the main trails for wildlife running through it.
On most mornings and evenings we enjoy sightings of these animals that are precious to this beautiful state.

Please Do Not Approve changing the zoning on this property.

The other homeowners including myself never saw the rezoning sign until the 7th, it was upside down on the ground with debris covering part of it. Someone walking by noticed it and turned it over so everyone going by could see it.

I am concerned we do not have time to respond.

I spoke to a lady named Susan in zoning, this week. She told me to write to you and I might be able to talk with you.

I know this is a difficult time for all of us not being able to communicate in a normal fashion. If you are able to contact me, I would appreciate talking with you.

I work at AdventHealth Deland, my work days are Sunday thru Thursday.

Home [386-748-2868](tel:386-748-2868)

Cell. [386-747-3119](tel:386-747-3119)

Work. [386-943-4522](tel:386-943-4522). Ext O

You can contact me at all numbers at your convenience.

Thank You so much for your time and attention.

I look forward to talking with you.

Mrs. Donna Lanier

Please Do Not approve dividing this land.

From: Darren Ebersole
To: Somers, Yolanda
Date: 4/13/2020 8:11 AM
Subject: Fwd: [EX] Rezoning Sign
Attachments: sign location (2).jpg; sign (2).jpg; zoning (2).jpg

fyi

Darren Ebersole
Planner II
Planning & Development Services
County of Volusia
123 West Indiana Avenue
DeLand, FL 32720

>>> "Vivian Allen" <gma927@yahoo.com> 4/12/2020 6:03 PM >>>

CAUTION: This email originated from outside Volusia County's email system. DO NOT CLICK links or attachments unless you recognize the sender and/or know the content is safe.

Good day,

My name is Vivian Allen, and I live at 2382 Grand Ave., DeLand, FL 32720. I was given your information regarding the sign for rezoning of the property behind me (case Z-20-043), and the placement. The sign was found laying on the slope of the shoulder, face down, so that it was not visible to anyone. It does not appear to have been mounted on a post, for there are no holes in the sign, nor are there any posts laying or standing near the area the sign was located. I have attached pictures to show how I found the sign, and where it was.

My understanding of the reason for rezoning, is so that the property can be divided into multiple parcels for sale. If this is the case, I would ask that that particular request not be granted. The reason I purchased this property is because of the fact there are not a lot of homes close to each other, and it is a quiet area. After moving in, I realized that I live in the "Bear Highway", and all the other wildlife that literally make their way through our properties. I have numerous videos of the bears making the trek from the back of my property, after coming through Mr. Frank's. They then cross into the wooded lot across from me, and then cross Grand Ave., into the woods. I have lived here for close to six years, and watched many a cub be led by their mother, to make this journey. It is truly amazing to see this happen, and would hate for the addition of multiple homes that would disrupt this amazing wonder of Mother Nature. I do not have an issue with it being rezoned for Residential, but please keep it as one piece of property, so that the wildlife can continue to thrive in an area where it is appreciated.

Thank you for your time, Vivian Allen

PUBLIC HEARING

CASE NUMBER: Z-20-043

THE VOLUSIA COUNTY PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION WILL HOLD A PUBLIC HEARING ON THE APPLICATION COMMENCING AT 9:00, A. M. ON April 16, 2020. THE VOLUSIA COUNTY COUNCIL WILL HOLD A PUBLIC HEARING ON THIS APPLICATION COMMENCING AT 10:30, A. M. ON June 2, 2020 (DATE[S] ARE SUBJECT TO CHANGE IF THIS APPLICATION IS CONTINUED BY THE COMMISSION AND/OR COUNCIL). THE PUBLIC HEARING(S) WILL BE HELD IN THE COUNTY COUNCIL MEETING ROOM, THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA.

THE PUBLIC HEARING(S) ARE FOR THE PURPOSE OF HEARING ALL INTERESTED PARTIES AND PERSONS FOR OR AGAINST THE FOLLOWING REQUEST: Rezoning from Rural Agriculture (A-2) zoning classification to the Rural Residential (RR) zoning classification.

NAME OF APPLICANT: HEATH FRANK OWENS

SIZE OF PROPERTY: ± 5.80 ~~SQUARE~~ / ACRES

FOR MORE INFORMATION CONTACT:

VOLUSIA COUNTY GROWTH AND RESOURCE MANAGEMENT DEPT.
AT ANY OF THE PHONE NUMBERS BELOW:

DELAND

736-5959

NEW SMYRNA BEACH

424-6815

DAYTONA BEACH

248-8115

DO NOT REMOVE PRIOR TO THE COMPLETION OF PUBLIC HEARINGS





From: Darren Ebersole
To: Somers, Yolanda
Date: 4/13/2020 3:48 PM
Subject: Fwd: [EX] Rezoning case Z-20-043

Darren Ebersole
Planner II
Planning & Development Services
County of Volusia
123 West Indiana Avenue
DeLand, FL 32720

>>> "annette lynch" <lynchdile@gmail.com> 4/13/2020 2:43 PM >>>

CAUTION: This email originated from outside Volusia County's email system. DO NOT CLICK links or attachments unless you recognize the sender and/or know the content is safe.

I am writing to express my STRONG OPPOSITION to Z-20-043 rezoning from (A-2) to (RR). We are completely opposed to the addition of multiple housing that will cause traffic and safety problems. When we bought and build on our property you had to have 5 acres or more. We do not want to see the property sold off into mini lots vs acreage. That kind of development is no consistent with the neighborhood.

We also enjoy the wildlife that has been observed in the area, and any development will destroy their habitat.

I was disappointed to see that the sign to alert of the rezoning proposal was thrown on the floor upside down. We would have not had notice if it was not for our neighbors.

If you have any question please free to contact us. My cell is 386 747 7688.

Thank you for the support of our communities,

Annette and Walter Lynch

Yolanda Somers - [EX] comments for zoning meeting

From: <SKahl2@cfl.rr.com>
To: "'ysomers@volusia.org'" <ysomers@volusia.org>
Date: 4/15/2020 10:26 AM
Subject: [EX] comments for zoning meeting

CAUTION: This email originated from outside Volusia County's email system. DO NOT CLICK links or attachments unless you recognize the sender and/or know the content is safe.

Dear Ms. Somers, Thanks for your kindness and patience in helping me thru the website. I would like to oppose the upcoming request for rezoning from agricultural to residence as posted on Case # Z-20-043. The area in question is a natural crossing for the bears in our area. We have already seen evidence in more traffic on our street due to housing developments on Grand Avenue. Our Glenwood neighborhood is full of wildlife, and we would like to keep it that way. Thank you. Thanks so much for being on the front line and helping people.

Yolanda Somers - Fwd: [EX] Fwd: Case # z-20-043

From: Darren Ebersole <debersole@volusia.org>
To: Yolanda Somers
Date: 4/28/2020 4:47 PM
Subject: Fwd: [EX] Fwd: Case # z-20-043

FYI..... See below email of objection.

Sent from my iPad

Begin forwarded message:

From: Jennifer bourque <jenniferbourque@yahoo.com>
Date: April 28, 2020 at 10:31:05 AM EDT
To: Darren Ebersole <DEbersole@volusia.org>
Cc: Planning@volusia.org
Subject: [EX] Fwd: Case # z-20-043

CAUTION: This email originated from outside Volusia County's email system. DO NOT CLICK links or attachments unless you recognize the sender and/or know the content is safe.

Sent from my iPhone

Begin forwarded message:

From: Jennifer bourque <jenniferbourque@yahoo.com>
Date: April 28, 2020 at 10:27:27 AM EDT
To: deversole@volusia.org
Cc: planning@volisia.org
Subject: Case # z-20-043

Please see below email. Concerned resident. Please do not allow this rezoning from A-2 to RR and see letter I wrote below.

Jennifer and Paul Bourque
2704 Stone Ave

Glenwood

Sent from my iPhone

Begin forwarded message:

From: Jennifer bourque <jenniferbourque@yahoo.com>

Date: April 19, 2020 at 3:40:21 PM EDT

To: comments@volusia.org

Dear Council,

I am writing to express my strong opposition to the glen wood Lime St address. Case #Z-20-043 the proposed rezoning While the local community may be unable to prevent development, that in itself will be detrimental to the area, nearly all residents in the Glenwood neighborhoods are completely opposed to the addition of multi-family housing that will cause traffic and safety problems, create even more problems with destroying local wildlife habitat, and potentially lower the property values of the existing community.

We bought here because of the 5 acreage minimum. This is unfair and unjust.

Wildlife has been observed in the area, and any development will

destroy their habitat.

Any planned development of the property should consider the continuing impact to local wildlife habitat. During the planning commission meeting, a speaker indicated that the proposed planning area has several endangered species, which should be investigated by the appropriate agency prior to approving development.

Property values will go down. Multi family dwellings are inconsistent with the neighborhood. There was no indication of where the notifications were sent, but I suspect none were delivered into our neighborhood.

I urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have not managed to attend meeting or write letters and emails.

Thank you for your continued service and support of our communities.

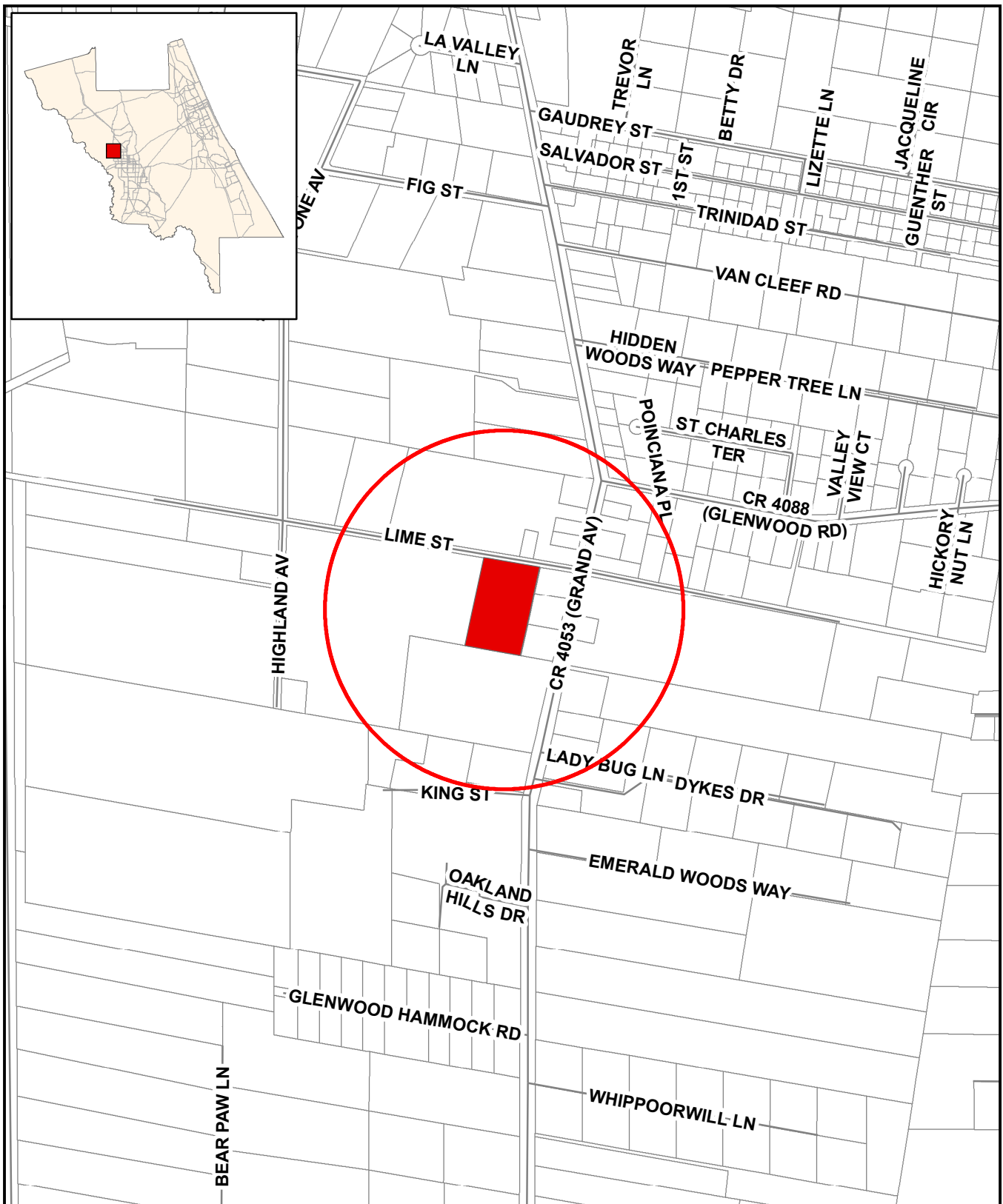
Best regards,

*Jennifer and Paul Bourque
2704 Stone Ave Deland FL 32620
386-956-0855*

PROPERTY LOCATION

Z-20-043

Page 23 of 28



 SUBJECT PROPERTY



1" = 1,000'

2/25/2020

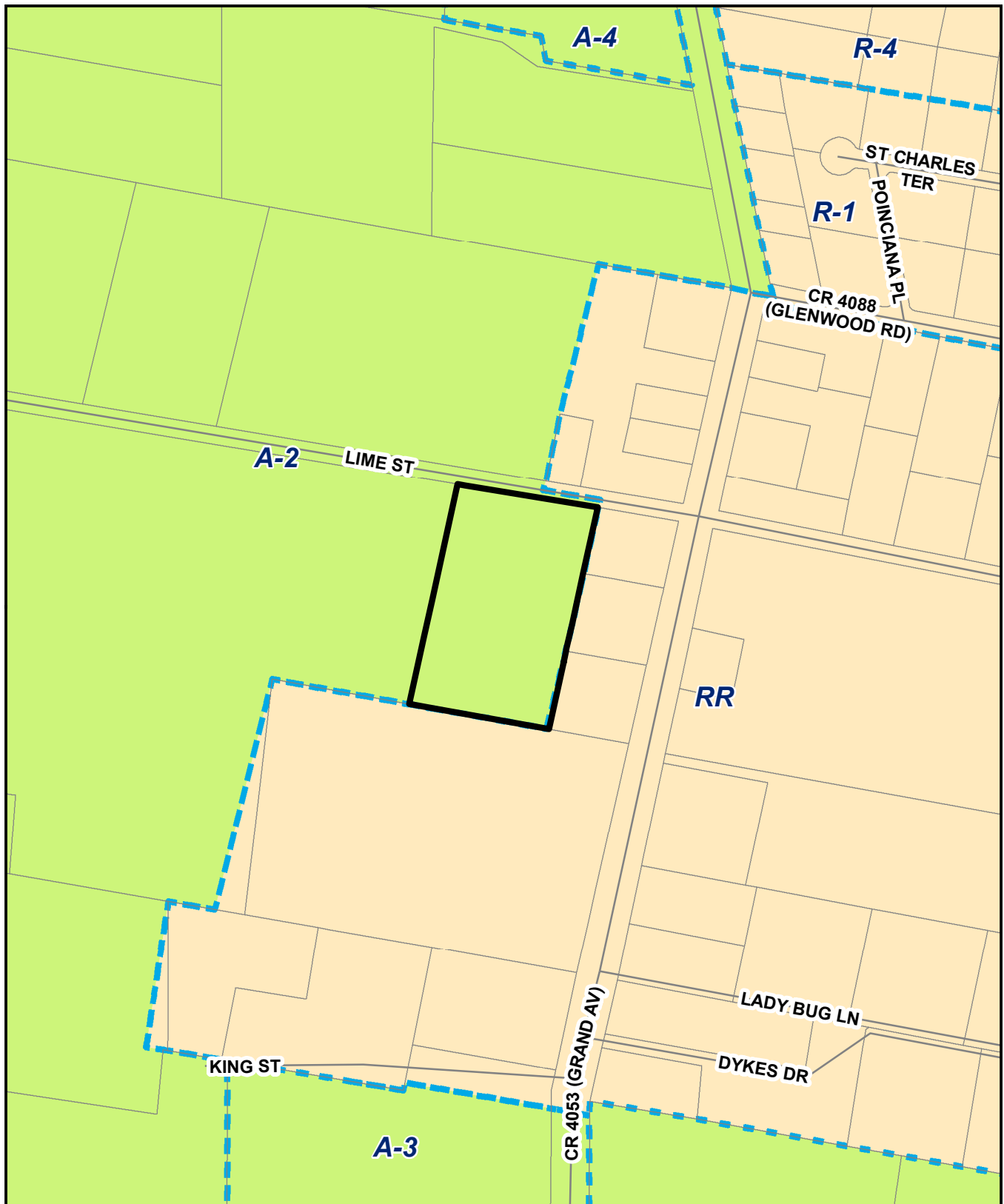






 SUBJECT PROPERTY

IMAGE DATE 2018



1" = 400'
2/25/2020



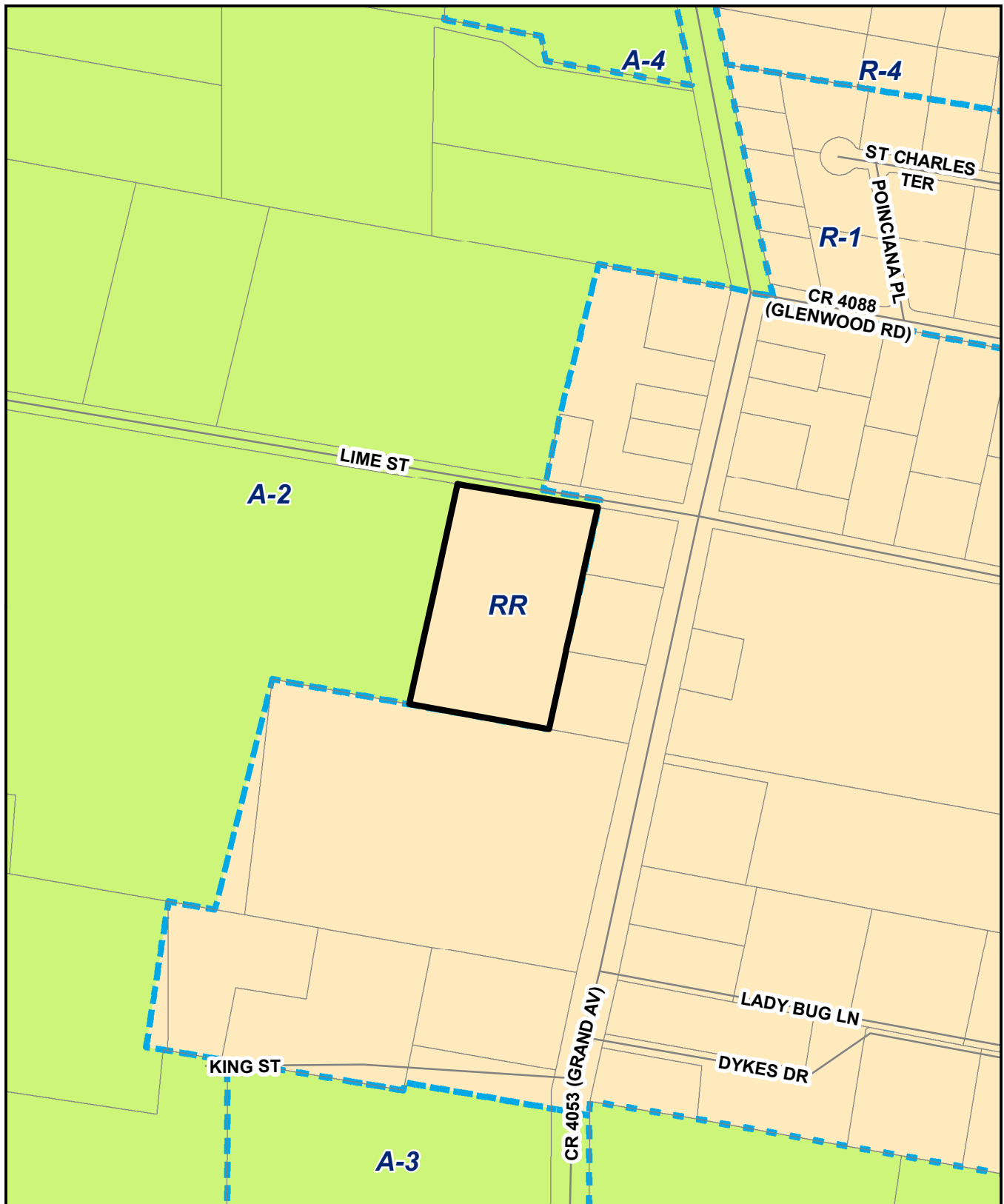
-  SUBJECT PROPERTY
-  ZONING BNDY
-  AGRICULTURAL
-  RESIDENTIAL





FROM: A-2
TO: RR



1" = 400'
2/25/2020

ZONING CLASSIFICATION - PROPOSED Page 26 of 28
Z-20-043



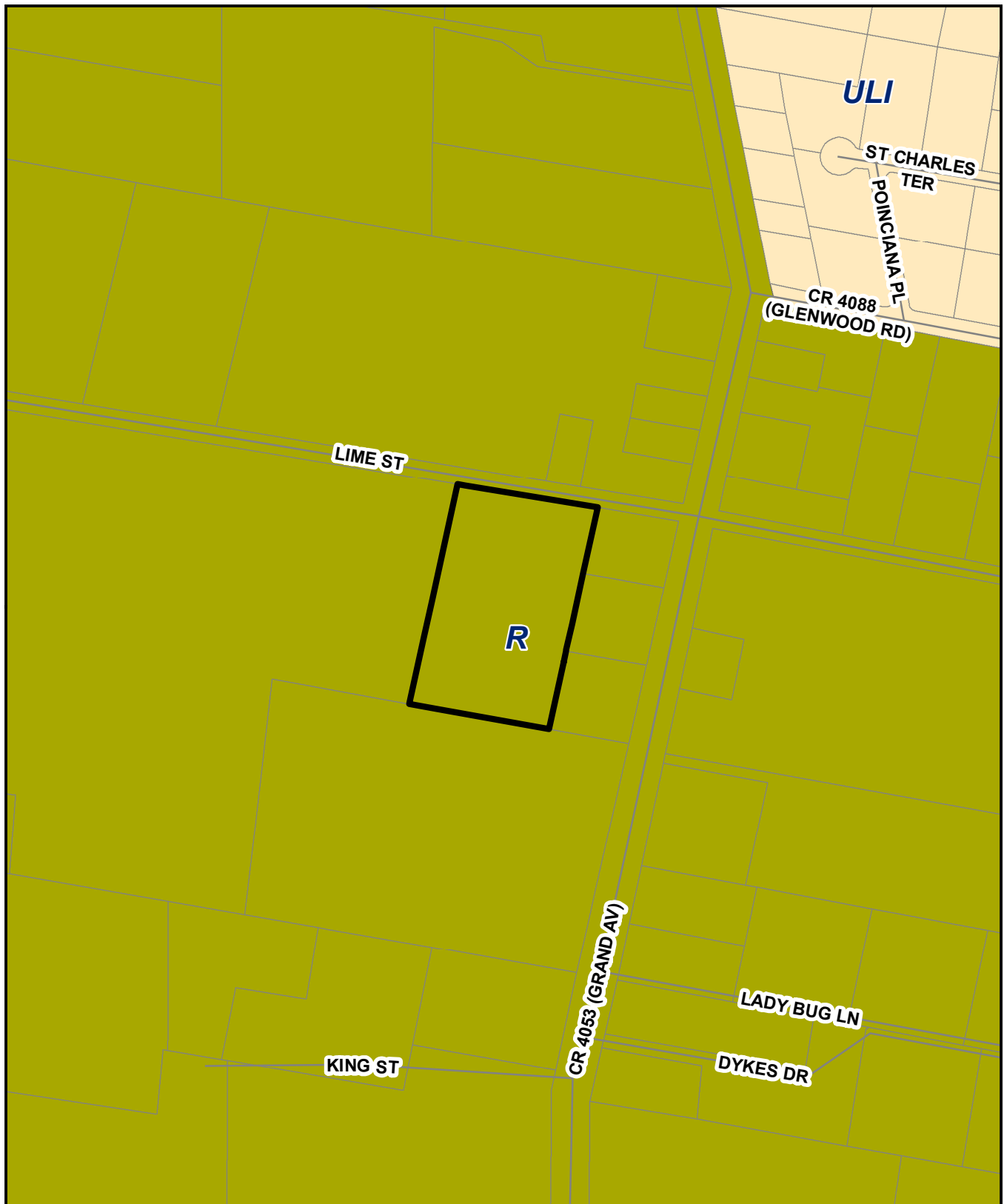
-  SUBJECT PROPERTY
-  ZONING BNDY
-  AGRICULTURAL
-  RESIDENTIAL

FROM: A-2
TO: RR



1" = 400'
2/25/2020

FUTURE LAND USE Z-20-043



 SUBJECT PROPERTY

 RURAL

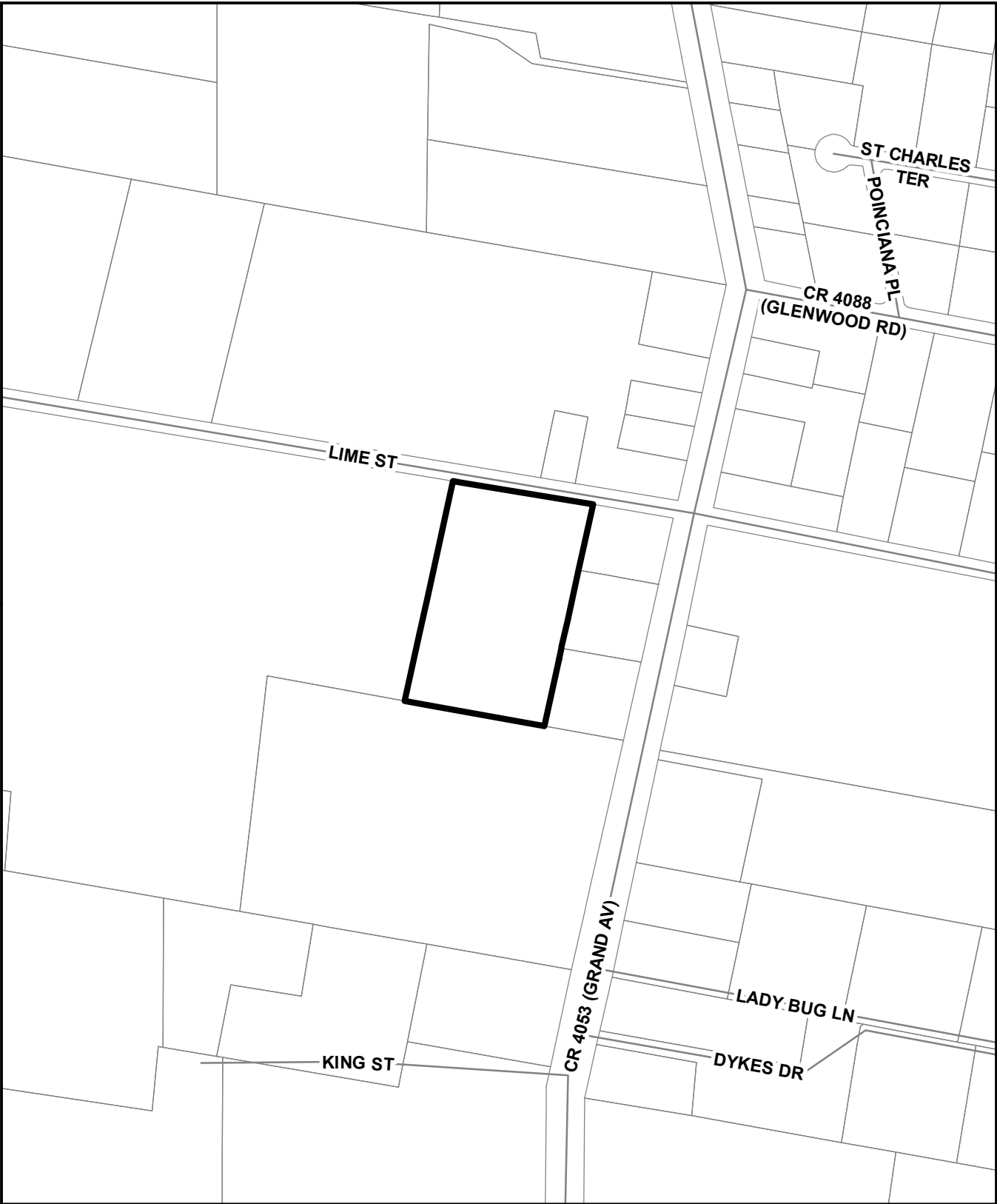
 URBAN LOW INTENSITY






1" = 400'

2/25/2020

ECO/NRMA OVERLAY
Z-20-043



-  SUBJECT PROPERTY
-  ECO
-  NRMA



1 " = 400 '
2/25/2020