



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

**PUBLIC HEARING:** May 20, 2021 - Planning and Land Development Regulation Commission (PLDRC)

**CASE NUMBER:** Z-21-072

**SUBJECT:** A rezoning from the Rural Agriculture (A-2) zoning classification to the Transitional Agriculture (A-3) zoning classification

**LOCATION:** 5620 Burts Park Road, DeLeon Springs

**APPLICANT(S):** Wendell K. Johnson

**OWNER(S):** Robert and Linda Reed

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## **I. SUMMARY OF REQUEST**

The applicant is requesting a rezoning of a 1.03-acre portion of a 6.71-acre parcel from the Rural Agriculture (A-2) zoning classification to the Transitional Agriculture (A-3) zoning classification. The purpose of the request is to split the parcel into one additional lot.

### ***Staff Recommendation:***

Forward the rezoning application, case number Z-21-072, to County Council for final action with a recommendation of approval.

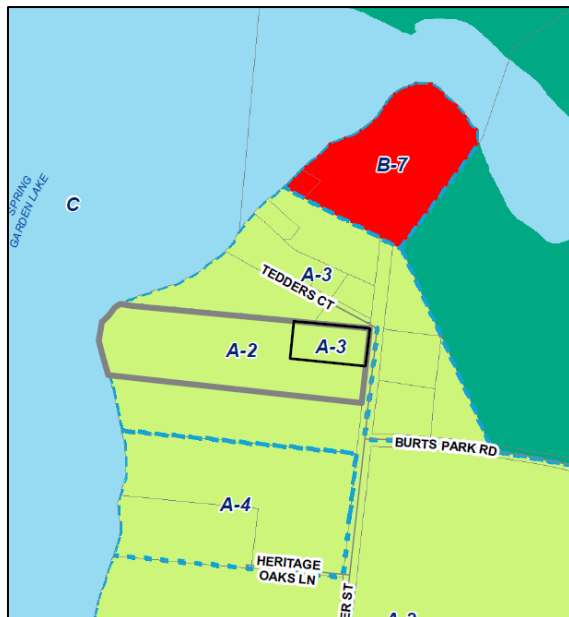
## II. SITE INFORMATION

1. Location: On the west side of the terminus of Burt's Park Road, approximately 2000 feet west of its intersection with Front Street and the CSX Rail Road, DeLeon Springs
2. Parcel Number: 6940-01-00-0030
3. Property Size: +/- 1.03 acres of a +/- 6.71-acre parent parcel
4. Council District: 1
5. Zoning: Current: Rural Agriculture (A-2)  
Proposed: Transitional Agriculture (A-3)
6. Future Land Use: Rural (R)
7. Overlays: Natural Resource Management Area (NRMA)
8. Local Plan Area: Not Applicable
9. Adjacent Zoning and Land Use:

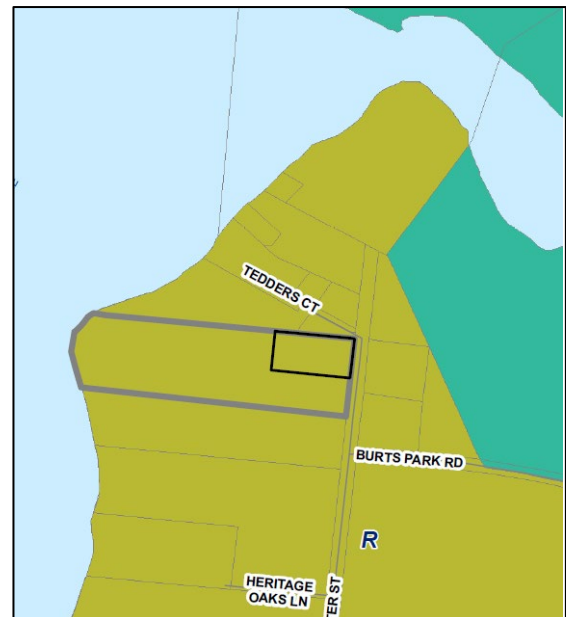
DIRECTION	ZONING	FUTURE LAND USE	EXISTING USE.
North:	A-3	Rural	Single-Family Residence
East:	A-3	Rural	Single-Family Residence
South:	A-2	Rural	Vacant Residential
West:	C Spring Garden Lake	Water Spring Garden Lake	Spring Garden Lake

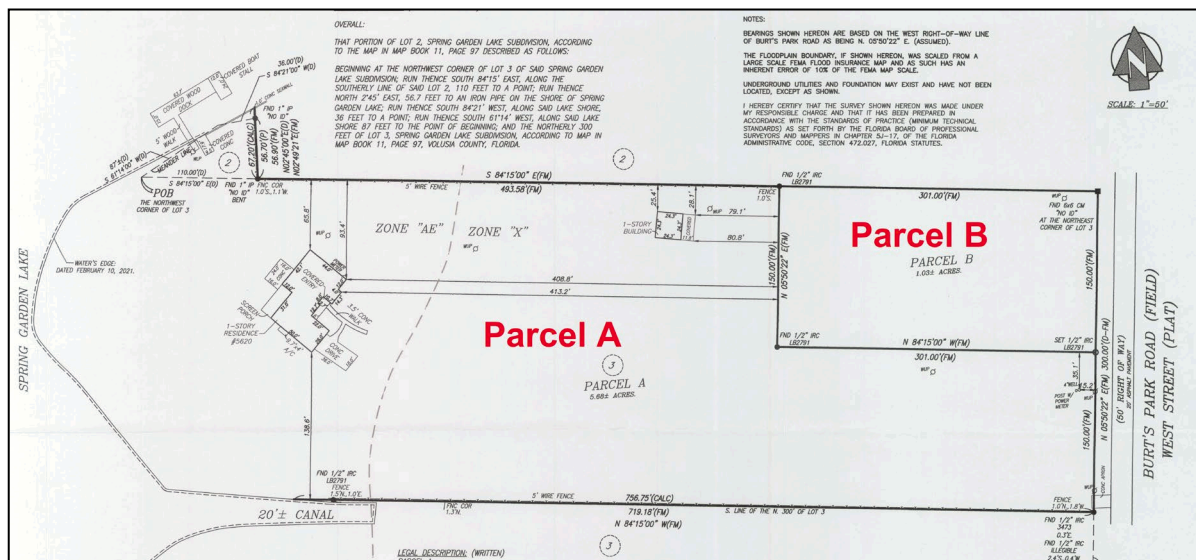
### 10. Location Maps:

**PROPOSED ZONING MAP**



**FUTURE LAND USE MAP**





The rezoning to A-3 is compatible with the adjacent properties to the north and east, which are also zoned A-3. Several adjacent parcels are in the one-acre size range and developed with single-family residences. To the south are properties zoned A-4, which allows 2.5-acre parcels. Generally, the parcels along the lakefront are comprised of large-lot residential uses, ranging in size from one-acre to 23 acres. There is a Commercial Marina (B-7) zoned parcel approximately 300 feet to the north that appears to be vacant. To the southeast is a large pasture and Chuck Lennon Park.

#### IV. REVIEW CRITERIA AND ANALYSIS.

##### Zoning Comparison

The purpose and intent of the existing A-2 zoning classification is *“is to preserve and protect rural areas of the county that have some agricultural value, but which are also suitable for rural estate living.”*

By comparison, the purpose and intent of the proposed A-3 zoning 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.”*

In this case, assignment of an A-3 zoning classification would coincide with the existing character of the area. Both classifications allow all agricultural pursuits, including the processing, packaging, storage and sale of agriculture products that are raised on the premises. Permitted and special exception uses are essentially the same.

The minimum development standards for the existing and proposed zoning classifications are shown in the table below. The key differences between the two zoning classifications are slightly larger front and rear setbacks, and slightly lower allowed building heights for the A-2 versus A-3 classifications.

Minimum Development Standards		
Description	A-2 (Existing)	A-3 (Proposed)
Minimum Lot Size	5 acres	1-acre
Minimum Lot Width	150 feet	150 feet
Minimum Front Yard	50 feet	40 feet
Minimum Side Yard	25 feet	25 feet
Minimum Rear Yard	50 feet	40 feet
Maximum Building Height	45 feet	55 feet
Lot Coverage	35 percent	35 percent



Zoning Amendment Criteria - Section 72-414(e), of the Zoning Ordinance, 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 areas are designated Rural on the County's Future Land Use Map. According to the future land use/zoning consistency matrix, the proposed A-3 zoning classification is conditionally compatible with the Rural future land use designation.

The comprehensive plan maintains goals, objectives, and policies relating to agriculture including:

*Goal 1.4 - Ensure that agricultural and silvicultural lands are protected from encroachment by incompatible land uses and remain a vital element of the county's economy.*

*Policy 1.4.1.1 – Urban growth shall be directed away from designated agricultural areas.*

*Policy 1.4.1.2 – Volusia County shall protect agricultural and forestry resource areas from encroachment of non-agricultural areas.*

*Policy 1.4.1.3 – In agricultural areas, Volusia County shall prevent the intrusion of incompatible land uses such as urban density residential and non-agricultural-oriented commercial, and preclude the provision of urban services while encouraging and supporting programs that enhance the agricultural environment.*

Allowing the applicants to rezone Parcel B to A-3 would protect the agricultural resources of the area and maintain the large lot rural characteristics of the area. Staff finds that the proposed rezoning request is consistent with the Volusia County Comprehensive Plan.

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

Minimal development is anticipated if the rezoning is approved. Only one additional parcel can be subdivided from the parent parcel. Environmental Permitting has reviewed the request and has no objection to the rezoning as long as the applicants demonstrate compliance with the environmental provisions of the Land Development Code.

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

The proposed rezoning is not likely to have a significant impact on the economy of the area. The rezoning will allow one parcel to be split into two parcels and allow the development of one additional single-family residence.

***(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 already developed with one single-family residence. The rezoning will allow one additional single-family residence. The impact on governmental services is de minimis.

***(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.***

There are no mistakes in the original classification.

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

Changing the zoning classification from A-2 to A-3 will allow continued single-family and agricultural uses. This rezoning will not negatively affect the value of the area.

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

The rezoning will not negatively affect the public health, welfare, safety, or morals.

## **V. STAFF RECOMMENDATION**

Forward the rezoning application, case number Z-21-072, to County Council for final action with a recommendation of approval.

## **VI. ATTACHMENTS**

- Resolution
- Survey
- Environmental Permitting Comments
- Environmental Impact Assessment
- Photographs
- Maps

## **VII. AUTHORITY AND PROCEDURE**

Pursuant to Section 72-412, no recommendations for approval of any amendment to the official zoning map may be made unless a majority of members present concur. A tie vote shall be grounds for continuance to the next scheduled meeting.

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 2021-\_\_\_\_

**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 THE RURAL AGRICULTURE (A-2) TO THE TRANSITIONAL AGRICULTURE (A-3) ZONING CLASSIFICATION; 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 \_\_\_\_\_, 2021 on the application of Wendell Johnson, agent for Robert and Linda Reed, owners, Zoning Case Z-21-072, 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 \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2021, 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 (A-2) zoning classification to the Transitional Agriculture (A-3) zoning classification for the subject property located at 5620 Burt's Park Road, Deleon Springs, Florida. The property is more particularly described as a +/- 1.03-acre parcel identified as a portion of tax parcel number 6940-01-00-0030 and as described in Exhibit A and depicted in Exhibit B that are 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 \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2021.

COUNTY COUNCIL  
VOLUSIA COUNTY, FLORIDA

ATTEST: \_\_\_\_\_  
George Recktenwald  
County Manager

BY: \_\_\_\_\_  
Jeffrey S. Brower  
County Chair

PLDRC - DRAFT



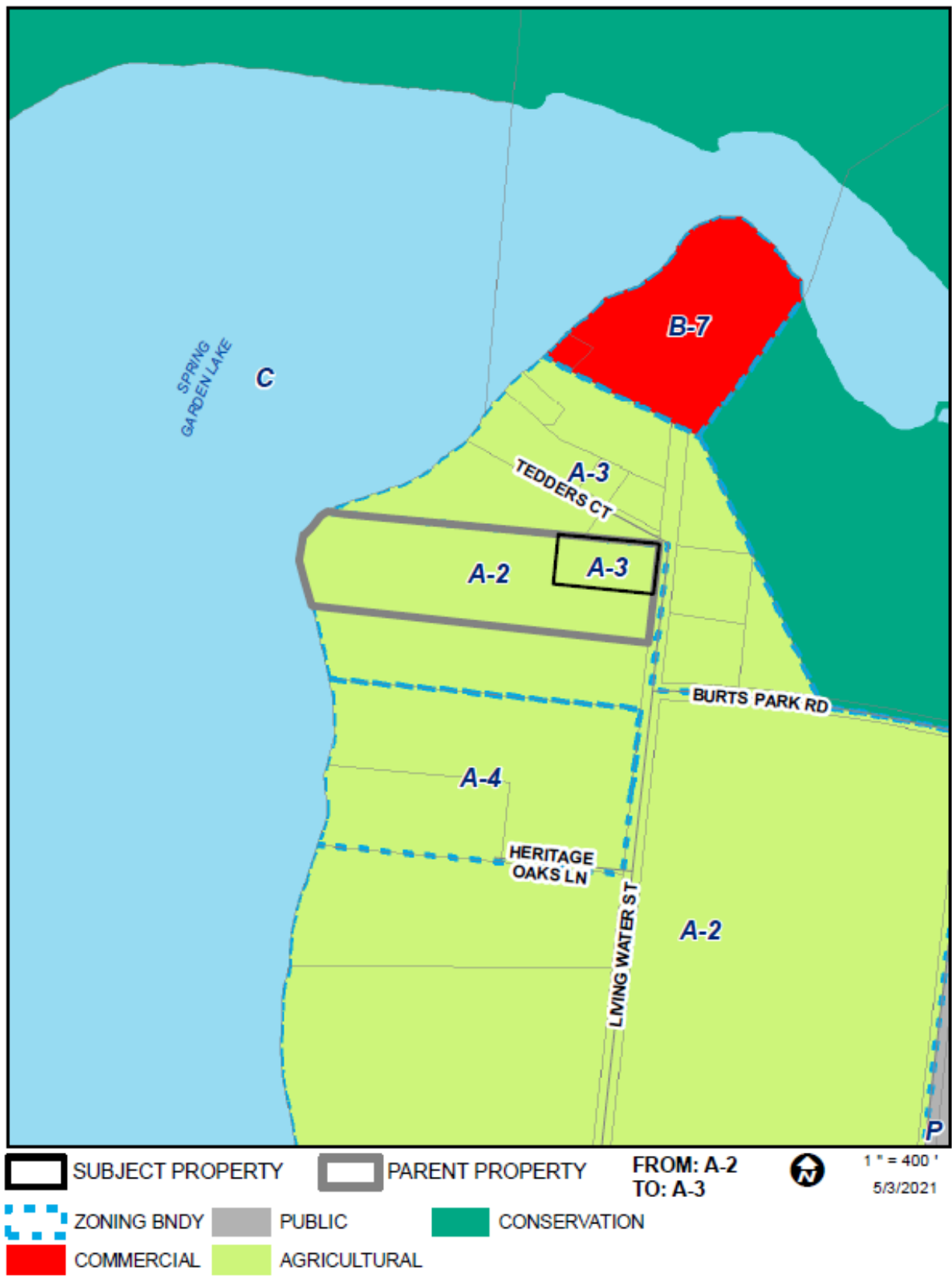
**EXHIBIT A**

Legal Description

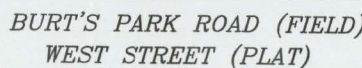
THE NORTHERLY 150.0 FEET OF THE EASTERLY 301.0 FEET OF LOT 3, SPRING GARDEN LAKE SUBDIVISION, ACCORDING TO MAP IN MAP BOOK 11, PAGE 97, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

PLDRC - DRAFT

EXHIBIT B



SCALE: 1"=50



DATE :	6/9/17
W/O. No.	1-05-06
DRAWN BY :	BA. SCOTT & RC
FIELD BOOK :	567 55-56 & 716 75-76

**Inter-Office  
Memorandum**



**TO:** Susan Jackson, AICP, Senior Zoning Manager

**DATE:** April 23, 2021

**FROM:** Samantha J. West, Environmental Specialist III

**SUBJECT:** Parcel #: 6940-01-00-0030

Case #: Z-21-072

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Environmental Permitting (EP) has reviewed the application for a rezoning from the A-2 Rural Agriculture to the A-3 Transitional Agriculture zoning classification for a  $\pm 1.03$ -acre property portion of an overall  $\pm 6.71$ -acre property. EP provides the following report for the requested rezoning:

**Overview**

The subject property is within the St. Johns River watershed and the Natural Resource Management area, an overlay that ensures that development does not adversely impact the quality and quantity of existing resources.

***Wetlands***

Wetlands are located on the overall  $\pm 6.71$ -acre property, but not on the  $\pm 1.03$ -acre portion subject of this rezoning request.

***Protected Species***

The property has been identified as containing suitable habitat for the gopher tortoise, a threatened species. Any residential development of the site will require compliance with Division 17 *Gopher Tortoise Protection*, of the Land Development Code.

*Tree Preservation*

A-3 zoned properties under 2.5 acres are not exempt from Division 10, *Tree Preservation*, of the Land Development Code. The subject ±1.03-acre property contains one 48-inch historic live oak in the southwest corner. Due to its location and the size of the property, this historic tree should not be impacted by the development of one single-family dwelling. Historic tree removal requires approval from the Development Review Committee.

**Recommendation**

EP does not object to the rezoning request. However, any future development must comply with the applicable requirements of the Land Development Code at the time of building permit application.



**Inter-Office**  
**Memorandum**



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

**DATE:** April 23, 2021

**FROM:** Samantha J. West, Environmental Specialist III

**SUBJECT:** Parcel #: 6940-01-00-0030

Case #: Environmental Impact Assessment for Z-21-072

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Environmental Permitting (EP) has performed an Environmental Impact Assessment for the above-referenced case for a rezoning from the A-2 Rural Agriculture to the A-3 Transitional Agriculture zoning classification for a ±6.71-acre property. EP provides the following report:

**Overview**

The subject property is within the St. Johns River watershed. Pursuant to the submitted survey, the subject property is 6.71 acres.

***Zoning Classifications***

The current Rural Agriculture (A-2) zoning minimum lot size is 6.71 acres. The proposed Transitional Agriculture (A-3) zoning classification minimum lot size is one-acre. The minimum lot width is 150 feet for both the existing and proposed zoning classifications.

The property is 300 feet wide on Burt's Park Road. Therefore, without constructing a road or providing an easement, it can only be subdivided into two 150-foot wide lots. If the existing structures are demolished and 15% of the overall acreage is utilized for subdivision improvements (streets, stormwater, etc. - approximately one-acre), the site could be developed into five lots. If the proposed rezoning is approved, the site could contain a maximum of five lots and a minimum of two lots.

### *Future Land Use Designation*

Rezoning the subject property from the A-2 Rural Agriculture to the A-3 Transitional Agriculture zoning classification is conditionally compatible with the Rural land use designation. Lands designated as Rural shall be developed at a density of one dwelling unit per five acres. However, Section B.2.f.(1), Chapter 1, Future Land Use Element, allows an increase in density, maximum one dwelling unit per acre, under specific conditions.

### *Future Land Use Overlays*

The subject property is within the Natural Resource Management Area (NRMA), an overlay that ensures that development does not adversely impact the quality and quantity of existing resources. Environmental Impact Assessments (EIAs) are required to ensure protection of natural resources within the NRMA. Proposed activities within the NRMA shall avoid adverse impacts to wetlands and their associated natural physical and biological functions, wetlands shall have increased natural buffer zones, and intensive agriculture is not encouraged extensively throughout this overlay.

## **Soils and Vegetative Communities**

### *Soils*

The soils include (from east to west) Electra fine sand (non-hydric), Tavares fine sand (non-hydric), and Pompano-Placid complex (hydric).

### *Vegetative Communities*

The vegetative communities include freshwater non-forested wetlands (2140), hydric hammocks (2232) and cultural/terrestrial (1800).

## **Threatened and Endangered Species**

### *Gopher Tortoise*

The property has been identified as containing suitable habitat for the gopher tortoise, listed as a threatened species by the Florida Fish and Wildlife Conservation Commission (FWC) and are protected by state law Chapter 38A-27 and Chapter 39-27.002(4), Florida Administrative Code. No gopher tortoise burrows were observed on the subject property. However, a 100-percent gopher tortoise survey was not conducted. Any residential development of the site will require compliance with Division 17 *Gopher Tortoise Protection*, of the Land Development Code.

### *Bald Eagle*

Bald Eagles are protected under the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, and FWC's Bald Eagle rule (68-A-16.002, Florida Administrative Code). The Bald Eagle Management Plan, adopted by FWC in response to the United States Fish and Wildlife Service's (USFWS) National Bald Eagle



Management Guidelines. This requires a 660-foot buffer zone from the nest tree outside of nesting season and a 330-foot buffer zone during nesting season. Bald Eagle nesting season is October 1 through May 15.

No Bald Eagles were observed on the subject property. However, the closest nest located to the subject property is approximately 5,105 feet south, within Chuck Lennon Park.

#### *Wood Storks*

Wood Storks are protected under the Migratory Bird Treaty Act, the Federal Endangered Species Act and by Florida's Endangered and Threatened Species Rule. The subject property falls within the Lake Disston, Hontoon Island and Mud Lake USFWS core foraging areas for wood storks. No Wood Storks were observed on the subject property.

#### *Flora*

No protected plant species were observed on the subject property. However, a 100% survey of all flora on-site was not conducted.

### **General Environmental Considerations**

#### *Flood Plain*

The western one-third of the property is within Flood Zone AE. The remainder of the property is within Flood Zone X. The existing home is within Flood Zone AE.

#### *Sewer and Potable Water*

Neither sanitary sewer nor central water are available to the subject property. Therefore, individual lots will require septic tank systems and potable water wells approved through the Florida Department of Environmental Health.

#### *Air Quality*

Pursuant to the Environmental Protection Agency (EPA), there are three categories of air pollutants: criteria pollutants; air toxics and other pollutants; and stratospheric ozone issues. These pollutants are regulated by the Clean Air Act, which requires the EPA to monitor pollutants through different systems including the National Ambient Air Quality Standards (NAAQS) and the Toxics Release Inventory. Current air rules in Florida are located within Chapter 62, Florida Administrative Code. Stationary sources of pollutants include pulp, steel and iron mills, sulfur recovery plants, fuel conversion plants, charcoal production plants, etc.

The requested rezoning from Rural Agriculture (A-2) to the Transitional Agriculture (A-3) zoning classification reduces the potential for air pollutants as the following uses are not permitted with approval of a special exception within the A-3 zoning classification: fixed-wing aircraft landing fields and helipads; gas and oil wells; railroad yards, sidings and terminals; and speedways, racetracks and motorized vehicle motocross courses.

### *Land Clearance*

As this is a proposed rezoning from A-2 to A-3, no land clearing/vegetation removal is expected as this time. However, the property must comply with Division 10, *Tree Preservation*, of the Land Development Code. In addition, any vegetation removal/clearing within the 50-foot wetland buffer must comply with Division 11, *Wetland Alteration Permits*, of the Land Development Code.

### *Surface and Stormwater Management*

The property slopes from east to west toward Spring Garden Lake, with the highest elevation at 18 and the lowest at 1. The existing seawall does not contain a cap, nor does the site exhibit elevation changes that prevent stormwater runoff from flowing into the lake from the lawn.

### *Outstanding Florida Springs*

Chapter 373, Part VIII, Florida Statutes, the Florida Springs and Aquifer Protection Act provides for the protection and restoration of Outstanding Florida Springs (OFS). DeLeon Spring is a second magnitude spring and an OFS, located in DeLeon Spring State Park, approximately 1,250 feet from the subject property. This spring connects to the St. Johns River, 12 miles downstream, through a series of lakes and creeks.

DeLeon Spring was identified as impaired by the Florida Department of Environmental Protection because of a biological imbalance caused by excessive concentrations of nitrate in the water. The nitrogen loading to groundwater includes the following: Farm Fertilizer represents 52%, urban turfgrass fertilizer 19%, and on-site sewage treatment and disposal systems 14%.

Development of the Basin Management Action Plan (BMAP) to meet the requirements of the Florida Springs and Aquifer Protection Act for the DeLeon Spring Basin was initiated in 2018. The subject property is a part of the 65,392-acre DeLeon Spring Basin BMAP area. The DeLeon Spring Priority Focus Area (PFA) comprises of 24,437 acres, and does not include the subject property. The PFA represents the area in the basin where the aquifer is most vulnerable to inputs and where there are the most connections between groundwater and DeLeon Spring.

### *Outstanding Florida Waters*

Section 403.061(27), Florida Statutes, grants the Department of Environmental Protection (DEP) the power to establish rules that provide for a special category of waterbodies within the State referred to as "Outstanding Florida Waters" that are worthy of special protection because of their natural attributes. This list includes the DeLeon Springs State Recreation Area, ±275 feet east of the subject property, and the Lake Woodruff National Wildlife Refuge, ±1,450 feet west of the subject property across Spring Garden Lake.

In general, discharges regulated through DEP or SJRWMD that are proposed within an OFW must not lower background ambient water quality. Activities or discharges within an OFW, or which significantly degrade an OFW must be clearly in the public interest for an Environmental Resource Permit (ERP) to be issued.



“Special Waters” OFWs are designated after the Environmental Regulation Commission (ERC) makes a finding that the waters are of exceptional recreational or ecological significance and a finding that the environmental, social, and economic benefits of the designation outweigh the environmental, social, and economic costs. Neither the DeLeon Springs State Recreation Area nor the Lake Woodruff National Wildlife Refuge are listed as a “Special Waters” OFW.

### **Volusia County Environmental Regulations**

#### *Wetlands*

The subject property is within the Natural Resource Management area, an overlay that ensures that development does not adversely impact the quality and quantity of existing resources. Therefore, a 50-foot wetland buffer is required from the surface water and wetland boundary.

Wetlands are located on the western portion of the property. More specifically, the property adjoins Spring Garden Lake on the western boundary, a man-made canal on the south and contains a small wetland area on the northern side of this portion of the property. A formal wetland delineation was not performed on the property.

Non-native and invasive herbaceous vegetation dominate the existing wetland buffer with an existing native tree canopy along the canal.

The subject property contains an existing unpermitted dock. This will require an after-the-fact Wetland Alteration Permit, mitigation, and will be reviewed for compliance with the Manatee Protection Plan.

#### *Tree Preservation*

A-3 zoned properties under 2.5 acres are not exempt from Division 10, *Tree Preservation*, of the Land Development Code. As this property contains 17 historic live oaks (38", 41", 42", 43", 44", 45", 46", 47", 48", 48", 51", 59", 64", 64", 65", 69", and 71"), subdivision of this property will create new lots with historic trees which may not be exempt and will require approval from the Development Review Committee for removal.

However, A-3 zoned properties 2.5 acres and over and owner-occupied properties are exempt from Division 10, *Tree Preservation*, of the Land Development Code.

#### *Wellhead Protection Zones*

The eastern  $\pm 2$  acres of the property are within a secondary wellhead protection zone. Division 13 *Potable Water Well Field Protection*, of the Land Development Code provides restrictions and permitting of nonresidential activity, handling, production or storage of hazardous substances.

#### *Sea Level Rise*

Pursuant to Conservation Element Policy 12.1.2.9, of the Volusia County Comprehensive Plan, dwelling unit densities shall continue to be limited within areas



determined to be vulnerable to sea level rise as identified in the Regional Resiliency Action Plan. The Regional Resiliency Action Plan predicts an upper bound of a 4.47-foot rise in sea level by 2060 and an 8.48-foot rise in sea level by 2100. Therefore, pursuant to the NOAA Sea Level Rise Viewer, the western portion of the property will begin to be inundated between 3 and 4 feet of sea level rise, with the remainder of the property within Flood Zone AE completely inundated at 8 feet of sea level rise. Approval of this rezoning application increases the allowed density in the Rural land use designation and is therefore inconsistent with the above-referenced Policy.

## **Conclusion**

The proposed rezoning from Rural Agriculture (A-2) to Transitional Agriculture (A-3), would be utilizing a provision in the Rural land use designation to increase the density to a maximum one dwelling unit per acre for the entire ±6.71-acre property. This Environmental Impact Assessment has determined that the rezoning request is inconsistent with the Comprehensive Plan:

1. Section B.2.f.(1)(c), Chapter 1, Future Land Use Element, requires staff to identify if the proposed property is suitable for wells and septic tank usage and the natural features of the subject parcel such as soils, vegetation, wildlife habitat and flood plain.
2. Policy 12.1.2.9, Conservation Element, requires dwelling unit densities to be limited within areas determined to be vulnerable to sea level rise as identified in the Regional Resiliency Action Plan.

Approval of this rezoning application will permit subdivision of the subject property into a maximum of five and minimum of two lots. Hydric soils (Pompano-Placid complex) are present on the western portion of the property adjacent to Spring Garden Lake, the man-made canal and the small wetland system. Although these areas are dominated by non-native and invasive herbaceous vegetation, a 50-foot buffer is still required. In addition, the western one-third of the property is within Flood Zone AE, this area will begin to be inundated at 3 feet of sea level rise.

Neither sanitary sewer nor central water are available to the subject property. Therefore, individual lots will require septic tank systems and potable water wells. This property is within DeLeon Spring Basin BMAP area and is approximately ±1,250 feet from this second magnitude spring. Approval of this application would allow five septic tank systems near an impaired Outstanding Florida Spring within the designated BMAP area.

The property contains 17 historic live oaks. Approval of this rezoning would permit five one-acre lots containing multiple historic trees. Development Review Committee approval would be required for their removal.

As the applicant's intent is to subdivide a one-acre portion on the northeast corner, it is recommended that the rezoning application be modified to include this one-acre, only. This one-acre portion is consistent with Section B.2.f.(1)(c), Chapter 1, Future Land Use Element and Policy 12.1.2.9, Conservation Element, of the Comprehensive Plan. It will not be impacted by sea level rise by 2100, is in Flood Zone X, contains non-hydric soil (Electra fine sand), and only has one 48" DBH historic live oak which should not be impacted by the development of one single-family dwelling.

*Attachments:*

1. Pictometry Aerial
2. Survey
3. Natural Resource Management Area map
4. Soil map
5. Vegetation map
6. Gopher Tortoise Overlay map
7. Bald Eagle map
8. Wood Stork map
9. Flood Plain map
10. Contours
11. DeLeon Spring Basin Management Action Plan map
12. Outstanding Florida Waters map
13. St. Johns River Water Management District wetland map
14. National Wetlands Inventory map
15. Historic Tree map
16. Wellhead Protection Zone map
17. NOAA Sea Level Rise map
18. Site Photos







SPRING GARDEN LAKE

**FLOOD CERTIFICATION:**  
(Per map dated February 19, 2014)  
This is to certify that I have consulted the Federal Insurance Flood Hazard Boundary Map and found the subject property is not in a Special Flood Hazard Area, flood hazard area, according to Community Panel Map No. 12120-0325-H Map, Panel 325 of 830, Zone "X" & "AE".

LEGAL DESCRIPTION: (ON 5786 PG 4398)

OVERALL:

THAT PORTION OF LOT 2, SPRING GARDEN LAKE SUBDIVISION, ACCORDING TO THE MAP IN MAP BOOK 11, PAGE 97 DESCRIBED AS FOLLOWS:

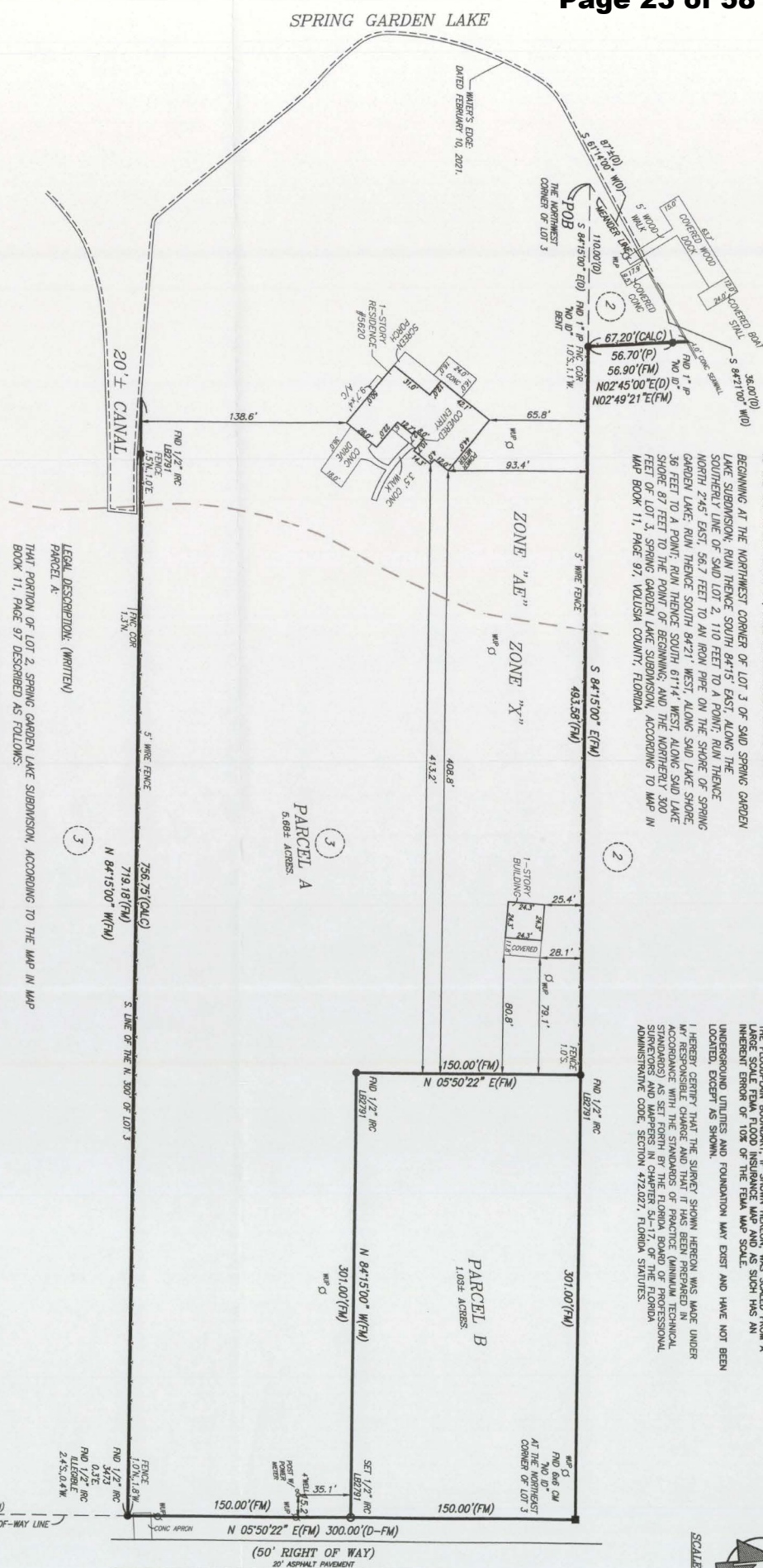
BEGINNING AT THE NORTHWEST CORNER OF LOT 3 OF SAID SPRING GARDEN LAKE SUBDIVISION, RUN THENCE SOUTH 84°15' EAST, ALONG THE SOUTHERLY LINE OF SAID LOT 2, 110 FEET TO A POINT; RUN THENCE NORTH 2°45' EAST, 56.7 FEET TO AN IRON PIPE ON THE SHORE OF SPRING GARDEN LAKE; RUN THENCE SOUTH 84°21' WEST, ALONG SAID LAKE SHORE, 36 FEET TO A POINT; RUN THENCE SOUTH 61°14' WEST, ALONG SAID LAKE SHORE 87 FEET TO THE POINT OF BEGINNING; AND THE NORTHERLY 300 FEET OF LOT 3, SPRING GARDEN LAKE SUBDIVISION, ACCORDING TO MAP IN MAP BOOK 11, PAGE 97, VOLUSA COUNTY, FLORIDA.

NOTES:

BEARINGS SHOWN HEREON WERE BASED ON THE WEST RIGHT-OF-WAY LINE OF BURT'S PARK ROAD AS BEING N. 05°50'22" E. (ASSUMED). THE FLOODPLAIN BOUNDARY, IF SHOWN HEREON, WAS SCALED FROM A LARGE SCALE FEMA FLOOD INSURANCE MAP AND AS SUCH HAS AN INHERENT ERROR OF 10% OF THE FEMA MAP SCALE. UNDERGROUND UTILITIES AND FOUNDATION MAY EXIST AND HAVE NOT BEEN LOCATED, EXCEPT AS SHOWN.

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE UNDER MY RESPONSIBLE CHARGE AND THAT IT HAS BEEN PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE (MINIMUM TECHNICAL STANDARDS) AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 462.001, OF THE FLORIDA ADMINISTRATIVE CODE, SECTION 462.001, FLORIDA STATUTES.

SCALE: 1"=50'



BURT'S PARK ROAD (FIELD)  
WEST STREET (PLAT)

**LEGAL DESCRIPTION: (WRITTEN)**  
**PARCEL A**  
THAT PORTION OF LOT 2, SPRING GARDEN LAKE SUBDIVISION, ACCORDING TO THE MAP IN MAP BOOK 11, PAGE 97 DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHWEST CORNER OF LOT 3 OF SAID SPRING GARDEN LAKE SUBDIVISION, RUN THENCE SOUTH 84°15' EAST, ALONG THE SOUTHERLY LINE OF SAID LOT 2, 110 FEET TO A POINT; RUN THENCE NORTH 2°45' EAST, 56.7 FEET TO AN IRON PIPE ON THE SHORE OF SPRING GARDEN LAKE; RUN THENCE SOUTH 84°21' WEST, ALONG SAID LAKE SHORE, 36 FEET TO A POINT; RUN THENCE SOUTH 61°14' WEST, ALONG SAID LAKE SHORE 87 FEET TO THE POINT OF BEGINNING; AND THE NORTHERLY 300.00 FEET OF LOT 3, SPRING GARDEN LAKE SUBDIVISION, ACCORDING TO MAP IN MAP BOOK 11, PAGE 97, VOLUSA COUNTY, FLORIDA, EXCEPT THE NORTHERLY 150.00 FEET OF THE EASTERLY 301.00 FEET OF SAID LOT 3.

**PARCEL B**  
THE NORTHERLY 150.00 FEET OF THE EASTERLY 301.00 FEET OF LOT 3, SPRING GARDEN LAKE SUBDIVISION, ACCORDING TO MAP IN MAP BOOK 11, PAGE 97, PUBLIC RECORDS OF VOLUSA COUNTY, FLORIDA.

BOUNDARY SURVEY RECEIPTED TO: ROBERT & LINDA REED, DATED: FEBRUARY 10, 2021.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BLACKWELL & ASSOCIATES  
LAND SURVEYORS, INC.  
WWW.BLACKWELLSURVEYING.COM  
905 W. VOLUSA AVE. • DEBAND, FL • PH: (407) 734-8030

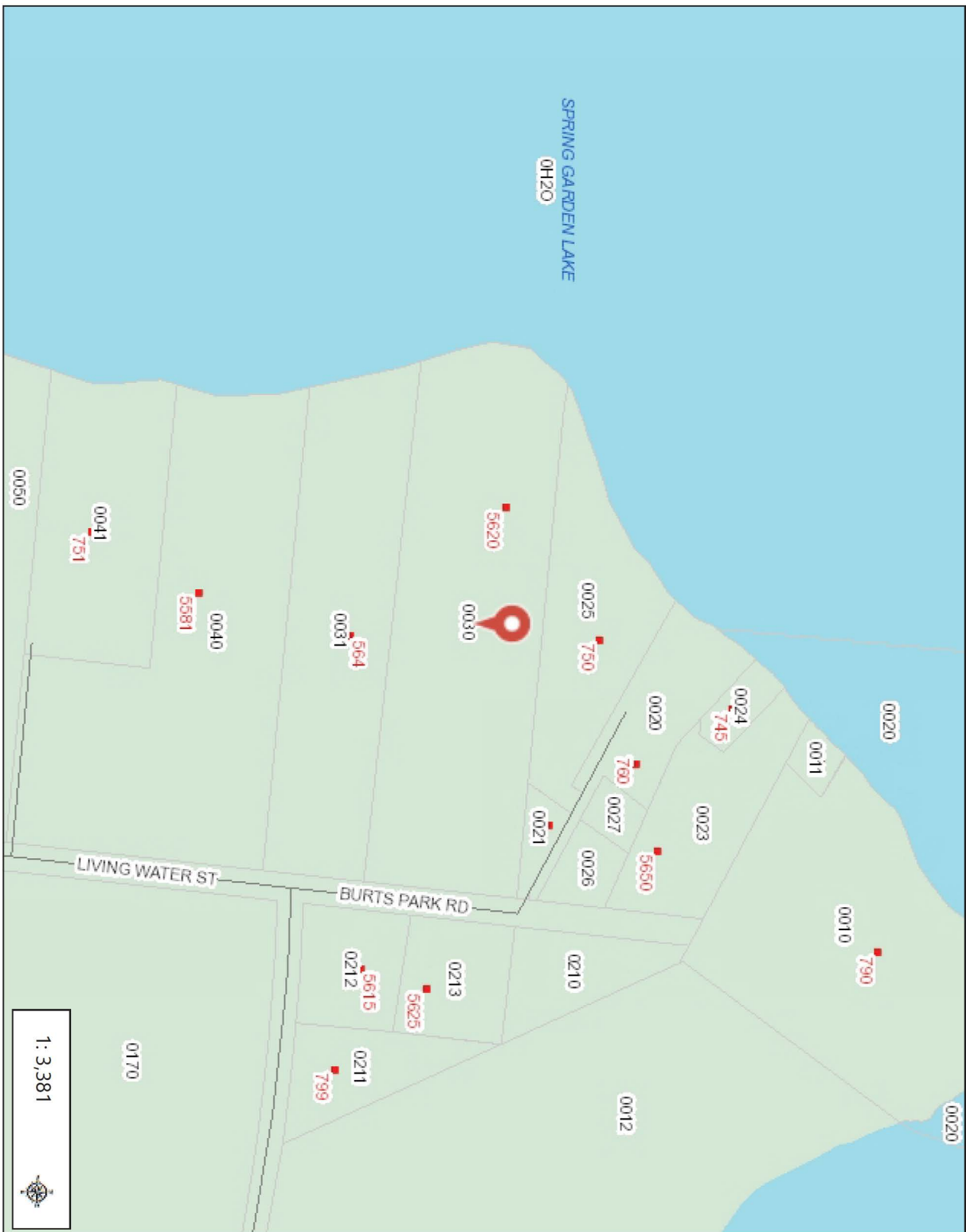
BOUNDARY SURVEY CERTIFIED TO:  
ROBERT & LINDA REED

BY: ROBERT R. REED  
FLORIDA CERTIFICATE NO. 12120-0325-H



SYMBOLS:	
○	REAR FOUND (SEE SHOWN HEREON)
○	1/2" REAR & CAP SET (SEE SHOWN HEREON)
○	CONCRETE MONUMENT FOUND (SEE SHOWN HEREON)
○	R.L.S. (SEE/NULL SET (SEE SHOWN HEREON))
○	R.L.S. (SEE/NULL SET (SEE SHOWN HEREON))
○	BOLT FOUND (SEE SHOWN HEREON)
○	RAISED SPRING FOUND
○	P/V NULL FOUND
DATE: 6/9/17	
FIELD BOOK: 507 502-08 & 718 75-78	
CADD FILE / FILE NO.: 1-05-08	
H-3882	

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

1: 3,381

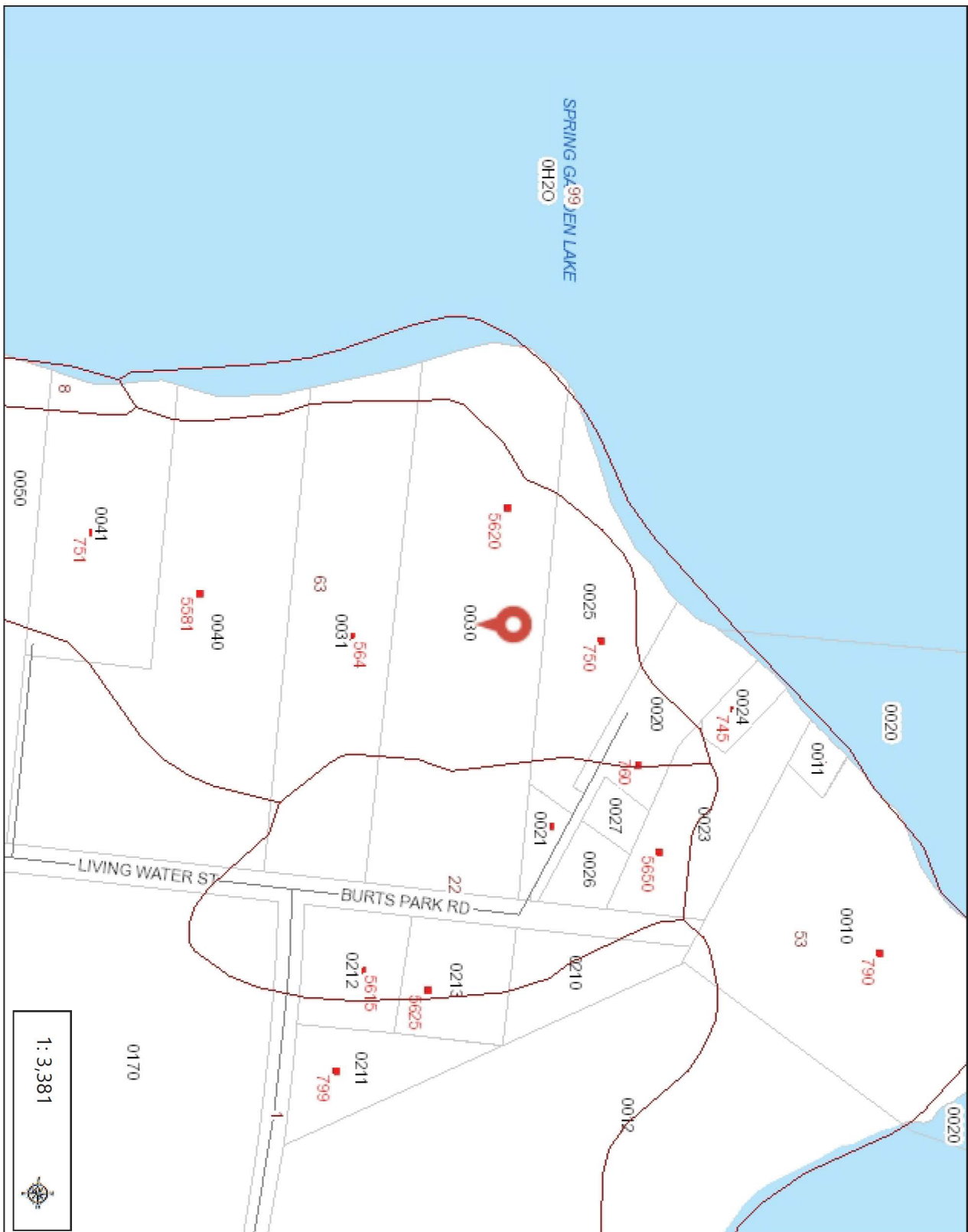


Legend

Natural Resource Management

Notes





1: 3,381

Notes

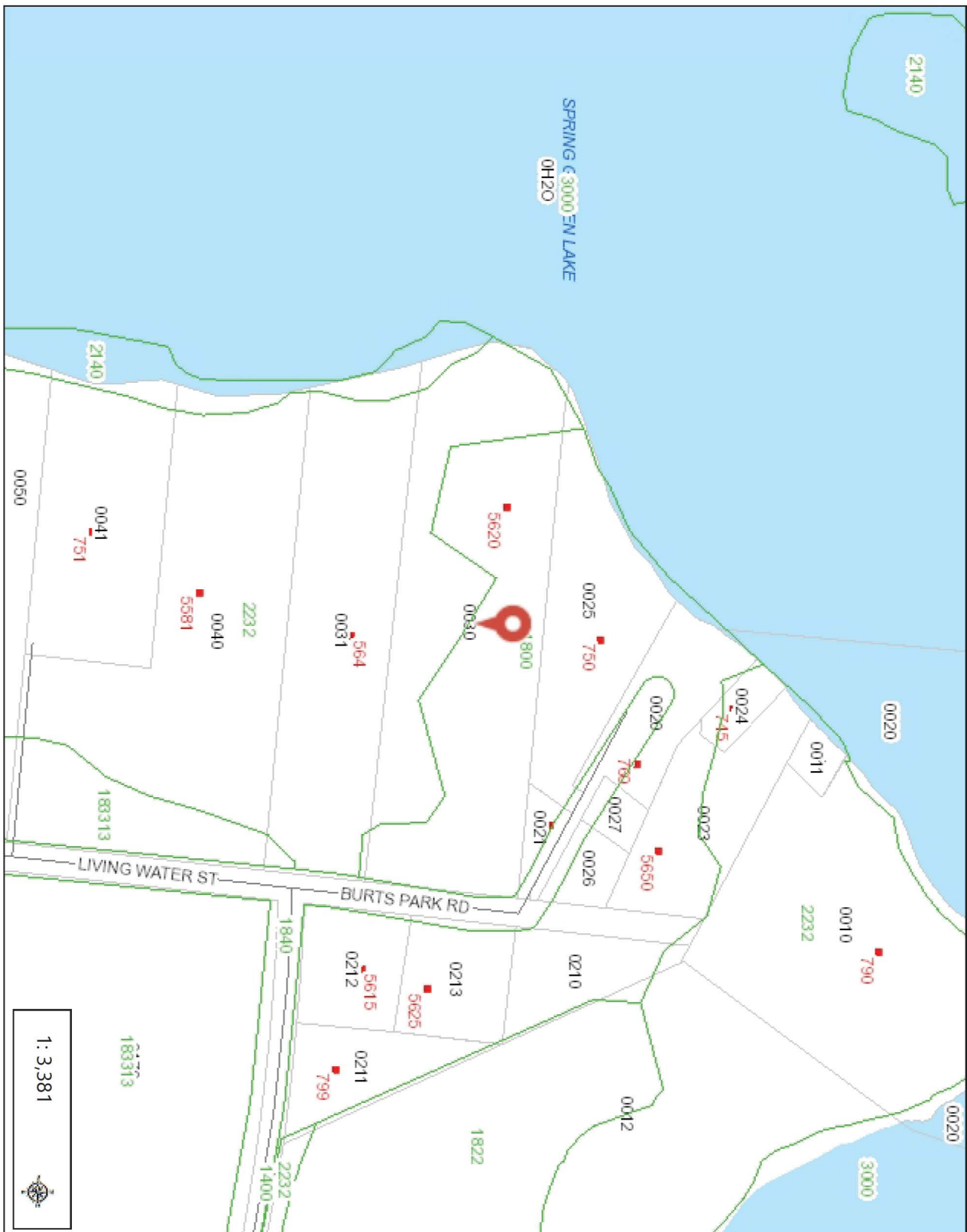
Legend  
☐ Soils Outline

563.4  
0  
281.72  
563.4 Feet

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

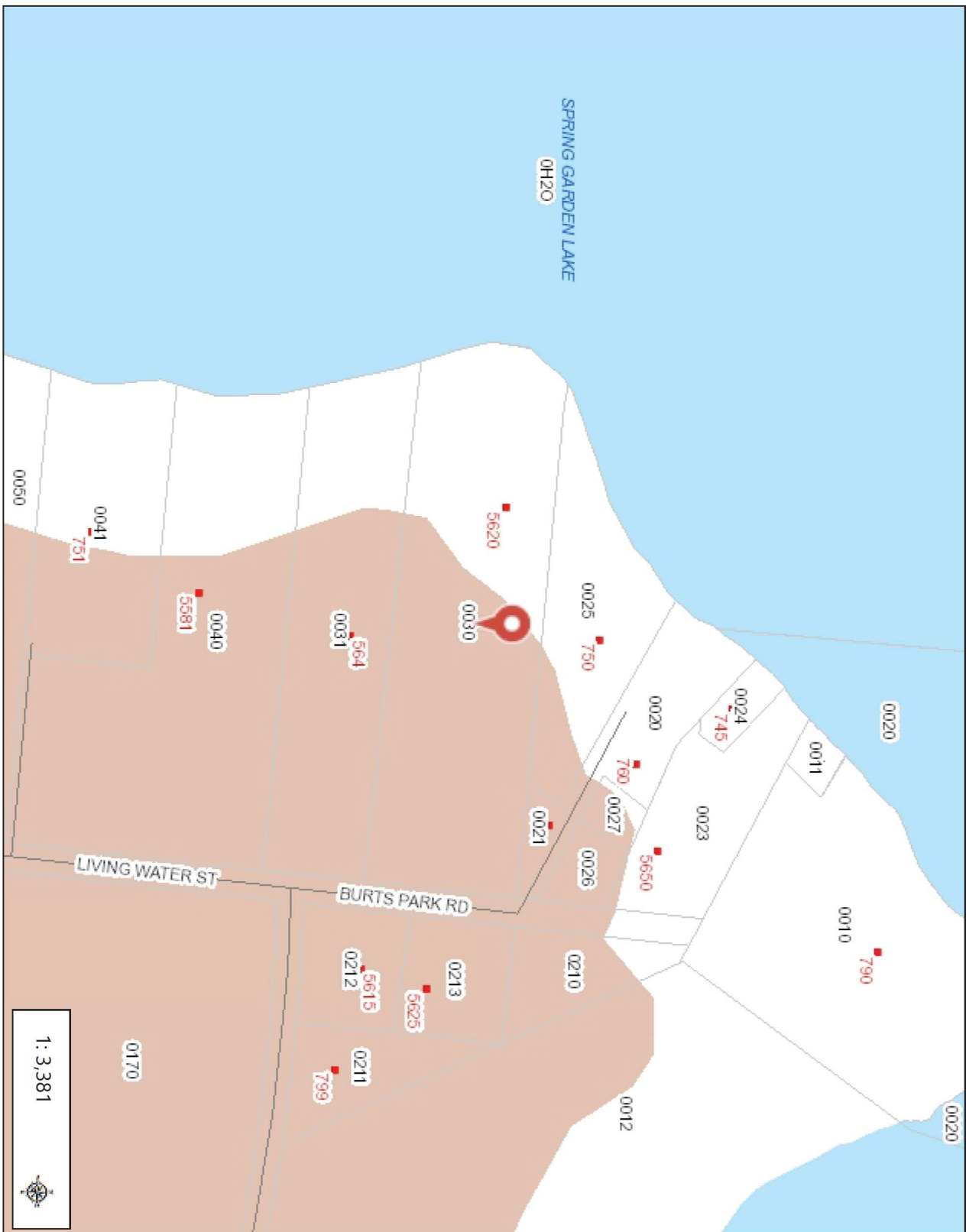
THIS MAP IS NOT TO BE USED FOR NAVIGATION

NAD\_1983\_HARN\_StatePlane\_Florida\_East\_FIPS\_0901\_Feet  
© Latitude Geographics Group Ltd.



Legend  
Vegetation Outline

Notes



1: 3,381



Legend

Gopher tortoise Overlay

Notes

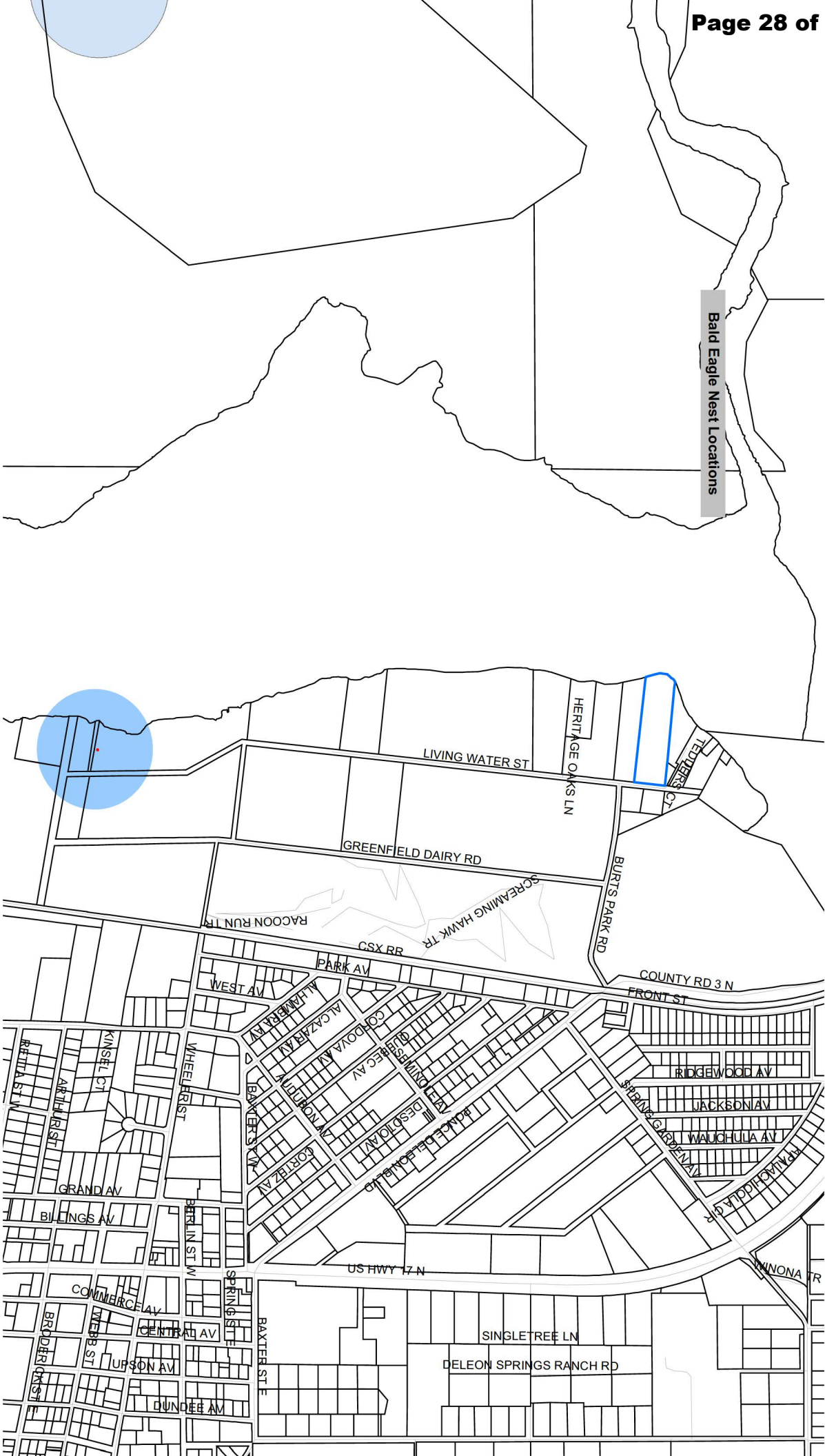
563.4 0 281.72 563.4 Feet

NAD\_1983\_HARN\_StatePlane\_Florida\_East\_FIPS\_0901\_Feet

© Latitude Geographics Group Ltd.

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THIS MAP IS NOT TO BE USED FOR NAVIGATION



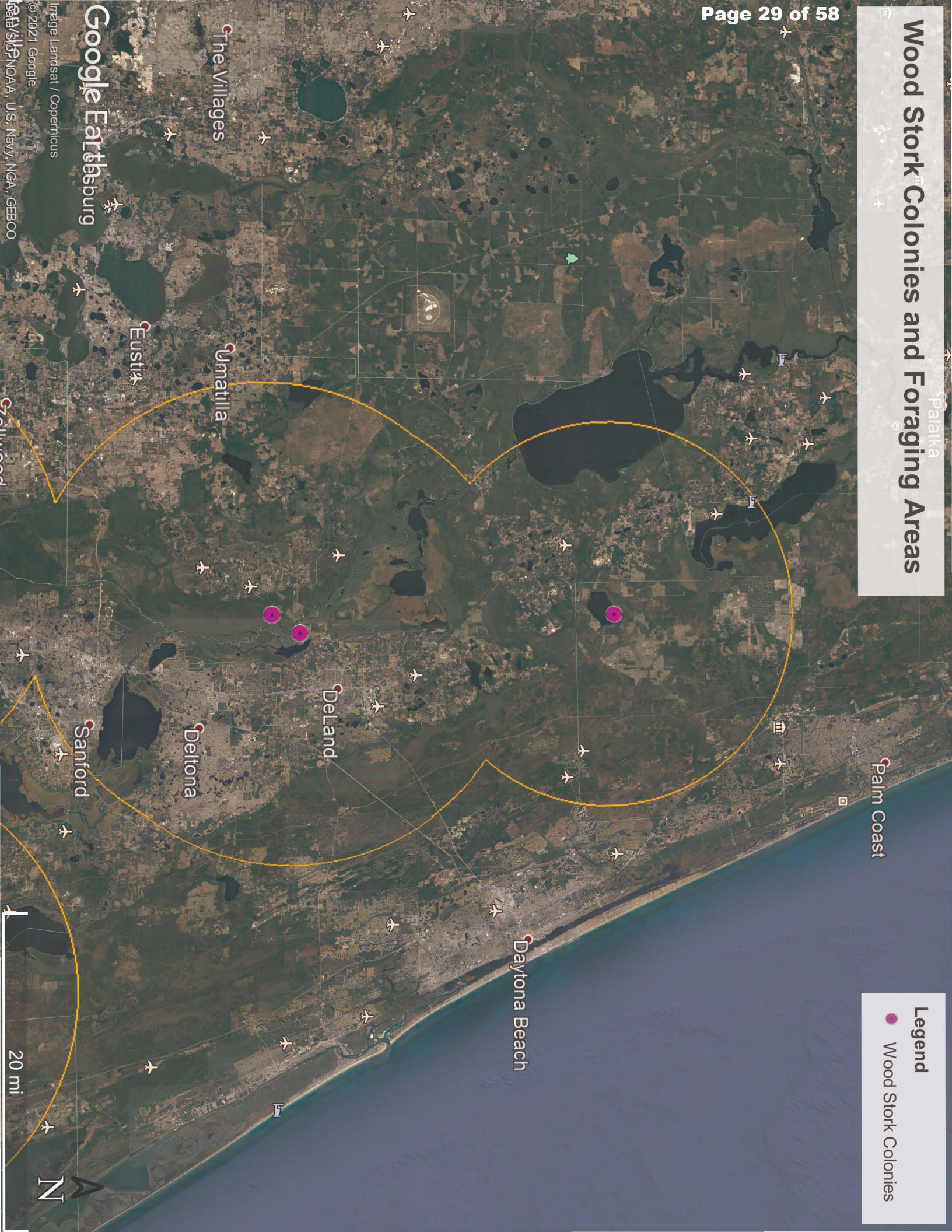
Bald Eagle Nest Locations



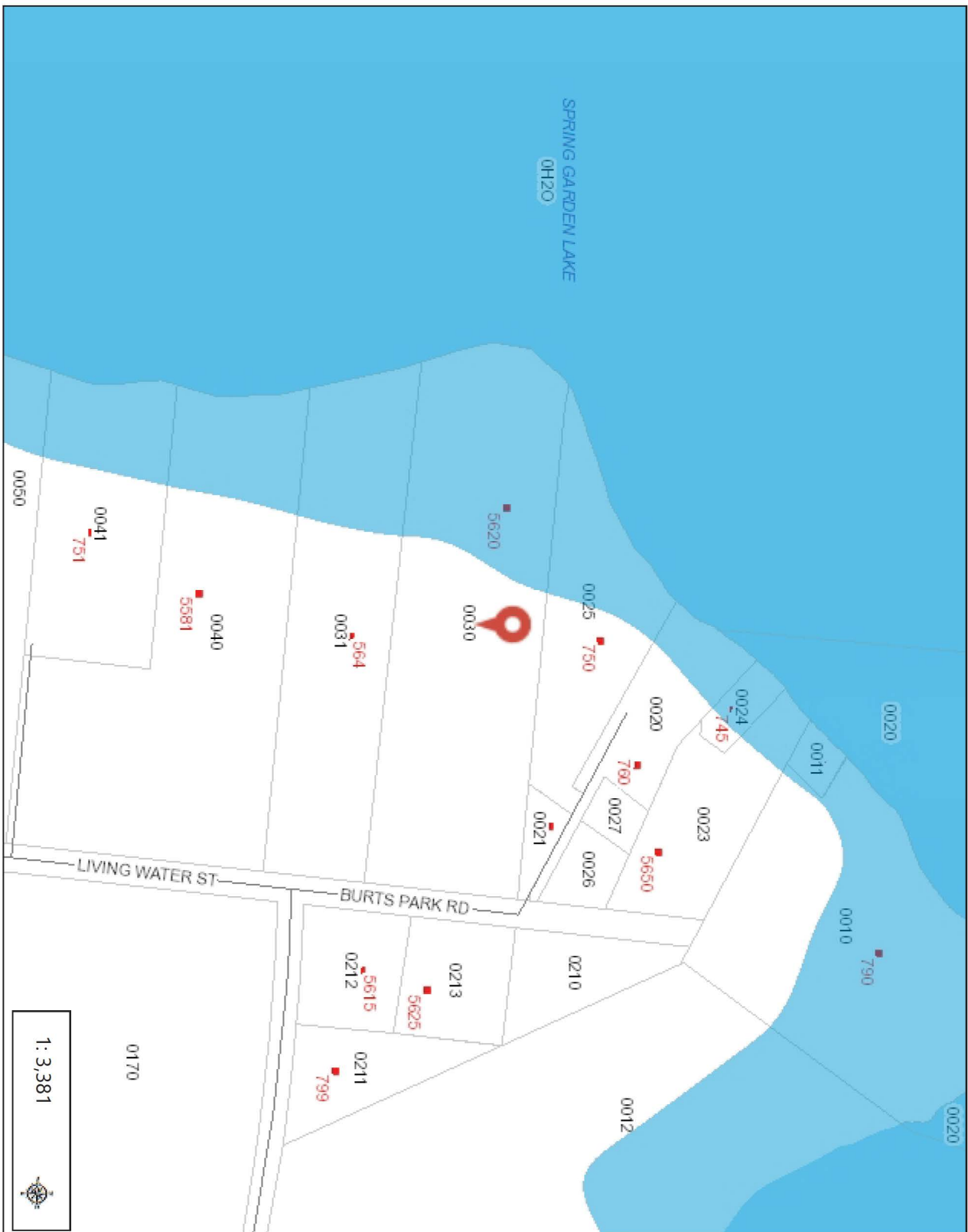
# Wood Stork Colonies and Foraging Areas

## Legend

● Wood Stork Colonies





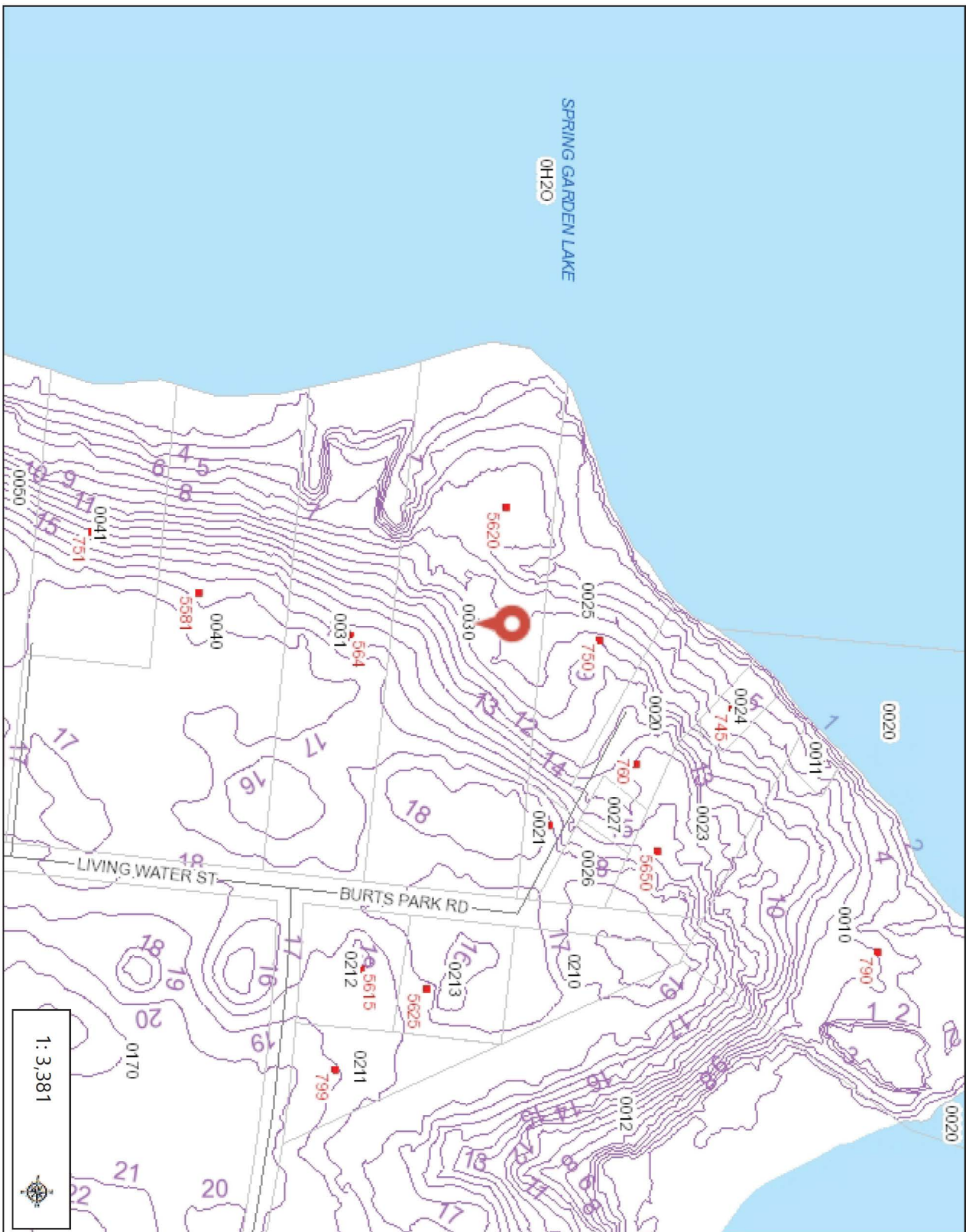


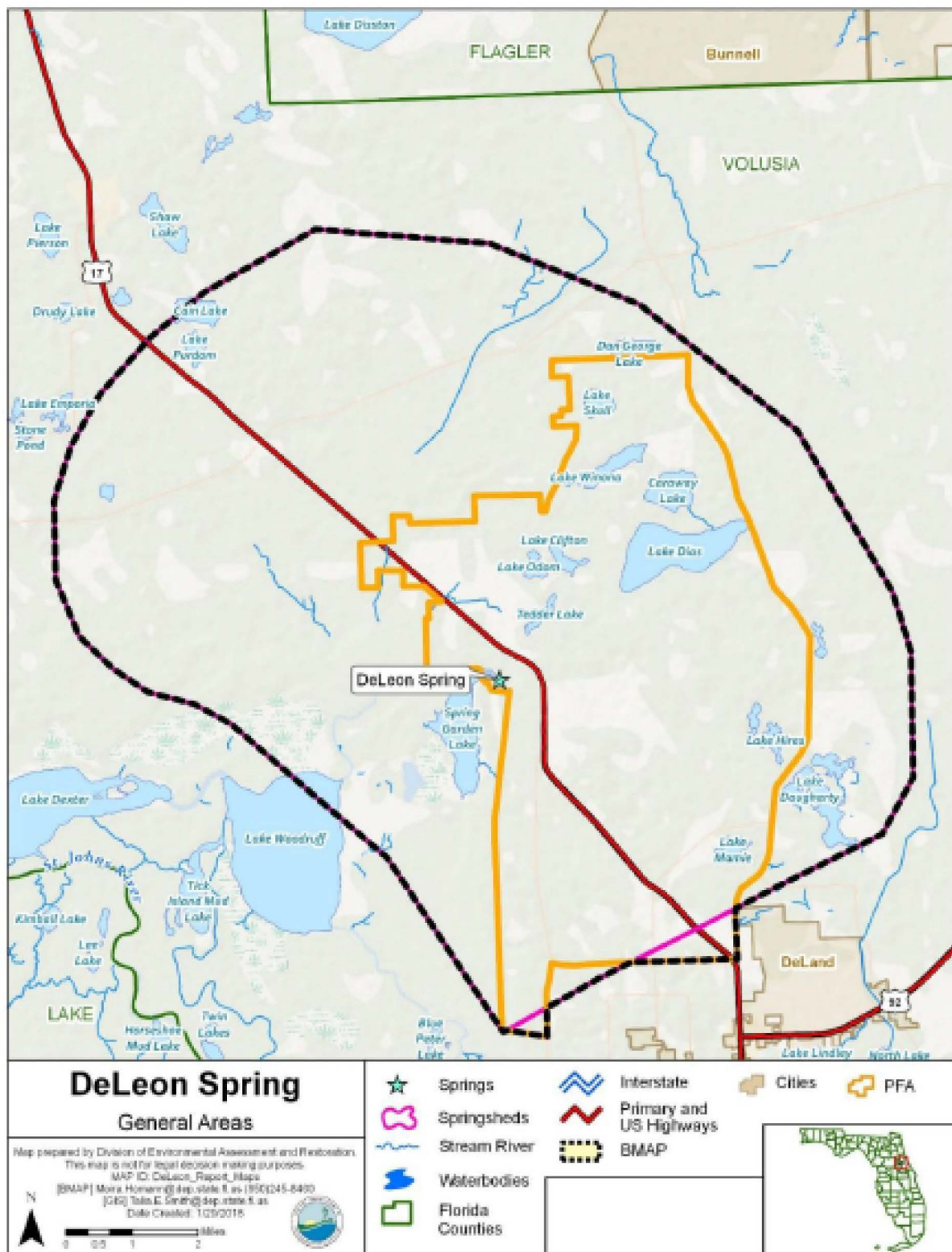
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Legend

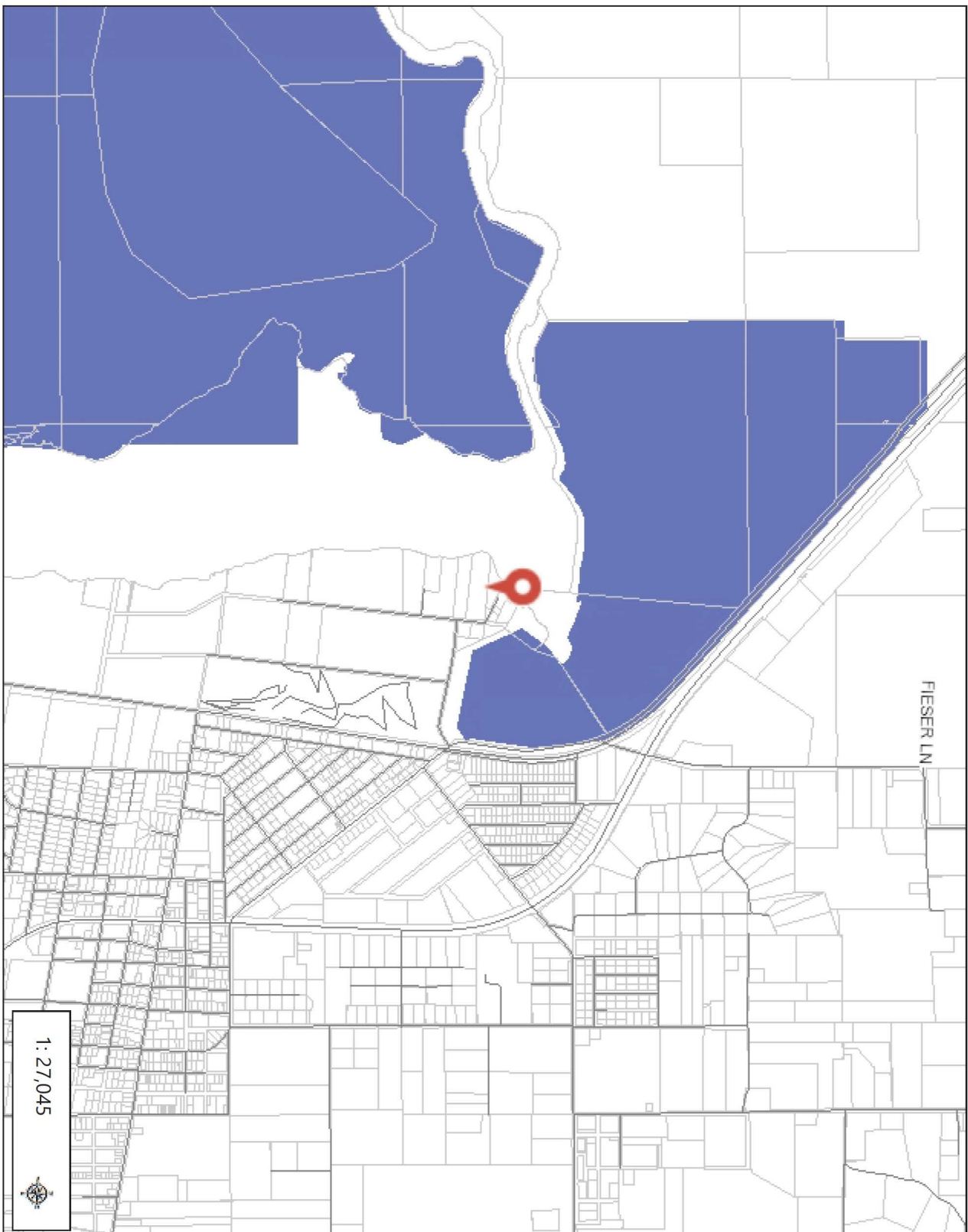
Flood Risk Zones

Notes









1: 27,045



Legend

- Outstanding Florida Waters

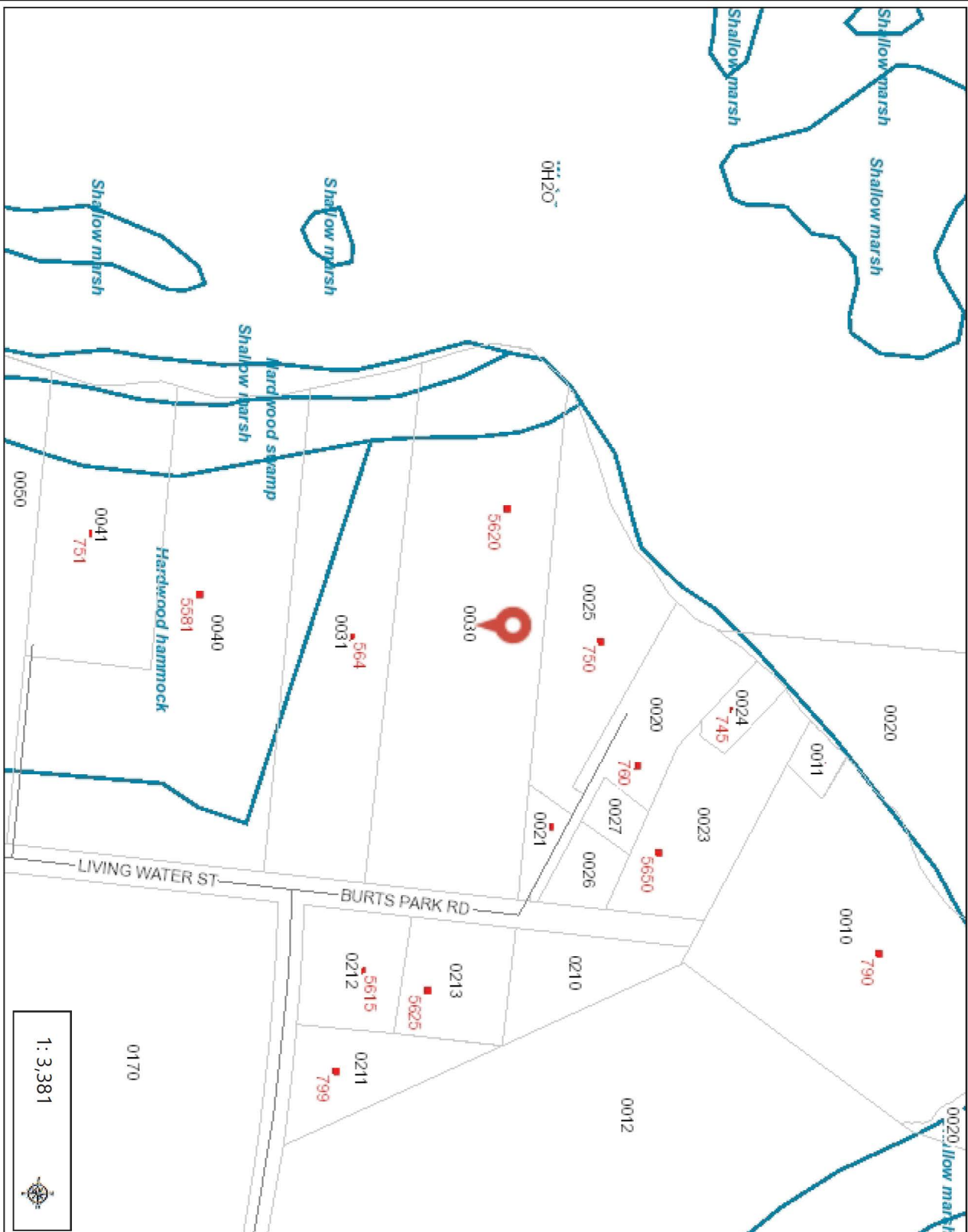
Notes

4,507.5  
0  
2,253.73  
4,507.5 Feet

NAD\_1983\_HARN\_StatePlane\_Florida\_East\_FIPS\_0901\_Feet  
© Latitude Geographics Group Ltd.

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THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend  
SUPWMD Wetlands

Notes

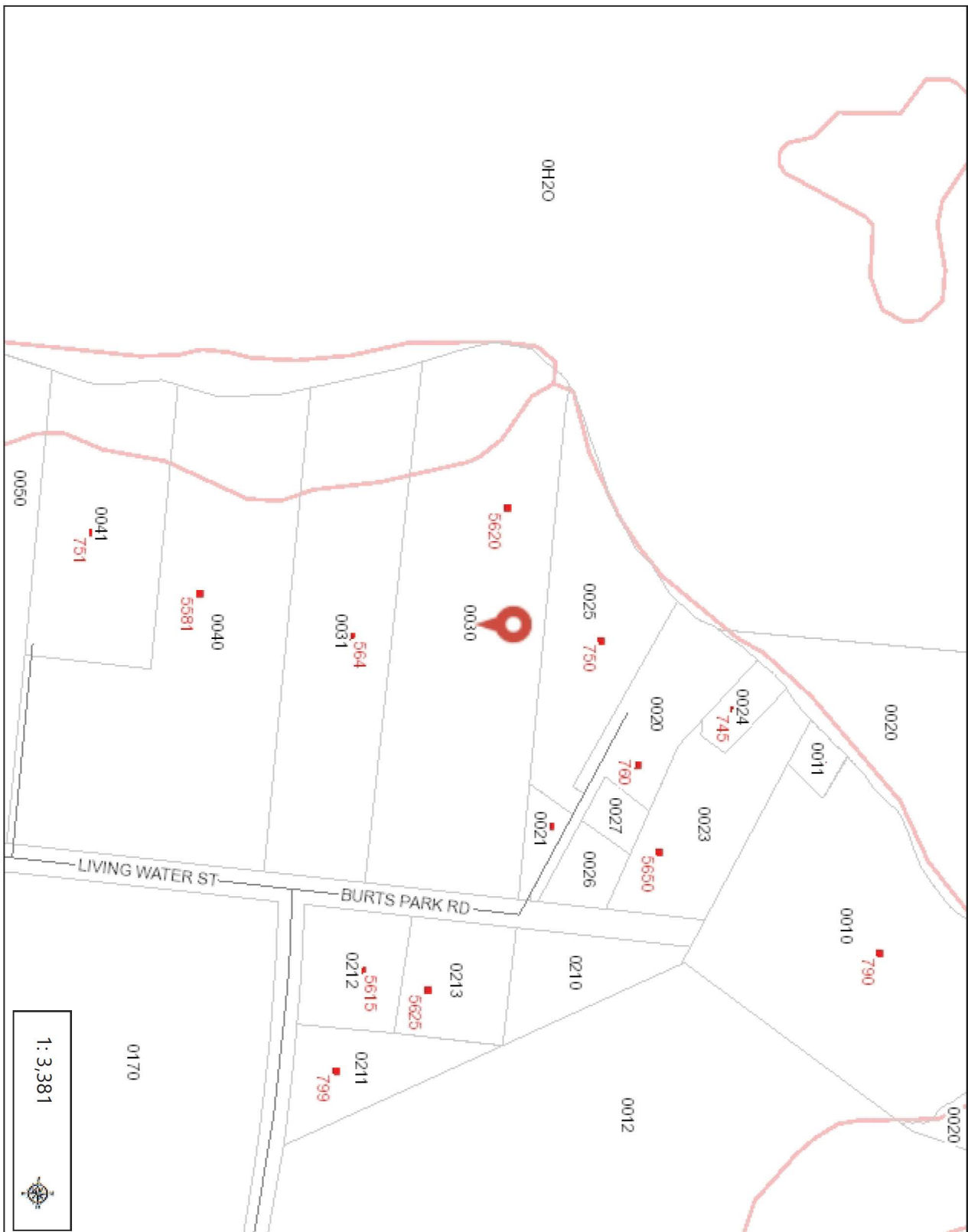
563.4  
0  
281.72  
563.4 Feet  
NAD\_1983\_HARN\_StatePlane\_Florida\_East\_FIPS\_0901\_Feet  
© Latitude Geographics Group Ltd.

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

1: 3,381





1: 3,381



Legend  
Wetlands NWI Outline

Notes

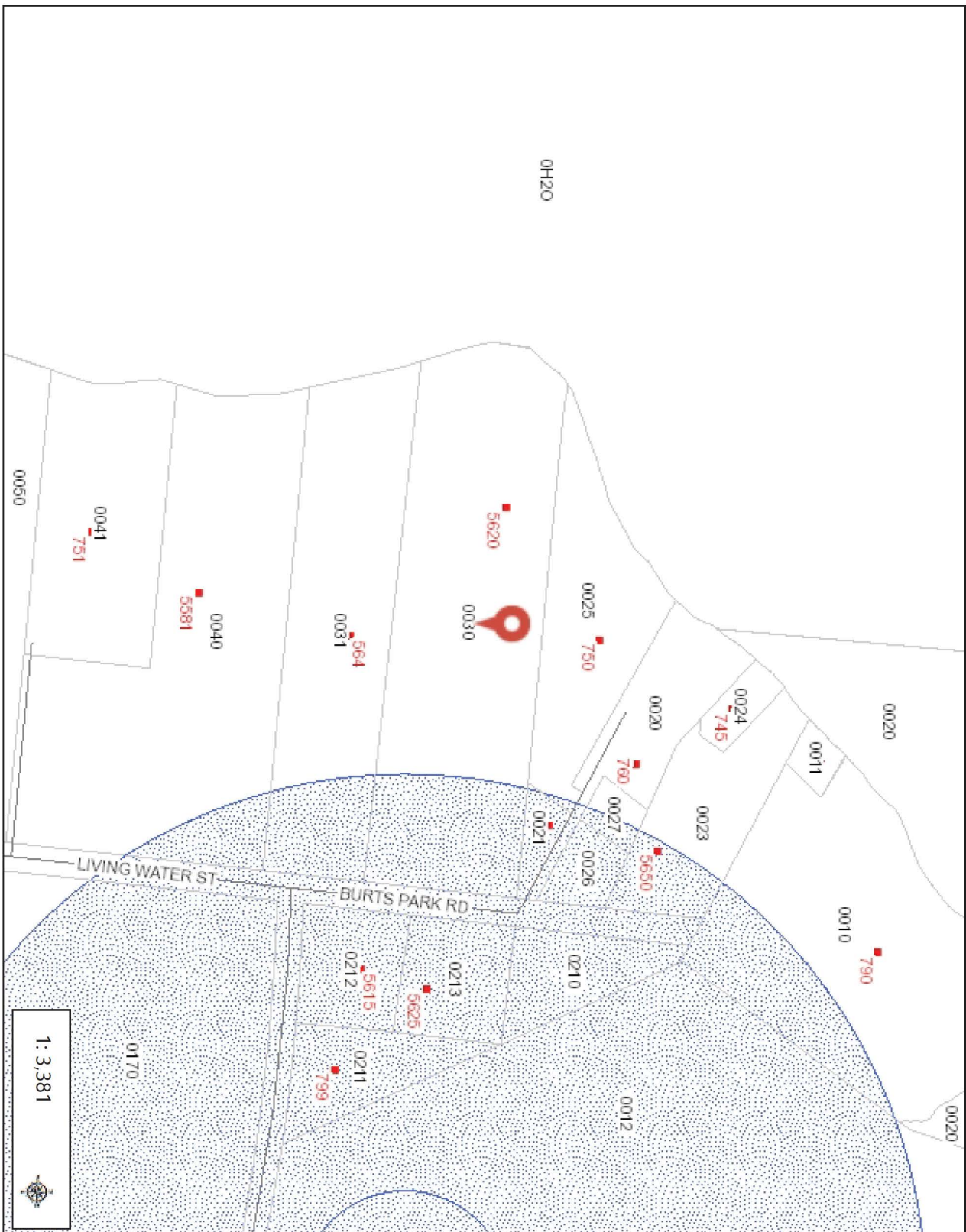




GPS accuracy 213.3 ft · required 30 ft







1: 3,381

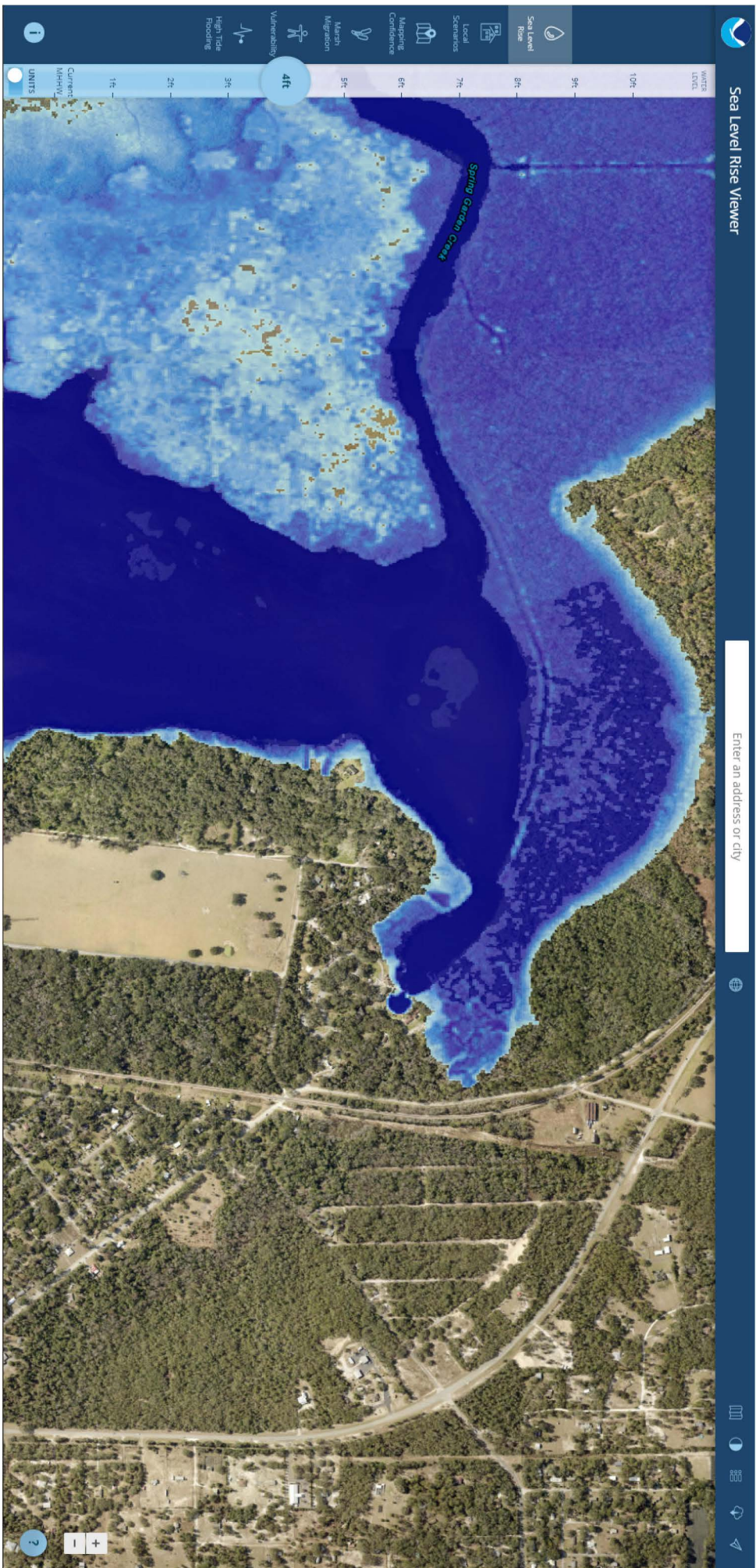


Legend

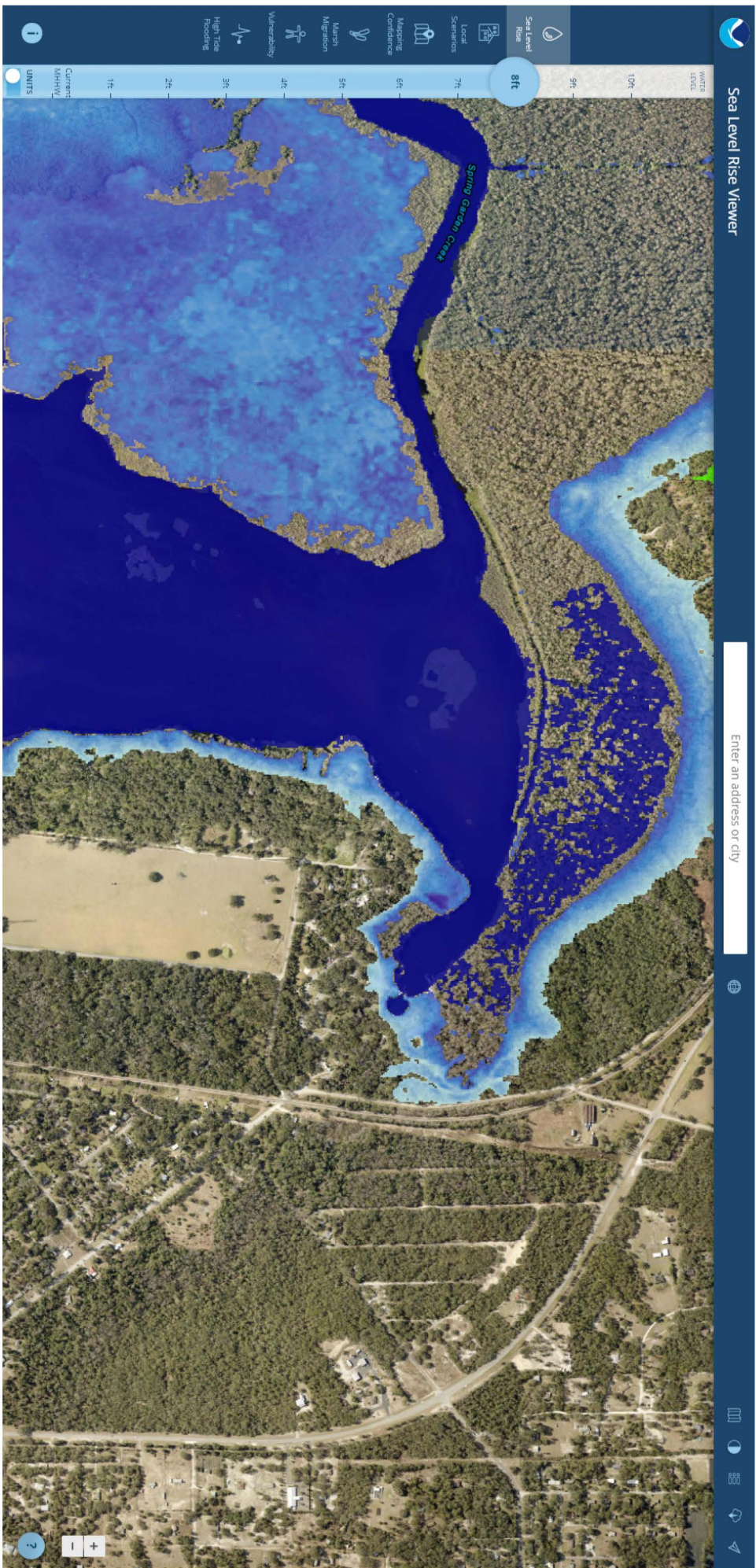
-  Wellhead Protection Zones

Notes











April 21, 2021 Site Inspection Photos





April 21, 2021 Site Inspection Photos





April 21, 2021 Site Inspection Photos





April 21, 2021 Site Inspection Photos





April 21, 2021 Site Inspection Photos





April 21, 2021 Site Inspection Photos





April 21, 2021 Site Inspection Photos





April 21, 2021 Site Inspection Photos





April 21, 2021 Site Inspection Photos





April 21, 2021 Site Inspection Photos





April 21, 2021 Site Inspection Photos





April 21, 2021 Site Inspection Photos





## Photographs

View of parcel from Burt's Park Road.



Aerial view of general area, looking northward.

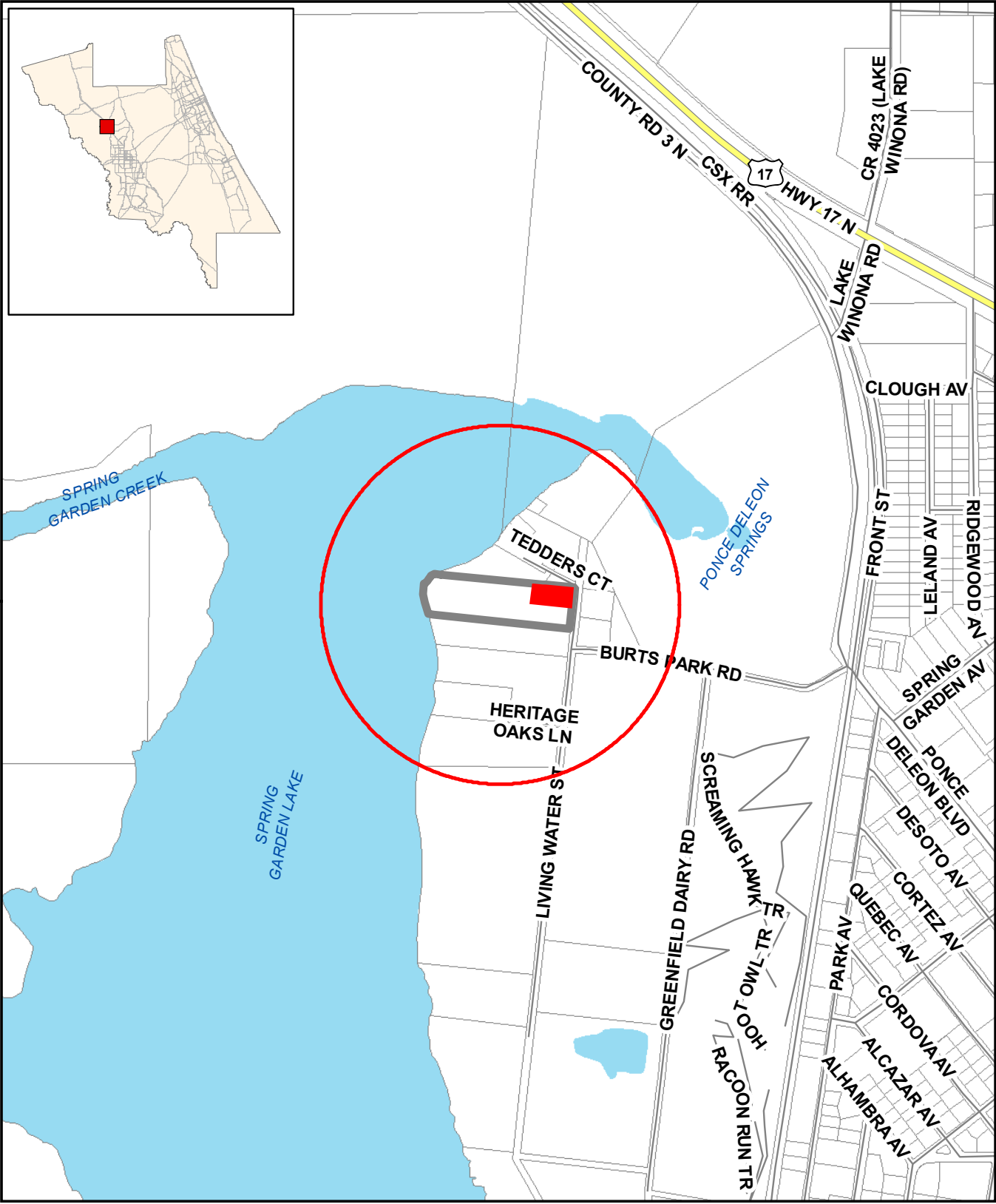


Aerial view of parcel, looking westward.





PROPERTY LOCATION  
Z-21-072



 SUBJECT PROPERTY

 PARENT PROPERTY



1" = 1,000'

5/3/2021

AERIAL  
Z-21-072



 SUBJECT PROPERTY

 PARENT PROPERTY IMAGE DATE 2018



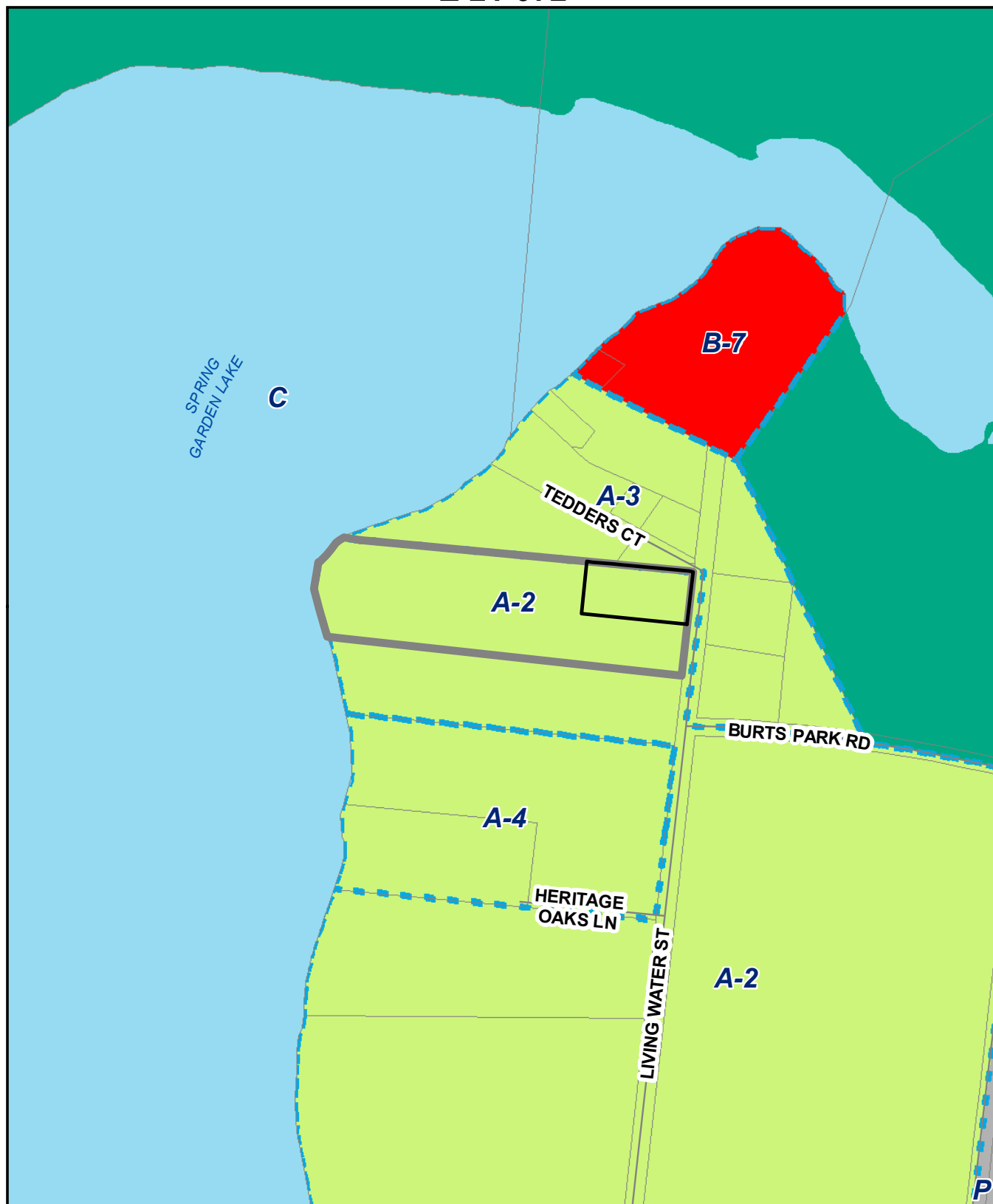
1" = 400'

5/3/2021



# ZONING CLASSIFICATION - CURRENT

## Z-21-072



SUBJECT PROPERTY



PARENT PROPERTY

FROM: A-2  
TO: A-3



1" = 400'  
5/3/2021



ZONING BNDY



PUBLIC



CONSERVATION



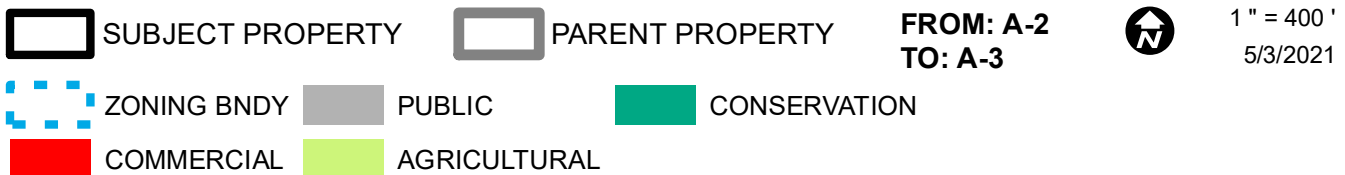
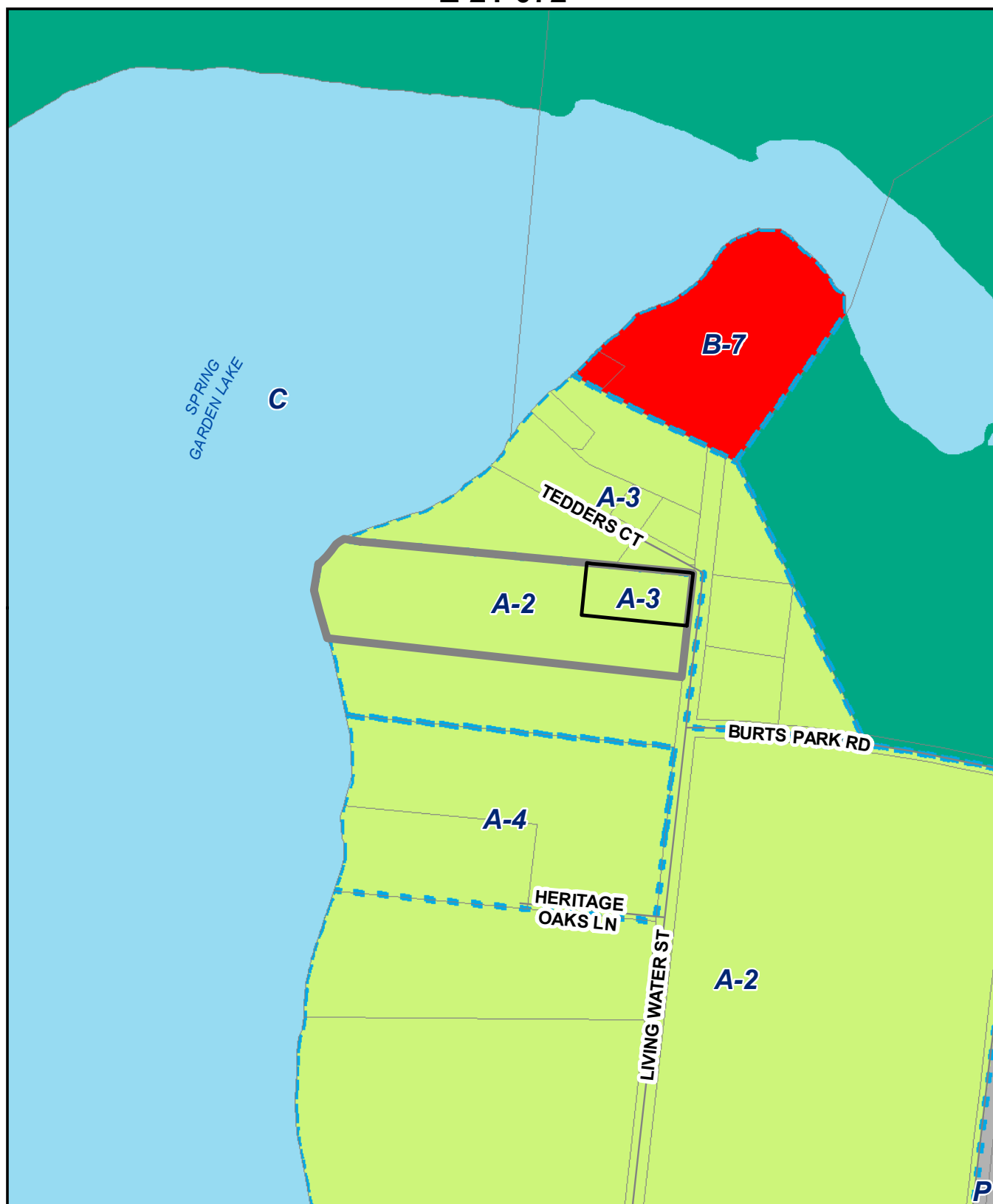
COMMERCIAL



AGRICULTURAL

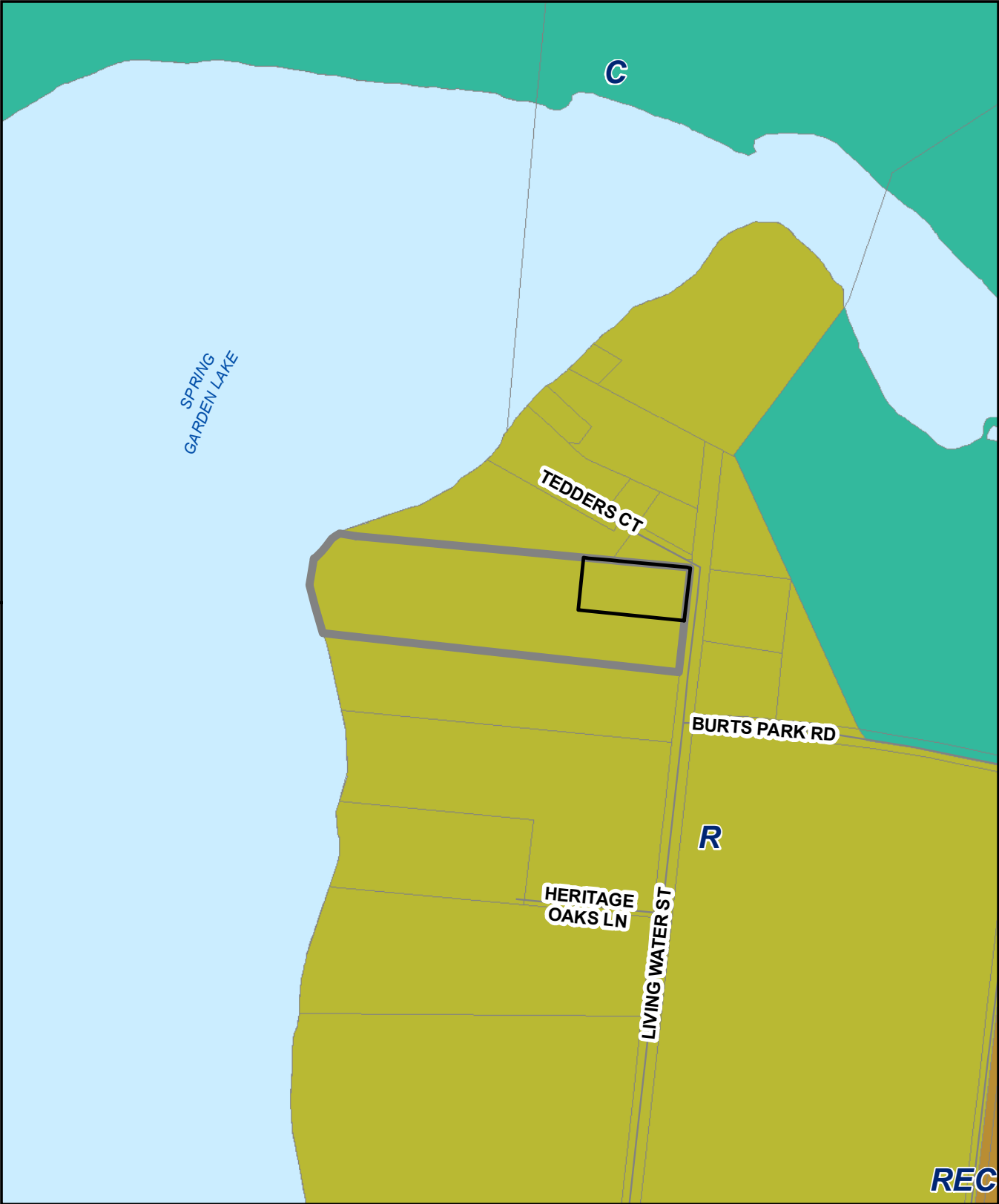
# ZONING CLASSIFICATION - PROPOSED

## Z-21-072









FUTURE LAND USE  
Z-21-072



 SUBJECT PROPERTY     PARENT PROPERTY

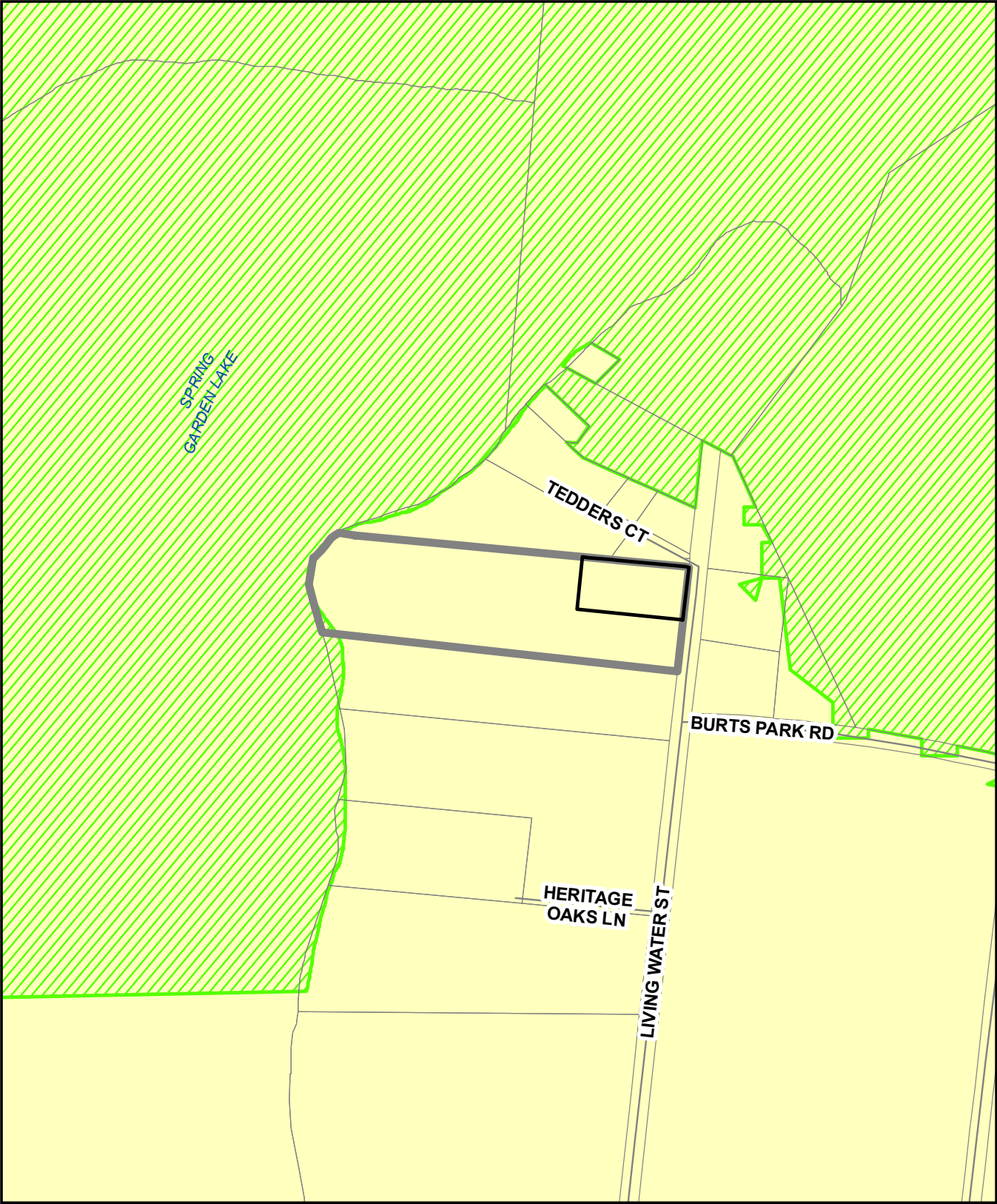
 CONSERVATION     RURAL  
 RECREATION     WATER



1" = 400'  
5/3/2021

REC


ECO/NRMA OVERLAY  
Z-21-072



 SUBJECT PROPERTY

 PARENT PROPERTY

 ECO

 NRMA



1" = 400'  
5/3/2021