



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

PLDRC HEARING: September 16, 2021 – Planning and Land Development Regulation Commission (PLDRC)

CASE NUMBER: Z-21-131

SUBJECT: Rezoning from the Prime Agriculture (A-1) zoning classification to the Rural Agriculture (A-2) zoning classification

LOCATION: 4285 Marsh Road, DeLand

APPLICANT: James Barnhill, agent for owner

OWNERS: Terri Lynn Barnhill Family Share Trust

I. SUMMARY OF REQUEST

This is a companion rezoning application to small-scale future land use amendment application CPA-21-016. Consideration of this rezoning request is subject to approval of the future land use amendment application.

The applicant is requesting a rezoning of a 20-acre parcel from Prime Agriculture (A-1) to Rural Agriculture (A-2). If approved, the applicant intends to subdivide the parcel into two parcels.

Staff Recommendation:

Forward the rezoning application, case number Z-21-131, to County Council for final action with a recommendation of approval.

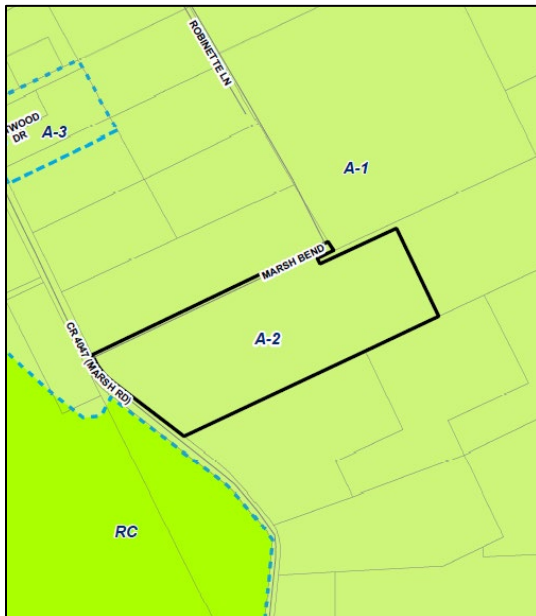
II. SITE INFORMATION

- 1. Location: North side of Marsh Road, approximately 1.5 miles southeast of the intersection with State Road 11, DeLand
- 2. Parcel No(s): 6037-01-00-0100
- 3. Property Size: +/- 20 acres
- 4. County Council District: 4
- 5. Zoning: Current – Prime Agriculture (A-1)
Proposed – Rural Agriculture (A-2)
- 6. FLU Designation: Current – Agricultural Resource (AR)
Proposed – Rural (R)
- 7. Overlay Districts: None
- 8. Adjacent Zoning and Land Use:

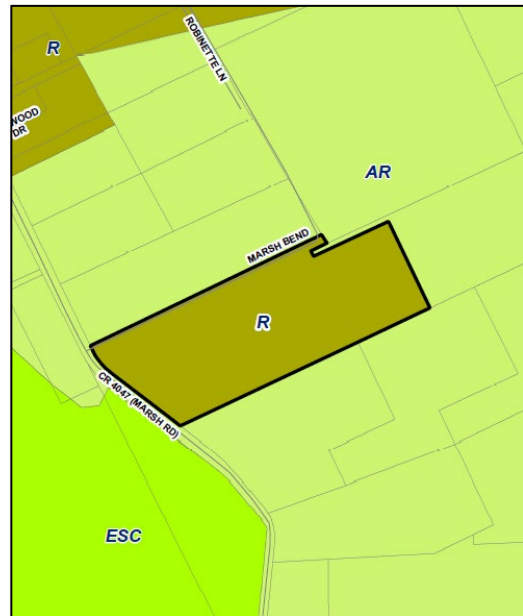
Direction	Zoning	Future Land Use	Existing Use
North	Prime Agriculture (A-1)	Agricultural Resource	Agriculture/ Large Lot Single-family residential
East	Prime Agriculture (A-1)	Agricultural Resource	Large Lot Single-family residential
South	Prime Agriculture (A-1) Resource Corridor (RC)	Agricultural Resource Environmental Systems Corridor	Agriculture/ Large Lot Single-family residential
West	Prime Agriculture (A-1)	Agricultural Resource	Vacant/wooded Single-family residential

9. Maps

PROPOSED ZONING MAP



PROPOSED FUTURE LAND USE MAP



III. BACKGROUND AND OVERVIEW

The owners of the 20-acre subject parcel desire to split the property into two 10-acre parcels. The current future land use designation of Agricultural Resource allows a density of one dwelling unit per 10 acres and the current A-1 zoning classification requires a 10-acre minimum lot size. The owners proceeded to submit an application to accomplish the subdivision and were informed that their 20-acre parcel is subject to a right-of-way dedication along Marsh Road. The dedication of right-of-way reduces the size of the overall parcel to less than 20 acres. Therefore, in order to split the lot into two parcels, a future land use amendment is needed to allow a density greater than one dwelling unit per 10 acres and a rezoning is needed to allow a parcel that is less than 10 acres in size.



The property fronts on Marsh Road, which is classified as a Rural Collector roadway. Pursuant to Section 72-612 of the Land Development Code, a right-of-way width of 80 feet is required for rural collector roads. Measuring from the centerline of the road, 40 feet of right-of-way is required from the subject parcel. There is a 20-foot prescriptive right-of-way that has been historically maintained by the County that must be conveyed by a warranty deed. The additional 20 feet may be dedicated by easement. The effect of the dedication of the prescriptive right-of-way reduces the parcel to approximately 19.67 acres. Dedication of the full 40 feet from centerline would reduce the parcel to approximately 19.34 acres.

Amending the land use designation to Rural will allow a density of one dwelling unit per five acres. This companion rezoning to the A-2 classification will allow a five-acre lot size. The A-2 zoning classification also requires a 150-foot lot width on a public road. The entire parcel has approximately 587 feet of frontage and could be split into a maximum of three parcels of approximately 195 feet in width and 6.44 acres in size.

IV. ANALYSIS AND REVIEW CRITERIA

The A-1 zoning classification is intended 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 A-2 classification is intended to, "...preserve and protect rural areas of the county that have some agricultural value, but which are also suitable for rural estate living". A comparison of the dimensional standards for the existing and proposed zoning classifications is provided below.

Dimensional Standards	Existing "FR" Classification	Proposed "A-2" Classification
Minimum lot area	10 acres	5 acres
Minimum lot width	150 feet	150 feet
Minimum yards		
Front	100 feet	50 feet
Sides	50 feet	25 feet
Rear	50 feet	50 feet
Minimum floor area	750 square feet	750 square feet
Maximum building height	45 feet	45 feet
Maximum lot coverage	35 percent	35 percent

ZONING AMENDMENT CRITERIA

Rezoning 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.*

Staff finds that the proposed rezoning request is consistent with the Volusia County Comprehensive Plan amendment proposed in CPA-21-016. Both the A-1 and the A-2 zoning classifications are "assumed compatible" with the Rural designation pursuant to the Future Land Use/Zoning Consistency Matrix in the comprehensive plan.

The Comprehensive Plan maintains the following goals, objectives, and policies relating to agriculture:

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.

Objective 1.4.1 - Consistent with Section 163.3202(1), Florida Statutes, the county will review its land development regulations and determine if it is necessary to adopt standards that protect agricultural and silvicultural resource areas.

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.

The current A-1 zoning classification allows single-family uses and all agricultural pursuits. The proposed A-2 zoning classification allows the same uses. The rezoning would continue to support agriculture uses that are important to the rural economy.

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

The parcel is vacant and cleared of vegetation. It may be used as pasture or for hay production. It is considered uplands by vegetation category. The soils consist of Tavares Fine Sand near Marsh Road, Astatula Fine Sand in the middle and Quartzipsamments near the east end of the parcel, which are considered well-drained soils. The parcel does not contain wetlands, nor is it in a flood risk zone. The parcel is identified as suitable gopher tortoise habitat.

The A-2 zoning classification allows a density of up to one unit per five acres. Therefore, the amendment site could yield a density of three dwelling units. It is unlikely that the rezoning will have a negative impact on the environment or natural resources.

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

Rezoning to A-2 continues to allow agricultural pursuits and protects agricultural land as a part of the rural economy. The proposed rezoning may allow two additional parcels but is unlikely to have a significant 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 have no significant impact on governmental services. The school district staff has no objections to what it considers to be a *de minimis* impact. Sewage disposal and potable water services to the property depend upon on-site septic systems and private wells, subject to Health Department approval. The requested rezoning will not significantly affect the area road system. Fire, police, and solid waste collection services are available to the property.

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

Approximately 700 feet to the south along Marsh road, a special exception was approved for a golf driving range restricted to Stetson's golf team practice. The special exception was approved in December 2018. The certificate of occupancy was issued in October, 2020. There are no other changes in circumstances affecting the area.

(6) *Any mistakes in the original classification.*

There are no mistakes in the property's current zoning classification.

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

Changing the zoning classification from A-1 to A-2 will have little effect on the value of the affected area. The permitted uses under the proposed zoning classification will continue to allow single-family uses and agricultural pursuits.

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

The proposed change in zoning classification will have no negative impacts on the public health, welfare, safety, or morals of the community.

V. STAFF RECOMMENDATION

Staff recommends the PLDRC forward the rezoning application, case number Z-21-131, to County Council for final action with a recommendation of approval, subject to the approval of the companion future land use amendment, CPA-21-016.

VI. ATTACHMENTS

- Resolution 2021-XX
- Survey
- Written Explanation
- Environmental Permitting Comments
- Traffic Engineering Comments
- Photographs
- Map Exhibits

VII. AUTHORITY AND PROCEDURE

Pursuant to Section 72-414, the County Council shall hold a public hearing after due public notice on all recommendations from the Commission. It may accept, reject, modify, return, or seek additional information on those recommendations. No approval of a rezoning application shall be made unless, upon motion, four members of the County Council concur. The County Council will thereafter forward its decision to the applicant.

Any new information presented at the Planning and Land Development Regulation Commission for any application will be grounds to continue an application to the next Planning and Land Development Regulation Commission hearing. Applicants shall inform and provide staff with the new information prior to the Planning and Land Development Regulation Commission hearing.

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 PRIME AGRICULTURE (A-1) TO THE RURAL AGRICULTURE (A-2) 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 James Barnhill, agent for Terri Lynn Barnhill Family Share Trust, owner, Zoning Case Z-21-131, 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 Prime Agriculture (A-1) zoning classification to the Rural Agriculture (A-2) zoning classification for the subject property located on the North side of Marsh Road, approximately 1.5 miles southeast of the intersection with State Road 11. The property is more particularly described as parcel 6037-01-00-0100 and as described in Exhibit A and depicted in Exhibit B that are attached hereto and incorporated herein.

SECTION II: The amendment of the Official Zoning Map is subject to a small scale comprehensive plan amendment, Ordinance 2021-31. Upon the effective date of Ordinance 2021-31, the Zoning Enforcement Official is hereby directed to amend the Official Zoning Map of Volusia County in conformity with Section I of this Resolution. If Ordinance 2021-31 does not become effective, this Resolution is null and void.

SECTION III: 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

DRAFT - PLDRC HEARING

EXHIBIT A

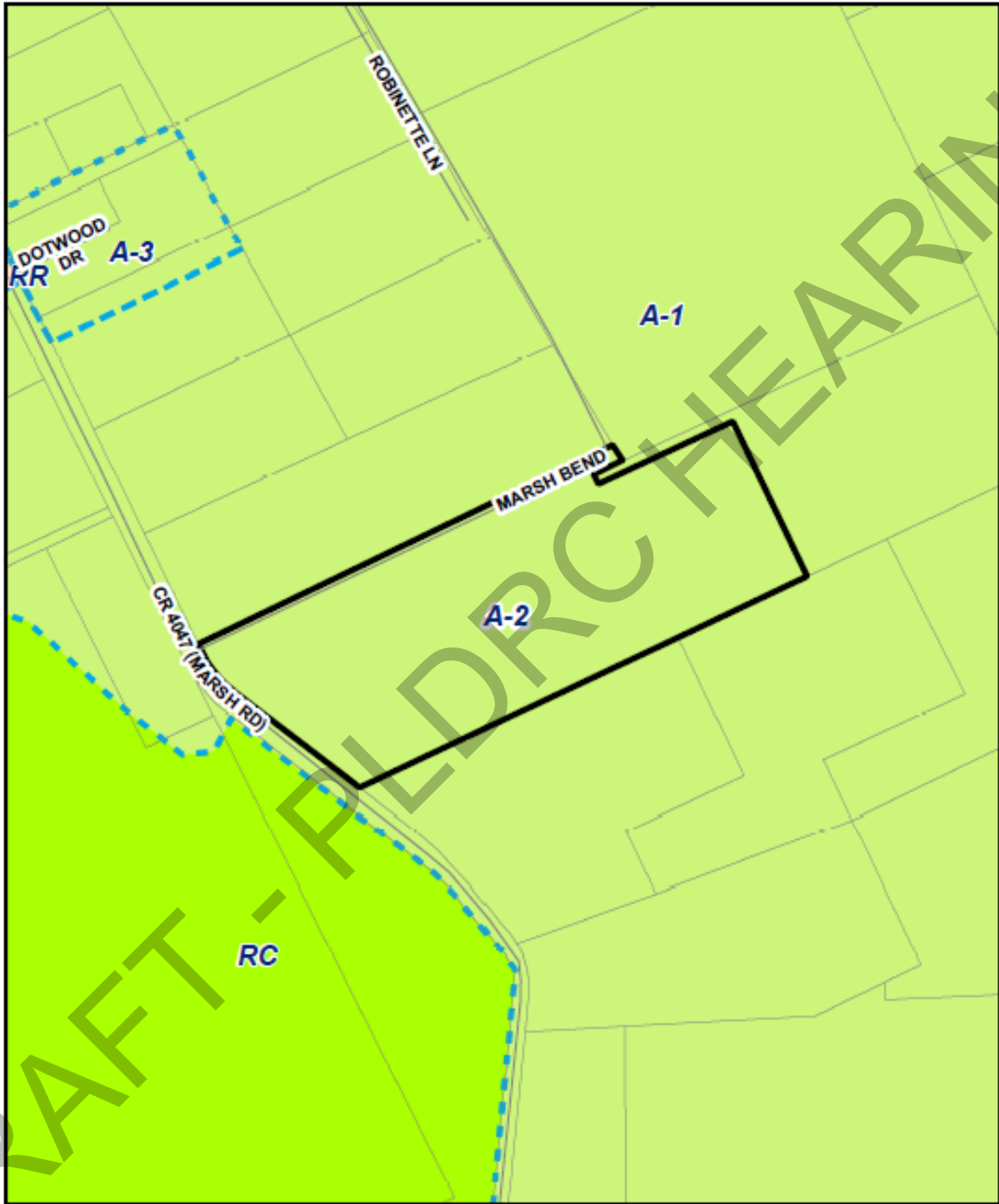
Legal Description






N 919.32 FT OF S 2029.95 FT MEAS ON E/L OF 2179.71 FT E OF MARSH RD MEAS ON S/L & EXC N 335.03 FT OF W 1300.20 FT & EXC N 379.20 FT MEAS ON E/L OF E 1146.73 FT MEAS ON N/L & EXC IRREG PARCEL PER OR 5095 PG 4857 MEAS 1200.78 FT ON N/L & MEAS 540 FT ON E/L WILSONS MAP LEVY GRANT MB 22 PG 174 PER OR 5217 PG 2069 PER OR 5782 PG 1504 PER D/C 6508 PG 0264 PER OR 6581 PG 2420 PER OR 6581 PG 2424

DRAFT - PLDRC HEARING

EXHIBIT B

Z-21-131



-  SUBJECT PROPERTY
-  ZONING BNDY
-  AGRICULTURAL
-  RESOURCE CORRIDOR
-  RESIDENTIAL

FROM: A-1
TO: A-2

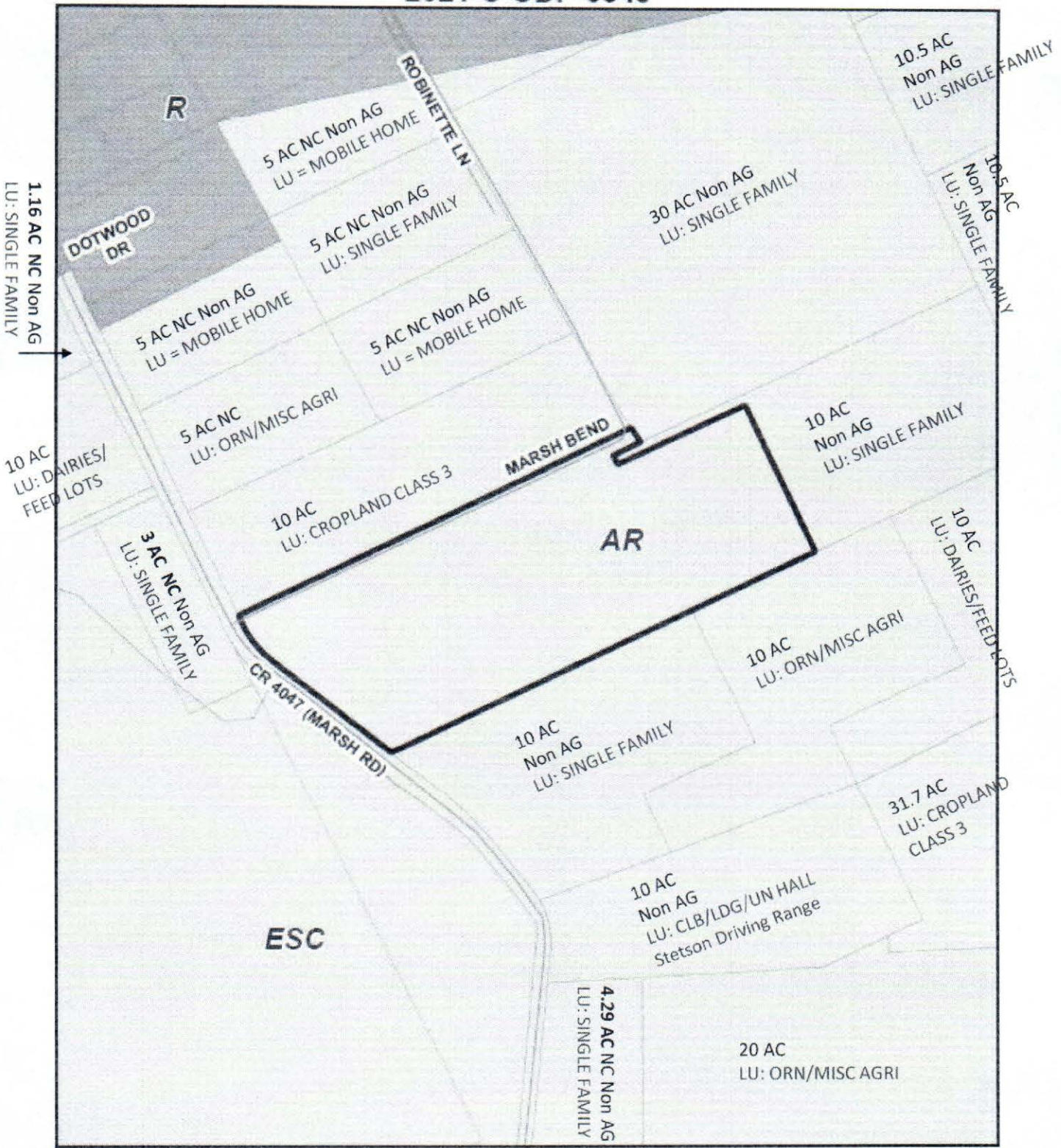


1" = 400'
8/3/2021

We are requesting rezoning to A-2 (R) due to right-of-way requirements making a 10/10 acre split impossible while maintaining A-1 compliance. We understand that the future land use plan has the area zoned as A-1 (AR). However, as shown on our included map, the majority of lots are not being used for agriculture and most of the lots between the R zone and our property are non-agricultural and/or non-conforming lot sizes.

It is our belief that the area is more in line with rural land use instead of agricultural resource. Rezoning to A-2 (R) to split into two equal lots would still maintain the current and actual land use for the area.

FUTURE LAND USE 2021-S-ODP-0349



SUBJECT PROPERTY

AGRICULTURE RESOURCE

ENVIRONMENTAL SYSTEMS CORRIDOR

RURAL

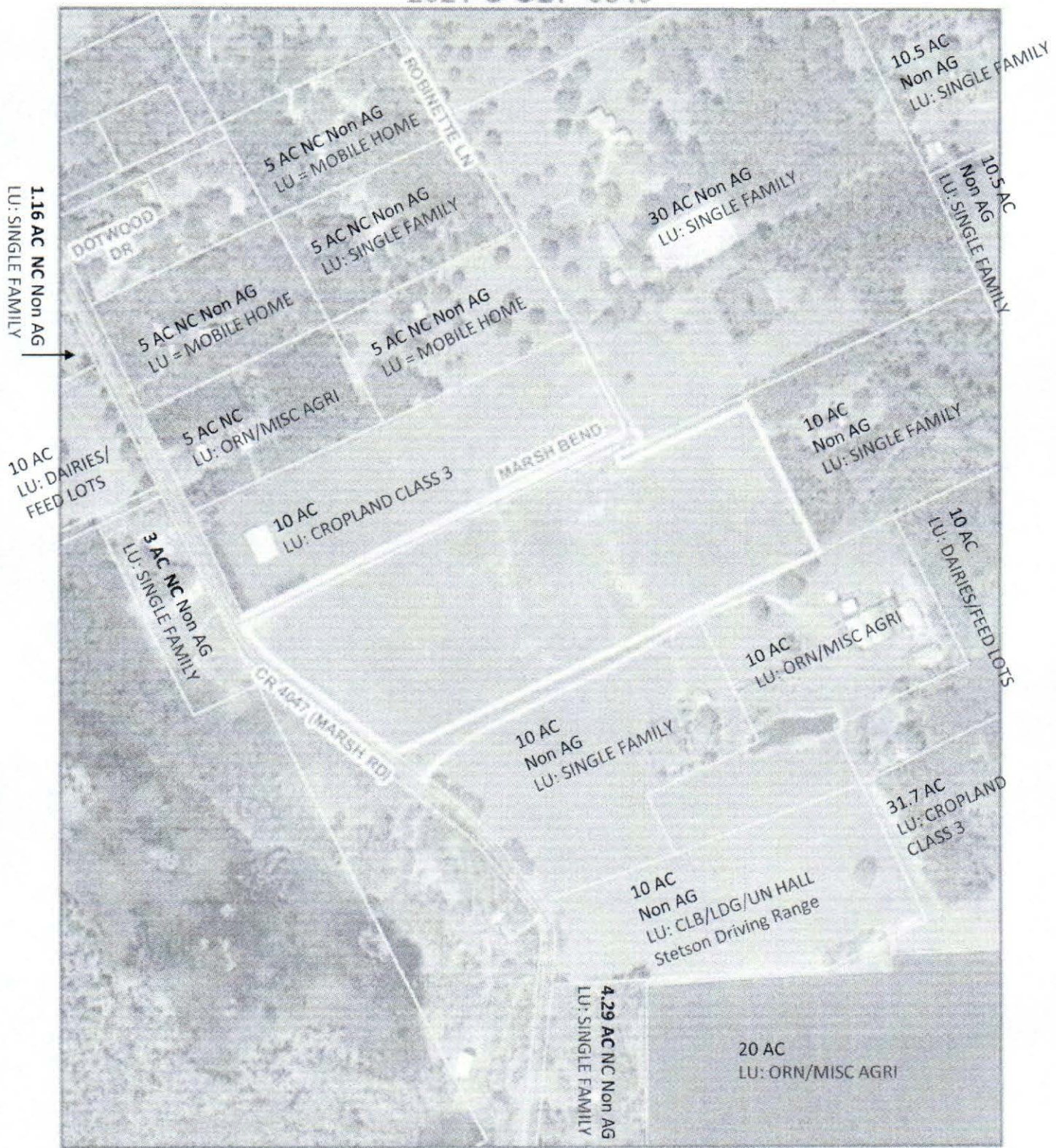
NC = Nonconforming acreage per A-1

LU = Land Use



1" = 400'
6/7/2021

AERIAL 2021-S-ODP-0349



SUBJECT PROPERTY

IMAGE DATE 2018



1" = 400'
8/7/2021

NC = Nonconforming acreage per A-1
LU = Land Use

Inter-Office
Memorandum



TO: Susan Jackson, AICP, Senior Planning Manager
DATE: August 9, 2021
FROM: Samantha J. West, Environmental Specialist III
SUBJECT: Parcel #: 6037-01-00-0100
Case #: Z-21-131

Environmental Permitting (EP) has reviewed the application for a rezoning from the Prime Agriculture (A-1) to the Rural Agriculture (A-2) zoning classification. EP provides the following report for the requested rezoning:

Overview

The subject property is within the Little Haw Creek watershed and holds an active agricultural exemption from 2008. Therefore, the agricultural uses must comply with best management practices regulated by the St. Johns River Water Management District.

Tree Preservation

The property will remain exempt from Division 10 *Tree Preservation*, of the Land Development Code, if the rezoning request is approved.

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.

Recommendation

EP staff does not object to the proposed rezoning from the Prime Agriculture (A-1) to the Rural Agriculture (A-2) zoning classification. However, any future development of the site must comply with the applicable requirements of the Land Development Code.

INTER-OFFICE MEMORANDUM



TO: Susan Jackson, AICP
Senior Planning Manager

DATE: August 13, 2021

FROM: Melissa Winsett
Transportation Planner

FILE: RSN 1044747 CPA
RSN 1044745 Rezoning

SUBJECT: Barnhill Land Use Amendment (LUA) and Rezoning

LOCATION: Marsh Road, approximately .5 miles south of Daugharty Road, DeLeon Springs Area

SITE INFORMATION

The property has proposed LUA and Rezoning applications. Below is the transportation analysis for both:

Land Use Amendment

The proposed LUA would change the land use category on 19.34 acres from Agricultural Resource (AR) to Rural (R). The location is approximately 0.5 miles south of Daugharty Road, DeLeon Springs Area.

Considering the existing land use, theoretically, 19.34 acres of AR could result in a maximum development potential of 1 single-family home, which would generate 1 PM peak hour trip. For the proposed amendment, Rural land use could theoretically allow 3 homes and 3 PM peak hour trips. The change in land use would result in a net increase of 2 PM peak hour trips. See below:

Trip Generation Analysis - CPA						
		Acreage	Max dev potential	Max units allowed	Land Use**	PM Peak Hour Trip Generation
Existing Land Use	AR	19.34	1 unit per 10 acres	1 SFDU	Single Family Detached Housing	1
Proposed Land Use	R	19.34	1 unit per 5 acres	1 SFDU	Single Family Detached Housing	3
Net Trip Impact - 2 pm peak hour Trip Increase						

***Per latest edition of ITE Trip Generation Manual*

Rezoning

The proposed zoning amendment would change the zoning classification on 19.34 acres from A-1 zoning to A-2. Theoretically, 19.34 acres of A-1 zoning could result in a theoretical maximum development potential of 1 single-family home, which would generate 1 PM peak hour trip. In contrast, 19.34 acres of A-2 would generate 3 PM peak hour trips considering the theoretical maximum trip scenario yielding 3 single family residential units. As with the LUA analysis, the change in zoning would result in a net increase of 2 trips. See below:

Trip Generation Analysis - Rezoning						
		Acreage	Max dev potential	Max units allowed	Land Use**	PM Peak Hour Trip Generation
Existing Zoning	A-1	19.34	1 unit per 10 acres	1 SFDU	Single Family Detached Housing	1
Proposed Zoning	A-2	19.34	1 unit per 5 acres	1 SFDU	Single Family Detached Housing	3
Net Trip Impact - 2 pm peak hour Trip Increase						

***Per latest edition of ITE Trip Generation Manual*

Roadway Analysis

The most recent 2019 Volusia County Traffic Counts were used to determine the PM peak hour traffic and level of service (LOS), and the Volusia County Comprehensive Plan Maximum Capacity was used to determine the potential LOS after adding the amendment's and/or rezoning's trips to the 2019 AADT for the impacted thoroughfare roadway(s).

LOS Analysis

Marsh Road (Carter Road to Daugharty Rd)				
2019 PM Peak Hour Count	2019 LOS	Comp. Plan Max. Capacity	Comp. Plan Allowable LOS	LOS with Amendment
80	B	1160	C	B
Daugharty Road (Marsh Rd to SR 11)				
2019 PM Peak Hour Count	2019 LOS	Comp. Plan Max. Capacity	Comp. Plan Allowable LOS	LOS with Amendment
50	B	590	C	B

The additional 2 trips would not cause LOS problems for the thoroughfares near this development.

CONCLUSION

If the LUA and Rezoning were approved, transportation system impacts would be minimal. The existing transportation system has adequate capacity to accommodate the additional trips associated with the proposed LUA and rezoning. If approved, all safety and access concerns would be addressed with the applicant during the final site plan phase.

MW/

Photographs

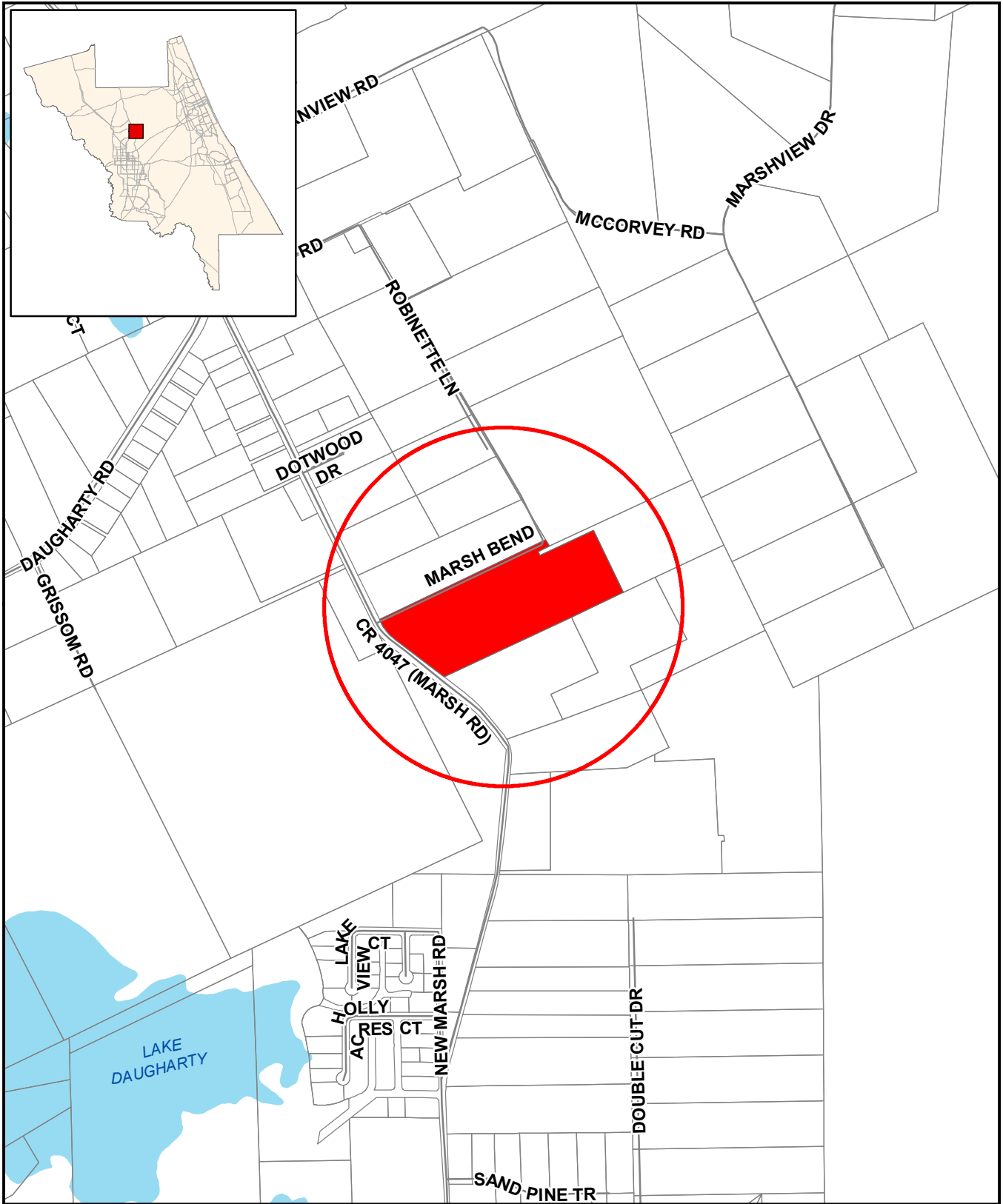
View of subject property from southwest corner.



View of subject property from southeast corner.



PROPERTY LOCATION Z-21-131



 SUBJECT PROPERTY



1" = 1,000'

8/3/2021

AERIAL
Z-21-131



 SUBJECT PROPERTY

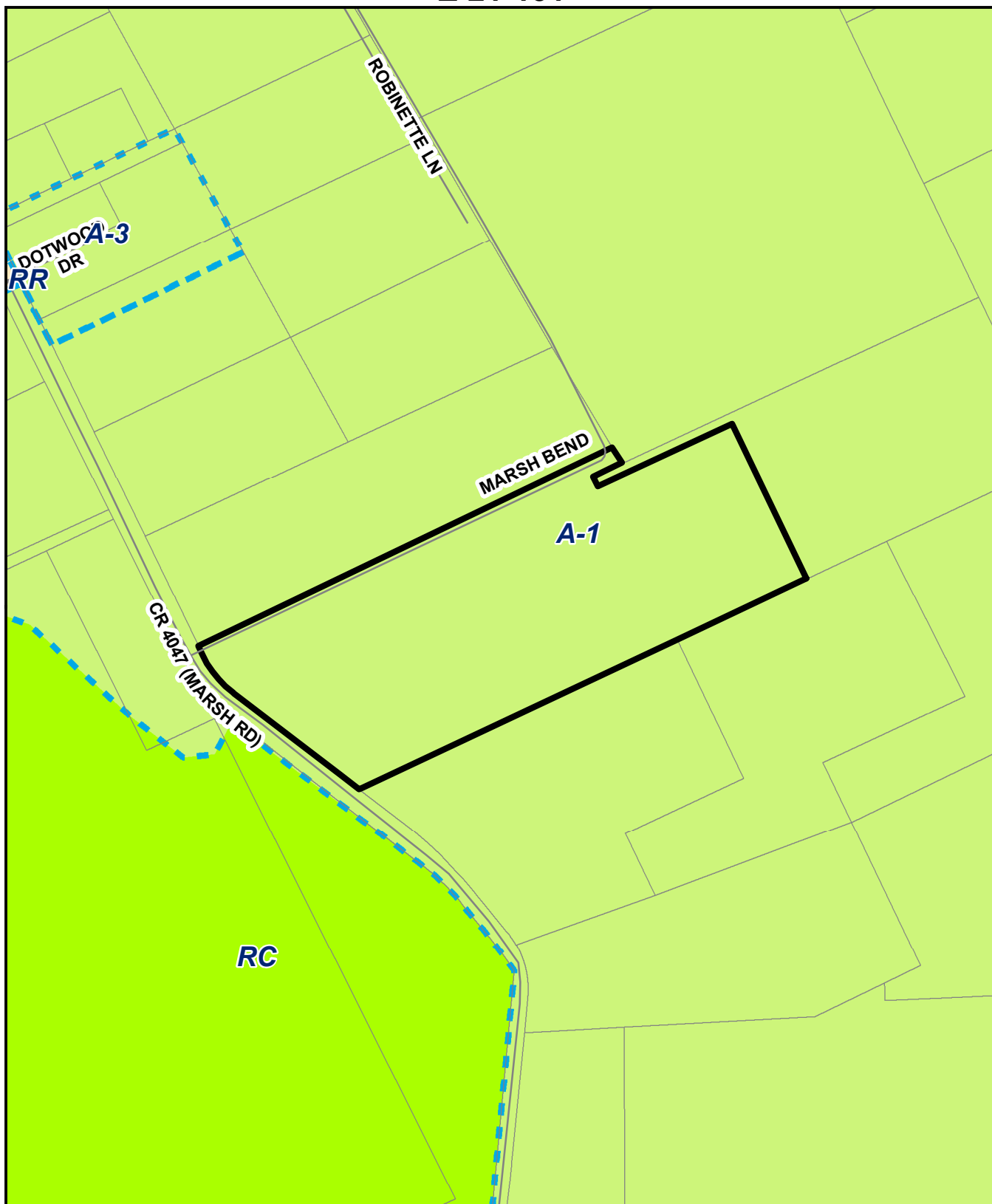
IMAGE DATE 2018








1" = 400'
8/3/2021

ZONING CLASSIFICATION - CURRENT

Z-21-131



-  SUBJECT PROPERTY
-  ZONING BNDY
-  AGRICULTURAL
-  RESOURCE CORRIDOR
-  RESIDENTIAL

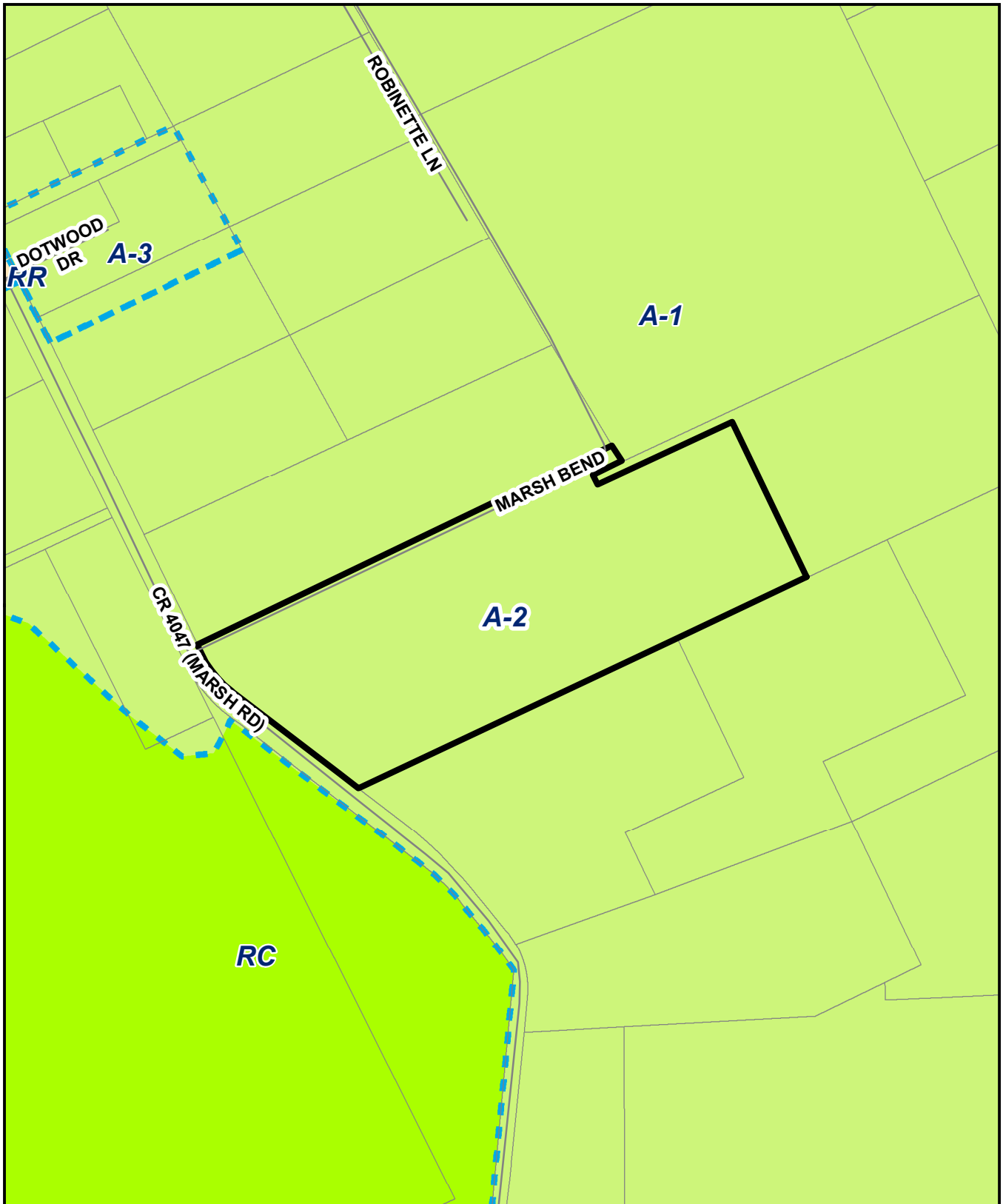
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TO: A-2








1" = 400'
8/3/2021

ZONING CLASSIFICATION - PROPOSED

Z-21-131



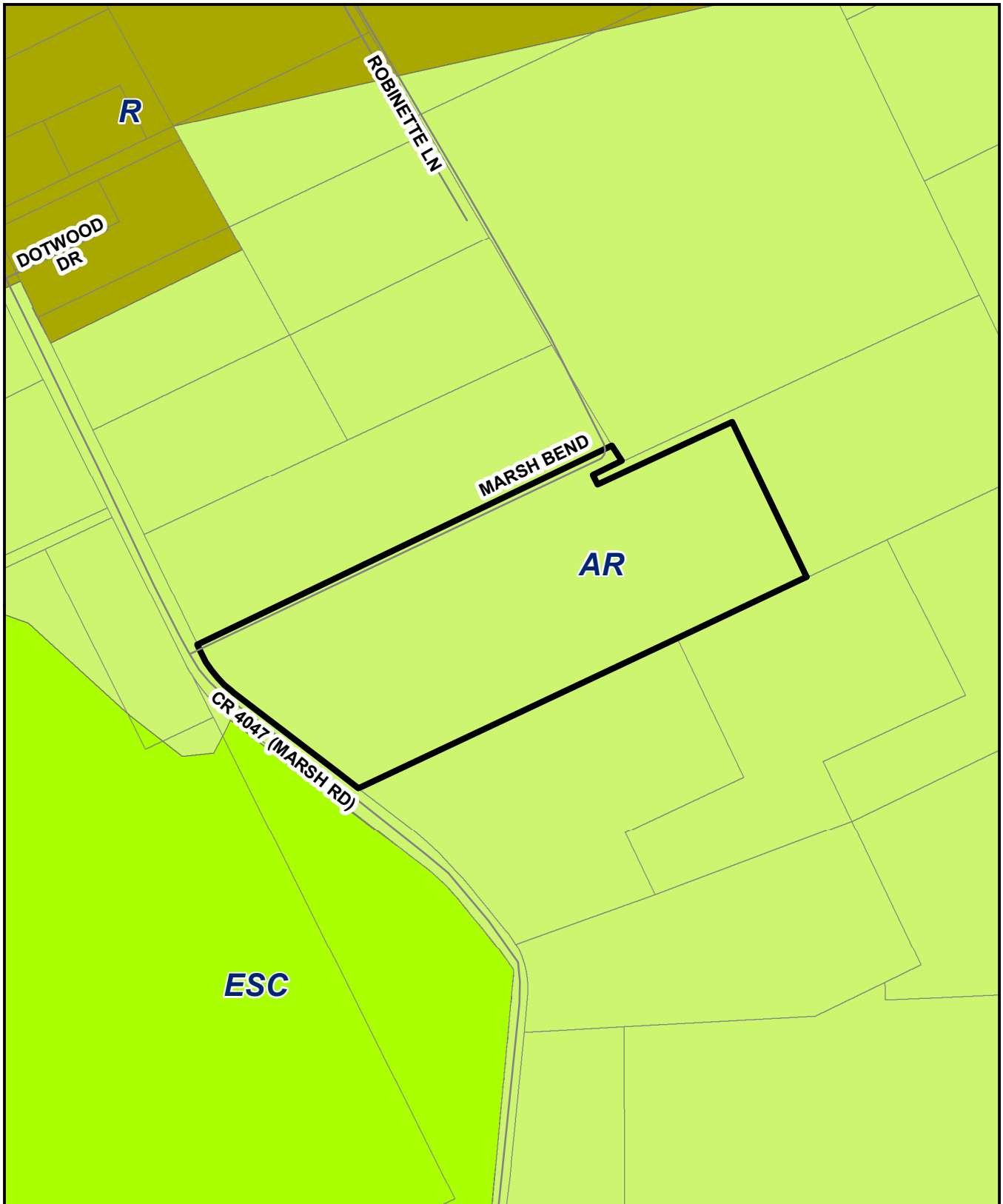
-  SUBJECT PROPERTY
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-  AGRICULTURAL
-  RESIDENTIAL
-  RESOURCE CORRIDOR

FROM: A-1
TO: A-2



1" = 400'
8/3/2021

FUTURE LAND USE - CURRENT Z-21-131



 SUBJECT PROPERTY

 AGRICULTURE RESOURCE

 ENVIRONMENTAL SYSTEMS CORRIDOR

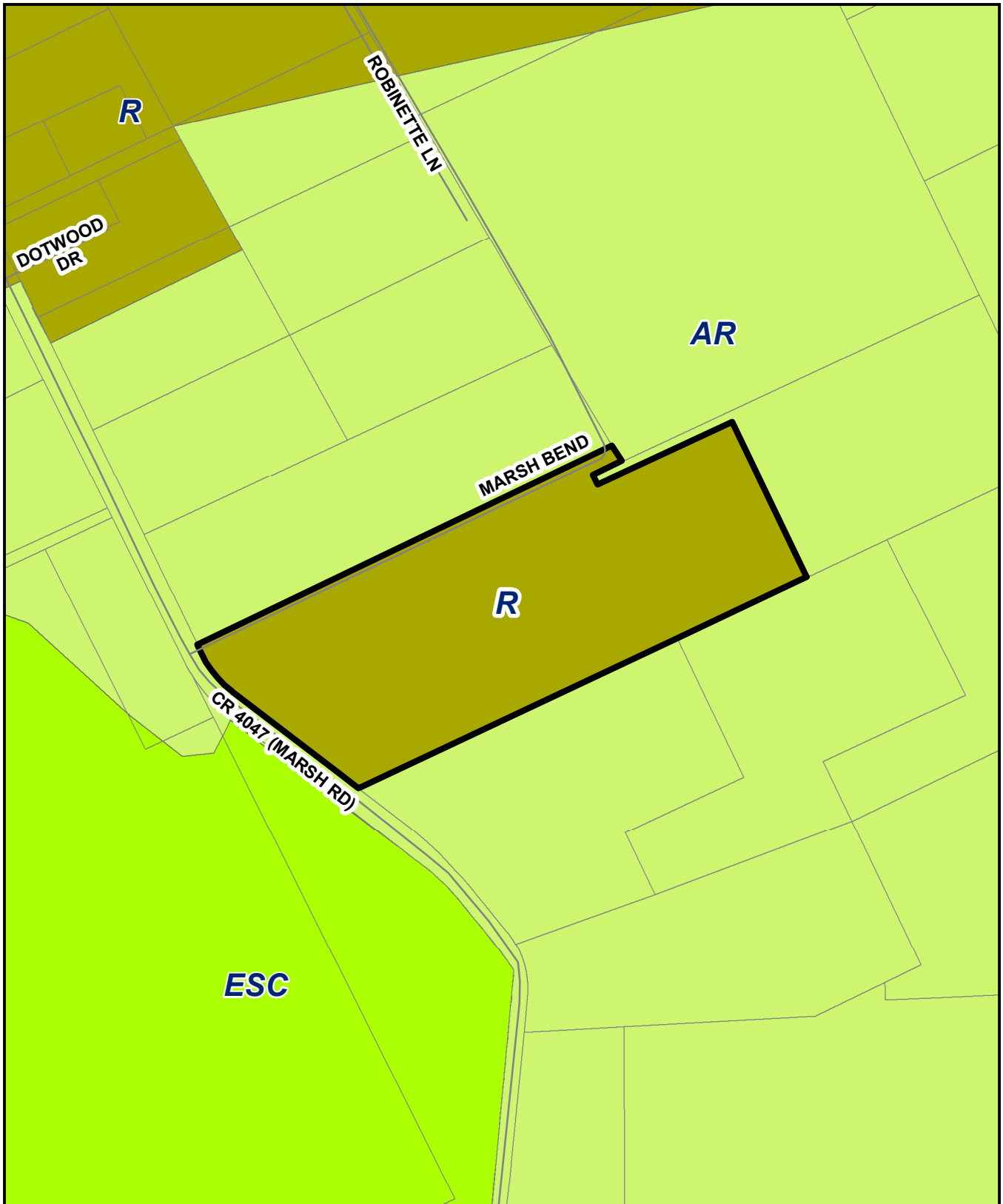
 RURAL

FROM: AR
TO: R



1" = 400'
8/3/2021

FUTURE LAND USE - PROPOSED Z-21-131



 SUBJECT PROPERTY

 AGRICULTURE RESOURCE

 ENVIRONMENTAL SYSTEMS CORRIDOR

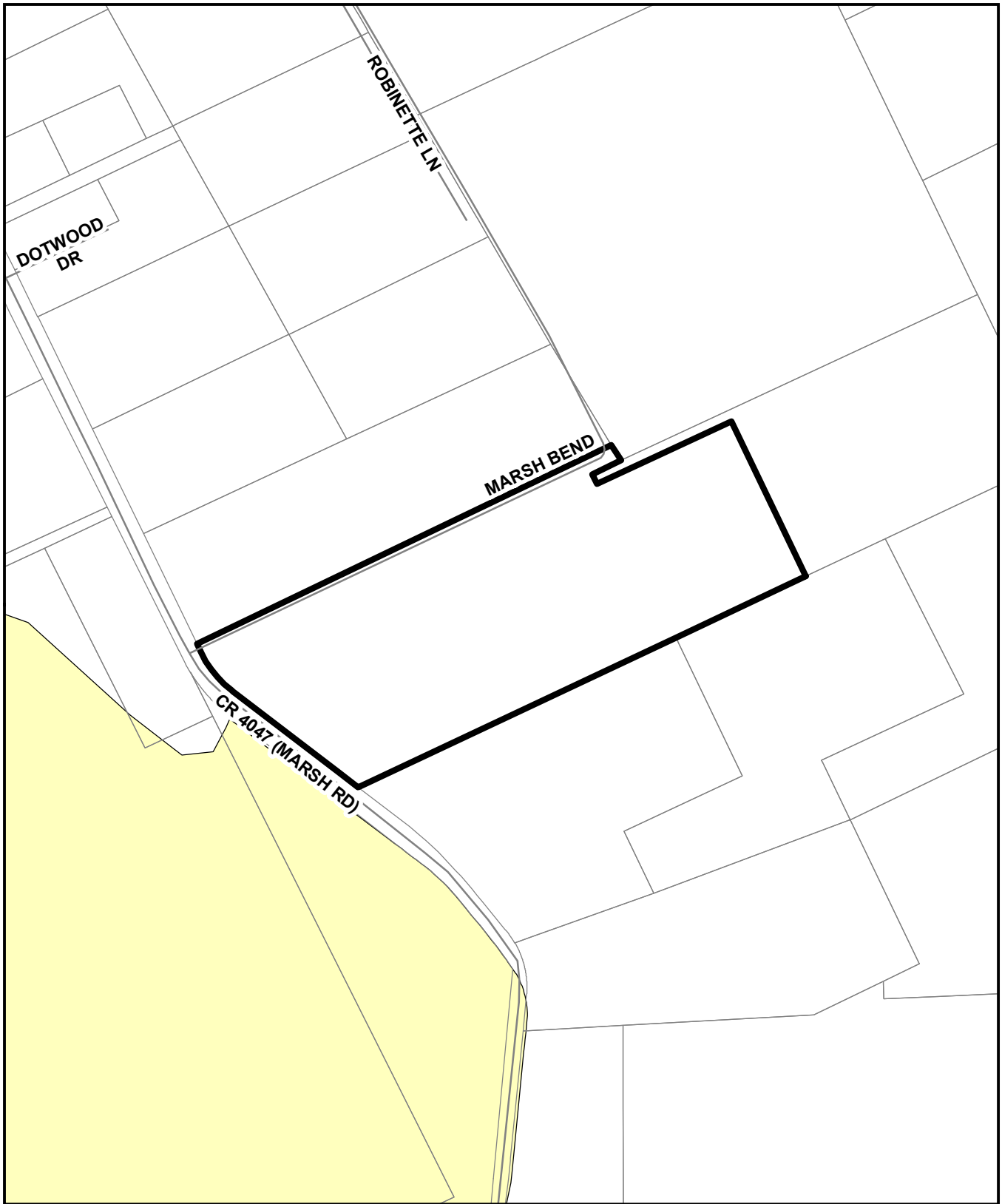
 RURAL




FROM: AR
TO: R



1" = 400'
8/3/2021

ECO/NRMA OVERLAY Z-21-131



-  SUBJECT PROPERTY
-  ECO
-  NRMA



1" = 400'

8/3/2021