



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

**PLDRC HEARING:** March 14, 2017 Planning and Land Development Regulation Commission

**CASE NO:** Z-17-024

**SUBJECT:** Rezoning from the A-1 (Prime Agriculture), FR (Forestry Resource), and RC (Resource Corridor) zoning classifications to the P (Public Use) and RC (Resource Corridor) zoning classifications.

**LOCATION:** The property is generally located on the south side of State Road 44 approximately one mile east of its intersection with Pioneer Trail, west of New Smyrna Beach.

**APPLICANT:** County of Volusia

**OWNER:** Florida Power & Light Company

**STAFF:** Scott Ashley, AICP, Senior Zoning Manager

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## I. SUMMARY OF REQUEST

Volusia County proposes a rezoning of approximately 1,192 acres of the land west of the designated Samsula Rural Community to the Public Use zoning classification to enable the development a new public utility site.

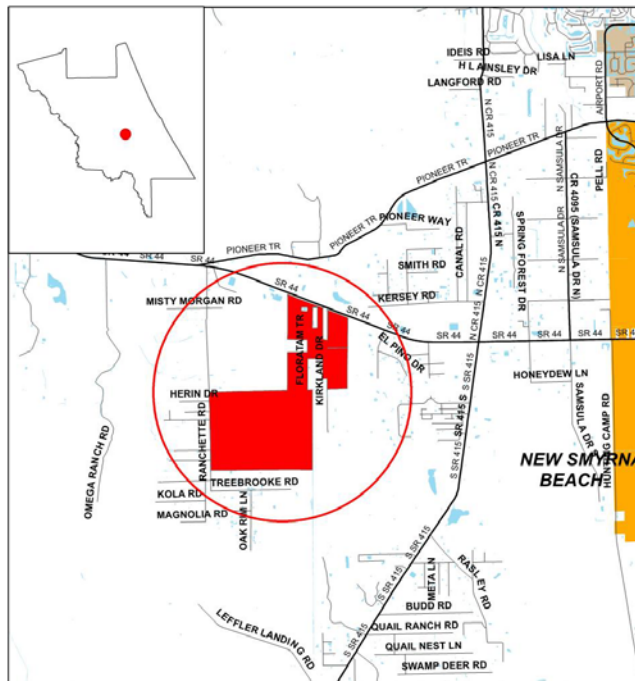
Staff recommendation: Forward to the county council for final action with a recommendation of approval.

**II. SITE INFORMATION**

1. Location: The subject area is on the south side of State Road 44 approximately one mile east of its intersection with Pioneer Trail, west of New Smyrna Beach.
2. Parcel No(s): 7216-00-00-0040, 7221-00-00-0040, 7221-00-00-0030, 7221-00-00-0031, 7221-00-00-0053, 7221-00-00-0060, 7220-01-03-0010, 7220-01-05-0010, 7227220-01-05-0070, and 7228-00-00-0040
3. Property Size: ± 1,191.7 acres
4. County Council District: 2
5. Zoning: A-1, FR and RC
6. FLU Designation: Agriculture Resource, Forestry Resource, and Environmental System Corridor
7. ECO Map: No
8. NRMA Overlay: Yes
9. Adjacent Zoning and Land Use:

DIRECTION	ZONING	FUTURE LAND USE	CURRENT USE
North	RC and A-1	Environmental System Corridor and Agriculture Resource	Land clearing debris/yard trash processing and recycling facility
East	RC, FR and A-1	Environmental System Corridor, Forestry Resource and Agriculture Resource	Single-family dwellings and agricultural lands
South	A-1	Agriculture Resource	Single-family dwellings and agriculture lands
West	RC, FR and A-1	Environmental System Corridor, Forestry Resource and Agriculture Resource	Single-family dwellings, and vacant and agriculture lands

## 10. Location Maps:



**Location Map**

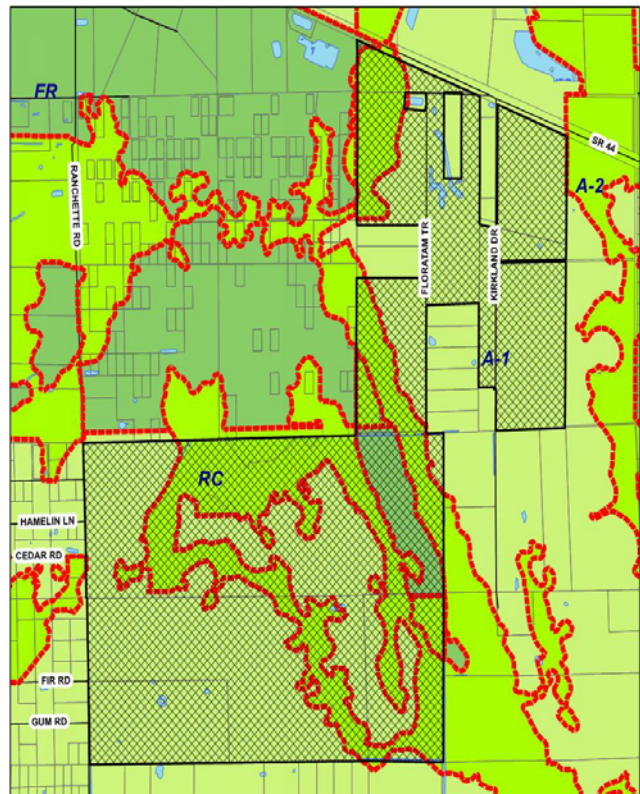


**Aerial Map**

## III. BACKGROUND

The subject property consists of ten parcels situated in a rural area south of State Road 44 between Pioneer Trail and State Road 415. The various parcels were previously used as a sod farm, therefore most of the property is already cleared. This area is a mix of properties engaged in agriculture pursuits or residential acreage home sites generally compatible with the area zoning classifications noted on the zoning map exhibit to the right.

The property was acquired in July 2016 by Florida Power and Light Company (FP&L) to be the future site of a universal solar energy center. This type of alternative energy facility consists of photovoltaic panels placed throughout most of the approximately 1192-acre property area. The electricity generated by the facility will be uploaded to the existing electrical grid to provide some of the electricity needs of the thousands of customers on the FP&L utility network. This type of facility is part of the FP&L's plans to develop alternative, renewable power sources while minimizing the use of fossil fuels.



#### IV. REVIEW CRITERIA AND ANALYSIS

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.***

The property has three future land use designations: Agriculture Resource, Forestry Resource, and Environmental System Corridor. These future land use designations were put in place with the adoption of the 1990 Future Land Use Map. The Public Use zoning classification is a conditionally compatible classification in each of the referenced future land use designations. The Public Use classification can be applied to lands that are owned, leased, or operated by a public body for a governmental or proprietary purpose, or a publicly regulated enterprise.

The following comprehensive plan policy and Land Use Location guidelines are applicable to this rezoning request:

*1.3.1.21 Public utilities and uses which provide essential service to existing and future land uses authorized by this plan shall be permitted in all of the future land use designations and shall conform to appropriate location criteria.*

#### PUBLIC FACILITIES AND UTILITIES

General Criteria:

1. maximize the efficiency of services provided;
2. minimize their cost;
3. minimize their impacts on the natural environment; and
4. provide the designated level of service.

The electric utility provider seeks to enhance the capability of the existing transmission network in the area. Consistent with the guidelines above, the purpose of the proposed facility is to provide an appropriate level of electric service to meet the demand of existing and future customers while avoiding wetland impacts to the greatest extent possible.

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

Rezoning this property to the Public Use classification will have no new impact on the environment or natural resources as most of the property is already cleared for agriculture production. The primary environmentally sensitive areas of the property are currently zoned with the Resource Corridor (RC) classification. These areas will remain RC to limit impacts to existing natural resources. Further, site development is subject to the minimum environmental protections established in the land development code, and shall be reviewed during site plan and/or subdivision review process.



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

This area has medium to large acreage lot patterns and is primarily designated on the future land use and zoning maps for agricultural use. Though consisting of several parcels, the property is in the name of a single ownership entity like the previous property ownership. The proposed zoning classification allows certain uses that would be appropriate and compatible with the surrounding area and other land uses that would not be compatible within this rural area. Staff has worked with the property owner to narrow the list of potential land uses that could be developed on the property, which the applicant will initiate with a voluntary stipulation.

***(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.***

Once constructed, staff expects the future property use will have limited impact on the above referenced public services as an unmanned facility.

***(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 has been no mistakes with the original zoning classifications as they are consistent with their respective future land use designations.

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

Rezoning these properties will have some effect upon the use of the surrounding area. These effects are difficult to gauge based on the list of limited permitted uses agreed upon by the applicant and staff. The Public Use classification allows for a number of public uses as well as agricultural and silvicultural uses that are permitted uses by the current zoning classifications. However, the intended use should not have an effect upon the value of the surrounding area due to its low intensity use as an unmanned facility.

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

This change of zoning is to accommodate a utility use that will create no emission nor discharge of liquid or solid wastes, thereby minimizing any potential impact on public health. In addition, this classification allows uses beneficial to the public welfare, such as the alternative energy electrical generation facility.

## **V. STAFF RECOMMENDATION**

Staff finds the requested rezoning meets the specified criteria for considering a rezoning application. Therefore, staff recommends that the PLDRC forward this request for rezoning

from the A-1 (Prime Agriculture), FR (Forestry Resource), and RC (Resource Corridor) zoning classifications to the P (Public Use) and RC (Resource Corridor) zoning classifications to the county council with a recommendation of approval.

## **VI. ATTACHMENTS**

- Modified permitted principal and special exception uses for Public Use Classification
- Solar Farm Parcel–Aerial Map
- Map Series

## **V. 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.

Modified Public Use Permitted principal and  
special exception uses and structures

P PUBLIC USE CLASSIFICATION

*Purpose and intent:* The purpose and intent of the P Public Use Classification is to provide for development of governmentally owned or used lands in a manner which is consistent with the comprehensive plan. This classification is a specialized one, designed to be applied to areas that are not intended for public use special exceptions.

*Permitted principal uses and structures:* In the P Public Use Classification, no premises shall be used except for the following uses and their customary uses and structures:

Agricultural and silvicultural uses.

Agricultural centers and associated fairgrounds.

~~Airports and landing fields.~~

Communication towers not exceeding 70 feet in height above ground level.

~~Construction and demolition debris disposal facility as regulated under Rule 62-701.730, F.A.C., (minimum parcel size of 20 acres). Refer to subsection [72-293\(16\)](#).~~

~~Landfill class I, II or III as regulated under Rule 62-701.340, F.A.C., (minimum parcel size of 20 acres).~~

~~Materials recovery facility as regulated under Rule 62-701.700, F.A.C., (minimum parcel size of 20 acres). Refer to subsection [72-293\(16\)](#).~~

~~Off-site disposal land clearing debris as regulated under Rule 62-701.803, F.A.C., (minimum parcel size of 20 acres). Refer to subsection [72-293\(16\)](#).~~

~~Recovered materials as regulated under Rule 62-701.220(2)(c), F.A.C., (minimum parcel size of 20 acres). Refer to subsection [72-293\(16\)](#).~~

Contractors shop, storage and equipment yard.

Essential utility services.

Exempt and nonexempt excavations.

~~Exempt and nonexempt landfills.~~

Fire stations.

Food service establishments.

General offices.

Group homes.

~~Heliports and helipads.~~

Hospitals.

Houses of worship.

Laboratories.

Law enforcement facilities.

Libraries.

Medical and dental clinics.

Medical examiner facilities.

Museums.

Other public uses.

Other public utility uses and structures.

Outdoor entertainment event (refer to [section 10-31](#) et seq., article II, Code of Ordinances of the County of Volusia).

**Plant facilities for essential utility services.**

Potable water treatment plant.

Public parks and recreational areas.

Public schools.

Publicly owned or regulated water supply wells.

**Recycling collection centers, transfer stations and processing centers.**

**Solid waste transfer stations.**

Treatment centers.

Wastewater treatment plants.

*Permitted special exceptions:* Additional regulations/requirements governing permitted special exceptions are located in sections [72-293](#) and [72-415](#) of this article.

Communication towers exceeding 70 feet in height above ground level.

Manufacturing uses.

Recreational uses.

**Rock crusher.**

*Dimensional requirements:*

*Minimum lot size:*

Area: Five acres.

Width: No minimum.

*Minimum yard size:* All buildings shall [be] set back at least 50 feet from perimeter property lines; all other structures, except off-street parking areas, shall [be] set back at least 25 feet from perimeter zoning classification boundary lines.

*Maximum building height:* Forty-five feet.

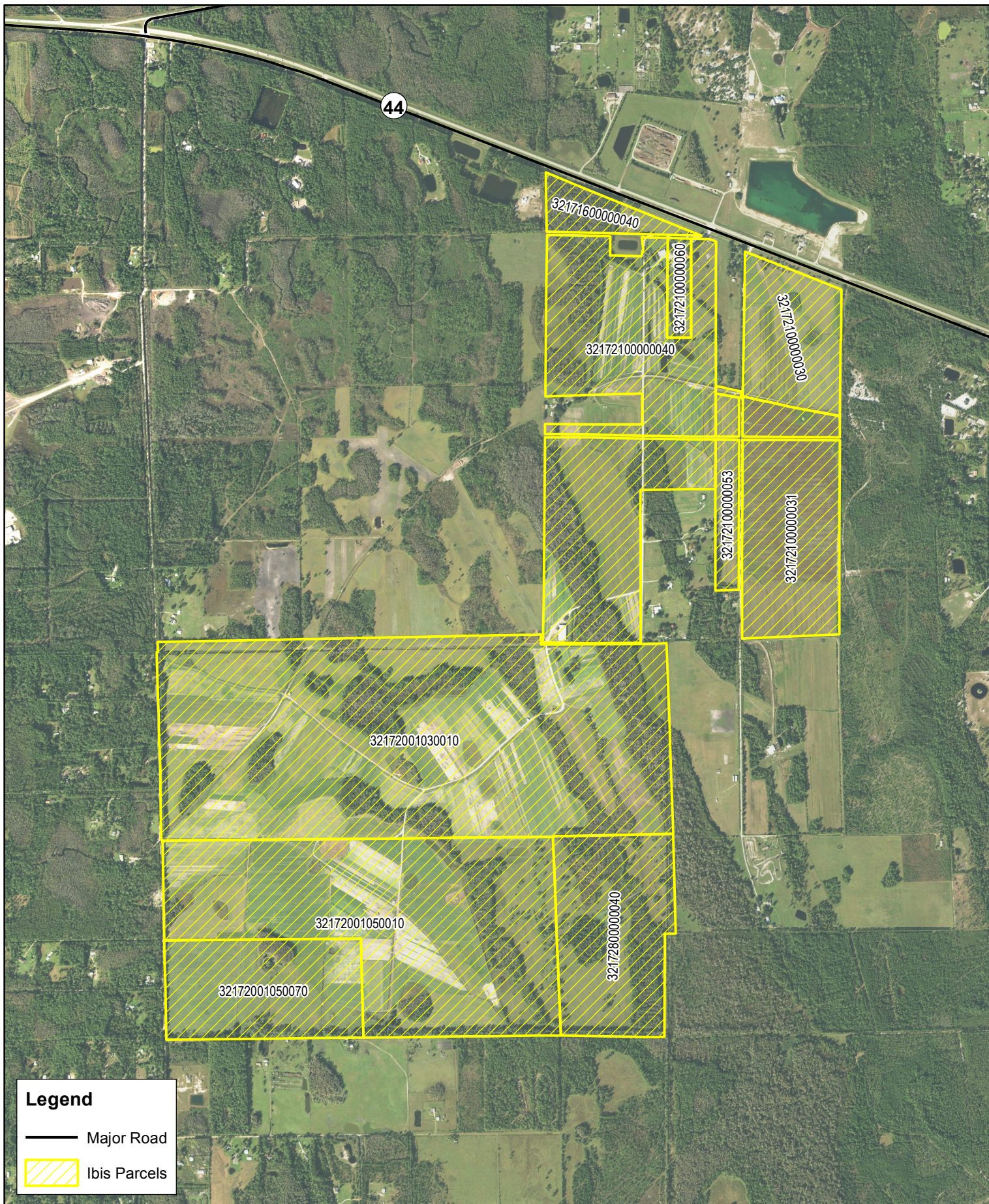
*Maximum lot coverage:* None.

*Landscape buffer requirements:* Landscaped buffer areas meeting the requirements of [section 72-284](#) shall be constructed.

*Off-street parking and loading requirements:* Off-street parking and loading areas meeting the requirements of sections [72-286](#) and [72-287](#) shall be constructed.


(Ord. No. 97-19, § II, 8-7-97; Ord. No. 98-25, § VII, 12-17-98; Ord. No. 00-05, § I, 3-9-00; Ord. No. 00-21, § II, 5-18-00; Ord. No. 01-33, § 1, 12-13-01; Ord. No. 2002-22, § II, 11-7-02; Ord. No. 2004-20, § V, 12-16-04)






**Legend**

— Major Road

 Ibis Parcels

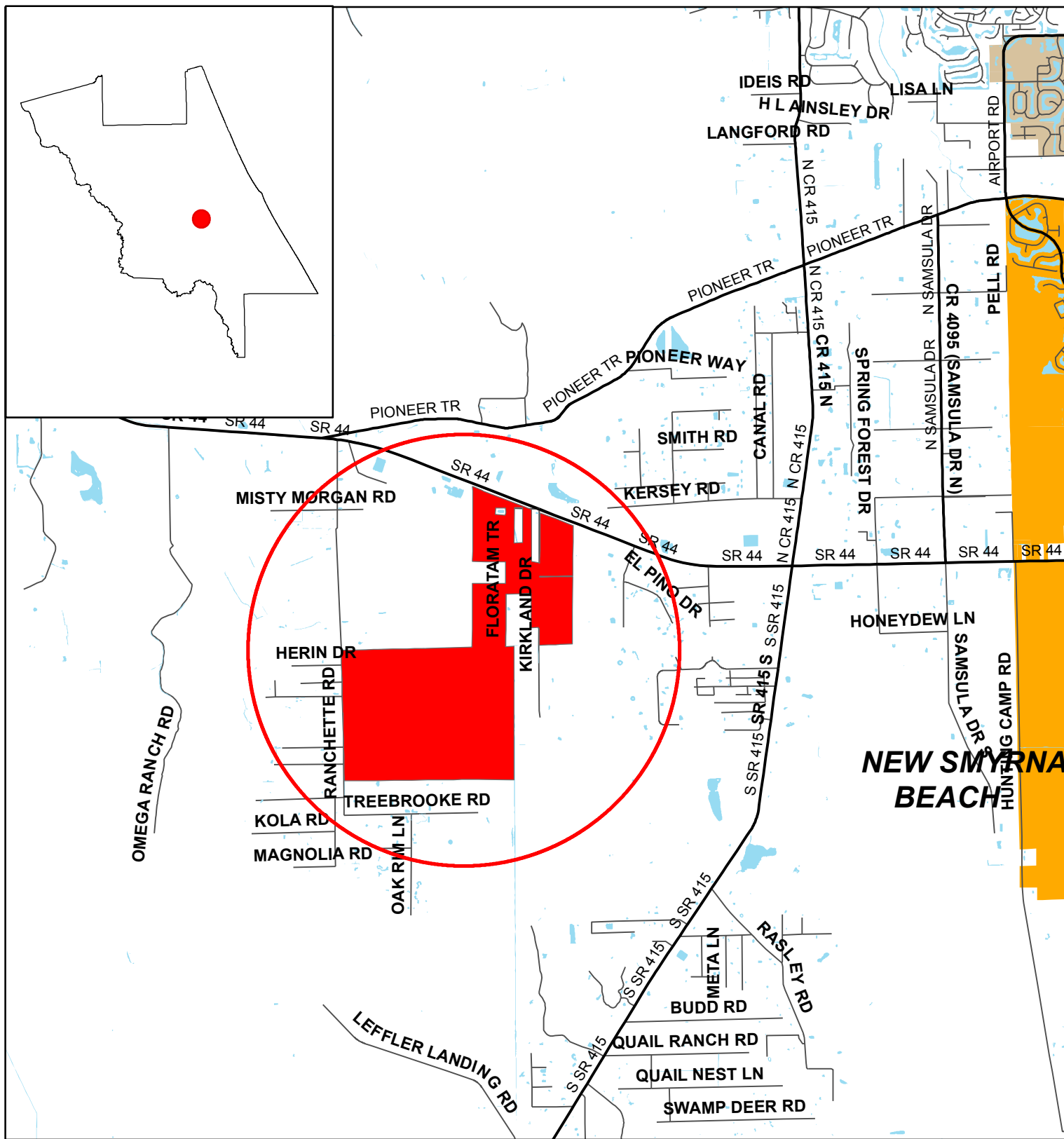
 Date: 02/02/2017  
**Internal Use Only**

0 0.25 0.5 Miles

**FPL Solar Farm**  
**Ibis Parcels**







**REQUEST AREA LOCATION**



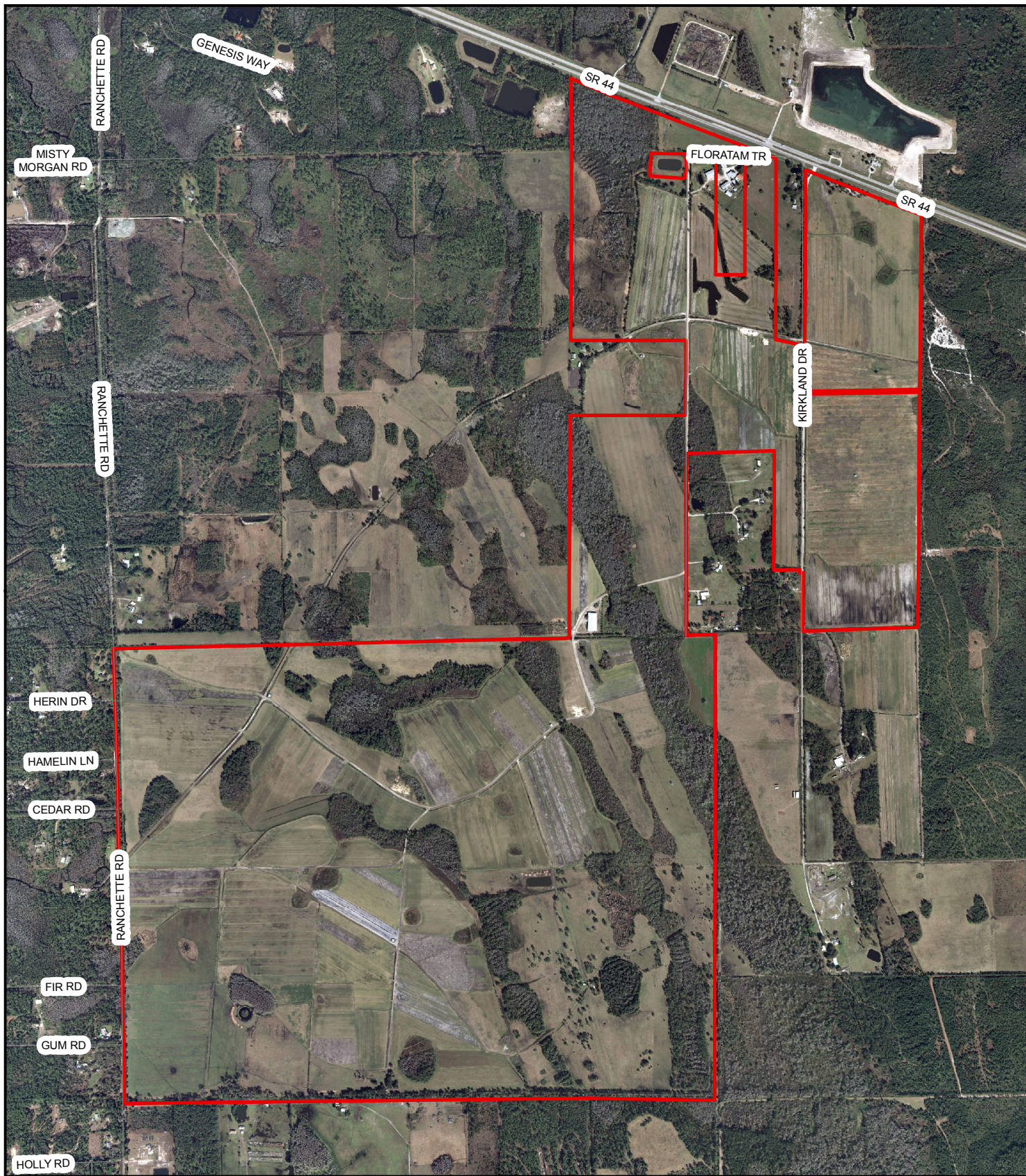
1" = 5,280'

**FROM: A-1, FR & RC  
TO : P, & RC**

**REZONING  
CASE NUMBER  
Z-17-024**







**AERIAL 2015**

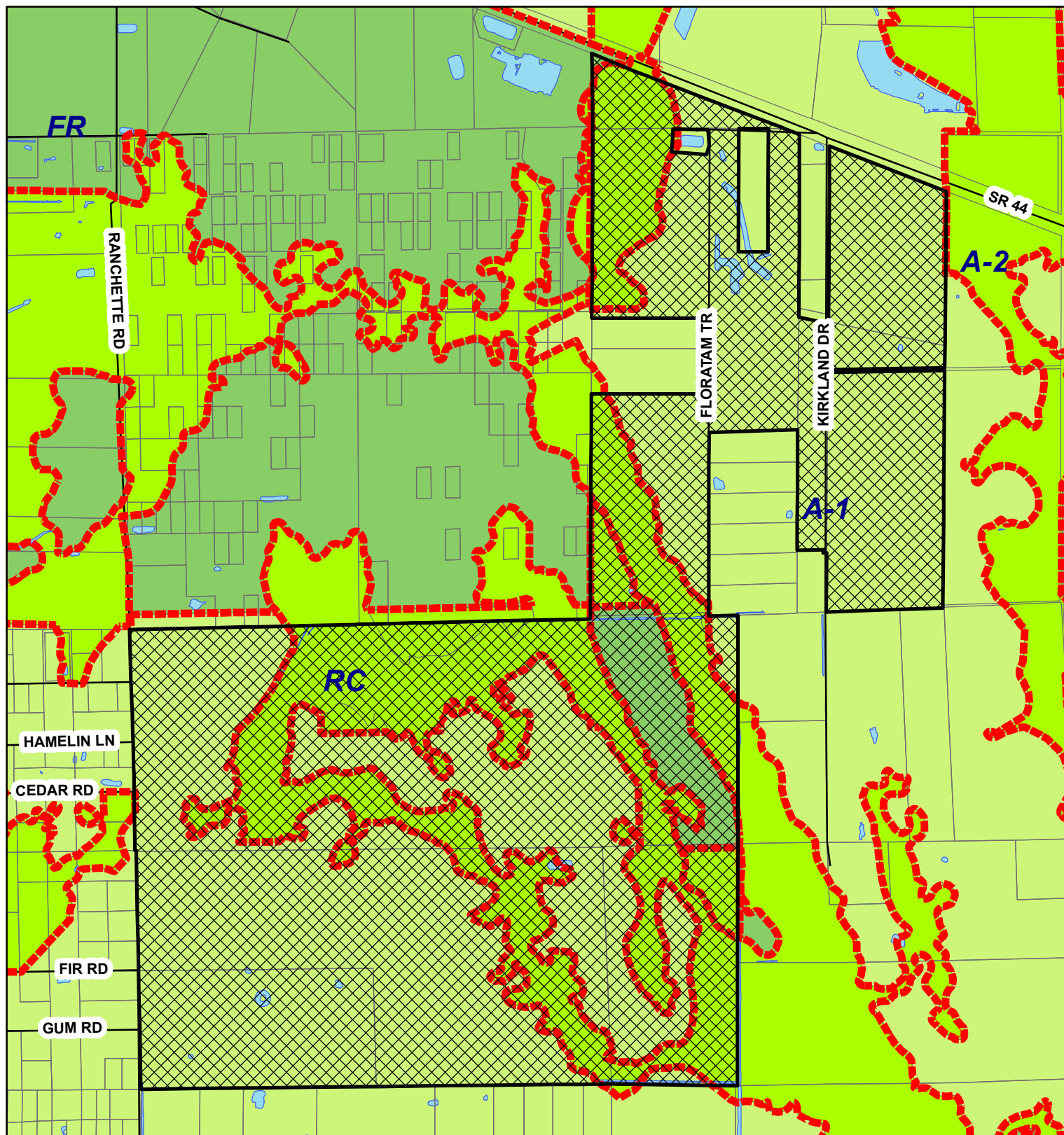
**1"= 1500' REZONING  
Z-17-024**

**FROM: A-1, FR & RC  
TO : P, & RC**



**REQUEST AREA**





# **ZONING CLASSIFICATION**

- AGRICULTURAL
- FORESTRY RESOURCE

RESOURCE CORRIDOR

1"= 1500'

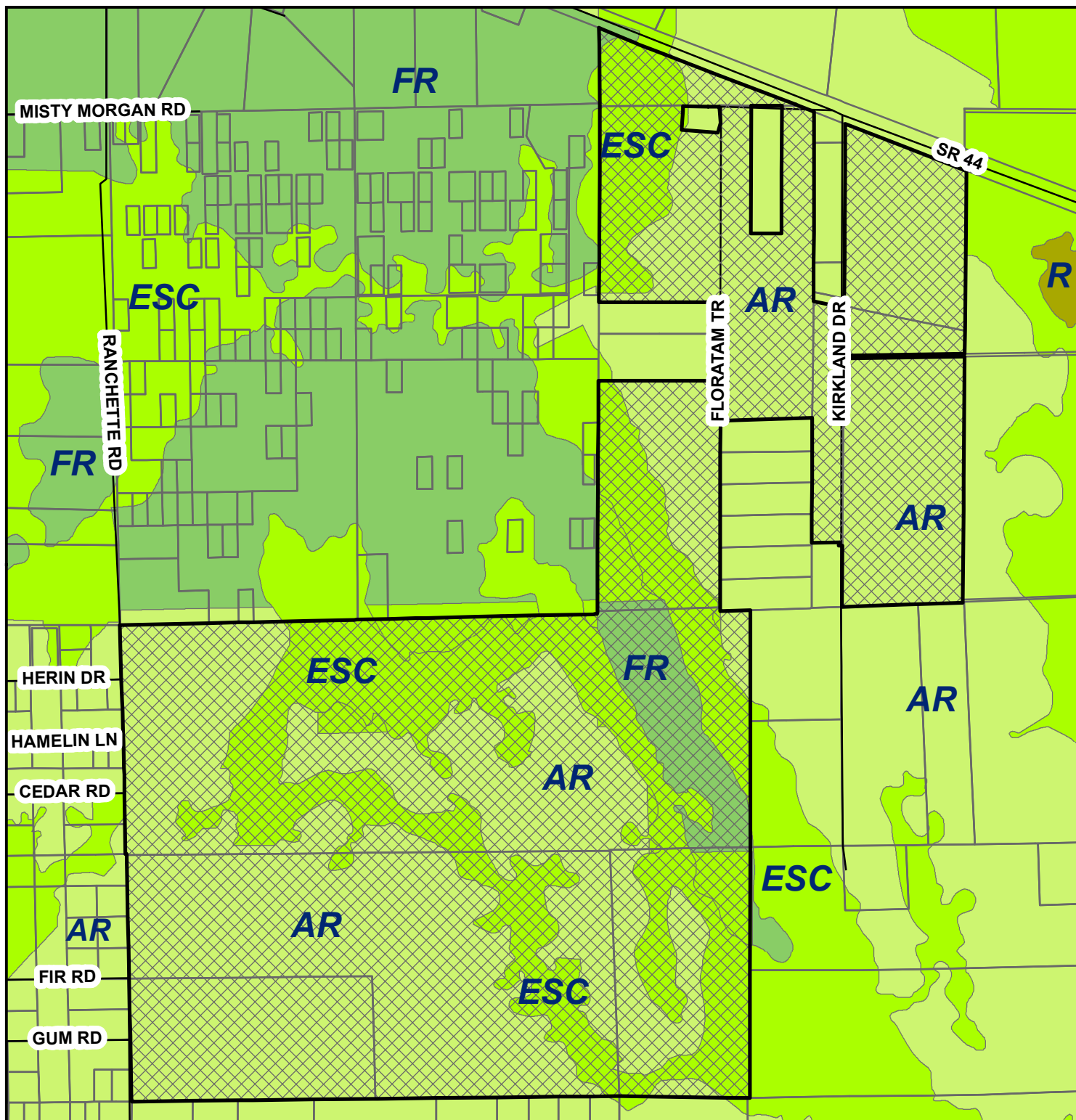


**REZONING  
CASE NUMBER  
Z-17-024**

**FROM: A-1, FR & RC  
TO : P, & RC**



**REQUEST AREA**



# **FUTURE LAND USE DESIGNATION**

- AGRICULTURE RESOURCE
- FORESTRY RESOURCE
- ENVIRONMENTAL SYSTEMS CORRIDOR
- RURAL

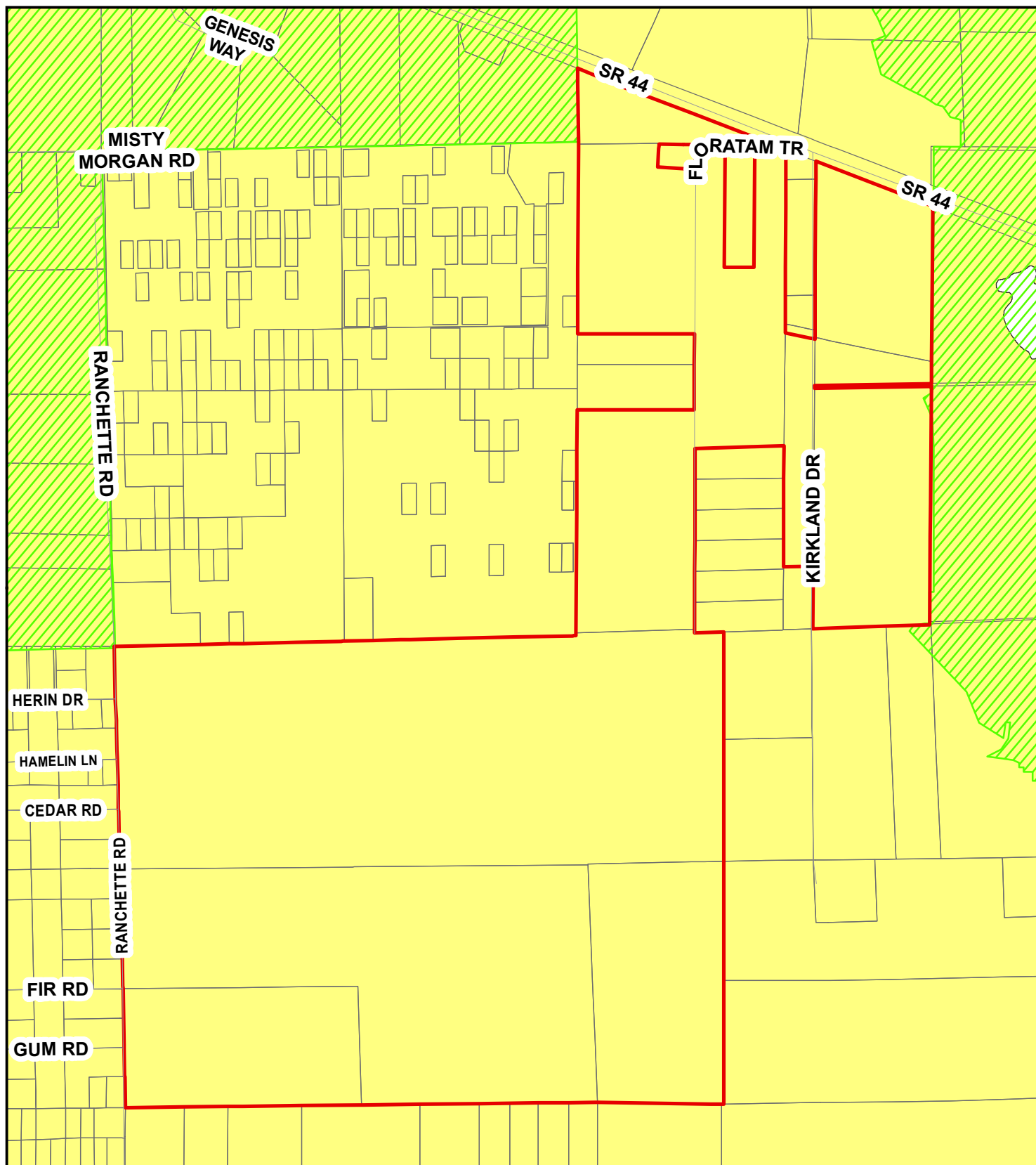
 REQUEST AREA

1"= 1500'



**REZONING  
CASE NUMBER  
Z-17-024**

**FROM: A-1, FR & RC  
TO : P, & RC**



**ECO/NRMA**

**1"= 1500'**

**REZONING  
Z-17-024**

 ECO NRMA

**FROM: A-1, FR & RC**  
**TO : P, & RC**

## REQUEST AREA