

# Staff Report



To: Planning and Zoning Board

From: Jessica Entwistle, Planning and Development Services

Date: July 17, 2024

Re: **RZ23-0007, Ordinance No. 09-2024, amending the Official Zoning Map to rezone ±10.10 acres of land located at 3141 Howland Boulevard from General Commercial (C-2) and Business Planned Unit Development (BPUD) to BPUD.**

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## Summary of Application:

**Applicant:** Mark A. Watts, Esq./Nika K. Hosseini, Esq./Cobb Cole

**Request:** The City has received an application to amend the Official Zoning Map from General Commercial (C-2) and Business Planned Unit Development (BPUD) to BPUD for ±10.10 acres of land to be developed as a Business Park at 3141 Howland Boulevard.

**Tax Parcel Nos.:** 8108-00-00-0014

**Property Acreage:** ± 10.10 acres

**Property Location:** 3141 Howland Boulevard; the property is generally located on the south side of Howland Boulevard and directly south of the intersection with Rose Apple Avenue.

**Legal Description:** See attached Exhibit "B" – Legal Description

## Zoning:

### 1. Subject Property:

**Existing:** General Commercial (C-2) and BPUD.

**Requested:** BPUD.

### 2. Adjacent Properties:

**North:** Retail Commercial District (C-1)

**South:** Residential Planned Unit Development (RPUD)

**East:** Retail Commercial District (C-1)

**West:** BPUD

## Zoning Description:

The existing zoning classification of General Commercial and BPUD would allow for many of the uses the applicant is requesting, but not all. The Future Land Use

of the property is Commercial, allowing retail and service type uses, along with heavy commercial type uses such as storage facilities.

### **Background:**

The application is to rezone a parcel to BPUD to allow a Business Park at 3141 Howland Boulevard. The applicant is requesting to build a storage facility in the rear of the property, which will be hidden from the road. The storage facility will provide 111 parking spaces for RVs, with 77 being covered. The businesses fronting Howland Boulevard will be either a medical office, barber or beauty shop, general office, rental agency, veterinary clinic, or flex space.

While the proposed uses are compatible with the Commercial Future Land Use, the current zoning does not allow the RV Storage area. The applicant has worked with staff to ensure the business park will attract employment opportunities to the City and block the storage facility from street view.

### **Support Information:**

#### Public Facilities:

- a Potable Water: DelNorth, Volusia County Utilities
- b Sanitary Sewer: DelNorth, Volusia County Utilities
- c Fire Protection: Deltona Fire Station 65
- d Law Enforcement: Volusia Sheriff's Office (VSO)
- e Electricity: Duke Energy

### **Matters for Consideration:**

Section 110-1101, Code of City Ordinances, states that the City shall consider the following matters when reviewing applications for amendments to the Official Zoning Map:

#### **1. *Whether it is consistent with all adopted elements of the Comprehensive Plan.***

The Future Land Use designation for the amendment area is Commercial and does not require a Future Land Use Map amendment. The proposal also conforms to the following goals and policies:

#### ***Policy FLU1-5.12***

*In implementing the Future Land Use Element, the City shall develop and adopt regulations to ensure to the maximum extent feasible, compatibility of use of areas and properties, including but not limited to such factors as traffic circulation, air quality and odor control, noise control, lighting, and aesthetics.*

#### ***Policy FLU1-7.1***

*The Future Land Use Map is hereby adopted as a graphic guide for the future development of property within the City. All development shall be consistent*

*with the future land use classifications and appropriate sections of this Comprehensive Plan.*

***Policy FLU1-7.2***

*The City of Deltona shall maintain the viability of existing and proposed residential neighborhoods by maintaining guidelines and regulations for vehicular and pedestrian access, roadway buffers, landscaping, fences and walls, and the maintenance and use of common open space areas.*

***Policy FLU1-7.5***

*All new development shall provide the appropriate on-site parking for the proposed use in conjunction with providing safe and efficient traffic flow, consistent with City land development regulations.*

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

The applicant did an environmental study on May 3, 2024, indicating there are no wetlands on the property. The study revealed Florida Scrub-Jay and Gopher Tortoise habitats within the 10-acre parcel. The gopher tortoise survey examined 15% of the property, where they found one burrow, but a full study will be required 90 days before any construction can begin. This means any scrub-jay or gopher tortoises on the property will be relocated before any construction is approved.

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

The proposed zoning will change the subject property from C-2 and BPUD to BPUD allowing the applicant to unify the property into one. By creating one lot, the property can be better utilized for a Business Park. The proposed project will impact the local economy by creating jobs. Staff reviewed the Comprehensive Plan and found that the BPUD proposal is in alignment with the following goals:

***GOAL ED1***

*Develop strategic resources to foster a healthy and stable economic environment, which will increase employment opportunities, provide for economic balance, improve, and expand public services, enhance the quality of life for both Deltona's citizens and the citizens of southwest Volusia County, and encourage the expansion of existing businesses within the City, concurrent with public services including full utility provision.*

***GOAL ED2***

*Focus economic development efforts within major City corridors, such as commercially zoned areas along Howland Boulevard and the Activity Center, as well as other non-residential zoned areas, with full concurrency.*

**4. Notwithstanding the provisions of Article XIV of the Land Development Code, Ordinance No. 92-25 [Chapter 86, Code of Ordinances], as it may be amended from time to time, its impact upon necessary governmental services, such as schools, sewage disposal, potable water, drainage, fire and police protection, solid waste, or transportation systems.**

- a. **Schools:** This rezoning involves a non-residential zoning request and will not affect local schools.
- b. **Sewage Disposal:** DelNorth, Volusia County Utilities.
- c. **Potable Water:** DelNorth, Volusia County Utilities.
- d. **Drainage:** All site-related stormwater runoff will be managed onsite; the applicant has proposed a “pond area” that will be constructed following with the necessary requirements of the City’s Land Development Code and other permitting agencies.
- e. **Transportation Systems:** The subject area fronts Howland Boulevard., a four (4) lane County thoroughfare. The area proposed for rezoning is surrounded by existing developments. The only access point will be a new driveway off Howland Boulevard, with a turn lane.

Use Trip Generation Comparison Chart				
Use	Sq. Ft.	A.M. Peak Hour Trips	P.M. Peak Hour Trips	Total Daily Trips
Medical-Dental Office Building	26,250 sf.	72	104	1,020
Storage Facility including RV Parking	637 units	8	11	116

A full Traffic Impact Analysis (TIA) will be provided for the Commission to review. The TIA is currently being reviewed by Volusia County and the City’s Traffic Consultant; both have provided comments to the applicant. There is language added to the Development Agreement to ensure the Developers will follow any recommendations made by the County and the City.

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

There are no known circumstances or conditions affecting the area.

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

No known mistakes.

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

The property will provide uses that are needed within the City of Deltona. The Business Park will have not only medical-type offices but also provide RV and Boat storage. The City currently does not have any RV or Boat parking facilities, with residents having to park these in their backyards or side yards.

The uses being proposed will be beneficial for the residents of Deltona and provide jobs within the City. The requested BPUD request is neighborhood-oriented and represents a logical progression of land use intensity. Therefore, the proposed BPUD zoning should have no adverse effect on the surrounding area and is anticipated to enhance the use and value of the area.

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

Land use compatibility and neighborhood protection are important tools of the City Comprehensive Plan and Land Development Code to determine the land use changes that can coexist with other land uses nearby. The land shall follow setbacks and buffers provided within the Development Agreement.

**Policy FLU1-7.7**

*Appropriate buffer and transition areas shall be utilized to ensure compatibility between residential areas and commercial and industrial developments in a manner that balances neighborhood protection and economic development goals.*

**CONCLUSION/STAFF RECOMMENDATION:**

Based on decision-making criteria, staff supports the Planning and Zoning Board recommending the City Commission approve Ordinance No. 10-2024, amending the current zoning of BPUD and C-2 to BPUD at 3141 Howland Boulevard with the following conditions:

1. The developer shall perform a field review and a signal warrant analysis at the intersection of Howland Boulevard and Roseapple Avenue/Project Driveway after the development is fully occupied.
2. Proportionate Fairshare information shall be provided to staff before the rezone goes before the City Commission.