



Staff Report

To: Planning and Zoning Board

From: Ron Paradise, Director, Planning and Development Services

Date: December 4, 2020 (Revised 2/3/2021)

**Re: Project No. RZ20-0003. Ordinance No. 06-2020
Project Name: HICKORY LAKES PRESERVE RPUD**

Summary of Application:

Applicant: Mark A. Watts, Esq., 231 N. Woodland Blvd., DeLand, FL 32720

Request: Rezone property totaling +/-110.43 acres from A-1 (C) to City of Deltona Residential Planned Unit Development (RPUD).

Tax Parcel No.: 9113-00-00-0200 and 9113-00-00-0201 and portion of 9113-00-00-0021

Property Address: Enterprise Osteen Road

Property Acreage: +/-110.43 acres

Property Location: Located off of Enterprise Osteen Road just west of SR 415 situated in the southeastern section of the City near the community of Osteen.

Legal Description: Refer to Ordinance No. 06-2020 Exhibit B.

Existing Zoning: County Prime Agriculture (A-1) (One unit per 10 acres)

Background: The property is vacant and in a natural condition. Historically, the property was used for turpentine production, timber, and free-range cattle grazing once very common land uses in Central Florida. The property is currently being managed for native timber production and is taxed at an agricultural rate for timber production. Land to the east consists mostly of open water associated with Little Lake. Beyond the open water of Little Lake there is a vacant land tract owned by the applicant's client consisting of over 130 acres that abuts SR 415. The property located east of Little Lake was part of a Comprehensive Plan Future Land Use Map amendment transmitted by the City known as the Enterprise Osteen East application. The Enterprise Osteen East area is located within the Osteen Local Plan Joint Planning Agreement (JPA), and under the JPA the County refused to allow the City to adopt the Enterprise Osteen East amendment. Currently, the applicants are retooling Enterprise Osteen East to facilitate the development of that area in a manner consistent with the existing underlying urban land use designations.

The basic development proposal of the Hickory Lakes Preserve RPUD is a master planned project consisting of detached single-family dwellings situated on individual lots.

The majority of the amendment area (100 acres) was annexed into the City in 2006 along with other land in the area, including the property to the east. While the property was annexed into the City, the County land use and zoning were never changed. The majority of the Hickory Lakes Preserve RPUD has remained undeveloped within the jurisdiction of the City for 14 years. However, in 2019 an adjacent ten (10) acres owned by the applicant's

client was annexed into the City.

Support Information, Public Facilities:

1. Potable Water: The property will be served by the Deltona Utilities central water system. Central water is not yet available, but there is a pioneer agreement in place to bring utilities to the site if the RPUD is approved. The agreement was approved by the City in July of 2020. However, the agreement may need to be modified to address changes in development scope.
2. Sanitary Sewer: The project will be served by the City’s sanitary sewer system. Central sewer is not yet available, but there is a pioneer agreement in place to bring utilities to the site. The agreement was approved by the City in July of 2020. However, the agreement may need to be modified to address changes in development scope.
3. Fire Protection: Deltona Fire (Station 64)
4. Law Enforcement: Volusia County Sheriff’s Office (VCSO).
5. Electricity: FPL

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:

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

The property is designated on the Future Land Use Map as County Rural (R), open water (Lake Little) and Mixed Use Village. The acreage breakdown is as follows:

Land Use Designation	Acreage	Density/Intensity
Rural	75.86	34 units
Wetlands	3.22	0.37 units
Open Water	30.63	0 units
Mixed Use Village (Osteen Local Plan)	0.71	3.92 units/3,201.66 GFA

The County Rural Land Use designation is a non-urban category which is intended to serve as a transition between agricultural and other resource areas and urban uses. Rural areas are typically used for agricultural activities and/or acreage-oriented subdivisions and related bucolic living arrangements. The preferred density within the Rural land use designation is one (1) unit per five (5) acres. In some cases, a density of one (1) unit per ten (10) acres may be

designated to be consistent with an existing zoning applied to an area. However, the Rural designation may allow, in certain circumstances, density as high as one (1) unit per acre. The ability to realize lot sizes below five (5) acres is predicated on adjacency parameters and other criteria, including the natural condition of the property. In the case of adjacency, smaller lots than five (5) acres may be allowed if they are within 660 feet of an urban land use category or an incorporated area. Also, the County Comprehensive Plan establishes a base density for wetlands as one (1) unit per ten (10) acres and a density of zero units per acre for open waterbodies. For density calculation purposes, the City does allow the transfer of density from wetlands at the range associated with the underlying Land Use designation. Like the County, open water does not have a density allocation within the City of Deltona.

About 15 acres of the property proposed to be rezoned is located within the Osteen JPA. This area is designated as Mixed Use Village (MUV). The physical character of this area can be described as mostly wetlands and open water. Only 0.71 acre of the 15-acre MUV/JPA area can be considered upland and suitable to support a level of urban development. However, the MUV/JPA upland area is further constrained by the fact that the majority of the 0.71 acre is located within the 100-year floodplain. The end result is there is 0.31 acre of suitable land located within the MUV on the Hickory Lakes Preserve RPUD property. When the Osteen Local Plan boundary was formulated, the terminus followed property/parcel boundaries wherever possible. In the case of the Hickory Lakes Preserve RPUD, the Osteen JPA boundary followed a property boundary leaving the aforementioned small amount of usable land (0.31 acre) separated from the bulk of the property by a waterbody. The 0.31 acre MUV area has very little use in the context of the Osteen JPA except to transfer entitlements to a master planned development within the JPA. However, based on the juxtaposition of the 0.31 acre area to the Hickory Lakes Preserve RPUD property, logically, this area would be subsumed into the subject RPUD. With regard to project design, the 0.31 acre JPA area along with other land will be used as an amenity center. From a policy standpoint, the 0.31 JPA area along with the rest of the Hickory Lakes Preserve project will be rezoned to RPUD, which will be consistent with the following policy:

Policy FLU3-1.2

To ensure that the Osteen Local Plan is appropriately implemented all development requests must be processed as a Planned Unit Development (PUD) except as follows: Individual single-family dwellings on parcels situated within residential land use categories, provided that the parcel was legally created prior to the adoption of the Osteen Local Plan.

The applicant has filed a future land use map (FLUM) amendment application concurrent with this rezoning application. The FLUM amendment request is to change from County Rural to Low Density Residential (LDR). The LDR designation is an urban land use category that allows residential uses, typically at a suburban scale, such as dwellings on individual lots. The LDR has a density range of 0 to 6 units per acre. Platted residential subdivisions like the Deltona Lakes Mackle Brothers creation or more modern master planned neighborhoods

can be designated as LDR. The gross density of the property with the requested LDR category would be 455 units at six (6) dwelling units per acre. However, the applicant has proposed to limit the density to 226 units. The City Commission did transmit an amendment to the Future Land Use Element to limit the number of lots by adding a Goal, Objective and Policy to the Comprehensive Plan Future Land Use Element.

As part of the above mentioned Comprehensive Plan amendment package, the City Commission on October 5, 2020, approved the Future Land Use Map amendment ordinance at first reading to change the property from County Rural to City Low Density Residential. After approval of first reading, the amendment was transmitted to the Volusia Growth Management Commission (VGMC) and the Florida Department of Economic Opportunity (DEO) for review. Both the VGMC and the DEO have issued no objections to the amendment being adopted. There is anticipation the City Commission will have an adoption hearing in January of 2020. Procedurally, the City Commission cannot act on a rezoning request for the property until the Future Land Use Map amendment is adopted. This does not preclude the Planning and Zoning Board from hearing the rezoning request and rendering a recommendation to the City Commission.

The project was also reviewed in light of the City Comprehensive Plan goals, objectives, and policies. The following provisions and related analysis are appropriate:

OBJECTIVE FLU1-2

The City shall encourage compact, mixed-use developments in appropriate locations in order to discourage urban sprawl, facilitate energy efficiency and provide the full-range of uses and services in walkable, vertically and horizontally-integrated, design-unified environments.

The Enterprise Osteen West/Hickory Lakes Preserve RPUD is a residential project planned for 221 units. The format will be detached dwellings on individual lots similar to how Deltona is already developed. The project lot sizes range from 6,000 square feet to well over a half an acre. Larger lots are located at roadway corners or roadway radiuses. Waterfront lots are also larger. However, the typical lot within the project will have 50 feet of roadway frontage and 120 feet of depth (6,000 square feet). The recent residential subdivision trend within Deltona is for lots smaller than the typical 10,000 square foot Deltona Lakes subdivision tract. This trend is not unique to Deltona. Nationally since 2015, residential lots have been becoming smaller. The U.S. Census Bureau Survey of Construction indicated in 2015, the median lot size for a single-family home throughout the United States has dropped to 8,600 square feet. Some reasons for the shift to smaller lots are as follows:

- 1) There is a segment of the population, including older generations, which do not wish to invest great amounts of time and/or money maintaining an expansive yard or landscaping.
- 2) Real estate has grown expensive, and smaller lots can represent a more affordable method for people to purchase a new home.

- 3) Projects with smaller lots tend to have neighborhood amenities, including open space areas. This is the case of Hickory Lakes Preserve RPUD, which will feature amenities such as recreational areas and a neighborhood center with an ancillary pool.
- 4) New subdivisions are fully serviced by central utilities (water and sewer) and there is no need to accommodate a land intensive septic tank and drain field. Hickory Lakes Preserve will be serviced by Deltona Water for the provision of central water and sewer.
- 5) Land development activities including the up-front acquisition of raw land has become quite costly. The market price of converting an undeveloped property to a functional subdivision with streets, utilities, drainage, etc. is extremely high and trending higher. The smaller lots allow projects to be more economically feasible because there are more units of which to spread the costs of development.

From a perspective of lot sizes within the City, the standard Deltona Lakes subdivision lot size is 10,000 square feet. However, smaller lot sizes have been developed within the City including within long established neighborhoods of the City like Arbor Ridge. Newer residential projects like Hampton Oaks and Fernanda Place are platted with lots in the 5,000 to 6,000 square foot range. The City has also approved projects like Courtland Park and the Doudney RPUD with lots as small as 4,800 square feet (40x120). Therefore, the Hickory Lakes Preserve RPUD lot sizes are consistent with existing and approved subdivision patterns within the City and does make use of the property in a well ordered manner.

The above objective represents a basic tenet of urban planning – promote compact and efficient development patterns.

Policy FLU1-4.2

The City, as a FEMA NFIP and CRS designated community, shall discourage development within any known flood plains as identified by the best available data, such as FEMA flood maps.

Policy FLU1-5.6

Development and structures shall be discouraged within the 100-year flood plain; however, if located therein, they shall be constructed in a manner that results in a no loss of existing 100-year floodplain storage and function.

Policy CON2-WR2.5

As a governmental entity participating in the FEMA Community Rating System, the City discourages structures within the floodplain. However, if structures are built in the floodplain, City and FEMA regulations for construction methods shall be followed.

Policy CON2-WR2.6

Dwelling unit densities shall not be increased within floodplains and in other flood prone areas.

The above policies are applicable to the following discussion pertaining to the 100-year flood plain:

About 46 acres of the amendment area is located within the 100-year floodplain. (Approximately 30 acres of the floodplain is open water.) The floodplain area corresponds with Little Lake and the wetland areas of the Hickory Lakes Preserve RPUD. A good portion of the 100-year floodplain includes wetlands and open water areas of the amendment area but does also include upland areas near wetlands. The establishment of the floodplain tends to be predicated on elevation and related data where wetland determination methodology based on physical features like soils, vegetation, and hydrology.

The City participates in the FEMA Community Rating System (CRS). The CRS rewards City policyholders with lower premiums in recognition of the City implementing policies and regulations intended to direct investment and development away from floodplain areas. City regulations aim to protect floodplain function as much as possible by keeping floodplain areas in situ. A prime method to implement the goal of safeguarding floodplains is to not design lots where the result is unavoidable 100-year floodplain impacts. In addition, public and private infrastructure should be directed away from 100-year floodplain areas. Avoidance of floodplain areas helps minimize the risk of damage to homes and infrastructure from flooding but also helps reduce nuisance flooding (water standing in roadside swales, in driveways, etc.) complaints. In addition, future City expenditures to protect infrastructure and/or private property, including buying improved property prone to flooding will be reduced or hopefully eliminated by not allowing development and other, non-passive, improvements within the 100-year floodplain.

With regard to floodplain protection regulations and the above policies cited, there are alternatives provided that involve engineering floodplain areas to make flood prone land suitable for development. An engineering solution known as compensating storage is an accepted method of mitigating impacts to the 100-year floodplain. Expressed in general and non-technical terms, compensating storage involves filling in a portion of floodplain and then excavating an equal or greater amount of associated non-floodplain land to basically off-set fill within the floodplain. The goal is to ensure there is no loss of floodplain function and there will be no adverse impacts to other land/development within the same floodplain basin. The compensating storage method is also intended to ensure structures and infrastructure will be elevated above floodplain level and thus be protected from flooding.

Engineering floodplain areas to accommodate development has been a part of human history since the dawn of civilization. Developing within floodplains utilizing modern engineering techniques can be reliable. However, history, recent and past, is rife with examples where development within floodplains has proven to be at best unwise and sometimes disastrous. For these reasons, various policy studies and governmental agencies such as FEMA recommend the soundest method to mitigate risk within flood prone areas is to avoid or minimize investment within these areas. In addition, the private sector insurance industry for decades has determined underwriting development within floodplains is not actuarially prudent and has conceded floodplain insurance activities to the Federal government FEMA.

This application is for a rezoning that includes detailed development entitlements and standards in the form of a written development agreement and a Master

Development Plan graphic of how the project will be designed. Based on the design, the project will include approximately 22 lots fronting on Little Lake of these 22 lots about 12 of the lots are severely constrained with the floodplain and if these lots are created as designed, will result in significant future investments (homes and accessory structures) within a hazardous area. The Hickory Lakes Preserve RPUD has several internal wetland areas that are associated with floodplain acreage. Another 12 lots are either entirely located within the 100-year floodplain or will result in unavoidable impacts to the 100-year floodplain. Finally, based on the network of wetlands/floodplain areas, there will be several road and other linear infrastructure (utilities) encroachments within the 100-year floodplain. These roadway/linear crossings may be considered unavoidable while still making reasonable use of the land. The plan is the lots and infrastructure will be elevated out of the 100-year floodplain utilizing the above mentioned compensating storage engineering solution.

While the compensating storage approach is an option to allowing improvements within the floodplain City staff recommends the project be redesigned to direct investment away from the 100-year floodplain as much as possible. This is especially acute when there are residential dwellings which can be considered the personal domain of the owner(s) and a basic human necessity - shelter. A suggested redesign would involve larger and deeper waterfront lots featuring ample room outside of the floodplain to locate a house and non-water dependent accessory uses (pools, storage buildings, etc.). In addition, other floodplain lots would need to be reoriented or eliminated to eliminate/minimize floodplain impacts. Suggested project modifications would also result in less linear feet of future City roadway being located within the floodplain. The rationale for the position of staff on this matter is as follows:

- 1) Directing development and investment away from floodplain and hazardous areas is recommended by FEMA, and by various hazard mitigation reports/related literature.
- 2) The City in the past has paid to buy out homeowners as a result of flooding. This is an expensive but sometimes needed approach to floodplain management.
- 3) The City has invested millions of dollars in stormwater infrastructure to manage floodwaters associated with sometimes poorly located or designed lots and houses. There is a realization these improved areas need extra attention from a drainage standpoint and are a legacy the City is responsible for retrofitting and/or upgrading. Therefore, it would be unadvisable to allow the creation of new lots within areas known to flood. With regard to new projects such as the Hickory Lakes Preserve RPUD, the City has the opportunity from the beginning to manage and otherwise require development to be directed away from areas known to exhibit the potential for flooding.
- 4) Nuisance flooding can be described as water ponding on a property, in a street, in a swale or accumulating within yards. While not impacting habitable dwellings, nuisance flooding causes concerns amongst some homeowners as standing water can make yard care inconvenient and can be a breeding ground for mosquitos. In many cases, nuisance flooding like high lake levels cannot be resolved by structural means. Other times the City can address nuisance flooding by improving local drainage. However, those remedies come with costs and

possible disruptions to neighborhoods. Reports of nuisance flooding are often brought by residents to the elected body and/or the City administration. Response to these flooding reports are prioritized and, in some cases, and to the frustration of many, there is little the City can do to address some types of flooding. Development of floodplain areas involves the importation of fill and earthworks like swales, berms, and in some cases on site retention. All of these structural improvements need to be maintained and possibly upgraded to manage drainage that does not result in flooding. While the HOA is identified as the entity responsible for maintaining the stormwater facilities on the project, in certain circumstances, the HOA may not be able to financially cope with the demands of maintaining/managing extensive drainage infrastructure. The end result is residents asking the City for help.

Most of the floodplain area consists of wetlands/open water. Wetlands are regulated by City, County, Regional, State, and Federal governments with the intent of affording a high level of safeguard to this essential and environmentally sensitive resource. While there is a proposal to develop the property at an urban scale, the wetland areas will be afforded protection by directing project infrastructure and other non-passive improvements away from the wetlands. A goal of wetland protection is to ensure the wetlands remain in a natural state and still provide ecological and hydraulic function. Part of the wetland protection requirements of the City is to afford a natural 25-foot upland buffer. The wetland and the buffer areas will protect the wetland resources, including the lake, from urban run-off and allow fauna access to these areas under natural cover. Furthermore, the wetland/open water areas can be utilized for passive type of uses like boardwalks/docks, nature trails, wildlife observation, etc. The project is designed to avoid wetland and wetland buffer impacts – a prime objective of the City wetland ordinance. There are about 30 lots (including 22 waterfront lots) designed as part of this RPUD project that includes portions of wetlands and wetland buffers where such features must be respected on an individual basis. With regard to access to water, such access shall be consistent with City wetland regulations and shall be defined as an elevated, no more than four (4) foot wide boardwalk or dock constructed in a way where impacts to wetlands and wetland buffers are minimized. Beaches and the clearing of the wetlands/buffer, even to clear dead trees and snags will not be allowed. Watercraft access to the lake will be limited to non-motorized vessels. Finally, each lot will have adequate upland outside of the wetlands and wetland buffer to allow the development of a dwelling and accessory structures. The above stated limitations and protections are consistent with the following policies:

Policy FLU1-6.1

An environmental upland buffer of no less than 25 feet shall be utilized to protect the ecological functions of lake shores, streams, and wetlands.

Policy FLU1-6.3

The City of Deltona shall encourage the clustering of development to preserve environmentally sensitive and other open space areas.

OBJECTIVE FLU1-7

The City of Deltona shall appropriately allocate land uses to adequately meet the current and future population needs while maximizing land use compatibility. The City shall promote a variety of land uses including residential, commercial, industrial, pedestrian oriented mixed-use, recreational, conservation, and public facilities.

Utilizing and attempting to maximize the carrying capacity of existing City land resources to support expected population while ensuring land use compatibility and adhering to City infrastructure level of service expectations, would be consistent with the above Objective.

According to the Bureau of Business and Economic Research (University of Florida), the most current (2020) population of the City is 92,844. Population projections promulgated by the Shimberg Center for Housing Studies (University of Florida) indicate in the year 2025 the City population will have grown to 98,835. By 2030, the City will be home to 103,401 residents. The population trends from the most up to date population estimate to 2025 suggest there will be nearly 5,991 new residents within the City in five years. Analyzing the population forecast from a different perspective, the City with a 3.00 person per household population (U.S. Census) characteristic will need about 2,000 new dwelling units to support near term growth. Consistent with State planning law, local governments are required to accommodate expected population. Furthermore, local governments are encouraged to allocate enough land use entitlements to support the population for at least 10 years. Shimberg projects indicate by 2030 there will be 103,401 people residing within the City. Expressed in light of a 10-year timeframe, the City will grow by 10,557 persons. At a 3.00 person per household, the City by 2030 will need over 3,500 new homes to house the expected population.

Through the recent years the City has entitled or is anticipated to entitle 1,634 units of which none have been constructed. The project names, number of units, and general approval status are illustrated in the following table:

Project Name	Total Number of Units	Status
Vineland Reserve	407	Zoning entitlements approved; Preliminary Plat for phase 1 approved.
Courtland Park	196	Zoning entitlements approved; Preliminary Plat approved.
Doudney RPUD	220	Zoning entitlements approved
Hampton Oaks	259	Final plat approved
Three Island Lakes South RPUD	61	Zoning entitlements approved
Deltona Village multi-family entitlement	414	Entitled as part of a BPUD
Lake Sydney Shores	77	No plat application has been proposed
Total Units 1,634		

The above table is a cross section of projects that may be under some level of development but lots have not been sold and there is no vertical construction at this time.

Realizing the buildout window, after all entitlement and plat approvals are secure, of a modest size residential project consisting of 200 units is a minimum of five (5) years, reviewing the housing needs for the next ten (10) years is appropriate and consistent with State planning law. Under the ten (10) year population projection scenario, the City will need 3,519 new units. The amendment area along with an accompanying rezoning request is proposed to be developed with 221 units.

There is recognition the original Deltona Lakes plat and other plats (including newer plats like Fernanda Place) still have vacant lots available for development. In fact, a good portion of the residential permits processed in the last number of years within the City has been issued for these lots. However, the existing platted lot inventory featuring lots not associated with severe development constraints (wetlands, floodplains, severe slopes, poorly drained soils, etc.) is growing scarce. While lots within these plats will continue to be developed, the ability to rely on these existing and even recently approved areas to fully support incoming population is very limited. The development of individual lots within the Deltona Lakes plat has been a sound business plan for both national developers and smaller scale builders. However, negotiating with individual lot owners can be a challenge and to suggest every lot within the Deltona Lakes plat will be developed in the foreseeable future is contrary to the realities of the market in light of the expectations of individual lot owners who are perhaps saving a lot for their own eventual use. Also, the market absorption of lots within newer projects is occurring at a fast pace. Unlike lots within older subdivisions, builders can obtain a certain number of lots within a new project and build a set number of homes. The advantage afforded by new projects for builders is there is an economy of scale where all resources are marshaled and devoted to a single, more compact area.

City staff did analyze existing land resources with the intent of quantifying the number of lots available for future residential development. The number of vacant residential parcels within the City totals 2,587 as of November of 2020. When considering environmental constraints and the fact that some of these lots are not even zoned for residential uses, the number of lots is reduced to 2,224. For the purpose of this vacant land analysis there will be an assumption made that all of the 2,224 properties could support at least one single family dwelling. As stated above, according to population projections the City needs 3,519 new units within a 10-year period. The residential carrying capacity and related needs are articulated in the following table:

Recently or Soon to be Entitled Projects	Existing Lots	10-Year Population Increase	Residential Lot/Unit Need at 3 Persons Per Household	Total Residential Lots/Units Available	Unit Difference

1,634 units/lots	2,224 lots	10,577 persons	3,526 units	3,858 units	332 units (additional)
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A notable change to State planning law involves the methodology behind land use allocation. Before the 2011 change to State Growth Management laws, a local government Future Land Use Map allocation was predicated on and controlled by population projections. In general, a local government could not over allocate its Future Land Use program by entitling more land beyond what was supported by population projections. However, unofficially the State did allow a slight over allocation of entitled land to ensure some level of housing choice and affordability (typically 10 to 15 percent over allocation). Under current State planning law, a local government still has to use population projections to base its Future Land Use allocation. However, State law now requires that a local government allocate enough land to support the median population level articulated by certain appropriate population projection methodologies. Furthermore, a local government is encouraged to allocate more land than what is needed to support the expected population to "...allow for the function of real estate markets". This extra allocation is sometimes referred to as a market cushion. There could be an inference based on the above table, the City has adequate units available to support the expected 10-year population. Multipliers like the 10 to 15 percent over allocation allowed under the implementation of the pre-2011 growth management laws could be invoked to clearly demonstrate the need for the Hickory Lakes RPUD. This approach would certainly be consistent with current State planning law. Furthermore, a reasonable over allocation of land is considered appropriate planning practice. The needs assessment was also influenced by slightly reduced 2020 Shimberg population projections.

However, it is important to understand over constraining the real estate market can lead to skewed real estate/housing values where housing affordability can be impacted. It can also cause development to be shifted to other nearby areas and local governments. There may be an idea that the denial of development will stop development. In some cases, this can be true if the effort is sustained in a more regional context with the cooperation of various local governments. In the absence of a mutual goal to more tightly manage growth, the development will shift to areas where more receptive regulatory environments but are often in close proximity to jurisdictions with a greater interest in facilitating slower growth trends. An ironic outcome for the local government implementing slow growth policies is that very same local government may be burdened by the impacts of growth, traffic being a good example, without the tax base increase and impact fee revenue to help offset the costs of mobility impacts. This is not to suggest, growth and development should not be managed, but growth should be directed in a manner where infrastructure is available or can be provided in an efficient manner; the design is environmentally sensitive; and the project can be integrated into neighborhoods and communities in a compatible manner.

There is recognition the area where the Hickory Lakes Preserve RPUD has rural attributes and the project is a more suburban development similar to much of the City of Deltona. Planning efforts of both the County and the City, as well as

existing developments like the nearby mobile home park known as Kove Estates portent existing and future urban development trends in the area, However, the City is committed to tactfully amalgamating the Hickory Lakes Preserve RPUD into an area with a development pattern featuring bucolic lifestyles. Methods of which to ensure land use compatibility include the following:

- 1) To facilitate separation between rural, acreage-oriented lot patterns located west of the project, a 25-foot landscape buffer will be afforded. The buffer will extend south from the Enterprise Osteen Rd. corridor 1,260 feet. The buffer will consist of natural, in situ, vegetation. This vegetation cannot be cleared or altered in a wholesale manner such as non-mechanized clearing for surveying purposes.
- 2) The above 25-foot buffer will be augmented by a six (6) foot high white vinyl fence located along the eastern margin of the buffer.
- 3) To maintain the current ambiance of the Enterprise Osteen Rd. corridor, a 25-foot buffer of native vegetation will be maintained along the road. This area will be maintained and will be subject to only very limited clearing. The buffer may be used to accommodate improvements allowed within landscape buffers consistent with Sec. 110-808 of the City Land Development Code.
- 4) A buffer of no less than ten (10) feet will be maintained along the southern margin of the property where the site abuts conservation land. Like the other buffers, the buffer will consist of native vegetation and the vegetated buffer shall not be cleared or altered with the exception for the bonafide purposes of surveying. Any surveying oriented clearing shall be conducted only through the use of hand tools.

The inclusion of buffers and fencing will create a separation between more rural and conservation uses and would be consistent with the following provision:

Policy FLU1-7.6

Appropriate buffers 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.

In addition, the proposed 221-unit project at 2.76 units per acre is well within the density range of the Low Density Residential (LDR) (0-6 dwelling units per acre). The Enterprise Osteen West RPUD maximizes existing land resources and does not constitute urban sprawl. The project is well designed to promote land use compatibility with existing uses. There is infrastructure and school capacity to support the project. (Public infrastructure level of service is analyzed later in this report). The requested rezoning to RPUD would be consistent with the below policy:

Policy FLU1-7.8

The residential density guidelines for each Future Land Use category represent an acceptable range and the allowable density shall be based upon the following minimum criteria:

- a. *Reducing sprawl by providing options for higher residential densities in appropriate locations;*
- b. *Environmental constraints, as established in the Conservation Element;*
- c. *Land use compatibility;*
- d. *Availability of public facilities and services at acceptable levels of service;*
- e. *Character of an area;*
- f. *Energy efficient design such as the provision of pedestrian and transit oriented access and options, and the use of efficient subdivision and construction standards; and*
- g. *Other policies of this Comprehensive Plan or Land Development Code, which establish more stringent density requirements.*

Its impact upon the environment or natural resources.

The property is vacant and in a natural condition. Historically, the property was used for turpentine production, timber, and free range cattle grazing – once very common land uses in Central Florida. The property is currently being managed for native timber.

The amendment area is located on a physiographic area of the County known as the Deland Ridge. The Deland Ridge is generally associated with sandy, well drained soils, xeric vegetation, as well as high, and sometimes rolling topography. However, the Hickory Lakes Preserve RPU is situated at the southern escarpment of the Deland Ridge as the ridge grades to the St. Johns River Valley. The escarpment area represents a transition between the generally well drained condition of the ridge and the river valley consisting of poorly drained soils, abundant wetland acreage, and extensive floodplain areas.

The northern section of the amendment area is vegetated by a pine and xeric oak community. This area can be described as a mixture of sand pine, long leaf pine, and sand live oaks. Other vegetation includes rusty lyonia and saw palmetto. Towards the Little Lake littoral, the upland area transitions to a pine flatwood area consisting of slash pines and a traditional palmetto understory.

Continuing south, the pine/oak mix grades to a sand pine forest. The overstory is almost exclusively comprised of sand pine. Scrub palmetto and myrtle oak are established in the understory.

Approximately 33.85 acres of the amendment area can be considered wetland. Of the wetland area about 30.63 acres can be considered open water. The wetlands are either palustrine or lacustrine systems.

The palustrine systems can be characterized by isolated herbaceous wetlands. Vegetation in these areas are mostly maiden cane, yellow eyed grass, etc. Along the edges, slash, and pond pine has become established during periods of low water. The lacustrine wetlands are either open water or are comprised of an herbaceous margin of emergent plants. Herbaceous vegetation includes maiden cane, St. Johns wort, hair grass, etc. Sundew, a carnivorous plant, can also be found in these areas.

Through the years, pines have become established in the wetland areas during low water times. During high water, the pines will often die leaving stumps and snags.

Wetlands are regulated by City, County, Regional, State and Federal governments with the intent of affording a high level of safeguard to this important and environmentally sensitive resource. While there is an intent to increase the density on the property to facilitate urban development, the wetland areas will be protected by directing project infrastructure, lots, and other improvements away from the wetlands. Another goal will be to ensure the wetlands will be linked to other systems like Little Lake to facilitate natural corridors, which will maintain hydraulic connections and allow fauna access to these areas under natural cover. The project will be designed to avoid wetland impacts – a prime objective of the City wetland ordinance. Finally, the wetlands will be afforded a minimum of a 25-foot upland buffer to further protect wetland function.

Its impact upon the economy of any affected area.

From an employment standard, the proposed project will initially provide local and regional homebuilding trade type jobs. Real estate services associated with land transfers will benefit as well. Finally, the ad valorem taxes, connection fees, and telecommunication/service tax revenue for the City will increase with new home construction and population increase.

The above benefits to the City represent only one side of the ledger. The City will be responsible for providing services to the new residents including police and fire protection. In addition, the City will assume greater road and utility maintenance obligations. Therefore, some of the economic benefits, especially in the long term, could be diminished as residents require public services and the project infrastructure needs to be maintained/periodically upgraded.

There is a body of literature regarding land use economics and the fiscal impacts of various land use decisions. As is not unexpected, some non-residential land uses can be fiscally beneficial to a local government. However, the fiscal benefit of residential development is often proportional to real estate values and the location of the development.

In light of the above, the following observations are applicable:

- a. The project is a new project with potential amenities afforded. Notwithstanding smaller lot sizes planned, the property values associated with the project should be higher than the City average.
- b. Since the City derives about 17% of its general fund revenue from telecommunication and service taxes, more connections equate to more revenue.
- c. The project will result in the expansion of the City's water and sewer system. The developer through a pioneer agreement will front the costs to extend the system to the south where other users will one day connect. The City will be paying to upsize the pipes to facilitate future connections.
- d. Finally, as has been mentioned in this analysis, City population projections indicate future growth. As far as economic development and budgetary

management is concerned, the project at the location proposed represents a proposal which will support future population in a fiscally sound manner.

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:** Schools serving the Hickory Lakes Preserve RPUD include Pine Ridge High, Heritage Middle, and Osteen Elementary. All schools have workstation capacity to serve students generated from the project.
- b. **Sewage Disposal:** Sanitary sewer (Deltona Water) The City has the wastewater management capacity to serve the project. Sewer service will need to be extended to the project and the details of the extension are addressed in a pioneer agreement between the City and the landowner.
- c. **Potable Water:** Central water (Deltona Water) The City has the potable water capacity, both physical and permitted, to serve the project. Water service needs to be extended to the project and the details of the extension are addressed in a pioneer agreement between the City and the landowner.
- d. **Drainage:** Appropriately designed and constructed on-site drainage facilities will address stormwater run-off.
- e. **Transportation Systems:** The project is a single use development with 221 detached single-family dwellings on individual lots. As part of the rezoning process, the applicant did submit a traffic impact analysis (TIA). The TIA was prepared by Traffic Planning and Design, Inc. (TPD). According to the TIA, the project will generate 2,194 trips or 9.70 daily trips per dwelling unit. (Note: the TIA was prepared with an assumed density yield of 226 units.)

As represented by the applicant's Traffic Impact Analysis (**Exhibit 1**), traffic will enter and exit the project utilizing Enterprise Osteen Rd. The trips on Enterprise Osteen Rd. will be almost evenly split east and west. The eastbound trips utilize SR 415 to access shopping to the north (Super Walmart), the Howland Blvd. corridor or will be heading south on SR 415. Based on traffic distribution, SR 415 traffic will be almost evenly split between north/south trips with a slightly greater percentage going south on SR 415. The southbound SR 415 trips are accessing the job market and various services in the greater Orlando area utilizing SR 415 as an eastern route to SR 46, SR 417 (Greenway) and U.S. 17-92.

Westbound trips split at the intersection of Courtland Blvd. and Enterprise Osteen Rd. Only a limited amount of traffic as modeled will take Courtland Blvd. north. The majority of the westbound traffic will either go west on Lakeshore Blvd. or south on Reed Ellis Rd. linking back to SR 415. The linkage back to SR 415 utilizing Reed Ellis Rd. seems somewhat counterintuitive. This directional flow probably represents a limitation of the model used to establish trip distribution. A logical expectation is most of the southbound SR 415 trips will utilize the Enterprise Osteen Rd./SR 415 intersection.

Enterprise Osteen Rd. is a County road/thoroughfare and is also designated a City thoroughfare. Currently the segment of Enterprise Osteen Rd. between Garfield Rd. and Reed Ellis Rd. carries 2,860 trips. The segment of Enterprise Osteen Rd. between Reed Ellis Rd. and SR 415 is traveled by 1,250 cars a day. Each Enterprise Osteen Rd. segment has a capacity of 10,220 trips per day. Also, there is plenty of capacity on SR 415 from Howland Blvd. to the Volusia/Seminole county line. SR 415 from Howland Blvd. to Enterprise Osteen Rd. carries 19,800 cars a day. Based on roadway design and other factors the subject segment has a maximum daily capacity of 39,500 trips. SR 415 from Enterprise Osteen Rd. to the county line is traveled by 23,000 cars a day and has a maximum capacity of 65,800 trips per day.

Notwithstanding the fact there is adequate capacity on the City road network to support the project, the project traffic impacts will need to be offset by on-site and off-site traffic improvements. On site improvements refer to design techniques including access management and subdivision design needed to ensure the project will minimize impacts to the function of the roadway system. The on-site improvements include the installation of turn lanes (both left and right) at subdivision entrances along Enterprise Osteen Rd. and a strategically placed local road stub out to the adjacent property. The stub outs intent is to ensure there will be connections to other projects that will develop in the future.

Protecting City roadway capacity and related operations through the use of turn lanes, and other access management techniques is consistent with the following Comprehensive Plan provisions:

Policy T1-1.4 The City of Deltona shall maintain land use regulations, including, but not limited to, access control/management and cross access easements, to facilitate safe and efficient mobility on the City transportation network.

Policy T1-3.1 The City of Deltona Transportation Element shall be coordinated with the Future Land Use Element and all other applicable elements to ensure compatibility between land use and the transportation system necessary to support it.

Policy T1-3.2 The City of Deltona shall maintain land use regulations, including access management, which provide for the continued safe and efficient movement of local traffic. Such regulations also maintain, and enhance roadway level of service, capacity, and mobility.

OBJECTIVE T1-5 The City of Deltona shall consider the need for future traffic operation measures in the design of all major transportation system improvements.

The City hired Marlin Engineering to review the applicant's TIA. There was an observation made by Marlin Engineering about the lane widths on the segment of Enterprise Osteen Rd. associated with the rezoning request as being substandard ten (10) foot travel lanes instead of the required 12-foot travel lane width. The 12-foot travel lane width in most cases is suitable for thoroughfare roadways which tend to be designed and built to carry traffic at higher speeds. This is true of arterial thoroughfares. In the order of streets, there are collector

facilities below arterials which do serve a thoroughfare function (carrying traffic between land use destinations or to larger arterial roads) but are designed to carry less traffic. Collectors may also have lower operating speeds and can reflect the character of an area in which they are located. In the case of Enterprise Osteen Rd., the roadway has been a connection between two longstanding communities predating the platting and development of what is now the City of Deltona. In addition, the road traverses rural areas and traffic volumes on Enterprise Osteen Rd. have been light because of the low density nature of the surrounding land uses. However, the annexation of land, including the Hickory Lakes Preserve RPUD, dating back to 2006, associated with the Enterprise Osteen corridor was a harbinger of urban type growth and development. As the City expands in population, development of existing, already incorporated land resources is rational. Now with urban development proposed for the amendment area and adjacent land, there is a realization the rural nature of the area is going to change. However, some of the rural vestiges incorporated into the design of Enterprise Osteen Rd. are not necessarily inconsistent with the trend of urbanization – more specifically, the ten (10) foot wide travel lanes on Enterprise Osteen Rd.

Concerns of speeding are common within the City. The longer the straight of way and the wider the travel lanes, the greater the tendency for traffic to travel at higher rates of speed. Therefore, the ten (10) foot wide travel lanes on Enterprise Osteen Rd. will tend to slow the flow of traffic notwithstanding observed/reported individual events of spirited driving. Slowing traffic through roadway design is sometimes referred to as traffic calming. Basically, while an urban cross sectioned roadway may be generally preferable in urban areas, there are cases where rural, less than standard roadways will still function appropriately even when utilized to support urban traffic volumes. Furthermore, the need for traffic calming on the subject segment of Enterprise Osteen Rd. is more acute because of the curves associated with the roadway grading north around the Little Lake waterbody. The geometry of Enterprise Osteen Rd. may not change in the foreseeable future and slowing traffic through the maintenance of ten (10) foot wide travel lanes will improve safety in the area. However, there is anticipation the County will require a dedication of right of way to facilitate the eventual upgrade of the roadway width. The City through a zoning entitlement will support the dedication by the applicant and there will be a requirement for a 20 foot right of way dedication to facilitate future roadway improvements.

There is a signal warranted at the intersection of SR 415 and Enterprise Osteen Rd. The particular intersection is associated with a high-speed road SR 415 and an off-set alignment with Railroad Av. located east across SR 415 from the terminus of Enterprise Osteen Rd. In addition, the curvature of SR 415 at this intersection results in limited sight distances of which to judge the speed of oncoming traffic. The result is the SR 415/Enterprise Osteen intersection is a challenge to safely negotiate. With regard to a warrant, FDOT, the custodian of SR 415, supports the signal warrant. In addition, Marlin Engineering recommends the Enterprise Osteen Rd. and SR 415 be treated with a signal. Therefore, the scale and type of urban development proposed by this request suggests the

subject intersection needs to be signalized. The applicant will need to approach the County and FDOT to finalize the logistics of the signalization of the intersection.

Any changes in circumstances or conditions affecting the area.

There are no changes that affect the area.

Any mistakes in the original classification.

None.

Its effect upon the public health, safety, or welfare.

The Enterprise Osteen West/Hickory Lakes RPUD represents a residential project comprised of detached dwellings on individual lots – a familiar development pattern within the City. However, the lots are smaller than most lots within the Deltona Lakes plat. The smaller lots sizes require special design, dimensional standards, and environmental safeguards need to be utilized to ensure the new project will be viable in the long term and appropriately integrated into the Deltona community. In addition, this is a project planned with amenities. Development standards, infrastructure improvements, and amenities are described in the written Development Agreement (DA) and in some cases depicted on the generalized Master Development Plan (MDP) graphic. The aforementioned elements and staff comments regarding the provisions of the DA and improvements depicted on the MDP involve the provision of public, health, safety, and welfare. In addition, some comments, notes, and observations are intended to ensure the project, after development, will be a functional neighborhood into the future. The comments are as follows:

- 1) The minimum lot size is 6,000 square feet featuring a minimum width of 50 feet. In November 2019, the City approved the Courtland Park RPUD and Doudney RPUD projects with 4,800 square foot lots. The Hickory Lakes Preserve RPUD will have identical yard requirements as the approved Courtland Park RPUD, including the following: Front yard 20 feet; Side yard 5 feet; Side street yard 15 feet; Rear yard 10 feet; Front yard for garage 25 feet.
- 2) The 25 and ten (10) foot wide landscape buffers to adjacent properties are discussed in detail within the Development Agreement. It is a requirement the buffers remain intact during the entire land development process. Some minor intrusions may be allowed for grading or surveying purposes.
- 3) Parking, vehicle storage, and related standards is a dependable topic of discussion within the City. Households throughout the City typically are associated with high vehicular ownership rates. Four (4) cars to serve multiple drivers within one (1) household is not unusual. Furthermore, boats, trailers, and RV's are often stored at home. There is recognition the lot sizes planned as part of the Hickory Lakes Preserve RPUD have limited space of which to store vehicles. Therefore, standards have been proposed which will require that each dwelling will have a two (2) car garage set back at least 25 feet from the property boundary. In addition, each driveway will have a width of no less than 18 feet. Basically, each household will have at least four (4) parking spaces, two (2) of which will be in the garage. To improve community

aesthetics, no vehicles or equipment will be allowed to be parked/stored on non-paved areas of a lot. Also, no boat, RV, or trailer shall be parked/stored in a driveway. Finally, to provide extra parking, the project will be designed with strategically located overflow/visitor parking lots with at least 22 spaces to serve the new neighborhood. However, these parking areas will need to comply with the landscaping and design requirements of the City Land Development Code.

- 4) The present Hickory Lakes Preserve RPUD MDP proposes two entrance signs at the main ingress and egress of the project. Staff is suggesting these signs be of a monument design with each sign having no more than 30 square feet of copy area. In addition, electronic messaging would be prohibited. Finally, staff is suggesting all other sign elements be consistent with Chapter 102. The entrance signs would be allowed only on land owned, controlled, and maintained by the homeowner association (HOA). The HOA would also be responsible for maintaining the sign.
- 5) There have been representations made that amenities will be provided and amenities will add value to the project. Therefore, the Development Agreement (DA) has been updated to include standards for amenities including, where applicable, site plan review requirements and stand-alone off-street parking.
- 6) An HOA will be established to manage project amenities, implement architectural standards, establish/maintain street lights, ensure landscaping is sustained, and maintain the stormwater management system.
- 7) Up to five (5) model homes are allowed within the project. The DA provides criteria for the construction of model homes and the issuance of a Certificate of Occupancy.
- 8) Suggested the DA be updated to minimize lots within the floodplain by either eliminating floodplain lots or ensuring lots have ample room to support principal and accessory development outside of the floodplain while still comfortably adhering to yard requirements (setbacks).
- 9) There has been language added to the DA to carefully manage activities within wetland and wetland buffers. For example, wetlands/buffers on private lots cannot be altered with the exception of reasonable access to water: four (4) foot wide at grade path or elevated boardwalk/dock. Private fencing of wetlands and wetland buffers will also not be allowed.

Conclusion/Staff Recommendation:

The Hickory Lakes Preserve RPUD is a residential subdivision featuring detached dwellings on individual lots. The project is a single use development – single family residential - predicated on automotive access for employment, goods, services, and other needs. This development format represents a suburban lifestyle popular in central Florida (and much of the United States). The City of Deltona has and continues to be a viable community because of the acceptance and preference for suburban living. Hickory Lakes Preserve represents continuity of the Deltona development paradigm and complements the Deltona living experience well.

With regard to the Hickory Lakes Preserve RPUD and as with any rezoning request, there are alternatives the City could consider when determining the appropriateness of the project. However, each member when considering an alternative should provide rationale for their vote. The rationale needs to be fact based predicated on evidence.

The two following alternatives including some advantages, disadvantages and evidentiary rationales for each approach are offered for the Planning and Zoning Board to consider:

1) Deny the project.

Advantages: The area will remain unchanged. There will be less traffic in the area, and the rural state of mind in the vicinity will be reinforced.

Disadvantages: The City is an urban institution. The City is poised, including through investments in central utilities, to promote well planned urban development within its boundaries. State law under Florida Statutes 163.3177(1)(f)3. requires the City accommodate its fair share of growth. Therefore, the City may need more dwelling units.

Rationale for Denial – Findings of Fact:

a) The proposal to entitle the property for suburban densities is not compatible with the surrounding development pattern because:

- 1) Much of the lot sizes in the area are acreage oriented lots (one acre or larger);
- 2) At least two abutting parcels are engaged in bona fide, commercial agriculture; and
- 3) The property abuts conservation oriented land.

b) The property does have environmental resources like wetlands, floodplain areas.

2) Approve the project.

Advantages: The project makes efficient use of City land and infrastructure resources. This will allow the City to support growth in a manner that comports with the suburban community character of the City at large. In addition, the project has been redesigned to minimize impacts to the floodplain and direct residential development away from hazardous areas. A more resilient and sustainable development pattern will result which will require less future City intervention and investment. More open space is afforded under the revised plan. Finally, wetland and open water resources will be protected.

Disadvantages: Even with the reduction of density, the project represents a suburban scale development that could be considered incompatible with the neighborhood in the immediate vicinity.

Rationale for Approval – Findings of Fact

- a) There is adequate infrastructure to support the development including roadway, school, and utility capacity;
- b) Environmental resources like wetlands, waterbodies and floodplains will be safeguarded;
- c) Based on a preponderance of urban entitlements allocated to the area by both the County and the City, including but not limited to, the Osteen Local Plan, the rezoning request is compatible with the envisioned urban development of the area;
- d) Significant buffers will be afforded to protect scenic vistas, adjacent agricultural uses and abutting conservation land; and
- e) The requested RPUD is consistent with the Comprehensive Plan.

With regard to the above alternatives, staff recommends alternative two (2). Alternative two (2) represents a balance between resource protection and facilitating carefully planned urban development fully serviced by infrastructure including City central water and sewer. Staff also suggests the proposed changes to the written DA be approved and direct the Master Development Plan to be updated to reflect project changes. Finally, the recommendation of staff is predicated on extensive review of City policies and Codes and is therefore based on substantial and competent evidence.