



MEMORANDUM

DATE: October 16, 2024
TO: Planning and Zoning Board
FROM: Jessica Entwistle, Planning Manager
THRU: Jordan Smith, AICP, PP Planning and Development Services Director
SUBJECT: RZ24-0009, Ordinance No. 16-2024, Amending the Official Zoning Map to rezone +/- 14.43 acres of land located at 2830, 2846 and 2855 Lake Helen Osteen Road from Residential Estate-One (RE-1) to Mixed-Use Planned Unit Development (MPUD). Applicant: Mark Watts (Quasi-Judicial – Public Hearing) (Jessica Entwistle, Project Manager)

REFERENCES: City Comprehensive Plan, Code of Ordinances.

REQUEST: The applicant is requesting to amend the Official Zoning Map to rezone +/-14.43 acres of land located at 2830, 2846 and 2855 Lake Helen Osteen Road from Residential Estate-One (RE-1) to Mixed-Use Planned Unit Development (MPUD).

The tax parcel numbers for the subject properties are 8110-00-00-0041, 8110-00-00-0070 and 8110-00-00-0080.

DISCUSSION:

Location and History: The subject property is located southeast of the Lake Helen Osteen Road and Catalina Boulevard intersection, directly east and south of the New Hope Baptist Church. The Future Land Use is low density residential (LDR).

Project Description: Currently, the subject property is zoned RE-1, Residential Estates One with a Low Density Residential Future Land Use, which allows up to six units per acre. Per the City's Comprehensive Plan, Policy FLU1-8.3, affordable housing is considered an allowable use within all residential zoning classifications, therefore, the application would not require a Comprehensive Plan Amendment. The rezone request is to allow 120 affordable units on the west side of Lake Helen Osteen Road and allow New Hope Baptist Church to expand by providing new uses including a 15,565 square-foot chapel, a 10,000 square-foot school with a park, and a 15,000 square-foot community center.

The affordable housing units will have a maximum height of 3 stories or 45 feet. While 120 units, is the maximum allowed on the property, this provides the applicant with approximately 8.31 units per acre. The affordable housing shall follow the U.S. Department of Housing and Urban Development (HUD) guidelines. HUD states that affordable housing grants the occupants to pay no more than 30 percent of gross income for housing costs, including utilities. This means future residents will need to qualify to live within the apartments and the apartments will stay affordable for 30 years or longer.

CRITERIA FOR REZONING (110-1101):

Need: The applicant proposes to rezone the subject property to allow for affordable housing units and expansion of church to provide new uses.

A. Consistent with all adopted elements of the Comprehensive Plan. Currently, the subject property is zoned RE-1, Residential Estates One and has a future land use designation of LDR, Low Density Residential. The applicant would like to rezone the subject property to MPUD, Mixed Use Planned Unit Development to provide opportunities for affordable housing and new uses to include a chapel, school with a park and a community center.

Per the City's Comprehensive Plan, the MPUD zoning district is compatible with the Low Density Residential land use; therefore, the proposed rezoning is compatible with the existing land use.

- Policy FLU 1-8.3 – Affordable housing is considered an allowable use within all residential zoning classifications and the City will continue to support it.
- Policy FLU 1-7.5 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.
- Policy FLU 1-7.7 – 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.
- Policy FLU 1-7.23 – The City shall encourage and promote strategies to ensure that new development and redevelopment contains a strong mixed-use component, defined as a mixture of at least two different land uses in a design-unified, vertically and/or horizontally integrated, pedestrian friendly environment, or otherwise demonstrably furthers the achievement of specific goals, objectives and/or policies of the Comprehensive Plan.
- Policy FLU 1-8.5 – The City shall seek opportunities through the Housing Element to provide for multi-family or other higher density residential uses in appropriate locations in order to provide additional opportunities for rental, workforce and/or affordable housing, and housing appropriate for residents and households at all stages of life.

B. Impact upon the environment or natural resources. There are wetlands on the west side of the MPUD that will not be affected by construction. The wetland is a freshwater marsh with a forested shoreline and will have a 25-foot wetland buffer. The environmental study from February 29, 2024, states there are five (5) potentially occupied gopher tortoise burrows, if inhabited when the final study is completed, the applicant will relocate them. There are no scrub jays on the site. An updated environmental analysis will be required before any construction can occur.

C. Impact upon the economy of any affected area. The proposed rezone request will affect the economy by providing much-needed affordable housing in Deltona. City staff has worked diligently with the applicant to bring affordable housing to the area.

D. Impact upon necessary governmental services such as schools, sewage disposal, potable water, drainage, fire and police protection, solid waste or transportation systems.

- **Schools:** Volusia County School Board had no objections to the proposed development plan. The letter states 120 multi-family units will generate 16 students.

- **Sewage Disposal:** Deltona Water.
- **Potable Water:** Deltona Water.
- **Drainage:** Appropriately designed and constructed on-site drainage facilities will address all drainage. This will be reviewed during the Final Plat or Final Site Plan applications.
- **Transportation Systems:** The subject area fronts Lake Helen Osteen Road, a two (2) lane County thoroughfare. The chart provided depicts the ITE Trip Generation for the proposed uses. A Traffic Impact Analysis (TIA) was performed and reviewed by Volusia County and the City's Traffic Consultant. The applicant is required to draft a Proportionate Fair Share (PFS) Agreement with the County and City for this project. The PFS Agreement requirement is added to the Development Agreement to ensure the Developers follow all requirements from the County and the City.

Use Trip Generation Comparison Chart				
Use	Sq. Ft.	A.M. Peak Hour Trips	P.M. Peak Hour Trips	Total Daily Trips
Multi-Family (low-rise)	120 DU	60	72	845
Church	31.29 KSF	10	15	238
Daycare Center	115 students	90	91	457
Community Center	15.0 KSF	33	34	223

- E. Changes in circumstances or conditions affecting the area.** The City needs affordable housing and daycare services.
- F. Mistakes in the original classification.** No known mistakes
- G. Effect upon the use or value of the affected area.** The City is in need of affordable housing, and the project will affect the area in a positive way by providing housing for those in need.
- H. Impact upon the public health, welfare, safety or morals.** Land use compatibility and neighborhood protection are crucial 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.

Compatibility to City Code: The request MPUD zoning district is compatible with the City's Comprehensive Plan and the Code of Ordinance.

FINDING OF FACT: The above findings of fact A through H are determined to provide support for the request to rezone the subject property located at 2830, 2846 and 2855 Lake Helen Osteen Road from RE-1, Residential Estate One to MPUD, Mixed-Use Planned Unit Development, by establishing consistency and compatibility, and staff recommends approval to the City Commission with the following conditions:

1. A Proportionate Fair Share Agreement is approved by the City Commission and County Council before a Certificate of Occupancy is issued.
2. The Development Agreement is signed and recorded with Volusia County Clerks Office within 30 days of City Commission Approval.

NEXT STEPS: The Mayor, Vice Mayor, and City Commission will hear this item on November 18, 2024, and December 9, 2024.

LEGAL DESCRIPTION:

DESCRIPTION PER ORB 4041 PG. 402

THE SOUTH 264 FEET OF THE NORTH 792 FEET OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼, EAST OF ROAD, SECTION 10, TOWNSHIP 18 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA.

AND

DESCRIPTION: PER OR 6785 PG 1227

The South 264 feet of the North 792 feet of the Southwest ¼ of the Northeast ¼ West of Road, Section 10, Township 18 South, Range 31 East, Volusia County, Florida.

AND

DESCRIPTION: PER OR 7585 PG 4982

The South 528 feet of the Southwest ¼ of the Northeast ¼, except the South 68 feet of the West 180 feet thereof; and the North 132 feet of the Southeast ¼, except the North 32 feet of the West 180 feet thereof, Section 10, Township 18 South, Range 31 East, lying West of Lake Helen-Osteen Road.

EXCEPT the following described property:

That portion of the South 105 feet of the Southwest ¼ of the Northeast ¼ of Section 10, Township 18 South, Range 31 East; Volusia County, Florida; lying West of "Lake Helen-Osteen Road", except the West 180 feet thereof.

AND EXCEPT that portion of the North 132 feet of the Southeast ¼ of Section 10, Township 18 South, Range 31 East, Volusia County, Florida, lying West of "Lake Helen-Osteen Road", except the North 32 feet of the West 180 feet thereof.

Containing approximately 14.43 total acres.

ATTACHMENTS:

- Exhibit B - Legal Description
- Exhibit C - Master Development Plan
- Exhibit D - Elevations
- Exhibit E - Traffic Impact Analysis
- Map Series
- New Hope MPUD PowerPoint