



City of Deltona

To: Planning and Zoning Board

From: Ron A. Paradise, Director, Planning and Development Services

Date: February 5, 2021

**Subject: Rezoning Request Enterprise Osteen West/Hickory Lakes Preserve RPUD
Ordinance No. 06-2020**

At the December 16, 2020 meeting, the Planning and Zoning Board tabled the above referenced rezoning request to allow for the project to be redesigned with the intent of directing development and investment away from the 100-year floodplain. The following information is intended to be an update to the Planning and Zoning Board with regard to the most up to date significant changes to the Hickory Lakes Preserve RPUD.

The original project design depicted on the Master Development Plan (MDP) included over 220 lots. Over 30 lots proposed would have resulted in impacts to the 100-year floodplain. The redesigned project includes a reduction of density to 189 lots resulting in a high level of floodplain protection. (The reduction of density is also driven by the affordance of greater buffers. Buffers are discussed later in this document.)

The floodplain extent will need to be officially established through a Federal Emergency Management Agency (FEMA) process known as a Letter of Map Revision (LOMR). The LOMR will result in a definitive location of an elevation of which to base the 100-year floodplain. There has already been extensive engineering work done on the property and related basin to arrive at a good working elevation of which to authenticate the floodplain extents on the property. Therefore, language has been added to the Hickory Lakes RPUD Development Agreement indicating the LOMR determined floodplain may result in further project redesign and possibly a reduction of net density. This will be implemented through the City plat process. However, the LOMR process cannot be used to increase density beyond the maximum number of units approved by the City Commission as part of the RPUD rezoning request.

Overflow off street parking is a requirement of the project. The intent is to have parking available for visitors, deliveries, etc. Language to the DA has been added/clarified to ensure amenity and mailboxes will be designed with appropriate parking beyond the required overflow parking ratio.

While some of the lots will be located near the lake (Little Lake), after the redesign, none of the lots will have riparian rights to the lake. The lakefront area will be recognized as common tracts B, C and D. Therefore, the language in the Development Agreement (DA) regarding access to water, as well as the use and purpose of these tracts has been updated. Since there will be no individual riparian access, the deck square footage for a community dock has been increased from 500 square feet to 1,000 square feet.

Enterprise-Osteen Road is part of the River to Lakes Heritage Corridor and as part of the public hearing process maintaining the sublime qualities of the road has been expressed as a matter of importance. There is recognition the development of the property at a suburban scale is not incompatible with the

River to Lakes Heritage Corridor concept. The River to Lakes Heritage Corridor, including a long segment of US 17-92, extends through developed areas like Deland. Also, the Corridor is designated along Celery Avenue just east of Sanford which is flanked by existing and emerging suburban development. However, to protect the character of the road, a 75 foot buffer will be required. The buffer will consist of native vegetation and will include a 20 foot right of way dedication. If the 20 foot right of way is developed in the future (There are no current plans to widen Enterprise-Osteen Rd.), there will still be 55 feet of buffer to protect the Enterprise-Osteen Road vista.

In addition, the applicant has afforded a 50 foot buffer to the south. This will be native vegetation and enhance the separation between conservation lands to the south and the proposed project.

Finally, as originally proposed, an operating traffic light at the intersection of Enterprise Osteen Rd. and SR 415 was required before the City would accept a plat application for the project. The order of events has changed to now require an operational signal at the subject intersection before the first building permit for an owner occupied dwelling unit is accepted by the City. However, the developer can apply for permits to construct the five model homes allowed by the DA.

The MDP redesign or other factors have resulted in no other significant changes to the Hickory Lakes Preserve RPUD documents.

The Hickory Lakes Preserve RPUD rezoning request constitutes a quasi-judicial hearing. Quasi-judicial hearings are associated with the disclosure of ex parte interaction, and the decision making process is intended to be guided by evidentiary parameters. As with any land use case, there will be interested parties participating in the process. However, from a legal standpoint, the standing of those parties is important within the context of quasi-judicial determinations. While standing can be determined through legal means, typically those in the immediate vicinity of a property proposed for rezoning would have the best claim for standing. From the perspective of rezoning activity within the City, landowners within the 300-foot mailing radius for due public notice could at minimum be considered to have standing. Therefore, in light of standing, find attached the names of landowners within the 300-foot Notice radius.

Attachment: 300 ft. mailing list (Individual Notice for Ord. No. 06-2020)

CERT_MAIL_NO	PID	OWNER_NAME	OWNER_ADDR	MAILCITY	MAILSTATE	MAILZIP
7020 0640 0001 0426 1661	911101000010	KOLDENHOF RONALD & YVONNE	226 MITNIK DR	OSTEEN	FL	32738
7021 0640 0001 0426 1678	911101000020	WOOD KEVIN MICHAEL	606 ENTERPRISE OSTEEN RD	OSTEEN	FL	32764
7022 0640 0001 0426 1685	911101000040	JOHNSON MATTHEW	616 ENTERPRISE OSTEEN RD	OSTEEN	FL	32764
7023 0640 0001 0426 1692	911200000240	JUNG EDMUND & MARION	520 ENTERPRISE OSTEEN RD	OSTEEN	FL	32764
7024 0640 0001 0426 1708	911202000010	OLESON TERRY C	401 ENTERPRISE RD	OSTEEN	FL	32764
7025 0640 0001 0426 1715	911202000030	MCCASKILL CHARLINE	18743 NADOL DR	SOUTHFIELD	MI	48075
7026 0640 0001 0426 1722	911400000020	YANAKAKIS BASIL S TR & SOPHIA D YANAKAKIS TRUST	13611 DEERING BAY DR APT 904	CORAL GABLES	FL	33158
7027 0640 0001 0426 1739	911400000030	CONSERVATION FLORIDA INC	408 W UNIVERSITY AVE STE 402	GAINESVILLE	FL	32601
7028 0640 0001 0426 1746	911300000151	CUMMINGS JACKIE L & SUSAN E	185 RABBIT RUN	OSTEEN	FL	32764
7029 0640 0001 0426 1753	911300000152	HARDY HENRY R	215 RABBIT RUN RD	OSTEEN	FL	32764
7030 0640 0001 0426 1760	911300000154	MUELLER DENNIS	195 RABBIT RUN	OSTEEN	FL	32764
7032 0640 0001 0426 1784	911301000430	HANCOCK MARGARET	43 EAGLE POINT N	OSTEEN	FL	32764
7033 0640 0001 0426 1791	911301000440	BROCK RHONDA	44 N EAGLE POINT	OSTEEN	FL	32764
7034 0640 0001 0426 1807	911301000450	MCCONNELL PATRICIA	45 EAGLE POINT NORTH	OSTEEN	FL	32764
7035 0640 0001 0426 1814	911301000460	SABELLA PAMELA C	46 N EAGLE POINT	OSTEEN	FL	32764
7036 0640 0001 0426 1821	911301000470	MARSELIS LARRY M	20508 REASONER RD	WATERTOWN	NY	13601
7037 0640 0001 0426 1838	911301000480	RUSSELL CHARLES J	48 N EAGLE POINT	OSTEEN	FL	32764
7038 0640 0001 0426 1845	911301000490	CAPPS NANCY W	49 EAGLE POINT N	OSTEEN	FL	32764
7039 0640 0001 0426 1852	911301000500	HALSTEAD RICHARD A & MARY LAFRANCIS	50 N EAGLE POINT	OSTEEN	FL	32764
7040 0640 0001 0426 1869	911301000510	LENIUS JOHN & HARUKO H TR, JOHN & HARUKO H LENIUS TRUST	18 PINE DR	OSTEEN	FL	32764
7041 0640 0001 0426 1876	911301000520	BARGER CONNIE	15 PINE DR	OSTEEN	FL	32764
7042 0640 0001 0426 1883	911301000530	LUDWIG RANDALL J & NANCY M	53 N EAGLE POINT	OSTEEN	FL	32764
7043 0640 0001 0426 1890	911301000540	DAVIES BEVERLY H	293 ISLAND BREEZE AVE	DAYTONA BEACH	FL	32124
7044 0640 0001 0426 1906	911301000550	HITCHINGS EDWARD W	55 N EAGLE POINT	OSTEEN	FL	32764
7045 0640 0001 0426 1913	911301000560	LENIUS JAMES H & JANICE K	2144 E VIRGINIA DR	MUSKEGON	MI	49444
7046 0640 0001 0426 1920	911301000570	JONES QUINN J & JONES PAUL R	PO BOX 126	CARSONVILLE	MI	48419
7047 0640 0001 0426 1937	911301000580	BOOTH STEPHEN N & SUZAN M	58 KOVE BLVD	OSTEEN	FL	32764
7048 0640 0001 0426 1944	911301000590	LONEY TERRY W & BARBARA W	38 MEADOWBROOK DR	ALBION	NY	14411
7049 0640 0001 0426 1951	911301000600	STRAUSS DONALD H	3672 E 1300 N	SYRACUSE	IN	46567
7050 0640 0001 0426 1968	911301000630	WIATROSKI WILLIAM J	63 EAGLE POINT SOUTH	OSTEEN	FL	32764
7051 0640 0001 0426 1975	911301000640	LARKIN GAIL	64 N EAGLE POINT	OSTEEN	FL	32764
7052 0640 0001 0426 1982	911301000650	PANISS JEAN MARIE	65 EAGLE POINT S	OSTEEN	FL	32764
7053 0640 0001 0426 1999	911301000660	HEWETT THOMAS A	66 S EAGLE POINT	OSTEEN	FL	32764
7054 0640 0001 0426 2002	911301000670	URDANG THOMAS L & CYNTHIA L	246 COUNTY HWY 151	DOLGEVILLE	NY	13329
7055 0640 0001 0426 2019	911301000680	BENNETT BILLIE N	68 EAGLE POINT S	OSTEEN	FL	32764
7056 0640 0001 0426 2026	911301000690	DALIAN ALLAN & MARGARET	312 RED MAPLE LANE	BRIGHTON	MI	48116
7057 0640 0001 0426 2033	911301000700	BRATCHER LEMUEL HOLLIS	70 EAGLE POINT S	OSTEEN	FL	32764
7059 0640 0001 0426 2057	911301000720	ENQUIST ROBERT W	3277 CLEWISTON ST	DELTONA	FL	32738
7061 0640 0001 0426 2071	911301000740	BITTNER DAVID D	74 S EAGLE POINT	OSTEEN	FL	32764
7063 0640 0001 0426 2088	911301000760	GILLIAM VIOLA G, ZELLA SMITH & JAMES GILLIAM	76 EAGLE PTS	OSTEEN	FL	32764
7064 0640 0001 0426 2095	911301000770	VAUGHN KATHLEEN A	4411 MEADOWLARK LN	LACROSSE	WI	54601
7065 0640 0001 0426 2101	911301000780	GANZ RICHARD	9150 RIVER RD	PHOENIX	NY	13135
7066 0640 0001 0426 2118	911301000790	MCCABE DAVID & MCCABE JOSEPH	17848 CO ROUTE 65	WATERTOWN	NY	13601
7067 0640 0001 0426 2125	911301000800	DEFFER MARGARET L	PO BOX 221	ESPERANCE	NY	12066
7069 0640 0001 0426 2132	911301000820	WILLIAMS MICHAEL & PATRICIA	16402 MARTIN RD W	WATERTOWN	NY	13601
7070 0640 0001 0426 2149	911301000830	RIPLEY CLARA J	83 EAGLE POINT S	OSTEEN	FL	32764
7071 0640 0001 0426 2156	911301000840	KELLEY PATRICK E	84 EAGLE POINT	OSTEEN	FL	32764
7072 0640 0001 0426 2163	911301000850	FRAME KENNETH & WANDA	525 CHANCE RD	SOUTH PITTSBURG	TN	37380
7073 0640 0001 0426 2170	911301000860	CORNELISSEN ELAINE	86 EAGLE POINT S	OSTEEN	FL	32764
7075 0640 0001 0426 2187	911301000880	ANDRUS MARK E & TERESA M	87 EAGLE POINT SOUTH	OSTEEN	FL	32764
7076 0640 0001 0426 2194	911301000890	JOHNSON AARON B	410 E 74TH ST 1B	NEW YORK	NY	10021
7077 0640 0001 0426 2200	911400000090	CHAMBERS CODY J	625 ENTERPRISE OSTEEN RD	OSTEEN	FL	32764
7078 0640 0001 0426 2217	911300000108	KOVE ASSOCIATION INC	123 KOVE BLVD	OSTEEN	FL	32764
7081 0640 0001 0426 2231	911300000999	STATE OF FLORIDA	3900 COMMONWEALTH BLVD STE 1 TALLAHASSEE	FL		32399

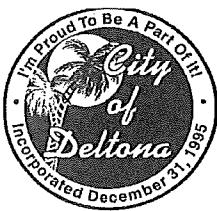
Ordinance No. 06-2020

Rezoning from Volusia County A-1 to City RPUD

Enterprise Osteen West (Hickory Lakes Preserve)

P&Z Meeting 2/17/21

CC Meeting 3/15/21 First Reading



City of Deltona

PUBLIC HEARING NOTICE FOR
REQUESTS BEFORE THE CITY OF DELTONA
PLANNING & ZONING ADVISORY BOARD
AND DELTONA CITY COMMISSION

The City of Deltona, Florida will hold a public hearing on the following:

ORDINANCE NO. 06-2020

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP TO REZONE ±110.43 ACRES OF LAND LOCATED SOUTH SIDE OF ENTERPRISE OSTEEN ROAD FROM COUNTY PRIME AGRICULTURE (A-1) TO CITY OF DELTONA RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD); PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

{Insert Map Here}

Public hearings will be held as follows:

Planning and Zoning Board - February 17, 2021 at 6:00 p.m.

City Commission (First Reading) - March 15, 2021 at 6:30 p.m.

at City Hall, 2345 Providence Boulevard, Deltona, Florida.

All interested parties are invited to provide their comments, views and objections to the Deltona Planning and Zoning Board and/or City Commission as part of the public hearing(s). The failure of a person to appear during said public hearing(s) and to object either in person or in writing to said case may severely restrict the ability of such a person to contest it at a later date.

The associated paperwork may be inspected by the public at the Deltona City Hall, 2345 Providence Blvd., Deltona, Florida, Monday – Friday, 8:00 a.m. – 5:00 p.m. For further information, contact the City Clerk's Office at (386) 878-8500. The date, time and place of any continuance of the above scheduled public hearing(s) will be announced at said public hearing(s) and no further notice regarding said continuance is required to be published.

If a person decides to appeal any decision made by the Deltona City Commission with respect to any matter considered at such meeting or hearing(s), he or she will need a record of the proceedings, for such purpose, he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not provide this verbatim record.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, Joyce Raftery, 48 hours in advance of the meeting date and time at (386) 878-8500.

All parties in interest and persons for or against aforementioned items will be given an opportunity to be heard at said Public Hearing(s).

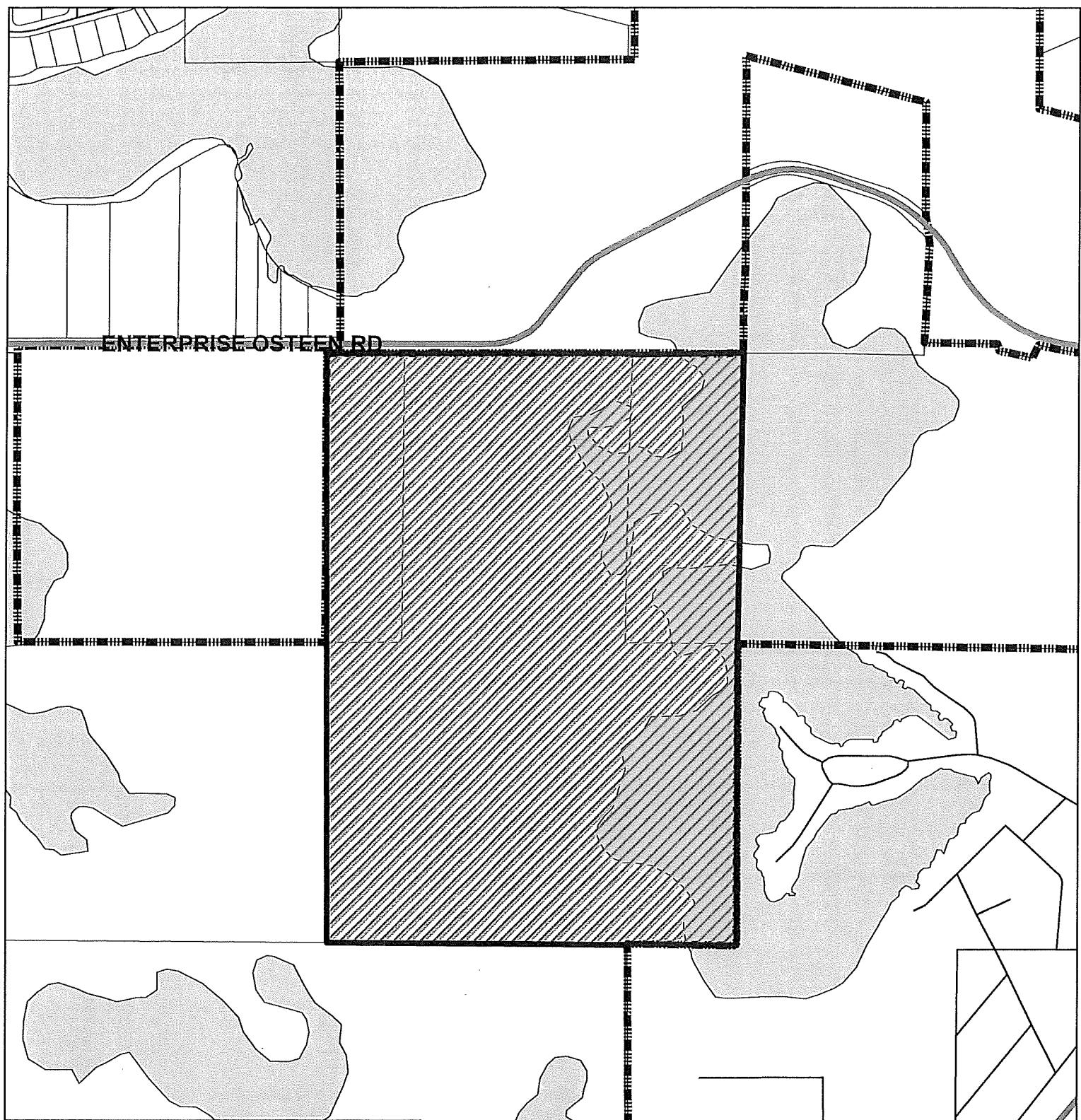
Joyce Raftery, CMC, MMC
City Clerk, City of Deltona

OFFICE OF THE CITY CLERK

Deltona Municipal Complex 2345 Providence Boulevard Deltona, Florida 32725

(386) 878-8500 • Fax (386) 878-8501

Webpage: www.deltonafl.gov • Email: jraftery@deltonafl.gov

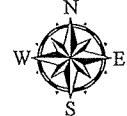


LOCATION MAP

ENTERPRISE OSTEEN WEST PUD

Legend

- Subject Area
- Thoroughfare
- streets
- City Boundary
- County Water



1,200
Feet

0 300 600