

Staff Report



To: Planning & Zoning Board
From: Planning and Development Services
Date: April 19, 2023
Re: **RZ23-0001, Ordinance No. 05-2023, Rezoning portion of parcel 8109-00-00-0064 from Business Planned Unit Development (BPUD) to Retail Commercial (C-1). The site involves approximately 1.76 acres of land located at 2965 Howland Boulevard**

Summary of Application:

Applicant: MAS Development Corp c/o Glen Storch, Storch Law Firm
420 S. Nova Rd., Daytona Beach, FL 32114

Request: The City has received an application to amend the Official Zoning Map from Business Planned Unit Development (BPUD) to Retail Commercial (C-1) for a ±1.76 acres of land located at 2965 Howland Boulevard.

Tax Parcel Nos.: Portion of Parcel 8109-00-00-0064

Property Acreage: ± 1.76 acres



Figure 1: Aerial
Not to Scale. For illustration purposes only.

Property Location: 2965 Howland Boulevard; The property is generally located west of the intersection of Howland Boulevard and Catalina Boulevard and is located generally east of the Center at Deltona and Storaway self-storage and west of the Dollar General store situated at the corner of the intersection of Howland Boulevard and Catalina Boulevard.

Legal Description: See attached Exhibit “A” – Legal Description

Zoning:

1. Subject Property:

Existing: Business Planned Unit Development (BPUD)

Requested: Retail Commercial District (C-1)

2. Adjacent Properties:

North: Retail Commercial District (C-1)

South: Residential Planned Unit Development (RPUD)

East: Retail Commercial District (C-1)

West: Business Planned Unit Development (BPUD)

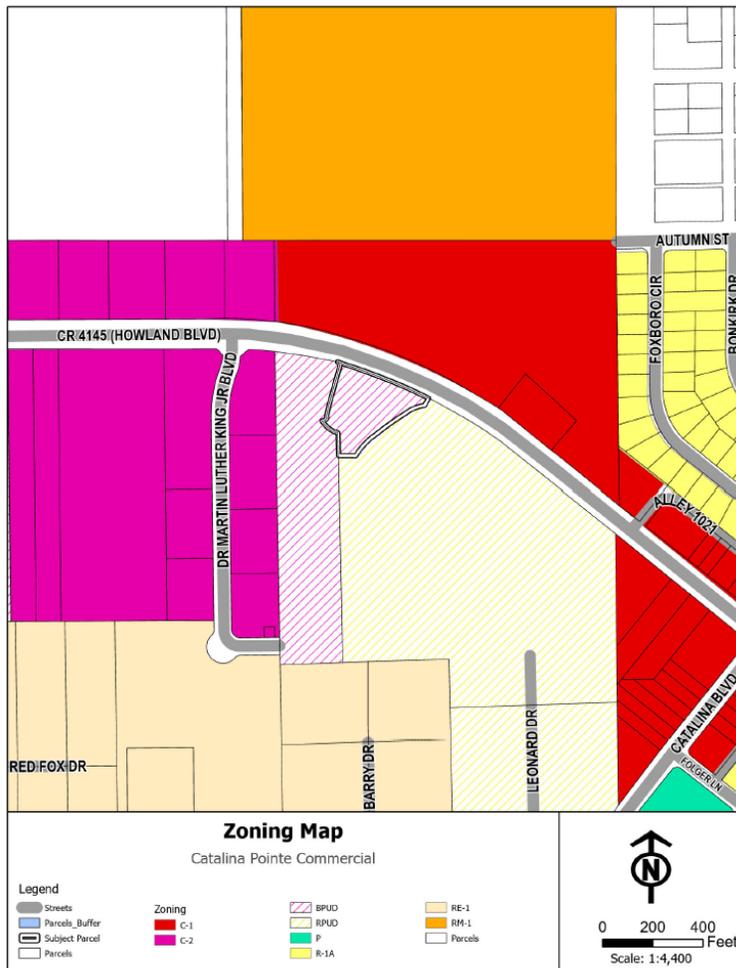


Figure 2. Existing Zoning (Not to Scale. For illustration purposes only.)

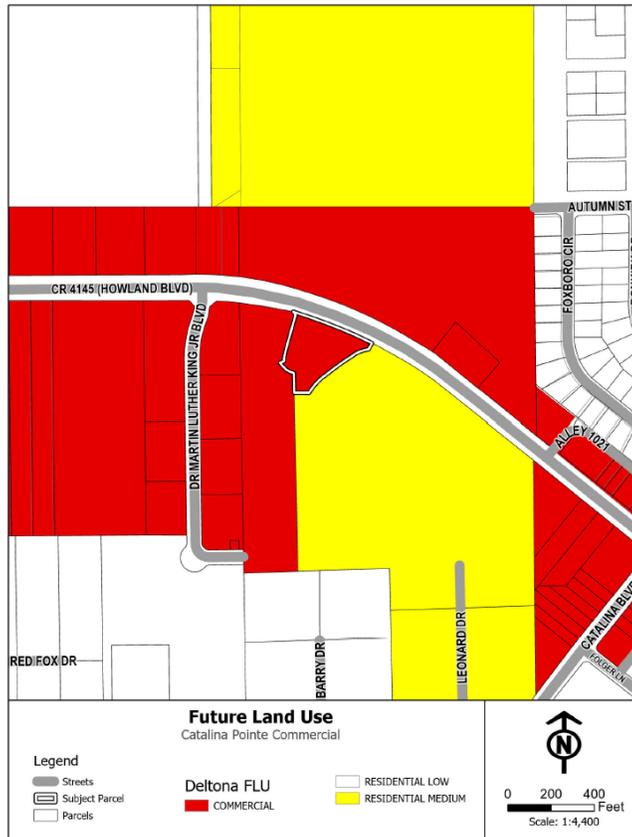


Figure 3. Future Land Use
Not to Scale. For illustration purposes only.

Zoning Description:

The existing zoning is Business Planned Unit Development (BPUD). The purpose and intent of the Planned Unit Development classification (PUD) is to provide for integrated and innovative developments, which are consistent with the Comprehensive Plan in order to advance our city's economic growth potential and promote a more balanced and affective development pattern. The permitted uses within a BPUD may be applied from any of the business-oriented zoning classifications of the City's Land Development Code, Chapter 110, shall be listed in the development agreement, and depicted as part of the Master Development Plan (MDP). (*Land Development Code, Section 110-319*)

The proposed zoning is C-1, Retail Commercial District. The purpose of the C-1, Retail Commercial Zoning District is to establish neighborhood oriented commercial development along high-volume roads that are compatible with nearby single-family residential areas. The C-1 Retail Commercial Zoning District was first established as part of the original Deltona Lakes Community Development Plan to serve residential uses. Permitted uses include, but are not limited to, restaurants, barbershops, retail sales and services, general offices, etc. (*Land Development Code, Section 110-315*)

Background:

The City received an application to rezone ±1.76 acres (76,665.60 sq. ft.) of land located at 2965 Howland Blvd. from BPUD to C-1.

The property proposed to be rezoned is currently designated as Commercial on the Future Land Use Map (FLUM). The C-1 rezoning request is consistent with the Commercial Land Use category.

In 2001, this parcel was rezoned from County A-3 (Transitional Agriculture) to BPUD (Business Planned Unit Development via Ordinance No. 06-2001). This rezoning effort produced a BPUD with commercial uses (shopping center and out-parcels) and a self-storage facility. The self-storage/mini warehouse use (98,000 square feet) was limited to a predefined tract (now developed as the Storaway self-storage center). The self-storage/mini warehouse use was transferred to different ownership under a separate parcel. The shopping center and out-parcels were never developed.

In addition to Parcel No. 8109-00-00-0064 (parcel in reference), Parcel 8109-00-00-0070 was part of Ordinance 06-2001. This parcel (8109-00-00-0070) was rezoned to C-1 (Neighborhood Commercial) in 2003. The 2003 change to C-1 was part of a larger City-wide administrative rezoning effort. On January 17, 2023, the City Commission adopted Ordinance No. 24-2022, rezoning Parcel No. 8109-00-00-0070 from C-1 to RPUD and portion of Parcel No. 8109-00-00-0064 from BPUD to RPUD.

As has been mentioned, the property fronting on Howland Blvd. was earmarked for retail and service commercial uses as part of the 2001 rezoning to BPUD. The BPUD entitlements have never been utilized and the land has not developed in over 20 years.

The requested C-1 zoning represents a commercial project where the intended use is a 6,000-square-foot quality restaurant. This use will serve the existing Community and the Catalina Pointe RPUD (cottages, duplex type units, and townhome buildings) to be located south of the proposed amendment. A pedestrian trail connection will be designed as part of the Catalina Pointe MDP to provide a pedestrian connection to the restaurant site.



**Figure 4: Catalina Pointe Commercial Rezoning
Conceptual Site Plan (Preliminary)
Not to Scale. For illustration purposes only.**

Support Information:

Public Facilities:

- a. Potable Water: Deltona North, Volusia County
- b. Sanitary Sewer: Deltona North, Volusia County
- c. Fire Protection: Deltona Fire Station Number 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 (FLU) designation for the amendment area is Commercial (C). The applicant does not need to apply for a Future Land Use Map amendment. However, Section 110-900(i) of the Land Development Code, the Matrix for Matching Zoning Classification to FLU Categories chart, states the C-1 is considered a Group A zoning choice within the Commercial FLU Category. The Group A column indicates the C-1 is considered compatible zoning with the FLU category C. Therefore, the requested C-1 zoning is consistent with the Commercial land use category currently designated on the property. In addition, the rezoning to C-1 represents an expansion of the existing C-1 Retail Commercial zoned node located at the Howland Blvd./ Catalina Blvd. intersection to accommodate the development of a quality restaurant.

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

There are no wetlands on-site and the soils on the property are sandy. Soil associated with the amendment area (Paola Fine Sand) is suitable to support the development. According to the September 29, 2017, FEMA FIRM maps, the property is not located within the 100-Year Flood Plain. An environmental report will be required at time of site plan for the restaurant and Catalina Pointe RPUD project.

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

The proposed zoning will be changing the subject property from BPUD to Retail Commercial (C-1). The rezoning to C-1 will allow the applicant to develop a 6,000-square-foot quality restaurant with the required Land Development Code horizontal requirements (access management, landscaping, stormwater, etc.). The proposed project will impact the local economy by creating service-oriented jobs. In addition, a 6,000-square-foot quality restaurant will generate impact fees as described in the following table 1.

Table 1.

IMPACT FEES - Restaurant (Type A Sit-Down) - 6,000 sq. ft. Building		
Transportation	\$4,826.00 per 1,000 sq. ft.	\$28,956.00
Law Enforcement	\$63.00 per 1,000 sq. ft.	\$378.00
Fire/Rescue	\$123.00 per 1,000 sq. ft.	\$738.00
TOTAL IMPACT FEES		\$30,072.00

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 entitlement request and will not affect local schools.
- b. **Sewage Disposal:** Deltona North, Volusia County Utilities.
- c. **Potable Water:** Deltona North Volusia County Utilities.
- d. **Drainage:** All site related stormwater runoff will be managed via a master stormwater system designed with the Catalina Pointe RPUD, and will be constructed in accordance with the necessary requirements of the City's Land Development Code and other permitting agencies.
- e. **Transportation Systems:** The subject area fronts Howland Blvd., a County four-lane facility. Howland Boulevard is considered a County thoroughfare road. The area proposed for rezoning is located within a commercial neighborhood and a recently rezoned area to RPUD. The transportation improvements are stipulated in the attached Development Agreement for the Catalina Pointe RPUD, Ordinance No. 24-2022 adopted by the City Commission on January 17, 2023. Per the Traffic Impact Analysis dated August 2022, prepared by LTG Engineering, the proposed C-1 project with a quality restaurant will generate 503 trips per day. Access to the development is proposed as follows:
 - 1) One full access driveway on Dr. Martin Luther King Boulevard that will be shared with existing commercial development in the southeast quadrant of Howland Blvd./Dr. Martin Luther King Blvd.
 - 2) One right-in/right-out driveway on Howland Blvd.

No further traffic impact analysis is needed at this time. All traffic improvements will be addressed at time of subdivision/site plan application.

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

The most significant change is the rezoned from BPUD and C-1 to RPUD of the site located south of the subject property (Parcel 8109-00-00-0070 and Portion of Parcel 8109-00-00-0064). This approved RPUD represents a multi-family residential project featuring cottages, duplex type units, and townhome buildings consisting of eight (8) dwellings.

6. Any mistakes in the original classification.

No known mistakes.

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

The uses allowed under the Development Agreement related to the existing BPUD (please refer to the attached Ord. No. 06-2001 Development Agreement, pages 4-6) are compatible to the permitted uses under the C-1 zoning classification of the City' Land Development Code Section 110-315. The requested C-1 zoning classification is neighborhood oriented and represents a logical progression of land use intensity. Therefore, the proposed C-1 zoning should have no adverse effect on the surrounding 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 whether or not the land use change can co-exist with other land uses in close proximity. For example, the City requires setbacks, landscape buffers, and other design elements to ensure compatibility between residential and non-residential uses. These compatibility tools are supported by the Land Development Code Chapter 110 and the following Comprehensive Plan policy:

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.

The proposed rezoning will not adversely impact the health, safety, or welfare of the City.

CONCLUSION/STAFF RECOMMENDATION:

The proposed use on the property to be rezoned is for the intent to develop a quality restaurant with a service-oriented job base. The rezoning to C-1 will be compatible with the adjacent neighborhood and is consistent with the Comprehensive Plan. This rezoning will allow the applicant to fully develop the portion of property located at 2965 Howland Blvd. as a 6,000-square-foot quality restaurant. Therefore, staff recommends the Planning and Zoning Board recommend the City Commission approve this rezoning application from BPUD to C-1 via Ordinance No. 05-2023.

Attachments:

1. Maps
2. Development Agreement Ordinance No. 06-2001 (For Reference)
3. Development Agreement Ordinance No. 24-2022 (Catalina Pointe RPUD)
4. Transportation Impact Analysis dated August 2022
5. Ordinance No. 05-2023 and Exhibit A