

Staff Report



To: City Commission
From: Jessica Entwistle, Planning and Development Services
Date: March 18, 2024
Re: **RZ23-0005, Ordinance No. 03-2024, Rezoning parcel 8108-00-00-0057 from Professional Business (PB) to Retail Commercial (C-1). The site consists of ±1.37-acre of land located at 3150 Howland Boulevard.**

Summary of Application:

Applicant: David Holden
Quigg Engineering Inc.
600 North Broadway Ave., Suite 301
Bartow, Florida 33830

Request: The City has received an application to amend the Official Zoning Map from Professional Business (PB) to Retail Commercial (C-1) for a ±1.37-acre of land to be developed as an Automobile Service Station and a small retail building at 3150 Howland Boulevard.

Tax Parcel Nos.: 8108-00-00-0057

Property Acreage: ± 1.37 acres

Property Location: 3150 Howland Boulevard; the property is generally located north of the Howland Boulevard corridor. Situated west of the Howland Boulevard and Roseapple Avenue intersection.

Legal Description: See attached Exhibit "A" – Legal Description

Zoning:

1. Subject Property:

Existing: Professional Business Zoning District (PB)
Requested: Retail Commercial District (C-1) for development as an Automobile Service Station Type A (Oil Change) and small retail Building.

2. Adjacent Properties:

North: Single-Family Classification (R1)
South: Retail Commercial District (C-1)
East: Retail Commercial District (C-1)
West: Professional Business Zoning District (PB)

Zoning Description:

The existing zoning classification is Professional Business Zoning District (PB). The purpose and intent of the PB Zoning District is to provide a transition area between commercial density and single-family dwellings. The PB district allows for a combination of single-family homes and compatible office buildings, along with limited retail sales. (*Land Development Code, Section 110-314*)

The proposed zoning is C-1, which will establish neighborhood-oriented commercial development along high-volume roads. This 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*). The applicant for this rezoning requested the Ordinance to specify within site development plans and impact statement that the parcel at issue will be developed as an Automobile Service Station Type A, which will require a Conditional Use application once the rezone is approved.

Background:

This is the same request seen at the August 2023 Planning and Zoning Board meeting, but now the Ordinance will restrict the use to follow the conceptual plan. The City Commission heard the application to rezone the ±1.37-acre (59,677.20 sq. ft.) parcel, located at 3150 Howland Blvd., from PB to C-1 on August 28, 2023, at that time, the Commission decided to remand the application back to the Planning and Zoning Board. The applicant requested prohibited uses be added to the Ordinance and application materials before going back to the Planning and Zoning Board meeting. A new conceptual plan was provided on November 2, 2023. The conceptual plan now depicts an oil change service with a small retail building.

This application went before the Planning and Zoning Board on December 13, 2023, with a vote of 7-0 for approval. On January 16, 2024, the City Commission voted for approval with a 2 to 3 vote, causing the Ordinance to fail. The applicant requested a rehearing on January 29, 2024, and at the February 19, 2024, City Commission the Commission voted 4 to 2 to allow the applicant to be reheard.

Per the Future Land Use Map (FLUM), the subject property has a designation of Commercial (C). The rezoning request for development as a ±5,000 square-foot Take 5 oil change and ± 5,000 square-foot retail building is consistent with the Commercial Land Use category. Currently, the subject property is a vacant, undeveloped piece of land situated between two (2) developed properties. The property to the west is zoned PB and is developed with a ±5,336 square-foot House of Worship. The property located to the east is zoned C-1 and is developed with a ±5,605 square-foot retail plaza.

While the proposed use is compatible with the commercial future land use, it is not a permitted use within its current PB zoning. Ordinance 03-2024 states that the Final Site Plan submitted to the Development Review Committee for approval

must not differ substantially from the plan contained in this rezoning application. Thus, any significant changes to the development plan considered by the City in this rezone would be grounds for denial of the Final Site Plan by the DRC.

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. The proposed use is a service-oriented use, which complies with the FLU Commercial category requirements, therefore, does not require a Future Land Use Map amendment. The proposal also conforms to the following Policy FLU1-9.2:

COMMERCIAL/MIXED USE

GENERAL COMMERCIAL CRITERIA

- 1. Be located in planned centers to avoid strip commercial development;*
- 2. Not solely be located along local streets and discourage access to local streets, unless there can be a demonstrated overriding public interest;*
- 3. Be located in areas which are adequately served by the arterial and collector road system so as not to unduly burden the local road network serving adjacent neighborhoods;*
- 4. Have adequate area and road frontage for controlled access points, cross access easements, and proper spacing between driveways to minimize the impact on level of service standards and safety of the adjacent road network;*
- 5. Have sufficient area to provide adequate parking, landscaping, stormwater management, building setbacks and buffering;*

6. *If located adjacent to existing residential neighborhoods, be developed to provide adequate buffers, maintain adequate tree cover, and maximize visual compatibility with the surrounding neighborhoods;*
7. *If located at the intersection of two major roads, there should be a mix of commercial uses (i.e. office, retail, and service) to provide a wide range of goods and services;*
8. *Provide appropriate pedestrian linkages (i.e. sidewalks, bicycling, etc.) and mass transit access;*
9. *Have intensity dependent upon type of use as outlined in the land development code; and*
10. *Shall meet all applicable land development regulations.*

Other elements of the Comprehensive Plan, i.e. infrastructure, conservation, etc. will be reviewed at time of Final Site Plan.

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

There are no wetlands on-site, according to the September 29, 2017, FEMA FIRM maps and the property is not located within the 100-Year Flood Plain. The property consists of two (2) soil types that are well-drained sandy soils. Soils associated with the area, Apopka Fine Sand and Paola Fine Sand are suitable to support the development. Based on the Environmental Assessment Report provided by Bio-Tech Consulting Inc., dated March 24, 2023, no “Threatened” or “Endangered” plant species or wildlife were observed within the subject site during the wildlife survey conducted. A full environmental report will be required to determine whether any mitigation is required at the time of the Site Plan for the proposed uses.

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

The proposed zoning will be changing the subject property from PB to C-1. Zoning to a C-1 will allow the applicant to develop a ± 5,000 oil change service and ± 5,000 retail building in compliance 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.

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

- a. **Schools:** This rezoning involves a non-residential zoning request and will not affect local schools.

- b. **Sewage Disposal:** Deltona North, Volusia County Utilities.
- c. **Potable Water:** Deltona North, Volusia County Utilities.
- d. **Drainage:** All site-related stormwater runoff will be managed onsite; the applicant has proposed a “pond area” 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 Boulevard., a four (4) lane County thoroughfare. The area proposed for rezoning is surrounded by existing developments. The site will have two (2) means of access for ingress/egress. The first access point will be the cross access located to the east between the subject property and the Dunkin Donuts strip. The second access point will be new driveway off of Howland Boulevard.

Based on the Trip Generation Manual, 11th edition, the retail store and oil change will have less trips than a fast food restaurant.

Use Trip Generation Comparison Chart			
<i>Use</i>	<i>Sq. Ft.</i>	<i>Total P.M Peak Hour Trips</i>	<i>Total Daily Trips</i>
Retail Store	5,000	48	272
Oil Change	5,000	40	140
Fast Food Restaurant	3,107	103	1,452

The subject property is located within the Wolf Pack Run and Catalina Boulevard segment of the Howland Boulevard roadway. Based on Volusia County’s 2021 Annual Average Daily Traffic (AADT) Spreadsheet, the Adopted Level of Service (LOS) for this four (4) lane segment of roadway is a LOS E. With a LOS E classification this roadway segment has a daily capacity of 37,970 trips. Currently, this segment is operating at a LOS C with an AADT of 28,510 trips, leaving this roadway segment with 9,460 available daily trips.

Since the 2021 AADT Spreadsheet was published, only two (2) rezoning applications have been approved within the same roadway segment of the subject property. The two (2) aforementioned projects consists of Catalina Pointe will consist of ±277 Multi-family units approved on January 17, 2023, via Ordinance No. 24-2022 and a ±6,000 square-foot restaurant approved on June 19, 2023, via Ordinance No. 05-2023. The projected trips generated by these two uses will be approximately 2,345 total daily trips. The previously

approved rezoned sites and the current proposed site, this roadway segment will have a total of 3,797 new daily trips added to the existing network, leaving this roadway segment with 5,663 available daily trips, thus remaining within the allowable capacity.

Upon the Final Site Plan submission, the DRC can determine the need for a TIA, per Section 96-28 of the City's Land Development Code. At the time of a Final Site Plan, a full Traffic Impact Analysis may be required. Pass-by trips and internal capture will be reviewed at time Final Site Plan review.

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

The only change that will affect the area are the permitted uses that are associated with a C-1 zoned property. The allowed uses will change from office-type uses to an automobile service station and retail store. This low-intensity development type is considered compatible with the nearby existing single-family residential. The property to the east of the subject property is zoned C-1, therefore, the rezone request is consistent and should not negatively affect or change the area.

6. *Any mistakes in the original classification.*

No known mistakes.

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

Per Section 110-315(a) of the City's Land Development Code, the C-1 zoning district shall only be applied to areas that have a future land use category of C. The subject property is designated C on the City of Deltona's Future Land Use Map. The C-1 zoning classification was established to provide the community with commercial development suitable to serve the surrounding single-family residential developments. 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 and is anticipated to enhance the use and value of the area.

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

Land use compatibility and neighborhood protection are important tools of the City Comprehensive Plan and Land Development Code to determine the land use changes 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.

There is a 70-foot easement granted to Florida Power Corporation via an Easement Agreement, dated March 15, 1990 (Book: 3439, Page: 1982). This easement will remain undisturbed and act as a natural buffer between the proposed development and the existing single-family residential development to the north. The applicant will also be required to provide and supplement the site with required landscape buffers based on the land use intensity factors established in Section 110-808 of the City's Land Development Code. The proposed rezoning will not adversely impact the health, safety, or welfare of the City.

CONCLUSION/STAFF RECOMMENDATION:

Staff recommends the City Commission approve Ordinance No. 03-2024 at first reading, amending the Official Zoning Map to rezone a ±1.37-acre parcel of land located at 3150 Howland Blvd from Professional Business (PB) to Retail Commercial (C-1) to be developed as an oil change and retail store.