



# Staff Report

**To:** Planning and Zoning Board

**From:** Jessica Entwistle, Planner II

**Date:** May 15, 2024

**Re:** Project No. RZ23-0026, Ordinance No. 10-2024, Fernanda Place rezone from RE-1 to R1 (Phase 3)

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## Summary of Application:

**Applicant:** Jesse Anderson, AICP - Poulos & Bennett, LLC

**Request:** Rezone two (2) parcels totaling ±43.55 acres from Agriculture Classification (A) to Single Family Residential (R1)

**Tax Parcel Nos.:** 8231-00-00-0020 & 8231-00-00-0032

**Property Acreage:** ±43.55 acres

**Property Location:** The property is located on the south side of Fernanda Drive and directly east of Pine Ridge High School.

**Legal Description:** See the attached Exhibit B – Legal Description

**Existing Zoning:** Agriculture Classification (A)

**Background:** The subject property is currently occupied with a single-family structure, accessory structures, and a nursery.

The applicant is proposing to rezone the property to Single Family Residential (R-1) on approximately 43.55 acres for Phase 3 of a residential subdivision. Phase 3 would create 101 lots with a minimum lot size of 7,400 square feet, but over 90% of the lots will be 9,000 square feet.

## Support Information, Public Facilities:

1. Potable Water: Deltona Water
2. Sanitary Sewer: Deltona Water
3. Fire Protection: Deltona Fire (Station 64)
4. Law Enforcement: Volusia Sheriff's Office (VSO)
5. Electricity: Florida Power & Light

## Matters for Consideration:

The Code of City Ordinances Section 110-1101, 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 Future Land Use designation of the property is Low Density Residential (LDR) which allows up to six (6) dwelling units per acre. The rezoning proposes a maximum density of 2.32 units per acre, which is consistent with the Future Land Use Element of the Comprehensive Plan. The applicant is proposing 101 units as part of the rezone application. The density thresholds of the LDR, or any land use designation are expressed in gross terms. There are features such as open water bodies and easements that may result in a reduction of actual density. In addition, right-of-way dedications and infrastructure such as stormwater and environmental constraints can impact the final net density associated with a project. The project net density of 2.32 dwelling units per acre is consistent with the Future Land Use Map.

The existing Agriculture zoning on the property would allow up to 43 units, with one (1) unit allowed per acre. It's important to note that if calculating for the minimum one (1) acre lot size, and necessary infrastructure, such as stormwater, roads, utilities, and landscape buffers, the land could accommodate approximately 28 single-family lots. The R1 zoning proposal is requesting 58 additional single-family lots than the Agriculture zoning allows. The proposed new homes will be fully serviced by central water, sewer, and reclaim connections from the existing Fernanda Plan Subdivision.

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

### ***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.*

An approximate 0.79-acre portion of the property is located within the 100-year floodplain, designated as Flood Zone A. The Flood Zone A area does not have an established base flood elevation. However, based on the applicant's Preliminary Plan, the project will be designed so that no lots or improvements will be platted or created within the 100-year floodplain area. In addition, all non-passive development such as road rights-of-way and stormwater ponds shall be directed away from the 100-year floodplain area. Therefore, there will be no new impacts to the 100-year floodplain generated by the proposed rezoning.

Part of the property within the floodplain coincides with on-site wetlands. The internal wetlands, as demarcated on the Preliminary Plan account for 2.53 acres of the Fernanda Place Phase 3 rezone property. The wetlands will be afforded a 25-foot upland buffer as per City wetland protection regulations.

### ***Policy FLU1-7.2***

*The City of Deltona shall maintain the viability of existing and proposed residential neighborhoods by maintaining guidelines and regulations for vehicular and pedestrian access, roadway buffers, landscaping, fences and walls, and the maintenance and use of common open space areas.*

Phase 3 will have larger lots and be more uniform with the typical Deltona lot. The Fernanda Place Zoning Map Amendment is proposing an additional 101 single-family lots to the existing Fernanda Place project. 92 lots will be 75 feet by

120 feet (9,000 square feet), seven (7) lots will be 75 feet by 110 feet (8,250 square feet), and two (2) lots will have a minimum area of 7,400 square feet. The first two (2) phases of Fernanda had a minimum lot size of 60 feet by 120 feet (7,200 square feet). The project has certain characteristics that are sensitive to the need to protect wetland areas, but Fernanda Phase 3 does maintain characteristics of the existing Fernanda Place model.

***Policy FLU1-7.5***

*All new developments shall provide appropriate on-site parking for the proposed use in conjunction with providing safe and efficient traffic flow, consistent with the City land development regulations.*

The applicant will be connecting to Phase two (2) of Fernanda, between lots 31 and 167, with three (3) overflow parking spots on the east. There will be a stub out to connect to any future development to the south.

***Policy FLU1-7.7***

*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.*

Land use compatibility is a priority when amending the Zoning Map. Land use compatibility can be established by creating buffers and transitions. The Phase 3 site is currently a nursery with a single-family principal structure and accessory structures. The subject area will be an extension of the existing Fernanda Place single-family RPUD, although it will have a different zoning (R1).

***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.*

The proposed 101-unit project has 2.32 units per acre is well within the density range of the Low-Density Residential land use category (0-6 dwelling units per

acre). The Fernanda Place rezone maximizes existing land resources and does not constitute urban sprawl.

**Policy FLU1-5.3**

*Extraction of natural resources shall be permitted only where compatible with existing and proposed land uses, as determined in the land development regulations.*

**Policy FLU1-5.4**

*Land reclamation measures and sound conservation practices shall be required on lands used for the excavation of natural resources. A reclamation plan to be reviewed and approved by the City and appropriate Regional, State and Federal agencies shall be submitted as part of the required application for an excavation permit.*

**GOAL CON4**

*Ensure that mineral and soil resources are protected and utilized in a sustainable manner.*

**Policy CON4-ME1.2**

*The City shall maintain standards for reclamation of excavation sites so as to resemble a natural system to the greatest extent feasible, including, at minimum:*

- a. creation of sinuous shorelines;*
- b. bank gradients properly sloped to establish planted littoral shelves with appropriate submerged and emergent vegetation;*
- c. fish stocking, if warranted;*
- d. ambient water quality testing;*
- e. completion of the reclamation plans; and*
- f. compliance with standards established for artificial lakes by the SJRWMD and other appropriate agencies.*

This project will create an extension to the existing Fernanda Place RPUD. The project is designed to promote land use compatibility with existing uses, developing adjacent to residential and public school uses. The neighboring properties are zoned as follows: RPUD (north), Agriculture (south and east), and Public (west). The R1 and the Agriculture zoning classifications are low density/intensity in nature and are consistent with the Low Density Residential Future Land Use designation. The Public zoning is applied to Pine Ridge High and is designated as Public on the Future Land Use Map. The proposed density within the 43.55-acre property comports to the character of the existing neighborhood. The lots along the roadway curves are larger in size due to design geometry and will be more similar in size to the typical R1 lots of Deltona.

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

The 43.55-acre property proposed to be rezoned is situated on the eastern

portion of the DeLand Ridge. The DeLand Ridge is a relict sand dune created during the Pleistocene epoch during a time of stable sea level. The DeLand Ridge can be generally characterized by well drained soils, relatively higher elevations, and limited wetland areas. The majority of the property has been or is currently being used for agricultural uses. The northern section of the property situated west of Osteen Cemetery Road proposed to be rezoned accounting for about 20 acres which is currently used as an active nursery. There are several outbuildings and a single-family dwelling located on the nursery site. The land to the south of the nursery was once cultivated but is now currently unused. A small 2.53-acre portion of the property located to the south of the nursery and west of Osteen Cemetery Road can be considered wetlands. The wetland is a forested system dominated by bay trees and pines. The wetland is fragmented from a larger swamp located to the east by the Osteen Cemetery Road corridor. There is a portion of the property proposed to be rezoned located east of Osteen Cemetery Road. This area is natural and is forested with a mixture of bay and pine trees. Portions of this area could be considered wetlands.

As previously mentioned, the majority of the property proposed to be rezoned to R1 is either engaged in active agriculture or was once engaged in agriculture. While the landscape has been primarily altered there is a possibility these properties are inhabited by large mammals such as deer. While separated by Osteen Cemetery Road, the property is located in the vicinity of a large, forested wetland area. In addition, Osteen Cemetery Road does separate the area to be rezoned to R1 from the large, forested area.

The property could not be considered Scrub jay habitat, although an updated environmental analysis will be required during the Plat process. There was a full environmental analysis done of this area in December of 2020, which observed 21 Gopher Tortoise burrows onsite. The site will be completely surveyed for tortoises as part of the land development review process for a plat. Any tortoises found on site will be relocated as per Florida Fish and Wildlife Conservation Commission regulations. Requiring the site being surveyed for tortoises and the subsequent protection of gopher tortoises is consistent with the following policies:

**Policy CON2-WR6.2**

*Land development proposals shall be required to protect ecologically viable habitats and prepare a suitable alternative management plan when state or federally listed vegetative and wildlife species occur within project boundaries.*

**Policy CON2-WR6.3**

*The City shall utilize Federal and State management guidelines for particular endangered species in reviewing land development proposals.*

Soils on site are mostly sandy and well drained – Astatula and Tavares Fine Sands. Hydric soil (Myakka-St. Johns Complex) corresponds to the wetland areas of the property and is classified on the majority of the land located east of Osteen Cemetery Road.

Wetlands and areas of hydric soils are considered environmentally sensitive and not suitable for urban development. Therefore, the wetland areas, located east of

Osteen Cemetery Road, will not be developed, and will remain as natural open space. In addition, wetlands will be afforded a 25-foot upland buffer. Protecting wetlands and hydric soil resources is consistent with the above listed Comprehensive Plan provisions. Topography on the site is generally flat.

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

The proposed project will initially provide local and regional homebuilding trade type jobs. Real estate services associated with land transfers will benefit as well. In addition, the ad valorem taxes, connection fees, and telecommunication/ service tax revenue for the City will increase with new home construction and population increase. The City will be responsible for providing services to the new residents including police and fire protection. Also, the City will assume greater road and utility maintenance obligations.

The density of the project at 2.32 units per acre is less dense than the previous phases of Fernanda Place. In addition, lot sizes in Phase 3 are larger than in the first two (2) phases.

**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 Fernanda Place subdivision include Pine Ridge High, Heritage Middle, and Pride Elementary. According to a letter from the Volusia County School District, all schools have workstation capacity to serve the 27 students anticipated to be generated from the proposed 101-unit project.
- b. **Sewage Disposal:** Sanitary sewer (Deltona Water). The City has the wastewater management capacity to serve the project and sewer service readily available to the north within Phases one (1) and two (2). Connection to the existing force main will be reviewed at time of plat application.
- c. **Potable Water:** Central water (Deltona Water). The City has the potable water capacity, both physical and permitted, to serve the Fernanda Place rezone project.
- 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 101 detached single-family dwellings on minimum 7,400 square-foot individual lots. As part of the rezoning process, the applicant submitted a traffic impact analysis (TIA). Staff suggests the developer perform a field review and a signal warrant analysis after the Phase 3 Dwelling Units are fully occupied.

Modeled at 101 units, the project is forecasted to generate 1,018 trips per day. Trip distribution is based on a transportation gravity model. The gravity model utilizes land uses and other attractants such as employment centers and schools to determine the volume and direction of trips. The trips will

utilize the local road network to access Howland Boulevard from Fernanda Drive. 55% of the trips will go east on Howland Boulevard with a 13% north and 10% south splitting at Fort Smith Boulevard. The remaining 31% of the trips will continue along Howland Boulevard accessing Walmart and/or SR-415. Trips on Fort Smith Boulevard are accessing SR-415 and shopping at the commercial node located at the intersection of Courtland Boulevard and Fort Smith Boulevard. A total of 45% of the trips will go west on Howland Boulevard, and 37% of the trips will continue west on Howland Boulevard. 4% of the trips will be absorbed into background traffic through the Courtland Boulevard corridor. Some of the trips going west on Howland Boulevard are accessing shopping and services at the intersection of Howland Boulevard and Elkcam Boulevard. However, a good percentage of the westbound Howland Boulevard will be accessing Interstate 4.

The TPD traffic analysis, as is common for all TIA reports, contains data with regard to the capacity of the road network in light of trip generation. The roadways impacted by the project include local roads and a segment of Howland Boulevard. Howland Boulevard is a City thoroughfare and is also a County thoroughfare. According to the TIA, both the local road network (Fernanda Drive) and Howland Boulevard have the capacity to support the 1,018 trips modeled to be generated by Fernanda Phase 3, of which 75 will occur in the AM peak hour and 100 will occur in the PM peak hour.

Transportation level of service standards are established, in part, by roadway function and design. For example, within the City a local road is used to access residential uses. The local road network tends to be interconnected and ultimately provides access to thoroughfare collectors and arterials. Local roadway design and adjacent land uses dictate a local roadway will carry limited traffic volume at low speeds. The design of a local roadway typically is limited to two (2) travel lanes and the right-of-way widths are narrower than thoroughfare facilities. A typical Deltona local road is associated with a 60-foot-wide right-of-way with two (2) 12-foot-wide paved travel lanes. Also contained within the 60-foot Deltona Lakes right-of-way are sidewalks and a swale system that provides a drainage function. Swale systems are important to managing and treating stormwater run-off. Swale systems were and still are the stormwater management method of the Deltona Lakes design where there was less reliance on master stormwater ponds and retention areas. Fernanda Drive is a 50-foot-wide right-of-way, 10 feet in width smaller than a Deltona Lakes right-of-way. However, Fernanda Drive is associated with a modern subdivision named Fernanda Place which has a master stormwater system where run-off is collected in inlets and pipes and conveyed to central retention areas. Notwithstanding a slightly less right-of-way width, the Fernanda Place local roadway network and the typical Deltona Lakes local roadway network have the same level of service threshold (LOS "D") and can carry over 12,000 trips per day.

Certain local roads carry more traffic than other local roads. This is a function of roadway length, design, and connection points. There is an expectation Fernanda Drive will be more heavily trafficked than other local roadways with

no thoroughfare connection(s). However, even with the new 1,018 trips, Fernanda Drive will still operate within acceptable limits.

Traffic level of service (LOS) is expressed in the terms of traffic volumes rated through a nomenclature ranging from "A" to "F". A LOS "A" indicates a very low volume of traffic with ample room to maneuver with little or no traffic impedance. Level of service thresholds beyond "A" such as "B", "C", "D" and "E" represent increasing levels of traffic friction. A LOS of "F" represents a congestion situation where traffic is close to at a standstill with very little movement possible. As can be expected, LOS characteristics on the same roadway segment can vary quite significantly depending on the time of day. At peak hour a roadway may operate at a LOS "D" but at off-peak hour the roadway may operate at a LOS "B". Demand dictates LOS operation of any roadway. With regard to Fernanda Drive and Howland Boulevard the peak hour demand in the AM will result in 75 trips and the PM will yield 100 trips.

The applicant, along with TPD, performed a Signal Warrant Analysis to determine the need of a signal at the intersection of Howland Boulevard and Fernanda Drive/Goldenhills Street, and the minimum volume threshold did not trigger a signal to be installed. Staff is recommending the applicant perform a field review and a signal warrant analysis after the Phase 3 Dwelling Units are fully occupied. Volusia County is requesting an Analysis of safety and access management issues will be required to include an analysis of crash data at the intersection of Howland Boulevard and Fernanda Drive to identify trends and patterns and calculate crash rates, frequency, and severity, while considering factors such as time of day, weather conditions, and roadway characteristics.

The access at the Fernanda Place subdivision 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 T1-1.9***

*The City of Deltona shall implement programs directed toward monitoring surface road conditions, require access management, and maintain roadway conditions in an acceptable manner to facilitate, safe driving.*

***Policy T1-2.3***

*Where appropriate, frontage or rear access roads and cross access easements shall be required for development proposals, as determined by the City's land development regulations.*

***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.*

**Policy T1-4.5**

*All new educational facilities in Deltona should be accessible from at least two public streets, to reduce facility traffic impacts and to improve public safety. New public or private educational facilities shall, to the maximum extent possible, be located on or directly accessible from a thoroughfare roadway.*

In the spirit of ‘smart growth’ and to minimize trips on the City thoroughfare roadway network, the project will facilitate at least one full and unobstructed vehicular and pedestrian interconnection with the vacant property located to the south. The connection shall be depicted on the MDP. The purpose and intent of the interconnection is to allow vehicular and pedestrian interaction between the Fernanda Place project and future development that may occur on property located to the south. The timing for the development of property to the south is unknown. Therefore, the Fernanda Phase 3 project may be a fully developed neighborhood before the property to the south is proposed for development. To ensure the purpose and intent of the interconnection is clearly known by all into the future the following is applicable:

- 1) The Preliminary Plan approved as part of this rezone depicts the interconnection/stub-out to the property to the south.
- 2) The plat shall depict the interconnection/stub-out and label such as ‘future pedestrian and vehicular transportation connection’.
- 3) The interconnection shall be physically constructed to the property boundary in a manner that will allow seamless connection to future project roadway/pedestrian infrastructure.
- 4) The project covenants and restrictions and homeowner association documents shall make mention of the interconnection in a manner that communicates to the residents/property owners of the Fernanda Phase 3 neighborhood the purpose and intent of the interconnection.

**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 proposed R1 zoning is unlikely to have any detrimental impact on the public health, safety, or welfare.

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 7,400 square feet, although many of the lots are 9,000 square feet which are typical sizes of Deltona lots. The minimum lot

size of the R1 zoning is 7,400 square feet. The applicant is suggesting having 1,600 square feet over the minimum lot size required by the City's Land Development Code.

- 2) The required parking standards proposed for each dwelling unit in this development is a two-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. 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.
- 3) The existing homeowner's association (HOA) will be amended to include Phase 3 for the managing project any amenities, implement architectural standards, establish/maintain streetlights, ensure landscaping is sustained, and maintain the stormwater management system and emergency access.

### **Conclusion**

The Fernanda Place Phase 3 rezone proposes an additional 101-unit single-family residential subdivision on approximately 43.55 acres located south of Fernanda Drive and east of Pine Ridge High School. The applicant is requested to rezone from Agriculture to R1, which is typical for residential zoned properties in Deltona. All lots will meet the 75-foot width requirement, with two (2) lots being 7,400 square feet and most lots being 9,000 square feet.

Approximately 2.53 acres of the Fernanda Place Phase 3 property is considered wetland. There will be no impacts to the wetlands.

The project at 2.32 units per acre is consistent with the Comprehensive Plan and the Low-Density Residential land use designation. Furthermore, the project at the density requested will create more compact development patterns and more efficiently use existing City public infrastructure and land resources.

### **Staff Recommendation:**

City staff recommends the Planning and Zoning Board to recommend the City Commission approve the Fernanda Place Phase 3 rezoning request from Agriculture to R1 with the following condition:

1. The developer shall perform a field review and a signal warrant analysis after the Phase 3 Dwelling Units are fully occupied. The analysis shall include crash data at the intersection of Howland Boulevard and Fernanda Drive to identify trends and patterns, and calculate crash rates, frequency, and severity while considering factors such as time of day, weather conditions, and roadway characteristics.