



Staff Report

To: Planning and Zoning Board
From: Ron Paradise, Director, Planning and Development Services
Date: July 23, 2020
Re: Project No. CP20-0024. Ordinance No. 07-2020 Large Scale Comprehensive Plan Future Land Use Map Amendment for Property Located off of Enterprise Osteen Road in the southeastern section of the City.
Project Name: Enterprise Osteen East

SUMMARY OF APPLICATION:

APPLICANT: Mark A. Watts, Esq.
231 N. Woodland Blvd.
DeLand, FL 32720

Request: The City of Deltona has received an application to amend the City's Future Land Use Map by changing the Future Land Use designation on a +/-130.08 acre area from Mixed Use Village Center and Osteen Commercial Village to Transitional Residential. The above land use nomenclature is associated with the Osteen Local Plan. The Osteen Local Plan is a result of a joint planning agreement (JPA) between the City of Deltona and Volusia County.

A. SITE INFORMATION:

1. **Tax Parcel No.:** 9113-00-00-0021 and 9112-00-00-0230
2. **Property Address:** 250 S. SR 415 and Enterprise Osteen Road
3. **Property Acreage:** +/-130.08 acres
4. **Property Location:** Located off of Enterprise Osteen Road just west of SR 415 situated in the southeastern section of the City within the Osteen Joint Planning Area (JPA).
5. **Property Legal Description:** The east 12.5 chains of the southeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$ lying south of the railroad in Section 12, Township 19 south, Range 31 East. And the north $\frac{1}{2}$ of the northeast $\frac{1}{4}$ west of state road 415 and the northeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$ all in Section 13, Township 19 South, Range 31 East. Less and except That part of the Northeast $\frac{1}{4}$ of Section 13, Township 19 South, Range 31 East, Volusia County, Florida, lying South of Enterprise Osteen Road, More particularly described as follows: Commence at the Northwest corner of the Northeast $\frac{1}{4}$ of Section 13, Township 19 South, Range 31 East, Volusia County, Florida; thence run S89°18'15"E along the North line of said Northeast $\frac{1}{4}$, a distance of 2709.83 feet to the Northeast corner of said Northeast $\frac{1}{4}$; thence run S00°10'48"W along the East line of said Northeast $\frac{1}{4}$, a distance of 42.60 feet for the Point of Beginning; thence continue S00°10'48"W along said East line of the Northeast $\frac{1}{4}$, a distance of 767.11 feet; thence run

S40°11'38"W along the North right of way line of State Road No. 415, a distance of 1046.77 feet; thence run N00°01'47"E, a distance of 295.29 feet to a point on the South line of the North 1/2 of the Northeast 1/4 of said Section; thence run N00°24'16"E, a distance of 474.69 feet; thence run N40°07'28"E, a distance of 1042.02 feet; thence run S89°05'48"E, a distance of 2.94 feet to the Point of Beginning.

B. Existing Land Uses

1. Subject Property: Vacant, natural acreage

2. Adjacent to Subject Property

North: Residential uses on larger, acreage oriented lots situated along the Enterprise Osteen Road corridor. The land is mostly unincorporated County.

South: The Kove Estates mobile home park golf course amenity area.

East: The vacant land with SR 415 frontage owned and controlled by the applicant not part of this request. South

West: Vacant land owned/controlled by the applicant under review as part of a Future Land Use amendment application CP19-0002 involving 95.34 acres.

C. Future Land Use Designation

1. Subject Property:

Existing: City Mixed Use Village Center and Osteen Commercial Village

The above land use designations are unique categories, applied only to an area known as Osteen. Osteen is a community situated along the SR 415 corridor, and for planning purposes is over 3,900 acres in size. After municipal annexation activity dating to the early and mid 2000's in the Osteen area, the County and the City initiated a joint planning effort to address how growth and development within the Osteen community could be managed. The goal was to allow a certain level of growth while protecting the rural character of Osteen, low density areas located east of the SR 415 corridor. The County and the City jointly approved the Osteen Joint Planning Area (JPA) in 2009. The JPA effort involved the creation of an Osteen Local Plan, which was incorporated into both the City and County comprehensive plans by appending the Osteen Local Plan, to each local government Future Land Use Element.

Part of the vision for Osteen at the time was to facilitate a certain level of land use intensity – with a mixture of land use types and urban - for areas along SR 415. The Mixed Use Village Center and Osteen Commercial Village promote a mix of land use types such as commercial, institutional activities, medium density residential, including multi-family, single-family, and live/work options. Densities and intensities expressed in a range of floor area ratios for non-residential development, minimum and maximum residential density allowances. Finally, there are development mix requirements for each designation where a certain amount of development

type (i.e., residential and commercial) expressed in percentages as expected.

There is a portion of the amendment area, which can be described as the east 825 feet of the southeast ¼ of the southwest ¼ of Section 12, Township 19S, Range 31E south of the railroad grade, not included within the Osteen planning area. This area will be referred to generally as “Section 12”, accounted for about 20 acres of land, and is bisected by Enterprise Osteen Rd. A good portion of this area is characterized by open water associated with Little Lake. The remaining area is designated as Urban Low Intensity (ULI) on the Future Land Use Map. ULI is a County designation and is carried over to the City Land Use nomenclature through the annexation process. The density range in the ULI is .2 to 4 dwelling units per acre. This area based on the size and shape of the open water area, environmental constraints, and the roadway location is of limited utility to support development. However, the density available can be transferred and applied to a more suitable acreage of the amendment area through a Residential Planned Unit Development (RPUD) rezoning application. The table below illustrates the amount of acreage, intensity, and density per existing land use type:

Land Use Designation	Total Size on Amendment Area	Eligible Density (Residential)	Eligible Intensity (Non-Residential)	Total Units	GFA
Osteen Commercial Village	20.24 acres	12 DU per acre (Max) - 20% of area	Max FAR 0.50 – 80% of area	48.57	352,662
Mixed Use Village	51.82 acres	8 DU per acre (Max) – 70% of area	Max FAR 0.35 – 30% of area	290.19	237,014
Urban Low Intensity	10.31	4 DU per acre (Max)	N/A	41.24	0
Wetlands	3.69	1 DU per 10 acres	Transferable	.369	0
Open Water	44.02	0 units	0 FAR	0	0
Totals:				380	589,676

Requested: Transitional Residential (TR)

+/-72.06 acres of the amendment area is proposed to be designated with the TR category. The TR designation is an Osteen JPA specific land use category and allows residential uses at a traditional suburban scale. The TR has a maximum density of four (4) units per acre. The existing ULI designated area will be maintained, but the density will be transferred

within the project. However, wetlands are figured at one unit per ten acres. Finally, the gross density yield from the requested TR and the existing ULI is 329 units. See the table below:

Land Use Type/Acreage	Maximum Density	Wetlands	Maximum Gross Density
Transitional Residential – 72.02 acres (Requested)	4 DU per acre	0 acres	288.08 units
Urban Low Intensity – 10.31 acres (Existing)	4 DU per acre	3.69 acres	41.6 (incl. wetland)
Total Units			329

Adjacent to Subject Property:

North: County Urban Low Intensity (ULI). The ULI allows a density of 0.2 to 4 dwelling units per acre.

South: County Urban Medium Intensity (UMI) and Osteen Commercial Village. The UMI allows a density of 4.1 to 8 dwelling units per acre. The UMI area can be described as the Kove Estates mobile home park. The Osteen Commercial Village area is designated on land associated with the frontage of SR 415.

East: Osteen Commercial Village. Osteen Commercial Village is an Osteen JPA designation that is geared towards the intensive type of commercial development with a mixture of residential. An example of development consistent with the Osteen Commercial Village would be a project with commercial uses on the first floor and residential units above.

West: County Rural. This land is included in the Enterprise Osteen West amendment, which is an associated land use application for the project. The proposal for the Enterprise Osteen West application is to change the land use designation from County Rural to City Low Density Residential.

D. Zoning:

1. Subject Property:

Existing: County Prime Agriculture (A-1), County Rural Residential (RR), and County R-4. The A-1 zoned area is located on the portion of the amendment area, referred to as the east 825 feet of the southeast ¼ of the southwest ¼ of Section 12, Township 19S, Range 31E south of the railroad grade and the portion of the amendment area located westward of Little Lake.

Requested: The applicant has filed a rezoning application that will follow this application to be heard at a later meeting requesting a rezoning from the above County zonings to Residential Planned Unit Development (RPUD).

2. Adjacent Properties

North: Volusia County zoning classifications - Rural Residential (RR) (One unit per one acre), A-2 (One unit per 5 acres), A-3 (One unit per acre), and R-4 (Minimum lot size 7,500 square feet)

South: Volusia County zoning classifications - R-4 (Minimum lot size 7,500 square feet), MH1 and MH2

East: Land within the City of Deltona but still carries the County R-4 classification.

West: Land within the City of Deltona but still zoned County A-1. The property under consideration to be rezoned to City RPUD.

E. Services Available:

Water: The amendment area shall be served by the Deltona Utilities central water system. However, central water is not yet available.

Sewer: The property shall be served by the City sanitary sewer system. However, central sewer is not yet available.

I. Authority and Procedure

The authority for City staff making recommendations to the City Commission regarding applications and proposals for Comprehensive Plan amendments outlined in Section 110-1202 of the Code of Ordinances, City of Deltona.

The relevant procedure involves submittal of a complete application by the property owner or authorized agent, review of the application by staff, preparation of a written staff report with recommendations, one public hearing held by the Planning and Zoning Board with resulting recommendations presented to the City Commission, and a minimum of two public hearings held by the City Commission.

The adoption of an Ordinance enacts comprehensive Plan Amendments by the City Commission.

II. Review Criteria

The City must consider the criteria specified in the Future Land Use Policy FLU1-1.13 of the Comprehensive Plan, other provisions of the Comprehensive Plan, and Florida Statutes Section 163.3177 when determining the application and may accept, reject, modify, return, or seek additional information.

No recommendation of approval may be made unless, upon motion, four (4) members of the Planning & Zoning Board concur, under Section 110-1201.

III. Comprehensive Plan Amendment Analysis **Land Use Data:**

The property is vacant and in a natural condition. Historically, the property was used for turpentine production, timber, and free range cattle grazing – once very common land uses in Central Florida. However, the property has not been managed for agricultural production for many years. Land to the west consists mostly of open water associated with Little Lake. Beyond the open water of Little Lake, the applicant owns ± 95.34 acres of land also under review under a separate application for a land use change. Although a waterbody separates

these properties, there is anticipation that the properties will be co-developed under similar density, use, and design parameters. The basic development proposal is a master planned project consisting of detached single family dwellings situated on individual lots. The amendment area was annexed into the City in 2006 along with other land in the area, including the property to the west. While the property was annexed into the City, the County land use and zoning were never changed. The amendment area has remained vacant and undeveloped within the jurisdiction of the City for 14 years.

Natural Resources:

The amendment area is on a physiographic area of the County known as the Deland Ridge. The Deland Ridge is generally associated with sandy, well drained soils, xeric vegetation, as well as high, and sometimes rolling topography. However, the amendment area is located at the southern escarpment of the Deland Ridge as the ridge grades to the St. Johns River Valley. The escarpment area represents a transition between the generally well drained condition of the ridge and the river valley consisting of poorly drained soils, abundant wetland acreage, and extensive floodplain areas.

The majority of the northern section of the amendment area situated in Section 12 can be described as open water and flanking herbaceous wetlands. A pine and xeric oak community vegetate upland areas of the Section 12 portion of the amendment area. Perhaps the most prominent natural feature associated with the amendment area is Little Lake. Little Lake is an open water feature with emergent and fringing wetlands around the margin of the waterbody. In some cases, the fringe wetland area associated with scattered pines and/or snags associated with trees killed because of excessive inundation. The lake and associated wetlands account for over 38 acres of the amendment area. Land located just landward of the lacustrine wetlands is a classic pine flatwood dominated by slash pine and saw palmetto. The majority of the amendment area is upland. The upland area is forested with a mixture of sand pine and xeric oaks. Other vegetation includes rusty lyonia and saw palmetto.

There is a depressional area located within the amendment area, which can be described as a meadow. Accounting for a little over two acres is dominated by herbaceous vegetation. Broom grass and maiden cane can be found growing within this area. In the past, this area has been considered a wetland. A recent reconnaissance has indicated that the hydrological parameters to consider an area to be a wetland does not exist. Basically, according to the applicant's environmental consultant, this area is no longer a wetland.

Wetlands are regulated by City, County, Regional, State, and the Federal governments with the intent of affording a high level of safeguard to this essential and environmentally sensitive resource. While there is a proposal to develop the property at an urban scale, the wetland areas will be afforded protection by directing project infrastructure, lots, and other improvements away from the wetlands. Another goal will be to ensure the wetlands will be linked to other systems like Little Lake to facilitate natural corridors, which will maintain hydraulic connections and allow fauna access to these areas under natural cover. Furthermore, the wetland/open water

areas can be utilized for passive type of uses like nature trails, wildlife observation, etc. The project will be designed to avoid wetland impacts – a prime objective of the City wetland ordinance. Finally, the wetlands will be afforded a minimum of a 25 foot upland buffer to protect wetland function further. The protection of wetlands, including providing a 25 foot buffer is consistent with the following policies:

Policy FLU1-5.5 Sensitive environmental functions shall be protected in all phases of land development.

Policy FLU1-6.1 An environmental upland buffer of no less than 25 feet shall be utilized to protect the ecological functions of lake shores, streams, and wetlands.

Policy FLU1-6.2 Land area deemed to be environmentally sensitive within a proposed development shall be considered protected through environmental permitting and supported by the Conservation Element.

Policy FLU1-6.3 The City of Deltona shall encourage the clustering of development to preserve environmentally sensitive and other open space areas.

Policy CON2-WR1.1 The City will coordinate with the St. Johns River Water Management District, the County, or other applicable entities to maintain and/or enhance the environmental condition of local lakes to benefit the regional watershed ecosystem.

Policy CON2-WR5.1 Wetlands shall be protected in keeping with environmental permitting, where applicable. In cases where adverse impacts to wetlands are found by the City to be unavoidable, appropriate mitigation shall be required by the appropriate permitting agency, prior to the issuance of a City construction-oriented permit. The City shall focus on no net loss of environmental areas.

Policy CON2-WR5.2 Wetland buffers and setbacks shall be required landward of all protected wetlands, as permitted by the respective permitting agency. The City's land development regulations shall include provisions for buffering and environmental protection.

There are no severe topographic features associated with the amendment area. Generally, the topography is flat to gently rolling.

About 62 acres of the amendment area located within the 100 year floodplain. (Approximately 44 acres of the floodplain is open water.) The floodplain area corresponds with Little Lake and the wetland areas of the amendment area. A good portion of the 100 year floodplain corresponds to wetlands and open water areas of the amendment area but does include upland areas near wetlands. The establishment of the floodplain tends to be predicated on elevation and related data when compared to wetland determination methodology based on physical features like soils, vegetation, and hydrology.

The City does participate in the FEMA Community Rating System (CRS). The CRS rewards City policyholders with lower premiums in recognition of the City implementing policies and regulations intended to direct investment and development away from floodplain areas. City regulations aim to protect floodplain function as much as possible by keeping floodplain areas in situ. A prime method to implement the goal of safeguarding floodplains is to avoid the creation of lots or the location

infrastructure within 100 year floodplain areas. Avoidance of floodplain areas helps avoid the damage of homes and infrastructure from flooding but also minimizes nuisance flooding (water standing in roadside swales, in driveways, etc.) complaints. In addition, future City expenditures to protect infrastructure and/or private property, including buying improved property prone to flooding will be reduced or hopefully eliminated by not allowing development and other, non-passive, improvements within the 100 year floodplain. The City has numerous provisions within the Comprehensive Plan to address floodplain protection. The provisions are as follows:

Policy FLU1-5.6 Development and structures shall be discouraged within the 100-year flood plain; however, if located therein, they shall be constructed in a manner that results in a no loss of existing 100 year floodplain storage and function.

Policy CON2-WR2.4 Undisturbed segments of floodplains shall be protected through public acquisition, land use controls, conservation easements, or other methods as appropriate.

Policy CON2-WR2.5 As a governmental entity participating in the FEMA Community Rating System, the City discourages structures within the floodplain. However, if structures are built in the floodplain, City and FEMA regulations for construction methods shall be followed.

With regard to floodplain protection regulations and the above policies cited, there are alternatives that involve engineering floodplain areas to make flood prone land suitable for development. An engineering solution known as compensating storage is an accepted method of mitigating impacts to the 100 year floodplain. Expressed in general and non-technical terms, compensating storage involves filling in a portion of floodplain and then excavating an equal or greater amount of associated non-floodplain land to basically off-set fill within the floodplain. The goal is to ensure there is no loss of floodplain function and there will be no adverse impacts to other land/development within the same floodplain basin. Engineering floodplain areas to accommodate development has been a part of human history since the dawn of civilization. Developing with floodplains utilizing modern engineering techniques can be reliable. However, history, recent and past, is rife with examples where development within floodplains has proven to be at best unwise and sometimes disastrous. For these reasons, various policy studies and governmental agencies such as FEMA recommend the most sound method to mitigate risk within flood prone areas is to avoid or minimize investment within these areas. In addition, the private sector insurance industry for decades has determined underwriting development within floodplains is not actuarially prudent and has conceded floodplain insurance activities to the Federal government – FEMA. This application is for a Future Land Use Map amendment and involves a more broad policy decision. Determining the suitability, scope and amount of floodplain impact will be more appropriate during the rezoning phase associated with a Residential Planned Unit Development rezoning application that will be reviewed by the City soon after the requested change in Future Land Use policy is determined.

The amendment area is undeveloped and is associated with undeveloped land that extends beyond the limits of the amendment area. Therefore, the amendment area does provide habitat for game animals such as wild hog, deer, and turkey. The

amendment area also serves as a habitat for larger mammals such as bobcats, foxes, and black bears.

Eagle nest Vo010 located on the amendment area and is active. The nest established within a tree located within the wetland margin of Little Lake. Activities near eagle nests are subject to concentric zones regulated by the U.S. Fish and Wildlife Service and implemented in part by the Florida Fish and Wildlife Conservation Commission. The primary zone, 300 foot radius around the nest, is the most restrictive, and options for development within this zone are limited and relegated mostly to passive type of uses. The secondary zone extends 600 feet from the nest. Uses within this area outside are not as strictly limited and often subject to restrictions during certain times of the year, such as during eaglet rearing time.

A portion of the amendment area located within the 600 foot secondary zone, but most the 600 foot secondary zone is environmentally constrained (wetland/open water) and will not be developed. Therefore, it is unlikely that the presence of Vo010 will create any development challenges to utilizing the upland area of the property. However, any potential development (like passive park or nature trail development) occurring within the secondary zone will probably need to be permitted through the appropriate agencies.

The property does provide habitat for gopher tortoises. A field reconnaissance of the property by City staff confirmed the presence of tortoises on the site. Gopher tortoises are listed as a threatened species and are regulated by the Florida Fish and Wildlife Conservation Commission. Impacts on tortoises and/or burrows need to be permitted. One permit option includes the removal of tortoises to another suitable area, an activity known as relocation. In addition, there is an option to avoid some burrows by protecting the burrow and natural land associated with the burrow. Typically a combination of the two aforementioned approaches is employed to facilitate the development of tortoise habitat. As a footnote, the practice of burying tortoises, known in permitting parlance as an incidental take, is no longer allowed. Also, the City has made it a practice not to approve development projects that involve an incidental take of tortoises.

Finally, the site may provide habitat for scrub jays. The property will need to be surveyed during the land development phase for jays. However, if jays are present on site, they will most likely be located along the margin of the property near roadways and cleared areas existing within an edge ecotone.

There are no other known listed species associated with the amendment area.

Discouraging the Proliferation of Urban Sprawl:

The amendment area is +/-130.08 acres and is not developed. The proposed amendment limits land use options to Transitional Residential (Max density four (4) units/acre). The City of Deltona's Comprehensive Plan and Land Development regulations create planning techniques that encourage the protection of environmentally sensitive areas or open space areas when developing lands that discourage the proliferation of urban sprawl.

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A. Policy FLU1-7.16 of the City of Deltona Comprehensive Plan, Future Land Use Element

“Applicants requesting amendments to the Zoning and/or Future Land Use Map shall be evaluated with respect to consistency with the Goals, Objectives, and Policies of all elements, other timely issues and in particular the extent to which the proposal if approved, would:”

1. Satisfy a deficiency in the Future Land Use Map to accommodate projected population or economic growth of the City. *City Comprehensive Plan, Future Land Use, Goal FLU1, Objective FLU1-7, Policy FLU1-7.16(a)*

+/-130.08 acre amendment area has been included within the jurisdictional limits of the City of Deltona since November of 2005. The County entitled a significant portion of the property before annexation for urban uses. The urban designations included Urban Low Intensity and Urban Medium Intensity. In 2009 the portion of the amendment area located in Section 13 was included within the Osteen Joint Planning Area (JPA). The Osteen JPA is a joint planning area between the County and the City. The JPA established land uses, which were common to both incorporated and unincorporated land located within the approximately 3,900 acre planning area known as Osteen. In recognition of the amendment area being already earmarked for urban uses, the Osteen JPA ushered in a different type of development option for the property that required a mixture of land use types be developed on the property – i.e., residential, commercial and perhaps institutional. Through the Osteen JPA, density and intensity were increased on the property.

However, the market for such mixed use development projects within the Osteen area has been questionable, and the lack of actual mixed use development within Osteen, notwithstanding over ten (10) years of land use imprimatur, suggests the mixed use paradigm may be premature. The market has been for residential development consisting of detached units on individual lots. Therefore, the applicant has made a request representing a reduction of land use density and intensity. The requested Transitional Residential is part of the Osteen JPA nomenclature, and the property (located in Section 13) will remain within the Osteen JPA. However, the use proposed will be exclusively residential with a suburban scale density. Regardless of the requested reduction of density and intensity, the property represents a vacant land resource needed by the City to support expected population growth underpinned by appropriate population projection methodology.

The population projection methodology the City has used and continues to use is promulgated by the Shimberg Center for Housing at the University of Florida (Shimberg). Shimberg population projections controlled by the University of Florida Bureau of Economic and Business Research (BEBR) population projections and the Shimberg projections outline future population trends for Florida municipalities, including Deltona. The current Deltona population estimate is 91,520. According to Shimberg, in 2025, the City will have a population of 100,478 and a population of 105,489 by 2030. At the end of the present planning cycle – the year 2035 – the City is forecast to be home to 109,847 people. In the immediate next five (5) years, the City population will grow by 8,958. In ten (10) years, the population of Deltona will expand by nearly 14,000 people.

Real estate cycles range from 8 to 15 years. Right now, the real estate market is robust in part driven by in migration – people relocating to Central Florida. The Shimberg population projections certainly suggest there will be continued demand and need for more housing units. The City has recently and is currently working on numerous residential projects, not including the amendment area and a sister property/application located west of Little Lake. The units within these eight (8) residential projects totals 1,684. With a person per household average of three (3) persons, the 1,684 units are anticipated to accommodate about 5,052 persons. The project names, number of units, and approval status illustrated in the following table:

Project Name	Total Number of Units	Status
Vineland Reserve	407	Zoning entitlements approved; Preliminary Plat for phase 1 approved.
Courtland Park	196	Zoning entitlements approved; Preliminary Plat under review as of 2/20
Doudney RPUD	220	Zoning entitlements approved
Lake Gleason	52	Preliminary Plat approved
Hampton Oaks	259	Zoning entitlements approved; application made for a final plat
Three Island Lakes RPUD	59	Application recently made for zoning entitlements
Deltona Village multi-family entitlement	414	Entitled as part of a BPUD – unknown if such a project will come to fruition
Lake Sydney Shores	77	No plat application has been proposed
Total Units = 1,684		

Realizing the buildout window entitlement and plat approvals are secure, of a modest size residential project consisting of 200 units is a minimum of five (5) years, reviewing the housing needs for the next ten (10) years is appropriate and consistent with State planning law. Under the ten (10) year population projection scenario, the City will need 4,656 new units. The amendment area, along with an

accompanying rezoning request, is proposed to be developed with 226 units. Also, the applicant owns more land situated west of Little Lake, which is also under review by the City. This property is proposed for another 329 units. Both the amendment area and sister project will total 555 residential units.

There is recognition the original Deltona Lakes plat and other older plats still have vacant lots available for development. A good portion of the residential permits processed in the last number of years within the City have been issued for these lots in some cases that have been platted since the 1960s. However, the existing platted lot inventory featuring lots not associated with severe development constraints (wetlands, floodplains, severe slopes, poorly drained soils, etc.) is growing scarce. While lots within these old plats will continue to be developed, the ability to rely on these old areas to fully support the incoming population is minimal. The development of individual lots within the Deltona Lakes plat has been a sound business plan for both national developers and smaller scale builders. However, negotiating with individual lot owners can be a challenge, and to suggest every lot within the Deltona Lakes plat will be developed in the foreseeable future is contrary to the realities of the market in light of the expectations of individual lot owners. They are perhaps saving a lot for their own eventual use.

City staff did analyze existing land resources with the intent of quantifying the number of lots available for future residential development. The number of vacant residential parcels within the City totals 2,824 as of January of 2020. When taking into account environmental constraints and the fact that some lots are not zoned for residential uses, the number of lots reduce to 2,444. For this vacant land analysis, there will be an assumption made that all of the 2,444 properties could support at least one single family dwelling. As stated above, according to population projections, the City needs 4,656 new units within ten (10) years. Therefore, even with the most optimistic number of existing lots available for residential development and the recently entitled lots and units proposed to be entitled, the City still needs more lots to support the expected ten (10) year population. The residential carrying capacity and related needs articulated in the following table:

Recently or Soon to be Entitled Projects	Existing Lots	10-Year Population Increase	Residential Lot/Unit Need at 3 Persons Per Household	Total Residential Lots/Units Available	Unit Deficit
1,684 units/lots	2,444 lots	13,969 persons	4,656 units	4,128 units	528 units

A notable change to State planning law involves the methodology behind land use allocation. Before the 2011 change to State Growth Management laws, a local government Future Land Use Map allocation was predicated on and

controlled by population projections. In general, a local government could not over allocate its Future Land Use program by entitling more land beyond what was supported by population projections. However, unofficially the State did allow a slight over allocation of entitled land to ensure some level of housing choice and affordability (typically 10 to 15 percent over allocation). Under current State planning law, a local government still has to use population projections to base its Future Land Use allocation. State law now requires that a local government allocate enough land to support the median population level articulated by specific appropriate population projection methodologies. Furthermore, a local government is encouraged to allocate more land than what is needed to support the expected population to "...allow for the function of real estate markets" This extra allocation is typically referred to as a market cushion.

As has been stated, the existing residential lots within the City do and will continue to support the population migrating to the City. However, the existing lot of inventory cannot be relied upon to support the incoming population steadily. From a planning standpoint, the individual approved lot inventory, and related development potential within the Deltona Lakes plat and other existing plats represent the City can use more land entitled for residential development as what is proposed by this Future Land Use Map amendment. Therefore, the following provision from the City Comprehensive Plan is applicable:

OBJECTIVE FLU1-7

The City of Deltona shall appropriately allocate land uses to adequately meet the current and future population needs while maximizing land use compatibility. The City shall promote a variety of land uses including residential, commercial, industrial, pedestrian oriented mixed-use, recreational, conservation, and public facilities.

Utilizing and attempting to maximize the carrying capacity of existing City land resources to support expected population while ensuring land use compatibility and adhering to City infrastructure level of service expectations, would be consistent with the above Objective.

2. Enhance or impede the provision of services at adopted LOS Standards.

Comprehensive Plan, the Future Land Use, Goal FLU1, Objective FLU1-7, PolicyFLU1-7.16(d)

Transportation:

As has been reported, the requested Transitional Residential (TR) designation will yield a density of 329 units. The applicant's TIA modeled the Enterprise Osteen east project is that is being developed with 331 units. At 331 units, the project would generate 3,124 trips or 9.43 trips per dwelling unit. With the accompanying application for the property just to the west, both projects, as represented by the applicant's TIA, will generate 5,425 trips on the City roadway network.

As represented by the applicant's Traffic Impact Analysis (**Exhibit 1**), the project will be served by two access driveways on Enterprise Osteen Road and one

access driveway on SR 415. The trips on Enterprise Osteen Rd. will be almost evenly split east and west. The eastbound trips utilize SR 415 to access shopping to the north (Super Walmart), the Howland Blvd. corridor or will be heading south on SR 415. Based on traffic distribution, SR 415 traffic will almost evenly split between north/south trips with a slightly higher percentage going south on SR 415. The southbound SR 415 trips are accessing the job market and various services in the greater Orlando area utilizing SR 415 as an eastern route to SR 46, SR 417 (Greeneway), and U.S. 17-92.

Westbound trips split at the intersection of Courtland Blvd. and Enterprise Osteen Rd. Only a limited amount of traffic as modeled will take Courtland Blvd. north. The majority of the westbound traffic will either go west on Lakeshore Blvd. or south on Reed Ellis Rd linking back to SR 415. The linking back to SR 415 utilizing Reed Ellis Rd seems somewhat counter intuitive. This directional flow probably represents a limitation of the model used to establish trip distribution. A logical expectation is that most of the southbound SR 415 trips will utilize the Enterprise Osteen Rd./SR 415 intersection.

Enterprise Osteen Rd is a County road/thoroughfare and is also designated a City thoroughfare. Currently, the segment of Enterprise Osteen Rd between Garfield Rd and Reed Ellis Rd carries 2,860 trips. The segment of Enterprise Osteen Rd. between Reed Ellis Rd. and SR 415 is traveled by 1,250 cars a day. Each Enterprise Osteen Rd. segment has a capacity of 10,220 trips per day. Also, there is plenty of capacity on SR 415 from Howland Blvd. to the Volusia/Seminole county line. SR 415 from Howland Blvd. to Enterprise Osteen Rd carries 19,800 cars a day. Based on roadway design and other factors, the subject segment has a maximum daily capacity of 39,500 trips. SR 415 from Enterprise Osteen Rd to the county line is traveled by 23,000 cars a day and has a maximum capacity of 65,800 trips per day.

Notwithstanding the fact there is adequate capacity on the City road network to support the project, the project traffic impacts will need to be offset by on site and off site traffic improvements. On site, improvements refer to design techniques including access management and subdivision design required to ensure the project will minimize impacts on the function of the roadway system. The on-site improvements will be detailed as part of the rezoning review associated with this Future Land Use Map amendment application. However, the improvements will include access management, including the installation of turn lanes on City/County/State thoroughfares/roads and strategically placed local road stub outs and possible pedestrian connections to adjacent property. The stub outs and connections intend to ensure there will be transportation linkages to other projects that will develop in the future.

Protecting City roadway capacity and related operations through the use of turn lanes, and other access management techniques 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 T1-3.1 The City of Deltona Transportation Element shall be coordinated with the Future Land Use Element and all other applicable elements to ensure compatibility between land use and the transportation system necessary to support it.

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.

OBJECTIVE T1-5 The City of Deltona shall consider the need for future traffic operation measures in the design of all major transportation system improvements.

The City hired Marlin Engineering to review the applicant's TIA. There was an observation made by Marlin Engineering about the lane widths on the segment of Enterprise Osteen Rd associated with the amendment request as being substandard – 10 foot travel lanes instead of the required 12 foot travel lane width. The 12 foot travel lane width, in most cases, is suitable for thoroughfare roadways, which tend to be designed and built to carry traffic at higher speeds; this is true of arterial thoroughfares. In the order of streets, there are collector facilities below arterials which do serve a thoroughfare function (carrying traffic between land use destinations or to larger arterial roads) but are designed to carry less traffic. Collectors may also have lower operating speeds and can reflect the character of an area in which they are located. In the case of Enterprise Osteen Rd., the roadway has been a connection between two longstanding communities predating the platting and development of what is now the City of Deltona. Also, the road traverses rural areas, and traffic volumes on Enterprise Osteen Rd. have been light because of the low density nature of the surrounding land uses. The annexation of land, including the amendment area, dating back to 2006, associated with the Enterprise Osteen corridor, was a harbinger of urban type growth and development. As the City expands in population, the development of existing and already incorporated land resources is rational. Now with urban development proposed for the amendment area and adjacent land, there is a realization the rural nature of the area is going to change. However, some of the rural vestiges incorporated into the design of Enterprise Osteen Rd. are not necessarily inconsistent with the trend of urbanization – more specifically, the 10 foot wide travel lanes on Enterprise Osteen Rd.

Concerns of speeding are common within the City. The longer the roadway straight of ways and the wider the travel lanes, the greater the tendency for traffic to travel at higher rates of speed. Therefore, the 10 foot wide travel lanes on Enterprise Osteen Rd. will tend to slow the flow of traffic notwithstanding observed/reported individual events of spirited driving. Slowing traffic through design is sometimes referred to as traffic calming. While an urban cross sectioned roadway may be generally preferable in urban areas, there are cases where rural, less than standard roadways will still function appropriately even when utilized to support urban traffic volumes.

Furthermore, the need for traffic calming on the subject segment of Enterprise Osteen Rd. is more acute because of the curves associated with the roadway grading north around the Little Lake waterbody. The geometry of Enterprise Osteen Rd. may not change in the foreseeable future, and slowing traffic through the maintenance of 10 foot wide travel lanes will improve safety in the area. However, there is anticipation the County will require a dedication of right of way to facilitate the eventual upgrade of the roadway width. The City, through a zoning entitlement, will support the dedication by the applicant.

There is a signal warranted at the intersection of SR 415 and Enterprise Osteen Rd. The particular intersection is associated with a high speed road – SR 415 and an off-set alignment with Railroad Av. located east across SR 415 from the terminus of Enterprise Osteen Rd. Also, the curvature of SR 415 at this intersection results in limited sight distances of which to judge the speed of oncoming traffic effectively. The result is that the SR 415/Enterprise Osteen intersection is a challenge to negotiate safely. Concerning a warrant, FDOT, the custodian of SR 415, supports the signal warrant. Marlin Engineering also recommends the Enterprise Osteen Rd, and SR 415 be treated with a signal. Therefore, with the scale and type of urban development proposed by this request suggests the subject intersection needs to be signalized. The mechanics and responsibility for the intersection improvements will be discussed in the associated rezoning request.

Water:

The Deltona Utilities central water system will serve the amendment area. The project at an anticipated build out of 329 units will consume approximately 98,700 or .098 million gallons of water per day (City LOS rate of 300 gallons per day per ERU). The City utility system is permitted through the St. Johns River Water Management District Consumptive Use process for 10.08 million gallons per day. Still, the City uses, on average, 5.71 million gallons per day.

POTABLE WATER CONSUMPTIVE USE ANALYSIS	MGD
Current year CUP allocation	10.08
Consumption in the previous calendar year	5.71
Projected consumption by proposed comprehensive plan amendment area	0.098
Amount available for all other future uses	5.61

Waste Water:

The City sanitary sewer system will serve the property. The requested density will result in the generation of 93,436 gallons of wastewater per day, using the City LOS standard for wastewater treatment (284 gallons per day, per ERU). The City

Eastern Water Reclamation plant would serve the project. The Eastern plant has a permitted treatment capacity is 1.0 million gallons per day, and currently, the City treats an average of 0.45 million gallons per day. The City has about 550,000 gallons of wastewater treatment capacity per day available and will be able to provide wastewater treatment for the requested density increase.

There is a capacity to support the project. However, there is currently no central water and sewer service to the amendment area. The City still adheres to the concept of concurrency – infrastructure should be available to support new development. Also, the amendment area is located within the City utility service area. Therefore, the City is the only provider for such services. The applicant's client has approached the City with a proposal for cost sharing to extend water and sewer lines to the amendment area. The utility extension would also include reclaimed water. The nearest suitable utility pipes are located along the Doyle Rd corridor about one mile north of the property. This lack of utility service creates a situation where the suitability of the property to support the urban development proposed may be in question. Concerning the lack of service, the following policies are applicable:

Policy I1-PW1.2 The City of Deltona shall require the installation of a centralized potable water distribution system for all development, in accordance with City land development regulations.

Policy I2-SS1.3 The City of Deltona shall require the installation of a centralized sewer collection and transmission system, and reclaimed water mains in accordance with City land development regulations.

The Comprehensive Plan and Future Land Use Maps are predicated on 20 year cycles and are subject to updates every seven (7) years. It is not unusual for land to be entitled to urban land uses with the expectation to realize the urban development program eventually. However, the entitlement allocation would suggest there would be viable capital plans initiated to facilitate services to the project. In the case of the amendment request, the capital planning is being discussed between the applicant and the City. The City is willing to engage in a limited level of cost sharing and contemplate utility impact fee credits, but the majority of the costs to extend utilities will be the responsibility of the developer.

The lack of utility service from a planning/Future Land Use standpoint may be acceptable in light of the planning timeframes mentioned. The challenge concerning the project is going to be addressing the lack of utility service matter in the context of an associated rezoning request. There will be a more detailed discussion as part of the rezoning request for the property.

Stormwater:

The project is required to design retention by following the design standards of the City of Deltona Land Development Code, Section 98-79. The City requires developments to meet the stormwater standards based on the 25 year storm event performance standards.

Schools:

According to the Volusia County School Board, there is adequate school workspace capacity to serve the amendment area at the 329 unit density maximum. For more information, see the determination from the Volusia County School District attached as **Exhibit 2**.

3. Be compatible with abutting and nearby land uses.

Comprehensive Plan, Future Land Use, Goal FLU1, Objective FLU1-7, PolicyFLU1-7.16(e)

The amendment area is located within an area of the City, along with surrounding unincorporated land, which is developed in rural and urban densities. Existing rural uses include agricultural/ranching and estate type homes on acreage oriented parcels located to the north. An existing use developed at urban capacity is the Kove Estates development located to the south of the amendment area. Kove Estates is an RV/mobile home park featuring a dense development pattern of mostly mobile homes with a golf course amenity. Kove Estates was created in the 1970s as an affordable retirement destination for seasonal residents and those traveling in motorhomes. During the '60s and 70's when land use and zoning controls were not well developed, it was not uncommon in Florida for mobile home/RV parks to be developed in rural areas. These mobile home/RV parks were attractive to active individuals wishing to enjoy a slow paced Florida lifestyle but did not mind driving to find goods, services, and entertainment.

The incorporated rural and agrarian areas near and abutting the amendment area were annexed into the City in the mid 2000s in the same era as the amendment area. The annexations into the City, a municipal and urban institution, portended future urban development and an extension of City infrastructure. Rural and agricultural uses near the amendment area, primarily associated with incorporated Deltona, represented a holding pattern in preparation for development. The Osteen JPA also expanded urban opportunity within the Osteen community. It essentially reinforced a notion that much of Osteen, especially areas located along and west of the SR 415 corridor, will be developed with urban uses over time.

A preponderance of already incorporated land in the vicinity of the amendment area, including the amendment area, and the Osteen JPA are indicators the area would transition from undeveloped or low intensity development (agriculture) to urban development. The amendment area represents an efficient use of land already within the City limits and will make use of existing infrastructure like wastewater treatment capacity and roadways. Also, the requested amendment is supported by a demonstrated need to support the expected population.

With regard to adjacent properties, when the amendment area is developed, there will be buffers required and building setbacks implemented to provide a level of separation. The exact widths and character of these buffers will be determined as part of a rezoning request associated with this land use amendment application. Buffers and separations to promote land use compatibility are consistent with the following policy:

Policy FLU1-7.14 The City of Deltona shall encourage compatibility through transitional uses and buffers for public and institutional uses located adjacent to existing and future residential neighborhoods.

As has been mentioned, the amendment area is located within the Osteen Joint Planning Area (JPA). In accordance with the following policy, the City has coordinated with County of Volusia regarding the proposal:

Policy FLU3-3.3 The City and the County shall continue to notify and work together, through both formal and informal processes, to ensure that land use plan amendments, zoning requests, and other land development activities that may be proposed within each respective jurisdiction are consistent with the Osteen Local Plan.

Consistent with the above policy the City did submit the proposed land use amendment package to the County for review. The County did review the amendment along with an associated amendment (Enterprise Osteen West – CP19-0002) and issued written comments. In general, the County comments attached as **Exhibit 3** illustrated concerns about density, compatibility with the rural community of Enterprise and urban sprawl. The City did formally respond to the County comments providing data and analysis the proposed density was compatible with the Osteen Local Plan and surrounding area, the amendment request would have minimal impacts on the Enterprise community, and the amendment proposal did not constitute urban sprawl. The City response to County comments is attached as **Exhibit 4**.

4. Enhance or degrade environmental resources.

Comprehensive Plan, Future Land Use, Goal FLU1, Objective FLU1-7, PolicyFLU1-7.16(f)

Environmental resources are discussed in the “Natural Resources” section of this report. The character of the land including wetlands and listed species are discussed in detail.

Soils:

The soil associated with the amendment area range from well drained to hydric, and soils are mapped on a graphic as part of the attached map series. Sandy and well-drained soil types include Apopka Fine Sand, Astatula Fine Sand, Daytona Fine Sand, Orsino Fine Sand, and Paola Fine Sand. These soil types are suitable for urban development and correspond with the upland/sand pine and pine/xeric oak mix vegetative communities on the amendment area. Poorly drained soils include Cassia Fine Sand, Immokalee Sand, and Myakka Fine Sand. These soils are located near wetlands and support pine Flatwoods – slash pine and palmetto. Hydric soils correspond to wetland areas and include Myakka-St. Johns Complex, Placid Fine Sand, Depressional and Tomoka Muck. Hydric soils are associated with wetland areas that are not conducive to supporting urban development and will be protected by directing development and improvement away from such areas. Directing growth and development away from the hydric soil areas is consistent with the following provision:

OBJECTIVE CON2-WR4 To minimize, and eliminate impacts to ecological communities, which degrade their natural physical and biological function as a result of land development activities.

IV. Conclusion/Recommendation:

The request represents a reduction of density and intensity to a more traditional residential oriented land use designation – Transitional Residential. Also, the property has been part of the City inventory of vacant resources for over 14 years. There have been significant planning initiatives (Osteen JPA), and there have been major infrastructure investments in the area, including the City Eastern Wastewater Reclamation Plant and a four (4) lane improvement to SR 415. From a market standpoint, the SR 415 corridor, while historically being perceived as a rural highway, now provides access to Lake Mary Blvd. and SR 417 (Greenway). These improvements have promoted the eastward expansion of urban development along the SR 46 and Celery Av. corridors to SR 415 in nearby Seminole County. Within the City proper, development like Fernanda Place and other recently approved projects are being vertically developed with homes or are being positioned for development. This trend of development is supported by expected growth, as illustrated in the population projections supporting the City planning program and related land use allocation. There is a demonstrated need for the change to a more traditional residential specific land use category.

The property is associated with environmental resources, including wetlands, open water, and wildlife habitat (bald eagle). However, the City has an extensive body of environmental provisions and regulations to facilitate development in a manner that is sensitive to ecological resources. Examples include comprehensive wetland regulations where avoidance of wetland impacts is a prime goal of the ordinance and land development goals intended to cluster density away from environmental features while facilitating corridor connections to enhance functionality.

Finally, the City Comprehensive Plan is a 20 year plan. There is recognition that not all infrastructure is concurrent – central water and sewer lines to serve the site have not yet been extended to the amendment area. However, the planning horizon and actions to bring central services to the site indicate from a planning perspective the lack of immediate utility infrastructure did not keep the amendment area from being designated with urban land use designations under the County Comprehensive Plan and the Osteen Joint Planning Area. There is recognition water and sewer will be needed, and the actual terms of central service provision can be addressed as part of a rezoning request with specific construction details occurring during the platting process.

Staff recommends the Future Land Use Map amendment from Osteen JPA Osteen Commercial Village and Mixed Use Village to Osteen JPA Transitional Residential be approved by the City and transmitted to the Volusia Growth Management Commission and the State Florida Department of Economic Opportunity.

Attachments:
Maps Series

- Exhibit 1. Transportation Impact Analysis (TIA)
- Exhibit 2. Volusia County School Board - School Capacity Determination
- Exhibit 3. Volusia County Review Comments dated 6/16/2020
- Exhibit 4. City of Deltona Response to Volusia County Comments dated 6/16/2020