



# Staff Report

**To:** Planning and Zoning Board  
**From:** Ron Paradise, Director, Planning and Development Services  
**Date:** July 23, 2020  
**Re:** Project No. CP19-0002. – Ordinance No. 05-2020 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 West

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## 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 +/-95.34 acre parcel from Volusia County Rural (Density Range: one (1) unit per acre to one (1) unit per ten (10) acres) to City Low Density Residential (LDR) (0-6 dwelling units per acre).

### A. SITE INFORMATION:

1. **Tax Parcel No.:** 9113-00-00-0200 and 9113-00-00-0201
2. **Property Address:** Enterprise Osteen Road
3. **Property Acreage:** +/-95.34 acres
4. **Property Location:** Located off of Enterprise Osteen Rd west of SR 415 situated in the southeastern section of the City near the community of Osteen.
5. **Property Legal Description:** The west 7.5 chains of the southeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  and the west  $\frac{1}{2}$  of the northwest  $\frac{1}{4}$  of Section 13, Township 19 south, Range 31 east lying south of Enterprise Osteen Rd.

### 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 Rd. corridor. Land is mostly unincorporated County.

**South:** Undeveloped land in a natural condition. The property also abuts at the southeast corner a rural subdivision with a series of five (5) acre lots accessed off of SR 415 by an unpaved private easement named Rabbit Run.

**East:** Open water associated with a lake known locally as Little Lake.

**West:** Unincorporated Volusia County featuring a series of ten (10) acre lots fronting on Enterprise Osteen Rd. mostly used for residential purposes and animal husbandry uses. The amendment area also abuts a larger property on the west incorporated into the City of Deltona engaged in cattle ranching.

## **C. Future Land Use Designation**

### **1. Subject Property:**

**Existing:** County Rural (R)

The County R Land Use designation is a non-urban category which is intended to serve as a transition between agricultural and other resource areas and urban uses. Rural areas are typically used for agricultural activities and/or acreage oriented subdivisions and related bucolic living arrangements. The preferred density within the Rural land use designation is one (1) unit per five (5) acres. In some cases a density of one unit per ten (10) acres may be applied to be consistent with existing zoning applied to an area. However, the Rural designation may allow, in certain circumstances, density as high as one unit per acre. The ability to realize lot sizes below five acres is predicated on adjacency parameters and other criteria including the natural condition of the property. In the case of adjacency, smaller lots than five (5) acres may be allowed if they are within 660 feet of an urban land use category or an incorporated area. Also, the County Comprehensive Plan establishes a base density for wetlands as one (1) unit per ten (10) acres and a density of zero units per acre for open waterbodies. In the case of the amendment area, the property would be eligible for a density allocation as outlined in the below table:

Area Description	Total Size	Eligible Density	Open Water 0 Units per Acre	Area Outside Open Water	Wetland Acreage (Not open water) One Unit per 10 acres	Area Outside Open Water and Wetlands	Total Units
North 660' of the amendment area	20 acres	One unit per acre	4.5 acres	15.5 acres	0 acres	15.5 acres	15.5
The East 660' of the South 620' of the North 1275' of the amendment area	9.39 acres	One unit per acre	0.71 acre	8.7 acres	0 acres	8.7 acres	8.7
Balance of Amendment Area	65.95 acres	One unit per 5 acres	14.29 acres	51.66 acres	3.72 acres	47.94	9.96
					Total Units = 34		

**Requested:** City Low Density Residential (LDR)

**+/-**95.34 acres is proposed to be designated with the LDR category. The LDR designation is an urban land use category that allows residential uses, typically at a suburban scale, such as dwellings on individual lots. The LDR has a density range of 0 to 6 units per acre. Platted residential subdivisions like the Deltona Lakes Mackle Brothers creation or more modern master planned neighborhoods can be designated as LDR. The gross density of the property with the requested LDR category is described in the following table. Please note: as per the City Comprehensive Plan, wetland areas are figured at the same density rate as the land use designation and open water is not counted for density purposes. Finally, gross density will always be greater than net density. There is anticipation a rezoning request associated with this Future Land Use amendment is for 226 units.

<b>Amendment Area Total Size</b>	<b>LDR Density Range</b>	<b>Open Water</b>	<b>Maximum Gross Density</b>
95.34 acres	0-6 DU per acre	19.5 acres = 0 units	455 units @ 6 units per acre

## **2. 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:** Agricultural Resource designated on incorporated land and unincorporated land is designated as Rural

**East:** Open water associated with Little Lake.

**West:** County Agricultural Resource. The Agricultural Resource designation density is one unit per 10 acres.

## **D. Zoning:**

### **1. Subject Property:**

**Existing:** County Prime Agriculture (A-1) (One unit per 10 acres)

**Requested:** The applicant has filed a rezoning application to run coeval with this application requesting a rezoning from A-1 to Residential Planned Unit Development (RPUD).

### **2. Adjacent Properties**

**North:** Volusia County zoning classifications - Rural Residential (RR) (One unit per one acre) and A-2 (One unit per 5 acres)

**South:** Prime Agriculture (A-1) (County zoning but located within the City of Deltona)

**East:** Open Water

**West:** Prime Agriculture (A-1) (Both unincorporated Volusia County and City of Deltona)

## **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.

## **II. Authority and Procedure**

The authority for City staff making recommendations to the City Commission regarding applications and proposals for Comprehensive Plan amendments is set forth 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.

Comprehensive Plan Amendments are enacted by adoption of an ordinance by the City Commission.

### **III. Review Criteria**

The City must consider the criteria specified in Future Land Use Policy FLU1-1.14 of the Comprehensive Plan, other provisions of the Comprehensive Plan and Florida Statutes Section 163.3177 when making a determination on 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, in accordance with Section 110-1201.

### **IV. 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 east consists mostly of open water associated with Little Lake. Beyond the open water of Little Lake the applicant owns ±142.6 acres of land also under review under a separate application for a land use change. Even though these properties are separated by a waterbody there is anticipation 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 majority of the amendment area (85.34 acres) was annexed into the City in 2006 along with other land in the area including the property to the east. While the property was annexed into the City, the County land use and zoning were never changed. In 2019 an adjacent 10 acres was annexed into the City. The amendment area has remained vacant and undeveloped within the jurisdiction of the City for 14 years.

#### **Natural Resources:**

The amendment area is located 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 situated 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 northern section of the amendment area is vegetated by a pine and xeric oak community. This area can be described as a mixture of sand pine, long leaf pine and sand live oaks. Other vegetation includes rusty lyonia and saw palmetto. Towards the Little Lake littoral, the upland area transitions to a pine flatwood area consisting of slash pines and a traditional palmetto understory.

Continuing south the pine/oak mix grades to a sand pine forest. The overstory is almost exclusively comprised of sand pine. Scrub palmetto and myrtle oak are established in the understory.

Approximately 23.2 acres of the amendment area can be considered wetland. Of the wetland area about 19.5 acres can be considered open water. The wetlands are either palustrine or lacustrine systems.

The palustrine systems can be characterized by isolated herbaceous wetlands. Vegetation in these areas is mostly maiden cane, yellow eyed grass, etc. Along the edges, slash and pond pine have become established during periods of low water. The lacustrine wetlands are either open water or are comprised of a herbaceous margin of emergent plants. Herbaceous vegetation includes maiden cane, St. Johns wort, hair grass, etc. Sundew, a carnivorous plant, can also be found in these areas. Through the years, pines have become established in the wetland areas and during low water times. During high water the pines will often die leaving stumps and snags.

Wetlands are regulated by City, County, Regional, State and the Federal governments with the intent of affording a high level of safeguard to this important and environmentally sensitive resource. While there is an intent to increase the density on the property to facilitate urban development, 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. 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 further protect wetland function.

The protection of wetlands including affording 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 topography is flat to gently rolling.

About 46 acres of the amendment area is located within the 100 year floodplain. (Approximately 13 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 policy holders with lower premiums in recognition of the City implementing policies and regulations intended to direct investment and development away from floodplain areas. The intent of City regulations is to protect floodplain function as much as possible by keeping floodplain areas in situ. Basically, a prime method to implement the goal of protecting 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 and 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 habitat for larger mammals such as bobcats, foxes and black bears.

Eagle nest Vo010 is located adjacent to the amendment area. While not technically on the amendment area the eagle nest is situated in close proximity. Vo010 is active and the nest is established within a dead pine located within the wetland margin of Little Lake about 300 feet east of the property. 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 is located within the 600 foot secondary zone. Most the 600 foot secondary zone is environmentally constrained (wetland/open water) and will not be developed. Therefore, it is unlikely the presence of Vo010 will create any development challenges to utilizing the upland area of the property. However, any potential development occurring within the secondary zone will 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 to 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 to not 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 in 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 +/-95.34 acres and is not developed. The proposed amendment limits land use options to Low Density Residential (0-6 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.

#### **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, PolicyFLU1-7.16(a)***

+/-85.34 acres amendment area has been included within the jurisdictional limits of the City of Deltona since November of 2005; an additional ten (10) abutting acres was annexed in 2018. Shortly after the 2005 annexation, there was an attempt to change the Future Land Use on the property and other lands in the vicinity to allow urban development but that effort was not successful. Through the years there have been planning efforts and infrastructure improvements which have made the property well positioned for urban development. The attempt in 2006 to entitle the property for urban uses was ahead of the market and not supported by infrastructure availability. Basically, at the time there was no demonstrated need in the local real estate market for more housing. In addition,

water and sewer service was unavailable. Fifteen years later 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 are 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 – 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 east 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 are illustrated in the following table:

<b>Project Name</b>	<b>Total Number of Units</b>	<b>Status</b>
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, after all 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. In addition, the applicant owns more land situated east of Little Lake which is also under review by the City. This property is proposed for another 323 units. Both amendment area and sister project will total 549 residential units.

There is recognition the original Deltona Lakes plat and other older plats still have vacant lots available for development. In fact, a good portion of the residential permits processed in the last number of years within the City have been issued for these lots that in some cases have been platted since the 1960's. 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 in coming population is very limited. 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 who 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 City totals 2,824 as of January of 2020. When taking into account environmental constraints and the fact that some of these lots are not even zoned for residential uses, the number of lots is reduced to 2,444. For the purpose of 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 a 10 year period. 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 10 year population. The residential carrying capacity and related needs are articulated in the following table:

<b>Recently or Soon to be Entitled Projects</b>	<b>Existing Lots</b>	<b>10-Year Population Increase</b>	<b>Residential Lot/Unit Need at 3 Persons Per Household</b>	<b>Total Residential Lots/Units Available</b>	<b>Unit Deficit</b>
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 as 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. However, State law now requires that a local government allocate enough land to support the median population level articulated by certain 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 sometimes referred to as a market cushion.

As has been stated, the existing residential lots within the City do and will continue to support population migrating to the City. However, the existing lot inventory cannot be relied upon to steadily support incoming population. Therefore, from a planning standpoint the individual approved lot inventory and related development potential within the Deltona Lakes plat and other existing plats represents 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, Policy FLU1-7.16(d)*

### **Transportation:**

The project with 226 units is forecast to generate 2,194 trips. With the accompanying application for property just to the east, both projects will generate 5,425 trips on the City roadway network. As represented by the applicant's Traffic Impact Analysis (**Exhibit 1**), traffic will enter and exit the project utilizing Enterprise Osteen Rd. The trips on Enterprise Osteen Rd. will be almost evenly split east and west. The east bound 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 be almost evenly split between north/south trips with a slightly greater 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 (Greenway) and U.S. 17-92.

West bound 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 west bound 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 model used to establish trip distribution. A logical expectation is 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 refers to design techniques including access management and subdivision design needed to ensure the

project will minimize impacts to the function of the roadway system. The on-site improvements will be detailed as part of the rezoning review accompanying 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 to adjacent property. The intent of the stub outs is to ensure there will be connections 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. In addition, 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. However, 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, development of existing, 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 straight of way 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. Basically, 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 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. In addition, the curvature of SR 415 at this intersection results in limited sight distances of which to judge the speed of oncoming traffic. The result is the SR 415/Enterprise Osteen intersection is a challenge to safely negotiate. With regard to a warrant, FDOT, the custodian of SR 415, supports the signal warrant. In addition, Marlin Engineering 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 be needs to be signalized. The mechanics and responsibility for the intersection improvements will be discussed in the accompanying rezoning request.

#### **Water:**

The amendment area will be served by the Deltona Utilities central water system. The project at anticipated build out of 226 units will consume approximately 67,800 or .068 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 but the City uses on average 5.71 million gallons per day.

<b>POTABLE WATER CONSUMPTIVE USE ANALYSIS</b>	<b>MGD</b>
Current year CUP allocation	10.08
Consumption in the previous calendar year	5.71
Projected consumption by proposed comprehensive plan amendment area	0.068
Amount available for all other future uses	4.31

### **Waste Water:**

The property will be served by the City sanitary sewer system. The requested density will result in the generation of 64,184 gallons of waste water per day, using the City LOS standard for wastewater treatment (284 gallons per day, per ERU). The project would be served by the City Eastern Water Reclamation plant. 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 capacity to support the project. However, there is currently not 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. In addition, 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. While there has been some initial discussions between the applicant's client and the City, there has been no resolution or agreement as to how the utility extensions will be funded and accomplished. This lack of utility service creates a situation where the suitability of the property to support the urban development proposed may be in question. With regard to 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 with urban land uses with the expectation to eventually realize the urban development program. However, the entitlement allocation would suggest there would be viable capital plans initiated to facilitate services to the project. In



the case of amendment request, the capital planning is very tentative with no acceptable financing determined or decided. 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 with regard to the project is going to be addressing the lack of utility service matter in light of the 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 226 unit density requested. 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 has been rural in nature. Existing uses include agricultural/ranching and estate type homes on acreage oriented parcels. A notable exception is the Kove Estates development located to the south and east of the amendment area across Little Lake. Kove Estates is a RV/mobile home park featuring a dense development pattern of mostly mobile homes. Kove Estates was created in the 1970's as an affordable retirement destination for seasonal residents and those travelling in motorhomes. During the 60's 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 2000's 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. Basically, the rural and agricultural uses near the amendment area, especially associated with incorporated Deltona, represented a holding pattern in preparation for development.

A preponderance of already incorporated land in the vicinity of the amendment area, including the amendment area, is an indicator 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 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 is 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, this amendment request is associated with a nearby Future Land Use Map amendment application CP20-0024 (Enterprise Osteen East). CP20-0024 is located within the Osteen Joint Planning Area (JPA) but the subject amendment area (CP19-0002) is not located within the JPA. In accordance with applicable Comprehensive Plan policy, the City is obligated to coordinate with the County of Volusia regarding land use proposals within the JPA. Since there is an affiliation between this amendment request and the nearby amendment application, and in the spirit of intergovernmental coordination, the City did submit both amendment applications to the County for review. The submittal of amendment package CP19-0002 to the County for review is consistent with the following objective:

*OBJECTIVE IC1-1 The City of Deltona shall coordinate with adjacent cities, counties, federal, state and regional agencies, and other governmental agencies, via effective formal and informal coordination mechanisms. This will ensure consistency in planning related matters. The formal and informal mechanisms shall include membership in appropriate area-wide organizations, inter-agency staff communication and other methods as deemed appropriate.*

The County did review the amendment along with an associated amendment (Enterprise Osteen East – CP20-0024) 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*, Policy *FLU1-7.16(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. The 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, and Daytona 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 support pine flatwoods – slash pine and palmetto. Hydric soils correspond to wetland areas and include: Myakka-St. Johns Complex and Pomona-St. Johns Complex. Hydric soils are typically associated with wetland areas 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.*

#### **V. Conclusion/Recommendation:**

The property has been part of the City inventory of vacant resources for over 15 years. In the interim 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 has been 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 within the eastern sector of the City are being vertically developed with homes or are being positioned for development. This trend of development is certainly supported by expected growth as illustrated in the population projections supporting the City planning program and related land use allocation. Basically, there is a demonstrated need for the change of Future Land Use from a County non-urban land use of Rural to the City Low Density Residential designation.

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 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 Low Density Residential (LDR) category is appropriate. The actual terms of central service provision can be addressed as part of a rezoning request with specific construction details occurring during the plat process.

With the above being stated, staff recommends the Future Land Use Map amendment from County Rural to City Low Density Residential be approved by the City and transmitted to the Volusia Growth Management Commission and the State of 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