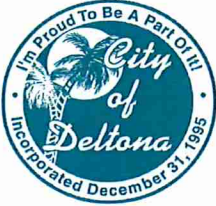


EXHIBIT 4



City of Deltona

July 22, 2020

Mr. Clay Ervin, Director
Volusia County Growth and Resource Management
123 W. Indiana Avenue
Deland, FL 32720

SUBJECT: City of Deltona Projects No. CP20-0024 & CP19-0002
Response to Volusia County Comments dated June 16, 2020

Dear Mr. Ervin:

The following are the City responses to the June 16, 2020, Volusia County staff review comments:

CP20-0024

- 1. The county staff acknowledges that the proposed amendment will result in a net reduction in the overall density and intensity of development on this parcel. The concern is that the land use amendment results in a residential project without the commercial uses typically associated with a neo-traditional land use pattern. Please clarify how the City will address the appropriate mix of non-residential uses in order to be consistent with Policy 1.1.9.*

Response: The County policy from the Osteen Local plan cited as Policy Ost 1.1.9 also appears within the City of Deltona Osteen Local plan as FLU3-1.10. Despite the nomenclatural differences, the language of both provisions are identical. The policy represents a commitment to ensure the intensity and density standards of the Osteen Local Plan land use structure are implemented. However, the subject policy does not prohibit Future Land Use Map amendments.

As with any plan, the Osteen Local Plan is a dynamic document and must change to reflect changing times and community expectations. The proposed change from Osteen Commercial Village and Osteen Mixed Use Village to Transitional Residential, processed/reviewed as a Comprehensive Plan amendment, is an appropriate method of which to help ensure the Osteen Local Plan does not become stale. Under the proposed Transitional Residential (TR) designation, the maximum density of four (4) units per acre with a maximum density of one unit per ten (10) acres for wetlands will not be exceeded. To clearly demonstrate the density range of the proposed Transitional Residential category is implemented, City staff has proposed the inclusion of language within the City Future Land Use element to cap the density to 329 units – below the 4 unit per acre maximum density of the Transitional Residential designation.

The development pattern facilitated by the Transitional Residential land use category does not represent a “neo-traditional” pattern. However, there are almost 11 acres of

Osteen Commercial Village (OCV) maintained along the SR 415 corridor. The Transitional Residential neighborhood will be connected to this area through the use of both vehicular and pedestrian access points. The goal will be a residential neighborhood and commercial node where multi-modal travel opportunities are facilitated to create a more fully integrated development landscape with a mixture of land uses.

CP19-0002

"This amendment results in a significant increase in development within an area designated for rural uses. Please clarify how the proposed amendment will not have an impact to the existing rural areas east of Little Lake. The concern is with the increased density and ability to protect the Enterprise Community."

Response: CP19-002 involves approximately 95 acres of land. Included within the 95 acres is a 10 acre tract annexed into the City in 2019. As part of the annexation process, the City did coordinate with the County and the City did indicate the purpose and intent of the annexation was to combine the property with other abutting and adjacent land owned/controlled by a common owner with the goal of developing the property under a unified master plan. The property is designated as Rural on the County Future Land Use Map. The majority of the 95 acres has been included within the incorporated limits of the City of Deltona since 2006. While the Land Use designation was not changed, the municipal annexation event was a harbinger of more intensive uses typically associated with urban institutions like the City of Deltona.

Enterprise is a historic and lower density community located generally along the north shore of Lake Monroe. In 2000 the County defined the limits of the Community of Enterprise. The eastern boundary of Enterprise is located a little less than 0.50 mile from the western extent of the amendment area. Much of the eastern boundary of Enterprise abuts land already planned, platted, and otherwise developed at an urban capacity situated within the City of Deltona. Basically, the community of Enterprise and Deltona abut along the eastern terminus of Enterprise. However, in this area, there are no significant transitions afforded and notwithstanding limited transitions associated with the City development pattern and the more bucolic nature of Enterprise, the low density character of Enterprise has not been deleteriously impacted. Therefore, the fact CP19-002 is geographically removed from the Enterprise area, and the coexistence of Enterprise and Deltona along the eastern Enterprise boundary indicates the requested amendment will have no impact on Enterprise.

The increase of density with regard to CP19-002 has been noted. However, CP19-002 is essentially tied to a related application referred to as CP20-0024. The City could have processed both applications as one case. However, CP20-0024 involves land located within the Osteen Local Area Plan. In light of the different planning parameters and the fact both amendment areas are separated by a small open water feature (Little Lake), the Future Land Use changes proposed were split up into two applications. When both applications are examined in totality, there is a significant reduction in land use intensity and density. These intensity and density dynamics have been well documented within the City staff analysis. In

addition, with regard to CP19-002, there is not an intent to attempt to realize the entire theoretical gross density, which would be allowed under the requested City Low Density Residential. To limit density on the amendment area, City staff will include as part of the Future Land Use Map amendment a text change to the City Future Land Use Element to cap the density on the land covered by CP19-002 to 226 units.

Traffic and related transportation activity are typically used as a yardstick to gauge the impact of new development on existing neighborhoods or communities. Development is associated with traffic generation, and both Future Land Use Map amendment requests will influence traffic movement in the area. As has been stated, the cumulative traffic impacts will be less than if the related property (CP20-0024) was developed under the existing Osteen Commercial Village and the Osteen Mixed Use Village Center land use designations. With regard to traffic, the following actions will be utilized to mitigate traffic impacts in the area, including Enterprise:

- 1) Limitation of density on both the CP19-002 and CP20-0024 amendment areas to 226 and 329 units.
- 2) A traffic signal will be required at the intersection of SR 415 and Enterprise Osteen Rd. This signal will make turning movements safe and predictable. A signalized intersection will encourage greater use of SR 415 by shifting some of the westward bound C19-002 and CP20-0024 Enterprise Osteen Rd. traffic attempting to access points to the north to SR 415.
- 3) As part of the Residential Planned Unit Development (RPUD) process, both projects will be required to provide transportation connections to vacant land not currently proposed for development. These connections, best described as roadway/pedestrian stub-outs will facilitate greater interconnectivity for improved interaction while minimizing the reliance on the County thoroughfare street network.
- 4) Enterprise Osteen Rd. is a designated County thoroughfare, and with the municipal limits, the roadway is also considered a City thoroughfare. Thoroughfare roads are intended to provide regional connections within the County/City, often featuring higher traffic volumes and higher speed limits. Thoroughfare designated roads are not constructed to typical standards and sometimes extend through areas that are not yet developed at an urban scale. The segment of Enterprise Osteen Rd. associated with both amendment areas is a good example. The road is a rural cross sectioned two lane facility with travel lanes less than the preferred 12 foot width. The local geometry of the road is also not ideal for a traditional thoroughfare. However, the current ten (10) foot travel lanes and non-urban cross sections provide a de facto traffic calming function. In addition, the City in light of the two amendment applications has no plans to change the cross section of Enterprise Osteen Rd. The end result will be a rural cross sectioned road which will protect the rural elements near the amendment area. The substandard nature of the road will discourage the use

of the road for drivers needing to efficiently and quickly reach a destination. Also, speeding will be discouraged on certain County thoroughfares through Enterprise (Enterprise Osteen Rd. and Lakeshore Dr.) by not changing the design or character of Enterprise Osteen Rd. near the amendment areas.

1. *Establish a parcel specific limitation on the amount of development that may occur on this property consistent with the proposed PUD.*

Response: The City is prepared to append to its Future Land Use Element with language articulating a density cap for each amendment area. The density shall be capped on CP19-002 at 226 units. The density on CP20-0024 shall be capped at 329 units.

2. *Clarify if the boundary of the Osteen Local Plan area needs to be expanded to incorporate the subject property.*

Response: The boundary of the Osteen Local Plan does not need to be expanded to include all or a portion of amendment area CP19-002. Both projects are going to be processed as Residential Planned Unit Developments (RPUD) which will be associated with a high level of customized planning and design. The RPUD is a requirement for all projects proposed within the Osteen Local Plan area. In addition, since the City is required to coordinate with the County with regard to projects within the Osteen Joint Planning area, the City will afford the County the ability to review both RPUD rezoning applications before they advance to the public hearing process.

3. *The staff report states that future population projections are not met by current and projected lot inventories, which implies that only single family lots are deemed suitable to accommodate future populations. However, the sister amendment contemplates a reduction in allowable density from 380 dwelling units to 329 units. Please expand the analysis of how the proposed amendment does not create urban sprawl. The analysis needs to reflect that the intensified residential development will be assimilated into the supportive land uses within the Osteen Local Plan.*

Response: The question of urban sprawl has been broached. The classic test with regard to the determination of urban sprawl are the Florida Statutes indicators of urban sprawl. The indicators are contained within Chapter 163 F.S. and are articulated and reviewed below:

- (I) *Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.*

The total acreage of both amendment areas is 225.42 acres. The City of Deltona is over 41 square miles in size. Therefore, both amendment areas do not represent a substantial area of the City of Deltona. The development type envisioned for the amendment areas is residential with detached dwellings on individual lots. However,

lot sizes will vary in size and some of the lot sizes will be as small as 4,800 square feet. While the detached dwelling format is the product envisioned for these projects, the varying lot sizes with lots ranging in size from about a maximum of 15,000 square feet to as low as 4,800 square feet constitutes a high density, detached residential single family development pattern for west Volusia standards. In addition, much of the County unincorporated land located outside of the Osteen JPA, west of SR 415 is designated on the Future Land Use Map as Urban Low Intensity (ULI). The density range of the ULI category is 0.2 to 4 dwelling units per acre – almost identical to the density maximum of the requested Transitional Residential designation (Max density: 4 dwelling units per acre) and City Low Density Residential (0 to 6 dwelling units per acre). Therefore, single use development patterns are not promoted by the requested amendments but instead are compatible with current and long established County Future Land Use planning.

- (II) *Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*

The Osteen Local Plan land area near the SR 415 corridor is earmarked for relatively high intensity urban type uses. The mixture of uses and design parameters of these land use types (Osteen Commercial Village, Osteen Mixed Use Village) invoke images of mixed downtown development patterns with street facing commercial uses, work/live units, rear parking, multifamily options, etc. Existing development in the area while having some rural elements like single family dwellings on rural sized lots, does also include medium density development in the form of the Kove Estates RV/mobile home park. Kove Estates, located just to the south of the amendment area referred to as CP20-0024, is a mobile home park with amenities such as a nine-hole golf course and a clubhouse. This project featuring 278 units at a density of over four (4) dwelling units per acre, has been in existence for many years before contemporary planning and zoning regulations and represents the southern-most extent of urban type density along the SR 415 corridor within Volusia County. Finally, vacant land located to the south of both amendment areas not included within the Kove Estates mobile home park will not be developed. Approximately 400 acre tract known locally as the “D Ranch.” “D Ranch” has been recently transferred to a private land conservation trust where development is restricted into perpetuity. Land located south of the “D Ranch” property, south of

Reed Ellis Road, is owned and managed by the St. Johns River Water Management District for natural resource preservation and passive recreational purposes. Basically, the amendment areas are located in an area of existing urban development and represent the general southern extent of land available for development along the west side of the SR 415 corridor.

(III) *Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.*

As has been stated, the two amendment areas are not isolated physically from existing urban development (Kove Estates) or planned urban development (Osteen Local Plan designations along the SR 415 corridor and County Urban Low Intensity designated land). In light of existing and planned urban development, the amendment areas at the density proposed, are not isolated nor represent radial or isolated urban development patterns.

(IV) *Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.*

The amendment areas are associated with natural resources. However, both sites have adequate land suitable (upland, well drained soils, non-100 year floodplain acreage) for development. Environmentally sensitive areas including, wetlands, waterbodies, and flood prone acreage will be afforded a high level of protection through the City rezoning/land development process. For example, improvements, including lot creation, will be directed away from wetlands and floodplains through the rezoning and land development review process. Tools to safeguard such resources include City wetland regulations that require wetland impact avoidance, impact minimization, and, as a last resort, wetland mitigation to protect wetlands. With regard to floodplain protection, the City is a Community Rating System certified community and limiting lot creation within areas of the 100 year floodplain in a manner that results in fill or alteration of natural floodplain function is a City and CRS goal. The projects will be designed to direct as much development and investment away from floodplain and wetland areas as possible.

- (V) *Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.*

Both amendment areas are being taxed at an agricultural rate for timber purposes. However, the property is not located within an area of significant commercial forestry operations. Viable silvicultural operations represent the economy of scales, which include large tracts (typically over 1,000 acres) of land needed for rotational harvesting and other related land management activities. Portions of both amendment areas have been harvested within the last 20 years. Currently, most of the timber is of questionable merchantable value based on timber type (sand pine) and age (less than 20 years). At one time in the past, revenue was generated from the sale of trees. Currently, the property, while taxed at a timber rate does not represent an actively managed forestry operation nor are the amendment areas located in an area where land is managed actively for large scale agriculture or silviculture. Therefore, the property would not be considered a prime agricultural resource.

- (VI) *Fails to maximize use of existing public facilities and services.*

The City in 2015 constructed a new wastewater treatment plant within Osteen situated about 1.5 miles to the north of the amendment areas. As part of the sewer plant construction, the City also extended utility lines down the SR 415 corridor. The utility lines are installed down the SR 415 corridor to the intersection of SR 415 and Doyle Rd., located approximately 0.5 mile north of the two amendment areas. The City is going to approve cost share agreement where the City will pay for water/sewer upsizing needed to service planned and existing urban development along the SR 415 corridor south of Doyle Rd. The two projects will maximize existing City infrastructure, including the new eastern wastewater plant. Increased flows to the plant will make the plant operate more efficiently by more fully utilizing existing staffing resources and treatment hardware.

- (VII) *Fails to maximize use of future public facilities and services.*

The two amendment areas are associated with a cost share agreement to extend utility service south down the SR 415 corridor. The City will be paying to up-size the infrastructure. The utility extension will create a condition where utility service will be available to support the urban land use expectations (Osteen Commercial Village, etc.) of the Osteen Local Plan and other urban uses along

and westward of the SR 415 corridor. Therefore, the maximization of future public facilities will be a component of the requested land use amendments.

(VIII) *Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.*

The land use amendments do not represent an inefficient development pattern. Services and infrastructure exist or will be provided to the property in a cost effective manner that makes efficient use of existing public investments. An example is a cost sharing agreement, which will result in extended City utilities. The extension of utilities where the public investment is minimized will generate more flow to maximize City investment in the Eastern Wastewater Reclamation plant. As has been mentioned, the amendment areas are not remote. The properties are located near existing (Kove Estates) and planned urban development (Osteen Local Plan designations).

(IX) *Fails to provide a clear separation between rural and urban uses.*

Urban type of development within the Osteen area has traditionally associated with the SR 415 corridor. Over the years, retail and service uses have developed along SR 415. Some of these uses like convenience stores have developed to serve the traveling public. In some cases, retail uses like auto repair or specialty retail (small box discount store) are feasible because of the close market proximity with Deltona. Some uses like a County barn, houses of worship, and niche retail activities have been long time operations within the Osteen community. However, within Osteen along SR 415, there are rural types of landscapes, including open/pasture areas, hobby farms, nursery, and vacant land. There is no real clear distinction between rural/agricultural and more urban oriented uses. The amendment areas are located amongst this mixture of landscapes oriented to the SR 415 corridor. Therefore, the proposed amendments do not represent an extension of urban uses into rural areas and maintain a separation between the diverse land uses along the SR 415 corridor in the Osteen community and more traditional environmental and open space areas.

(X) *Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.*

Both amendment areas have been incorporated within the City of Deltona for about 15 years. Suitable areas of the property have always been considered part of the City vacant land resources needed to support projected population. The development of existing vacant land areas within the City has created an orderly and efficient use of already available incorporated land. The City considers annexation as a tool to achieve economic development goals and to accommodate future population needs. However, the careful use of existing incorporated land has allowed the City to undertake a methodical and strategic approach to growth management, which has not involved the active and extensive annexation of unincorporated land. This strategic approach of using existing land areas to accommodate population growth – population supported by the actual influx of new residents to the City and by population projections promulgated by accepted means (Shimberg Center for Housing) – represents infill development. A good amount of the residential growth within the City is occurring on already platted lots within the Deltona Lakes subdivision which is also an example of infill development. This trend has been established for about five (5) years and new residential projects within the City have not altered the aforementioned infill trend.

(XI) *Fails to encourage a functional mix of uses.*

The amendment areas are going to be developed with residential uses. Many of the lot sizes will be smaller (4,800 square feet) than what is traditionally part of the Deltona Lakes subdivision (10,000 square feet). While the projects will be residentially oriented, the growth in the vicinity of SR 415 will create a market for non-residential development within the planned Osteen Commercial Village (OCV) and Tech Center (TC). These land use designations have been in place since 2008, but there has been very little market interest in developing the type of downtown/neo-traditional and economic development oriented uses envisioned for the OCV and TC categories. Part of the underperformance of these planning designations is because there was no ready market of which to support the Future Land Use categories. There is pass by traffic on SR 415. However, the neo-traditional parameters of the OCV are not well geared towards auto dependence and to be successful will need a ready market juxtaposed to utilize different modes of transportation besides personal use automobiles. The amendment areas will provide

a ready market to support development along SR 415. Much of this market will be within walking distance to OCV designated land needed to support a mix of uses including the OCV areas.

(XII) *Results in poor accessibility among linked or related land uses.*

The amendment areas are separated by an open water body known as Little Lake. The opportunity for both amendment areas to be interconnected besides the utilization of Enterprise Osteen Road is limited to the right of way envelope. Interconnectivity is still a prime goal as part of the development design. For example, CP19-002 will be required to have a stub out to adjacent vacant property located west of the amendment area. CP20-0024 will be connected to SR 415 by a designated driveway cut which will be a shared entry point with land fronting on SR 415 owned/controlled by the applicant designated as Osteen Commercial Village (OCV). There will also be another access point between the CP20-0024 development and the subject OCV area. This local access point will facilitate both vehicular and pedestrian accessibility to maximize interaction between the CP20-0024 residential development and the commercial and residential entitlements of the OCV.

(XIII) *Results in the loss of significant amounts of functional open space.*

Both properties are undeveloped and in a natural state. However, the amendment areas share common boundaries with the developed property like the Kove Estates community and rural type residential uses to the west and north. The boundary of the two amendment areas combined represents about 18,500 linear feet (approx. 3.5 miles). Only a little over 14% of that linear area has a terrestrial connection with the land that is basically undeveloped/managed with low intensity uses (native pasture, timber, conservation). Of the subject roughly 14% natural corridor connection, there is an expectation, based on a common boundary with the preserved "D Ranch" property, only 50% of the linkage could remain viable in the foreseeable future. There is an expectation natural land incorporated into the City situated to the west of amendment area CP19-002, will be developed in the future. The fact that much of the two amendment areas are surrounded by developed land is an indicator of the limited open space functionality of the property.

4. *It is recommended that a general set of policies be added to address how the city will address future requests for map amendments for lands immediately adjacent to the Osteen Local Plan area.*

Response: There is a recommendation made by the County for the City to add

provisions to the City Comprehensive Plan to address future amendment request for lands immediately adjacent to the Osteen Local Plan. As has been mentioned, the amendment area covered under application CP20-0024 is located within the Osteen Local Plan. The City implemented the coordination requirement of the Osteen Local Plan. In addition, the City in an effort to maximize intergovernmental coordination, requested the County also review application CP19-002. CP19-002 is located west of the amendment area CP20-0024 just outside of the Osteen Local Plan area. Based on County input, there will be goals, objectives, and policies added to the City Plan, which will limit/cap density on both amendment areas. With regard to future development opportunities adjacent to the Osteen Local Plan area, much of the land located west of SR 415 is already earmarked on the County Future Land Use Map for low intensity urban uses. Therefore, the two City amendments are certainly consistent with County planning efforts for much of the area located west of SR 415 outside of the Osteen Local Plan area. However, the City as part of the next update to the Deltona Comprehensive Plan (starting in late 2021) is prepared to work with the County to more effectively plan for future growth in the vicinity of Osteen.

Sincerely,



Ron Paradise
Interim Deputy City Manager/Director
Planning and Development Services

c.: Suzanne Konchan, AICP, Deputy County Manager
Palmer Panton, Director, Planning and Development Services
Susan Jackson, Senior Planning Manager
Paolo Soria, Senior Assistant County Attorney
Marsha Segal-George, City Attorney