



Staff Report

To: Planning and Zoning Board
From: Nashla M. Merced, Planner I
Planning and Development Services
Date: August 18, 2021
Re: Project No. CU21-0002, Resolution No. 2021-35. Conditional Use

Summary of Application:

Applicant: Ms. Karen Neher, Head Master
Request: Conditional use application
Tax Parcel No.: 8130-08-08-0010
Property Acreage: ±3.84 acres
Property Location: The property is located along and north of the Elkcam Blvd. corridor between its intersections with Venus Avenue and East Union Circle.
Legal Description: TRACT "H", DELTONA LAKES UNIT EIGHT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 25, PAGE 169, IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

Existing Zoning:

1. **Subject Property:** R1-A, Single-Family Classification

2. **Adjacent Properties:**

North: R1-A, Single-Family Classification

South: R1-A, Single-Family Classification

East: R1-A, Single-Family Classification

West: R1-A, Single-Family Classification

Background:

The applicant is requesting a change of use through the Conditional Use process for property located at 988 Elkcam Boulevard. The property was developed in 1974 with an approximately 3,408 square foot main structure on a Deltona Lakes platted tract. The existing institutional use is a House of Worship use previously

known as First Church of Christ Scientist. The proposal is to redevelop/repurpose the existing House of Worship use to a daycare facility supporting a maximum capacity of 70 children. The current landowner, Trinity Assembly of God of Deltona wants to relocate their existing daycare center from 875 Elkcarn Boulevard to 988 Elkcarn Boulevard.

Support Information:

- **Potable Water:** Deltona Water
- **Sanitary Sewer:** Advanced Treatment (aerobic) On-Site Treatment and Disposal System (OSTDS). City Commission Determination scheduled for 8/16/2021.
- **Fire Protection:** Deltona Fire Station 62
- **Law Enforcement:** Volusia Sheriff's Office (VSO)
- **Electricity:** Duke Energy

Matters for Consideration:

Section 110-1102, Code of City Ordinances, states that the City shall consider the following matters when reviewing applications for Conditional Use:

1. Is the proposed use consistent with the intent of chapter 110?

Yes, the proposed daycare use at 988 Elkcarn Boulevard is consistent with Chapter 110. The site is zoned R1-A Single-Family Residential in which the daycare use is listed to be a Conditional Use. (LDC, Section 110-307(c))

2. Is the proposed use consistent with the Comprehensive Plan?

An analysis of the below Comprehensive Plan provisions indicate the proposed Conditional Use is consistent with the City Comprehensive Plan.

Policy FLU1-5.12

In implementing the Future Land Use Element, the City shall develop and adopt regulations to ensure to the maximum extent feasible, compatibility of use of areas and properties, including but not limited to such factors as traffic circulation, air quality and odor control, noise control, lighting and aesthetics.

The future land use designation of this property is Low Density Residential (LDR). Daycare uses are considered an institutional use and serve the needs of a neighborhood and community at large; therefore, is compatible with the character of a residential area. The applicant has provided a site plan depicting the proposed traffic circulation and parking facility, which complies with the City's Land Development Code. Vehicle reservoir areas have been illustrated to avoid stacking of traffic on Elkcarn Boulevard. It also shows the existing lighting that is on-site, demonstrating that this use will not illuminate adjacent properties. The 25-ft landscape buffers along the side and rear right-of-way lines will be maintained in a natural state. The applicant will be required to plant shrubs within the front 25-ft landscape buffer between the two drive isles at a shrub density, per table 110-5 in section 110-808, as well as, provide foundation plantings along the front of the building which faces the street or parking area per section 110-

808(f)(1)a. of the City's Land Development Code. These buffers will assist with controlling noise for this use and providing curb appeal.

Policy I2-SS1.5

Deltona is serviced by centralized utilities including sanitary sewer. The City has an interest in protecting environmental resources and the public health, safety and welfare of its citizens as well as maximizing the investment in sanitary sewer infrastructure. Therefore the requirement to connect to centralized sewer system and the use of individual septic tanks are subject to the following criteria:

"... 5) Notwithstanding sections 2-4 above, if the requirement to connect to a centralized sewer system creates a situation where the connection burden imposed is out of proportion to the benefits of maintaining and/or enhancing the wastewater system, an applicant may request a determination from the Development Review Committee (DRC) regarding the appropriateness of connecting. The Public Works Department shall submit a written recommendation to the DRC regarding the request."

Policy I2-SS1.5 requires projects that entail a site plan review be served by central sewer system (City or County). The applicant has requested to utilize an updated on-site sewage treatment disposal system in place of a central sewer connection since there are no suitable sewer facilities immediately available. The policy does allow the Development Review Committee (DRC) to make a determination regarding the appropriateness of connection. This determination is based on the written recommendation provided by the Public Works Department.

The proposed septic system is intended to be an advanced treatment (aerobic) On-Site Treatment and Disposal System (OSTDS) required by Florida Department of Environmental Protection (FDEP). When properly maintained and operated, these systems effectively reduce nitrogen in the effluent to help protect Blue Springs. Public Works provided a written recommendation to the Development Review Committee (DRC) on Monday, July 19, 2021. The Public Works Report supported the use of an aerobic, advanced treatment system as an alternative and interim method of wastewater treatment before a central system becomes immediately available.

On July 19, 2021, the DRC determined the use of an on-site treatment and disposal system at 988 Elcam Boulevard should be decided by the City Commission with a recommendation the use of an on-site treatment and disposal system be approved subject to the following conditions:

- 1) The on-site treatment disposal system shall be an advanced, aerobic design and type;
- 2) The applicant/owner shall install on-site infrastructure to facilitate seamless connection to a central system when available; and

- 3) The applicant, current owner, or any future owner shall connect at the request of the City when a central sewer system becomes immediately available.

For more information, see the attached 8/16/21 City Commission City Agenda Item for the septic determination.

3. Will the proposal adversely affect the public interest?

The proposed daycare use will have a positive effect on the public's interest. This will provide employment as well as serve the needs of the community at large. Resolution No. 2021-35, if approved, will provide conditions for this particular Conditional Use and parcel.

4. Can the applicant meet the expressed requirements of applicable City Conditional Use regulations?

Yes. Daycare Centers are institutional uses, which serve the community at large. The applicant will maintain the existing 25-ft side and rear buffers, naturally vegetated, plant shrubs within the front 25-ft buffer to maintain, and establish transitional buffers, encouraging compatibility between the uses.

5. Comply with the City's Code of Ordinances, the Florida Building Code, and the Florida Fire Prevention Code.

There will be 25-ft landscape buffers along the side and rear right-of-way lines, which will be preserved with natural vegetation, creating a separation between residential and non-residential areas, and assist with the noise control. Since the occupancy classification is changing from an Assembly Occupancy to a Day-Care Occupancy, the applicant is required to submit a Change of Use application to the building department. The submittal of the building permit application shall also include any construction or alteration to the building in accordance with 2020 Florida Building Code, 7th Edition, Section 105 Permits, and NFPA 1, Fire Code, 2018 Ed., Section 1.12.6.

6. Protect public health, safety, and welfare to ensure basic function operation, including, but not limited to, full utilities, access management in chapter 96, off-street parking in section 110-828, and solid waste in Chapter 50.

The proposed change of use will not have an effect on the health, safety, and welfare of the public. The applicant has submitted a conditional use site plan proposal illustrating one-way-in and one-way-out traffic circulation. There is also adequate parking to support a daycare use, per section 110-828. It is important to note that the existing site currently has two (2) full accesses and passenger loading spaces have been provided to avoid stacking of traffic on Elkcarn Boulevard.

7. Will the applicant be able to meet all requirements imposed by federal, state or local governments?

Yes. The applicant has submitted a conditional use site plan and the applicant will be able to meet all requirements imposed by federal, state or local government. The applicant currently has an established daycare facility at 875 Elkcarn

Boulevard license with the Department of Children's and Families. The applicant is proposing to relocate the current institutional use from 875 Elkcarn Boulevard to 988 Elkcarn Boulevard. The current daycare facility has maintained an active Business Tax Receipt (BTR) with the City and will be required to apply for a new one prior to relocating to 988 Elkcarn Boulevard.

8. Will the proposed use generate undue traffic congestion?

No, the proposed use will not generate undue traffic congestion. The applicant states that the arrival and departure times will be staggered throughout the day. There will be a maximum capacity of 70 students. 20 students would be arriving between 6 a.m. and 8 a.m. and leaving at 11 a.m. Approximately 30 students arriving around 8 a.m. and leaving at 3 p.m. Roughly around 20 students will arrive at 1 p.m. and will leave at 6 p.m. This is because the daycare facility has an A.M. Voluntary Prekindergarten (VPK) class, P.M. VPK class, and a full day VPK class. Based on the 9th Edition Institute of Traffic Engineers (ITE) Manual a daycare with 10 employees is estimated to generate 267.3 average daily trips (ADTs) and 51.2 PM peak hour trips. The arrangement of staggering the arrival and departure time of students will allow for a reduction of peak hour trip spikes on Elkcarn Boulevard.

Based on the 2018 traffic counts review by BCC Engineering for the City of Deltona, the current average daily trips along the Elkcarn Blvd Corridor between Normandy Blvd and Fort. Smith Blvd. total 8,596. The allowable level of service for this segment of Elkcarn Boulevard is a level of service E, which allows for a daily capacity of 13,640 trips. Therefore, this roadway segment currently operates at a level of service C. Per staff's analysis, the daycare use expected generated trips are deemed de minimus, which will not affect the level of service as this segment of Elkcarn Boulevard has sufficient allowable capacity.

The applicant's engineer has shown on the proposed site plan the required vehicle reservoir areas for this use to demonstrate that stacking on Elkcarn Boulevard will not be an issue.

9. Will the proposed use create a hazard, public nuisance or be dangerous?

Daycare Center nuisances are generally associated with noise. To minimize the potential of noise nuisances a 25-ft naturally preserved landscape buffer will be maintained along the side and rear yard of the property measured from the right-of-way lines. Landscaping will be established within the front 25-ft landscape buffer, to improve curb appeal for this property.

10. Will the proposed use materially alter the character of surrounding neighborhoods or adversely affect the value of surrounding land, structures or buildings?

No. A daycare use will not materially alter the character of the surrounding neighborhoods or the value of the surrounding land. The applicant will be utilizing an existing building and will be updating the septic system, with future connection stub-out for sewer utilities, thus adding value. Staff has generated conditions to assist with protecting the surrounding neighborhoods.

11. Will the proposed use adversely affect the natural environment, natural resources or scenic beauty or cause excessive pollution?

No. The proposed use will not adversely affect the natural environment because they will be utilizing an existing structure, maintaining a naturally vegetated 25-ft landscaped buffer along the side and rear right-of-way lines.

Conclusion/Staff Recommendation:

Staff recommends the Planning and Zoning Board recommend the City Commission approve Resolution No. 2021-35, granting a Conditional Use for a daycare use located at 988 Elkcarn Blvd. with the following added conditions:

1. A new Business Tax Receipt will need to be applied for prior to the relocation of the daycare center from 875 Elkcarn Boulevard to 988 Elkcarn Boulevard.
2. The applicant must connect to central sewer when service becomes immediately available. Immediately available means on either side of the road.
3. The applicant shall maintain the existing 25-ft side and rear buffers naturally vegetated. The applicant will be required to plant shrubs within the front 25-ft landscape buffer between the two drive isles at a shrub Density, per table 110-5 in section 110-808, as well as, provide foundation plantings along the front of the building which faces the street or parking area per section 110-808(f)(1)a. of the City's Land Development Code.
4. Prior to Certificate of Occupancy, the applicant shall provide an appropriate dumpster location and enclosure in accordance with section 110-808(j) of the City of Deltona Land Development Code.