



## Legislation Text

---

**File #:** 478-2015, **Version:** 1

---

**TO:** Mayor and Commission

**AGENDA DATE:** 5/22/2023

**FROM:** City Manager

**AGENDA ITEM:** 6 - A

**SUBJECT:**

Public Hearing - Rehearing of Ordinance No. 04-2023, Request to amend the Deltona Village Business Planned Unit Development (BPUD) overall Development Plan/ Master Development Plan increasing the number of multi-family unit allocation for the BPUD from 414 units to 652 units; amendment to the Development Agreement approved by Ordinance No. 21-2009; and rezone an additional 26.57 acres of land to be included within the Deltona Village BPUD - Joseph Ruiz, Planning & Development Services (386) 878-8624.

Strategic Goal: Provide a diversity of housing choices in the City.

**LOCATION:**

939 Hollywood Boulevard

The three (3) subject parcels to be added to the Deltona Village BPUD are located 1.) east of John Wayne Trail and south of Lot 4 of Deltona Village, and 2.) North of Graves Avenue adjacent to the Maschmeyer Properties concrete plant site.

**COST:**

N/A

**SOURCE OF FUNDS:**

N/A

**ORIGINATING DEPARTMENT:**

Planning and Development Services

**STAFF RECOMMENDATION PRESENTED BY:**

Joseph Ruiz, Planning and Development Services Director.

**POTENTIAL MOTION:**

"I hereby move to approve Ordinance No. 04-2023, approving the amendment to the overall Development Plan/Master Development Plan increasing the number of multi-family unit allocation for the BPUD from 414 units to 652 units; amendment to the Development Agreement approved by Ordinance No. 21-2009; and rezone an additional 26.57 acres of land to be included within the Deltona Village BPUD with condition that a new proportionate fair share agreement be required for the difference in transportation impacts found within BCC's technical memo."

## **BACKGROUND:**

On February 15, 2010, the Deltona Village Business Planned Unit Development (BPUD) was approved via Ordinance No. 21-2009. The approved BPUD uses include traditional retail, office, service commercial, and also allowed light industrial uses. There were Conditional Use options including an allocation of up to 414 multi-family units. The intensity of the Deltona Village BPUD was capped at 900,000 square feet of retail. The 900,000 square-foot cap was also extended to a 38-acre parcel (ICC BPUD site) under similar ownership located north of Graves Av. and south of the I-4/SR 472 eastbound interchange off-ramp. The square-foot cap regarding allowed uses such as multifamily

residential was reconciled through an equivalency matrix. The equivalency matrix is a tool used to convert densities and intensities so the overall intensity cap is not exceeded.

In 2018, the Deltona Village BPUD (Ordinance No. 10-2018) was amended by the City to modify minimum lot width and sizes. In addition, the 2018 amendment changed the 414-unit multi-family conditional use entitlement to a permitted use within the BPUD.

In 2021, the City Commission approved a second amendment to the Deltona Village BPUD to include an additional 10.3 acres of Deltona Retail Holdings, LLC, acquired properties by rezoning into the BPUD with no additional intensity/density entitlements.

To date, Deltona Village has developed the Epic movie theater, Race Trac gas station, and a Burger King fast-food restaurant. Various site plans have been approved for a Starbucks immediately west of Burger King (SP21-0011), a 301 multi-family unit complex (currently under construction) for Integra Myst (SP21-0004), and a 52,800 square-foot Nutty Bavarian light manufacturing facility (SP22-0007). Currently under review are site plans for a 2,600 square-foot Panda Express (SP23-0005), and a 152,000 Store Space Self-Storage facility (SP23-0006).

The current and third requested amendment via Ordinance No. 04-2023, requests the following:

- 1) Amendment to the Overall Development Plan/Master Development Plan to increase the number of multi-family unit allocation for the BPUD from 414 units to 652 units;
- 2) Amendment to the development agreement approved by Ordinance No. 21-2009, to update the multi-family unit cap, include the 26.57 acres, and to clarify remaining entitlements between the landowner and the City; and
- 3) Rezone an additional ±26.57 acres of land to be rezoned and included within the Deltona Village BPUD.

On March 15, 2023, the Planning and Zoning Board voted (6 to 1) to recommend approval of Ordinance No. 04-2023 by the City Commission.

On April 3, 2023, the City Commission voted (4 to 3) to deny Ordinance No. 04-2023, due to concerns with the age of the originally approved traffic study (2009) and the requested increase of multi-family unit cap for the project (652-unit cap). Concerns regarding School Concurrency were also expressed.

On May 1, 2023, the applicant requested a rehearing of Ordinance No. 04-2023 via the motion filed as allowed by Section 110-1005. - *Rehearing and administrative res judicata*. The City Commission

approved the applicant's request to rehear the application and scheduled for the next available meeting.

Since the April 3, 2023, City Commission, staff contracted the City's consulting traffic engineer, BCC Engineering. Staff requested BCC provide an update to the trip generation impacts and traffic equivalency matrix of the 2009 Deltona Village Traffic Impact Analysis in comparison to the Institute of Traffic Engineer's (ITE) Manual, 11<sup>th</sup> and latest edition. The attached memo finds that the project evaluated under modern trip generation rates would have a net total impact of 24,417 average daily trips (ADTs) and 2,271 PM Peak Hour Trips as opposed to the originally anticipated 17,808 ADTs and 1,141 PM Peak Hour Trips at full build-out. However, based on the updated traffic equivalency matrix within the memo, the Deltona Village BPUD with the existing and proposed developments would remain compliant with the originally approved 17,808 ADTs, 1,141 PM Peak Hour Trips, and 900,000 square feet of retail at this time.

As a method of addressing/accepting the new anticipated impacts per the ITE Manual, 11<sup>th</sup> edition, for the 24,417 ADTs and 2,271 PM Peak Hour Trips, staff recommends a new proportionate fair share agreement be considered for the difference in transportation impacts, in light of this new data.

For more information please refer to the attached staff report and attachments.