



Staff Report

To: Planning and Zoning Board

From: Jessica Entwistle, Planner II

Date: June 20, 2024

Re: Project No. AROW24-0001, Ordinance No. 10-2024, Vacating easements and abandoning portions of rights-of-way known as Florida Avenue and Clara associated with the Davis Park Plat

Summary of Application:

Applicant: Kim C. Booker, Esq.

Request: Vacate a portion of Florida Avenue and Clara Street rights-of-way, within the Davis Park Plat.

Tax Parcel Nos.: 8107-04-11-0120

Property Acreage: ± 0.31 acre

Property Location: The property is located on the south side of John Wayne Court and southwest of EPIC Theatres.

Existing Zoning: Deltona Village Business Planned Unit Development (BPUD)

Legal Description of Lot:

Lots 12 through 15, Block II of DAVIS PARK, SIXTEENTH ADDITION, according to the Plat thereof as recorded in Plat Book 7, Page(s) 68, of the Public Records of VOLUSIA County, Florida.

Legal Description of Rights of Way: Please see Exhibit A.

Background:

An application has been submitted, consistent with Section 58-37, to vacate a portion of easements and abandon a section of the rights-of-way (ROW) known as Florida Avenue and Clara Street associated with the 1925 Davis Park Plat. The ROW's being vacated should not result in an owner being deprived of access. The requested vacation of ROW will allow the owner of the land to better utilize the land within the BPUD.

Florida Public Utilities, AT&T, Volusia County Public Works Department, Charter Communications, Century Link, and Duke Energy have all provided no objection letters to the vacation and abandonment of the ROW.

Matters for Consideration:

The City of Deltona Code of City Ordinances, Section 110-1101, states that the City shall consider the following matters when reviewing applications for amendments to the Official Zoning Map:

1. Whether it is consistent with all adopted elements of the Comprehensive Plan.

The purpose of the abandonment and vacation request is to achieve a more unified development within a strategic area of the City, the Activity Center. The property is zoned and proposed for commercial uses. Therefore, the proposed vacation will further City planning objectives and is consistent with the City Comprehensive Plan. The following Comprehensive Plan provision is applicable:

The project was also reviewed in light of the City Comprehensive Plan goals, objectives, and policies. The following provisions and related analysis are appropriate:

Policy FLU1-7.19

The City of Deltona shall use the appropriate regulatory mechanisms to resolve conflicts between platted lands and the Comprehensive Plan and address the problems of lands which are platted but possess limitations to development based upon inadequate public facilities and services, substandard lot configurations, or environmental constraints. 9J-5.006(3) (c) (1,7)

The request will help unify lands previously constrained by an obsolete plat and will allow enough land to support modern development forms, including an option to expand the City's industrial land use base. Therefore, the request would be consistent with this policy.

Policy FLU1-7.23

The City shall seek to ensure that its Future Land Use Plan Map provides for a minimum of six acres of commercial lands and four acres of industrial lands per 1,000 residents, with a goal of providing 10 or more acres of commercial lands and six or more acres of industrial lands per 1,000 residents by 2025.

2. Its impact upon the environment or natural resources.

The area requested is in a natural condition and can be described as densely forested. At this time the area is not planned for development, but is for commercial type uses, following the Deltona Village BPUD Development Agreement. There have been no Final Site Plan submittals as of yet, but as part of the Site Plan review process, the property will be surveyed for listed species (scrub jays and gopher tortoises). Trees will be afforded protection under the City Land Development Code.

3. Its impact upon the economy of any affected area.

The property has been planned for many years for commercial type uses under the Activity Center. To recognize the longstanding Activity Center plans, the

property was recently rezoned to Business Planned Unit Development (BPUD). Furthermore, this area is considered an important employment asset. The proposed vacation of easements and abandonment of the ROW will unify the area which is constrained by an antiquated plat. The result will be an expanded tax base, and greater local employment opportunity.

4. Notwithstanding the provisions of Article XIV of the Land Development Code, Ordinance No. 92-25 [Chapter 86, Code of Ordinances] as it may be amended from time to time, its impact upon necessary governmental services, such as schools, sewage disposal, potable water, drainage, fire and police protection, solid waste, or transportation systems.

- a. **Schools:** N/A; not associated with a residential use
- b. **Sewage Disposal:** County of Volusia
- c. **Potable Water:** County of Volusia
- d. **Drainage:** Storm water will be managed as per the City Land Development Code
- e. **Transportation Systems:** The project will include adequate access to the transportation network.

5. Any changes in circumstances or conditions affecting the area.

There are no changes in circumstances or consequences associated with the vacation of easement and abandonment of ROW, as the property is part of the Deltona Village BPUD it shall follow the Development Agreement for this area.

6. Any mistakes in the original classification.

No known mistakes.

7. Its effect upon the public health, welfare, safety, or morals.

There are no known adverse effects on the public, health, welfare, safety, or morals associated with this request.

Conclusion/ Staff Recommendations:

Bason on the decision-making criteria for the submittal, staff finds no valid reason to object the request for the request for the vacation of easements and abandonment of portions of the publicly dedicated right-of-way. Staff further supports that the Planning and Zoning Board look favorably upon the request and consider recommending that the City Commission approve Ordinance No. 10-2024, vacating easements and abandoning portion of rights-of-way known as Florida Avenue and Clara Street associated with the Davis Park Plat, recorded in 1925.