



**CITY OF DELAND
REGULAR MEETING OF THE PLANNING BOARD
AUGUST 17, 2022 AT 5:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE**

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

VERBAL REPORT ON CITY COMMISSION MEETINGS

MINUTES

1. Approval of the minutes from the July 20, 2022 meeting.

VARIANCE OLD BUSINESS

1. Applicant Name: Jarod Stubbs
Project Number: V22-095
Project Location: 1601 N. Woodland Blvd.
Project Description: Variance to reduce required landscape buffers: (1) along N Woodland Blvd from 40' to 10'; (2) along Old Daytona Rd from 30' to 10'; and (3) along the eastern local access road from 30' to 10'.

VARIANCE NEW BUSINESS

PUBLIC PARTICIPATION PROCEEDINGS

PLANNING - OLD BUSINESS

PLANNING - NEW BUSINESS

1. Applicant Name: Carolyn Haslam
Project Number: SMLU22-141 – Comprehensive Plan Amendment
Project Location: 1325 Aquarius Ave – Aquarius Landing
Project Description: Land use change for 2.95 acres from Low Density Residential to High Density Residential
2. Applicant Name: Carolyn Haslam
Project Number: Z22-144 – LDR Text Amendment
Project Location: N/A
Project Description: Ordinance on Affordable Housing

OTHER BUSINESS

ADJOURNMENT



**CITY OF DELAND
PLANNING BOARD REGULAR MEETING
MINUTES
WEDNESDAY, JULY 20, 2022 -5:00 P.M.
CITY HALL**

CALL TO ORDER

The meeting began at 5:00 p.m.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance – Ms. Comella, Chairperson

ROLL CALL

Nora Lewis	Present
Don Liska	Present
Buz Nesbit	Present
Dan Reed	Present
Albert Neumann	Present
Jeremy Owens, <i>Vice Chairperson</i>	Present
Virginia Comella, <i>Chairperson</i>	Present

Quorum: Yes

Present – Mike Holmes, Planning Director; Rick Werbiskis, Community Development Director; Carol Kuhn, Deputy Planning Director; Darren Elkind, City Attorney; Belinda Williams-Collins, Senior Planner; Kendall Story, Senior Planner; Danevsky Joseph, Planner; Vivian Ford, Administrative Coordinator; applicants; and members of the public.

VERBAL REPORT ON CITY COMMISSION MEETINGS

Mr. Holmes provided the verbal report.

MINUTES

1. Mr. Owens moved to approve the June 15, 2022 Meeting Minutes. Ms. Lewis seconded the motion. The motion passed unanimously.

VARIANCE OLD BUSINESS

1. Applicant Name: Jarod Stubbs
Project Number: V22-095
Project Location: 1601 N. Woodland Blvd.
Project Description: Variance to: Reduce required landscape buffers: (1) along N Woodland Blvd from 40' to 10'; (2) along Old Daytona Rd from 30' to 10'; and (3) along the eastern local access road from 30' to 10'.

Public Participation: Staff stated that the applicant has requested a continuance to the August 17, 2022 meeting.

Mr. Reed moved to continue to the August 17, 2022. Mr. Owens seconded the motion. The motion passed unanimously.

VARIANCE NEW BUSINESS

None.

PUBLIC PARTICIPATION PROCEEDINGS

Ms. Comella read the Public Participation procedures.

PLANNING – NEW BUSINESS

1. Applicant Name: Lee Munizzi
Project Number: Z22-080 – Rezoning for LAM Development
Project Location: 425 S. Woodland Blvd.
Project Description: Amendment to 425 South PD

Public Participation: Staff stated a correction to the Staff Report: The date was corrected to January 18, 2022 from the date stated in the report of July 21, 2021. Applicant, Lee Munizzi, spoke and answered questions from the board.

Ms. Owens moved to recommend approval to City Commission, with the condition that the maintenance building/storage shed has similar architectural features as main structure. Ms. Lewis seconded the motion. The motion passed unanimously.

PLANNING – OLD BUSINESS

1. Applicant Name: Frank Ford, Jr.
Project Number: Z21-186 – Rezoning for Glasshouse Square PD
Project Location: 130 W. New York Ave.
Project Description: Rezone 0.868 acres from C-2A to Planned Development

Mr. Reed recused himself from voting due to a conflict of interest. Voting Conflict form on file.

Public Participation: City Attorney, Mr. Elkind, made a statement on behalf of staff to keep redevelopment agreement and PD separate, after staff's presentation. Alex Ford, of Landis Graham French and on behalf of the applicant, spoke and answered questions from the Board about the proposed PD agreement.

Nika Hosseini, Esq. of Cobb Cole, spoke on behalf of Conrad Realty and stated that her office has been working with Mr. Ford's office on language for the PD. Frank Schnidman spoke against the application being approved, stating it would be premature to forward to the City Commission, until an appropriate parking plan and comparison between the RFP and current plan are submitted by the applicant. Jeff Shepherd spoke against and expressed concerns about parking downtown, suggested a new parking study be required. Barb Shepherd spoke against and submitted a report regarding damage from vibrations.

Mr. Ford provided a rebuttal, addressing the public's concerns and answering additional questions from the board.

Mr. Owens moved to recommend approval to City Commission with the following recommendations. Ms. Lewis seconded the motion. The motion passed unanimously.

Recommendations:

- a) PD would be effective at property transfer;
- b) Incorporate language on enforcement of noise ordinance utilizing commercial standards;
- c) Solidify language with the adjacent parties regarding construction specifications;
- d) Vibration monitoring plan shall be approved by City engineer and City building official;
- e) Provide parking plan that may have parking up to 800 ft. away from the structure;
- f) Explore maximizing the ability to have shared public parking in low demand periods;
- g) Add language for neighboring construction-related damage.

2. Applicant Name: Mark Watts

Project Number: Z22-063 – Rezoning for DeLand Tech Park PD

Project Location: 1465 Cassadaga Road

Project Description: Rezone 142.8 acres from County R-4C, R-4, A-1C, A-1, I-1C & I-1 to DeLand Tech Park Planned Development

Mr. Nesbit recused himself from voting due to a conflict of interest. Voting Conflict form on file.

Public Participation: Nika Hosseini, Esq. of Cobb Cole, appeared on behalf of the applicant, spoke and answered questions from the board. John Prowell of VHB spoke on behalf of applicant. Wendy Anderson spoke of concerns with the retention ponds being on the north side of the property when the water flows south.

Mr. Owens moved to recommend approval to City Commission, with the condition that pedestrian connectivity be added to Pinehurst Drive and allow pedestrian connection on Kirk Drive. Ms. Lewis seconded the motion. The motion passed 5-1 with Member Neumann dissenting.

PLANNING – NEW BUSINESS

1. Applicant Name: Mark Watts

Project Number: SMLU22-116 – Comprehensive Plan Amendment

Project Location: Southeast corner of S. Clake Street and Voorhis Avenue

Project Description: Land use change for 1.47 acres from Medium Density Residential to Downtown Commercial

Public Participation: Nika Hosseini, Esq. of Cobb Cole, appeared on behalf of the applicant, spoke and answered questions from the board.

Mr. Reed moved to recommend approval to City Commission. Mr. Owens seconded the motion. The motion passed unanimously.

3. Applicant Name: Mark Watts
Project Number: Z22-073 –Rezoning for DeLand Commons
Project Location: North side of Voorhis Avenue at S. Clake Street
Project Description: Rezone 1.45 acres from DeLand Commons PD to C-2A, Downtown Commercial

Public Participation: Nika Hosseini, Esq. of Cobb Cole, appeared on behalf of the applicant, spoke and answered questions from the board.

Mr. Reed moved to recommend approval to City Commission. Mr. Owens seconded the motion. The motion passed unanimously.

OTHER BUSINESS

None.

ADJOURNMENT

The meeting ended at 8:30 p.m.

**PLANNING STAFF
REPORT TO
CITY OF DELAND PLANNING
BOARD**

August 17, 2022

A. APPLICATION NO: V22-095

APPLICANT: Jarod Stubbs (Applicant)

REQUEST: To reduce the required landscape buffers on three sides of the property.
1. Along N Woodland Blvd - Reduce 40' buffer to 10'
2. Along Old Daytona Rd - Reduce 30' buffer be to 10'
3. Along the eastern local access road - Reduce 30' buffer be to 10'

APPLICABLE ORDINANCES: Sec. 33-87.02(d) (4). *Setbacks, building separation, and lot coverage.*

B. SITE FACTORS:

LOCATION: 1601 N Woodland Blvd,

PARCEL SIZE: +/- .81' acres

EXISTING ZONING/USE: C-2 General Commercial

Required Minimum Setbacks in Feet				
Front	Rear setback, abutting residentially zoned property	Side abutting residentially zoned property	Side setback abutting street	Rear, other
20'	25'	25'	20'	10'



SURROUNDING USE:

SURROUNDING ZONING:

NORTH:	General Commercial	C-2
SOUTH:	General Commercial	C-2
EAST:	Industrial	M-1
WEST:	General Commercial	C-2

DOES THE APPLICANT OWN PROPERTY WHICH IS ADJACENT TO THE PROPERTY FORWHICH HE OR SHE SEEKS A VARIANCE? Yes ☐ No ☒

C. LAND USE PLAN DESIGNATION: Highway Commercial

CHRONOLOGY: The property located on North Woodland Blvd is in a C-2 General Commercial zoning district. The applicant is seeking a variance to change the required buffers on three sides of the property. Per the applicant, the site sits on the NE corner of N Woodland Blvd and Old Daytona Rd. It is occupied by a closed Sonic drive thru. The variance is to reduce the required landscape buffers on three sides of the property. Along N Woodland Blvd the applicant is requesting the 40' buffer be reduced to 10', along Old Daytona Rd the applicant is requesting the 30' buffer be reduced to 10', and along the eastern local access road, the applicant is requesting the 30' buffer be reduced to 10'.

Zoning Map

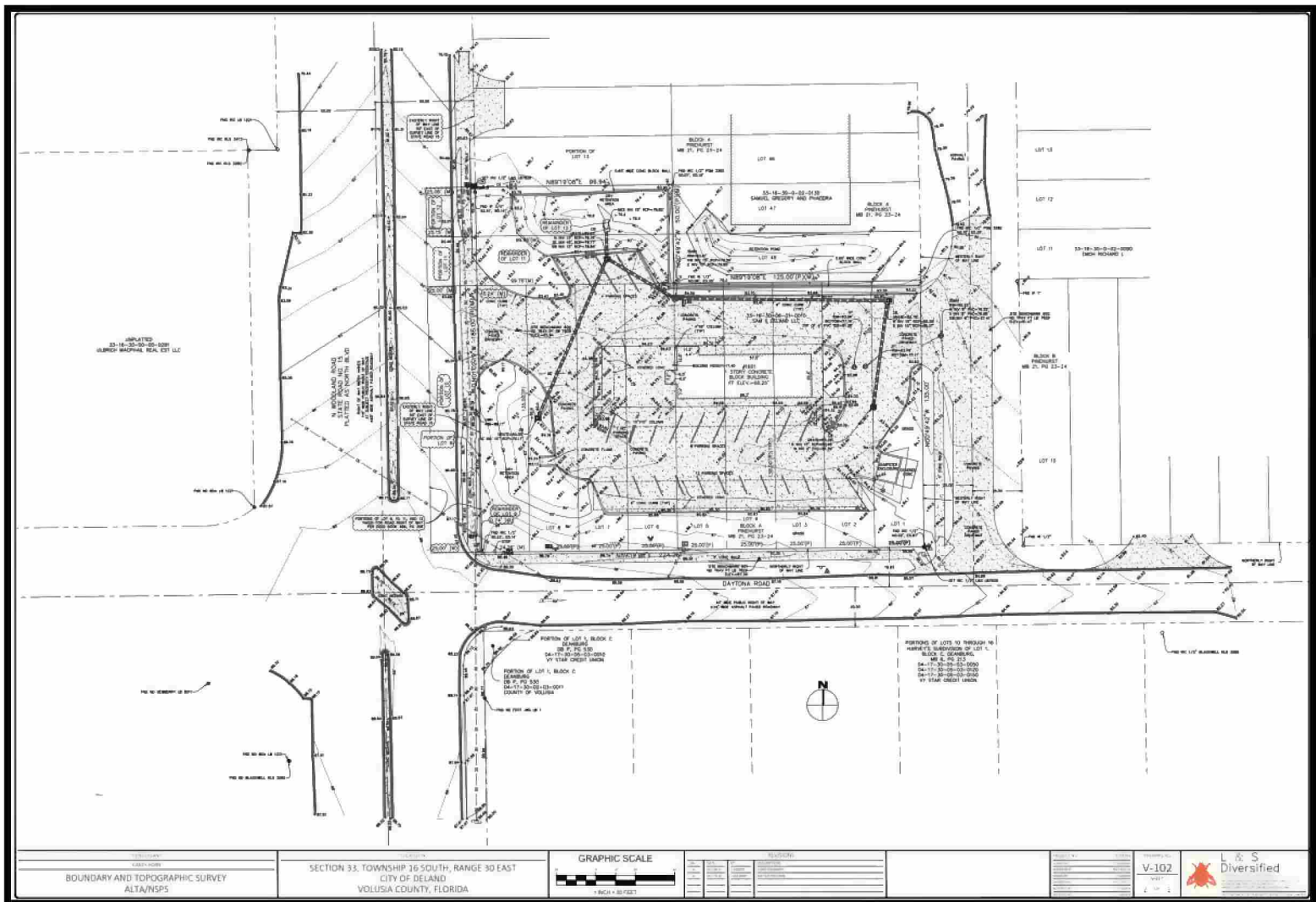


N Woodland view

D. ANALYSIS:

This property abuts a commercial property and an industrial property. The applicant is requesting a variance to reduce buffers on three sides. The new buffers will measure 10' on each side. The N Woodland side is currently 40' buffer and the Old Daytona side along with eastern local access road is currently 30' buffer. The project consists of a proposed $\pm 2,923$ SF Carwash with vacuum cleaning stations and associated parking. The variance is to allow the full utilization of the property. Per the applicant, this would be the smallest car wash. Without the variance circulation of the site is tough and makes it difficult for cars to enter and leave. Therefore, granting the variance will allow the applicant to construct a carwash that allows full circulation and a normal flow of traffic.

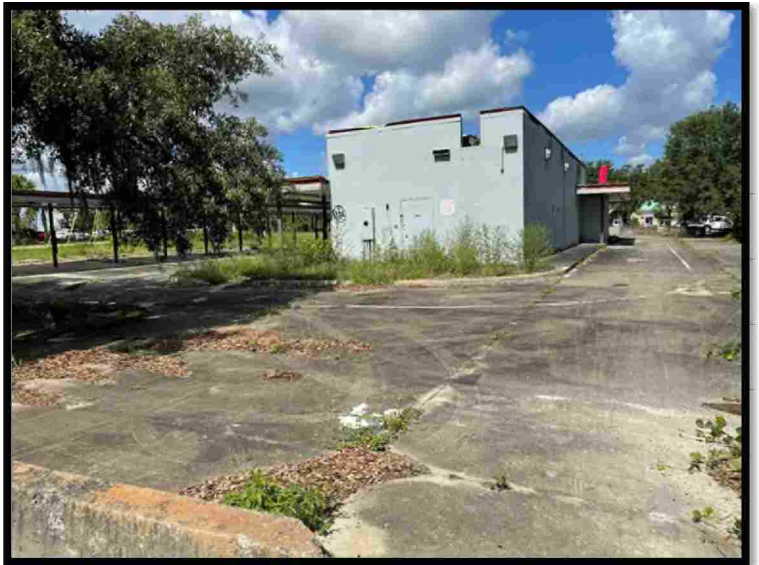
Existing Survey





Old Daytona View

Eastern Local Access Road View



E. VARIANCE CRITERIA: Per Section 33-103.03, as amended, the Planning Board will consider the following criteria in making a determination concerning the granting or denial of the requested variance:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district.

The subject property currently has an abandon sonic and the applicant wishes to construct a drive thru carwash. This circumstance does not qualify the property as a special condition.



2. Granting of the variance request will not confer on the applicant any special privilege that is denied by the development code to other lands, building, or structures in the same zoning district.

Granting of the variance would confer special privileges, as the buffers will be reduced to 10' on three sides.

3. Literal interpretation and enforcement of the development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the development code, and would work unnecessary and undue hardship on the applicant such as natural site conditions, size or shape of lot, or existing structures(s).

The literal interpretation and enforcement of the code would not deprive the applicant of rights commonly enjoyed by other properties in the neighborhood.

4. The granting of the variance will be in harmony with the general intent and purpose of this code and the Comprehensive Plan, as amended, and will not be injurious to the surrounding properties or detrimental to the public welfare.

The drive thru car wash is unlikely to be injurious to the surrounding properties. According to the applicant it will be smaller than other car washes in town. The car wash is not harmful aesthetically or physically to residents and surrounding areas



N Woodland & Old Daytona View

5. The Variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure.

Requiring the applicant to follow current codes would deny the applicant the ability to utilize the land to its full extent which would stop the project.

6. The special conditions or circumstances are not the result of actions of the applicant or owner.

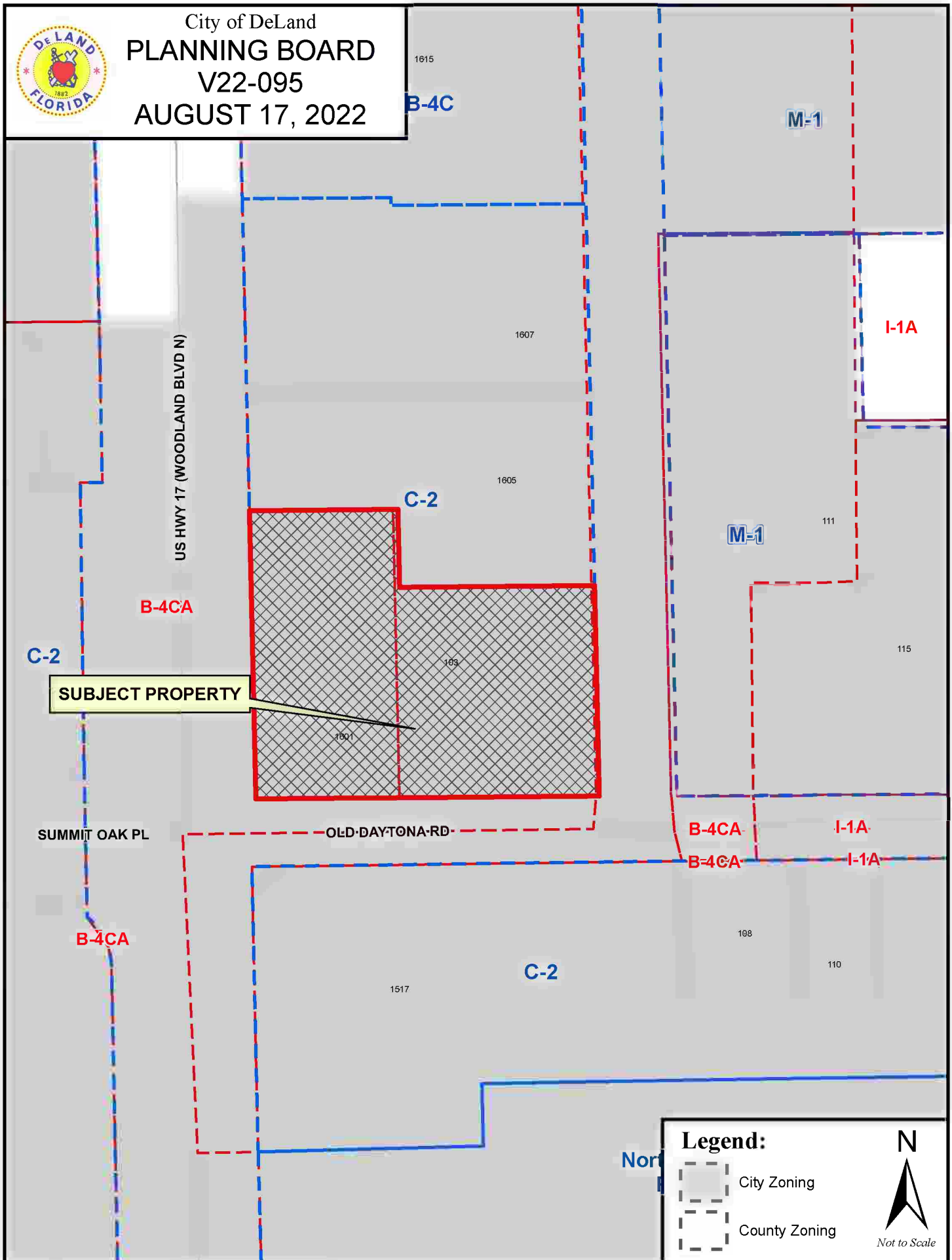
The circumstance is not the result of applicant,

- F. STAFF SUMMARY:** The applicant is requesting a variance to reduce buffers on three sides. Per the applicant, this would be the smallest car wash in town and wishes the new buffers to measure 10' on each side. The site sits on the NE corner of N Woodland Blvd and Old Daytona Rd. It is occupied by a closed Sonic drive thru. The variance would allow reduction of the required landscape buffers on three sides of the property. Along N Woodland Blvd the applicant is requesting the 40' buffer be reduced to 10', along Old Daytona Rd the applicant is requesting the 30' buffer be reduced to 10', and along the eastern local access road, the applicant is requesting the 30' buffer be reduced to 10'. The drive thru car wash is unlikely to be injurious to the surrounding properties and requiring the applicant to follow current codes would deny the applicant the ability to utilize the land to its full extent which would stop the project.

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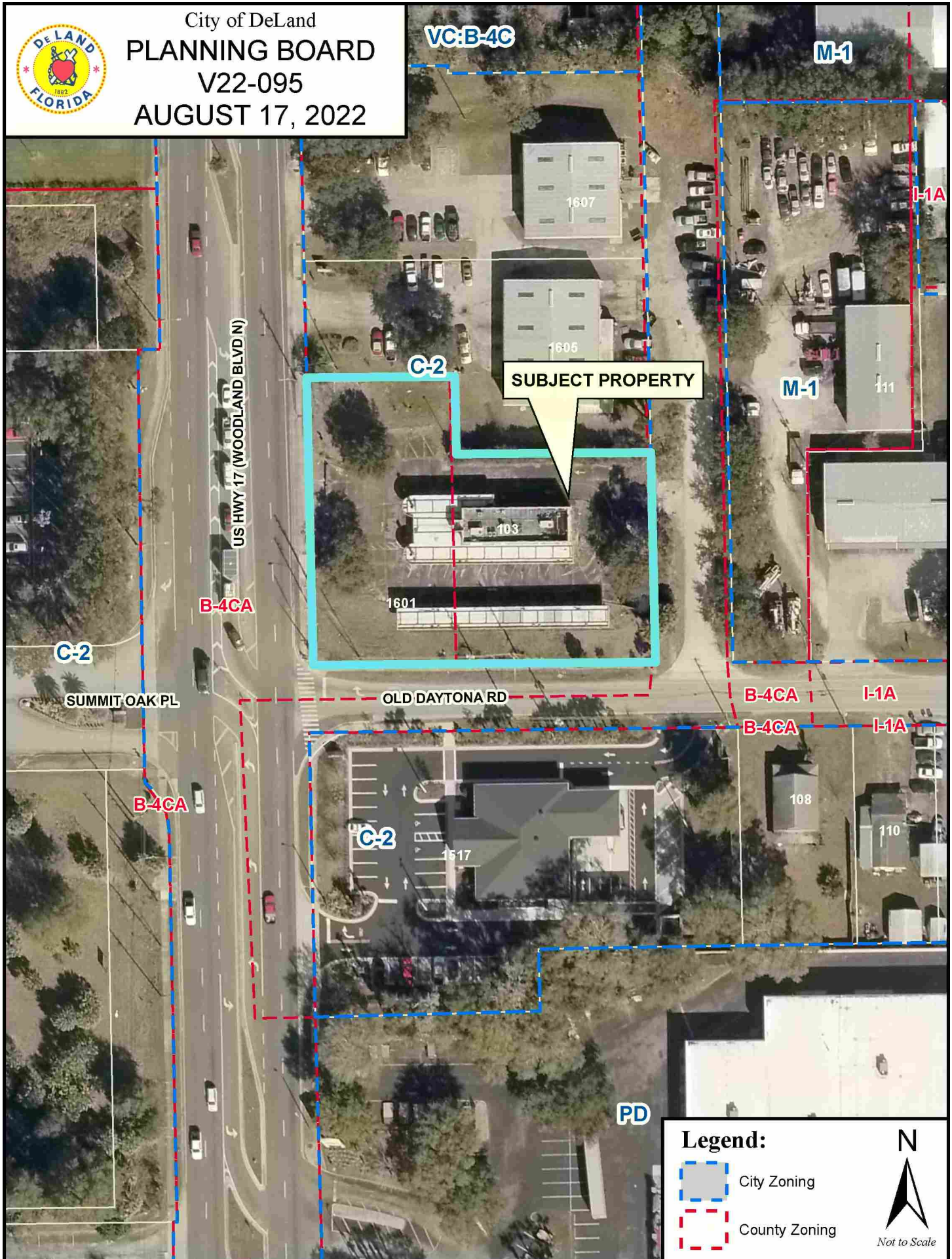


City of DeLand
PLANNING BOARD
V22-095
AUGUST 17, 2022





City of DeLand
PLANNING BOARD
V22-095
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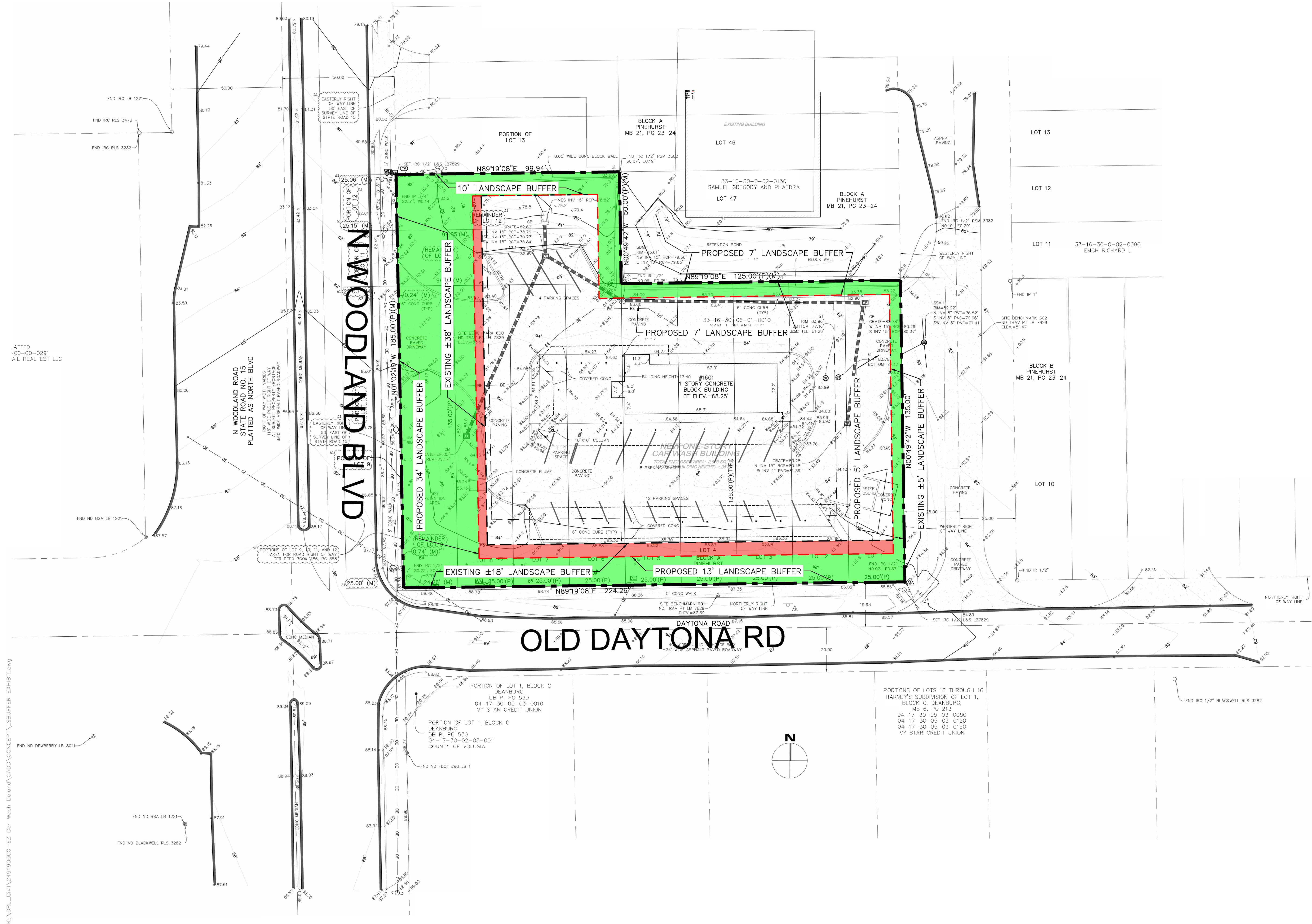


Legend:

- City Zoning
- County Zoning







LEGEND	
EXISTING LANDSCAPE BUFFER	---
PROPOSED LANDSCAPE BUFFER	---
PROPERTY BOUNDARY	---
SITE AREA	
SITE AREA (AC):	±0.81 AC
BUFFER DATA	
EXISTING LANDSCAPE BUFFER PER SURVEY	
NORTH:	±10'
SOUTH:	±18'
EAST:	±5'
WEST:	±38'
PROPOSED LANDSCAPE BUFFER	
NORTH:	10'/7'
SOUTH:	13'
EAST:	5'
WEST:	34'

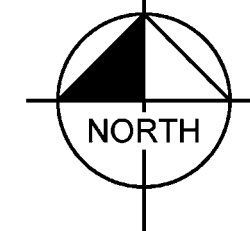
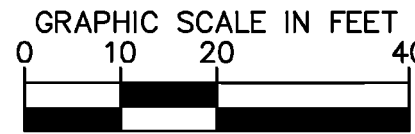
EX-01-B

EZ EXPRESS CAR WASH DELAND

DELAND, FL

EXISTING TO PROPOSED - LANDSCAPE BUFFER VARIANCE

08/11/22 - CONTACT JAROD STUBBS, P.E. (407) 409-7002



Kimley»Horn

**PLANNING DEPARTMENT STAFF REPORT
TO
THE CITY OF DELAND PLANNING BOARD
August 17, 2022**

- A. APPLICATION NO.:** SMLU22-141
- APPLICANT:** Carolyn Haslam, Volusia Initiative for Church and Community, Inc.
- REQUEST:** To amend the land use designation for property.
From: Low Density Residential
To: High Density Residential
in order to develop multi-family affordable housing

B. SITE FACTORS

Location: 1325 Aquarius Ave. DeLand, FL 32724
Parcel ID #: 702100000281
Parcel Size: 2.65 ± acres
Land Use: Low Density Residential (ex. Zoning – R-1B)
Existing Use: undeveloped

SURROUNDING USE:

North:	County – Urban Medium Intensity	County: Single-family residential
South:	County – Urban Medium Intensity	County: Single-family residential
East:	County – Urban Medium Intensity	County: Single-family residential
West:	Educational	City: Public School

C. REQUESTED ACTION AND HISTORY:

- 1. REQUEST:** The site is currently vacant and the applicant requests that the property be amended from a Low-Density Residential land use designation to the High Density Residential future land use designation. *The owner has also submitted applications for rezoning of the property to a planned development.*
- 2. CHRONOLOGY OF PAST EVENTS:** There have been no recent updates to the land use designation of this property and it has remained undeveloped for some time and is heavily vegetated. The applicant has plans to rezone the property from the existing R-1B (single-family) designation to a planned development category. The property is surrounded on 3 sides by other properties that have (County) single-family designations.

D. ALTERNATIVES AND ANALYSIS: The purpose of this section is to analyze the reasonableness of the applicant's request for an amendment of the land use designation for the subject property. This analysis will include a description of the current and future land uses of the site and the surrounding area, potential impacts on the transportation system, and any significant adverse environmental impacts.

1. Availability of Public Facilities (water, sewer, solid waste, drainage, traffic, recreation and schools if residential):

- The parcel is within the City of DeLand utility service boundary and water/wastewater service for this project are provided through existing city lines.

- E. New Hampshire is a collector (?) road with an established LOS E and Aquarius Ave. is a local road not designated. (per the City of DeLand Comprehensive Plan 2009 by Tindale-Oliver 7 Assoc.).
- Because the site is already currently a residential land use category, additional demand for recreational facilities has already been factored into future needs. However, the change in density from low to high may result in a higher demand for such facilities.
- Volusia County provides a sanitary landfill for the disposal of solid waste. The landfill has adequate capacity at this time.
- The City can provide an adequate LOS of Fire/Rescue service.
- The City can provide an adequate LOS of Police service.

2. **Compatibility with Land Use and Other Elements:** The Future Land Use Element requires that the subject property be consistent with surrounding development. The proposed land use designation is in the same category but of a higher intensity than that of the properties located immediately adjacent to the east and the south and across the street to the north. The property to the west is a school and the higher intensity use could be considered MORE compatible than the current single-family designation because a greater population of people will be permitted. However, the increased population and its impact to the area overall is a factor to consider.

Most of the property in the immediate vicinity of the site is located in unincorporated Volusia County and developed for residential use. There is little to no commercial development close by with the nearest commercial uses being along Woodland Blvd. which is approximately .25 miles to the west.

EXISTING:

LOW DENSITY RESIDENTIAL DESIGNATION

Description:

Low Density residential land use is typified by detached single-family dwelling units and both agricultural and conservation land uses. A maximum density of 5.8 dwelling units per gross acre shall be permitted.

General Type of Development:

- Conventional, on-site built single-family dwelling units, attached or detached
- Single-family factory-built units
- Manufactured housing units, as defined by the Florida Manufactured Building Act
- Townhomes
- Elementary Schools

Policy Guidelines:

This density of development should be located in areas where more intense residential densities would cause environmental problems or would be incompatible with surrounding uses. Agricultural activities shall be located on the outskirts of the City where surrounding land uses are compatible with agricultural activities. Cluster housing may be permitted to provide common open space recreation and conservation areas. Gross density on cluster development shall be consistent with the maximum densities allowed in this land use designation. Pedestrian and bicycle facilities are encouraged in this land use. Residential development should have convenient access to recreation, shopping areas, schools and other public amenities. Internal roadways shall be designed to discourage through access and service only residents wherever it is not in conflict with the road network pattern reflected in the Transportation Element.

Recreational facilities as accessory to residential uses, such as pools, tennis courts and golf courses may be allowed upon receiving approval as a Planned Development.

The proposed City of DeLand land use designation is described below:

PROPOSED:

HIGH DENSITY RESIDENTIAL DESIGNATION

Description:

The High-Density residential designation allows attached multi-unit residential development, with a maximum density up to 16 dwelling units per gross acre.

General Type of Development:

- Boarding houses
- Condominiums
- Townhouses
- Apartment complexes
- Community Residential Homes, multi-family
- Manufactured housing units, as defined by the Florida Manufactured Building Act of 1979
- Middle and high schools
- Mixed-use developments

Policy Guidelines:

This land use shall act as a buffer between lower density uses and nonresidential uses. High-density residential development should be located in proximity to major transportation facilities and utility trunk lines. In addition, it is desirable that high-density residential areas have safe and convenient pedestrian access to adjacent recreational and shopping facilities. Thus, high-density residential development shall be encouraged along arterial roads and in close proximity to large activity centers, such as the downtown and regional shopping areas. Such locations offer proximity to employment and minimize sprawl. Safe and adequate access to multifamily developments should be provided via major collectors and/or arterials, or transit, to minimize impact on local roadways to the extent that the access does not adversely impact roadway operation. On-site amenities including, but not limited to, recreational facilities, open space, and pedestrian walkways shall be required, as per guidelines established in the Land Development Regulations.

Mixed-use developments give residents the opportunity to live near the places where they work and shop. They also provide close proximity to available modes of transit; permit increases in density where City utilities and services are already available; and allow smart use of land resources. Mixed-use developments consisting of residential, office, and neighborhood-level commercial retail and services, may be permitted in this land use designation through the PD process. Non-residential uses should be located within the same building(s) as the residential, however may be located in a separate building if part of a larger (greater than 2 acres) development project. Non-residential intensity shall be determined based on a trip exchange rate for residential density, as specified in the equivalency matrix under Policy f2.3.3. Overall residential density for the development is not to exceed 16 dwelling units per acre.

3. **Future Land Use Map:** The current configuration of the future land use map has been analyzed to see what the current relationships are between the existing uses and to help gain an understanding of how the proposed change will impact the area. The proposed change in the land use designation to High Density Residential will be shown on the revised Future Land Use Map.

4. **Location of Lakes, Floodplains, and Wetlands:** The site contains no bodies of water nor any known wetlands. There are no major bodies of water in the immediate vicinity. A borrow pit in use as a retention area is located on municipal property north of this site.
5. **Analysis of Natural Resources:**
 - a. Soil type: Generally, the soil type is Astatula-Tavares. Broad undulating ridges of excessively drained and moderately well drained, brownish and grayish sandy soils; interspersed with a few sinks, lakes and depressions.
 - b. Presence of Endangered Species – The existence of any known species on this site has not been reported. The likelihood of a significant population is anticipated to be low because of the urban activity in the area and it not being sizeable enough to support a significant amount of wildlife. If and when determined to be necessary, a site review to determine the existence of any such species will be conducted in conjunction with site plan development.
6. **Existing and Future Impact upon Infrastructure Capacity:**
 - a. *Water* –The City’s utility department, located north of this site, supplies water to the site.
 - b. *Sewer* – It is anticipated that sufficient sewer capacity is available.
 - c. *Drainage* - The City adheres to the County’s 100-year frequency, 24-hour storm event standard for landlocked basins. Stormwater capture will be addressed on-site as required by the land development regulations.
 - d. *Solid Waste* – Solid waste services, currently provided for the surrounding area, are available to serve this property.
 - e. *Transportation* – The type of use that will be proposed for this site will generate additional traffic once it is developed and put into active use because the site is currently vacant. Traffic generation is estimated according to the most intense type of development allowed under the proposed designation. Based on potential uses under the proposed designation, additional analysis will be needed during the site plan phase to ensure that the additional traffic generated by the use is managed to avoid the impacted roadway segment to fail once the project is implemented.
The provision of public transportation services could reasonably be required because the population of users of the site without personal transportation is likely to increase.
 - f. *Fire/Rescue Service* - The City can provide an adequate LOS of Fire/Rescue service. Because there are pockets of unincorporated Volusia County in the area, it could be reasonably anticipated that county services are available in the area as well.
 - g. *Police Service* - The City can provide an adequate LOS of Police protection. Because there are pockets of unincorporated Volusia County in the area, it could be reasonably anticipated that county services are available in the area as well.
7. **Impact upon Recreation and Open Space:** The proposed land use is a residential category; any impacts to the recreational needs of the city as a result of the development of this site will be investigated during the site planning process.

8. **New Public Facilities Needed to Serve Land Use:** Because this site is within the Utility Service Area, no need for new public facilities is anticipated.
9. **Impact upon Existing Deficiencies:** The site in question has access to all existing city facilities and no deficiencies exist.
10. **Impact upon Ability of the City to Fund Capital Improvements:** The proposed land use amendment will not result in the need for additional public facilities to serve the subject property. It will not create an additional impact upon the City's ability to fund the projects listed in the adopted Five-Year Capital Improvement Program. The Applicant will be required to provide any necessary improvements to connect to the City's utilities.
11. **Impact upon Adopted Five-Year Schedule in Capital Improvements Element:** The proposed land use amendment will not require revision to the City's adopted Five-Year Capital Improvement Program.
12. **Compatibility with Existing Zoning Classification:** The existing zoning designation (R-1B – Single Family) will be changed upon approval of the land use amendment and a rezoning request. It is a requirement that the proposed zoning designation is compatible with the proposed land use designation. It is proposed to rezone the property to a PD designation which will provide customized development parameters. As such the zoning should provide appropriate buffers to create compatibility.
13. **Will the proposed land use change impact schools?** The proposed project will include residential dwelling units and an estimate of anticipated student population will be estimated by the school board to address concurrency. The applicant is required to submit a school concurrency application to address this issue.
14. **How does this proposal fit with the guidelines developed for DeLand 2050 and the City's Strategic Plan?** The following guidelines will be considered when reviewing this proposal considering the specific guidelines listed for new development:

Concentrate development towards the Urban Core with appropriate density or intensity.

E. VGMC INFRASTRUCTURE IMPACT ASSESSMENT

In accordance with standard practice from the Florida Department of Economic Opportunity (DEO) and other review agencies, an impact comparison analysis of the proposed amendment has been completed based upon the theoretical maximum development potential under the currently adopted future land use designation (Low Density Residential) versus the proposed designation (Mixed Commercial).

The following seven public facilities and services were examined: (Table 4)

- | | | |
|-------------------|------------------------|------------|
| 1. Transportation | 4. Solid Waste | |
| 2. Sanitary Sewer | 5. Stormwater Drainage | |
| 3. Potable Water | 6. Recreation | 7. Schools |

Table 4. Impact Analysis (Theoretical Max.)

Aquarius Landing - SMLU22-141					
Development Variable			Existing land use	Proposed l.u	Net Change
			<i>LDR</i>	<i>HDR</i>	
	Permitted Density		<i>5.8</i>	<i>16</i>	
			Theoretical Maximum		
Property Acreage	<i>2.65</i>				
Dwelling units			15.37	42.4	27
Non-residential (retail, sq. ft.)					0
1. Population	2.25	persons/hh	19	95	76
2. PM Peak Hour Trips/Daily Trips	0.62	PM peak/unit	10	26	17
	6.65	trips/unit	102	282	180
3. Sanitary Sewer	160	gal/unit	2459.2	6784	4325
4. Potable water (gal/day)	180	gal/unit	2766.6	7632	4865
5. Solid waste (pounds/person)	3.21	lb/person	61	306	245
6. Stormwater Drainage			0		0
7. Recreation/Open Space (ac./person)	0.007	acres/person	0	1	1

Notes:

1. Population: 2.25 persons per household (per 2010 Census)
2. Transportation: ITE Trip Generation Manual, 8th Edition: 0.62 PM peak hour trips per unit and 6.65 daily trips per unit, Apartments - Low-rise (220)
3. Sanitary Sewer: 160 gallons per day per Equivalent Residential Unit
4. Potable Water: 180 gallons per day per Equivalent Residential Unit
5. Solid Waste: 3.21 pounds per person per day
6. Stormwater Drainage: LOS standard = 25-year, 24-hour event. Drainage system is required to be designed to meet the requirements of the Land Development Code during subdivision or site plan review.
7. Rec. & Open Space: 7 acres/1,000 persons (0.007 acres/person)

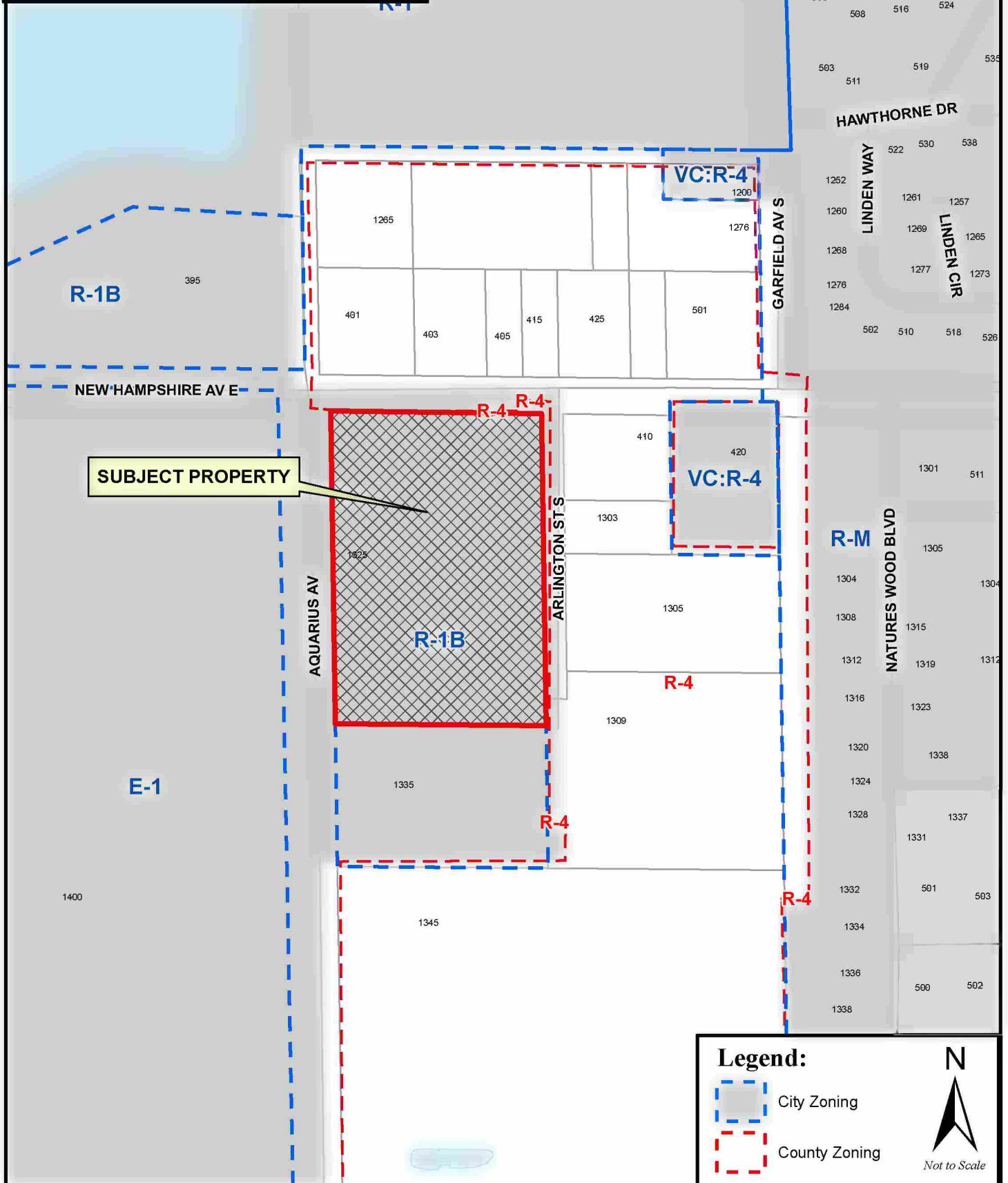
The proposed amendment results in increased impacts to all public infrastructure and services based on the theoretical maximum impact analysis.

F. CONCLUSION: The facility analysis presented in the above sections suggests that although the services will be impacted by the anticipated increase in population, the proposed land use should not cause any of the City's facilities to degrade below the adopted or current operational LOS. Notification of any changes to the LOS of any of these facilities will be provided during the site plan review phase. The proposed designation is compatible with the surrounding properties and is consistent with the uses in the immediate vicinity of the site.

G. STAFF RECOMMENDATION: Staff recommends approval of the amendment of the subject property's land use designation.

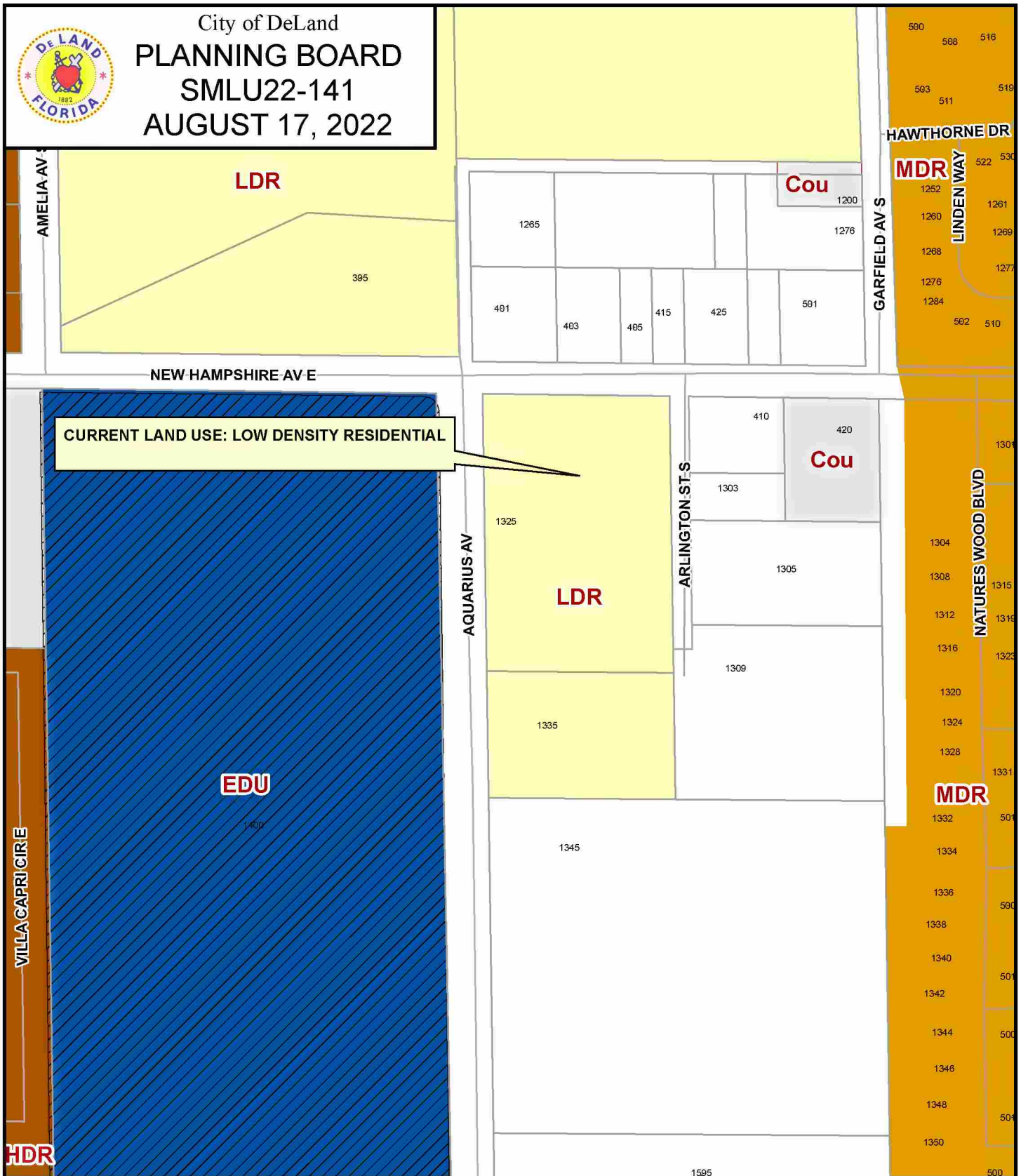


City of DeLand
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AUGUST 17, 2022





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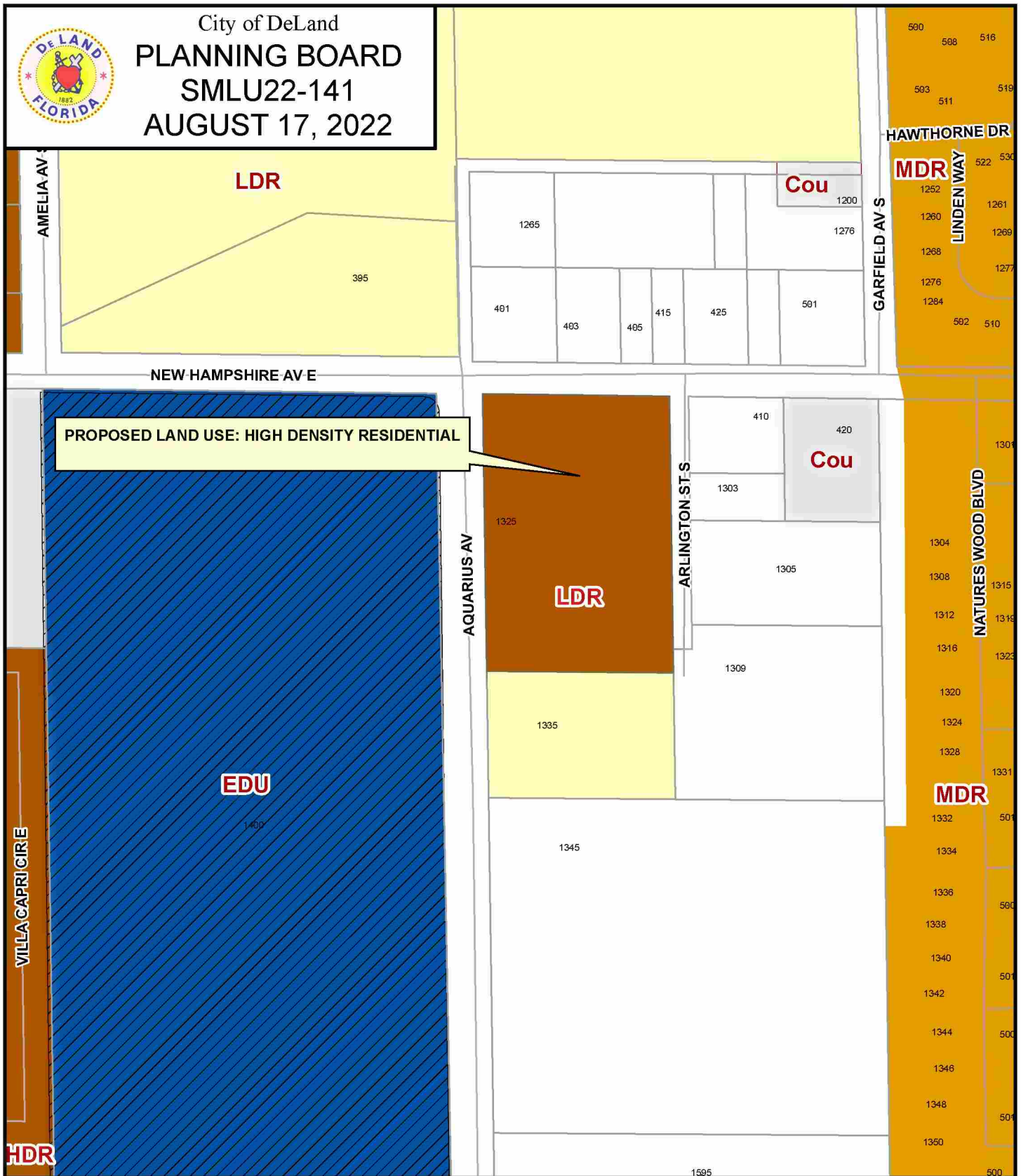
DeLand Future Land Use:

Agricultural Conservation	Educational	Downtown Commercial	New Community Development
Urban Low Intensity	Mixed Office - Residential	Redevelopment	Community
Low Density Residential	Mixed Commercial	Gateway	Commerce
Medium Density Residential	Business Retail	Rail Spur	West Central District
High Density Residential	Highway Commercial	Industrial	County





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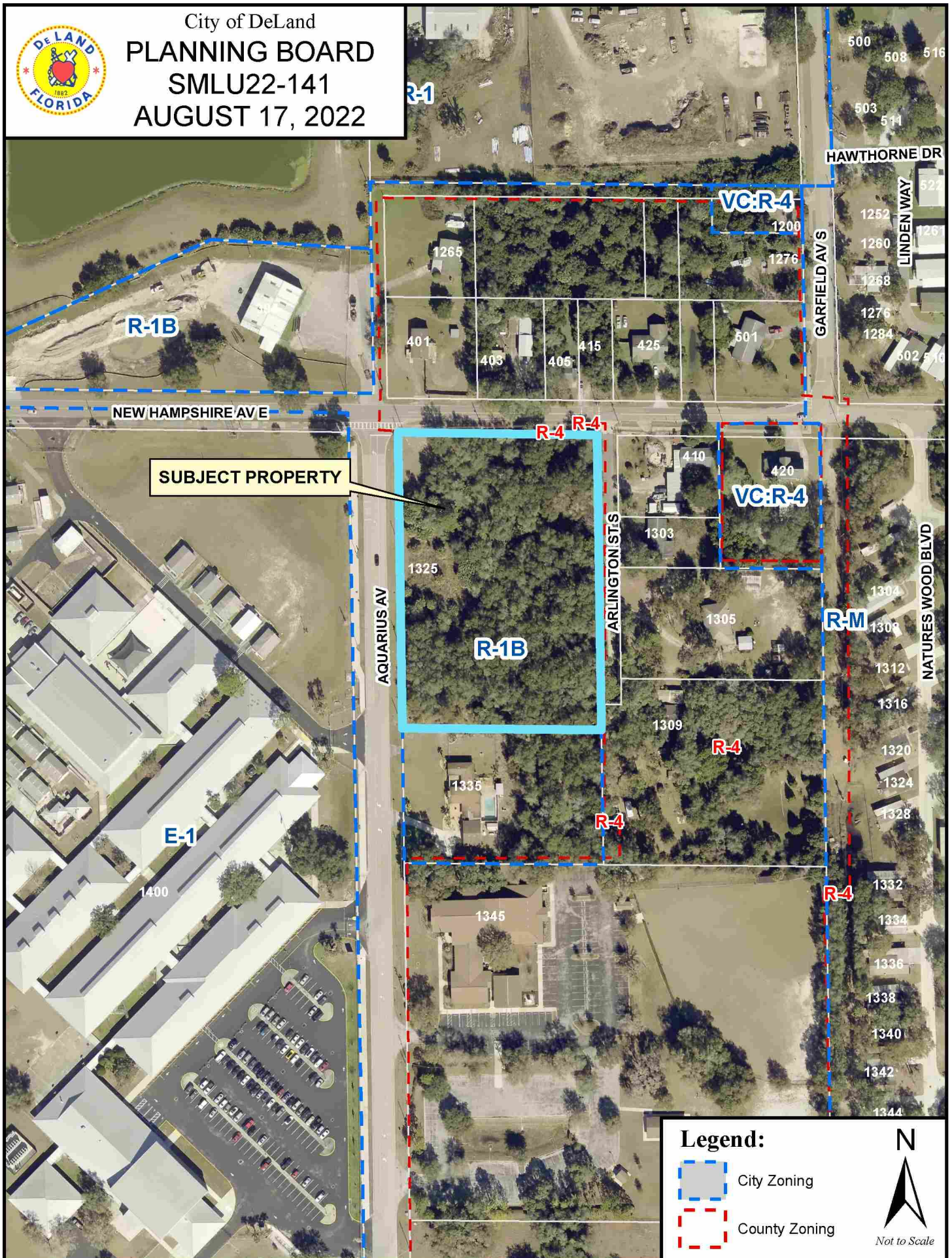
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City of DeLand
PLANNING BOARD
SMLU22-141
AUGUST 17, 2022





Planning Department

Memorandum

TO: Planning Board

DATE: August 17, 2022

FROM: Mike Holmes, Planning Director

FILE: Memo/22/affordable program

SUBJECT: Proposed Density Bonus Ordinance

The City has received an application to amend our Land Development Regulations (LDR) to create a density bonus for affordable housing projects. Attached is the proposed ordinance and the policies in the Comprehensive Plan that allows for a density bonus program to be established. As referenced in policy h1.1.2 the city may pursue several options to help with the affordability of housing for our residents. Through the past several years, the City Commission has asked staff to develop ways of reducing the potential cost of new residential projects in DeLand. Previously, the minimum size of dwelling units was reduced, as well as encouraging accessory dwelling units were modified in the LDR's. And now we are being asked to create a density bonus program by the private sector to further the city's efforts in achieving affordable housing.

The attached ordinance will allow a developer to submit for an increase of 50% of the maximum density allowed in each of our three multi-family zoning districts if they are to provide units for residents earning 120% of the area median income or less. The final project must designate at least 80% of the units to qualify for the affordable program. The 120% of median income term falls into the moderate-income category as defined by HUD. This percentage is to help identify the renters that may need assistance to avoid spending more than 30% of their income on rent. The affordable housing restriction must be recorded in a deed and provided to city staff for verification.

The proposed ordinance also allows for the full or partial waiver of city permit fees by action of the City Commission in addition to the density bonus. The density bonus is proposed to be done administratively as part of the site plan approval process. The final approval will be based on the size of the project as to which class the site plan falls under; Class II site plan is less than 40 units approved by TRC; Class III site plan is less than 80 units approved by Planning Board and Class IV site plan is more than 81 units approved by City Commission.

Although the ordinance allows for the waiving of permit and impact fees, the ordinance does not provide relief from any of the current regulations, just the increase in density. Such standards as tree protection, parking, unit size, and landscaping are the same as for all multi-family developments.

Recommendation

Please provide comments for City Commission consideration, especially if the Board desires to see the ordinance expanded to help further address affordability.

HOUSING ELEMENT

GOALS, OBJECTIVES AND POLICIES

GOAL h-1: Ensure that a range of safe, sanitary, energy efficient and affordable housing is available to all the residents of the City of DeLand.

Objective h1.1: Periodically review Census housing data for the City of DeLand, projections from the Affordable Housing Needs Assessment and other appropriate data sources to help determine the city's housing needs and if the Housing Element accurately reflects the City's supply of affordable housing units.

Policy h1.1.1: Based upon the results of reviewing the housing data in the Affordable Housing Needs Assessment, revise the existing Housing Element to accurately reflect and address the City's affordable housing situation.

Policy h1.1.2: Seek options and alternatives to be made available to private developers that will serve as incentives for the provision of low and moderate income housing (i.e., density bonuses for low and moderate income units/set asides within new developments, reduce minimum unit size etc.).

DRAFT
Affordable Housing
ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING VARIOUS SECTIONS WITHIN THE *CODE OF ORDINANCES OF THE CITY OF DELAND/LAND DEVELOPMENT REGULATIONS (LDRS)* RELATING TO AFFORDABLE HOUSING AND OTHER LAND DEVELOPMENT MATTERS; CREATING NEW PROVISIONS OF THE *LDRS*; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR IMPACT FEE WAIVERS AS AUTHORIZED BY SECTION 163.31801(11), *FLORIDA STATUTES*; PROVIDING FOR DIVERSE IMPLEMENTING ADMINISTRATIVE ACTIONS AND ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Policy h1.1.4 of the City of DeLand’ s *Comprehensive Plan* provides that the City “shall identify such practices as streamlining the City’s permitting process, waiving development application fees, implementing density bonuses, implementing unit/set asides, donating excess City land to private and nonprofit housing providers, promulgating less restrictive development standards, amending development regulations as necessary and other similar measures to achieve this goal” for the purpose of promoting affordable housing; and

WHEREAS, housing is generally considered “affordable” when it costs less than 30% of a family’s gross income and if a family is paying more than 30% its income for housing, it is considered a cost burdened household; and

WHEREAS, over 11 million Americans are considered extremely cost burdened because they are paying more than 50% of their income on housing and, in Florida, the issue of affordability has been one which has been grappled with for a long while; and

WHEREAS, affordable housing is not subsidized public housing or low-income housing, and “affordable” simply means costs have been are at a rate to allow families, seniors, and individuals to live within 30% of their gross income for all housing expenses and there is a maximum household income requirement that excludes those with higher income and Section 420.9071(2), *Florida Statutes*, defines the term “affordable” to mean:

. . . that monthly rents or monthly mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households as indicated in subsection (20), subsection (21), or subsection (30). However, it is not the intent to limit an individual household’s ability to devote more than 30 percent of its income for housing, and housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30 percent benchmark. The term also includes housing provided by a not-for-profit corporation that derives at least 75 percent of its annual revenues from contracts or services provided to a state

or federal agency for low-income persons and low-income households; that provides supportive housing for persons who suffer from mental health issues, substance abuse, or domestic violence; and that provides on-premises social and community support services relating to job training, life skills training, alcohol and substance abuse disorders, child care, and client case management.; and

WHEREAS, Section 166.04151, *Florida Statutes*, was enacted by the Florida Legislature relating to affordable housing and provides as follows:

(1) Notwithstanding any other provision of law, a municipality may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing or linkage fee ordinances.

(2) An inclusionary housing ordinance may require a developer to provide a specified number or percentage of affordable housing units to be included in a development or allow a developer to contribute to a housing fund or other alternatives in lieu of building the affordable housing units.

(3) An affordable housing linkage fee ordinance may require the payment of a flat or percentage-based fee, whether calculated on the basis of the number of approved dwelling units, the amount of approved square footage, or otherwise.

(4) In exchange for a developer fulfilling the requirements of subsection (2) or, for residential or mixed-use residential development, the requirements of subsection (3), a municipality must provide incentives to fully offset all costs to the developer of its affordable housing contribution or linkage fee. Such incentives may include, but are not limited to:

(a) Allowing the developer density or intensity bonus incentives or more floor space than allowed under the current or proposed future land use designation or zoning;

(b) Reducing or waiving fees, such as impact fees or water and sewer charges; or

(c) Granting other incentives.

(5) Subsection (2) does not apply in an area of critical state concern, as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code.

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the governing body of a municipality may approve the development of housing that is affordable, as defined in s. 420.0004, on any parcel zoned for residential, commercial, or industrial use.; and

WHEREAS, a sampling of residents which are in need of affordable housing includes entry level teachers, essential workers such as those in the medical field, restaurant, office, and retail personnel and many of persons employed in law enforcement; and

WHEREAS, many benefits of affordable housing derive to the City such as, but not limited to:

- (1). Economic benefits to the community. Affordable housing provides direct economic advantages to the immediate community.
- (2). Provides a diverse workforce. The best thing about affordable housing is the fact that it accommodates individuals with different skills that are beneficial to the community.
- (3). Promotes social and economic integration. Affordable housing ensures that the cost of housing is not very high such that families can afford to meet their respective health and education.
- (4). Stronger labor force. Through affordable housing, the employees are going to be able to live near their respective employment centers and this leads to a stronger labor force; and

WHEREAS, Section 163.3202, *Florida Statutes*, provides that the City of DeLand shall adopt and enforce land development regulations for the purpose of implementing its *Comprehensive Plan* and protecting the public health, safety and general welfare; and

WHEREAS, the City of DeLand's Planning Board, as the City's local planning agency, held a public hearing to consider this Ordinance and recommended approval; and

WHEREAS, City staff has recommended approval of this Ordinance; and

WHEREAS, without limiting the generality of the foregoing in any respect, the City Commission has determined that this Ordinance is consistent with the *Comprehensive Plan* of the City of DeLand; and

WHEREAS, the City Commission of the City of DeLand has deemed approval of this Ordinance to be in the best interest of the residents and citizens of the City of DeLand and to further the public health, safety and welfare; and

WHEREAS, this Ordinance is enacted pursuant to the statutory and constitutional home rule powers of the City of DeLand as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; and Chapter 166, *Florida Statutes*, and other applicable controlling law to include, but not be limited to, Chapter 163, *Florida Statutes*; and

WHEREAS, the City of DeLand has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. Legislative Findings and Intent.

The City Commission of the City of DeLand hereby adopts and incorporates into this Ordinance the City staff report relating to this Ordinance.

Section 2. Amendment to Section 33-12, *City Code/Land Development Regulations*,

Definitions. Section 33-12 of the *Code of Ordinances of the City of DeLand/Land Development Regulations* is hereby amended to read as follows:

Sec. 33-12. - Definitions.

(a). As used in these *Land Development Regulations* this chapter, the following words shall be defined as follows:

* * *

Adjusted median annual income. The median income for the local area, adjusted for family size, as determined by the U.S. Department of Housing and Development and the Florida Housing Finance Corporation.

Affordability period. The period during which a dwelling unit is reserved for use in accordance with this section. The minimum affordability period will be thirty years from the issuance of the certificate of occupancy, unless waived or modified by the City Commission.

Affordable housing means housing which is available to a household earning one hundred and twenty percent (120%) or less of area median income (adjusted for family size), which can be rented or purchased in the market without spending more than thirty percent (30%) of gross household income.

Affordable housing deed restriction. A deed covenant, running with the land for the affordability period, requiring one or more dwelling units to be used as affordable housing.

Affordable housing development application. An application for a development permit or development order for a project that includes one or more affordable housing units.

Affordable housing unit. A dwelling unit that is reserved for use as affordable housing for the affordability period, through recordation of an affordable housing deed restriction.

Qualifying household. Must qualify as one of the following:

1. A moderate income person or moderate income family as defined in F.S. § 420.9071.
2. A low income person or low income family as defined in F.S. § 420.9071.
2. A very low income person or very low income family as defined in F.S. § 420.9071.

Qualifying household's income level. The maximum amount of annual income, adjusted for family size, that allows a person or family to meet the definition of moderate-income person or moderate-income household, low-income person or low-income household, or very-low income person or very low-income household, as those terms are used in F.S. § 420.9071, and as determined for the local area by the U.S. Department of Housing and Development and the Florida Housing Finance Corporation.

Section 3. Amendment to Chapter 33, *City Code/Land Development Regulations*, creating Article XIV Affordable Housing, Section 33-151 through of the *Code of Ordinances of the City of DeLand/Land Development Regulations* is hereby amended to read as follows:

33-151. *Expediting of review for affordable housing development applications.*

1. All affordable housing development applications shall be reviewed in accordance with the applicable development standards of this Code, as modified by this section.

2. All affordable housing development applications shall be reviewed in accordance with the applicable procedures of this Code; provided, however, that the city shall expedite and prioritize the review and permitting of such applications to a greater degree than other projects.

33-152. *Administratively-approved development incentives for affordable housing.* The development of any proposed multiple-family housing unit or units located within the City shall be eligible for incentives established below, which shall be approved administratively; provided that prior to issuance of a building permit, such units are reserved as affordable housing units for an affordability period of thirty years or more, through the property owner's execution and recordation of an affordable housing deed restriction, in a form provided by or acceptable to the City.

1. *Multiple-family density bonus.* As provided below, the maximum residential density permitted by this Code for the development of new multiple-family affordable housing units shall be allowed within any R-8, R-12 or R-16 zoning district and shall allow increased density in order to encourage construction of such units pursuant to the following conditions:
 - a. *Density bonus cap.* The maximum density resulting from the bonus shall not exceed 150% of the density otherwise permitted for the project by the applicable zoning district.
 - b. *Designation of affordable dwelling units.* A minimum of 80% of the total number of dwelling units of a project subject to the provisions of this section shall be designated as affordable housing units.
2. *Development fee waivers.* The city may consider full or partial waiver of permit fees for developers providing affordable housing, including but not limited to the following:

Rezoning application

Lot changes and adjustments

Preliminary and/or final plat

Site plan

Plan modification

Tree removal

Building permit

Electrical permit

Plumbing permit

Mechanical permit

Stormwater management

Any permit fee waivers granted shall be pro-rated based on the percentage of multiple-family dwelling units that are designated as affordable housing units.

3. *Recordation of affordable housing deed restriction.* The affordable housing deed restriction required by this section shall be recorded at the property owner's sole cost. The property

owner must provide the City proof of recordation in an acceptable form prior to issuance of building permits.

- E. *Development incentives requiring City Commission approval.* On an individual project basis, the City Commission may, in its sole discretion, provide additional development incentives for affordable housing in addition to, or in lieu of, those specified in section 33-151 and 33-152. Incentives may include reduction, delay or waiver of any and all applicable City impact fees, as specified in sections 33-42 to 33-45.

Section 4. Implementing Administrative Actions; Enforcement.

(a). The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions including, but not limited to, the adoption of administrative rules.

(b). The approvals and denials relating to applications, as set forth herein, shall be in a form approved City Attorney which shall be consistent with the provisions of Section 166.033, *Florida Statutes*.

(c). Enforcement of the City's *Land Development Regulations* shall be in accordance with the normative code enforcement processes and procedures of the City.

Section 5. Conflicts. All Ordinances or parts of Ordinances and other actions of the City Commission in conflict with this Ordinance are hereby repealed.

Section 6. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 7. Codification; Direction to Code Codifier and City Staff; Correction of Scrivener's Errors.

(a). The provisions Sections 2 and 3 of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of DeLand*, with all other sections not being codified, and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that all other ss shall not be codified.

(b). The Code codifier shall instruct the Municipal Code Corporation to make all changes necessary in the *Code of Ordinances of the City of DeLand* to implement the provisions of this Ordinance and is granted liberal authority to codify the provisions of this Ordinance in such manner and in such places as deemed advisable.

(c). In accordance with the City's ongoing codification program; the City Clerk, in conjunction with the City Attorney, may make corrections to the provisions of this Ordinance relative to Scrivener's errors of whatever type or nature.

Section 8. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED this day of _____, 2022.

Robert F. Apgar
Mayor - Commissioner

ATTEST:

Julie A. Hennessy, MMC, City Clerk - Auditor

Passed on first reading: _____, 2022.

Adopted on second reading: _____, 2022.

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind, City Attorney