

Recommended Motion Continued:
applicable Comprehensive Plan policies.

Summary/Highlights Continued:
DISTRICT#: 1

PARCEL SIZE: ±10.3 acres

BACKGROUND/DISCUSSION: Mr. Dubble requested a rezoning of his property in August of 2003 from A-2 Rural Agricultural classification to RA, Rural Agricultural Estate classification. However, a portion of the re-zoned parcel has historically been used to grow ferns. Mr. Dubble wishes to continue growing ferns commercially on the subject property. The current RA zoning classification does not permit Mr. Dubble to claim an agricultural tax exemption and is therefore requesting the rezoning classification of A-4, because it more specifically defines the character of the historical and current use. (The purpose and intent of the A-4, Transitional Agriculture, classification is to preserve and protect small farms for personal and limited agricultural production or to provide a transitional agricultural zone between more intensive agricultural use areas and residential areas. It is intended that this classification be applied to preserve existing agricultural uses in urban and rural areas as depicted by the comprehensive plan, or to properties so as to coincide with the existing character of an area in a manner consistent with the comprehensive plan.)

PLANNING and LAND DEVELOPMENT REGULATION COMMISSION

RECOMMENDATION: APPROVAL

STAFF RECOMMENDATION: APPROVAL of this application for a Rezoning from the RA (Rural Agriculture) zoning classification to the A-4 (Transitional Agricultural) zoning classification.

GENERAL INFORMATION

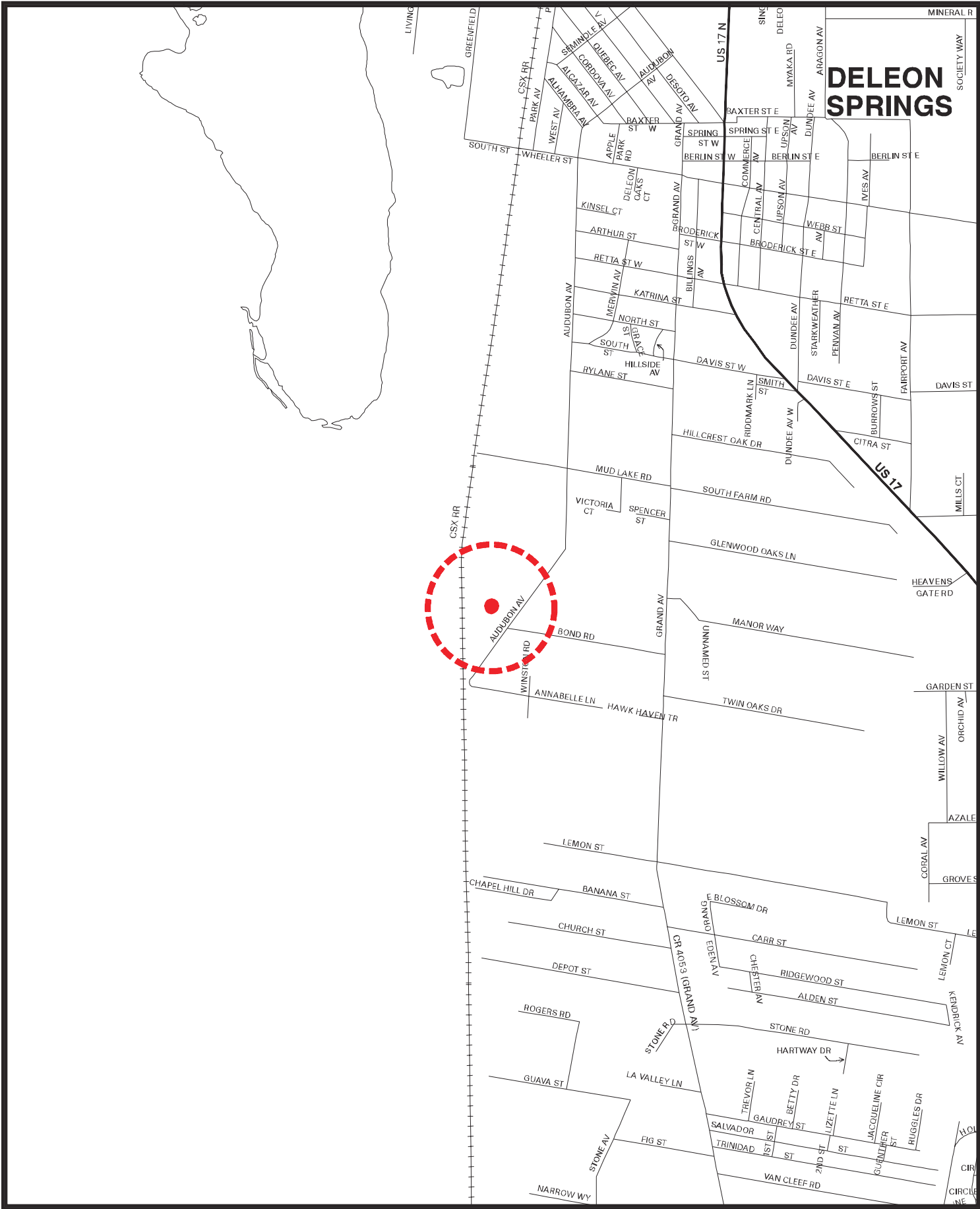
NO OPPOSITION

ATTACHMENTS:

1. Maps
2. Planning Staff Report
3. Minutes of the PLDRC meeting of June 8, 2004
4. Notice of Public Hearing
5. Resolution

COMMENTS SOLICITED FROM:

N/A



DELEON SPRINGS

AMENDMENT

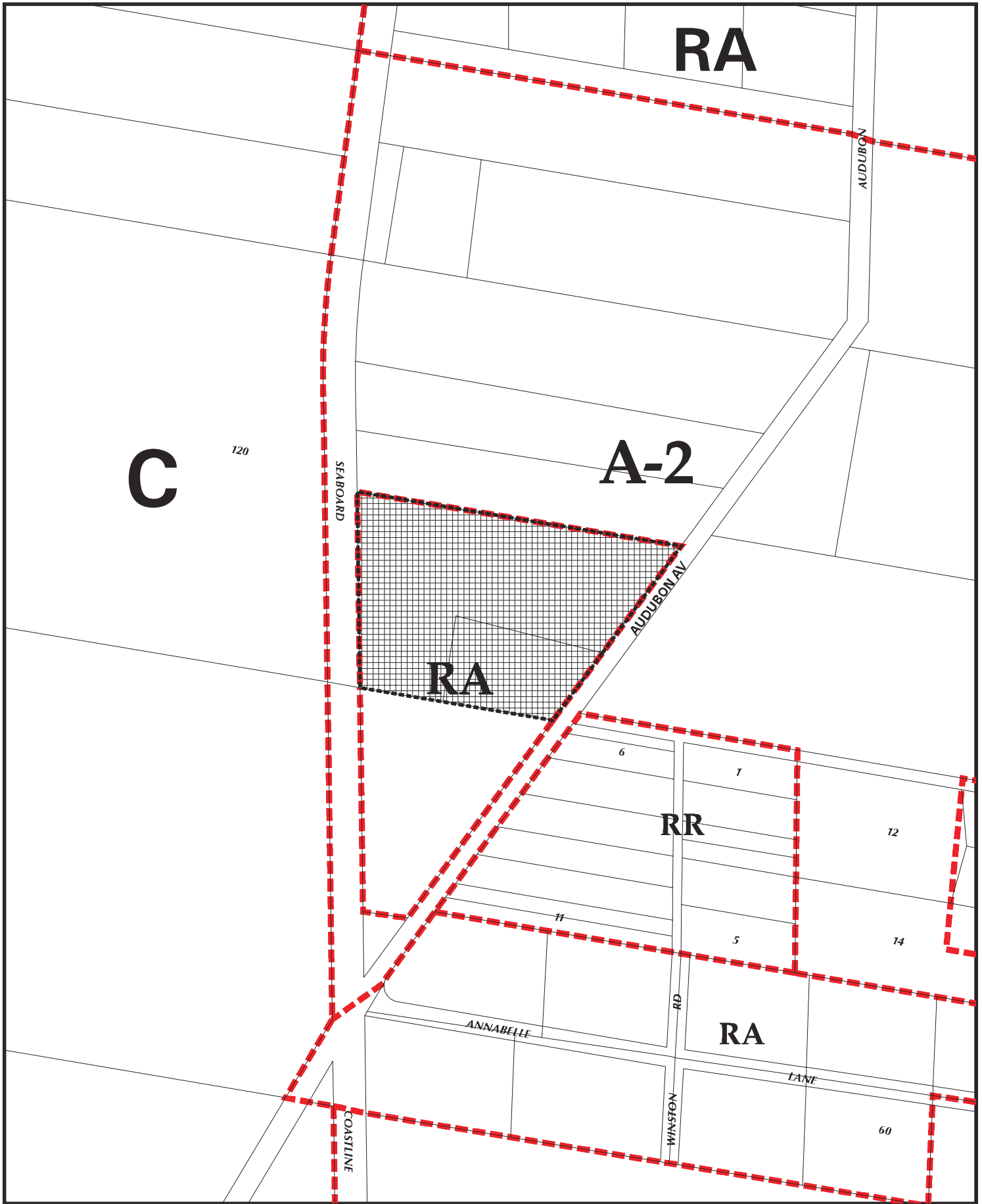
FROM: RA
TO: A-4



REQUEST AREA



CASE NUMBER
Z-04-044



AMENDMENT

FROM: RA
TO: A-4



REQUEST
AREA



CASE NUMBER
Z-04-044

CASE NO. Z-04-044

APPLICANT:

John Dubbled, Owner

REQUEST:

A-4. The purpose and intent of the A-4 Transitional Agriculture Classification is to preserve and protect small farms for personal and limited agricultural production or to provide a transitional agricultural zone between more intensive agricultural use areas and residential areas. It is intended that this classification be applied to preserve existing agricultural uses in urban and rural areas as depicted by the comprehensive plan, or to properties so as to coincide with the existing character of an area in a manner consistent with the comprehensive plan.

CURRENT ZONING:

RA. The purpose and intent of the RA, Rural Agricultural Estate classification, is to preserve and protect unimproved agricultural areas that have become subject to increased amounts of single-family residential development. These areas are unsuited generally for commercial agricultural production because of odd lot configurations, undeveloped but platted subdivisions, poor soil conditions, or lack of positive drainage outfall. Despite these facts there are some suitable sites for single-family dwellings and personal agricultural production.

COMPREHENSIVE PLAN DESIGNATION:

Rural

PARCEL NUMBER:

6944-01-00-1204 and 6944-01-00-1207

PARCEL CHARACTERISTICS:

± 10.3 acres containing a fernery and a single-family dwelling

LOCATION:

The property is located on the West side of Audubon Ave, approximately 100 ft. North from intersection with Bond Road abutting the CXS Rail Road Line, in the community of Glenwood.

SURROUNDING ZONING AND LAND USE:

North	A-2.	A single-family dwelling.
East	A-2.	Audubon road, then a single-family dwelling.
South	RA.	A single-family dwelling.
West	C.	CSX RR, then Lake Woodruff Wildlife Refuge.

ANALYSIS:

The subject property is situated in a rural area at the northern end of the community of Glenwood, just south of DeLeon Springs. The area development pattern consists of single-family home sites on 2.5 to 5 acre size lots. The Seaboard Coast Line Railroad abuts the entire western boundary of the subject site followed by the Lake Woodruff Wildlife Refuge.

Last year the applicant requested a rezoning from A-2 (5-acre minimum lot size) to RA (2.5 acre minimum). His objective was to keep his home and fernery operation on 2.5 acres and sell the remainder. The County Council approved the request in September because they found it to be compatible with the surrounding neighborhood and consistent with the Comprehensive Plan policies and Rural Future Land Use designation. However, the RA zoning contains a personal use restriction on agricultural pursuits. The applicant is requesting a rezoning to A-4 so that he can continue operating the existing fernery on site as a conforming commercial agricultural operation.

The following specific Comprehensive Plan goals, objectives and policies are applicable to the location of the requested zoning classification:

GOAL 1.4 Ensure that agricultural and silvicultural lands are protected from encroachment by incompatible land uses and remain a vital element of the County's economy.

Policy 1.4.1.1 Urban growth shall be directed away from designated agricultural areas.

Policy 1.4.1.2 Volusia County shall protect Agricultural and Forestry Resource areas from encroachment of non-agricultural activities.

Policy 1.4.1.3 In agricultural areas, Volusia County shall prevent the intrusion of incompatible land uses such as urban density residential and

non-agricultural oriented commercial and preclude the provision of urban services while encouraging and supporting programs which enhance the agricultural environment.

OTHER CONSIDERATIONS:

Land Use Considerations – Like the current RA classification, the A-4 zoning is one of the classifications listed under column “B” of the Rural category in the Matrix For Matching Zoning Classifications With Future Land Use Categories. This column indicates which zoning categories may be considered compatible under certain circumstances. Site conditions in conjunction with the existing character of the surrounding area are the determining factors for rezoning requests.

The A-4 zoning classification shares most of the same elements as the RA, such as lot size, similar setback requirements and permitted uses. The major difference as mentioned, is that the A-4 allows commercial agriculture. The A-4 can be considered consistent with the Rural land use designation for the same reasons that the RA was found to be. It is compatible with the character of the surrounding area and will provide a good transition between the A-2 zoning to the north and the RA zoning adjacent to the south.

Reason for Recommendation – Staff recommends approval of this request because the property has been used as a fernery for many years and has coexisted with the surrounding area without any land use conflicts. The request is consistent with the Future Land Use Map designation and Comprehensive Plan policies.

RECOMMENDATIONS:

APPROVAL of this application for a Rezoning from the RA (Rural Agricultural Estate) zoning classification to the A-4 (Transitional Agricultural) zoning classification.

REZONING APPLICATIONS REQUIRE A FIRST PUBLIC HEARING BY THE PLDRC AND A SECOND PUBLIC HEARING BY THE COUNTY COUNCIL.

**PLANNING AND LAND DEVELOPMENT REGULATION
COMMISSION
PUBLIC HEARING HELD
June 8, 2004**

Z-04-044 - Application of **John Dubbled, Owner**, requesting a Rezoning from RA (Rural Agricultural Estate) zoning classification to A-4 (Transitional Agriculture) zoning classification. The property is located on the west side of Audubon Ave., approximately 100 ft. north from intersection with Bond Rd., in the community of Glenwood; ±10 acres (Zechnowitz)

Chairman Rudolph noted there was public interest in case Z-04-044. He pulled the case from the Consent Agenda and stated the case would be heard in its regular rotation.

Z-04-044

Chairman Rudolph called for case Z-04-044 to be heard.

John Dubbled, owner **was not present**.

David Zechnowitz, Planner III, presented the Staff Report. Mr. Zechnowitz stated the applicant, John Dubbled, had rezoned the property in 2003, to RA (Rural Agricultural). Mr. Dubbled wants to continue growing ferns on a portion of the property and therefore is requesting that it be rezoned to A-4. Staff recommends **APPROVAL** of the request because it has been used as a fernery for many years and has coexisted with the surrounding area with out any land use conflicts. The request is consistent with the Future Land Use Map designation and Comprehensive Plan policies.

Neighbor

Endorsed

Karen Clark, Glenwood Civic Association was present

Ms. Clark stated that Glenwood Civic Association endorsed the proposed rezoning.

Member Mellor **MOVED** to **FORWARD** case **Z-04-044** to the County Council with a recommendation of **APPROVAL** as presented by Staff. Member Sixma **SECONDED** the motion. The motion **CARRIED** unanimously.

NOTICE OF INTENTION TO CONSIDER RESOLUTION

NOTICE IS HEREBY GIVEN BY the County Council of Volusia County, Florida, of its intention to consider the adoption of a resolution at its regularly scheduled meeting on Thursday, July 22nd, 2004 at 10:00 a.m., in the County Council Meeting Room of the Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand, Florida, the title of which resolution shall read as follows:

RESOLUTION NO. 2004-

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF VOLUSIA COUNTY, FLORIDA, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN HEREIN DESCRIBED PROPERTY FROM RA TO A-4; PROVIDING AN EFFECTIVE DATE.

This resolution is being considered pursuant to an application # **Z-04-044**, filed by **John Dubbeld**, Owner, requesting to amend the Official Zoning Ordinance of Volusia County, Florida by amending the Official Zoning Map Classification from the RA (Rural Agricultural Estate) zoning classification to the A-4 (Transitional Agriculture) zoning classification by **REZONING** a ±10 acre property located on the west side of Audubon Ave., approximately 100 ft. north from intersection with Bond Rd. in the community of Glenwood.

This proposed resolution may be inspected by the public at the VOLUSIA COUNTY BUILDING AND ZONING DIVISION, 2nd FLOOR, THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA. Interested parties may appear at the meeting and be heard with respect to the proposed resolution.

This hearing may be continued to one or more dates. The dates, times, and places of any continuation of the above scheduled public hearing will be announced at said public hearing and no further notice regarding said continuation is required to be published.

If anyone decides to appeal any decision made by the Volusia County Council with respect to any matter considered at this hearing, he or she will need a record of the proceedings, including all testimony and evidence, upon which the appeal is to be based. To that end, such person will want to ensure that verbatim record of the proceedings is made.

**COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA**

BY Cynthia A. Coto
**CYNTHIA A. COTO
COUNTY MANAGER**

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF VOLUSIA COUNTY, FLORIDA, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN HEREIN DESCRIBED PROPERTY FROM RA TO A-4; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Article XI, Section 1103.00 of Volusia County Ordinance No. 80-8, as amended, the Volusia County Council held a public hearing after due public notice on the application of **John Dubbeld, Owner**, Zoning Case No. Z-04-044, for an amendment to the Official Zoning Map of Volusia County; NOW THEREFORE,

BE IT RESOLVED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE THOMAS C. KELLY ADMINISTRATION CENTER, DELAND, FLORIDA, ON THIS 22ND DAY OF JULY, A.D. 2004, AS FOLLOWS:

SECTION I: In accordance with Volusia County Zoning Ordinance No. 80-8, as amended, the Volusia County Council hereby amends the Official Zoning Map of Volusia County, Florida, from the RA (Rural Agriculture) zoning classification to the A-4 (Transitional Agriculture) zoning classification, on the following described real property:

S 606.62 FT OF N 1426.62 FT MEAS ON W R/W LINE OF AUDUBON AV E OF LOTS 120 & 121 E OF RR EXC IRREG PARCEL IN LOT 120 MEAS 265 FT ON W/L AUDUBON AVE & MEAS 353.20 FT ON S/L OF LOT 120 DUPONT GAUDRY GRANT MB 12 PG 40 PER OR1737 PG 1864

and

IRREG PARCEL IN LOT 120 E OF RR MEAS 353.20 FT ON S/L LOT 120 & MEAS 265 FT ON W R/W LINE AUDUBON AVE DUPONT & GAUDRY GRANT MB 12 PG 40 PER OR 1737 PG 1864

Tax Parcel No.: 6944-01-00-1204 and 6944-01-00-1207

SECTION II: The Zoning Enforcement Official is hereby directed to amend the Official Zoning Map of Volusia County to conform with Section I of this Resolution.

SECTION III: This Resolution shall take effect immediately upon its adoption.
DONE AND ORDERED IN OPEN MEETING THIS 22ND DAY OF JULY, A.D. 2004.

COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

BY: _____
DWIGHT D. LEWIS
Chair

ATTEST: _____
RAY W. PENNEBAKER
Deputy County Manager