

**COUNCIL ACTION:** 

[] Tabled Indefinitely

# **CITY COUNCIL AGENDA FORM**

REQUESTED COUNCIL MEETING DATE: 7/19/05

[] Disapproved

[] Approved with Modification

SUBJECT: REZONING/ CITY OF PORT ORANGE NW CORNER OF SPRUCE CREEK ROAD AND ANTHONY DRIVE CASE NO. 05-60000009
DEPARTMENT: COMMUNITY DEVELOPMENT
RECOMMENDED MOTION: To adopt Ordinance No. 2005-28 , rezoning approximately 1.34 acres located at the northwest corner of Spruce Creek Road and Anthony Drive from Volusia County "A-2" to City of Port Orange "R-10SF," as recommended by the Planning Commission.
SUMMARY: Planning Commission Action: June 23, 2005 Recommended approval, 7-0 (unanimous), to rezone approximately 1.34 acres located at the northwest corner of Spruce Creek Road and Anthony Drive from Volusia County "A-2" (Rural Agriculture) to City of Port Orange "R-10SF" (Single Family residential). The subject property was annexed into the City last year. The Staff report is attached for additional information.
The City is processing a future land use amendment for the subject property simultaneously with the proposed rezoning. Second reading of the rezoning ordinance may be scheduled once the future land use amendment is reviewed by the Volusia Growth Management Commission.
ATTACHMENTS: Sordinance Resolution Budget Resolution  Other Support Documents/Contracts Available for Review in Manager's Office
DEPARTMENT HEAD  Donna J. Steinebach  Militage Lath Date 7-7-05
FINANCE DEPARTMENT N/A Approved as to Budget Requirements Date
CITY ATTORNEY Approved as to Form and Legality  Approved Agenda Item For:  Date 7. 7. 05  Approved Agenda Item For:
CITY MANAGER Approved Agenda Item For:

[] Approved as Recommended

[] Continued to Date Certain

# ORDINANCE NO. 2005-28

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY 1.34 ACRES LOCATED AT THE NORTHWEST CORNER OF SPRUCE CREEK ROAD AND ANTHONY DRIVE, FROM VOLUSIA COUNTY R-3 (SINGLE-FAMILY RESIDENTIAL) AND VOLUSIA COUNTY A-2 (RURAL AGRICULTURE) TO CITY OF PORT ORANE R-10SF (SINGLE FAMILY RESIDENTIAL); ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the property to be rezoned consists of approximately 1.34 acres located at the northwest corner of Spruce Creek Road and Anthony Drive, and is zoned Volusia County R-3 (Single-Family Residential) and Volusia County A-2 (Rural Agriculture); and

WHEREAS, the owner of the property has petitioned the Planning Commission to rezone said property from Volusia County R-3 (Single-Family Residential) and Volusia County A-2 (Rural Agriculture) to City of Port Orange R-10SF (Single Family Residential); and

WHEREAS, a public hearing was held following public notice as prescribed by general law; and

WHEREAS, the Planning Commission has by unanimous vote recommended approval of the proposed rezoning; and

WHEREAS, the City Council has approved by a majority vote of the members present the rezoning of the described property; and

WHEREAS, the rezoning to R-10SF (Single Family Residential) is consistent with the City of Port Orange Comprehensive Land Use Plan.

(ORD. NO. 2005- )

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY

OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. The City Council of the City of Port Orange does hereby rezone the

following described property from Volusia County R-3 (Single-Family Residential) and

Volusia County A-2 (Rural Agriculture) to City of Port Orange R-10SF (Single Family

Residential).

Section 2. The property rezoned consists of approximately 1.34 acres located at

the northwest corner of Spruce Creek Road and Anthony Drive, more particularly

described on Exhibit "A" attached hereto.

Section 3. The City Council of the City of Port Orange does hereby approve,

authorize and direct the revision of the City's Official Zoning Atlas to show the

classification for the area as hereby rezoned.

Section 4. This ordinance shall become effective as provided by general law.

MAYOR ALLEN GREEN	

ATTEST:

Kenneth W. Parker, City Manager

Passed on first reading on the day of

Passed and adopted on second and final reading on the day of

Reviewed and Approved:

City Attorney

C:\Legal\ORD\rez 1.34 acres spruce creek rd and anthony.wpd

## EXHIBIT "A"

Parcel Numbers: 6333-01-00-0344 6334-01-00-0028

A portion of Lots 33 and 34, Bonks Landing, as recorded in Map Book 23, Page 133 of the Public Records of Volusia County, Florida, and a portion of Lot 2, Assessor's Subdivision of Section 34, Township 16 South, Range 33 East, as recorded in Map Book 3, Page 91 of the Public Records of Volusia County, Florida.

Commence at the Northwest corner of said Lot 2, Assessor's Subdivision; Thence go South along the West line of said Lot 2 a distance of 90 feet to the Point of Beginning; Thence go East at right angle a distance of 85 feet; Thence go South and parallel West at right angle a distance of 205 feet; Thence go Parallel to the West line of said Lot 2 a distance of 205 feet; Thence go Parallel to the West line of said Lot 2 a distance of 205 feet; Thence go East at right angle a distance of 200 feet to the Point of Beginning.

Subject to an ingress/egress and utility easement over the South 25 feet.



### STAFF REPORT

CASE NO. 05-60000009

Rezoning from Volusia County "A-2" and "R-3" to City of Port Orange "R-10SF"

NW corner of Spruce Creek Road and Anthony Drive City of Port Orange, applicant June 16, 2005

#### INTRODUCTION:

The City of Port Orange, applicant, requests approval to rezone 1.34 acres of property located at the northwest corner of Spruce Creek Road and Anthony Drive. If approved, the zoning of the property would be changed from Volusia County "A-2" (Rural Agriculture) and Volusia County "R-3" (Single-Family Residential) to City of Port Orange "R-10SF" (Single-Family Residential).

#### **CHARACTER OF AREA:**

The subject property was formerly part of an unincorporated enclave at the southern end of Spruce Creek Road. The enclave is bordered to the south, east and west by Spruce Creek and to the north by Spruce Creek Estates and River Oaks subdivisions. The property was annexed into the City on October 26, 2004, per Ordinance No. 2004-31. The property consists of two lots, one of which is occupied by a single-family residence. One of the lots is zoned Volusia County "R-3", while the other is zoned Volusia County "A-2." The future land use designation of both properties is Volusia County *Urban Low Intensity*, which allows residential densities from 0.2 to 4.0 units/acre. The City is processing a future land use amendment for the subject properties concurrently with the proposed rezoning to change the designation to the closest City equivalent, *Suburban Residential (2-4 units/acre)*. The surrounding land use designations and zoning districts are described below, and are shown graphically on the maps attached to this report.

North:

Future Land Use:

City of Port Orange Suburban Residential (2-4 units/acre)

Existing Land Use:

Single-Family Residential

**Existing Zoning:** 

"R-10SF" (Single-Family Residential)

East:

Future Land Use:

Volusia County Urban Low Intensity

Existing Land Use:

Single-Family Residential

Existing Zoning:

Volusia County "A-2" (Rural Agriculture) and Volusia County

"RA" (Rural Agricultural Estate)

South:

Future Land Use:

Volusia County Urban Low Intensity

Existing Land Use:

Single-Family Residential

**Existing Zoning:** 

Volusia County "R-3" (Urban Single-Family Residential) and Volusia County "R-4" (Urban Single-Family Residential)

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West:

Future Land Use:

Volusia County Urban Low Intensity

Existing Land Use:

Single-Family Residential

Existing Zoning:

Volusia County "R-3" (Urban Single-Family Residential)

#### **DISCUSSION:**

The rezoning request was reviewed according to the criteria established in Chapter 3, Section 5 of the LDC (Land Development Code) in terms of consistency with the Future Land Use Map and with the surrounding land uses and zoning.

#### Consistency with Comprehensive Plan - Update '98:

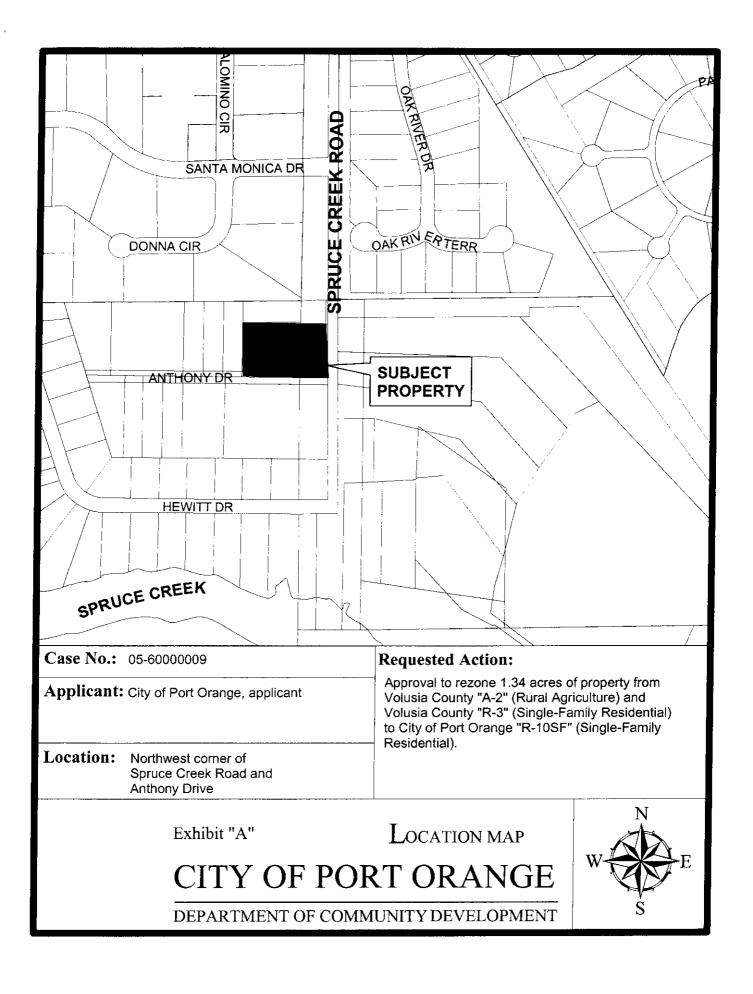
The future land use designation of the subject property is being changed from Volusia County *Urban Low Intensity* to *Suburban Residential (2-4 units/acre)*. This designation is intended to provide for detached single-family homes on half-acre to quarter-acre lots. This land use is the predominant residential category within the City. According to the future land use/zoning consistency matrix, the proposed "R-10SF" zoning district is compatible with this future land use category. As a result of this rezoning, the property would be in compliance with its future land use designation.

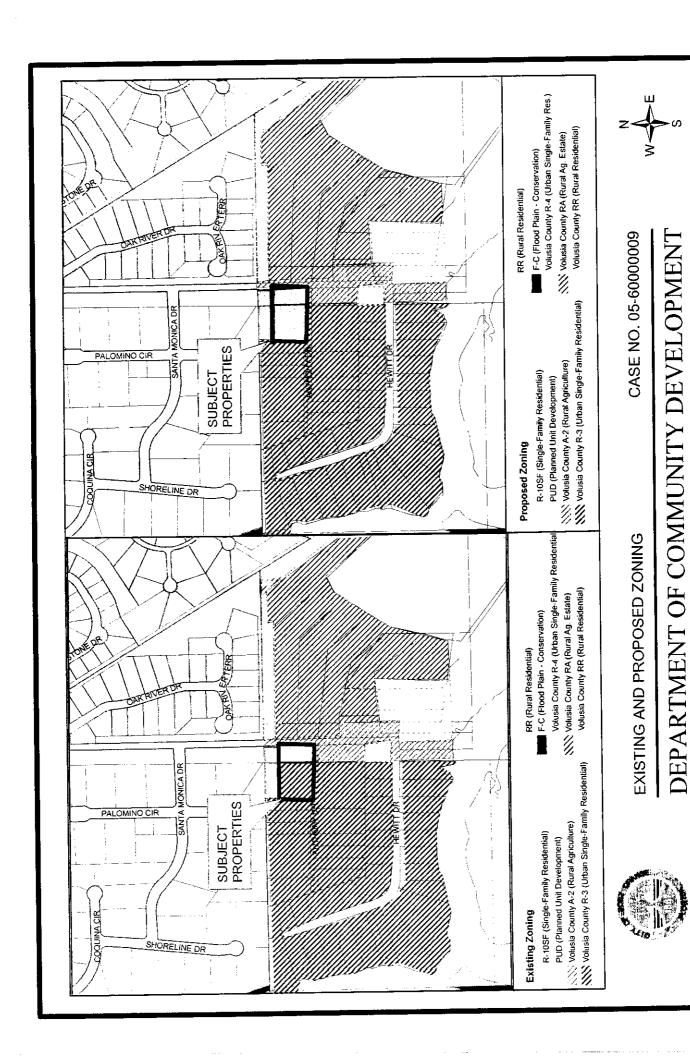
### Compatibility with Adjacent and Surrounding Uses:

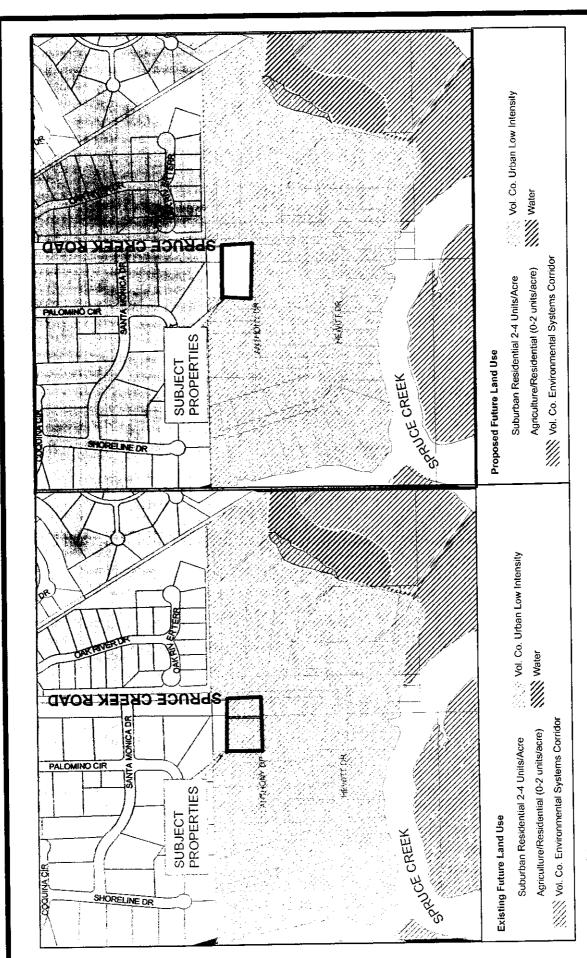
According to Chapter 17, Section 8 of the Port Orange Land Development Code, the "R-10SF" zoning district "...is intended to protect existing suburban development and provide for future development of a similar nature, where locations away from urban activity centers suggest suburban densities." The subject property is surrounded on all sides by single-family residential uses of a similar density, and will not represent a change to the character of the area. The proposed rezoning is therefore compatible with the adjacent and surrounding uses.

#### **RECOMMENDATION:**

Based on the findings of this report, Staff recommends Staff recommends approval of the request to change the zoning of 1.34 acres, located at the northwest corner of Spruce Creek Road and Anthony Drive, from Volusia County "A-2" (Rural Agriculture) and Volusia County "R-3" (Single-Family Residential) to City of Port Orange "R-10SF" (Single-Family Residential).







EXISTING AND PROPOSED FUTURE LAND USE

CASE NO. 05-60000009

DEPARTMENT OF COMMUNITY DEVELOPMENT

