MEMORANDUM

TO: Michael E. Disher, AICP, Planning and Development Director (MD)
FOR: Kenneth W. Parker, City Manager
FROM: Randy Hunt, AICP, Senior Planner
RE: **COMMUNITY DEVELOPMENT CASES 05-65000002 AND 05-10000001: NAUTICA LAKES PUD REZONING, APPROVAL OF MDA AND CDP, AND ANNEXATION – *REQUEST FOR CONTINUANCE***
DATE: January 10, 2006

These cases were considered by the Planning Commission on Nov. 17, 2005, and were recommended for Council's approval subject to several revisions in the plans. In anticipation of the revised documents' receipt, staff scheduled the items for public hearing by Council on Jan. 17, 2006. However, delay in receipt of the documents has made it advisable to continue the public hearing until a future meeting, in order that staff can present a complete analysis to Council. This will also allow preparation of ordinances to reflect final, executed versions of the documents.

Staff recommends that the two agenda items for Nautica Lakes be continued until Council's **February 21, 2006** meeting.

CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE 12/13/05

SUBJECT: **ANNEXATION / NAUTICA LAKES PUD**
Property located on the north and south sides of Willow Run Boulevard, east of Williamson Boulevard
CASE NO. 05-10000001

DEPARTMENT: COMMUNITY DEVELOPMENT

RECOMMENDED MOTION:
To adopt Ordinance No. 2005-62, annexing approximately 39.5 acres of land on the south side of Willow Run Boulevard, and a portion of 9.5 acres of land on the north side of Willow Run Boulevard, west of Williamson Boulevard.

SUMMARY:
James S. Morris, applicant, on behalf of DSC of Newark Enterprises, Inc. and Humphrey Florida Corp., property owners, requests the annexation of approximately 39.5 acres of land on the south side of Willow Run Boulevard, and a portion of 9.5 acres of land on the north side of Willow Run Boulevard, into the City of Port Orange. Concurrent with the annexation petition, an application has also been submitted to rezone the property to "PUD" (Planned Unit Development). The property already has City of Port Orange Future Land Use designations. This is due to the fact that much of the land in this area is governed by an interlocal agreement between the City and Volusia County. The agreement anticipated the future annexation and development of this and other properties west of the City limits. That agreement assigned a City Future Land Use designation to the property and thereby made it subject to the City's Comprehensive Plan for planning purposes. If annexed, the contract purchaser intends to combine the subject property with a separate 15-acre tract that is already within the City's municipal boundaries. This developer intends to develop the entire 49.5-acre tract as a mixed-use Planned Unit Development containing approximately 476 multi-family units, 50,000 square feet of commercial space and associated infrastructure improvements. The rezoning request was heard by the Planning Commission at its November 17, 2005 meeting. At the applicant's request, the annexation petition was delayed until such time as it could proceed concurrent with the rezoning request to City Council.

ATTACHMENTS: [X] Ordinance [ ] Resolution [ ] Budget Resolution

[ ] Other [ ] Support Documents/Contracts Available for Review in Manager's Office

PLANNING & DEVELOPMENT MANAGER Michael E. Dishe Gail Anderson FOR Date 12-7-05
CITY ATTORNEY Approved as to Form and Legality Date 12-07-05
CITY MANAGER Approved Agenda Item For: 12/13/05

COUNCIL ACTION: [ ] Approved as Recommended [ ] Disapproved
[ ] Tabled Indefinitely [ ] Continued to Date Certain [ ] Approved with Modification

Ordinance amended to delete DSC Newark Second Reading - 1/17/06

ORDINANCE NO. 2005-62

(DSC of Newark Enterprises, Inc.
and Humphrey Florida Corp.)

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ANNEXING PROPERTY LOCATED ON THE NORTH AND SOUTH SIDE OF WILLOW RUN BOULEVARD AND WEST OF WILLIAMSON BOULEVARD; TOGETHER WITH THE ADJOINING RIGHT-OF-WAY OF WILLOW RUN AND THE ADJOINING RIGHT-OF-WAY OF WILLIAMSON BOULEVARD EXTENDING NORTH TO ITS INTERSECTION WITH A LINE COTERMINUS WITH THE NORTH LINE OF THE FLORIDA POWER AND LIGHT RIGHT-OF-WAY; BEING CONTIGUOUS TO THE CITY OF PORT ORANGE; REDEFINING BOUNDARIES OF THE CITY OF PORT ORANGE TO INCLUDE SAID PROPERTY; ASSIGNING ANNEXED PROPERTY TO CITY COUNCIL DISTRICT 3; DIRECTING CITY CLERK TO PUBLISH NOTICE OF ANNEXATION AND TO PROVIDE COPY OF NOTICE TO VOLUSIA COUNTY COUNCIL; DIRECTING CITY CLERK TO FILE ORDINANCE WITH CLERK OF CIRCUIT COURT AND CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND DEPARTMENT OF STATE; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owners of real property in an unincorporated area of Volusia County, Florida, which is contiguous to the boundary of the City of Port Orange and reasonably compact, have petitioned the governing body of the City of Port Orange that said property be annexed to and become part of Port Orange, Florida; and

WHEREAS, the City Council of the City of Port Orange, Florida, has determined that the petition is a bona fide request by the owners of real property for annexation together with Williamson Boulevard right-of-way and Willow Run Boulevard a 200 foot right-of-way; and

WHEREAS, the City Council of the City of Port Orange, Florida, finds that it is in the best interest of the citizens of the City of Port Orange to annex said territory into the corporate limits of the City of Port Orange; and

WHEREAS, due to the fact this land is governed by an Interlocal Agreement with the Volusia County, the property already has City of Port Orange Future Land Use Designations; and

WHEREAS, the property is contiguous and adjacent to City Council District 3.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. The parcel of land described on Exhibit "A-1 and A-2", attached hereto and incorporated herein by reference, being in the County of Volusia and contiguous to the boundary lines of the City of Port Orange, is hereby annexed into the City of Port Orange and shall be subject to the jurisdiction, obligations, benefits and privileges of the City of Port Orange.

Section 2. The boundary lines of the City of Port Orange are hereby changed and redefined so as to include the land described in Exhibit "A-1 and A-2".

Section 3. The Volusia County Generalized Land Use Plan designations and restrictions shall apply to the subject property annexed hereby pending amendment of the Future Land Use Plan Element of the Port Orange Comprehensive Plan.

Section 4. The above described property is hereby assigned to the City of Port Orange City Council District 3.

Section 5. Upon approval at first reading, the City Clerk is hereby directed to publish Notice of Annexation as required by Section 171.044(2), Florida Statutes (2002), at least once each week for two (2) consecutive weeks in a newspaper of general circulation in the City of Port Orange or Volusia County and to provide a copy of said notice via certified mail to the Volusia County Council.

Section 6. After adoption of this ordinance, the City Clerk is directed to file the original of said ordinance with the Clerk of the Circuit Court and the chief administrative officer of Volusia County and the Department of State.

Section 7. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 8. If any provision of this ordinance or the application thereof to any

person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 9. This ordinance shall become effective as provided by general law.

MAYOR ALLEN GREEN

ATTEST:

Kenneth W. Parker, City Manager

Passed on first reading this day of

Passed and adopted on second and final reading this day of

Reviewed and Approved: City Attorney

C:\Legal\ORD\annex 49 acres nautica lakes pud.wpd
12/07/05

Exhibit A-1

LEGAL DESCRIPTION

A PORTION OF SECTIONS 12 AND 13, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:

BEGIN AT THE NORTHWEST CORNER OF HIDDEN LAKE PHASE IV-A, AS RECORDED IN MAP BOOK 40, PAGES 86 AND 87, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE S0°04'55" W ALONG THE EAST LINE OF SAID SECTION 12, BEING ALSO THE WEST LINE OF SAID HIDDEN LAKE PHASE IV-A, BEING ALSO THE WEST LINE OF HIDDEN LAKE PHASE IV-B, AS RECORDED IN MAP BOOK 41, PAGE 55, OF SAID PUBLIC RECORDS, A DISTANCE OF 1484.04 FEET TO THE SOUTHWEST CORNER OF SAID HIDDEN LAKE PHASE IV-B, ALSO BEING THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE S0°51'33" E ALONG THE EAST LINE OF SAID SECTION 13, A DISTANCE OF 442.01 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE 95 (STATE ROAD 9), A 350 FOOT RIGHT OF WAY, PER FLORIDA DEPARTMENT OF TRANSPORTATION, RIGHT OF WAY MAP, SECTION 79002-2407; THENCE N55°22'05"W ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE 95, A DISTANCE OF 1484.87 FEET TO THE EASTERLY RIGHT OF WAY LINE OF WILLIAMSON BOULEVARD, RIGHT-OF-WAY WIDTH VARIES, PER EAST COAST BELTLINE, VOLUSIA COUNTY DEPARTMENT OF ENGINEERING, RIGHT-OF-WAY SURVEY, PROJECT NO. 4146-1-2, MAY 1992; THENCE N13°02'00"E ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF WILLIAMSON BOULEVARD, A DISTANCE OF 538.20 FEET; THENCE N78°58'00"W A DISTANCE OF 20.00 FEET; THENCE N13°02'00"E A DISTANCE OF 603.81 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF WILLOW RUN BOULEVARD, BEING A 200 FOOT RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 2490, PAGE 998 AND OFFICIAL RECORDS BOOK 2806, PAGE 1370, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE S87°57'18"E ALONG SAID WILLOW RUN BOULEVARD A DISTANCE OF 979.84 FEET TO THE POINT OF BEGINNING.

CONTAINS 1,721,044 SQUARE FEET OR 39.5097 ACRES MORE OR LESS.

AND

Exhibit A-2

PARCEL 2:

MAP BOOK 39, PAGES 166 AND 167, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND FOR A POINT OF BEGINNING; THENCE N87°57'18"W ALONG THE NORTH RIGHT-OF-WAY LINE OF AFORESAID WILLOW RUN BOULEVARD A DISTANCE OF 535.11 FEET; THENCE N2°04'33"E A DISTANCE OF 508.28 FEET; THENCE N68°54'04"W A DISTANCE OF 45.14 FEET; THENCE N51°38'01"W A DISTANCE OF 24.61 FEET; THENCE N32°27'40"W A DISTANCE OF 28.09 FEET; THENCE N42°12'28"W A DISTANCE OF 14.94 FEET; THENCE N36°21'04"W A DISTANCE OF 27.66 FEET; THENCE N28°43'47"W A DISTANCE OF 32.47 FEET; THENCE N15°53'44"W A DISTANCE OF 67.85 FEET; THENCE N9°15'03" W A DISTANCE OF 30.94 FEET; THENCE N0°45'54" E A DISTANCE OF 17.68 FEET TO THE SOUTH LINE OF A FLORIDA POWER & LIGHT COMPANY RIGHT-OF-WAY EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 1664, PAGE 448, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE S89°14'45"E A DISTANCE OF 659.33 FEET TO THE NORTHWEST CORNER OF SAID GLENWOOD VILLAGE PHASE II; THENCE S0°04'55" W ALONG THE WEST LINE OF SAID GLENWOOD VILLAGE PHASE II A DISTANCE OF 748.88 FEET TO THE POINT OF BEGINNING.

CONTAINS 412,683 SQUARE FEET OR 9.474 ACRES MORE OR LESS.

Less and except that portion of Parcel 2 already annexed into the City of Port Orange.

STAFF REPORT

CASE NO. 05-10000001
ANNEXATION/NAUTICA LAKES
James S. Morris, applicant
DSC of Newark Enterprises, Inc. and Humphrey Florida Corp., property owners
Property located on the north and south sides of Willow Run Boulevard, west of Williamson Boulevard

November 23, 2005

INTRODUCTION:
James S. Morris, applicant, on behalf of DSC of Newark Enterprises, Inc. and Humphrey Florida Corp., property owners, requests the annexation of approximately 34.5 acres into the City of Port Orange. If annexed, the developer, Humphrey Florida Corp. intends to combine the subject property with a separate 15-acre tract that is already within the City's municipal boundaries. This developer intends to develop the entire 49.5-acre tract as a mixed-use Planned Unit Development containing approximately 476 multi-family units, 50,000 square feet of commercial space and associated infrastructure improvements. The subject property is located on the north and south sides of Willow Run Boulevard, west of Williamson Boulevard (Exhibit "A").

Concurrent with the annexation petition, an application has also been submitted to rezone the property to "PUD" (Planned Unit Development). The property already has City of Port Orange Future Land Use designations. This is due to the fact that much of the land in this area is governed by an interlocal agreement between the City and Volusia County. The agreement anticipated the future annexation and development of this and other properties west of the City limits. That agreement assigned a City Future Land Use designation to the property and thereby made it subject to the City's Comprehensive Plan for planning purposes. The rezoning request was heard by the Planning Commission at its November 17, 2005 meeting. At the applicant's request, the annexation petition was delayed until such time as it could proceed concurrent with the rezoning request to City Council.

CHARACTER OF AREA:
The subject property consists of three separate parcels, which lie on both the north and south sides of Willow Run Boulevard. According to information contained on the Volusia County Property Appraiser's website, these three parcels are under two separate ownerships (Exhibit "B"). The tract owned by DSC of Newark Enterprises, Inc., is located on the southeast corner of the site, on the south side of Willow Run Boulevard. The other two parcels are owned by Humphrey Florida Corp. One of these tracts is located on both the north side of Willow Run Boulevard, just south of the Florida Power and Light (FPL) easement. The remaining tract is on the southeast corner of Willow Run and Williamson Boulevards. All three parcels are currently vacant, with the exception of a billboard on the property on the south side of Willow Run Boulevard, adjacent to Interstate 95. There are also several acres of wetlands located on the two parcels owned by Humphrey Florida Corp. The majority of these wetlands will be preserved in their natural state. However, some impacts will occur to

accommodate site improvements and the construction of the Yorktowne Boulevard Extension.

The land immediately to the east of the subject property is located within the City's boundaries. These properties are developed with single-family homes. The parcels to the north, south and west are within unincorporated Volusia County. Immediately north of the subject property, north of Willow Run Boulevard, is the Florida Power and Light (FPL) easement. This easement runs from west to east across the City and is the proposed site of the City's cross-town bicycle trail. North of the FPL easement is Town Park PUD, a single-family subdivision which is incorporated within the City. The properties to the west and south are vacant and have historically been used as pastureland.

The property is currently zoned Volusia County "A-2" (Rural Agriculture). There are four different future land use designations on the subject property. The designations, number of acres in each designation, and potential maximum number of units are listed below:

Commercial: 5.0 acres
Urban High Density Residential (8-16 units/acre): 15.2 acres (243 units)
Urban Low Density Residential (4-8 units/acre): 27.5 acres (220 units)
Suburban Residential (2-4 units/acre): 3.3 acres (13 units)

The surrounding future land use designations and zoning classifications are described below and are depicted graphically on the maps attached to this report as Exhibits "C" and "D".

North:

Future Land Use:	*Suburban Residential (2-4 units/acre)*
Existing Land Use:	FPL easement and single-family residential (Town Park PUD)
Zoning:	Volusia County "A-2" (Rural Agriculture) and City of Port Orange "A" (Agriculture) and "PUD" (Town Park Planned Unit Development)

East:

Future Land Use:	*Suburban Residential (2-4 units/acre)*
Existing Land Use:	Single-Family Residential (Hidden Lakes and Glenwood Village Subdivisions)
Zoning:	"R-8SF" (Single-family Residential)

South:

Future Land Use:	*Planned Community No. 1*
Existing Land Use:	Vacant
Zoning:	"PC-A" (Planned Community Agricultural)

West:

Future Land Use:	*Urban High Density Residential (8-16 units/acre)* and *Commercial* (on west side of Williamson Boulevard)
Existing Land Use	Vacant
Zoning:	Volusia County "A-2" (Rural Agriculture) and City of Port Orange "PC-A" (Planned Community-Agricultural)

STATE REQUIRED LOCATIONAL CRITERIA:
Florida State Law requires that unincorporated parcels meet three locational criteria before they can be annexed by a municipality. Pursuant to section 171.043(1) Florida Statutes, this report certifies that the area to be annexed is, or will be at the time of final reading by the Port Orange City Council: 1) contiguous to the City of Port Orange boundaries; 2) is reasonably compact (does not contribute to urban sprawl); and 3) is not currently part of the incorporated area of another municipality.

FUTURE LAND USE AND ZONING COMPATIBILITY:
Typically, once a property has been annexed, the future land use and zoning must be changed from the Volusia County designations to appropriate City designations. However, under an interlocal agreement between the City of Port Orange and Volusia County, the subject property already has City of Port Orange future land use designations. Because the applicant is not intending to increase density beyond the levels currently permitted under the adopted future land use classifications, a future land use amendment will not be necessary.

Under the existing future land use designations, the applicant is permitted a maximum 476 residential units and five acres of commercial land. The development proposal shown on the Conceptual Development Plan and outlined in the Master Development Agreement, both of which are included in the rezoning application, is consistent with the permitted density.

IMPACT TO CITY SERVICES:
A distribution memo was sent to City staff on May 20, 2005, requesting an analysis of the potential impacts annexation of the proposed property would have on the services provided by each department. In its present rural state, the annexation of the subject property into the City of Port Orange will have a minimal impact on City services, as explained below. As part of the rezoning request, staff conducted a preliminary review of concurrency issues. A formal concurrency review will be completed during the final platting or final site plan process.

The preliminary analysis conducted as part of the review of the rezoning request, shows that the proposed MDA and CDP are consistent with the City's Comprehensive Plan with respect to the provision of utilities. Adequate City water, sanitary sewer, and reclaimed water services are available to service the property. There is also surplus solid waste capacity to serve the proposed development. Stormwater drainage will be reviewed with the submittal for the final plat and plans or final site plan. Per the City's Land Development Code, the applicant will be required to construct on-site stormwater facilities, designed to accommodate and treat the 25-year, 24-hour storm event, without causing flooding or polluting the receiving water bodies.

A traffic impact analysis has not yet been prepared for this project. The analysis will be required as part of the eventual subdivision or site plan application. In accordance with LDC Chapter 4, staff at that time will review the impacts of the development to determine concurrency with the City's services and infrastructure capabilities. The traffic study will need to examine the cumulative impacts from existing and pending residential and commercial development of the surrounding area.

Based upon a maximum build-out of 476 multi-family units and a total of 50,000 square feet of commercial development (the maximum allowed in the MDA), the development will generate a total of 268 trips during the AM Peak Hour and 401 PM Peak Hour trips. It should be noted that the potential transportation impacts from the commercial development are only hypothetical at this point. Because no specific development proposal have been submitted to staff, a mix of 35,000 square feet strip retail center and 15,000 square feet of office was used. Based upon recent traffic studies completed for other developments within this area, it is likely that Nautica Lakes will be required to enter into a Concurrency and Fair Share Agreement in order to pay its proportionate share of the cost of improvements to Summertrees Road, I-95/Taylor Road and the intersection of Clyde Morris Boulevard and Dunlawton Avenue. It is also possible that other roadway improvements may be required to meet concurrency.

Potable Water, Sanitary Sewer, and Reclaimed Water

Per information provided by the Public Utilities Department, a 12" water line, 20" reclaimed water line, and a 12" sanitary sewer force main are available to serve the property. The Utilities Department notes that future development of this site will require a 12" potable water line and 12" reclaimed water line to be installed along the Yorktowne Boulevard extension, a portion of which will be constructed as part of the site improvements for the Nautica Lakes Planned Unit Development. Additionally, a lift will have to be installed by the developer near the southeast corner of Willow Run and Williamson Boulevards.

The property is within the City's Utility Service Area, as shown in the Potable Water Sub-Element of the City's *Comprehensive Plan – Update '98.* There is adequate reserve capacity to service the proposed project with potable water, sanitary sewer and reclaimed water.

Roads

The subject property is expected to have access from Willow Run Boulevard and the Yorktowne Boulevard extension. As part of the required subdivision improvements to be constructed with Phase I of the project, the developer will construct the entire four-lane segment of the Yorktowne Boulevard extension from its terminus at the southeast property line through to Willow Run Boulevard. The segment of Yorktowne Boulevard from the southeast property line to the current terminus of Yorktowne Boulevard will be constructed with the site improvements for an adjacent project.

Willow Run Boulevard is a collector roadway under City jurisdiction. Per the 2004 Concurrency Management Report, Willow Run Boulevard, from Clyde Morris Boulevard Tracy Drive is a four-lane roadway with an adopted Level of Service (LOS) standard of

"D". The maximum capacity of this segment of Willow Run Boulevard is 31,100 trips per day. From Tracy Drive to the west City limits, Willow Run Boulevard becomes a two-lane road, with a maximum capacity of 14,600 daily trips. The adopted level of service for this roadway segment is also "D". According to the Spring 2004 traffic counts taken by the City of Port Orange Public Works Department, the daily volume on Willow Run Boulevard between Clyde Morris Boulevard and Tracy Drive was 8,045 trips per day, while west of Tracy Drive the total numbers of daily trips decreased to 6,383. At this volume of trips, the operating LOS of Willow Run Boulevard is "C".

Police and Fire

The Police Department has not indicated to Staff that the proposed annexation would create deficiencies in law enforcement coverage for the area. The Department of Fire and Rescue also has not indicated to staff that the annexation of this property would adversely impact the delivery of services in this area of the City. Additionally, with voter passage of the City's bond referendum this fall, a new police station and new fire station will be constructed west of Williamson Boulevard and will add to the LOS safety margin. For the reasons cited, staff does not foresee any adverse impacts to fire and rescue service as a result of this annexation.

Recreation

The City's *Comprehensive Plan – Update '98*, requires that parkland in Port Orange be provided at a rate of 4 acres for every 1,000 people. Based upon a maximum total of 476 multi-family units, the potential population for Nautica Lakes can be estimated at 904 (476 units x 1.90 persons per unit). Using this population estimate, 3.62 additional acres of parkland would be required. The 2004 Concurrency Management Report for the City of Port Orange lists the City's inventory of parkland at 642 acres. The City's current population of 54,630 would require 219 acres of parkland. Therefore, even with the addition of 476 additional multi-family units, the City will not need to acquire any additional recreational property. Additionally, the project will include two clubhouses, two swimming pools, three tot lots and a system of trails and bike paths to further serve the residents.

ANALYSIS OF REVENUE:

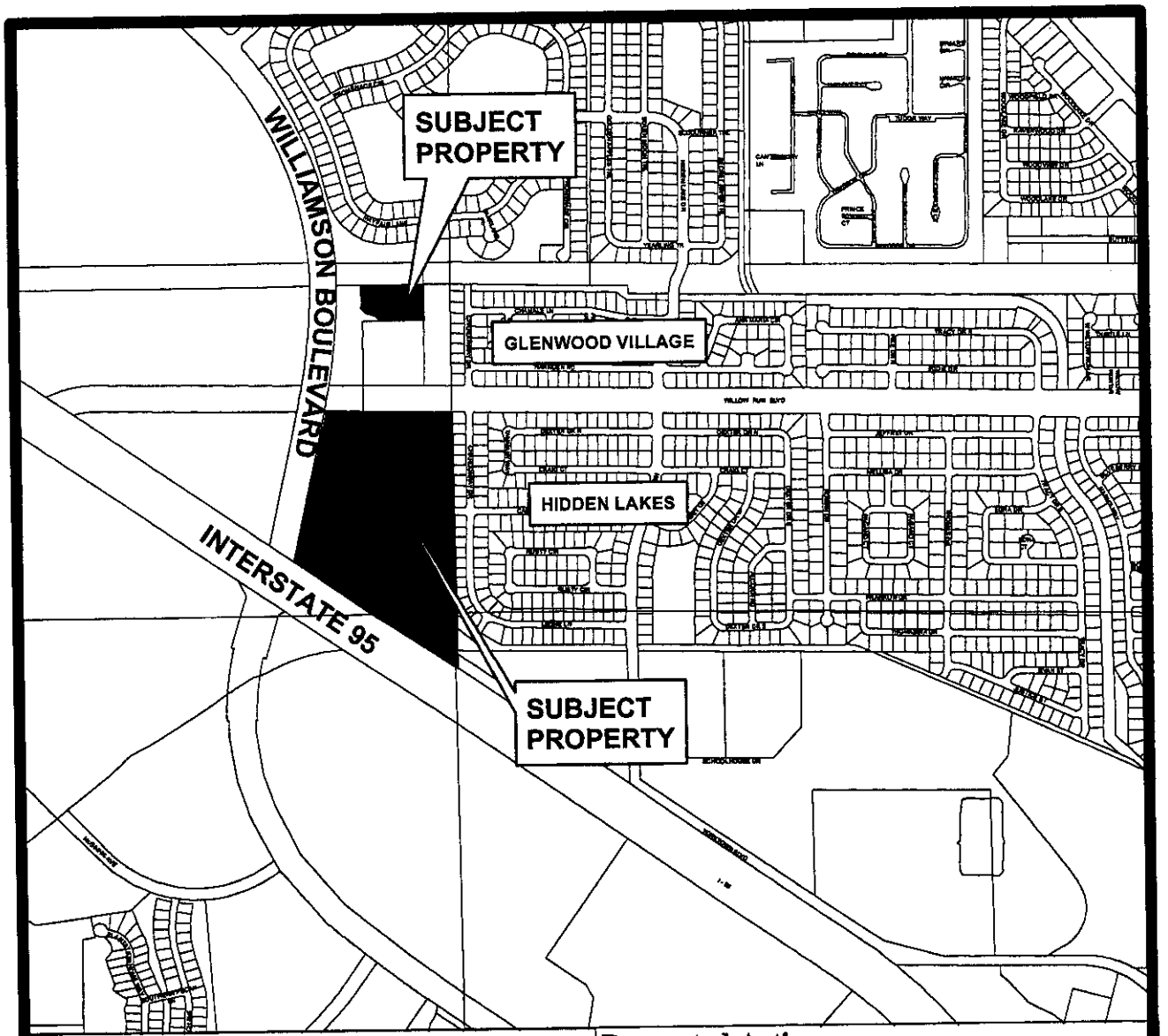
The summary prepared by the Finance Department was based on the developer's initial proposal of 442 multi-family units. However, since the Finance Department summary was forwarded to Planning Staff in May 2005, certain impact fees have increased and new impact fees have been adopted. Based upon the latest proposal of 476 units, and upon information contained on the City of Port Orange website, annexation and development of the property will generate the following revenue:

- Water impact fees: $594,524 ($1,249 x 476 units)
- Sewer impact fees: $593,572 ($1,247 x 476 units)
- Recreation impact fees: $347,956 ($731 x 476 units)
- Fire/Rescue impact fees: $128,520 ($270 x 476 units)
- Transportation impact fees: $210,868 ($443 x 476 units)

RECOMMENDATION:
Based on the findings of this report, the annexation request and development proposal is consistent with the existing future land use, zoning and adjacent uses. Therefore, staff recommends **approval** of the request to annex 34.5 acres of property, located on the north and south sides of Willow Run Boulevard, west of Williamson Boulevard, into the City of Port Orange.

Prepared by: Gail Henrikson, AICP, Senior Planner (386) 506-5671
City of Port Orange Department of Community Development (386) 506-5600

CITY COUNCIL DATE: December 13, 2005



Case No.: 05-10000001

Applicant: James S. Morris, agent
D.S.C. of Newark Enterprises, Inc.
Florida Humphrey Corp., owners

Location: North and south sides of Willow Run Boulevard, east of Williamson Bouelvard

Requested Action:
Approval of a request to annex approximately 34.5 acres into the City of Port Orange. Concurrent with the annexation petition, an application has also been submitted to rezone the property to "PUD" (Planned Unit Development). The property already has City of Port Orange Future Land Use designations. If annexed, the property will be combined with a separate 15-acre tract that is already within the City's municipal boundaries. The developer intends to develop the entire 49.5-acre tract as a mixed-use planned unit development, containing approximately 476 multi-family units, 50,000 square feet of commercial space and associated infrastructure improvements.

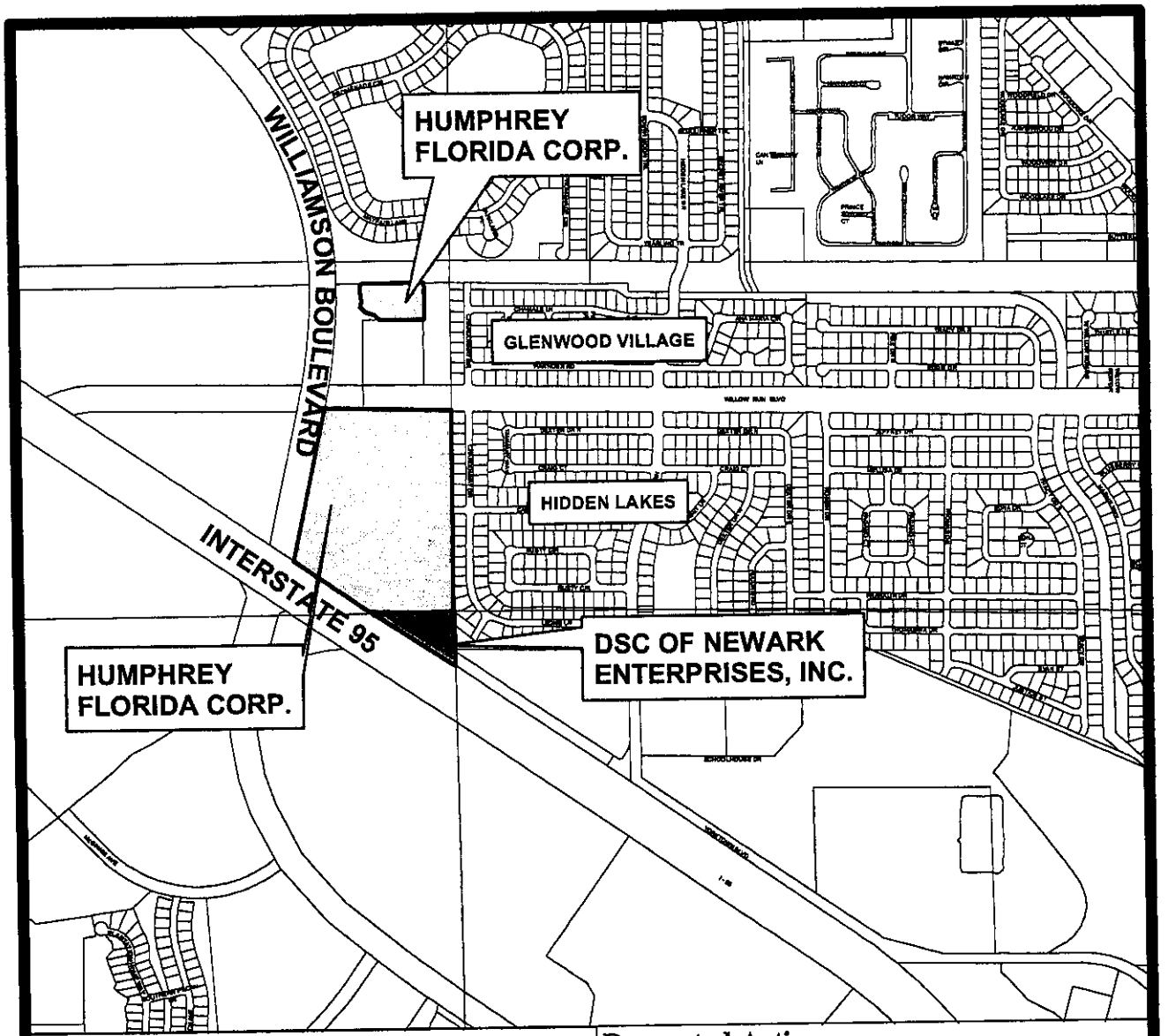
Exhibit "A"

LOCATION MAP

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT

NORTH



Case No.: 05-10000001

Applicant: James S. Morris, agent
D.S.C. of Newark Enterprises, Inc.
Florida Humphrey Corp., owners

Location: North and south sides of Willow Run Boulevard, east of Williamson Bouelvard

Requested Action:
Approval of a request to annex approximately 34.5 acres into the City of Port Orange. Concurrent with the annexation petition, an application has also been submitted to rezone the property to "PUD" (Planned Unit Development). The property already has City of Port Orange Future Land Use designations. If annexed, the property will be combined with a separate 15-acre tract that is already within the City's municipal boundaries. The developer intends to develop the entire 49.5-acre tract as a mixed-use planned unit development, containing approximately 476 multi-family units, 50,000 square feet of commercial space and associated infrastructure improvements.

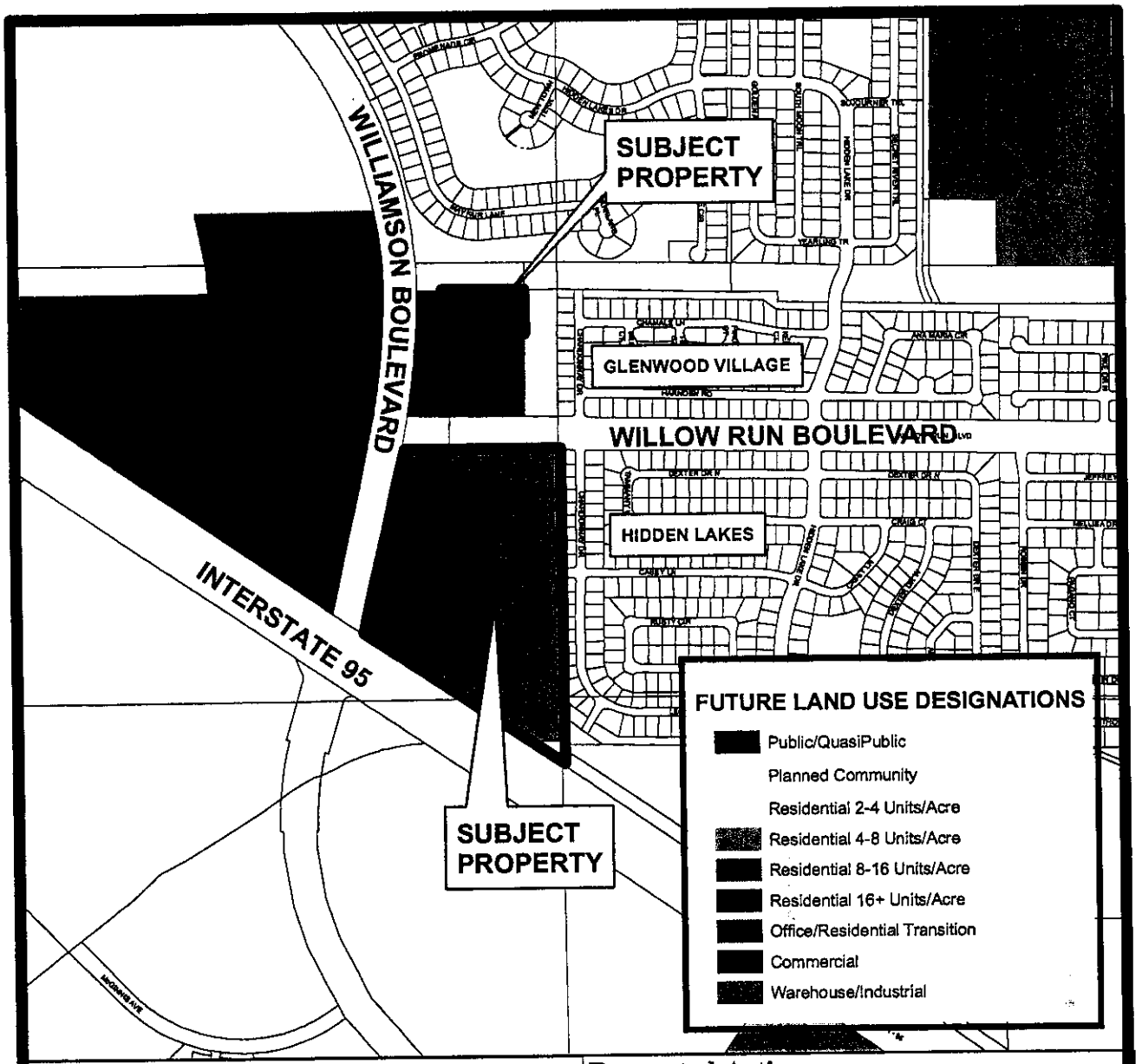
Exhibit "B"

LOCATION MAP

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT

NORTH



Case No.: 05-10000001

Applicant: James S. Morris, agent
D.S.C. of Newark Enterprises, Inc.
Florida Humphrey Corp., owners

Location: North and south sides of Willow Run Boulevard, east of Williamson Bouelvard

Requested Action:
Approval of a request to annex approximately 34.5 acres into the City of Port Orange. Concurrent with the annexation petition, an application has also been submitted to rezone the property to "PUD" (Planned Unit Development). The property already has City of Port Orange Future Land Use designations. If annexed, the property will be combined with a separate 15-acre tract that is already within the City's municipal boundaries. The developer intends to develop the entire 49.5-acre tract as a mixed-use planned unit development, containing approximately 476 multi-family units, 50,000 square feet of commercial space and associated infrastructure improvements.

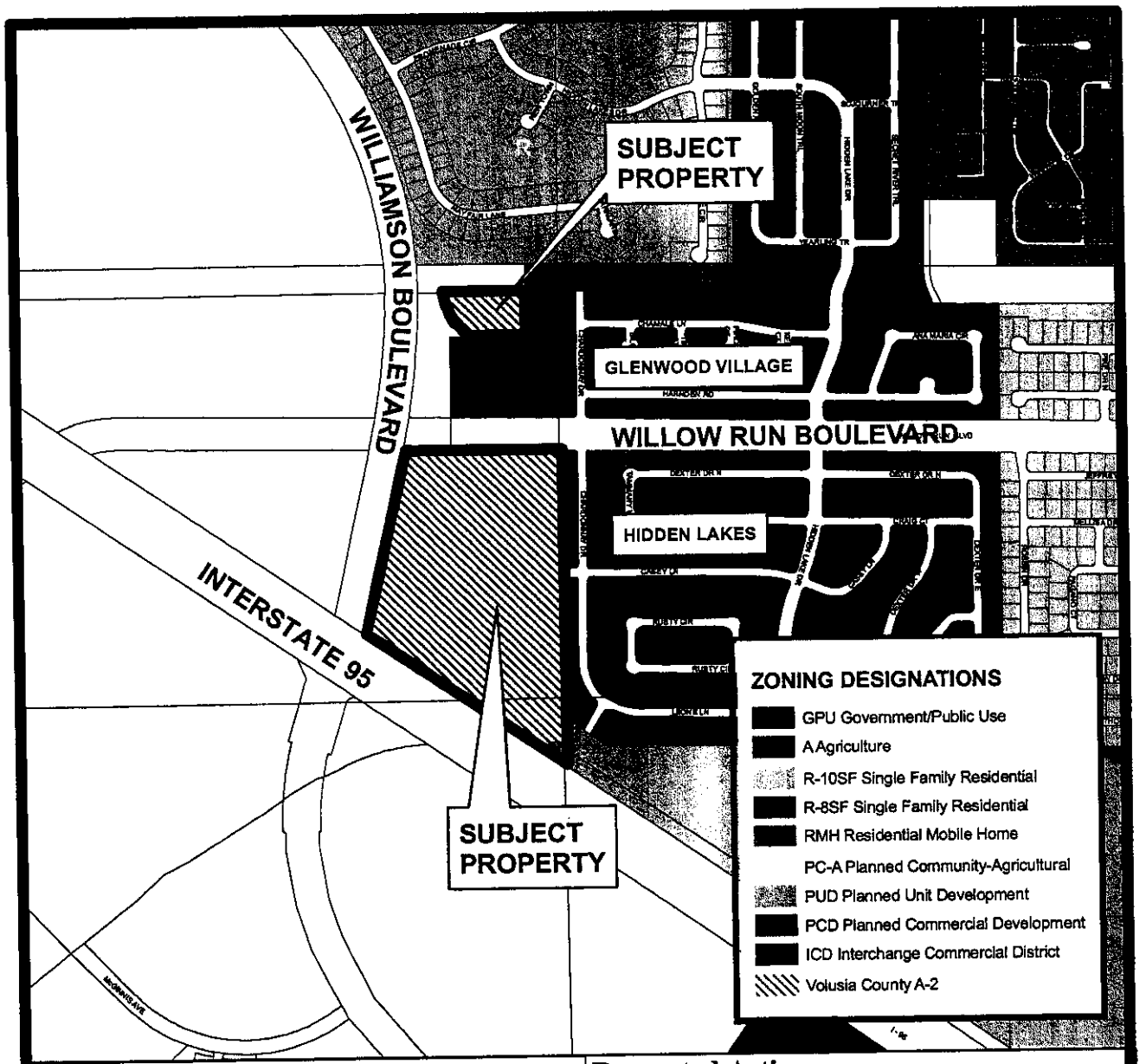
Exhibit "C"

FUTURE LAND USE MAP

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT

NORTH



Case No.: 05-10000001

Applicant: James S. Morris, agent
D.S.C. of Newark Enterprises, Inc.
Florida Humphrey Corp., owners

Location: North and south sides of Willow Run Boulevard, east of Williamson Bouelvard

Requested Action:
Approval of a request to annex approximately 34.5 acres into the City of Port Orange. Concurrent with the annexation petition, an application has also been submitted to rezone the property to "PUD" (Planned Unit Development). The property already has City of Port Orange Future Land Use designations. If annexed, the property will be combined with a separate 15-acre tract that is already within the City's municipal boundaries. The developer intends to develop the entire 49.5-acre tract as a mixed-use planned unit development, containing approximately 476 multi-family units, 50,000 square feet of commercial space and associated infrastructure improvements.

Exhibit "D"

ZONING MAP

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT

NORTH

CITY OF PORT ORANGE

1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA 32129
TELEPHONE 386-506-5500
FAX 386-756-5290
www.Port-Orange.org

December 16, 2005

James Morris
Storch & Morris, P.A.
Attorneys at Law
420 S. Nova Road
Daytona Beach, FL 32114

Dear Mr. Morris:

At its regular meeting on Tuesday, December 13, 2005, the Port Orange City Council approved Ordinance No. 2006-62 on first reading, which will annex property located on the north and south sides of Willow Run Boulevard east of Williamson Boulevard into the City of Port Orange. Also approved on first reading was Ordinance No. 2005-63 which will rezone and approve a Master Development Agreement and Conceptual Plan. Approval is subject to all outstanding comments being addressed prior to second reading. The second and final reading of Ordinance Nos. 2005-62 and 2005-63 are scheduled on Tuesday, January 17, 2006. The City Council Meeting will begin at 7:00 p.m. in Council Chambers, Port Orange City Hall, 1000 City Center Circle.

Should you have any questions regarding this matter, please contact the Community Development Department at 506-5600.

Very truly yours,

Shirley M. Kelly

Shirley M. Kelly, CMC
Deputy City Clerk

SMK:l

cc: Mike Disher, Planning & Development Manager

Additional Material
City Council 12/13/05
Items 29 & 30

STORCH & MORRIS, L.L.C.

ATTORNEYS AND COUNSELORS AT LAW
INCLUDING PROFESSIONAL ASSOCIATIONS

GLENN D. STORCH, P.A.
JAMES S. MORRIS, P.A.
TY HARRIS

OF COUNSEL
AL FORD

420 SOUTH NOVA ROAD
DAYTONA BEACH, FLORIDA 32114-4514
(386) 238-8383 TELEPHONE
(386) 238-0988 FACSIMILE
glennstorchpa@bellsouth.net
jamesmorrispa@bellsouth.net
storchmorris@bellsouth.net

December 9, 2005

SENT VIA FACSIMILE AND US MAIL
Mayor Allen Green and Members of the City Council
c/o Mr. Ken Parker, City Manager
City of Port Orange
1000 City Center Circle
Port Orange, FL 32119

Re: Agenda change request for December 13 City Council
Nautica Lakes – Ordinance 2005-62 and 2005-63 - Items 29 and 30

Dear Allen and City Council Members,

Due to a hearing conflict with an item on the New Smyrna Beach City Commission agenda for Tuesday, December 13, 2005, it is respectfully requested that the two (2) items (Items 29 and 30) on your agenda for December 13, 2005 pertaining to Nautica Lakes, which I represent, be moved to the end of your agenda.

I would greatly appreciate your consideration in this matter.

Best Regards,
STORCH, MORRIS & HARRIS, LLC

James S. Morris
For the Firm

JSM/js
cc Bob Thollander
Mark Karet
Paul Momberger
Shirley M. Kelly, Deputy City Clerk – City of Port Orange