



CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE 12/13/05

SUBJECT: REZONING/ COVENTRY PARTNERS, LLC FROM "A" (AGRICULTURAL) AND "RR" (RURAL RESIDENTIAL) TO "RR" (RURAL RESIDENTIAL)
5931 HENSEL ROAD
CASE NO. 05-6000017

DEPARTMENT: COMMUNITY DEVELOPMENT

RECOMMENDED MOTION:

To adopt Ordinance No. 2005-67, rezoning approximately 53.1 acres, from "A" (Agricultural) and "RR" (Rural Residential) to "RR" (Rural Residential), as recommended by the Planning Commission.

SUMMARY:

Planning Commission Action:

Recommended approval, 4-0 (Commissioners Atwood and Bickel absent, Commissioner Lasky excused), on Oct. 26, 2005, of a request to rezone two tracts of approximately 53.1 acres, located on the east side of Hensel Road north of Seminole Woods subdivision (Tax Parcel #6321-00-00-0071 [portion] and Tax Parcel #6321-00-00-0074), from "A" (Agricultural) and "RR" (Rural Residential) to "RR" (Rural Residential). If the rezoning request is approved, the applicants plan to request a major subdivision for the property to develop single-family detached housing.

ATTACHMENTS: Ordinance Resolution Budget Resolution
 Other Support Documents/Contracts Available for Review in Manager's Office

DEPARTMENT HEAD	Michael E. Disher Planning and Development Manager	<i>Michael E. Disher</i> Date 12-2-05
FINANCE DEPARTMENT	N/A	Approved as to Budget Requirements Date
CITY ATTORNEY	<i>Myt J. K...</i>	Approved as to Form and Legality Date 12-1-05
CITY MANAGER	<i>W.W.</i>	Approved Agenda Item For: 12/13/05

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

Second Reading 1/17/06

ORDINANCE NO. 2005-67

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY 53.1 ACRES LOCATED ON THE EAST SIDE OF HENSEL ROAD NORTH OF SEMINOLE WOODS SUBDIVISION, FROM A (AGRICULTURAL) AND RR (RURAL RESIDENTIAL) TO RR (RURAL RESIDENTIAL); ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the property to be rezoned consists of approximately 53.1 acres located on the east side of Hensel Road north of Seminole Woods Subdivision, and is zoned A (Agricultural) and RR (Rural Residential); and

WHEREAS, the owner of the property has petitioned the Planning Commission to rezone said property from A (Agricultural) and RR (Rural Residential) to RR (Rural Residential); and

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

WHEREAS, the Planning Commission has by a majority 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 RR (Rural Residential) is consistent with the City of Port Orange Comprehensive Land Use Plan.

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

(ORD. NO. 2005-)

following described property from A (Agricultural) and RR (Rural Residential) to RR (Rural Residential).

Section 2. The property rezoned consists of approximately 53.1 acres located on the east side of Hensel Road north of Seminole Woods Subdivision, 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 53.1 acres coventry partners hensel road.wpd

Coventry: Rezone to "RR"

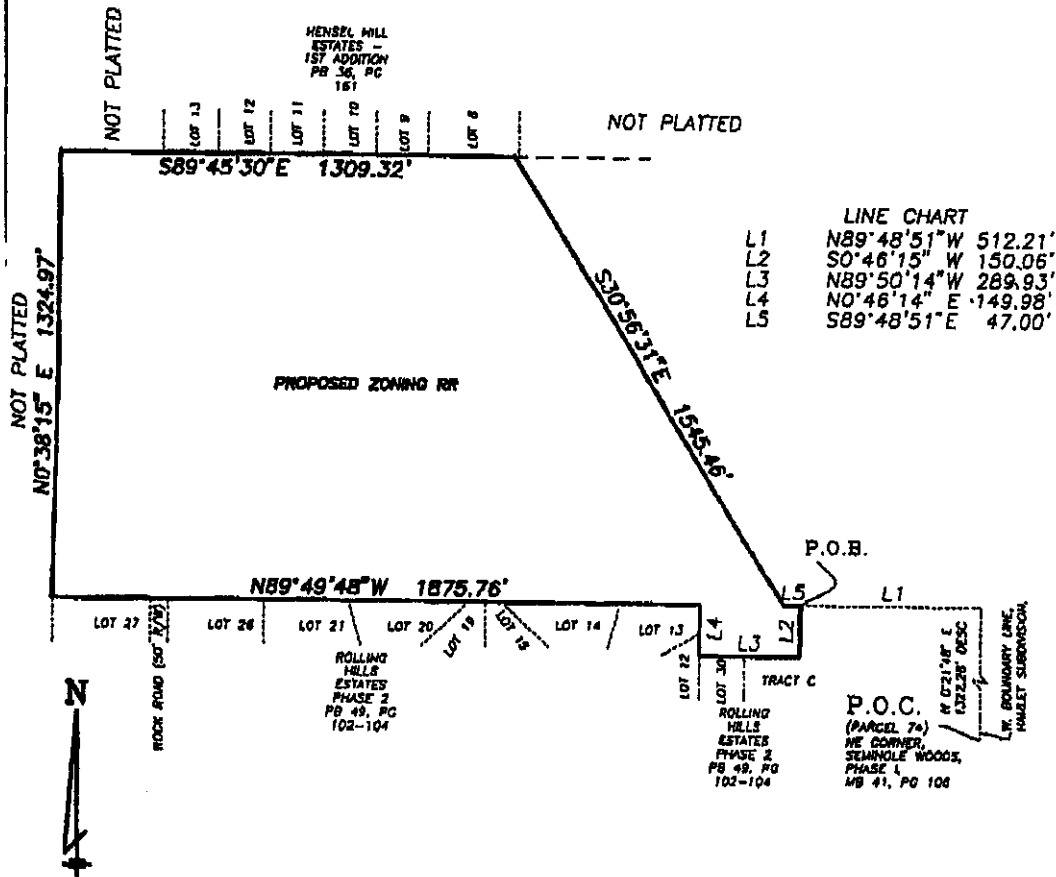
A PORTION OF SECTION 21, TOWNSHIP 16 SOUTH, RANGE JJ EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:
FROM THE NORTHEAST CORNER OF SEMINOLE WOODS, PHASE I, AS RECORDED IN MAP BOOK 41, PAGE 106, OF THE
PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, RUN NORTH 00 DEGREES 21 MINUTES 48 SECONDS EAST, THE BEARING
BASIS OF THIS DESCRIPTION ALONG THE WEST BOUNDARY OF THE HAMLET SUBDIVISION, FIRST ADDITION, AS RECORDED IN
MAP BOOK 35, PAGES 99 AND 100, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 1322.28
FEET; THENCE N89°48'51"W A DISTANCE OF 512.21 FEET FOR A POINT OF BEGINNING; THENCE S0°46'15" W A DISTANCE
OF 150.06 FEET; THENCE N89°50'14"W A DISTANCE OF 289.93 FEET; THENCE N0°46'14" E A DISTANCE OF 149.98 FEET;
THENCE N89°49'48"W A DISTANCE OF 1875.76 FEET; THENCE N0°38'15" E A DISTANCE OF 1324.97 FEET; THENCE
S89°45'30"E A DISTANCE OF 1309.32 FEET; THENCE S30°56'31"E A DISTANCE OF 1545.46 FEET; THENCE S89°48'51"E A
DISTANCE OF 47.00 FEET TO THE POINT OF BEGINNING.
CONTAINS 2,312,730 SQUARE FEET OR 53.093 ACRES MORE OR LESS.

Exhibit A

SKETCH OF DESCRIPTION

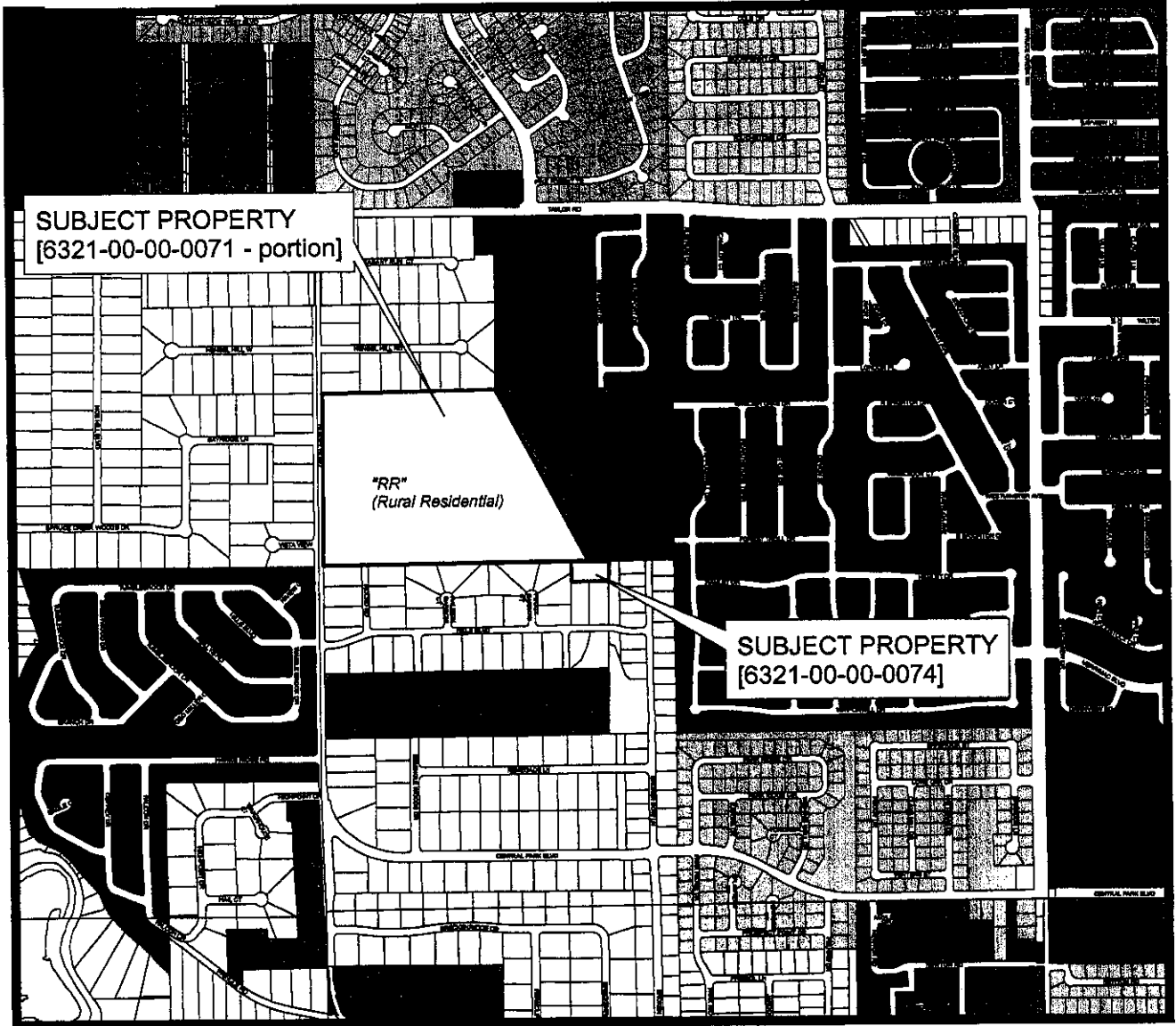
A PORTION OF SECTION 21, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: FROM THE NORTHEAST CORNER OF SEMINOLE WOODS, PHASE I, AS RECORDED IN MAP BOOK 41, PAGE 106, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, RUN NORTH 00 DEGREES 21 MINUTES 48 SECONDS EAST, THE BEARING BASIS OF THIS DESCRIPTION ALONG THE WEST BOUNDARY OF THE HAMLET SUBDIVISION, FIRST ADDITION, AS RECORDED IN MAP BOOK 35, PAGES 98 AND 100, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 1322.28 FEET; THENCE N88°48'31"W A DISTANCE OF 512.21 FEET FOR A POINT OF BEGINNING; THENCE S0°46'15" W A DISTANCE OF 150.06 FEET; THENCE N89°50'14"W A DISTANCE OF 289.93 FEET; THENCE N0°46'14" E A DISTANCE OF 149.98 FEET; THENCE N89°49'48"W A DISTANCE OF 1875.76 FEET; THENCE N0°36'15" E A DISTANCE OF 1324.97 FEET; THENCE S89°45'30"E A DISTANCE OF 1309.32 FEET; THENCE S30°56'31"E A DISTANCE OF 1545.46 FEET; THENCE S89°48'51"E A DISTANCE OF 47.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 2,312,730 SQUARE FEET OR 33.093 ACRES MORE OR LESS.



THIS SKETCH IS NOT A BOUNDARY SURVEY.

<p>DATE: 11-17-05 SCALE: 1" = 400' DRAWN BY: YBR</p>	<p>PREPARED FOR: COVENTRY PARTNERS, LLC BEARING STRUCTURE BASED ON V. BOUNDARY LINE, HAMLET SUBDIVISION</p>	<p>REVISIONS:</p>
<p>THIS SKETCH MEETS THE "MINIMUM TECHNICAL STANDARDS" AS REQUIRED BY CHAPTER 81017-6, FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES. DATE: 11-18-05</p> <p><i>Robert C. Johnson</i> ROBERT C. JOHNSON PSM 5583</p> <p><small>*NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL, BASKED SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER.*</small></p>	<p>ACCURIGHT SURVEYS of Orlando Inc., LB 4475 2012 E. Robinson St. Orlando, Florida 32803 (407) 894-6314</p>	<p>LEGEND</p> <ul style="list-style-type: none"> CLP - CALCULATED CLF - GRANITE FENCE CONC - CONCRETE CP - CONCRETE PAD CA - CENTRAL ANGLE DR - DRIVEWAY E/P - EDGE OF PAVEMENT FND - FOUND IR - IRON ROD MEAS - MEASURED N&D - NAIL & DISK PC - POINT OF CURVATURE POB - POINT OF BEGINNING R - RADIUS TYP - TYPICAL UC - UTILITY CASEMENT CBW - CONCRETE BLOCK WALL CCW - CONCRETE CEMENT CONC - CONCRETE CPW - CONCRETE WALKWAY DR - DRIVEWAY ELT - ELEVATION FFC - FINISHED FLOOR ELEVATION IR - IRON ROD L - LINE LENGTH MEAS - MEASURED DL - ON LINE PL&M - PLAT & MEASURED POC - POINT OF COMMENCEMENT R/W - RIGHT OF WAY UB - UTILITY BOX WF - WOOD FENCE



Case No.: 05-60000017

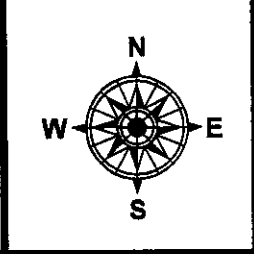
Applicant:
Coventry Partners, LLC

Location: 5931 Hensel Road

- Zoning Classification**
- GPU Government/Public Use
 - A Agriculture
 - RR Rural Residential
 - R-20SF Single Family Residential
 - R-10SF Single Family Residential
 - R-8SF Single Family Residential
 - RMH Residential Mobile Home
 - PUD Planned Unit Development
 - PCD Planned Commercial Development



Exhibit "B"
ZONING
CITY OF PORT ORANGE
DEPARTMENT OF COMMUNITY DEVELOPMENT





STAFF REPORT
CASE NO. 05-6000017
REZONING FROM "A" and "RR" to "RR" and "R-20SF"
 Coventry Partners, LLC: Applicants
 5931 Hensel Road
 October 20, 2005

INTRODUCTION:

Coventry Partners, LLC, applicants, request approval to rezone two tracts, totaling approximately 83.2 acres, from "A" (Agricultural) and "RR" (Rural Residential) to "RR" (Rural Residential) and "R-20SF (Single Family Residential). The rezoning, if approved, would allow future subdivision of the property in order to develop single-family detached housing.

BACKGROUND:

This property is the largest undeveloped tract of land in the south central area of the City, bounded by Dunlawton Avenue and Nova Road to the north, Spruce Creek Road to the east, Spruce Creek to the south, and I-95 to the west. It consists of two parcels, vastly different in size. The "main" property is an approximately 82-acre rectangle bordering the east side of Hensel Road (Tax Parcel #6321-00-00-0071); the other property is a small (less than an acre) lot, south of the main property and west of the Broken Bow Lane temporary dead-end (Tax Parcel #6321-00-00-0074) (Exhibit "A").

The applicants have verbally expressed interest in subdividing and developing the property into single-family detached houses. Little detail about the project is available as yet; however, the applicants' engineering firm has requested that staff schedule a pre-application meeting soon, to discuss a preliminary subdivision plat.

DISCUSSION:

The larger property is currently zoned "A" (Agricultural), and the smaller is zoned "RR" (Rural Residential). Both lots are split into two different Future Land Use designations: *Agriculture/Residential (0-2 Units/Acre)* to the west, and *Suburban Residential (2-4 Units/Acre)* to the east. The surrounding zoning and future land uses are listed below.

TABLE 1: SURROUNDING LAND USES & ZONING:

	<i>Present Land Use</i>	<i>Future Land Use</i>	<i>Zoning</i>
North:	Single family residential (Hensel Hill, Southport); public school (Spruce Creek Elem.)	<i>Agriculture/Residential (0-2 units/acre); Suburban Residential (2-4 units/acre)</i>	"RR" (Rural Residential); "R-8SF" (Single-Family Residential)
East:	Single family residential (Bent Oaks)	<i>Suburban Residential (2-4 units/acre)</i>	"R-8SF" (Single-Family Residential)
South:	Single family residential (Rolling Hills, Broken Bow)	<i>Agriculture/Residential (0-2 units/acre); Suburban Residential (2-4 units/acre)</i>	"R-20SF" (Single-Family Residential); "RR" (Rural Residential)
West: (across Hensel Rd.)	Single-family residential (Bayview)	<i>Agriculture/Residential (0-2 units/acre)</i>	"RR" (Rural Residential)

Exhibit "B" shows current and proposed zoning for the subject property and current zoning for surrounding properties; Exhibit "C" shows Future Land Use for the area.

Exhibit "C" shows that the Future Land Use boundary cuts through the property on a slant from northwest to southeast. The same line continues down through the Rolling Hills and Broken Bow developments, cutting through lots and houses in some cases. This oddity appears to be a relic of an earlier time when most of the property in this part of town was vacant. An aerial photo (Exhibit "D") shows that the boundary was drawn along an old treeline -- the land to the east was wooded, the west was pasture. Although development has altered the treescape to the south, the old treeline is still in place on the 82-acre tract today.

The applicants' rezoning request would divide the tract into zoning districts along the same boundary. The western area (about two-thirds of the total), designated *Agriculture/Residential (0-2 Units/Acre)*, would be zoned "RR" (Rural Residential); the eastern one-third, designated *Suburban Residential (2-4 Units/Acre)*, would be zoned "R-20SF (Single Family Residential).

The smaller lot is also proposed to be split along the FLU line. By happenstance, the FLU line and the proposed zoning line cut this smaller parcel into two more or less equal halves with trapezoidal shapes, as shown on Exhibits "B" and "C".

Staff is supportive of following FLU boundaries with zoning boundaries. It is also wise in proposed subdivisions to match lotlines to these boundaries. A mismatch can create multiple inconsistencies -- e.g., which zoning district's standards should apply to a building envelope that straddles the line? Staff has discussed the issue with the applicants' design professionals, and they do plan to subdivide the property with lotlines matching zoning and FLU boundaries.

The smaller lot poses an exception to the above rule. It could not be properly subdivided along the proposed zoning line, because the western half would be under 1/2 acre -- less than the "RR" minimum of one acre. The simplest solution is to leave the "RR" zoning as it now stands; this would allow the property to be brought up to an acre by adding a small amount of square footage to the north, or alternatively, to be developed as a nonconforming lot (provided it has legal access), and it avoids the trapezoidal-shapes issue. "RR" zoning also matches existing or proposed zoning on three sides out of four.

DEVELOPMENTAL STANDARDS:

The requested rezoning is consistent with existing FLU density designations. The proposed "RR" area would have a gross density of one unit/acre -- midway through the 0-2 range for FLU *Agriculture/Residential*. The "R-20SF" area would have slightly more than 2 units/acre, which fits the *Suburban Residential* standard of 2-4 units/acre.

By staff's rough calculation, the proposed rezoning would yield a *gross* total of about 115 single-family houses. Of course the actual number is lower, since the gross figure leaves out streets, drainage features, etc. The 115 figure is about 30 percent greater than could be developed under existing agricultural zoning.

TABLE 2: COMPARISON OF DEVELOPMENTAL STANDARDS

	A	RR	R-20SF
<i>Minimum lot size</i>	1 acre	1 acre	20,000 sq.ft. (0.46 acre)
<i>Minimum lot width (ft.)</i>	150	100	100
<i>Front setback (ft.)</i>	50	40	30
<i>Side setback (ft.)</i>	25	15	10
<i>Rear setback (ft.)</i>	40	30	25
<i>Maximum building coverage (%)</i>	20	20	30
<i>Minimum open space (%)</i>	70	60	60
<i>Maximum building height (ft.)</i>	45	35	35
<i>Minimum floor area (s.f.)</i>	1400	1400	1400

OTHER DEVELOPMENT ISSUES:

Drainage, particularly offsite impacts, is always a concern in developing open land that is surrounded by development. It happens that this property is one of the highest-elevation areas in the City. The applicants have met with engineering and public works staff; preliminary discussions indicate that drainage issues can be resolved, probably with a combination of onsite stormwater management and developer-facilitated offsite improvements. The City is interested in cost-participating in larger pond(s) than required by the development at hand, in order to serve area-wide needs. Assuming rezoning is approved, this will be a principal aspect of discussion when the plat and plans are submitted

Traffic issues also need careful scrutiny. It has been assumed for some time that this property will be developed in accordance with its Future Land Use designation. Surrounding development has resulted in stub-out streets at Broken Bow Lane and Rocko Road to the south, English Oaks Drive and Forest Troll Drive to the east, and Westport Drive to the north, and of course the entire western boundary fronts on Hensel Road. Subdivision design will be needed to analyze what proportion of traffic flow will utilize each access point, but it is safe to assume that Hensel Road would carry the majority of traffic.

The Volusia County School Board projects that Spruce Creek Elementary will operate at 88% capacity in Year 2010-11. This is one of the most favorable capacity projections in the County, due to the pending construction of Elementary "A". Creekside Middle School and Spruce Creek High School are less favorable at 136% and 135% respectively, but solutions other than building (e.g., redistricting) are easier to

implement at the middle school and high-school level. School capacity, at the elementary level at least, is of less concern here than has been the case in other areas of town, but ultimately this issue needs a countywide (or even statewide) answer.

REZONING CRITERIA:

The rezoning was reviewed according to the criteria established in Chapter 3, Section 5(e) of the LDC (Land Development Code) in terms of five criteria, as follows:

Consistency with the Comprehensive Plan, including Future Land Use Map:

The FLU designation is consistent with the proposed zoning, as noted.

This development is a type of infill, and as such is encouraged by a number of elements in the *Comprehensive Plan-Update '98*. Urban services such as fire, police, and solid waste can certainly be provided with less difficulty here than would be the case on the City's fringe.

Consistency with applicable sections of the LDC:

Development of a single-family subdivision appears to be feasible under the rezoning, and will be required to comply with the LDC in any case.

Whether justified by changed or changing conditions:

Over the years, this property has become surrounded by residential development. It is unrealistic to expect it to remain agricultural forever. The proposed development would be in keeping with surrounding properties.

Whether adequate sites already exist for the proposed district uses:

There is more than adequate room in Port Orange for single-family development, but as noted, infill properties of this scale are less common.

Whether specific requirements of this code are adequate to insure compatibility with adjoining properties as required by the comprehensive plan:

There would seem to be no special issues in this regard, other than the difficulty with split zoning for the small southerly property.

RECOMMENDATION:

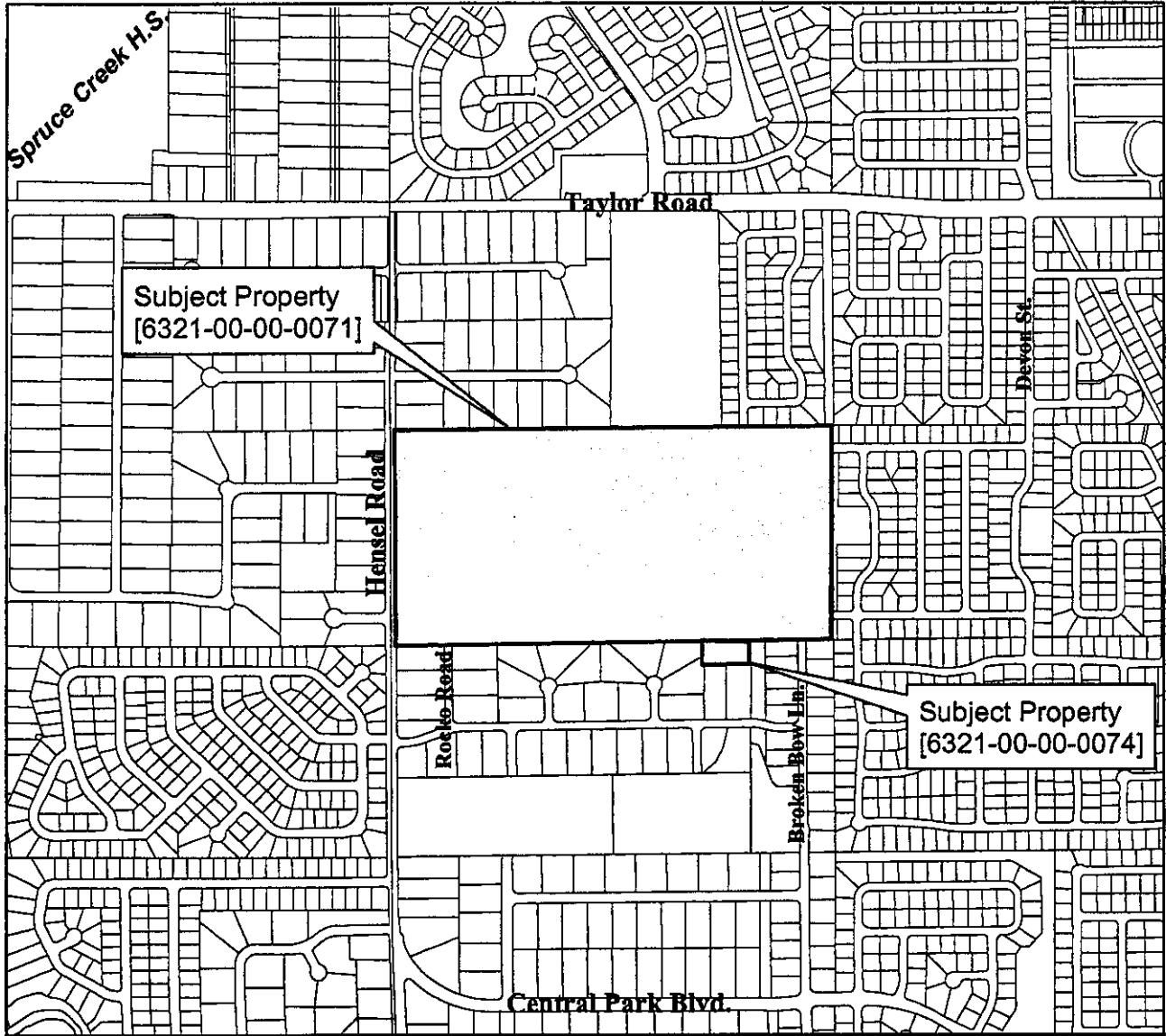
Based on the findings of this report, staff recommends **approval** of the request to rezone the approximately 82-acre tract (Tax Parcel #6321-00-00-0071); staff recommends **denial** of the request to rezone the smaller property (Tax Parcel #6321-00-00-0074).

Prepared by: Randy Hunt, Senior Planner
City of Port Orange Department of Community Development

(386) 506-5672
(386) 506-5600

PLANNING COMMISSION DATE:
CITY COUNCIL DATE:

October 27, 2005
November 15, 2005



Case No.: 05-6000017

Applicant: Coventry Partners, LLC

Location: 5931 Hensel Road

Requested Action:

Rezone two tracts totalling approx. 83.2 acres, from "A" (Agricultural) and "RR" (Rural Residential) to "RR" (Rural Residential) and "R-20SF" (Single Family Residential), to allow future subdivision for single family housing.

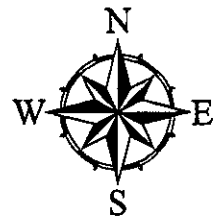


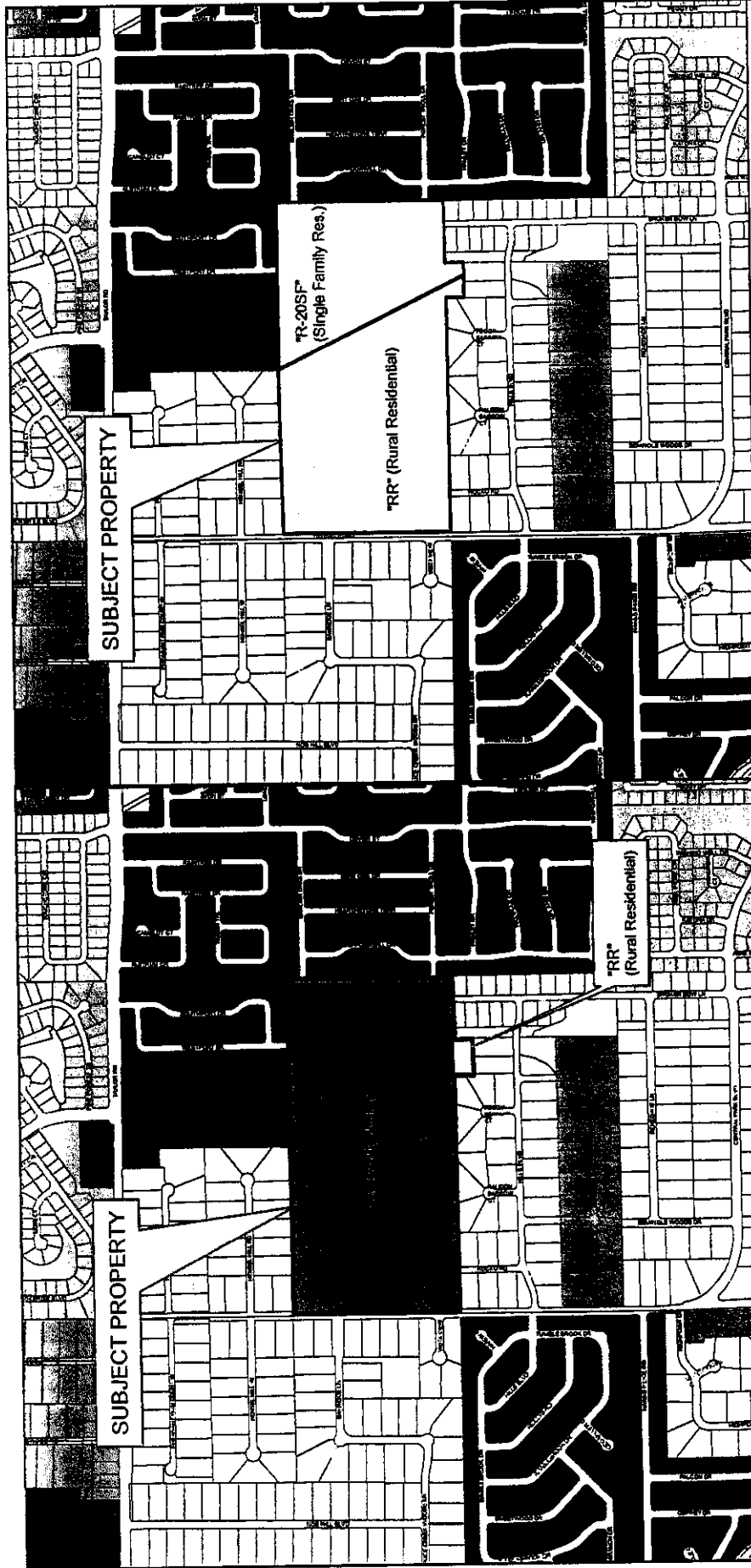
Exhibit "A"

LOCATION MAP

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT





Existing Zoning: "A"

- Zoning
- GPU Government/Public Use
- A Agriculture
- RR Rural Residential
- R-20SF Single Family Residential
- R-10SF Single Family Residential
- R-8SF Single Family Residential
- RMH Residential Mobile Home
- PUD Planned Unit Development
- PCD Planned Commercial Development

Proposed Zoning: "RR" and "R-20SF"

- Zoning
- GPU Government/Public Use
- A Agriculture
- RR Rural Residential
- R-20SF Single Family Residential
- R-10SF Single Family Residential
- R-8SF Single Family Residential
- RMH Residential Mobile Home
- PUD Planned Unit Development
- PCD Planned Commercial Development

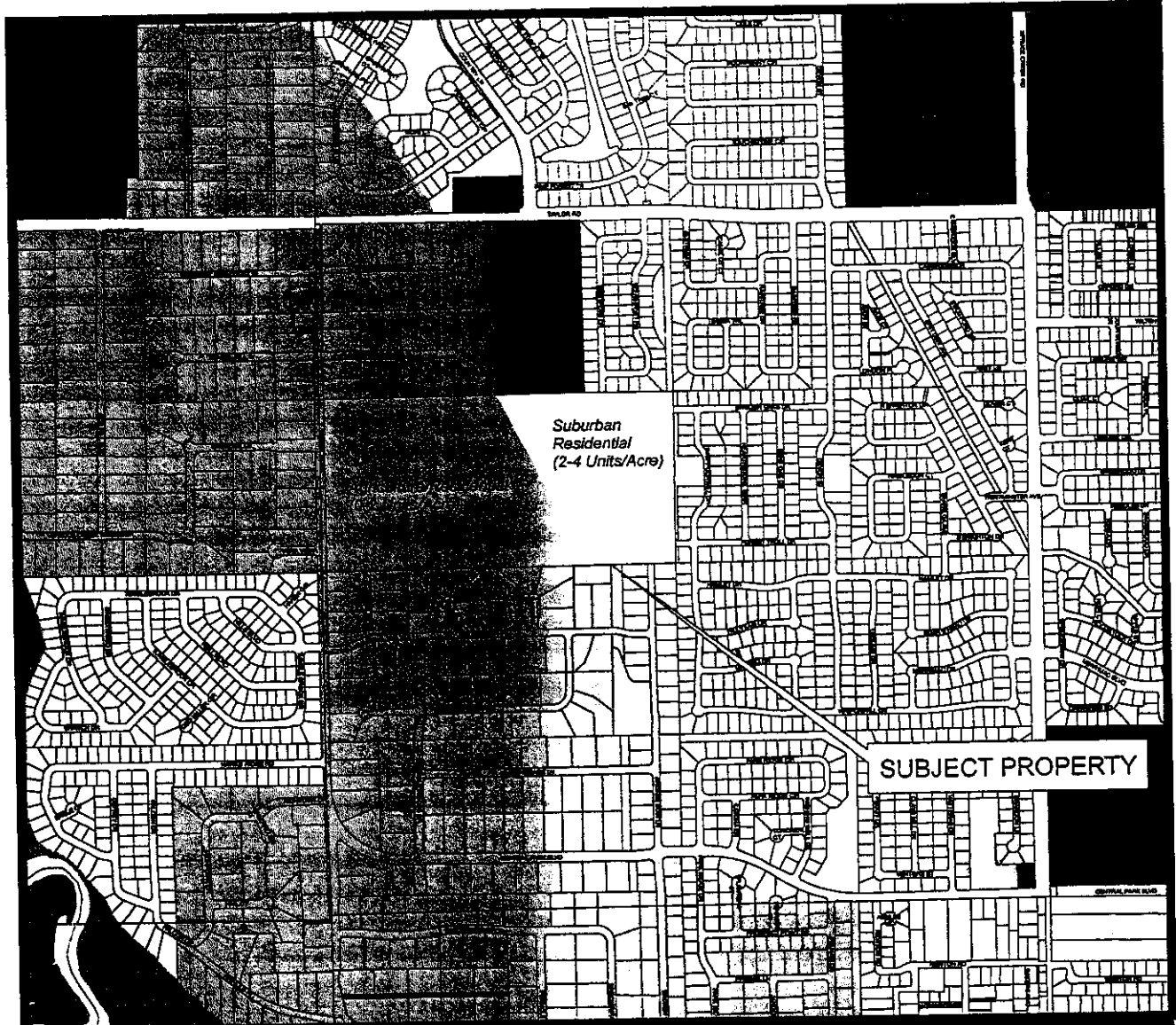


EXHIBIT "B"

CASE NO. 05-60000017
Coventry / Hensel Rd. Rezoning



DEPARTMENT OF COMMUNITY DEVELOPMENT









Case No.: 05-6000017

Applicant:
Coventry Partners, LLC

Location: 5931 Hensel Road

Existing Future Land Use

- | | | | |
|---|---|---|----------------------------|
| FLU |  | Residential 4-8 Units/Acre | |
| FutureLandUse |  | Residential 8-16 Units/Acre | |
|  | Public/QuasiPublic |  | Residential 16+ Units/Acre |
|  | Conservation |  | Commercial |
| | Agriculture/Residential 0-2 Units/Acre | | |
| | Residential 2-4 Units/Acre | | |

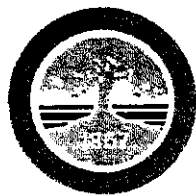
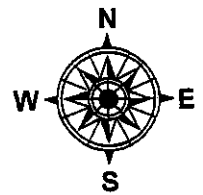
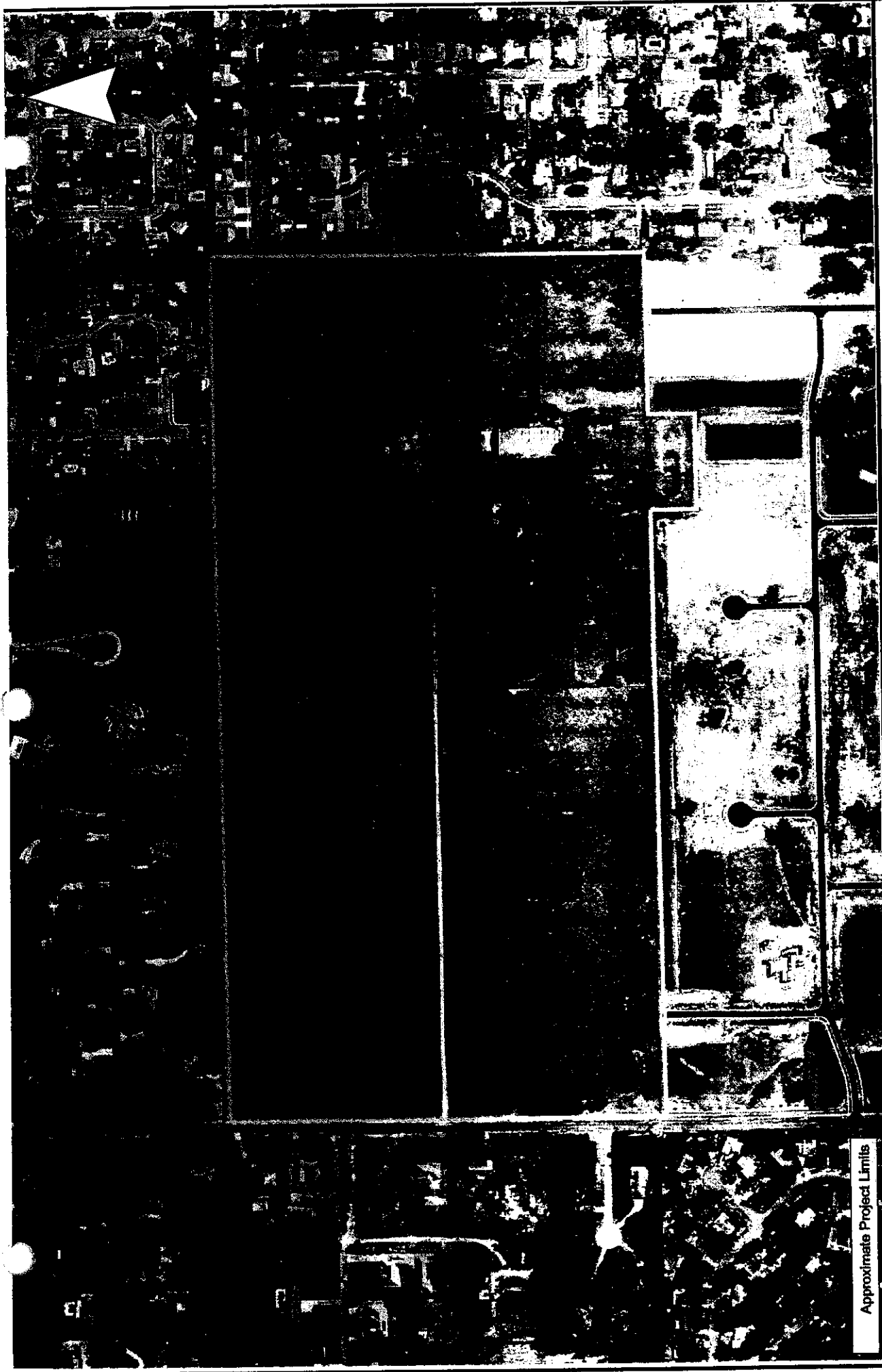


Exhibit "C"
EXISTING FUTURE LAND USE
CITY OF PORT ORANGE
DEPARTMENT OF COMMUNITY DEVELOPMENT





Approximate Project Limits

Source : Volusia County 2003 Aerial, Volusia County GIS

Date : 09/21/05

Path : Z:/04210/rojoLU.apr

200 0 200 400 Feet



2003 AERIAL
5931 HENSEL ROAD
PARCELS 6321-0000-0071 AND 6321-0000-0074
PORT ORANGE, FLORIDA



Civil Engineering • Landscape Architecture
Planning • Environmental Services

58 Seton Trail

Ormond Beach, Florida 32176

ph 386 677-2482 • fx 386 677-2505

www.zevcohen.com



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

Mark Karet
Zev Cohen & Associates
55 Seton Trail
Ormond Beach, FL 32176

Dear Mr. Karet:

At its regular meeting on Tuesday, December 13, 2005, the Port Orange City Council approved Ordinance Nos. 2005-67 and 2005-68, which will rezone approximately 53.1 acres from "A" (Agricultural) and "RR" (Rural Residential) to "RR" (Rural Residential), and approximately 29.2 acres from "A" (Agricultural) to "R-20SF" (Single Family Residential). The second and final reading of Ordinance No. 2005-67 is 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, CMC
Deputy City Clerk

SMK:l

cc: Mike Disher, Planning & Development Manager