# CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE 12/13/05

**SUBJECT:** **REZONING / VOGEL, BRAD & TRUDI, FROM "A" (AGRICULTURAL) TO "PO" (PROFESSIONAL OFFICE)**
**830 Selin Circle**
**CASE NO. 05-60000018**

**DEPARTMENT:** COMMUNITY DEVELOPMENT

**RECOMMENDED MOTION:**
To adopt Ordinance No. 2005-69, rezoning approximately 3.5 acres, located at 830 Selin Circle, Port Orange, from "A" (Agricultural) to "PO" (Professional Office), as recommended by the Planning Commission.

**SUMMARY:**
**Planning Commission Action:**
Recommended approval, 7-0, on Nov. 17, 2005, to rezone approximately 3.5 acres, located at 830 Selin Circle, Port Orange (Tax Parcel #6309-01-01-0050), from "A" (Agricultural) to "PO" (Professional Office). The rezoning, if approved, would allow applicants to construct a chiropractic medical office building of approximately 5,000 sq. ft., along with parking, drainage facilities, landscaping, and other associated infrastructure.

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

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

| | | | |
|---|---|---|---|
| **DEPARTMENT HEAD** | Michael E. Disher<br>Planning and Development Manager | Date 12-12-05 | |
| **FINANCE DEPARTMENT** | N/A | Approved as to Budget Requirements | Date |
| **CITY ATTORNEY** | | Approved as to Form and Legality | Date 11-30-05 |
| **CITY MANAGER** | | Approved Agenda Item For: | 12/13/05 |

**COUNCIL ACTION:** [X] **Approved as Recommended** [ ] **Disapproved**

[ ] **Tabled Indefinitely** [ ] **Continued to Date Certain** [ ] **Approved with Modification**

Second Reading to be scheduled after Ord. 2005-49 is approved by Vol. Growth

ORDINANCE NO. 2005-69

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY 3.5 ACRES LOCATED AT 830 SELIN CIRCLE, FROM A (AGRICULTURAL) TO PO (PROFESSIONAL OFFICE); ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the property to be rezoned consists of approximately 3.5 acres located at 830 Selin Circle, and is zoned A (Agricultural); and

WHEREAS, the owner of the property has petitioned the Planning Commission to rezone said property from A (Agricultural) to PO (Professional Office); 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 PO (Professional Office) 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 following described property from A (Agricultural) to PO (Professional Office).

Section 2. The property rezoned consists of approximately 3.5 acres located at 830 Selin Circle, 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 830 selin circle 3.5 acres.wpd

Exhibit "A"

**A portion of Lots 3 and 4 Assessor's Plat of Lot 1, Section 9, Township 16 South, Range 33 East, as recorded in Map Book 3, Page 29, of the Public Records of Volusia County, Florida, described as follows:**

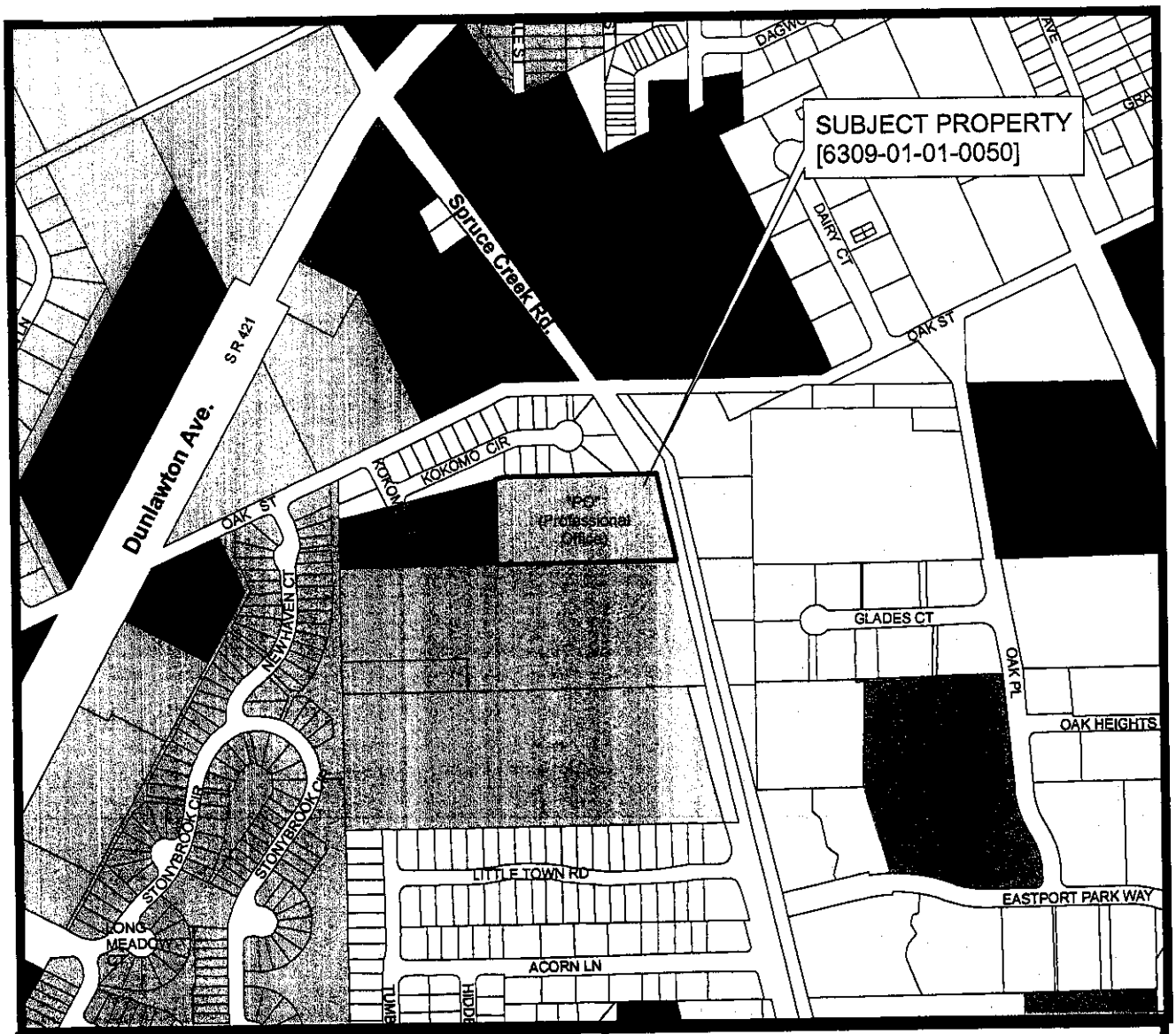
**Commencing at a point in the Easterly line of said Lot 3 which is 2-1/4 chains South of the Northeast corner of said Lot 3; thence South 89°37' West 262.7' to the point of beginning; thence continue South 89°37' West 550'; thence North 0°23' East 276.83'; thence North 89°37' East 492.7' to a point in the Westerly line of a dirt road; thence Southeasterly along the Westerly line of said road a distance of about 285' to the point of beginning, reserving an easement for road purposes over the Northerly 30' thereof.**

Book: 4430
Page: 3828
Diane M. Matousek
Volusia County, Clerk of Court

## Schedule A

A portion of Lots 3 and 4 Assessor's Plat of Lot 1, Section 9, Township 16 South, Range 33 East, as recorded in Map Book 3, Page 29, of the Public Records of Volusia County, Florida, described as follows:

Commencing at a point in the Easterly line of said Lot 3 which is 2-1/4 chains South of the Northeast corner of said Lot 3; thence South 89°37′ West 262.7′ to the point of beginning; thence continue South 89°37′ West 550′; thence North 0°23′ East 276.83′; thence North 89°37′ East 492.7′ to a point in the Westerly line of a dirt road; thence Southeasterly along the Westerly line of said road a distance of about 285′ to the point of beginning, reserving an easement for road purposes over the Northerly 30′ thereof.




**Case No.:** 05-60000018

**Applicant:**
Brad and Trudi Vogel

**Location:**
830 Selin Circle

Zoning
- GPU Government/Public Use
- A Agriculture
- R-10SF Single Family Residential
- R-2D Two Family Residential
- PUD Planned Unit Development
- PCD Planned Commercial Development
- PO Professional Office
- NC Neighborhood Commercial
- CI Commercial/Industrial
- LI Light Industrial

**Exhibit "B"**
**ZONING**

# CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT

N W E S

**STAFF REPORT**
**CASE NO. 05-60000018**
**REZONING FROM "A" to "PO"**
Brad and Trudi Vogel: Applicants
830 Selin Circle
November 9, 2005

---

**INTRODUCTION:**
Mr. Brad and Dr. Trudi Vogel, applicants, request approval to rezone a property of approximately 3.5 acres, located at 830 Selin Circle, Port Orange (Tax Parcel #6309-01-01-0050), from "A" (Agricultural) to "PO" (Professional Office). The rezoning, if approved, would allow construction of a chiropractic medical office building, along with parking, drainage facilities, landscaping, and other associated infrastructure.

**BACKGROUND:**
In September, the applicants received favorable recommendation from the Planning Commission to change the Future Land Use (FLU) designation for this property from *Urban Low Density Residential (4-8 units/acre)* to *Office/Residential Transition.* Subsequently City Council voted to approve the FLU amendment on first reading, pending comments from the Volusia Growth Management Commission (VGMC). The FLU application is now awaiting comments from VGMC members; as of November 17th, the comment period has about three weeks remaining. Assuming VGMC approval, the FLU amendment will be placed on Council's agenda for second reading, probably in early 2006. The analysis and recommendation herein is based on the expectation that the FLU amendment will be approved.

**DISCUSSION:**
The subject property is a rectangular parcel with frontage on and access from Spruce Creek Road. Internal access is via a private road, Selin Circle, which serves only this property and another, smaller lot to the rear (west). Currently the subject property contains one single-family house (the applicant's residence), set in the west-central interior of the lot. The property is otherwise undeveloped and contains many mature deciduous trees in a park-like setting. The current zoning is "A" (Agriculture).

TABLE 1: SURROUNDING PORT ORANGE DESIGNATION, LAND USES & ZONING:

| | ***Present Land Use*** | ***Future Land Use*** | ***Zoning*** |
|---|---|---|---|
| ***North:*** | *Single-family residential (Silver Oaks/Kokomo Circle); Office/Residential Transitional (across Oak St.)* | *Urban Low Density Residential (4-8 units/acre)* | *R-10SF (Single-Family Residential)* |
| ***East** (across Spruce Creek Rd.):* | *Warehouse* | *Warehouse/Industrial* | *CI (Commercial/Industrial)* |
| ***South:*** | *Vacant (proposed site for multi-family project "The Reserve")* | *Urban Low Density Residential (4-8 units/acre)* | *PUD (Multi-Family Residential: The Reserve)* |
| ***West:*** | *Single-family residential (Dunlawton Hills)* | *Urban Low Density Residential (4-8 units/acre)* | *PUD (Single-Family Residential: Dunlawton Hills)* |

Exhibit "B" shows current and proposed zoning for the subject property and current zoning for surrounding properties.

**DEVELOPMENTAL STANDARDS:**
Table 2 compares developmental standards in the property's existing and proposed zoning districts.

*TABLE 2: COMPARISON OF DEVELOPMENTAL STANDARDS*

| | *"A" (Agriculture)* | *"PO" (Professional Office)* |
|---|---|---|
| *Minimum lot size* | 1 acre | 10,000 sq.ft. (0.23 acre) |
| *Minimum lot width (ft.)* | 150 | 125 |
| *Front setback (ft.)* | 50 | 20 *(A)* |
| *Side setback (ft.)* | 25 | 10 or more *(B)* |
| *Rear setback (ft.)* | 40 | 25 or more *(B)* |
| *Maximum building coverage (%)* | 20 | 30 |
| *Minimum open space (%)* | 70 | 30 |
| *Maximum building height (ft.)* | 45 | 35 |
| *Minimum floor area (s.f.)* | 1400 | n/a |

(A) Front setback is equal to required right-of-way landscape buffer.
(B) Setback adjacent to residential property is equal to or greater than building height.

**OTHER DEVELOPMENT ISSUES:**
*Drainage:* The LDC requires that all stormwater be properly managed onsite. This can be complex on properties slated for intensive development. In this case, the size of the site, coupled with the low-intensity nature of proposed zoning, means that onsite management should not be difficult, even if the site were developed for more offices than planned by the applicants.

*Schools:* The proposed rezoning, if approved, would represent a small net decrease in potential residential school population. Agricultural zoning would probably allow three single-family units to be built. By taking this number down to zero, office zoning would remove (or redistribute) a few schoolchildren from potential impact calculations.

**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, provided the pending amendment is approved.

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.

The proposal is also consistent with the City's Vision Statement and with recent City Council discussions regarding the need for a greater proportion of non-residential development in Port Orange. Current zoning would allow for additional residential development; approval of this request would substitute office use.

Consistency with applicable sections of the LDC:
Development of a medical office building appears to be feasible under the rezoning. In any case, no development will take place unless LDC requirements are satisfied through the site-planning process.

Whether justified by changed or changing conditions:
The following sections of the LDC are relevant in this regard:

- *Purpose and Intent.* The agricultural (A) district is intended to serve as an interim use agriculture area until development is proposed to a higher intensity land use.... [LDC, Ch. 17 Sec. 5(a)]
- *Purpose and intent.* The professional office (PO) district is intended to provide areas for business, government, industry, medical, professional, or service offices. [LDC, Ch. 17 Sec. 19(a)]

Agricultural zoning may have made sense for this property at one time; however, that time has long since passed. Although there will always be a need for green space inside the City's boundaries, commercial agriculture is not part of Port Orange's long-term future, particularly east of I-95. The proposed zoning on the whole would not be out of character 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; as noted, the City wishes to encourage non-residential growth.

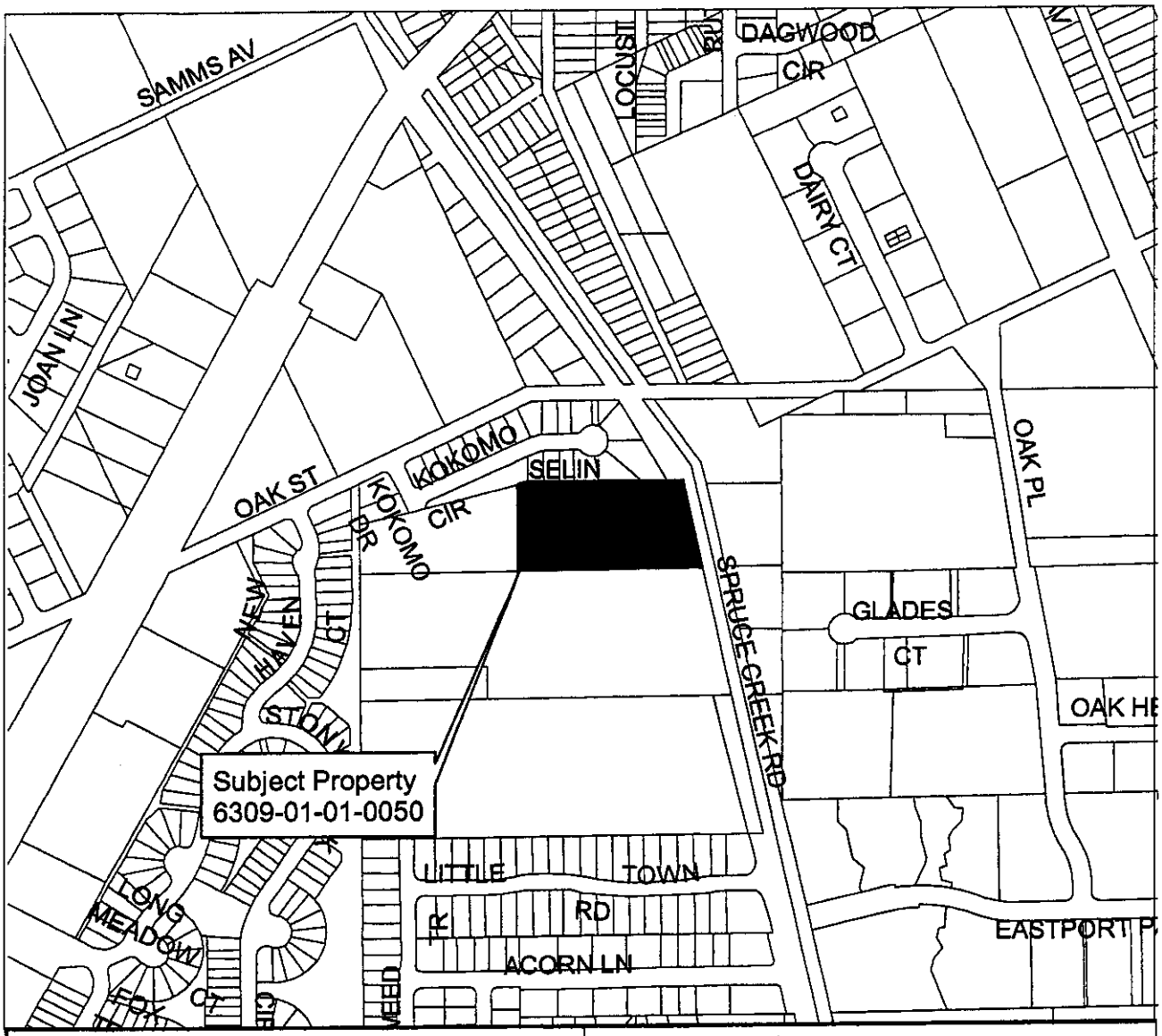
Whether specific requirements of this code are adequate to insure compatibility with adjoining properties as required by the comprehensive plan:
The developmental standards for PO zoning have served the city relatively well in buffering adjoining properties with different uses. The added setback based on building height is particularly useful, although multi-story development seems unlikely with a 3.5-acre site. The City's tree-preservation requirements will also benefit site design on this heavily wooded lot. A low-intensity use such as offices would allow retention of the mature treescape, which is a pleasing oasis along the urbanized northern Spruce Creek Road corridor.

**RECOMMENDATION:**
Based on the findings of this report, staff recommends **approval** of the request to rezone the approximately 3.5-acre tract, located at 830 Selin Circle (Tax Parcel #6309-01-01-0050), from "A" (Agricultural) to "PO" (Professional Office).

---

Prepared by: Randy Hunt, Senior Planner (386) 506-5672
City of Port Orange Department of Community Development (386) 506-5600

PLANNING COMMISSION DATE: November 17, 2005
CITY COUNCIL DATE: December 13, 2005




**Case No.:** 05-60000018

**Applicant:** Brad and Trudi Vogel

**Location:** 830 Selin Circle

**Requested Action:**

Request to rezone an approximately 3.5-acre property from "A" (Agricultural) to "PO" (Professional Office)

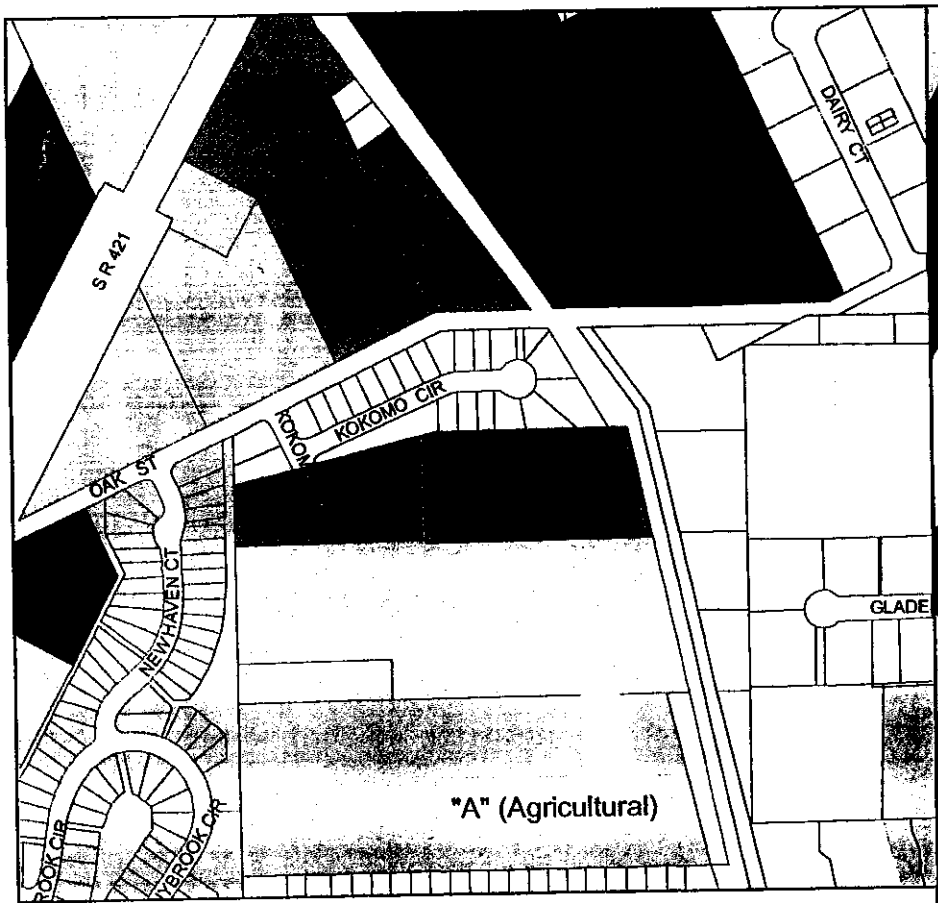
Exhibit "A"

LOCATION MAP

# CITY OF PORT ORANGE

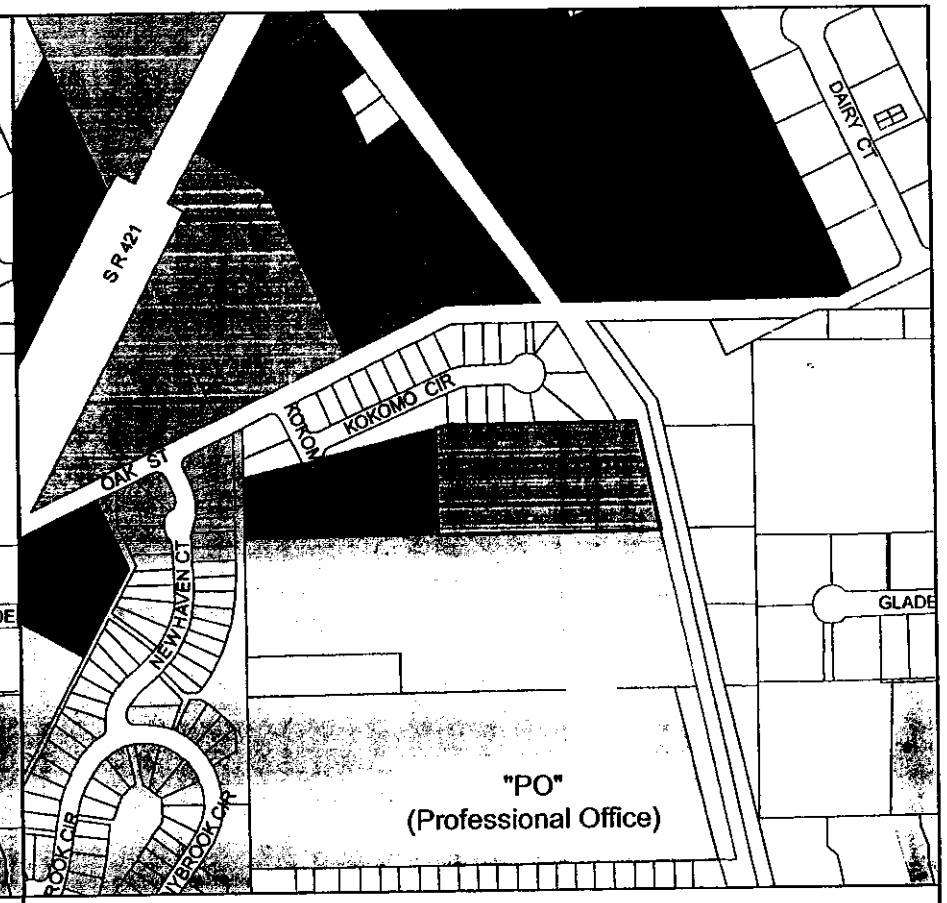
DEPARTMENT OF COMMUNITY DEVELOPMENT

N W E S




**EXISTING ZONING**

- GPU Government/Public Use
- A Agriculture
- R-10SF Single Family Residential
- R-2D Two Family Residential
- PUD Planned Unit Development
- PCD Planned Commercial Development
- PO Professional Office
- NC Neighborhood Commercial
- CI Commercial/Industrial
- LI Light Industrial




**PROPOSED ZONING**

- GPU Government/Public Use
- A Agriculture
- R-10SF Single Family Residential
- R-2D Two Family Residential
- PUD Planned Unit Development
- PCD Planned Commercial Development
- PO Professional Office
- NC Neighborhood Commercial
- CI Commercial/Industrial
- LI Light Industrial

EXHIBIT "B"

CASE NO. 05-60000018

# DEPARTMENT OF COMMUNITY DEVELOPMENT

34

# CITY OF PORT ORANGE

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

12/27/05

Randy Hunt contacted the Vogel's to advise them that second reading would not occur until Ord. 2005-49 is returned from Volusia Growth Management.

December 16, 2005

Brad Vogel
830 Selin Circle
Port Orange, FL 32127

Dear Mr. Vogel:

At its regular meeting on Tuesday, December 13, 2005, the Port Orange City Council approved Ordinance No. 2005-69 on first reading, which will rezone approximately 3.5 acres located at 830 Selin Circle, Port Orange, from "A" (Agricultural) to "PO" (Professional Office). The second and final reading of Ordinance No. 2005-69 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

Shirley M. Kelly, CMC
Deputy City Clerk

SMK:l

cc: Mike Disher, Planning & Development Manager