



CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE 02/21/2006

**SUBJECT: SMALL SCALE LAND USE AMENDMENT/D. ANDREW CLARK
CASE NO. 05-20000016**

DEPARTMENT: COMMUNITY DEVELOPMENT

RECOMMENDED MOTION:

To adopt Ordinance No. 2006- 7 , amending the Future Land Use Map of the City of Port Orange *Comprehensive Plan Update '98*, for property located at 5091 Palmetto Avenue, 5094 Palmetto Avenue, 201 Katherine Street, 225 Katherine Street, and 5156 Riverside Drive, from *Urban Low Density Residential (4-8 Units/Acre)* to *Office/Residential Transition*, as recommended by the Planning Commission.

SUMMARY:

PLANNING COMMISSION ACTION: January 26, 2006

Recommended approval 5-0 (Commissioners Barker and Bickel excused), of an amendment to the Future Land Use Map of the City of Port Orange *Comprehensive Plan Update '98*. This map amendment is to change the land use designation of 1.35 acres located at 5091 Palmetto Avenue, 5094 Palmetto Avenue, 201 Katherine Street, 225 Katherine Street, and 5156 Riverside, from *Urban Low Density Residential (4-8 Units/Acre)* to *Office/Residential Transition*. If approved, the applicant proposes to rezone these parcels to "PCD" (Planned Commercial Development) and incorporate them into the Clark Professional Center and Wedding Chapel PCD. The staff report is attached for your review.

Please note that the subject amendment must be reviewed by the Volusia Growth Management Commission between the first and second reading.

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

PLANNING & DEVELOPMENT MANAGER Michael E. Disher *Michael E. Disher* Date 2-13-06

FINANCE DEPARTMENT N/A Approved as to Budget Requirements Date

CITY ATTORNEY *M. D. K...* Approved as to Form and Legality Date 2-10-06

CITY MANAGER *[Signature]* Approved Agenda Item For: 2/21/06

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

ORDINANCE NO. 2006-1

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING FUTURE LAND USE MAP OF COMPREHENSIVE PLAN CHANGING THE DESIGNATION FROM URBAN LOW DENSITY RESIDENTIAL TO OFFICE/RESIDENTIAL TRANSITION LOCATED AT 5091 PALMETTO AVENUE, 5094 PALMETTO AVENUE, 201 KATHERINE STREET, 225 KATHERINE STREET AND 5156 RIVERSIDE DRIVE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, after careful review and a public hearing, the Planning Commission, sitting as the Local Planning Agency, has forwarded a recommendation to the City Council regarding this proposed amendment to the Comprehensive Plan for the City of Port Orange; and

WHEREAS, the proposed amendment to the Comprehensive Plan directly relates to small scale development activities as provided in Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the City Council of the City of Port Orange has received comments and proposals from the general public and held at least one public hearing with regard to the proposed amendment to the Comprehensive Plan; and

WHEREAS, the amendment to the Comprehensive Plan shall be submitted to the Volusia Growth Management Commission for a determination of consistency in accordance with Section 202.3 of the Charter of Volusia County, Florida; and

WHEREAS, the City Council hereby declares that the purpose and intent of the proposed amendment to the Comprehensive Plan is to guide future growth and development; encourage the most appropriate use of land, water, and other resources,

consistent with the public interest; promote and protect the public health, safety, comfort, good order, appearance, convenience, aesthetics, and general welfare; prevent the overcrowding of land and avoid undue concentration of population; provide adequate and efficient transportation, water, sewage, drainage, fire protection, parks, recreational facilities, housing, and other services, facilities and resources; and conserve and protect natural resources within the City, while protecting private property rights.

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

Section 1. For purposes herein, the term "Comprehensive Plan," shall mean the Comprehensive Plan for the City of Port Orange, consisting of the one (1) volume book entitled "City of Port Orange Comprehensive Plan Update '98," and containing nine (9) elements, including Future Land Use; Transportation; Housing; Public Facilities; Coastal Zone Management; Conservation; Recreation and Open Space; Intergovernmental Coordination; and Capital Improvements, all as adopted by Ordinance No. 1999-43, as subsequently amended by Ordinances No. 1999-46, 1999-56, 1999-57, 2000-1, 2000-8, 2000-13, 2000-25, 2000-29, 2000-41, 2001-2, 2001-21, 2001-26, 2001-75, 2001-76, 2001-89, 2002-7, 2002-20, 2003-3, 2003-1, 2003-22, 2003-39, 2004-34, 2004-39, 2005-1, 2005-3, 2005-13, 2005-15, 2005-25, 2005-27, 2005-30, 2005-31, 2005-49 and this ordinance.

Section 2. The Future Land Use Map of the Comprehensive Plan is hereby amended for the parcel of land as described in Exhibit A and as shown on the Map depicted in Exhibit B, attached hereto and by reference made a part hereof, from Urban Low Density Residential (4-8 units/acre) to Office/Residential Transition.

Section 3. All ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. 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 5. This ordinance shall become effective as provided by general law, Department of Community Affairs rule, and Volusia County Charter.

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

EXHIBIT "A"

5094 Palmetto Street [6310-12-07-0040]

Lot 4 excluding North 10 feet thereof, Block 7 NORWOOD SUBDIVISION, according to the plat thereof, recorded in Map Book 5, Page(s) 1, of the Public Records of Volusia County, Florida.

5091 Palmetto Street [6310-12-02-0160]

The Northerly 62 feet of Lot 16, Block 2, NORWOOD, according to the plat thereof, recorded in Map Book 5, Page(s) 1 of the Public Records of Volusia County, Florida.

201 Katherine Street [6310-12-02-0161]

Lot 16, except the Northerly 62 feet thereof, Block 2, NORWOOD SUBDIVISION, as per plat thereof recorded in Map Book 5, Page 1, of the Public Records of Volusia County, Florida.

225 Katherine Street [6310-12-02-0140]

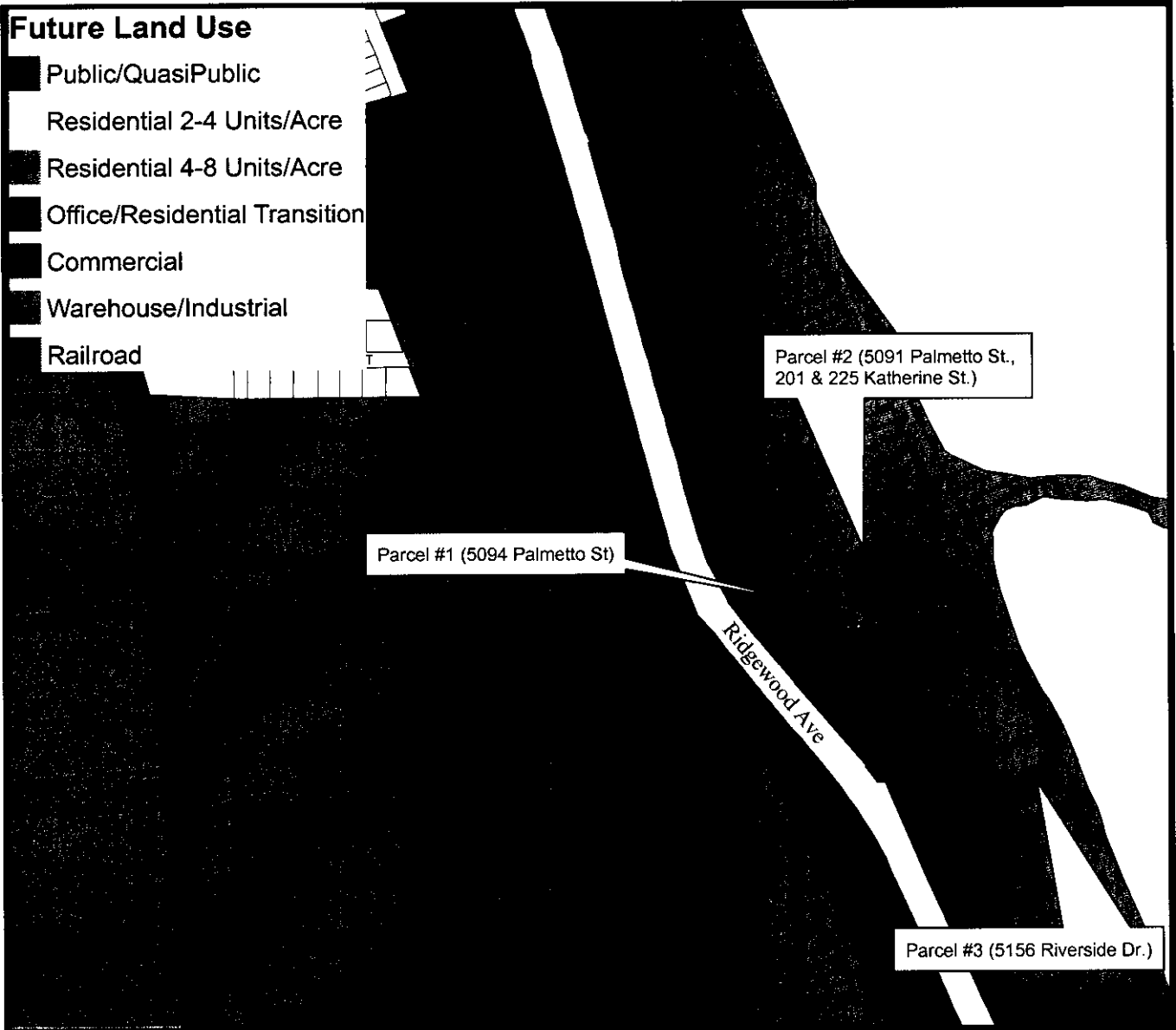
Lots 14 and 15, Block 2, NORWOOD, according to the plat thereof as recorded in Map Book 5, Page 1, of the Public Records of Volusia County, Florida.

5156 Riverside Drive [6310-10-00-0010]

All of Lot One (1), in Allan Park, according to map in Map Book 10, Page 226, in the office of the Clerk of the Circuit Court of Volusia County, Florida, and also: That portion of Lot Fifteen (15), Flower's Allandale, according to map in Map Book 2, Page 65, in the Office of the Clerk of the Circuit Court of Volusia County, Florida, lying Easterly of Riverside Drive, as now laid out, together with all filled-in land, accretions and riparian rights thereunto appertaining.

Future Land Use

- Public/QuasiPublic
- Residential 2-4 Units/Acre
- Residential 4-8 Units/Acre
- Office/Residential Transition
- Commercial
- Warehouse/Industrial
- Railroad



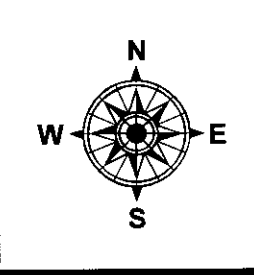
Case No.: 05-200000016

Applicant: Andrew Clark

Location: 5091 & 5094 Palmetto St., 201 & 225 Katherine St., and 5156 Riverside Dr.

FUTURE LAND USE

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





STAFF REPORT

CASE NO. 05-20000016

SMALL-SCALE FUTURE LAND USE AMENDMENT

1.35-acres of land located at 5091 and 5094 Palmetto Avenue, 201 and 225 Katherine Street, and 5156 Riverside Drive.

Andrew Clark, applicant

January 20, 2006

INTRODUCTION:

Andrew Clark owner/applicant, requests approval of a Small-Scale Amendment to the City's Future Land Use Map of the *Comprehensive Plan-Update '98*. If approved, the amendment will change 1.35 acres of land located at 5091 Palmetto Avenue, 5094 Palmetto Avenue, 201 Katherine Street, 225 Katherine Street, and 5156 Riverside Drive (Exhibit "A") from *Urban Low Density Residential (4-8 Units/Acre)* to *Office/Residential Transition* (Exhibit "B"). The owner has requested to rezone these lots to "PCD" (Planned Commercial Development) and incorporate them into the Clark Professional Center and Wedding Chapel PCD. Currently, all of the properties are zoned "VCR-4" (Volusia County), which allows for single-family dwellings (Exhibit "C").

OVERVIEW:

The subject properties are located on the west side of Riverside Drive and on the north side of Katherine Street, between Riverside Drive and Ridgewood Avenue. Currently there is a vacant structure located on 225 Katherine Street and the other properties are vacant. Per the City's zoning consistency matrix, the intended uses are not supported by the property's current future land use designation; therefore the applicant is requesting to change the future land use of these parcels to proceed with the rezoning request.

The applicant has submitted an amendment (Case #05-4000003) to the Clark Professional Center and Wedding Chapel Master Development Agreement (MDA) and Conceptual Development Plan (CDP). The amendment is intended to incorporate property adjacent to the PCD into the limits of the PCD. The applicant plans on developing each site differently, but within the confines of the permitted uses allowed by the Master Development Agreement for this PCD. The applicant is proposing to develop an overflow parking lot for the entire PCD complex on parcel #1 (5094 Palmetto Street), two office buildings with associated site improvements on parcel #2 (5091 Palmetto Avenue and 201& 225 Katherine Street), and a terminal platform extending into the Halifax River with a wedding gazebo on Parcel #3 (5138 Riverside Drive) (Exhibit "D").

Staff recently reviewed the proposed 4th Amendment to the Clark Professional Center and Wedding Chapel PCD with the applicant at the December 7, 2005 SDRC meeting. The proposed amendment also includes the construction of an 8-unit condominium building to be located on the corner of Riverside Drive and Katherine Street. The existing future land use is consistent with the proposed use; therefore the future land use does not need to be changed for this parcel.

The residents living in this area have voiced their concerns with this proposed project throughout the years. Attached are two letters, sent to the City in the spring of 2004,

from property owners adjacent to the subject parcels, which identifies their concerns with the proposed development. The City also received a Citizen's Petition in February 2004, which has been signed by residences of Katherine Street, Palmetto Street, and Riverside Drive opposing any type of zoning change or development in this area. Both of these documents are attached to the staff report.

SURROUNDING DESIGNATIONS [LAND USE & ZONING]:

The surrounding land uses and zoning are described below and depicted graphically on the map attached to the staff report.

Parcel #1 (5094 Palmetto Street)

North

Future Land Use: *Urban Low Density Residential (4-8 Units/Acre)*
Existing Land Use: Vacant
Existing Zoning: "VCR-5" (Volusia County)

East

Future Land Use: *Urban Low Density Residential (4-8 Units/Acre)*
Existing Land Use: Single-Family dwelling
Existing Zoning: "VCR-4" (Volusia County)

South

Future Land Use: *Commercial*
Existing Land Use: Multi-tenant office building
Existing Zoning: "PCD" (Planned Commercial Development) (Clark Professional Office and Wedding Chapel PCD)

West

Future Land Use: *Commercial*
Existing Land Use: Single-Family Dwelling
Existing Zoning: "RD" (Ridgewood Development)

Parcel #2 (5091 Palmetto Street and 210 & 255 Katherine Street)

North

Future Land Use: *Urban Low Density Residential (4-8 Units/Acre)*
Existing Land Use: Vacant
Existing Zoning: "VCR-4" (Volusia County)

East

Future Land Use: *Urban Low Density Residential (4-8 Units/Acre)*
Existing Land Use: Single-family dwelling
Existing Zoning: "VCR-5" (Volusia County)

South

Future Land Use: *Commercial*
Existing Land Use: Multi-tenant office building
Existing Zoning: "PCD"(Planned Commercial Development)

West

Future Land Use: *Urban Low Density Residential (4-8 Units/Acre)*
Existing Land Use: Vacant
Existing Zoning: "VCR-5" (Volusia County)

Parcel #3 (5156 Riverside Drive)

North

Future Land Use: *Urban Low Density Residential (4-8 Units/Acre)*
Existing Land Use: Single-family dwelling
Existing Zoning: "NP" (Neighborhood Preservation)

East

Future Land Use: N/A
Existing Land Use: Halifax River
Existing Zoning: N/A

South

Future Land Use: *Urban Low Density Residential (4-8 Units/Acre)*
Existing Land Use: Single-family dwelling
Existing Zoning: "VCR-4" (Volusia County)

West

Future Land Use: *Commercial*
Existing Land Use: Wedding Chapel
Existing Zoning: "PCD" (Planned Commercial Development)

A copy of the City of Port Orange zoning map and future land use map are attached for review (Exhibit "A" and "B")

LAND USE COMPATIBILITY

The City's Future Land Use Map indicates that the properties adjacent to and surrounding the subject properties are planned for residential and commercial uses. The proposed *Office/Residential Transition* designation is intended to serve as a buffer between areas of high and low intensity uses and to provide for an appropriate mix of uses along arterial roadways as a means to confine intensive commercial uses to major intersections. The intent of the *Office/Residential Transition* district does not work on Ridgewood Avenue due to the historical development of Ridgewood Avenue as a continuous commercial strip. But in this area of the city, it is useful to separate commercial and residential uses. In this case, the parcels in question will serve as separation between the commercial uses along Ridgewood Avenue and the residential uses located along Riverside Drive and Palmetto Street.

The proposed *Office/Residential Transition* designation is appropriate between a residential and heavy commercial area. This future land use classification is intended to allow zoning districts that permit uses that will **not** create a substantial amount of traffic and intense use of the land as compared to commercial uses. The predominant use that is seen in this land use classification is office, which is what the applicant intends on constructing.

IMPACTS OF PROPOSED DEVELOPMENT

The current *Urban Low Density Residential (4-8 Units/Acre)* designation would allow a theoretical maximum density of 8.0 units/acre. Based on the prevailing development pattern and current zoning, single-family development was used for this comparison. Given the size of the property (1.35 acres), a maximum of **10 units** (1.35 acres x 8 units/acre) could be constructed. The proposed *Office/Residential Transition* classification would theoretically allow for **20,582 square feet** [(1.35 acres x 43,560) x .35] of medical office space. According to the concept plan submitted the applicant intends on creating **7,054 s.f.** of office space divided between the two buildings.

In accordance with standard practice from the Florida Department of Community Affairs (DCA) and other review agencies, an impact comparison analysis of the proposed amendment has been completed based upon the theoretical maximum development potential under the current future land use designation versus the designation proposed (Exhibit "E").

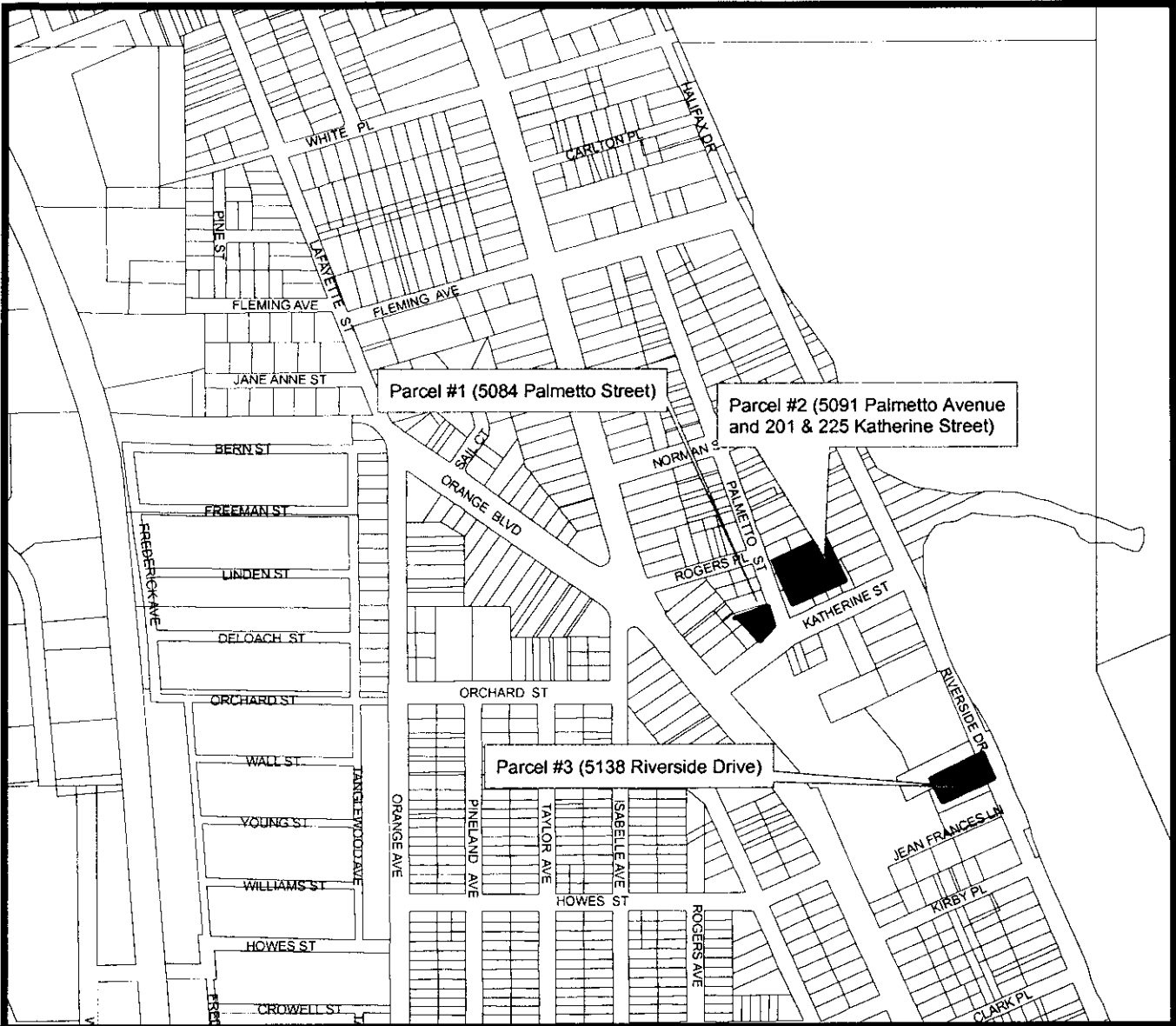
Transportation

The properties, under their current residential future land use designation, could theoretically be developed to a maximum of 10 units. According to the *Institute of Traffic Engineers Trip Generation Manual, 7th Edition (ITE Manual)*, single-family development would generate 1.01 trips during the weekday PM peak hour. Therefore, 10 dwelling units could theoretically generate a total of **10.1 trips** during the PM peak hour [(10 units X 1.01.) x 10.1 trips].

Medical office space was used since it is the most intense office use. According to the ITE Manual, medical office uses would generate 3.72 trips for every 1,000 s.f. of building area, during the weekday PM peak hour. Therefore, a 20,582 s.f. building could theoretically generate a total of **76.6 trips** during the PM peak hour [(20,582 s.f./1,000 s.f.) x 3.72 trips].

By the way of comparison, the applicant is only proposing to construct a total of 7,054 square feet of office space. The applicant has not stated the amount of square footage to be dedicated to medical office space; therefore, staff will assume that all of the square footage will be used for medical office. The 7,054 square feet of medical office space could theoretically generate a total of **26.6 trips** during the PM peak hour (7,054 s.f. X 3.72 trips/1,000). The off-site parking lot is intended to serve as overflow parking for the existing uses located within the PCD and the wedding gazebo is intended to be an accessory to an existing wedding chapel located within the PCD. Staff believes that these two proposed developments will not generate any additional trips.

To reduce the amount of traffic on Palmetto Street, staff has informed the applicant that the access points to the office complex and off-site parking lot need to be located off Katherine Street with no access points located off Palmetto Street. Katherine Street will serve as the main corridor for employees and customers to access the site and prevent the unnecessary use of Palmetto Street and Riverside Drive.



Case No.: 05-200000016

Applicant: Andrew Clark

Location: North side of Katherine St., between Riverside Dr. and Ridgewood Av and east side of Riverside drive, south of Katherine St.

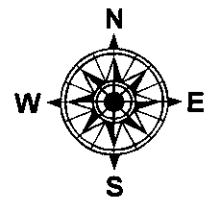
Request:

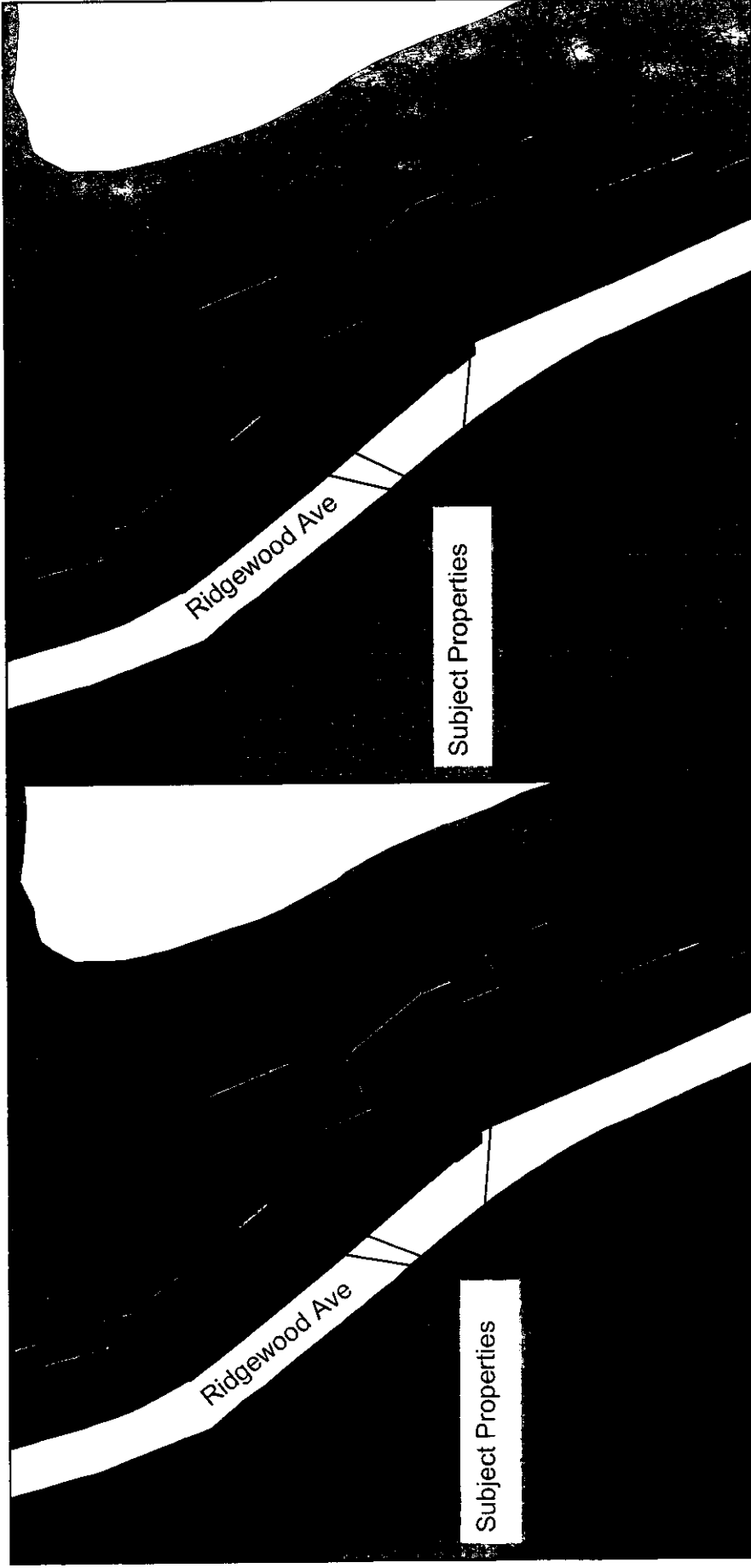
Approval of a small-scale amendment to the City's Future Land Use Map of the "Comprehensive Plan - Update '98". If approved, the amendment will change the future land use designation of 1.35 acres of land from "Urban Low Density Residential (4-8 units/acre)" to "Office/Residential Transition".

Exhibit "A"

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT





Ridgewood Ave

Subject Properties

Ridgewood Ave

Subject Properties

Current Future Land Use

- Residential 4-8 Units/Acre
- Commercial

Proposed Future Land Use

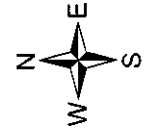
- Residential 4-8 Units/Acre
- Commercial
- Office/Residential Transition

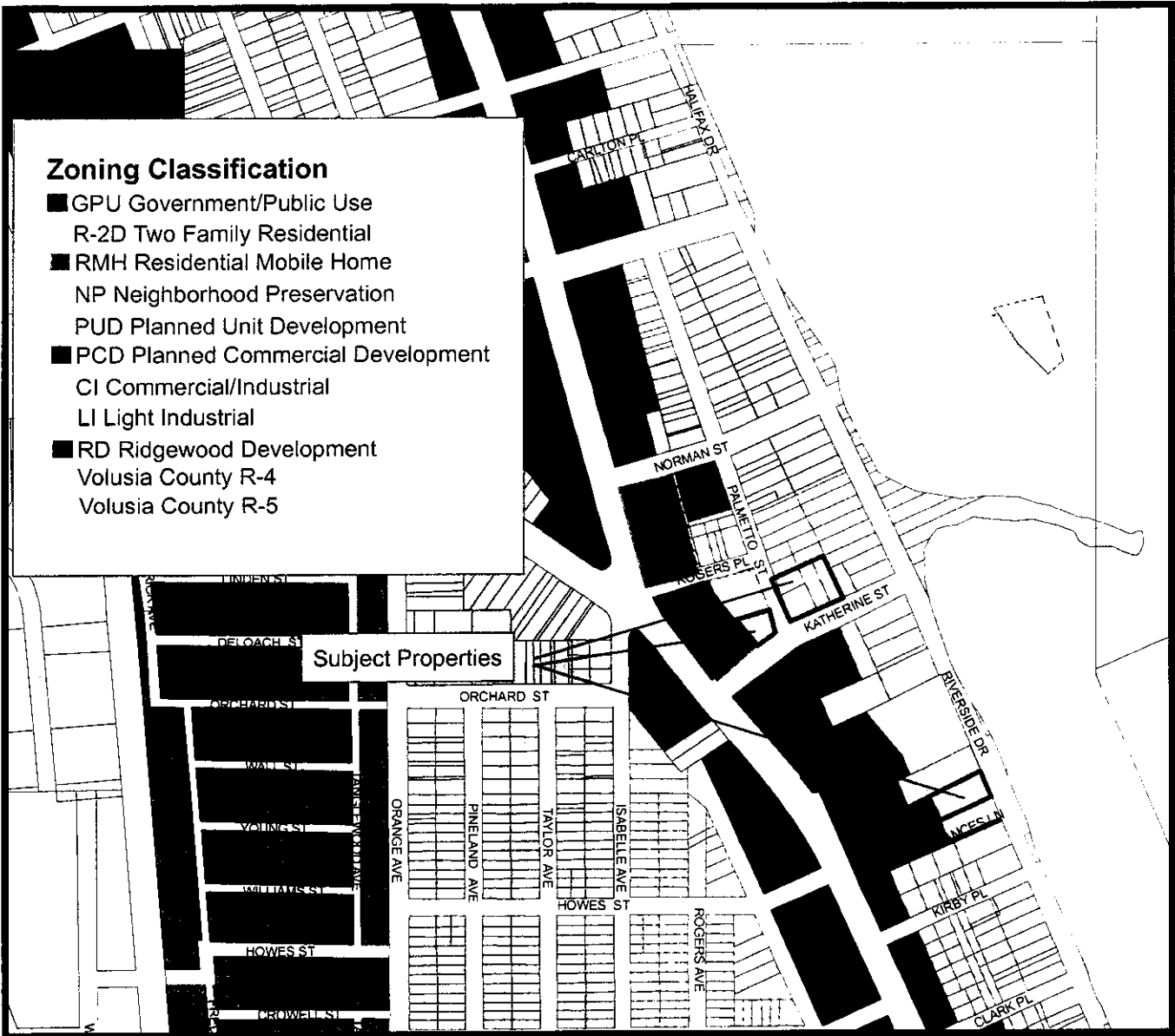


EXHIBIT B

CASE NO. 05-20000016

DEPARTMENT OF COMMUNITY DEVELOPMENT





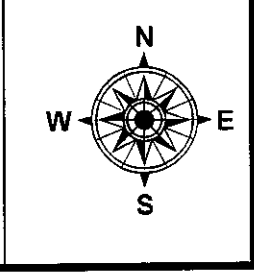
Case No.: 05-200000016

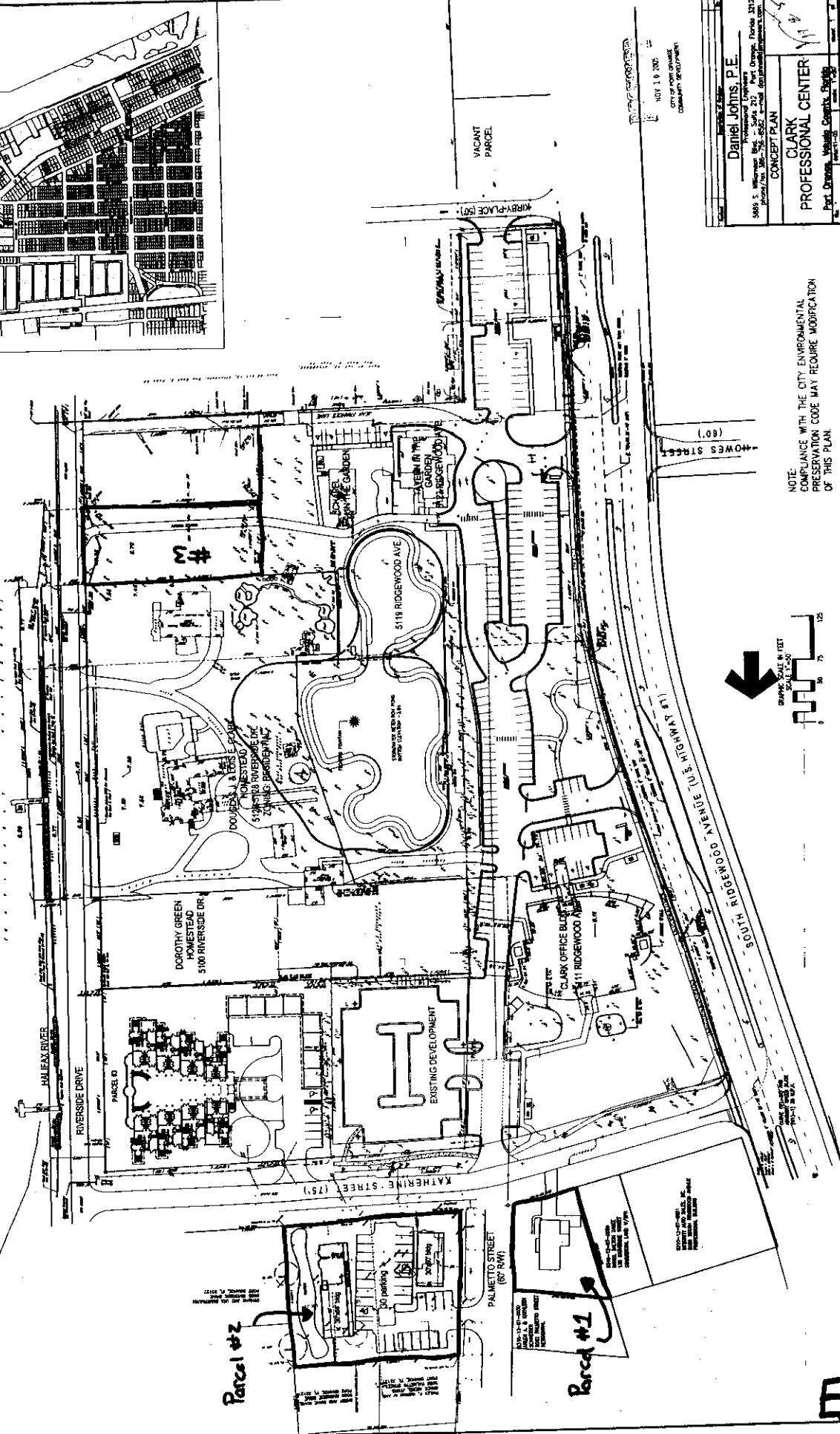
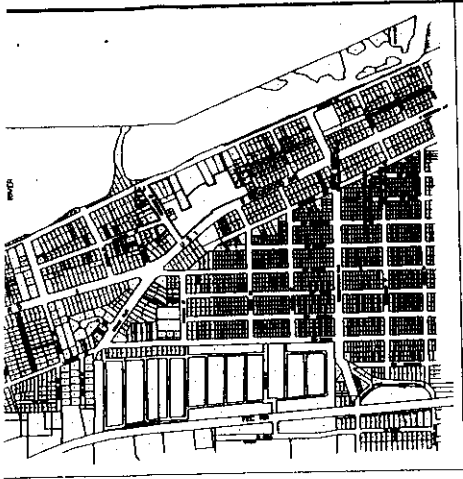
Applicant: Andrew Clark

Location: North side of Katherine St., between Riverside Dr. and Ridgewood Av. and west side of Riverside Drive, south of Katherine St.

Current Zoning

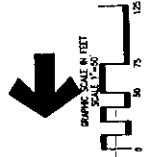
Exhibit C
CITY OF PORT ORANGE
 DEPARTMENT OF COMMUNITY DEVELOPMENT





Parcel #2

Parcel #1



NOTE:
COMPLIANCE WITH THE CITY ENVIRONMENTAL
PRESERVATION CODE MAY REQUIRE MODIFICATION
OF THIS PLAN.

NOV 19 2005
CITY OF PALM BEACH
COMPLAINT DEPARTMENT

Daniel Johns, P.E.
 Professional Engineer
 5889 S. Wickham Blvd., Suite 212, Palm Beach, Florida 33480
 Phone/Fax: 561-752-8552 / 561-752-8553
 CONCEPT PLAN
CLARK PROFESSIONAL CENTER
 Palm Beach, Volusia County, Florida

Exhibit D

IMPACT ANALYSIS (Exhibit "E")

DEVELOPMENT VARIABLE	CURRENT LAND USE (THEORETICAL MAX.)	PROPOSED LAND USE (THEORETICAL MAX.) ³	CURRENT LAND USE (PROPOSED BY APPLICANT)
Residential Units ¹	10	0	0
Population ²	25.8	0	0
Medical Office Square Feet	0	20,582	7,054
P. M. Peak Hour Trips ⁴	10.1	76.6	26.2
Sanitary Sewer (gallons/day) ⁵	2,300	2058.1	705.4
Potable Water (gallons/day) ⁶	2,550	2058.1	705.4
Stormwater Drainage ⁷	N/a	N/a	N/a
Recreation/Open Space ⁸	0.04 acres	0	0

Notes:

1. Residential Units: Maximum density of 8 units/acre.
2. Population: 2.58 persons per Single-family.
3. Industrial Square Feet: 40% maximum building coverage for the "C1" (Commercial Industrial) zoning district.
4. Transportation: Rates are for peak hour of adjacent street traffic, between 4 and 6 p.m.
Single-family Residential: 1.01 trips per occupied dwelling unit.
Medical Office Rate: 3.72 trips per 1,000 s.f. gross floor area.
Sanitary Sewer: 230 gallons per day per Equivalent Residential Unit
1/10 gallon per s.f. per day of office development
Potable Water: 255 gallons per day per Equivalent Residential Unit
1/10 gallon per s.f. per day of office development
7. Stormwater Drainage: LOS standard = 25 year, 24 hour event. Drainage system will be designed to meet the requirements contained in the Land Development Code.
8. Recreation & Open Space: 1-acre/250 persons (0.004 acres/person)

Sources:

ITE Trip Generation Manual, 7th Edition
2004 Port Orange Concurrency Management Report

5088 Riverside Dr.
Port Orange, FL 32127
May 9, 2004

ATTN: Department of Planning and Zoning
City of Port Orange
Port Orange City Center, FL



Dear Sir/Madam:

CITY OF PORT ORANGE
COMMUNITY DEVELOPMENT

I am writing regarding the property development project at #225 Katherine Street, Port Orange.

I have recently been approached by Andy Clark/Clark Properties regarding the erection of a buffer/barrier between my property (5088 Riverside Dr.) and the Clark-acquired properties on Katherine and Palmetto Streets.

If Clark Properties is proposing a buffer between our properties because they are attempting to be good neighbors by alleviating some of the commotion created by (residential-only) construction – or because they do not like the look of my existing fence, my family and I would agree to a “living fence” – i.e., an evergreen shrub hedge on their side of my fence – which would serve as a buffer between the properties. I would not agree to any other type of fencing, to include wood or PVC fencing – which were some of the other options proposed by Andy Clark. Historically, the properties in this old neighborhood have always blended into one another, and I could not agree to any fortress-like fencing that breaks and isolates individual properties in an unneighborly way.

For the record, I would like to reiterate that by my agreeing to any type of buffer between my property and the Clark properties, it should in NO way be construed as a concession/agreement on my part to any changes in zoning for this area. I and most of the neighborhood in the Katherine St./Palmetto St./Riverside Dr. triangle are vehemently opposed to any changes in zoning that would allow commercial or mixed commercial-residential applications or activity in this area. We continue to maintain that residential-only zoning is the only possible and desirable zoning for our neighborhood.

Thank you very much for taking this writing to you under advisement in this ongoing neighborhood development issue. I can be reached at 767-0284, should you have any questions or need clarification about my position.

Very sincerely,

A handwritten signature in cursive script that reads "Uta C. Dumermuth".

Uta C. Dumermuth & Family

cc Andy Clark/Clark Properties

Finley F. Gibson, IV
5089 Palmetto Street
Port Orange, FL 32127

March 8, 2004

Mr. Mike Disher
Senior Planner
City of Port Orange

Re: 5091 Palmetto Street

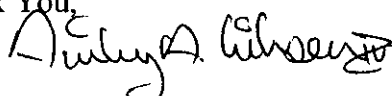
Dear Mr. Disher,

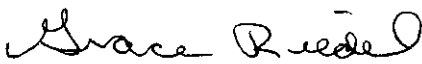
Last week Clark Properties bought 5091 Palmetto Street, which is the house next door to us. We would object to this being rezoned into commercial or torn down.

This is a great neighborhood and we'll do everything we can to keep it. There isn't any reason to start buying up people's homes to turn them into commercial buildings or tearing them down for parking lots.

We have two questions. Are there any permit applications for taking this house down? Are there rezoning requests or plans for that northeast corner of Palmetto and Katherine Street? This is the third house Clark Properties has bought on this corner. I'm trying to find out what's going on. Could somebody get back to us on this?

Thank You,


Finley F. Gibson IV


Grace Riedel

CITIZENS' PETITION
 TO PROHIBIT COMMERCIAL DEVELOPMENT
 In the Katherine St/Palmetto St./Riverside Dr. Corridor
 Of Port Orange

JANUARY/FEBRUARY 2004

I am opposed to any zoning change that would allow commercial and/or mixed commercial/residential construction for the Port Orange area that includes the block encompassing Riverside Dr., and the Katherine St. and Palmetto St. corridor (exempting ONLY the existent Clark-owned commercial structure along Ridgewood and Katherine St.).

Specifically and immediately, I oppose any construction for commercial purposes (to include any parking lots) for this same area (along Palmetto/Katherine St./Riverside Dr.).

Signature	Name	Address	Phone #
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<i>[Handwritten Signature]</i>		5092 Palmetto St. Port Orange	
<i>[Handwritten Signature]</i>		5051 Palmetto St. P.O.	
<i>[Handwritten Signature]</i>		5063 Palmetto St. P.O.	
<i>[Handwritten Signature]</i>		5064 Palmetto St P.O.	
<i>[Handwritten Signature]</i>		5048 Palmetto St.	
<i>[Handwritten Signature]</i>		5028 Palmetto St.	
<i>[Handwritten Signature]</i>		5025 Palmetto St.	
<i>[Handwritten Signature]</i>		115 FLEMING AVE.	
<i>[Handwritten Signature]</i>		5002 RIVERSIDE DR	
<i>[Handwritten Signature]</i>		" " " "	
<i>[Handwritten Signature]</i>		5021 Palmetto Dr.	
<i>[Handwritten Signature]</i>		113 FLEMING AV	

3

(7)

CITIZENS' PETITION
TO PROHIBIT COMMERCIAL DEVELOPMENT
In the Katherine St./Palmetto St./Riverside Dr. Corridor
Of Port Orange

JANUARY/FEBRUARY 2004

I am opposed to any zoning change that would allow commercial and/or mixed commercial/residential construction for the Port Orange area that includes the block encompassing Riverside Dr., and the Katherine St. and Palmetto St. corridor (excepting ONLY the existent Clark-owned commercial structure along Ridgewood and Katherine St.).

Specifically and immediately, I oppose any construction for commercial purposes (to include any parking lots) for this same area (along Palmetto/Katherine St. Riverside Dr.).

Signature	Name	Address	Phone #
<u>Steve Black</u>	Steve Black	5090 Palmetto St	767-3724
<u>Lisa Joy Bantley</u>	Lisa Joy Bantley	5084 Palmetto St.	295-015
<u>Mike Terouny</u>	Mike Terouny	5061 Palmetto St	767-1732
<u>Wanda Buchanan</u>	Wanda Buchanan	5000 Palmetto St	761-0844
<u>Donal D. Guber</u>	Donal D. Guber	135 KATHERINE ST.	(386) 307-4605
<u>Richard Lavigne</u>	Richard Lavigne	5089 Palmetto St	386 756 2475
<u>W. W. E. D.</u>	W. W. E. D.	122 Rogers	(386) 761-0409
<u>John Lawler</u>	John Lawler	5095 Palmetto St	
<u>Terry Butts</u>	Terry Butts	126 Rogers Pl.	(386) 761-6230
<u>Maureen Butts</u>	Maureen Butts	128 Rogers Pl.	(386) 756 2424
<u>Uta C. Dumont</u>	Uta C. Dumont	5088 RIVERSIDE DR	(386) 76702
<u>Simone H. Dumont</u>	Simone H. Dumont	Ekchard	} Dumont Family Trust
<u>Andrée C. Dumont</u>	Andrée C. Dumont	Madison	

Sanitary Sewer, Portable Water, and Solid Waste Collection

The current future land use would allow 10 residential units. Therefore, the anticipated sanitary sewer discharge would be 2,300 gallons per day (230 gallons per ERU), while the potable water usage would be 2,550 gallons per day (255 gallons per ERU).

Using the 1/10-gallon per sq. ft. per day for commercial uses gives some indication of the future consumption of water for both sanitary sewer and potable water. Based on a maximum building size of 20,582 s.f.; the site could consume and discharge an average of 2,058 gallons of portable water and sanitary sewer per day, respectively. No information on solid waste generation for the proposed commercial use is available at this time. However, Chapter 4, Section 4, LDC, requires developers to “provide the city with a description and estimate of tonnage of solid waste to be generated.” Currently, the existing building on parcel #2 theoretically consumes 500 gallons of water for both sanitary sewer and potable water (5,000 s.f. x 1/10 gallon per sq. ft.). According to the applicant this building is vacant.

The City's Public Utilities Department has indicated to staff that the site is already served by water and sewer and that no problems are anticipated as a result of the requested amendment.

Stormwater Drainage

Stormwater drainage in the City of Port Orange must be designed to accommodate and treat the 25-year, 24-hour storm event without causing flooding or polluting the receiving water bodies. The applicant will be required to construct or expand a stormwater facility in conjunction with any new proposed development.

Recreation and Open Space

Changing the future land use will not increase the population of the area; therefore there will not be an increased demand for recreation facilities. If the future land use and rezoning are approved, land zoned for residential use will be reduced, thus reducing demand for recreational facilities.

APPLICABILITY OF PLANS, CODES, AND REGULATIONS

Port Orange Comprehensive Plan – Update '98 Goals, Objectives, and Policies:

Future Land Use Element

Policy 1.1.2: The Land Use Plan shall provide for compatible land use transition through an orderly land use arrangement, proper buffering, and the use of physical and natural separators.

Policy 1.1.3: The City's tax base will be maintained and improved by encouraging the appropriate use of properties based on their locational characteristics in accordance with the goals, objectives, and policies of this Comprehensive Plan

Objective 1.4: The City will ensure that existing and proposed population densities, housing and employment patterns, and land uses are consistent with the transportation modes and services proposed to serve these areas.

Policy 1.5.1: Require that land use intensity designations be based on an analysis of adequate existing and planned road and utility capacity utilizing the level-of-service standards listed in the Capital Improvements Element.

Policy 1.6.1: Continue to require development to be located in areas where urban services are available or will be provided while maintaining the adopted level-of-service standards concurrent with the impacts of development as outlined in the Capital Improvements Element.

Policy 2.6.10: As an alternative to new construction, the City shall continue to offer incentives for the rehabilitation and reuse of existing facilities, structures, and buildings in its redevelopment districts.

Coastal Zone Management

Policy 4.1.1: Land use plan amendments in the Hurricane Vulnerability Zone shall strive to reduce and shall not increase the clearance time for evacuation of the population in the Hurricane Vulnerability Zone above 6 hours.

City of Port Orange Vision Statement

Activity 1.3.1: Partner with local business owners to expand existing businesses.

REVIEW CRITERIA AND STAFF FINDINGS:

1. The land use proposal is consistent with the goals, objectives, and policies of the adopted *Port Orange Comprehensive Plan – Update '98*.

Staff finding: The proposed land use amendment is consistent with Goals, Objectives, and Policies of the Future Land Use Element as listed above. It is also consistent with the economic development objectives of the City's Vision Statement.

2. Amendments shall not result in incompatible land use designations for adjacent parcels or a neighborhood. Compatibility shall be determined by scale of development, intensity, density, and type of use, and the juxtaposition of uses.

Staff finding: The proposed future land use designation is appropriate for its location provided that the subject parcels are rezoned into the Clark Professional Center and Wedding Chapel PCD. The site will ultimately be developed to be compatible with the surrounding area, as defined by the Land Development Code. Staff will be specifically requiring that strong language be included in the 4th amendment limiting development on 5156 Riverside. All three of the parcels in question lie adjacent to other properties, which have a commercial future land use designation.

3. An amendment shall not result in negative economic, social, or other impacts to the City of Port Orange.

Staff finding: The proposed land use amendment will have a positive economic impact to the City of Port Orange. There are no negative impacts to the City's

infrastructure and services. And impacts, which may occur to the surrounding properties, will be minimized through the PCD amendment process and site plan review process. These parcels will also be developed in accordance with the policies in the Future Land Use Element and the regulations in the City's Land Development Code. The development itself will provide a positive impact by continuing high-quality development in this part of the City. This will include providing sufficient buffers and screening walls to minimize the impact on to residential areas.

4. An amendment shall be approved only if the parcel can subsequently be developed in full compliance with any and all applicable standards of the Port Orange Land Development Code.

Staff finding: Development of the property will be required to comply with all applicable standards of the Port Orange Land Development Code.

5. An amendment shall not increase the clearance time for evacuation of the population in the Hurricane Vulnerability Zone above six hours.

Staff finding: Although the subject property lies within the Hurricane Vulnerability Zone, it is not located on an evacuation route. Furthermore, the proposed land use would decrease the potential population in this area. Theoretically 10 units could be developed on these properties but instead only 8 units are being proposed therefore reducing the number of people that could eventually live on the property.

STAFF RECOMMENDATION:

Because the proposed land use amendment is consistent with the relevant goals, objectives, and policies stated in the City's *Comprehensive Plan – Update '98*, staff recommends **approval** of the request to change the future land use designation of 1.35 acres, located at 5091 Palmetto Avenue, 5094 Palmetto Avenue, 201 Katherine Street, 225 Katherine Street, and 5156 Riverside Drive, from *Urban Low-Density Residential (4-8 units/acre)* to *Office/Residential Transitional*.