



CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE 02/21/2006

SUBJECT: REZONING/VANLANCKER, FROM "R-10SF" TO "R-2D"
WEST SIDE OF MCDONALD ROAD, SOUTH OF MADELINE AVENUE
CASE NO. 05-6000020

DEPARTMENT: COMMUNITY DEVELOPMENT

RECOMMENDED MOTION:

To adopt Ordinance No. 2006-8, rezoning approximately 1.6 acres located on the west side of McDonald Road, south of Madeline Avenue from "R-10SF" (Single-Family Residential) to "R-2D" (Two-Family Residential), as recommended by the Planning Commission.

SUMMARY:

Planning Commission Action: January 26, 2006

Recommended approval, 5-0 (Commissioners Barker and Bickel excused), to rezone approximately 1.6 acres located on the west side of McDonald Road, south of Madeline Avenue from "R-10SF" (Single-Family Residential) to "R-2D" (Two-Family Residential). If the rezoning is approved, the property owner intends on subdividing the property into two buildable lots and developing a duplex on each lot.

The property owner, Victor Vanlancker, is seeking a reduction in the fee associated with the proposed rezoning. The rezoning application was submitted on December 15, 2005, with the original \$2,500 application fee instead of the new \$6,500 application fee, which went into effect on October 1, 2005.

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

PLANNING & DEVELOPMENT MANGER Michael E. Dishar *Michael E. Dishar* Date 2-13-06

FINANCE DEPARTMENT N/A Approved as to Budget Requirements Date

CITY ATTORNEY *[Signature]* 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

Second Reading 3/21/06

ORDINANCE NO. 2006-8

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY 1.6 ACRES LOCATED ON THE WEST SIDE OF MCDONALD ROAD, SOUTH OF MADELINE AVENUE, FROM R-10SF (SINGLE-FAMILY RESIDENTIAL) TO R-2D (TWO-FAMILY RESIDENTIAL); ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the property to be rezoned consists of approximately 1.6 acres located on the west side of McDonald Road, south of Madeline Avenue, and is zoned R-10SF (Single-Family Residential); and

WHEREAS, the owner of the property has petitioned the Planning Commission to rezone said property from R-10SF (Single-family Residential) to R-2D (Two-Family 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 R-2D (Two-Family 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. 2006-)

following described property from R-10SF (Single-family Residential) to R-2D (Two-Family Residential).

Section 2. The property rezoned consists of approximately 1.6 acres located on the west side of McDonald Road, south of Madeline Avenue, more particularly described on Exhibit "A" attached hereto.

Section 3. The City Council of the City of Port Orange does hereby approve, authorize and direct the revision of the City's Official Zoning Atlas to show the classification for the area as hereby rezoned.

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

MAYOR ALLEN GREEN

ATTEST:

Kenneth W. Parker, City Manager

Passed on first reading on the day of

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

Reviewed and Approved:


City Attorney

C:\Legal\ORD\rez 1.6 acres mcdonald and madeline.wpd

EXHIBIT "A"

6337-01-13-0015

A portion of Sugarhouse Reservation as shown on map recorded in Deed Book M, Page 187, public records of Volusia County, Florida, more particularly described as follows: Commencing at the concrete monument at the Southeast corner of Sugar Forest Subdivision, Phase II, as recorded in Map Book 34, Page 188, of the Public Records of Volusia County, Florida; thence go North 25 degrees 46 minutes 37 seconds West a distance of 62.22 feet; thence North 64 degrees 29 minutes 45 seconds East, a distance of 33.39 feet to the Point of Beginning; thence North 25 degrees 46 minutes 37 seconds West a distance of 194.23 feet; thence North 64 degrees 35 minutes 01 seconds East a distance of 342.13 feet; thence South 42 degrees 39 minutes 32 seconds East a distance 202.72 feet; thence South 64 degrees 29 minutes 45 seconds West, a distance of 401.00 feet, to the Point of Beginning



STAFF REPORT
CASE NO. 05-6000020
REZONING FROM "R-10SF" to "R-2D"
Shawn Matthews, Applicant
West side of McDonald Road, south of Madeline Avenue
January 20, 2006

INTRODUCTION:

Shawn Matthews, applicant for the property owner Victor Vanlancker, requests approval to rezone approximately 1.6 acres located on the west side of McDonald Road, south of Madeline Avenue from "R-10SF" (Single-Family Residential) to "R-2D" (Two-Family Residential) (See Exhibit "A"). If the rezoning is approved, the property owner intends on subdividing the property into two buildable lots and developing a duplex on each lot (Exhibit "B").

BACKGROUND

The subject property is currently vacant and heavily wooded. The applicant submitted a minor subdivision application on July 8, 2005. The minor subdivision has not yet been approved, due to the need to obtain right-of-way dedication for McDonald Road, as required by the Chapter 12, Section 9, of the LDC, as well as the requirement to obtain proper zoning. The property owner is in the process of giving the City a 31' X 202' piece of property for the McDonald Road right-of-way. The Land Development Code requires that the right-of-way for McDonald Road, between Sixth Street and Sauls Road be 80ft wide; currently the city only has 18 feet of right-of-way. Therefore, Mr. Vanlancker is giving the City half of the remaining required right-of-way (31 feet) as a condition to the approval of the requested minor subdivision.

Due to the proposed rezoning and right-of-way dedication, staff has put the approval of the minor subdivision on hold. Once the zoning of the property has been established and right-of-way dedication has been finalized, staff will resume processing the subdivision request. The proposed subdivision would meet the lot width (100 feet) and lot area (10,000 s.f.) requirements of the "R-2D" zoning district.

The property owner, Victor Vanlancker, is also seeking a reduction in the fee associated with the rezoning application. The rezoning application was submitted on December 15, 2005, with the original \$2,500 application fee instead of the new \$6,500 fee, which went into effect on October 1, 2005. Prior to submitting the rezoning application Mr. Vanlancker spoke with the City Manager regarding the application fee and the City Manager told Mr. Vanlancker that the rezoning application could be submitted with the old fee but City Council will determine if this was a project in progress prior to the fee being increased. If the City Council determines that this case is subject to the new fee, Mr. Vanlancker will be required to pay the remaining \$4,000 dollars to complete the rezoning application.

Mr. Vanlancker is stating that he begun the rezoning process earlier in the year prior to the new fees being adopted and believes that he should not have to pay the new fee. As mentioned above, the applicant representing Mr. Vanlancker submitted a minor subdivision application on July 8, 2005, to subdivide the subject property, but there was no indication in the letter of intent (Exhibit "C") of rezoning the property. Staff was made aware of the rezoning request in November of 2005. At that time staff informed the property owner that a rezoning application would need to be completed and submitted.

PROPERTY OVERVIEW:

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

The property is currently zoned "R-10SF" (Single-Family Residential) and has a future land use designation of *Suburban Residential 2-4 Units/Acre*. The surrounding zoning and future land uses are listed below, and are shown graphically on the maps attached to this report.

North

Future Land Use:	<i>Suburban Residential (2-4 Units/Acre)</i>
Existing Land Use:	Single-Family Detached Dwelling
Existing Zoning:	"R-10SF" (Single-Family Residential)

East

Future Land Use:	<i>Urban Low Density Residential (4-8 Units/Acre)</i>
Existing Land Use:	Two-Family Dwelling
Existing Zoning:	"R-2D" (Two-Family Residential)

South

Future Land Use:	<i>Suburban Residential (2-4 Units/Acre)</i>
Existing Land Use:	Single-Family Detached Dwelling
Existing Zoning:	"R-10SF" (Single-Family Residential)

West

Future Land Use:	<i>Suburban Residential (2-4 Units/Acre)</i>
Existing Land Use:	Single-Family Detached Dwelling (Sugar Forest Subdivision)
Existing Zoning:	"PUD" (Planned Unit Development)

DISCUSSION:

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

Consistency with Comprehensive Plan – Update '98

The future land use of the subject property is classified as *Suburban Residential (2-4 units/acre)* (Exhibit "D"). The proposed zoning of "R-2D" is consistent with the future land use map. The subject property is 1.6 acres; therefore the property could theoretically be developed with a maximum of 6 units (1.6 acre X 4 units = 6.4 units). The applicant is only proposing to construct 4 dwelling units (2 duplexes) on the 1.6-acre parcel.

Compatibility with Adjacent and Surrounding Uses:

The subject property is surrounded by two uses and a variety of zoning districts. Adjacent to the north and south of the property are single-family detached dwellings zoned "R-10 SF". To the west lies Sugar Forest PUD, which consists of single-family detached dwellings, duplexes and quadruplexes. The portion of Sugar Forest PUD that abuts to the subject property consists of single-family detached dwellings. To the east, across McDonald Road, is a duplex that is zoned "R-2D". When examining the land use and consistency with the immediate surrounding uses the proposed use is not consistent, but looking at the zoning pattern in this area of the city there are many instances of duplexes scattered among single-family dwellings. Therefore the proposed use is compatible with the surrounding uses. If the proposed rezoning would be approved it would provide for a mix of housing types within this area.

As the City seeks to increase the number of housing options, it is important to consider all of the different zoning classification that are compatibly with this future land use classification. The current zoning of parcel "R-10SF" allows for single-family detached dwelling to be developed which are attractive to some home buyers while the "R-2D" classification allows for a different type of housing that would be attractive to a different section of home buyers. Providing alternatives in housing options is an import tool in developing the city. According to the zoning map there is a significant amount of land zoned for single-family dwelling, while the amount of zoning that permits duplexes is not as abundant. Rezoning of this property would add a housing option to residents or future residents that are unable to purchase a single-family home.

RECOMMENDATION:

Based on the findings of this report staff recommends **approval** of the request to rezone 1.6 acres located on the west side of McDonald Road, south of Madeline Avenue, from "R-10SF" (Single-Family Residential) to "R-2D" (Two-Family Residential).

Prepared by: Timothy Burman, Planner
City of Port Orange Department of Community Development

(386) 506-5675
(386) 506-5600

PLANNING COMMISSION DATE:
CITY COUNCIL DATE:

January 26, 2006
February 21, 2006



Subject Property

Subject Property

Proposed Zoning

- GPU Government/Public Use
- R-2D Two Family Residential
- R-10SF Single Family Residential
- R-8SF Single Family Residential
- PUD Planned Unit Development

- GPU Government/Public Use
- R-2D Two Family Residential
- R-10SF Single Family Residential
- R-8SF Single Family Residential
- PUD Planned Unit Development

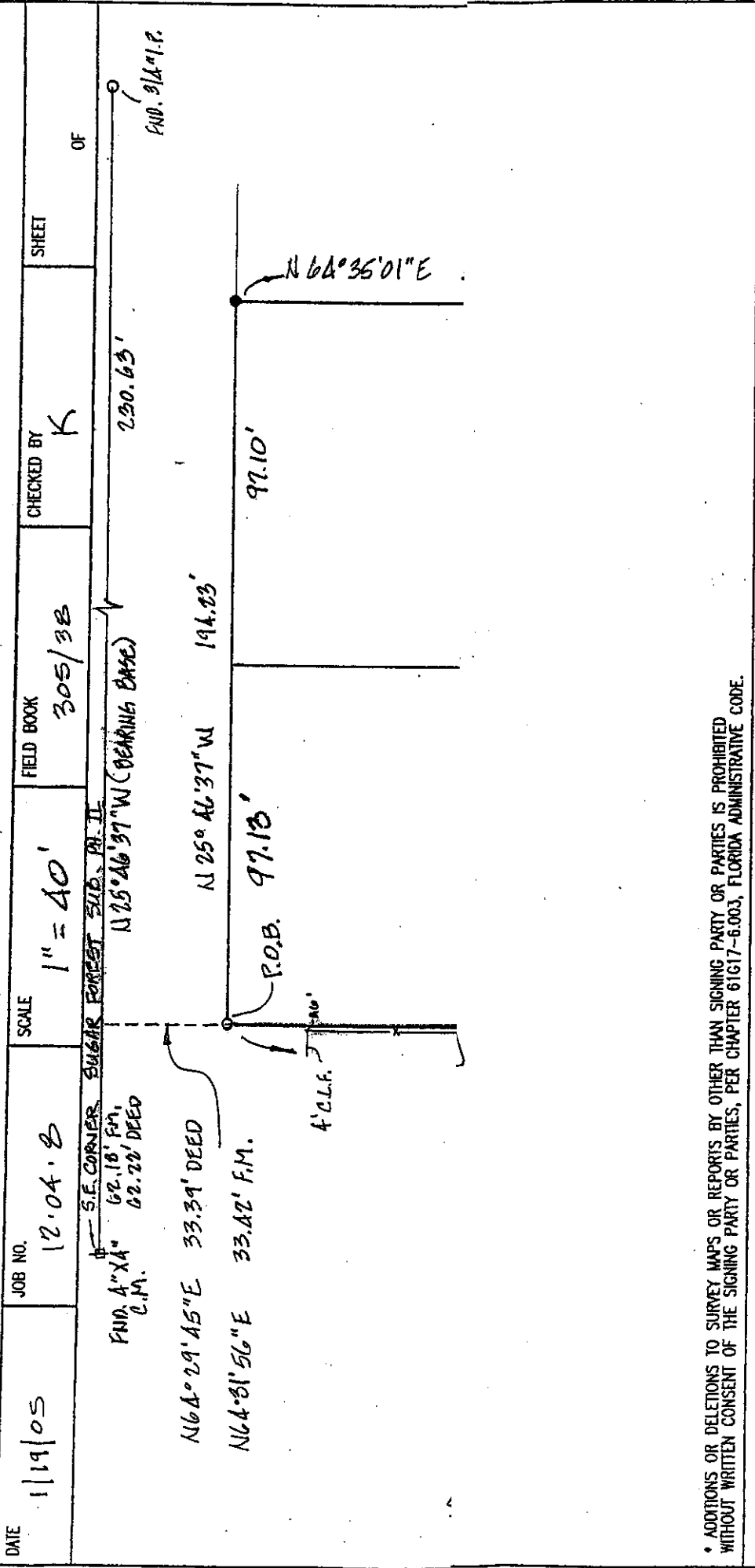


CASE NO. 05-60000020

EXHIBIT "A"

DEPARTMENT OF COMMUNITY DEVELOPMENT

SPRUCE CREEK LAND SURVEYORS INC.
 3869 SOUTH NOVA ROAD, PORT ORANGE, FL. 32127
 PHONE - (306) 767-0740



DATE 1/19/05
 JOB NO. 12.04.08
 SCALE 1" = 40'
 FIELD BOOK 305/38
 CHECKED BY K
 SHEET OF

S.E. CORNER SUGAR FOREST SUB. P. II
 F.M.D. 4" X 4" 62.18' F.M. 02.22' DEED
 N 64° 29' 45" E 33.39' DEED
 N 64° 31' 56" E 33.42' F.M.
 N 25° 46' 37" W (BEARING BASE) 194.83'
 P.O.B. 97.13'
 4' C.L.F.
 97.10'
 230.63'
 F.M.D. 3/4" X 1/2"

* ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES, PER CHAPTER 61G17-6.003, FLORIDA ADMINISTRATIVE CODE.

STANDARD LEGEND

L.S.	CONCRETE MONUMENT	ESMT.	FINISHED FLOOR ELEVATION
L.B.	CONCRETE	CL	POINT OF COMMENCEMENT
R/W	ASPHALT	RES.	POINT OF BEGINNING
S/W	DRAIN	A	PERMANENT CONTROL POINT
D/W	UTILITY	R	PERMANENT REFERENCE MONUMENT
A/C	ADJ. UTILITY LINE	L	CHAIN LINK FENCE
F.M.D.	UNDERGROUND	C	TYPICAL
RESC.	ELECTRIC SERVICE	C.B.	POINT OF CURVATURE
DESC.	WATER SERVICE	EL	POINT OF TANGENCY
CALL.	SEWER SERVICE	P.T.	POINT OF REVERSE CURVATURE
F.M.	SECTION	P/P	UTILITY POLE
L.R.	TOWNSHIP	M.B.	MAP BOOK
LP.	RANGE	PE	PAGE
		O.R.	OFFICIAL RECORDS

Exhibit "C"

July 7, 2005

City of Port Orange
Planing & Development Division
1000 City Center Circle
Port Orange, FL 32129

RE: Minor Subdivision Request

The owners of Parcel # 6337-01-13-0015 request to split this property into 2 building lots. (R-10SF) The new lots will meet & exceed all requirements as newly created lots.

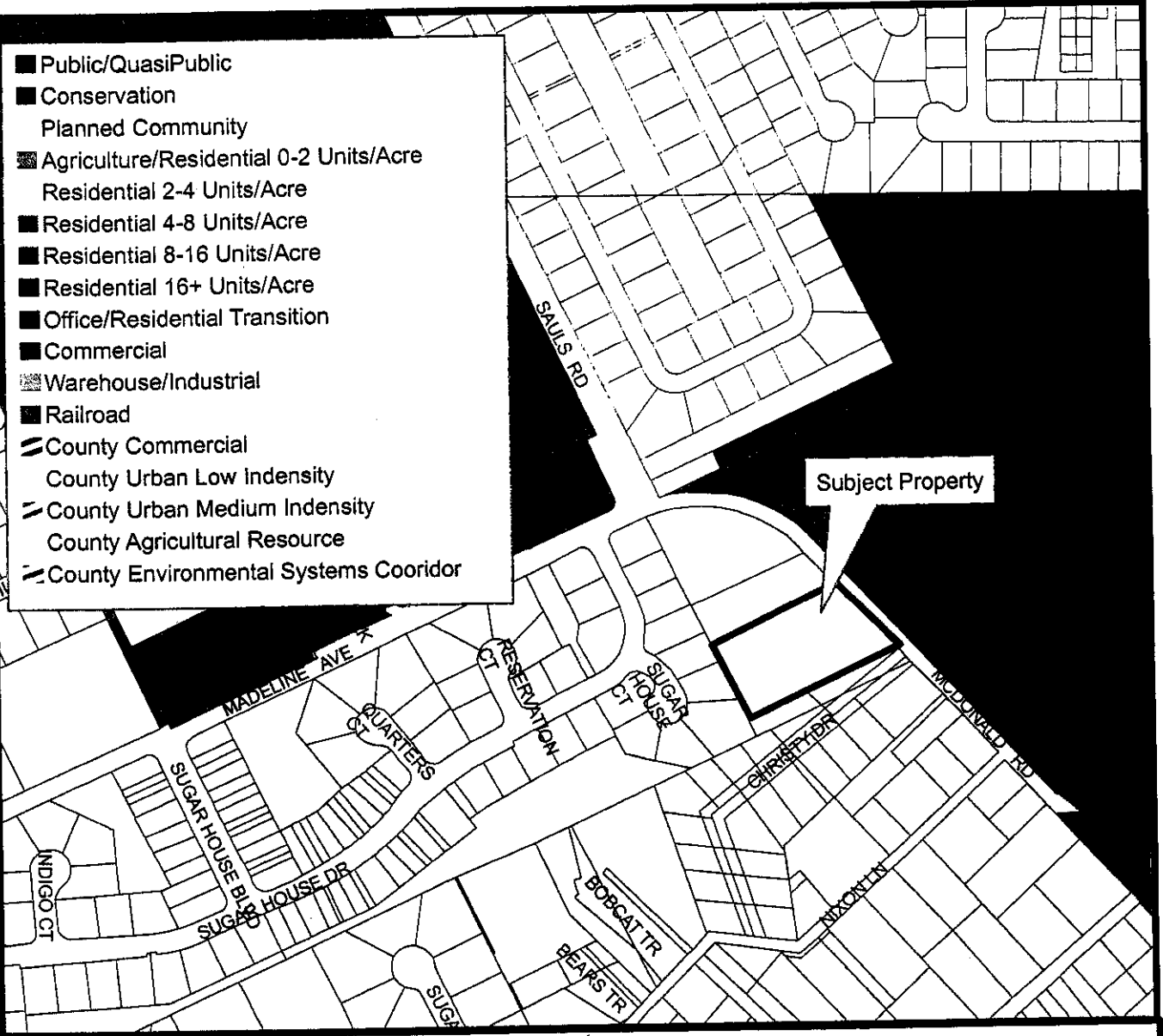
The subject property is vacant parcel with no buildings on it. The fence on the north lot is being removed off the subject property.

Sincerely



Victor & Michelle Vanlancker
Shawn Matthews

- Public/QuasiPublic
- Conservation
- Planned Community
- Agriculture/Residential 0-2 Units/Acre
- Residential 2-4 Units/Acre
- Residential 4-8 Units/Acre
- Residential 8-16 Units/Acre
- Residential 16+ Units/Acre
- Office/Residential Transition
- Commercial
- Warehouse/Industrial
- Railroad
- ▨ County Commercial
- ▨ County Urban Low Indensity
- ▨ County Urban Medium Indensity
- ▨ County Agricultural Resource
- ▨ County Environmental Systems Corridor



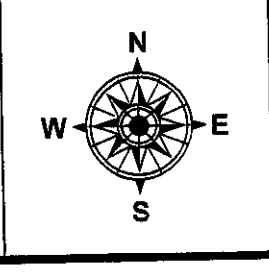
Case No.: 05-60000020

Applicant: Shawn Mattews

Location: West side of McDonald Road, south of Madeline Avenue

FUTURE LAND USE

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



Burman Tim

From: Groom Becky
Sent: Tuesday, December 20, 2005 11:06 AM
To: Burman Tim
Cc: Steinebach, Donna; Disher, Mike
Subject: RE: Victor Vanlanker request to 640 McDonald Road

tim

that is correct - i told him we would ask city council to make a determination if this was a project in progress and subject to the old fees rather than the new fee schedule.

ken parker

-----Original Message-----

From: Burman Tim
Sent: Monday, December 19, 2005 3:54 PM
To: Groom Becky
Subject: Victor Vanlanker request to 640 McDonald Road

Becky,

On December 15, 2005 I received a rezoning request from Victor Vanlanker to rezone 640 McDonald Road. Mr. Vanlancker stated that he spoke with Mr. Parker regarding the submittal fee and that Mr. Parker told him that he could submit the application with the \$2,500 check instead of the required \$6,500 fee and that the City Council would determine if the Mr. Vanlanker would need to pay the remaining \$4,000. Mr. Vanlancker told me on December 14, 2005 that the City Manger would be sending me an e-mail stating that Mr. Vanlancker could submit the \$2,500 check instead of the \$6,500 check. Could you please ask Mr. Parker if this is true and if it is could he please send an e-mail to confirm this agreement with Mr. Vanlanker so I can attach it to the rezoning file?

Thank you
Tim Burman
Planner