



CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE 03/21/06

**SUBJECT: CONDITIONAL USE/RV & Boat Storage at 4465 Spruce Creek Road
Spruce Creek Partners, LLC, owner/applicant**

DEPARTMENT: City Manager/Redevelopment

RECOMMENDED MOTION:

To approve the Conditional Use request of Spruce Creek Partners, LLC, to allow the continuation of the existing RV and boat storage at 4465 Spruce Creed Road until March 22, 2008 *(and to waive the application and legal advertising fees)*.

SUMMARY:

Planning Commission Action 02/23/06: Recommend approval, 6-1 (Comissioner McMaster's dissenting).

Spruce Creek Partners, LLC, has applied for Conditional Use approval to continue to operate an existing recreational vehicle and boat storage facility on a portion of the 8.2 acre parcel located at 4465 Spruce Creek Road. The subject property was formerly owned by Robert and Helen Bilotta. Spruce Creek Partners acquired the property in January 2006. Since Conditional Uses do not transfer with a change in property ownership, the new owner must obtain a new Conditional Use approval, or discontinue the existing RV and boat storage use. The new owner has elected to pursue a two (2) year Conditional Use approval.

The applicant has also requested that their application fee be refunded. The City's application fee for a Conditional Use is \$450 and the actual cost of legal advertising. For this case, the legal advertising costs were \$388.20. A waiver of fees is at the sole discretion of the Council, therefore no staff or Commission recommendation is provided.

ATTACHMENTS: Ordinance Resolution Budget Resolution
 Other Staff Report

CITY ATTORNEY
CITY MANAGER

Approved as to Form and Legality
Approved Agenda Item For:

Date

3/21/06

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



STAFF REPORT

CASE NO. 06-30000001

Conditional Use to allow a Recreational Vehicle and Boat Storage Facility in the "LI" (Light Industrial) Zoning District

4465 Spruce Creek Road

Spruce Creek Partners, LLC, Owner/Applicant

February 16, 2006

INTRODUCTION

Spruce Creek Partners, LLC, owner and applicant, has applied for Conditional Use approval to continue to operate a recreational vehicle and boat storage facility on a portion of an 8.2 acre parcel formerly owned by Robert and Helen Bilotta. The subject property is located at 4465 Spruce Creek Road within the Eastport Business Center Redevelopment District. A location map is attached to this staff report for reference. Spruce Creek Partners, LLC, acquired the property in January 2006. Since Conditional Uses do not transfer with a change in property ownership, the new owner was advised that they must obtain a new Conditional Use approval in their name, or discontinue the existing RV and boat storage use. The new owner has elected to pursue a two (2) year Conditional Use approval.

BACKGROUND/DISCUSSION:

In 1993 the City Council granted a Conditional Use to allow Robert and Helen Bilotta to operate a recreational vehicle and boat storage facility on the back portion of their property. Over the years the Bilottas have requested, and the City Council has approved, several modifications and extensions to the Bilotta's original approval. Most recently, on October 18, 2005, the City Council approved a Conditional Use for an additional two (2) year period. This request was granted to allow the Bilottas to continue to market and sell their property for redevelopment without prematurely displacing the 100+ RV and boat owners who lease space within the storage facility.

After years of unsuccessful attempts to sell the property, the Bilottas finally closed on the property in January 2006; selling to Spruce Creek Partners. When the current owners were made aware of the status of the RV and boat storage during their due diligence, they immediately began the process of making application with the City to continue this use. Since application for this Conditional Use Approval was initiated before the transfer of the real estate, the City agreed to stay any code enforcement action pending outcome of this request.

Coincidentally late last year the City began negotiations with a major employer to attract them to locate in the Eastport Business Park. To meet the company's long term growth needs, it was determined that the Bilotta tract would need to be acquired to ensure a suitable site design. When the City approached the Bilottas, staff was informed that the property had just gone under contract to another party. Fortunately, when the City approached Spruce Creek Partners, they agreed to defer development until it was determined whether the City's business prospect could be secured.

The existing RV and boat storage facility has operated for nearly 13 years without any known complaints from adjacent property owners. The current request is essentially to be granted the same Conditional Use that was granted to Mr. and Mrs. Bilotta just a few months ago. In light of Spruce Creek Partner's willingness to cooperate with the City in its economic development efforts, it is reasonable to allow them the continued use of the RV and boat storage to help cover their carrying costs of the property. In the event that the City is unsuccessful in securing the current business prospect, Spruce Creek Partners will further its own plans to redevelop the property prior to the expiration of the Conditional Use.

RECOMMENDATION:

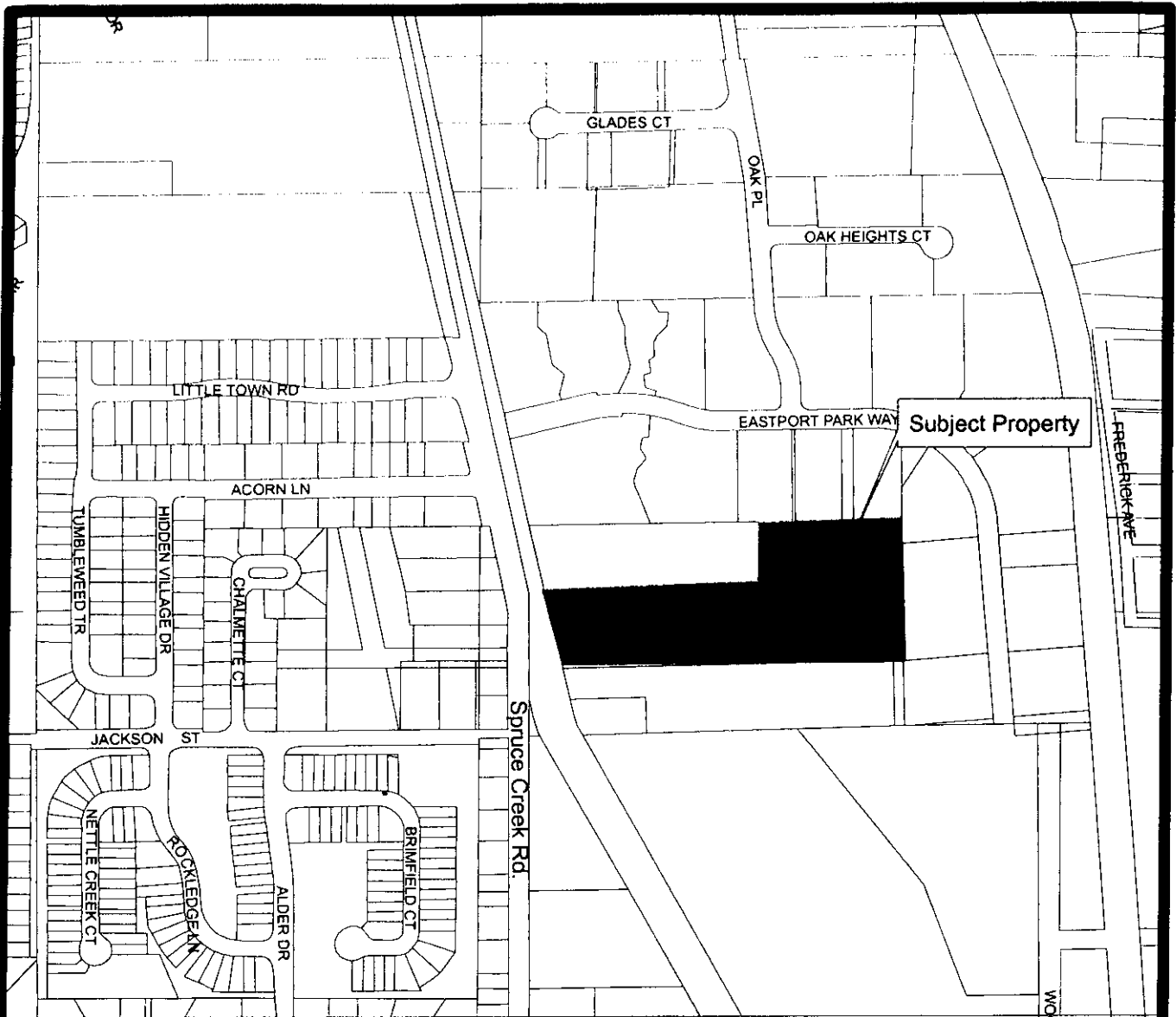
Staff recommends **approval** of the Conditional Use request to allow the continuation of the existing RV and boat storage facility at 4465 Spruce Creek Road until March 22, 2008.

Prepared by: Donna J. Steinebach, AICP
City of Port Orange Department of Community Development

(386) 506-5505
(386) 506-5600

PLANNING COMMISSION DATE:
CITY COUNCIL DATE:

February 23, 2006
March 21, 2006



Case No.: 06-3000001

Applicant: Larry Fornari
Spruce Creek Partners, LLC

Location: 4465 Spruce Creek Road

Requested Action:

To allow a two (2) year Conditional Use Permit identical to that which was recently approved for a previous owner. The proposed request would permit a temporary motor vehicle and boat storage facility as a conditional use on an approximate 380' X 210' section of an 8.2-acre parcel in the "LI" (Light Industrial) zoning district.

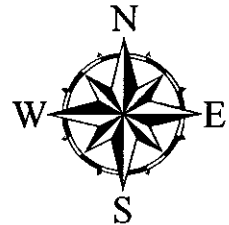


Exhibit "A"

LOCATION MAP

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT



Spruce Creek Partners, LLC

**2411 S. Atlantic Avenue
Daytona Beach Shores, FL 32118**

January 4, 2005

**City Of Port Orange
C/O Donna Steinebach
Director of Community Development
Department of Community Development
1000 City Center Circle
Port Orange, FL 32129**

Dear Donna:

As previously discussed, Spruce Creek Partners, LLC currently has the Bilotta and Gibbs parcels under contract with closing to occur sometime the middle of January. Since contracting to purchase these parcels, we have been in discussions with the City to work a possible land swap deal, since the city has another party interested in developing these tracts. Spruce Creek Partners, LLC is willing to consider this assuming the exchange is beneficial to us and that the land we get in return will work for our planned use. Since these deals tend to take time, we need to continue the existing uses allowed on the property.

This request is for an extension of two years for the conditional use that Mr. Bilotta currently has for the storage area located on the property. The revenue generated from this conditional use will help us support the carrying costs of the property until negotiations are completed or our other development plans are completed. As you know, storage like this is desperately needed in the Port Orange area. There are currently over one hundred spaces occupied at the facility. Where would these people go? The beauty of this facility is that it is completely isolated and cannot be seen from the road which we know is important to the City.

Enclosed is the completed application and check for the processing fees. As discussed, once we have the completed survey and a copy of the deed, both of which will be obtained at closing, I will drop copies of each of to you. Closing is set for next week. With regard to the processing fee, we would respectfully request a waiver of the fee since the conditional use was just granted to Mr. Bilotta and since there are no changes involved other than a transfer of ownership, the review process should be minimal. No other changes have been requested.

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I appreciate you help in this matter and look forward to working with the City of Port Orange in the future. Should you need any additional information, do not hesitate to give me or my Partner, Mr. Gary Brown a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Fornari". The signature is fluid and cursive, with a large, prominent initial "L" and "F".

**Larry Fornari
Spruce Creek Partners, LLC**

**Lf
Enclosures**