



CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE 11/14/2006

SUBJECT: ANNEXATION/EXECUTIVE HOMES BY JDB CONSTRUCTION
North of Town West Boulevard, west of Tomoka Farms Road.
CASE NO. 06-1000006

DEPARTMENT: COMMUNITY DEVELOPMENT

RECOMMENDED MOTION:

To adopt Ordinance No. 2006⁴⁹ annexing approximately 9.6 acres of land located north of Town West Boulevard, east of Tomoka Farms Road.

SUMMARY:

A request to annex of approximately 9.6 acres of land into the City of Port Orange. If approved, the applicant is proposing to subdivide the property into 18 single-family residential lots. The property is located north of Town West Boulevard, east of Tomoka Farms Road, just northwest of the Coquina Cove, Phase 1 subdivision.

ATTACHMENTS: Ordinance Resolution Budget Resolution

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

DEPARTMENT HEAD *R. Wells* Richard Wells Date *11/3/06*
Community Development Director

FINANCE DEPARTMENT *N/A* Approved as to Budget Requirements Date

CITY ATTORNEY *M. J. Kubat* Approved as to Form and Legality Date *11-1-06*

CITY MANAGER *[Signature]* Approved Agenda Item For: *11/14/06*

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

ORDINANCE NO. 2006-49

(Executive Homes by JDB Construction, Inc.)

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ANNEXING PROPERTY LOCATED NORTH OF TOWN WEST BOULEVARD, EAST OF TOMOKA FARMS ROAD; BEING CONTIGUOUS TO THE CITY OF PORT ORANGE; REDEFINING BOUNDARIES OF THE CITY OF PORT ORANGE; ASSIGNING ANNEXED PROPERTY TO CITY COUNCIL DISTRICT 3; DIRECTING CITY CLERK TO PUBLISH NOTICE OF ANNEXATION AND TO PROVIDE COPY OF NOTICE TO VOLUSIA COUNTY COUNCIL; DIRECTING CITY CLERK TO FILE ORDINANCE WITH CLERK OF CIRCUIT COURT AND CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND DEPARTMENT OF STATE; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owners of real property in an unincorporated area of Volusia County, Florida, which is contiguous to the boundary of the City of Port Orange and reasonably compact, have petitioned the governing body of the City of Port Orange that said property be annexed to and become part of Port Orange, Florida; and

WHEREAS, the City Council of the City of Port Orange, Florida, has determined that the petition is a bona fide request by the owners of real property in the area proposed to be annexed; and

WHEREAS, the City Council of the City of Port Orange, Florida, finds that it is in the best interest of the citizens of the City of Port Orange to annex said territory into the corporate limits of the City of Port Orange; and

WHEREAS, the Volusia County Generalized Land Use Plan designates the property as Rural (1 unit/acre to 1 unit/5 acres); and

WHEREAS, the property is contiguous and adjacent to City Council District 3.

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

Section 1. The parcel of land described on Exhibit "A", attached hereto and incorporated herein by reference, being in the County of Volusia and contiguous to the

boundary lines of the City of Port Orange, is hereby annexed into the City of Port Orange and shall be subject to the jurisdiction, obligations, benefits and privileges of the City of Port Orange.

Section 2. The boundary lines of the City of Port Orange are hereby changed and redefined so as to include the land described in Exhibit "A".

Section 3. The Volusia County Generalized Land Use Plan designations and restrictions shall apply to the subject property annexed hereby pending amendment of the Future Land Use Plan Element of the Port Orange Comprehensive Plan.

Section 4. The above described property is hereby assigned to the City of Port Orange City Council District 3.

Section 5. Upon approval at first reading, the City Clerk is hereby directed to publish Notice of Annexation as required by Section 171.044(2), Florida Statutes (2006), at least once each week for two (2) consecutive weeks in a newspaper of general circulation in the City of Port Orange or Volusia County and to provide a copy of said notice via certified mail to the Volusia County Council.

Section 6. After adoption of this ordinance, the City Clerk is directed to file the original of said ordinance with the Clerk of the Circuit Court and the chief administrative officer of Volusia County and the Department of State.

Section 7. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 8. 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 9. This ordinance shall become effective as provided by general law.

MAYOR ALLEN GREEN

ATTEST:

Kenneth W. Parker, City Manager

Passed on first reading this day of

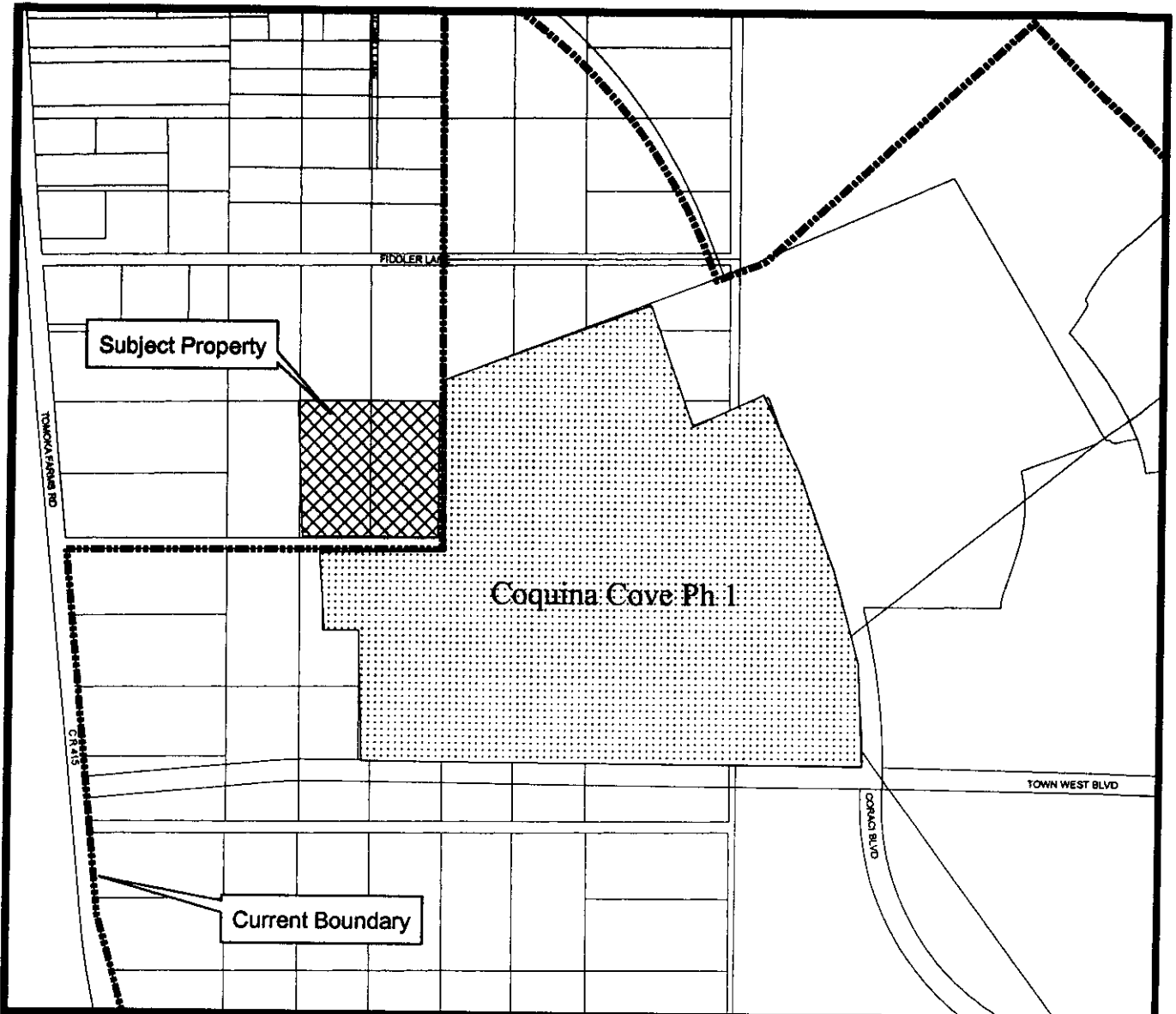
Passed and adopted on second and final reading this day of

Reviewed and Approved:  _____
City Attorney

Exhibit "A"

Legal Description for Parcel 6214-01-03-0160

Lot 16 and 17, Block 3, Craig Farms, Plat #1 per Map Book 11, Page 89 public Records of Volusia County, Florida.



Case No.: 06-1000006

Applicant: Bill Bethune

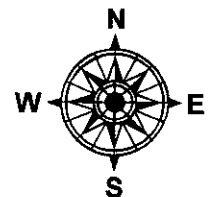
Location: North of Town West Blvd, west of Tomoka Farms Rd.

Exhibit "B"



CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT





STAFF REPORT

CASE NO. 06-10000006

ANNEXATION/EXECUTIVE HOMES BY JDB CONSTRUCTION INC.

North of Town West Boulevard, west of Tomoka Farms Road.

William Bethune, President, Executive Homes by JDB Construction Inc., Applicant

October 25, 2006

INTRODUCTION:

The applicant, William Bethune, President, Executive Homes by JDB Construction Inc., requests approval of the annexation of approximately 9.6 acres into the City of Port Orange. If approved, the developer intends to develop the property with a single-family residential subdivision. The property is located north of Town West Boulevard, east of Tomoka Farms Road (Exhibit "A").

CHARACTER OF AREA:

The subject property is part of unincorporated Volusia County. This property is currently vacant except for a small structure located at the southwest corner of the site, which the applicant uses for personal storage. The property abuts the western and northern City boundary line, which is also the subdivision boundary line for Phase I, of the Coquina Cove subdivision. The properties adjoining the subject property to the north and west are located within Volusia County and are developed with a single-family dwelling on each lot.

Access to the property will be through a road stub-out located from Phase I of the Coquina Cove Subdivision. As part of the subdivision improvements for Coquina Cove, a road stub out to the southeastern corner of the subject property is provided (Exhibit "B"). The road stub out aligns with an existing 50' undeveloped right-of-way located to along the southern property line of the subject property, which extends to Tomoka Farms Road. The developer of the site will be required to construct the portion of the right-of-way abutting the subject property with the development of the site. This road segment will eventually connect to Tomoka Farms Road as development continues toward Tomoka Farms Road.

The property currently has a future land use designation of Volusia County *Rural* and is currently zoned Volusia County "A-1" (Rural Agriculture). The future surrounding land used and zoning designations are described below, and are shown on the future land use and zoning maps attached to this report as Exhibit "C" and "D".

North:

- Future Land Use - Volusia County *Rural*
- Existing Land Use - Single-Family Dwelling
- Existing Zoning - Volusia County "A-3" (Transitional Agriculture)

East:

- Future Land Use - *Planned Community No: 1*
- Existing Land Use - Single-Family Residential Subdivision (Coquina Cove, Phase I)
- Existing Zoning - "PC-A" (Planned Community-Agricultural)

South:

- Future Land Use - *Planned Community No: 1*
- Existing Land Use - Single-Family Residential Subdivision (Coquina Cove, Phase I)
- Existing Zoning - "PC-A" (Planned Community-Agricultural)

West:

- Future Land Use - *Volusia County Rural*
- Existing Land Use - Single-Family Dwelling
- Existing Zoning - Volusia County "RR" (Rural Residential)

STATE REQUIRED LOCATIONAL CRITERIA:

Florida State Law requires unincorporated parcels meet three locational criteria before a municipality may annex them. Pursuant to section 171.043(1) Florida Statutes, this report certifies that the area to be annexed is, or will be at the time of final reading by the City of Port Orange City Council: 1) contiguous to the City of Port Orange boundaries; 2) is reasonably compact (does not contribute to urban sprawl); and 3) is not currently part of the incorporated area of another municipality.

FUTURE LAND USE AND ZONING CAPABILITY:

As is standard, once a property has been annexed, the future land use and zoning must be changed from the Volusia County designations to appropriate City designations. Pursuant to section 171.062(2), Florida Statutes, "If the area annexed was subject to a county land use plan and county zoning or subdivision regulation, these regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment that includes the annexed area."

The applicant stated to staff during the August 1, 2006, pre-application meeting for the proposed annexation that he intended to change the existing County FLU and Zoning designations on the property, *Rural* (1 unit/acre to 1 unit/5 acres) and "A-2" (Rural Agriculture) respectively, to City of Port Orange *Suburban Residential (2-4 units per acres)* and rezone the property to City of Port Orange "R-10SF" (Single-Family Residential). These changes could theoretically allow for the property to be developed with a maximum of 38 single-family dwelling lots; however, the applicant is only proposing 18 single-family dwelling lots. At the time of writing this report the applicant has yet to submit a small-scale future land use amendment or rezoning request for the subject property. Staff informed the applicant at the August 1, 2006, pre-application meeting for the annexation that staff will support the future land use designation of *Suburban Residential (2-4 units per acres)* and the "R-10SF" (Single-Family Residential) zoning district for this subject property due to its compatibility with the surrounding area.

Staff contacted the Volusia County Growth Management Department for review of the proposed annexation request. The response letter (Exhibit "E") received from Volusia County indicated that the subject area is located within the recently adopted Tomoka Farms Local Plan (Exhibit "F"). The Tomoka Farms Local Plan was adopted by the County Council on September 7, 2006 and the County is awaiting a Notice of Intent

concerning the amendment from the Florida Department of Community Affairs (FDCA). The intent of the Tomoka Farms Local Plan is to maintain the rural characteristics of the community by maintaining low intensity, non-urban Future Land Uses. The Tomoka Farms Local Plan does not prevent municipal annexation; however, the County staff will seek direction from the County Council concerning opposition to the change of the Future Land Use designation from a non-urban designation [Volusia County *Rural* (1 unit/acre to 1 unit/5 acres)] to an urban designation [City of Port Orange *Suburban Residential* (2-4 units per acres)].

IMPACT TO CITY SERVICES:

On September 7, 2006, upon receipt of the annexation petition, a memo was sent to various City departments, including Police, Fire and Rescue, Public Utilities, Finance, Public Works, and Parks and Recreation. Based upon feedback from the various City Departments, Planning Staff has determined that the requested annexation of the subject properties into the City of Port Orange will have a minimal impact on City services, as explained below.

Potable Water, Sanitary Sewer, and Reclaimed Water

Per the information provided by the Public Utilities Department, the subject property will be served by water, sewer, and reclaimed water stub-outs extending from Coquina Cove Subdivision. The utility systems for Coquina Cove, Phase I are still under construction; however, the subdivision improvements should be completed prior to the development of the subject property. The City currently has sufficient water and sewer capacity to accommodate the proposed future development of the property.

Stormwater Management

The City's Comprehensive Plan requires that there be no net loss of stormwater retention function as a result of development. In other words, a given parcel must have the same ability to store and discharge water after development as it does before development occurs. The developer will be required to construct a stormwater retention facility on the property in accordance with those standards. Therefore, no impact to the City's drainage system is anticipated by the annexation.

Transportation

The proposed development of this property as a single-family subdivision will add to the increasing traffic volume on Williamson Boulevard and surrounding road network. Based on accepted standard trip generation volumes from the Institute of Transportation Engineers and the proposed City future land use designation of *Suburban Residential* (2-4 units/acre) the development of the subject property can be theoretically expected to generate a total of 29 a.m. (0.75 trips/unit) and 38 p.m. (1.01 trips/unit) peak hour trips and 363 daily trips (9.57 trips/unit). However, the applicant indicated to staff during an August 1, 2006 per-application meeting that he intends on subdividing the property into 18 single-family lots; therefore, the proposed development would generate a total of 14 a.m. and 18 p.m. peak hour trips and 172 daily trips. Assuming that the travel patterns for the development for the subject property are similar to those of Phase I-V of Port Orange Plantation, the additional traffic volume will contribute to the failures of two road segments and two intersections. The road segments are the Dunlawton Avenue/I-95 overpass area, between Williamson Boulevard and Taylor Branch Road and South

Williamson Boulevard, north of Madeline Avenue. The intersections are Williamson Blvd/Taylor Road (including the Summertrees Road extension) and Dunlawton Ave/Clyde Morris Blvd. Regardless; any development of this property will be required to comply with the City's concurrency management standards. The City will require the submittal of a traffic study at the time the final plat and plans for the proposed subdivision to fully assess the impacts of the development on the surrounding roadway network and to identify any improvements that might be needed. Similar to other developments within this area of the City, the developer will be required to enter into a Fair-Share and Concurrency Agreement with the City, and possibly Volusia County, to pay for part of the scheduled improvements.

Police

The Police Department has not indicated to Staff that the proposed annexation would create deficiencies in law enforcement coverage for the area.

Fire

The Fire and Rescue Department has not indicated to Staff that the proposed annexation would create any difficulties in serving this area.

Recreation

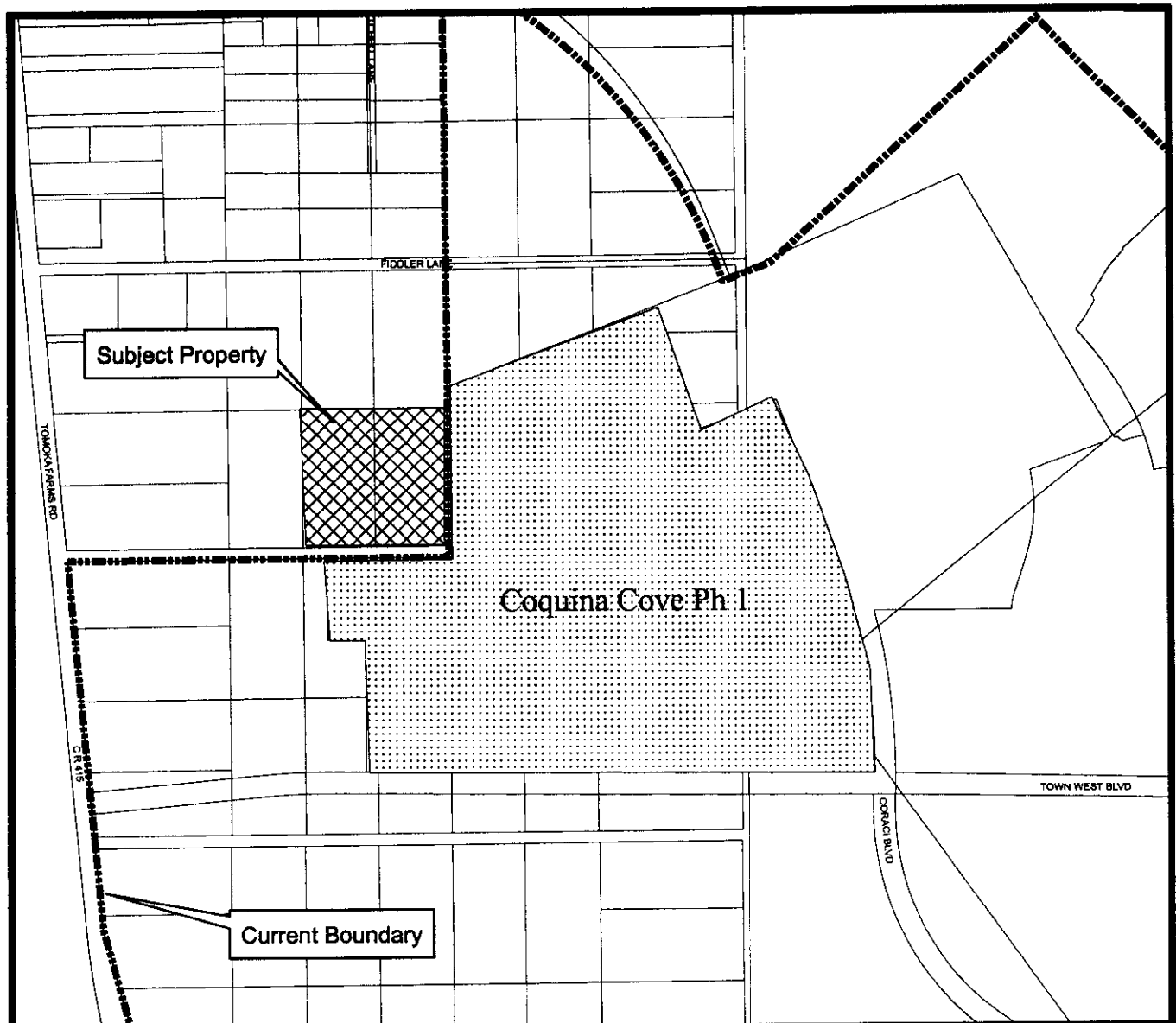
According to the City's 2005 Concurrency Management Report, the City currently has an excess of 394 acres. In addition, the City has purchased 12 acres of parkland to the east of Phase III of Port Orange Plantation and 36 more acres north of Phase I of Coquina Cove. If the property is annexed and developed, residents of proposed subdivision will be able to bike or walk to the 12-acre park and the 36-acre park.

ANALYSIS OF REVENUE:

At the time this report was prepared, an analysis of revenue had not been received from the Finance Department.

RECOMMENDATION:

Based on the findings of this report, Staff recommends **approval** of the request to annex approximately 9.6 acres of property, located between Coraci Boulevard and Tomoka Farms Road, south of Fidler Lane into the City of Port Orange.



Case No.: 06-1000006

Applicant: Bill Bethune

Location: North of Town West Blvd, west of Tomoka Farms Rd.

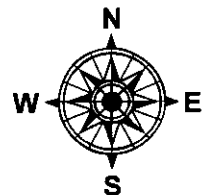
Requested Action:

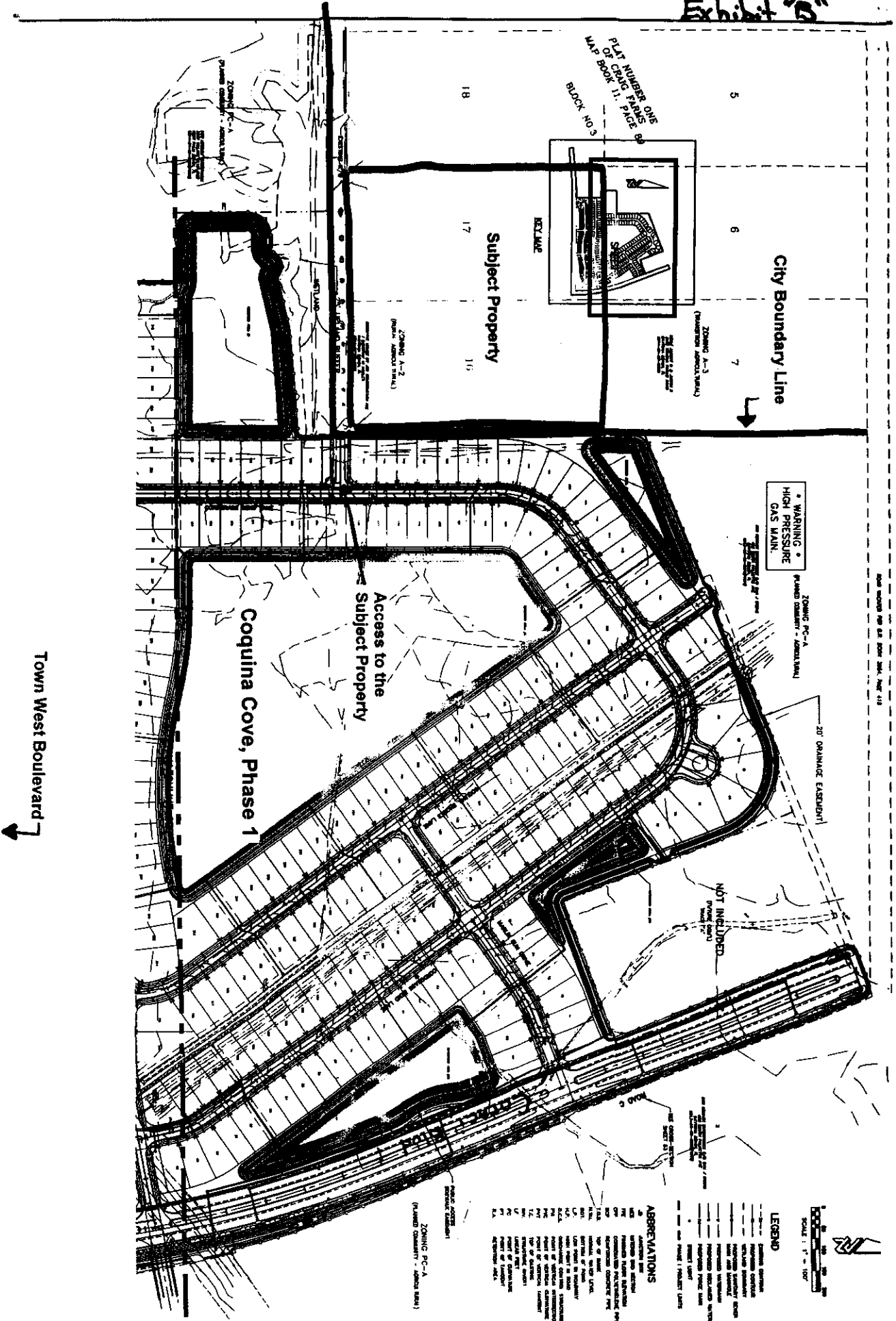
Approval of a request to annex approximately 9.6 acres into the City of Port Orange. If annexed, the applicant intends to subdivide the property into eighteen lots to be developed with single-family residences.



Exhibit "A" Location Map
CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT







Town West Boulevard ↗


Port Orange FLU

Planned Community

Residential 2-4 Units/Acre

 Residential 4-8 Units/Acre

 Residential 8-16 Units/Acre

 Office/Residential Transition

 Commercial

Volusia County FLU

 CONSERVATION

RURAL

Subject Property

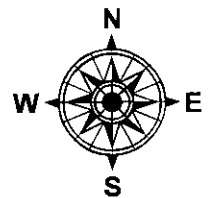
City Boundary Line



Exhibit "C" Future Land Use Map
Case No. 06-1000006

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT



Volusia County Zoning

Agriculture

■ Conservation & Forestry

■ Resource Corridor

Rural Residential

Port Orange Zoning

PC-A Planned Community-Agricultural

○ PUD Planned Unit Development

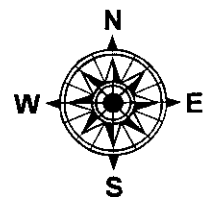
Volusia County RPUD



Exhibit "D" Zoning Map
Case No. 06-1000006

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT





**Growth and Resource Management
Planning and Development Services**

October 24, 2006

Tim Burman
1000 City Center Circle
Port Orange, FL 32119

Re: Port Orange Annexation Case #06-10000006 (Parcel 6214-01-03-0160)

Dear Mr. Burman:

This office appreciates the ability to comment on the annexation proposal, and as requested has reviewed the proposed annexation.

The property is located within the Tomoka Farms area, and the Tomoka Farms area is covered by a Local Plan appended to the County's Comprehensive Plan Future Land Use Element. The Tomoka Farms Local Plan was adopted by the County Council on September 7, 2006 as part of the 06-1 amendment cycle. The 06-1 amendment cycle, at the time of this letter, has not been found in compliance by the Florida Department of Community Affairs (FDCA). However, the County anticipates a Notice of Intent concerning the 06-1 amendment cycle to be issued in the next few days. Since the FDCA did not object to the Tomoka Farms Plan that Element of the amendment cycle should not be subject to compliance issues.

The intent of the Tomoka Farms Local Plan is to maintain the rural characteristics of the community by maintaining low intensity, non-urban Future Land Uses as currently depicted on the County Future Land Use Map. The Local Plan was formulated using planning data, including information gleaned from a community survey. The survey was sent to all land owners within the community and the response rate was over 50%. When asked about municipal annexation, over 90% of the survey respondents did not favor annexation.

The criteria for municipal annexation is outlined Chapter 171 F.S and the County understands that a local plan such as the plan that covers the Tomoka Farms area cannot stop municipal annexation. However, when the City initiates the amendment of its Future Land Use Map to facilitate urban development of the property County staff will seek direction from the County Council concerning opposition to the change of Future Land Use from a non-urban designation to an urban category.

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123 West Indiana Avenue, Room 202 • DeLand, FL 32720-4604
386-736-5959 • 386-259-7776 • 386-423-3367

www.volusia.org

If there are any questions concerning this matter please feel free to contact Mr. Ron A. Paradise, Planner III, at (386) 738-5959.

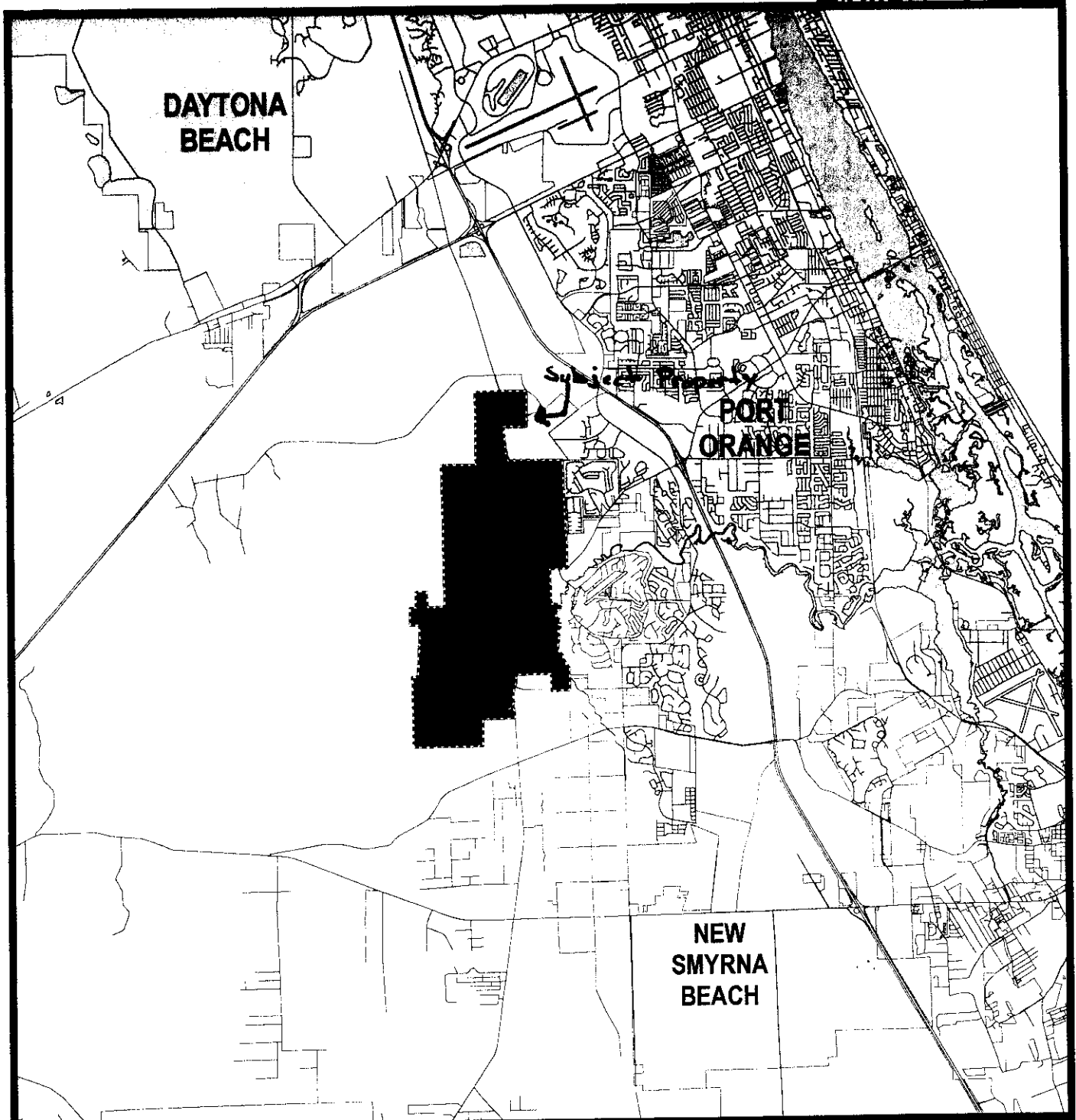
Sincerely,



**Montye Beamer, Director
Growth & Resource Management**

MB:RP:ps

**Cc: Terry L. James, Comprehensive Planning Manager
Ron Paradise, Planner III**





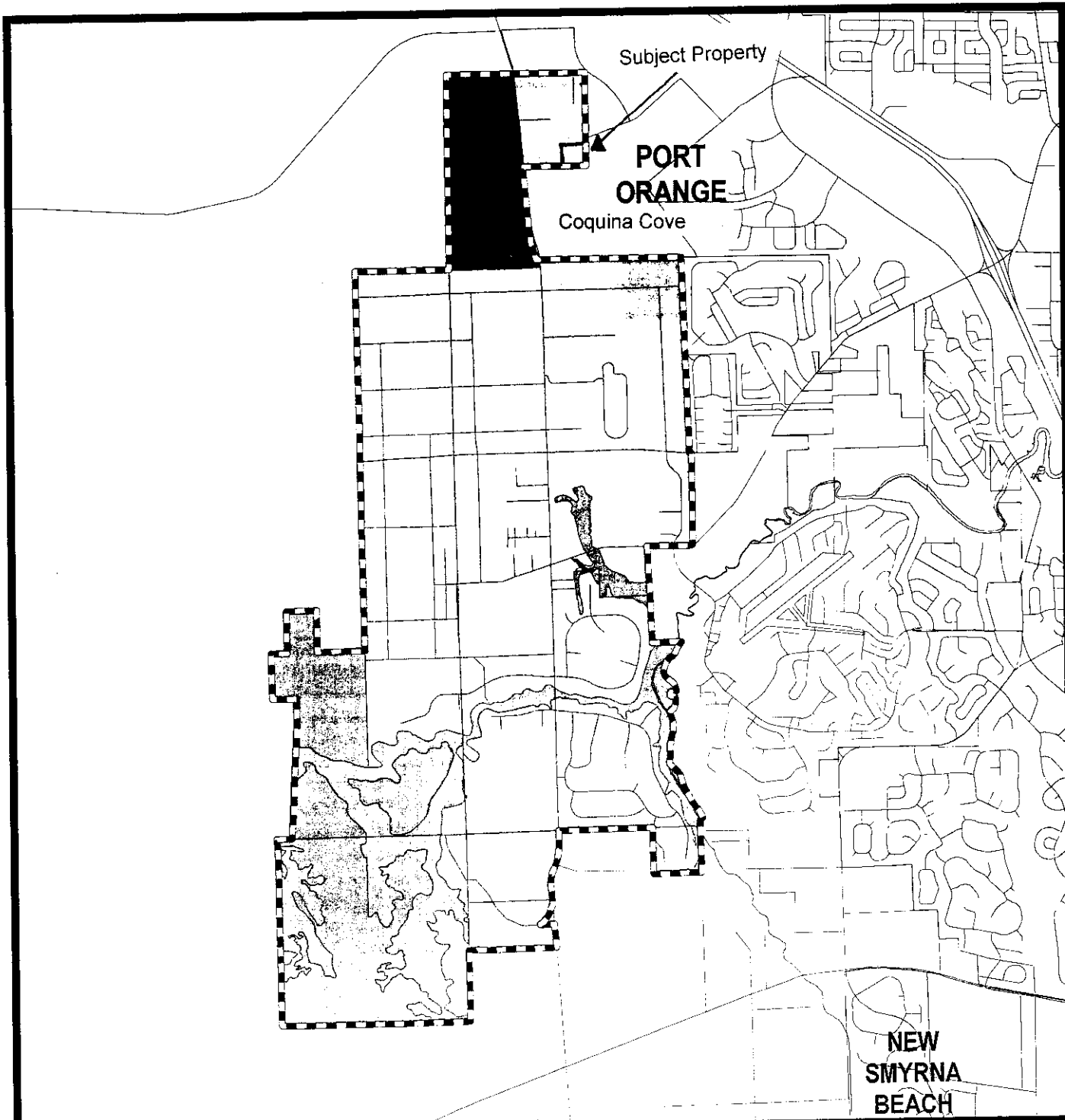
TOMOKA FARMS RD AREA LOCATION MAP

06-Feb-06

SCALE: 1" = 2 MILES

PREPARED BY: VOLUSIA COUNTY GROWTH & RESOURCE MANAGEMENT DEPARTMENT

-  TOMOKA VILLAGE
-  INCORPORATED









TOMOKA FARMS RD AREA FUTURE LAND USE

13-Jan-06

SCALE: 3/4" = 1 MILE

PREPARED BY: VOLUSIA COUNTY GROWTH & RESOURCE MANAGEMENT DEPARTMENT

-  AGRICULTURE
-  CONSERVATION
-  ENVIRONMENTAL SYSTEMS CORRIDOR
-  FORESTRY RESOURCE
-  RURAL
-  WATER