

CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE 7/17/2007

SUBJECT: SMALL SCALE LAND USE AMENDMENT/ WILLIAM BETHUNE

CASE NO. 07-20000002

DEPARTMENT: COMMUNITY DEVELOPMENT

RECOMMENDED MOTION:

To adopt Ordinance No. 2007-30, amending the Future Land Use Map of the City of Port Orange Comprehensive Plan Update '98, for property located north of Town West Boulevard, east of Tomoka Farms Road, and south of Fiddler Lane from Volusia County Rural (0.2-1 units/acre) to City of Port Orange Rural Residential/Agricultural (0-2 units/acre), as recommended by the Planning Commission.

SUMMARY:

PLANNING COMMISSION ACTION: At its April 26, 2007 meeting, the Planning Commission recommended approval 4-0 (Commissioners Atwood, Green and Lasky 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 9.6 acres located north of Town West Boulevard, east of Tomoka Farms Road, and south of Fiddler Lane from Volusia County Rural (0.2-1 units/acre) to City of Port Orange Rural Residential/Agricultural (0-2 units/acre). If approved, owner/applicant intends to rezone the property to "R-20SF" (Single Family Residential) and subdivide the property into twelve (12) single-family residential lots. Please find the staff report and update memo attached.

ATTACHMENTS:	Ordinance	Resolution	Budget Resolution
Other Suppo	ort Documents/C	ontracts Available for Re	eview in Manager's Office
DEPARTMENT HEAD	EAN) /	Wayne Clark Community Development Direct	or Date \$\sqrt{\infty}
FINANCE DEPARTMENT	//1 /	Approved as to Budget Requirer	ments Date 「/ /
CITY ATTORNEY MA	t)://st	Approved as to Form and Legali	Date 7-6-07
CITY MANAGER	y	Approved Agenda Item For:	7/17/07
COUNCIL ACTION:	[] Approved as	Recommended	[] Disapproved
[] Tabled Indefinitely	[] Continued to	Date Certain	[] Approved with Modification

ORDINANCE NO. 2007- 30

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING COMPREHENSIVE PLANNING; AMENDING FUTURE LAND USE MAP OF COMPREHENSIVE PLAN CHANGING THE DESIGNATION FROM VOLUSIA COUNTY RURAL TO CITY OFPORT ORANGE RURAL RESIDENTIAL/AGRICULTURAL LOCATED NORTH OF TOWN WEST BOULEVARD, EAST OF TOMOKA FARMS ROAD, AND SOUTH OF FIDDLER LANE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES 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, Page 1 of 3

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, 2006-16, 2006-24, 2006-41, 2006-51, 2006-53, 2007-4, 2007-14 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 Volusia County Commercial to City of Port Orange Commercial.

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.

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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:

C:\Legal\ORD\sm sc land use william bethune.wpd

Exhibit "A"

Legal Description

LOTS 16 & 17. BLOCK 3. PLAT NUMBER ONE OF CRAIG **FARMS** AS RECORDED IN MAP BOOK 11, PAGE 89 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND BEING MORE PARTICULARY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 17, BLOCK 3. RUN NO0'31'05"W. ALONG THE WEST LINE OF SAID LOT 17, BLOCK 3, A DISTANCE OF 634.58 FEET TO THE NORTHWEST CORNER OF SAID LOT 17, BLOCK 3; THENCE N89'32'15"E, ALONG THE NORTH LINE OF LOTS 17 AND 16, BLOCK 3, A DISTANCE OF 659.43 FEET TO THE NORTHEAST CORNER OF SAID LOT 16, BLOCK 3; THENCE S00'34'10"E, ALONG THE EAST LINE OF SAID LOT 16, BLOCK 3, A DISTANCE OF 633.83 FEET TO THE SOUTHEAST CORNER OF SAID LOT 16. BLOCK 3: THENCE S89'28'21"W. ALONG THE SOUTH LINE OF SAID LOTS 16 AND 17, BLOCK 3, A DISTANCE OF 660.00 FEET TO THE POINT OF BEGINNING. CONTAINING 418,393 SQUARE FEET OR 9,6050 ACRES, MORE OR LESS.



MEMORANDUM

TO:

Wayne Clark, AICP, Director of Community Development

FOR:

Kenneth W. Parker, City Manger

FROM:

Tim Burman, Senior Planner

SUBJECT:

William Bethune Small-Scale Future Land Use Amendment

DATE:

June 29, 2007

On March 1, 2007, Staff contacted the Volusia County Growth Management Department to make them aware of a future land use amendment for property recently annexed into the City. The County had previously indicated possible opposition in a letter sent to staff during the annexation review in December 2006. On March 8, 2007 staff received a letter stating that County staff would seek direction from the County Council concerning opposition of the FLU amendment. At the March 15, 2007 County Council meeting, the Council directed County Staff to challenge the proposed amendment at the City's public hearings for this amendment since the amendment was not consistent with the County's Tomoka Farms Local Plan. The subject property is located within the City of Port Orange and the Tomoka Farms area and covered by the recently created Tomoka Farms Local Plan (adopted on September 7, 2006). The Local Plan is intended to "re-emphasize and further protect the rural/environmental character of the Tomoka Farms Community". Due to the comments raised by the County Council, the applicant/owner, William Bethune, revised the request FLU designation from Suburban Residential (2-4 units/acre) to Rural Residential/Agricultural (0-2 units/acre) and reduced the number of proposed lots from 18 (1.88 units/acre) to 12 (1.25 units/acre).

At the April 26, 2007 Planning Commission meeting, Ron Paradise, Planner III, from the Volusia County Growth Management Department, requested that the City's Planning Commission deny the proposed future land use since it was not consistent with the Tomoka Farms Local Plan. However, the Commission recommended approval 4-0 of the proposed amendment.

After the Planning Commission meeting, the applicant/owner met with Cathy Turner, President of the Tomoka Farms Area of Special Interest group to discuss the proposed future land use amendment. The Special Interest group indicated that they would support a density of 1 unit per acre (9 Lots), which is theoretical maximum under the current county FLU. However, as indicated in Mr. Bethune's June 28, 2007 letter, he does not intend to reduce the proposed plan, which calls for a density of 1.25 units per acre (12 Lots). A copy of the letter is attached to this memo.

June 28, 2007

City of Port Orange 1000 City Center Circle Port Orange, FL 32129

Att: Tim Burman

RE: Annexed Bethune/ Executive Homes Property

Dear Mr. Burman,

Per your suggestion, we met with the President, Cathy Turner, of the Tomoka Farms Area of Special Interest group and two other ladies. After looking at our proposed plan for 12 units and understanding the time line of events, they expressed that they were sympathetic to our situation but feel they need to remain committed to their opinion of limiting the density to the county future land use of one unit per acre.

We inquired about this "District" being established from the response of a survey that we nor our neighbors to the west ever received. They said we should have gotten it, but the fact remains that we nor our three neighbors to the west facing Tomoka Farms Rd were aware of this movement and would not have wanted to be included in the "District" because it renders our land useless for future development.

The consensus of the ladies after the meeting was that they would agree to one unit per acre, but we feel that we have already compromised by reducing our proposed plan of 18 units down to 12 units and any further reduction would not make sense.

We would ask for your continued support for our project. We have been discussing and working on this plan with you for almost three years, long before this "District" came into existence, which shows our intent not to be included in this area of special interest. We have retained an attorney for dealing with this County issue. We feel the village survey should not bind us to the county resolution. We are no longer in the county we are in the City of Port Orange.

Thank you for your time and efforts.

Sincerely,

William Bethune, President

William Bether

EXECUTIVE HOMES By JDB Construction Inc.

2183 Tomoka Farms Rd. Port Orange, FL 32128



STAFF REPORT

CASE NO. 07-20000002

Small-Scale Future Land Use Amendment/Volusia County Rural to City of Port Orange Rural Residential/Agricultural William Bethune, owner/applicant 2183 Tomoka Farms

April 16, 2007

INTRODUCTION:

William Bethune, owner/applicant, requests approval of a small-scale amendment to the City of Port Orange Comprehensive Plan - Update '98. The proposed amendment is to change the future land use designation of approximately 9.6 acres from Volusia County Rural (0.2-1 units/acre) to City of Port Orange Rural Residential/Agricultural (0-2 units/acre). If the amendment is approved, the owner/applicant intends to rezone the property to "R-20SF" (Single Family Residential) and subdivide the property into twelve (12) single-family residential lots. The property is located north of Town West Boulevard, east of Tomoka Farms Road, and south of Fiddler Lane (Exhibit "A").

BACKGROUND:

Staff met with the applicant on August 1, 2006, to discuss his intentions to develop a residential subdivision on the subject property. Also discussed at this meeting was the need to annex the property and change the Future Land Use (FLU) and Zoning designations from Volusia County to City of Port Orange. The annexation petition was received on August 24, 2006, and the subject property was annexed into the City on December 12, 2006. The Future Land Use Amendment application was received on February 5, 2007 and revised to request a lower density on March 23, 2007. The applicant has yet to submit a rezoning application or a subdivision application for the property. However, the applicant has indicated that he intends to rezone the property to "R-20SF" (Single-Family Residential), which allows for lots with a minimum lot size of 20,000 SF. The proposed rezoning would allow for the property to be developed with 12 single-family lots (Exhibit "B"). Therefore, if developed as indicated by the applicant, the density for this property would be 1.25 units per acre (12 units/9.6 acres = 1.25 units per acre). Changes to the proposed layout may be needed to address code requirements once the Preliminary/Final Subdivision Plat & Plans have been submitted for review.

The property is vacant, with the exception of 1,700 square-foot single-family residence, which is now used as a storage building by the owner. The surrounding future land use designations and zoning for the proposed amendment are depicted graphically on Exhibits "C" and "D",

On March 1, 2007, Staff contacted the Volusia County Growth Management Department to make them aware of the proposed future land use amendment since the County indicated possible opposition in a letter sent to staff regarding the annexation (Exhibit "E"). The recent response letter (Exhibit "F") received from Volusia County stated again that the subject area is located within the Tomoka Farms area and covered by the Tomoka Farms Local Plan (Exhibit "G"). The Tomoka Farms Local Plan is intended to "re-emphasize and further protect the rural/environmental character of the Tomoka Farms Community". It should be noted that the subject property is located toward the north end of the "Tomoka Village" and surrounded on two sides by the City

of Port Orange (Coquina Cove, Phase I subdivision). The Tomoka Farms Local Plan did not prevent municipal annexation; however, the March 8, 2007 letter indicated that County staff would seek direction from the County Council concerning opposition to the proposed change of the FLU designation. At the March 15, 2007 County Council meeting, the Council directed Volusia County Staff to challenge the proposed amendment at the City's public hearings for this amendment. The amendment was originally scheduled for the March 22, 2007 Planning Commission meeting; however, due to the comments raised by the County Council the applicant requested that the amendment be tabled. The applicant has since revised his request to change the FLU designation to Rural Residential/Agricultural (0-2 units/acre) instead of the originally proposed designation of Suburban Residential (2-4 units/acre). The applicant has also reduced the number of proposed lots from 18 (1.88 units/acre) to 12 (1.25 units/acre). As indicated in the latest letter from the County, the County is still opposing the proposed changes made by the applicant to the FLU amendment (Exhibit "H").

LAND USE COMPATIBILITY:

The subject property is surrounded by single-family dwellings [Planned Community No. 1 (2-4 units per acre)] to the east and south (Coquina Cove Phase I), single-family dwellings [(Volusia County Rural (0.2 to 1 units per acre)] to the north and west. According to the Future Land Use Element of the City's Comprehensive Plan, the proposed Rural Residential/Agricultural (0-2 units/acre) designation is appropriate for locations adjacent to existing large lot development or active agricultural areas. It is the City's lowest density residential designation and will serve as a transition between the residential low-density residential uses to the west (Tomoka Farms Road area) and the suburban residential uses to the east and south (Planned Community No. 1).

IMPACTS OF THE PROPOSED AMENDMENT:

The current Volusia County *Rural* designation would allow a theoretical maximum density of nine units. Under the proposed City of Port Orange *Rural Residential/Agricultural* (0-2 units/acre) designation, the theoretical maximum density would be increased to 19 units/acre. However, the applicant has indicated to staff that he only intends to develop the property with twelve single-family dwellings (Exhibit "B").

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. The following seven public facilities and services were examined:

- 1. Transportation
- 2. Sanitary Sewer
- 3. Potable Water
- 4. Solid Waste

- 5. Stormwater Drainage
- Recreation
- 7. Schools

IMPACT ANALYSIS (THEORETICAL MAX.)

		Manual Company of the			
Residential Units	9	19	12		
Population ¹	32	49	31		
AM / PM Peak Hour Trips ²	6.75/9.09	14.3/19.2	9/12.1		
Daily Trips ²	86	182	115		
Sanitary Sewer (gallons/day) ³	1,800	3,800	2,400		
Potable Water (gallons/day) ⁴	2,295	4,845	3,060		
Solid Waste (lbs./person) ⁵	74.54	157.3	99.5		
Stormwater Drainage ⁶	n/a	n/a	n/a		
Recreation/Open Space ⁷	0.09	0.20	0.12		

Notes:

1. Population:

2.58 persons per single-family dwelling

2. Transportation:

Rates are for peak hour of adjacent street traffic

Single-family Residential unit = 0.75 AM trips, 1.01 PM trips, and

9.57 Daily Trips

3. Sanitary Sewer:

200 gallons per day per Equivalent Residential Unit

4. Potable Water:

255 gallons per day per Equivalent Residential Unit

5. Solid Waste

3.21 pounds per person per day

6. Stormwater Drainage: LOS standard = 25 year, 24 hour event. Drainage system will be designed to meet the requirements of the Land Development

Code.

7. Rec. & Open Space:

1 acre/250 persons (0.004 acres/person)

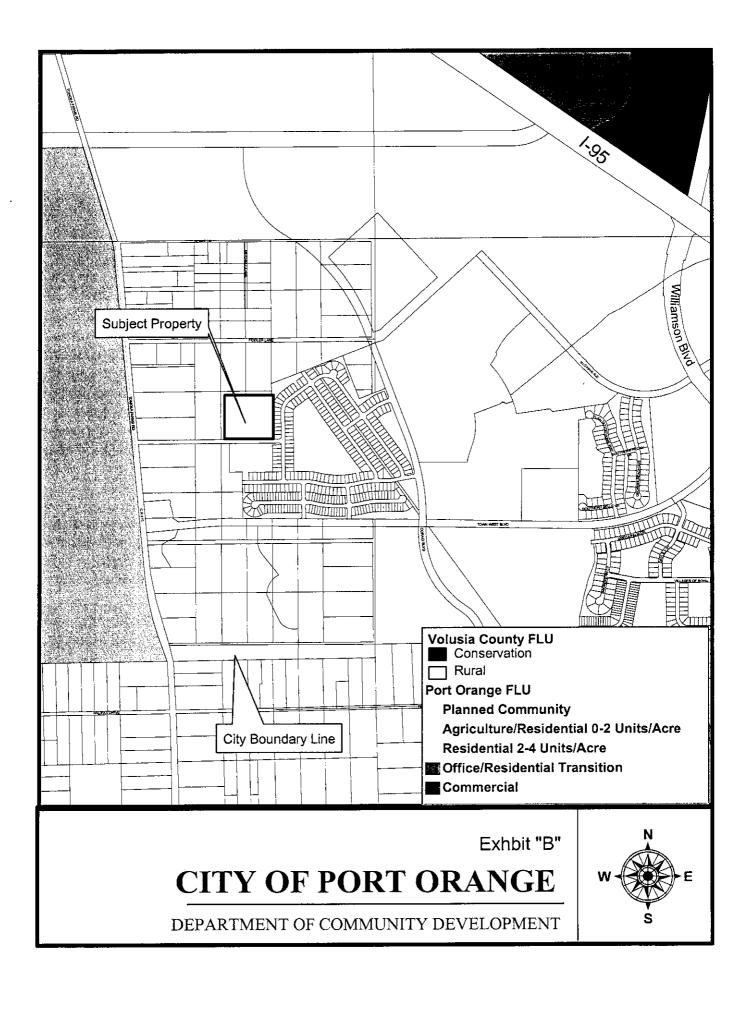
Sources:

ITE Trip Generation Manual, 7th Edition 2006 Port Orange Concurrency Management Report

TRANSPORTATION

As with all recent developments west of Clyde Morris Boulevard, vehicular traffic volume is a significant concern. The existing road network is near, at, and in some locations over the accepted capacity. A traffic impact analysis was not required with the Future Land Use Amendment for this project, although it is possible to determine roughly how many vehicle trips will be generated. Based on accepted standard trip generation volumes from the Institute of Transportation Engineers, the Rural Residential/Agricultural (0-2 units/acre) designation could generate a theoretical maximum of 14.3 a.m. and 19.2 p.m. peak hour trips and 182 daily trips. However, based on the proposed development plan for twelve single-family residences, the demand would be 9 a.m. and 12.1 p.m. peak hour trips and 115 daily trips. Considering that a theoretical maximum increase of 182 daily trips on the transportation network is less than 5% of the allowable capacity for Town West Boulevard (10,000 ADT) and Tomoka Farms Roads (27,000 ADT) the increase is considered "deminimus".

Assuming that the travel patterns of the proposed 12-lot single-family subdivision are similar to past single-family residential developments reviewed, the additional traffic volume will contribute to the failures of at least two road segments and three



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), Dunlawton Ave/Clyde Morris Blvd, and Town West Boulevard/Williamson Boulevard. The City now has improvement projects under construction and design to address these failures. New proposed developments are required to contribute their fare share toward the cost of the projects. Please note that the extent of the impacts from the proposed development of this parcel on the City's road network will not be truly known until the traffic impact study has been submitted and reviewed with the final plat and plans for the subject property.

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

SANITARY SEWER & POTABLE WATER

For sanitary sewer and potable water, the proposed land use would double the demand compared to the current FLU designation; however, based on the proposed development by the applicant the actual demand would be 2,400 gallons per day for sanitary sewer and 3,060 gallons per day for potable water.

SOLID WASTE COLLECTION

The proposed land use would theoretically allow for 157.3 pounds of garbage to be generated per day. However, based on the proposed plan to develop twelve single-family lots, 99.5 pounds of garbage per day could be generated.

STORMWATER DRAINAGE

Stormwater management in the City of Port Orange deals with both quality and quantity. The City's adopted LOS standard for stormwater is the 25-year, 24-hour storm event. More specifically, the stormwater facilities must be capable of treating and conveying the runoff from such a storm without causing flooding of adjacent properties or polluting any receiving water bodies. In addition, the 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 applicant will be required to address stormwater retention on the property in accordance with these City standards. Therefore, no impact to the City's drainage system is anticipated by the proposed development.

RECREATION AND OPEN SPACE

According to the City's Comprehensive Plan, development of this property will require 0.20 acres of parkland. According to the City's 2006 Concurrency Management Report,

the City currently has an excess of 391 acres. Residents of the proposed subdivision will be able to bike or walk to the 36-acre park located to the northeast of the subject property. The City has recently begun to plan and design this park, which will be developed in phases. The first phase, which is tentatively scheduled to begin this year, will include the construction of a two ball fields, retention pond, parking area, two ball fields, and a restroom/concession stand.

SCHOOLS

With passage of Senate Bill 360 in 2005, school concurrency will be required in Volusia County by 2008. In the meantime, the Volusia County School Board has asked local governments to analyze school capacity as part of their review of future land use amendments, rezonings, and development plans. Over the past two years, the School Board planning staff has made the City aware of existing school capacity shortages in Port Orange. The shortage was made worse from a regulatory standpoint with passage of the school class size amendment to the state constitution.

The Volusia County School Planners were notified of the proposed FLU amendment and due to the existing conditions at the area schools, the School Board staff is concerned about changes that increase residential densities and/or students in the Port Orange area. The impacted schools are over capacity with no programmed capacity currently planned in the five (5) year capital budget. Therefore, the School Board staff request a mitigation agreement, which requires the upfront lump sum payment of School Impact Fees. The mitigation agreement will be drafted and signed by the developer prior to approval of the rezoning request for the property and the payment indicated in the mitigation agreement will be required prior to approval of the final subdivision plat.

APPLICABLE 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.

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 1.4.3:* The City shall discourage proposed amendments to the Future Land Use Map, which would reduce the efficient functioning of transportation facilities.
- 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 set 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 1.9.1: Consider adjoining existing land use and plans when reviewing development proposals adjacent to the City limits.

Goal 3: Provide for residential development that assures a "quality" living environment for the citizens of Port Orange.

Policy 3.1.1: Residential land uses shall be established at a variety of densities in order to create a wide range of housing choices and costs. This variety shall be reflected on the Future Land Use Map.

Objective 3.2: Promote the protection of lower-intensity housing uses.

Volusia County's Tomoka Farms Road Local Plan:

Goal TOM 1.12: Maintain the existing rural, agricultural, natural cultural and scenic values associated with the Tomoka Farms area within a framework which will allow for growth compatible with the established development pattern and current land use policies.

Objective TOM 1.12.1: Preserve the low-density residential scale in keeping with the rural residential and agricultural land use pattern of Tomoka Farms area.

Policy TOM 1.12.1.1: Preserve the existing land use intensities and densities currently designated on the Volusia County Land Use Map for the area within the Tomoka Farms Local Plan.

Policy TOM 1.12.1.2: Central sanitary sewer and the use of potable water shall be discouraged in the Tomoka Farms Road Local Plan area. Sewer and water may be provided/used only if absolutely necessary to protect the health, safety and welfare of the community, but not to increase land use densities and intensities. Permission to use central water services must be approved by the County Council.

Policy TOM 1.12.1.3: Application to convert beyond the existing rural land use densities and intensities with the Tomoka Farms are shall be discouraged. Clustering, larger setbacks, and other design standards may be utilized to keep the community's rural appearance.

Policy TOM 1.12.1.4: The pattern of the low density rural single family residential an agricultural land uses shall be maintained. Potential road improvements will be studied, planned and designed to move traffic through Tomoka Farms area and not increase density/intensity to urban land uses.

Objective TOM 1.12.2: Protect and enhance the rural residential and agricultural resources of the Tomoka Farms area which define the area's character and visual appeal.

Policy TOM 1.12.2.2: The County shall continue to maintain the rural and agricultural appearance of the Tomoka Farms area through the appropriate use of setbacks, visual appearance design standards and the PUD process.

Policy TOM 1.12.2.3: Land use proposals in the vicinity of the Tomoka Farms area should not have an adverse effect on the exiting character of the community.

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, but not consistent with the County's Tomoka Farms Local Plan.

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 amendment will not result in incompatible land use designations for adjacent parcels or a neighborhood. The proposed City of Port Orange *Rural Residential/Agricultural* (0-2 units/acre) designation is compatible with the surrounding residential low-density uses and will serve as a transition zone between the residential low-density uses to the west and north (Tomoka Farm Area) and the suburban residential uses to the east and south (Coquina Cove Subdivision). The future land use designations now in place provide no such transition.

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

Staff finding: The proposed amendment will not result in any negative impacts to the City's infrastructure and services. Staff acknowledges that the amendment could be perceived by unincorporated County residents as negative.

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: the subject property does not lie on an official hurricane evacuation route, or within the Hurricane Vulnerability Zone.

Case No. 07-20000002 Page 8

STAFF RECOMMENDATION:

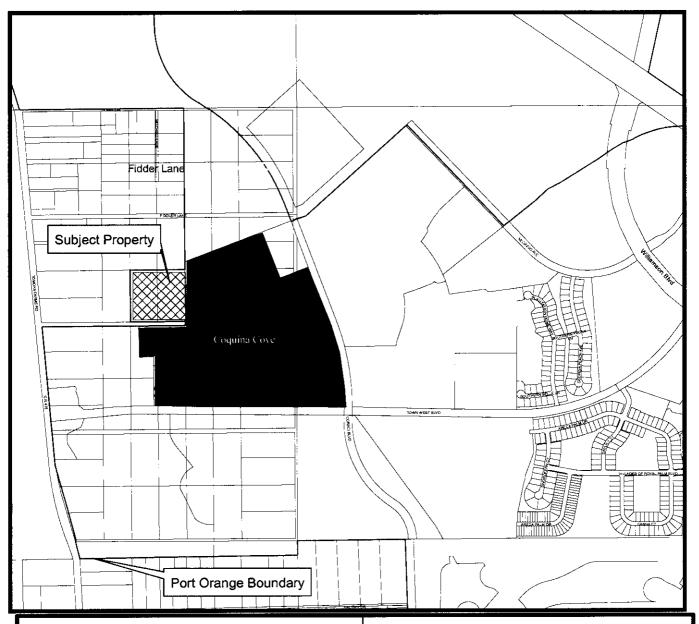
Staff recommends **approval** of the request to change the future land use designation of 9.60 acres, located north of Town West Boulevard, east of Tomoka Farms Road, and south of Fiddler Lane from Volusia County *Rural* (0.2 to 1 units/acre) to City of Port Orange *Rural Residential/Agricultural* (0-2 units/acre). Staff's recommendation is based solely on the technical aspects of the review, particularly with impact to City levels of service. However, the over-riding policy consideration is whether the city will honor and abide by the County's Tomoka Farms Local Plan. If the City elects to do so, then Staff recommends **denial** of the proposed amendment.

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

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

PLANNING COMMISSION DATE: CITY COUNCIL DATE:

April 26, 2007 July 17, 2007



Case No.: 07-20000002

Applicant: Bill Bethune

Location: North of Town West Blvd, west of

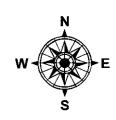
Tomoka Farms Rd.

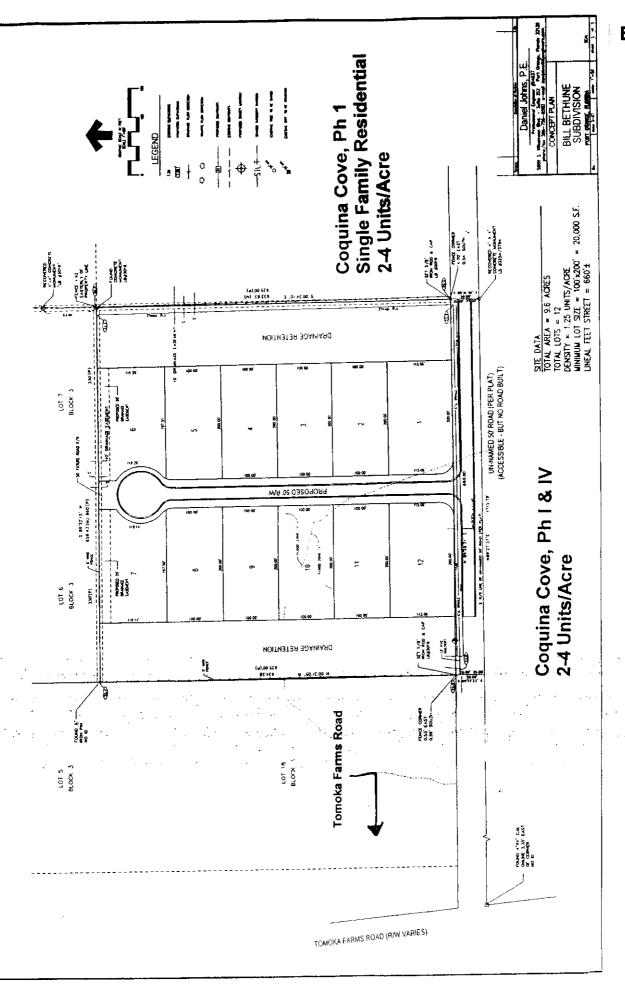
Requested Action:

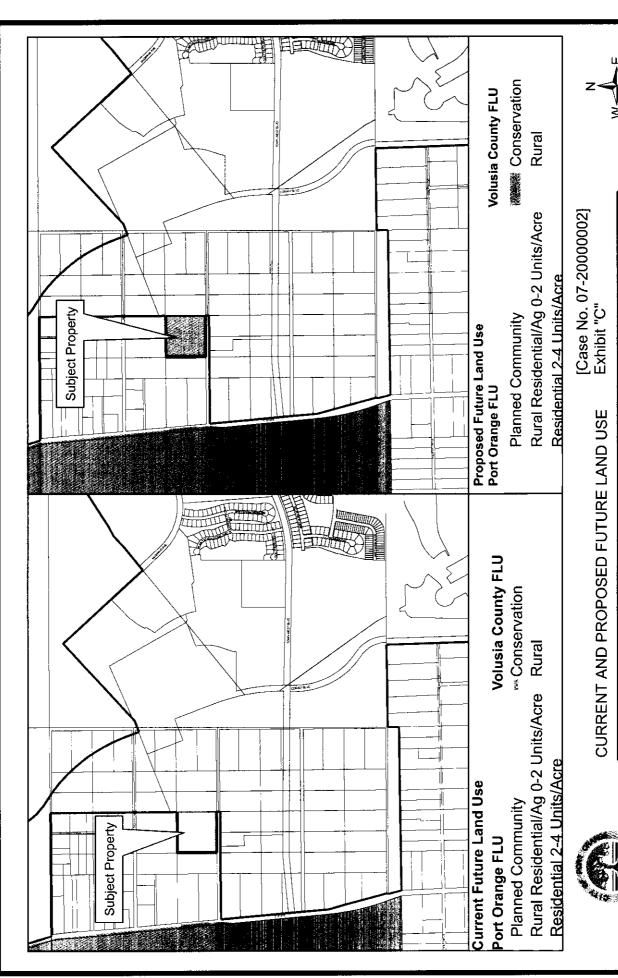
Approval of a request to change the FLU designation of approximately 9.6 acres from Volusia County Rural (0.2 - 1 acre/unit) to City of Port Orange Agricultural/Residential (0-2 unit/acre). If approved, the applicant intends to rezone the property and subdivide the property into twelve lots to be developed with single-family residences.

Exhibit "A" Location Map
CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT

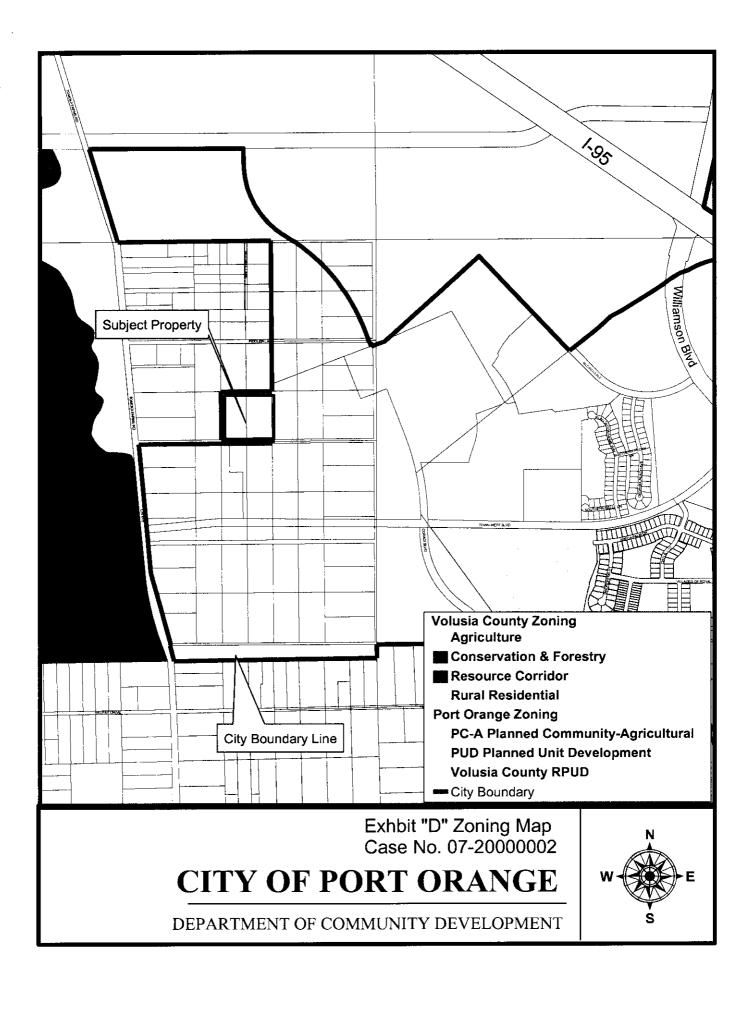








DEPARTMENT OF COMMUNITY DEVELOPMENT





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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Growth and Resource Management Planning and Development Services

March 7, 2007

Tim Burman City of Port Orange 1000 City Center Circle Port Orange, FL 32119

Re:

Land Use Amendment on Parcel 6214-01-03-0160

Dear Mr. Burman:

This office appreciates the ability to comment on a proposed land use amendment for the abovereferenced parcel.

The proposal is to change the existing County land use designation of Rural to City Suburban Residential. The proposed Suburban Residential designation facilitates an urban land density within an area that the County has established policy intended to protect the rural character of the area. The subject Policy is enumerated in the Tomoka Farms Local Plan that was adopted by the County on September 7, 2006.

With regard to the subject land use amendment County staff has formulated an agenda item seeking direction from the County Council. The agenda item, as prepared, is scheduled for the County Council meeting of March 15, 2007. As part of the agenda item County staff has recommended that the proposed City amendment from County Rural to City Suburban Residential be challenged through the Volusia Growth Management Commission review process.

After the County Council provides direction, County staff will inform City staff of that direction. This office anticipates that a verbal or electronic mail update can be provided to City staff by Friday March 16. If there are any questions pertaining to this matter, please feel free to contact Mr. Ron Paradise, Planner III, at (386) 736-5959.

Sincerely,

Montye Beamer, Director

Growth & Resource Management

MB:RP:ps

Terry L. James, Comprehensive Planning Manager Cc.

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MAR 08 2087 Community Development Dept. If there are any questions concerning this matter please feel free to contact Mr. Ron Paradise, Planner III, at (386) 736-5959.

Sincerely,

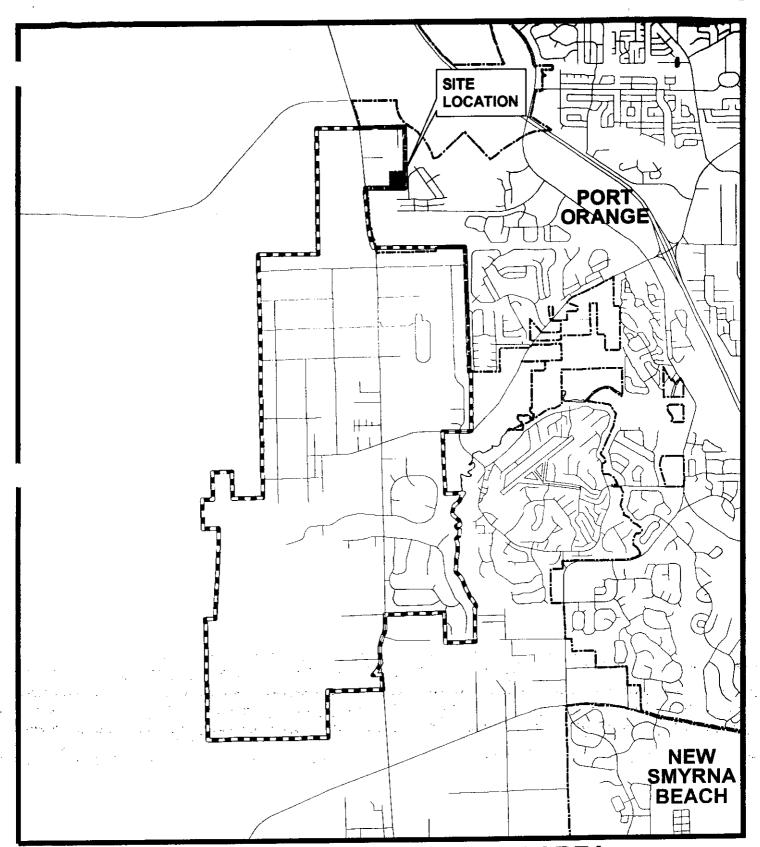
Montye Beamer, Director

Growth & Resource Management

MB:RP:ps

Cc: Terry L. James, Comprehensive Planning Manager

Ron Paradise, Planner III



TOMOKA FARMS LOCAL PLAN AREA

SCALE: 1" = 3960'



MARCH 2, 2007

PREPARED BY: VOLUSIA COUNTY GROWTH & RESOURCE MANAGEMENT DEPARTMENT



Growth and Resource Management Planning and Development Services

April 13, 2007

Tim Burman
City of Port Orange
1000 City Center Circle
Port Orange, FL 32119

Re: Change of Future Land Use Designation on Parcel 6214-01-03-0160

Dear Mr. Burman:

Thank you for requesting County comment on the proposed change of land use on the above referenced parcel. The County understands that the proposal is to change the Land Use on the property from County Rural to Port Orange Agricultural/Residential.

The existing County Rural Land Use category has a preferred density of one unit per 5 acres. In some cases densities as low as one unit per 10 acres, or as high as one unit per acre may be allowed within the Rural category. The allowance of lot sizes below 5 acres is not automatic and is predicated on several parameters including environmental conditions and the character of the surrounding neighborhood. The subject parcel when it was in the jurisdiction of the County was zoned A-2. The A-2 zoning, consistent with the Rural Land Use designation, has a minimum lot size requirement of 5 acres.

In addition, the site is situated within a community of special interest known as Tomoka Farms. The Tomoka Farms community is managed by a local plan and the Tomoka Farms Local Plan was adopted by the County with the intent of maintaining the existing density and rural character of the community. (The Tomoka Farms Local Plan that included the subject parcel and the remainder of the community was adopted on 9/7/06.) In fact, the following provisions from the Tomoka Farms Local Plan establish a County position for "preserving" existing intensities and densities:

- TOM 1.12.1 Preserve the low density residential scale in keeping with the rural residential and agricultural land use pattern of Tomoka Farms area.
- TOM 1.12.1.1 Preserve the existing land use intensities and densities currently designated on the Volusia County Land Use Map for the area within the Tomoka Farms Local Plan.

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Based on the intent of the Tomoka Farms Local Plan to "preserve" density within the community, the County Council at its March 15, 2007 meeting determined that the attempt to change the land use on the property is inconsistent with the County Comprehensive Plan.

If there are any questions pertaining to this matter please feel free to contact Ron A. Paradise, Planner III, at (386) 736-5959, ext. 2010.

Sincerely,

Montye Beamer, Director

Growth & Resource Management

Monte Beamer

MB:RP:ps

Cc: Terry L. James, Manager, Comprehensive Planning

Ron Paradise, Planner III

Exhibit "I"