



# CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE 11/13/07

**SUBJECT: ANNEXATION/CRACKER CREEK (Williams property)**  
(Parcel 1 = 6330-00-00-0160; Parcel 2 = 6330-00-00-0170;  
Parcel 3 = 6330-00-00-0180; Parcel 4 = 6225-03-00-0070)  
**CASE NO. 07-1000002**

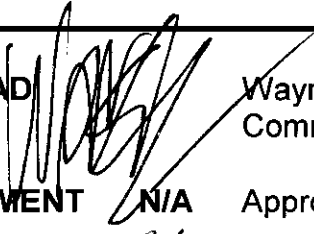
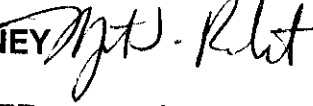

**DEPARTMENT:** COMMUNITY DEVELOPMENT

**RECOMMENDED MOTION:**

To adopt Ordinance No. 2007-58 annexing land consisting of four (4) separate parcels totaling approximately 56.02 acres, located east and south of Taylor Road, along the north bank of Spruce Creek.

**SUMMARY:** A request to annex approximately 56.02 acres into the City of Port Orange. If approved, the owners intend to amend the future land use and zoning of the property to a City future land use and zoning, with the goal of creating an environmentally sensitive recreation facility that would operate in cooperation with Gamble Place.

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

<b>DEPARTMENT HEAD</b>		Wayne Clark, AICP Community Development Director	Date 11/2/07
<b>FINANCE DEPARTMENT</b>	N/A	Approved as to Budget Requirements	Date
<b>CITY ATTORNEY</b>		Approved as to Form and Legality	Date 11.1.07
<b>CITY MANAGER</b>		Approved Agenda Item For:	11.13.07

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

ORDINANCE NO. 2007-58

(Williams)

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ANNEXING PROPERTY LOCATED EAST AND SOUTH OF TAYLOR ROAD, ALONG THE NORTH BANK OF SPRUCE CREEK; 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 owner of real property in an unincorporated area of Volusia County, Florida, contiguous to the boundary of the City of Port Orange and reasonably compact, has 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 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 parcels 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"

**ROBERT L. AND JILL M. WILLIAMS  
LEGAL DESCRIPTIONS**

**PARCEL NUMBER: 6330-00-00-00160**

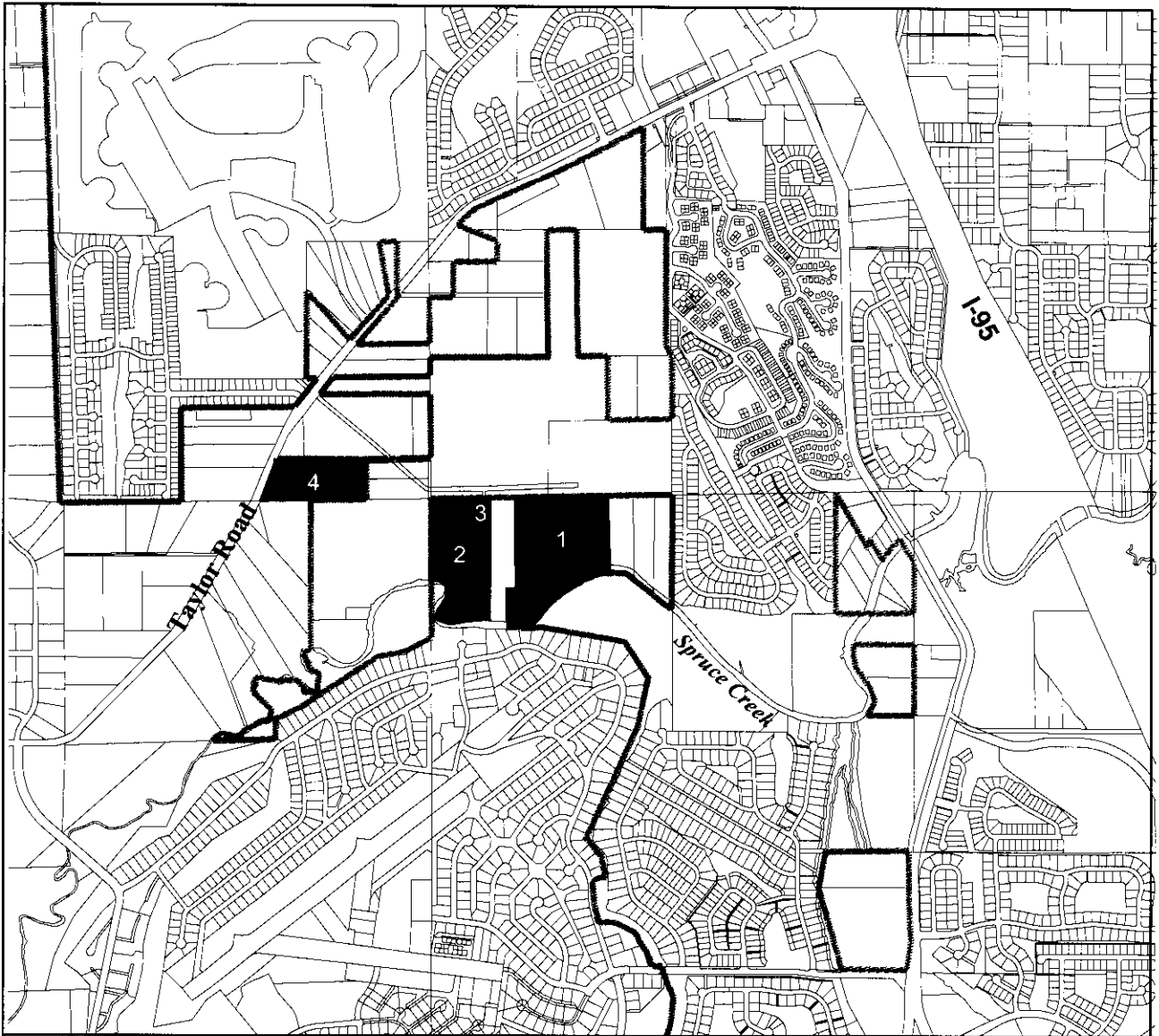
COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 30; THENCE PROCEED SOUTH 00°12'48" EAST A DISTANCE OF 2645.79 FEET TO THE NORTH LINE OF SECTION 30; THENCE PROCEED NORTH 89°39'19" EAST A DISTANCE OF 683.71 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE ALONG THE NORTH LINE OF SECTION 30 ON A COURSE NORTH 89°39'19" EAST A DISTANCE OF 1714.61 FEET; THENCE PROCEED SOUTH 00°31'54" EAST A DISTANCE OF 1000.00 FEET; THENCE PROCEED SOUTH 89°39'19" WEST A DISTANCE OF 100.00 FEET; THENCE CONTINUE NORTH 00°31'54" WEST A DISTANCE OF 442.23 FEET TO THE NORTHERLY MEAN HIGH WATER LINE OF SPRUCE CREEK; THENCE PROCEED ALONG THE MEAN HIGH WATER LINE OF SPRUCE CREEK A DISTANCE OF 1343.00 FEET; THENCE DEPART THE MEAN HIGH WATER LINE OF SPRUCE CREEK ON A HEADING OF SOUTH 00°12'48" EAST A DISTANCE OF 810.11 FEET TO THE POINT OF BEGINNING.

**PARCEL NUMBERS: 6330-00-00-0170 AND 6330-00-00-0180**

COMMENCE AT THE NORTHEAST CORNER OF SECTION 25, TOWNSHIP 16, RANGE 32; THENCE PROCEED NORTH 00°07'46" WEST A DISTANCE OF 113.69 FEET TO THE POINT OF BEGINNING. THENCE PROCEED SOUTH 00°53'14" EAST A DISTANCE OF 951.62 FEET TO THE NORTHERLY MEAN HIGH WATER LINE OF SPRUCE CREEK; THENCE CONTINUE SOUTH 79°27'24" EAST A DISTANCE OF 158.57; THENCE CONTINUE SOUTH 41°58'13" EAST A DISTANCE OF 102.28 FEET; THENCE CONTINUE SOUTH 03°42'01" WEST A DISTANCE OF 127.81 FEET; THENCE CONTINUE SOUTH 34°44'31" WEST A DISTANCE OF 141.83 FEET; THENCE CONTINUE SOUTH 02°07'57" EAST A DISTANCE OF 106.72 FEET; THENCE CONTINUE SOUTH 63°05'01" EAST A DISTANCE OF 78.64 FEET; THENCE CONTINUE NORTH 84°23'88" EAST A DISTANCE OF 298.62 FEET; THENCE CONTINUE NORTH 73°12'08" EAST A DISTANCE OF 165.90 FEET; THENCE DEPART THE NORTHERLY MEAN HIGH WATER LINE OF SPRUCE CREEK HEADING SOUTH 00°49'31" EAST A DISTANCE OF 1376.15 FEET; THENCE CONTINUE NORTH 89°07'09" EAST A DISTANCE OF 660.29 FEET TO THE POINT OF BEGINNING.

**PARCEL NUMBER: 6225-03-00-0070**

COMMENCE AT NORTHEAST CORNER OF SECTION 25, TOWNSHIP 16, RANGE 32; PROCEED SOUTH 88°44'44" WEST A DISTANCE OF 660.62 FEET TO THE POINT OF BEGINNING. THENCE PROCEED SOUTH 88°53'43" WEST A DISTANCE OF 664.85 FEET; THENCE PROCEED SOUTH 86°48'13" WEST A DISTANCE OF 527.24 FEET TO THE EASTERLY RIGHT OF WAY LINE OF TAYLOR ROAD; THENCE PROCEED SOUTH 28°06'17" WEST ALONG SAID RIGHT OF WAY A DISTANCE OF 450.58 FEET; THENCE PROCEED NORTH 88°35'02" EAST A DISTANCE OF 977.22 FEET; THENCE PROCEED SOUTH 00°25'35" EAST A DISTANCE OF 379.55 FEET TO THE POINT OF BEGINNING.



**Case No.:** 07-1000002

**Applicant:**

Mark A. Watts, on behalf of Robert L. Williams (owner) and Jill M. Williams (owner and successor trustee)

**Location:** East of Taylor Road, bordering north side of Spruce Creek

Parcel 1 = 6330-00-00-0160  
Parcel 2 = 6330-00-00-0170

Parcel 3 = 6330-00-00-0180  
Parcel 4 = 6225-03-00-0070

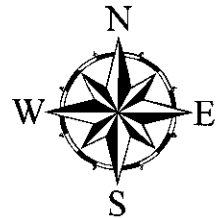


Exhibit "A"

LOCATION MAP

**CITY OF PORT ORANGE**

DEPARTMENT OF COMMUNITY DEVELOPMENT





**STAFF REPORT**  
**CASE NO. 07-1000002**  
**ANNEXATION/CRACKER CREEK CANOEING**  
Robert L. and Jill M. Williams, owners  
1789, 1793, 1795, and 1815 TAYLOR ROAD  
October 24, 2007

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## **INTRODUCTION**

The applicants/owners, Robert L. and Jill M. Williams, request approval of their petition to annex four (4) separate parcels, totaling approximately 56.02 acres into the City of Port Orange. If approved, the owners intend to amend the future land use and zoning of the property to a City future land use and zoning, with the goal of creating an environmentally sensitive recreation facility that would operate in cooperation with Gamble Place. The property is located east and south of Taylor Road, along the north bank of Spruce Creek (Exhibit "A").

## **BACKGROUND**

Staff first met with the applicants on July 25, 2005 regarding the subject annexation. Also discussed at this meeting were Future Land Use (FLU), zoning, utilities, transportation, architecture, and phasing of the proposed development. An annexation petition was received in August 2005; however, the applicant requested that the annexation and the FLU amendment be put on hold until the rezoning was further along in the process. Since then Staff has continued to meet with the applicants to discuss the process and the proposed plans for the property. The applicant reapplied for the FLU amendment to be on the Spring 2007 Comprehensive Plan Amendment cycle and submitted the current annexation petition on October 11, 2007.

## **LAND USES, ZONING AND EXISTING USES**

The subject property currently contains approximately four vacant single-family residences and accessory structures, some of which are vacant. The rest of the property is heavily wooded and undeveloped. The current Volusia County FLU designations on the property are *Environmental Systems Corridor* and *Urban Low Intensity*. The current County zoning classifications are "RC" (*Resource Corridor*) and "A-2" (*Rural Agriculture*).

The surrounding area is primarily low-intensity parkland, undeveloped woodlands and is low-density residential in character. The surrounding future land uses and zoning are identified in Table 1.

**Table1: Surrounding Land Uses & Zoning**

	<b>Existing Land Use</b>	<b>Future Land Use</b>	<b>Zoning</b>
<b>North:</b>	Low-intensity parkland (Gamble Place); woodlands	<i>Conservation; VC Environmental Systems Corridor</i>	VC "RC" (Resource Corridor); VC "A-2" (Rural Agriculture)
<b>East:</b>	Undeveloped woodlands, wetlands	<i>Conservation; VC Environmental Systems Corridor</i>	VC "A-2" (Rural Agriculture)
<b>South:</b>	Undeveloped woodlands, wetlands; single-family residential (Spruce Creek Fly-In)	<i>VC Environmental Systems Corridor; VC Urban Low Intensity</i>	VC "A-2" (Rural Agriculture); VC "RPUD" (Residential – Spruce Creek Fly-In)
<b>West:</b>	Undeveloped woodlands, wetlands; scattered single-family residential	<i>Conservation; VC Urban Low Intensity</i>	VC "A-2" (Rural Agriculture)

**STATE REQUIRED LOCATIONAL CRITERIA**

Florida State Law requires unincorporated parcels to 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) 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**

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 City has recently transmitted a FLU amendment to change the designation of the subject property from the above-mentioned Volusia County FLU categories to City of Port Orange *Public/Quasi-Public, Conservation, and Rural Residential/Agriculture*. This FLU amendment is scheduled to be adopted concurrent with the annexation on November 13<sup>th</sup> and December 11<sup>th</sup>. The "PUD" (Planned Unit Development) rezoning application, which includes a Master Development Agreement (MDA) and a Concept Development Plan (CDP), is also currently being reviewed by Staff.

The owners' future plans are primarily low-intensity natural recreation, such as small-scale group picnicking, canoeing and camping, with programming conducted in coordination with operations at Gamble Place. Other incidental uses contemplated in the future include a small collection of "Old Florida Pioneer Village" structures (non-residential), a lodge building to complement the outdoor camping program, and various access features such as boat docks and elevated boardwalk paths. The owners are also planning to incorporate a small "pancake house" restaurant on Parcel 4, similar to the pancake house in Pierson. The restaurant would be near the Taylor Road frontage so as to minimize impacts on the property's interior. In addition to camping, overnight



stays may be accommodated in a bed-and-breakfast operation. The only permanent residential presence on the property would be the construction of five single-family homes on Parcel 1, to be occupied by the owners and their family.

### **IMPACT TO CITY SERVICES**

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 property into the City of Port Orange will have a minimal impact on City services, as explained below.

#### Potable Water, Sanitary Sewer, Reclaimed Water and Solid Waste

Potable water is currently available to most if not all of the parcels. The property owners recently had a 2" water meter installed off of the entrance road to the Gamble Property. A 12" waterline currently exists on Taylor Road and an 8" waterline exists on the Gamble properties entrance roadway. Sanitary Sewer is currently not available to the property, but could be extended by the owners from the existing 8" force main at the intersection of Forest Preserve Boulevard and Taylor Road. Reclaimed water is currently not available to the subject property, nor is it anticipated to be available to this area in the future.

The proposed five residential units are anticipated to consume approximately 900 gallons of water per day (180 gallons per ERU<sup>1</sup>) and are expected to generate approximately 1,000 gallons per day (200 gallons per ERU) of waste water.

The level-of-service (LOS) standard for non-residential development is measured using a standard 1/10-gallon per square foot of building per day, for both water and sewer. Although building size is an imperfect indicator for the Williams property at this time, it is possible to obtain estimates based on the information provided on the CDP with the rezoning application. The CDP shows approximately 59,725 square feet of non-residential development, including a restaurant, retail store, a bed-and-breakfast, conference center, bathroom and shower facilities, and pavilion areas, which would consume approximately 5,973 gallons of water per day and generate approximately 5,973 gallons per day of waste water.

The City's current Consumptive Use Permit (CUP) allows for an average daily flow of 7.1 million gallons per day (MGD) for the 2007 calendar year. Currently, there are 37,850 Equivalent Living Units (ELUs) permitted, which equates to an average daily flow of 6.81 MGD. An additional 5,973 gallons per day will not exceed the groundwater withdrawal capacity permitted by the CUP. Furthermore, the Garnsey Water Treatment Plant has a permitted capacity of 15.0 MGD. Therefore, even with the additional 5,973 gallons per day, the water treatment plant has more than sufficient capacity to meet adopted LOS standards.

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<sup>1</sup> There is a pending Comprehensive Plan Amendment that once adopted will change the residential level-of-service standard for potable water to 180 GDP.

As for solid waste (garbage), the developer currently uses and plans to continue to use a private contractor for waste disposal.

### Stormwater Management

The City's adopted level-of-service standard for stormwater drainage requires that all new retention/detention facilities be able to treat and convey the runoff from the 25-year, 24-hour storm event without causing flooding or pollution of receiving water bodies. In addition, there must be no net loss of stormwater retention function as a result of development; therefore, the property must have the same ability to store and discharge water after development as it does before development occurs. The applicants will be required to address stormwater retention on the property in accordance with those standards. Therefore, no impact to the City's drainage system is anticipated by the annexation.

### Transportation

A transportation impact analysis has been conducted for the purposes of the FLU – not concurrency. It is important to note that when the applicant submits the site development plans for staff review the development will be subject to a concurrency review, which will include an evaluation of the impacts to the transportation network, as well as an assessment of the development's proportionate fair-share mitigation requirements.

The trip generation has been calculated under the theoretical maximum intensities for the FLU amendment. According to those calculations, the current land use categories could generate a total of 151 a.m. and 125 p.m. peak-hour trips. Under the proposed land use categories, a total of 218 a.m. and 223 p.m. peak-hour trips could be generated. This creates a difference of 51 a.m. and 20 p.m. peak-hour trips, which could be distributed on the network. The trip difference from the proposed change in land use would be less than 5% of the adopted service volume of the roadway (119 peak-hour trips) based on the theoretical maximum intensities. However, it is anticipated that the actual development plans will generate fewer trips and these trips will likely be on the weekend trips rather than weekday peak-hour trips. Again, the actual development plans will be subject to transportation concurrency review.

During the State review of the FLU amendment, the Florida Department of Transportation requested a text amendment limiting the trip generation potential of the site in order to ensure that there is no adverse impact to State roadway facilities. Therefore, in effort to ensure that the number of trips does not exceed the available capacity on the Volusia County thoroughfare network and State roadway facilities, the City has committed to limit the number of trips allowed to be generated by development on the subject property to the number of trips allowed under the current land use designation. The trip limitation would therefore be 1,815 Average Daily Trips. The City will be adding policies to the Future Land Use Element and the Transportation Element to reflect this trip cap.

### Police and Fire

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

Department also has not indicated to Staff that there would be any difficulties in serving this area.

### Recreation

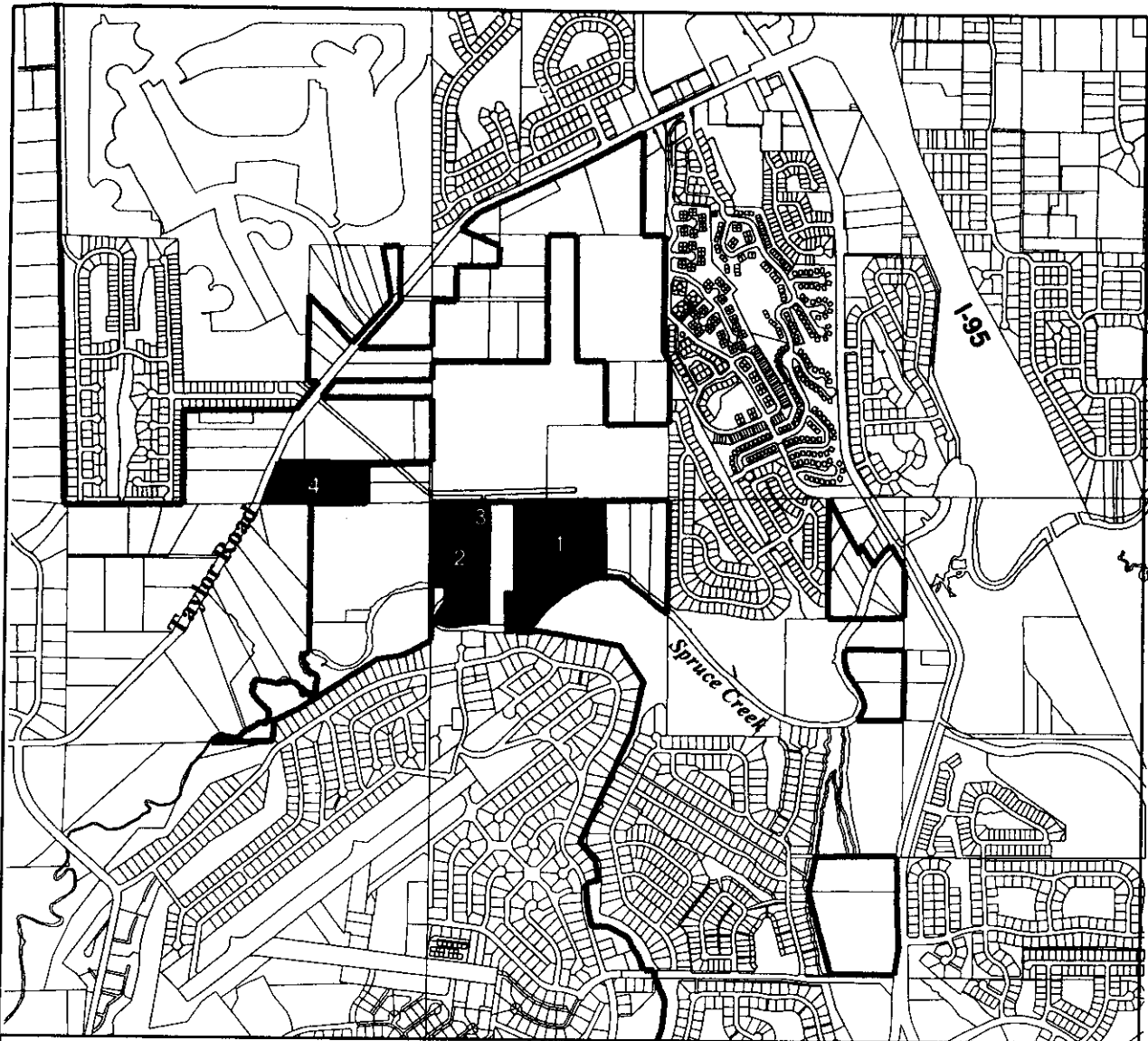
The proposed development of an environmentally sensitive recreation facility that would operate in cooperation with Gamble Place will increase the City's private-sector recreational and open space supply. This increase will decrease per-capita demand on City-owned recreation facilities, by providing an additional recreational opportunity.

### **ANALYSIS OF REVENUE**

The Finance Department indicates that the total additional City revenue anticipated from the immediate impact of the annexation is \$13,328, which includes ad-valorem taxes, drainage fees, solid waste fees, electric franchise fees, water utility service tax, and telecommunications tax. Ad-valorem taxes alone are anticipated to generate \$9,459.

### **RECOMMENDATION**

Based on the findings of this report, Staff recommends **approval** of the request to annex approximately 56.02 acres of property, located east and south of Taylor Road, along the north bank of Spruce Creek, into the City of Port Orange.



**Case No.:** 07-10000002

**Applicant:**

Mark A. Watts, on behalf of Robert L. Williams (owner) and Jill M. Williams (owner and successor trustee)

**Location:** East of Taylor Road, bordering north side of Spruce Creek

Parcel 1 = 6330-00-00-0160  
Parcel 2 = 6330-00-00-0170

Parcel 3 = 6330-00-00-0180  
Parcel 4 = 6225-03-00-0070

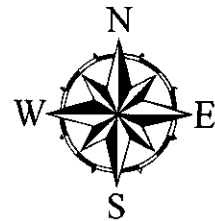


Exhibit "A"

LOCATION MAP

**CITY OF PORT ORANGE**

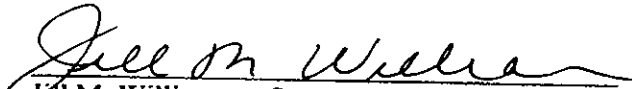
DEPARTMENT OF COMMUNITY DEVELOPMENT



**ADDENDUM TO ANNEXATION PETITION  
CRACKER CREEK PUD  
PROJECT ID NUMBER: 0740000002**

Parcel Number: 6330-00-00-0180  
Property Address: 1793 Taylor Road, Port Orange, FL  
Owner's Name: Jill M. Williams as Successor Trustee  
Under Instrument Dated November 23, 1998  
Recorded at OR Book 6126, Page 4515  
Public Records of Volusia County, Florida

By:



Jill M. Williams as Successor Trustee  
Under Instrument Dated November 23, 1998  
Recorded at OR Book 6126, Page 4515  
Public Records of Volusia County, Florida