



CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE 04/03/2007

SUBJECT: ORDINANCE REZONING AND APPROVING A MASTER DEVELOPMENT AGREEMENT & CONCEPTUAL DEVELOPMENT PLAN/THE ALTAMIRA SHOPPING VILLAGE PLANNED COMMERCIAL DEVELOPMENT (PCD)
Located on the north and south sides of Taylor Road, west of Clyde Morris Blvd
CASE NO. 04-6500002

DEPARTMENT: COMMUNITY DEVELOPMENT

RECOMMENDED MOTION:

To adopt Ordinance No. 2007-19 rezoning and approving the Master Development Agreement, Conceptual Development Plan, Site Development Agreement and Indemnity Agreement dated March 5, 2007 for the Altamira Shopping Village PCD, as recommended by the Planning Commission per the January 11, 2007 Planning Commission meeting.

SUMMARY:

Planning Commission Action: January 11, 2007

Recommended approval, 7-0, to rezone approximately 28.9 acres located on the north and south sides of Taylor Road, west of Clyde Morris Boulevard from "ICD" (Interchange Commercial District), "A" (Agricultural), and "F-C" (Floodplain Conservation) to "PCD" (Planned Commercial Development). The Planning Commission's recommendation also includes approval of the Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for the Altamira Shopping Village PCD, subject to the following:

1. Resolution of all outstanding technical comments;
2. Deleting all language referring to the Special Assessment District and early vesting, as recommended by the City Attorney;
3. Revising the MDA, Conceptual Development Plan and exhibits in accordance with the Commission's policy issue decisions;
4. Language being added to the MDA that the site plan for Lot 6 will be a major site plan;
5. Completion of all such revisions prior to scheduling the PCD for City Council review; and
6. Review by the City Attorney as to legal form and content.

Please see the Staff update memo and January 4, 2007 Staff report. The MDA and CDP have been revised to address a majority of the comments; however, there are still comments that have not been addressed as required by the Planning Commission's recommendation of approval for this item. The applicant, Chris Challis of Cobb and Cole, acknowledged this in his March 5, 2007 re-submittal letter and stated that he would like to discuss the unresolved comments with the City Council. If approved, the developer proposes to submit a final plat and plan and a final site plan application in order to: subdivide and develop the property with a maximum commercial and office area of 167,166 square feet, relocate a free flowing drainage way, extend Yorktowne Boulevard from Dunlawton Avenue to Taylor Road, and construct associated stormwater improvements and infrastructure improvements.

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

DEPARTMENT HEAD *Wayne Clark* Wayne Clark Director of Community Development Date *3-26-07*

FINANCE DEPARTMENT Approved as to Budget Requirements Date

CITY ATTORNEY *Matt J. Klett* Approved as to Form and Legality Date *3-23-07*

CITY MANAGER *Kell* Approved Agenda Item For: *4/3/07*

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

10/23/07 *12/4/07*

ORDINANCE NO. 2007-19

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY 26.9 ACRES LOCATED ON THE NORTH AND SOUTH SIDES OF TAYLOR ROAD, WEST OF CLYDE MORRIS BOULEVARD, FROM ICD (INTERCHANGE COMMERCIAL DISTRICT), A (AGRICULTURAL) AND F-C (FLOODPLAIN CONSERVATION) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF OFFICIAL ZONING ATLAS; APPROVING THE ALTAMIRA SHOPPING VILLAGE MASTER DEVELOPMENT AGREEMENT FOR PLANNED COMMERCIAL DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the property to be rezoned consists of approximately 26.9 acres located on the north and south sides of Taylor Road, west of Clyde Morris Boulevard, and is zoned ICD (Interchange Commercial District), A (Agricultural) and F-C (Floodplain Conservation); and

WHEREAS, the owner of the property has petitioned the Planning Commission to rezone said property from ICD (Interchange Commercial District), A (Agricultural) and F-C (Floodplain Conservation) to PCD (Planned Commercial Development); and

WHEREAS, a public hearing was held following public notice as prescribed by ordinance; and

WHEREAS, the Planning Commission has by a majority vote recommended approval of the proposed rezoning, Master Development Agreement (MDA), subject to resolution of outstanding staff comments; and

WHEREAS, the City Council has approved by a majority vote of the members present the rezoning of the described property; and

WHEREAS, the rezoning to PCD (Planned Commercial Development) is consistent with the City of Port Orange Comprehensive Land Use Plan.

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

Section 1. The City Council of the City of Port Orange does hereby rezone the following described property from ICD (Interchange Commercial District), A (Agricultural) and F-C (Floodplain Conservation) to PCD (Planned Commercial Development).

Section 2. The property rezoned consists of approximately 26.9 acres located on the north and south sides of Taylor Road, west of Clyde Morris Boulevard, more particularly described on Exhibit "A" attached hereto.

Section 3. The City Council of the City of Port Orange does hereby approve, authorize and direct the revision of the City's Official Zoning Atlas to show the classification for the area as hereby rezoned as shown on Exhibit "1" attached hereto.

Section 4. The City Council of the City of Port Orange does hereby approve The Altamira Shopping Village Master Development Agreement for Planned Commercial Development, attached hereto as Exhibit "B".

Section 5. This ordinance shall become effective as provided by general law.

MAYOR ALLEN GREEN

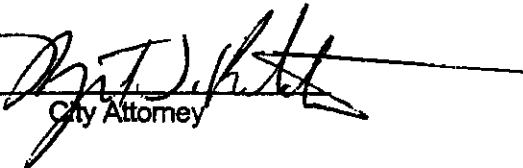
ATTEST:

Kenneth W. Parker, City Manager

Passed on first reading on the day of

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

Reviewed and Approved:


City Attorney

C:\Legal\ORD\rez mda altamira shopping village.wpd

EXHIBIT "A"

(Property Description)

SURVEYORS DESCRIPTION

LOTS 1, 2, 3, AND A PORTION OF LOT 4, CRAIG'S FARMS PLAT NUMBER 2, AS RECORDED IN MAP BOOK 11, PAGE 90 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH THE FOLLOWING DESCRIBED PROPERTY CONVEYED TO SHELL OIL COMPANY, BY DEED RECORDED IN OFFICIAL RECORD BOOK 1008, PAGE 23; A PORTION OF LOTS 1, 2, AND 3, CRAIG FARMS, PLAT NO. 2, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE EASTERLY RIGHT OF WAY LINE OF HERBERT STREET (A 200 FOOT RIGHT-OF-WAY) AS SHOWN ON SHEET 8 OF FLORIDA STATE ROAD DEPARTMENT MAP OF PROJECT NO. 1-95-4 (3) 241, ALSO SHOWN AS STATE JOB NO. 79002-2407, SAID POINT BEING THE P.T. OF A CURVE AND DESIGNATED AS STATION - 5 PLUS 21.22 ON SAID SHEET; THENCE SOUTHWESTERLY AROUND SAID CURVE, HAVING A RADIUS OF 1245.92 FEET AND AN ARC LENGTH OF 163.85 FEET TO A ANGLE POINT IN SAID RIGHT-OF-WAY; THENCE S 29°40'50" E A DISTANCE OF 200 FEET; THENCE N 18°26'20" E A DISTANCE OF 342.01 FEET; THENCE N 74°53'20" W A DISTANCE OF 150 FEET TO A POINT IN THE EASTERLY RIGHT-OF-WAY LINE OF SAID HERBERT STREET; THENCE S 15°06'40" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF HERBERT STREET A DISTANCE OF 36.15 FEET TO THE POINT OF BEGINNING AND LAND LYING EAST OF THE EAST LINE OF SAID CRAIG'S FARM PLAT NUMBER 2, AND THE WEST LINE OF SWEETWATER ESTATES AS RECORDED IN MAP BOOK 27, PAGE 213 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

EXCEPT:

A PORTION OF LOT ONE (1), CRAIG FARMS, PLAT #2, AS RECORDED IN MAP BOOK 11, PAGE 90, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND A PORTION OF HERBERT STREET AS ABANDONED, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT AN INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF HERBERT STREET (A 200 FOOT RIGHT-OF-WAY) AS SHOWN ON SHEET 8 OF FLORIDA STATE ROAD DEPARTMENT MAP OF PROJECT #1-95-4 (3) 241, ALSO SHOWN AS STATE JOB #79002-2407, AND THEN NORTHERLY RIGHT-OF-WAY LINE OF TAYLOR ROAD, AS SHOWN ON SAID MAP; THENCE SOUTH 89°48'50" EAST ALONG THE NORTHERLY LINE OF SAID TAYLOR ROAD 228.08 FEET TO A POINT IN THE WESTERLY RIGHT-OF-WAY LINE OF A 60 FOOT WIDE ACCESS ROAD AS SHOWN ON AFORESAID MAP; THENCE NORTH 29°48'50" WEST ALONG THE WESTERLY LINE OF SAID ACCESS ROAD A DISTANCE OF 224.48 FEET TO A POINT IN THE RIGHT-OF-WAY LINE OF SAID HERBERT STREET, BEING ALONG THE ARC OF A CURVE, HAVING A RADIUS OF 1116.47 FEET AND A CENTRAL ANGLE 23°07'32" AND ARC DISTANCE OF 225.85 FEET TO THE POINT OF BEGINNING.
THE ABOVE DESCRIBED PARCEL CONTAINS 20.57 ACRES MORE OR LESS.

EXHIBIT "A" (continued)

SURVEYORS DESCRIPTION

LOT 2 AND PARCEL A OF SWEETWATER OAKS COMMERCIAL SUBDIVISION ACCORDING TO THE MAP OR PLAT, THEREOF, AS RECORDED IN PLAT BOOK 50, PAGE(S) 118, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

888 Taylor Rd.

PARCEL A:

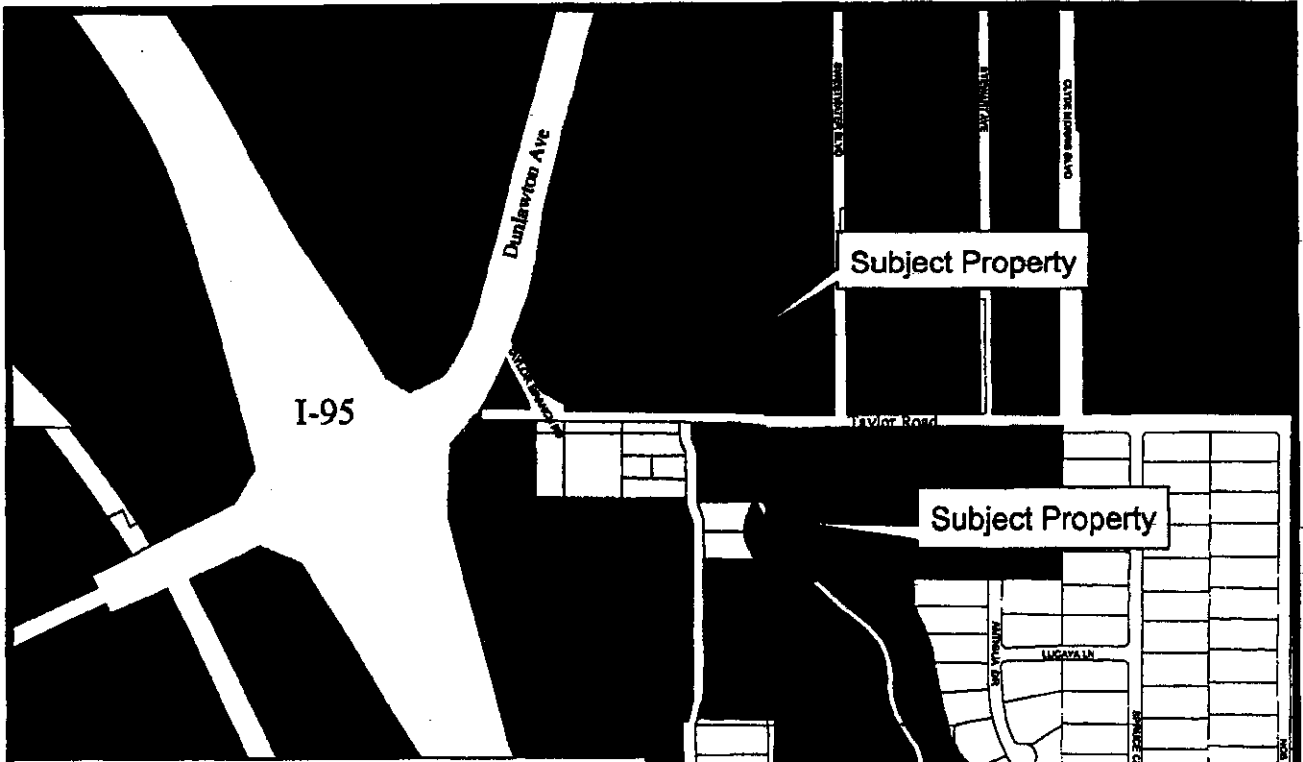
A PORTION OF LOT 1-A, PLAT #2, CRAIG FARMS, AS RECORDED IN MAP BOOK 11, PAGE 90, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. ALSO A PORTION OF THE EASTERLY 334.22 FEET OF THE NORTHERLY 110 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 20, TOWNSHIP 10 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, EXCEPTING THEREFROM THE PORTION TAKEN FOR THE WIDENING OF TAYLOR ROAD. ABOVE PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF REFERENCE BEING THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 16 SOUTH, RANGE 33 EAST, THENCE ALONG THE NORTH LINE OF SAID SECTION 20, N88°11'30"E, 1339.22 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 20. POINT ALSO BEING LONG ESTABLISHED AND OCCUPIED AS THE SOUTHEAST CORNER OF LOT 1-A, CRAIG FARMS, PLAT #2, AFORESAID AND TO THE POINT OF BEGINNING.

THENCE S01°11'30"W, 110 FEET; THENCE S88°11'30"W, 122.50 FEET TO THE CENTERLINE OF A 29' FOOT WIDE CREEK (KNOWN AS SWEET WATER BRANCH); THENCE N03°51'16"E ALONG SAID CENTERLINE TO THE OCCUPIED R/W OF TAYLOR ROAD; THENCE N89°00'19"E, 108.12 FEET ALONG SAID OCCUPIED R/W TO THE EAST LINE OF LOT 1-A, CRAIG FARMS, AFORESAID; THENCE S01°45'12"E, 30 FEET TO THE POINT OF BEGINNING.

PARCEL B:

THE WESTERLY 165 FEET OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 20, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA. TOGETHER WITH ALL OF THAT PORTION OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 16 SOUTH, RANGE 33 EAST, AS LIES SOUTHERLY OF TAYLOR ROAD AND CONTAINED WITHIN THE EXTENSIONS NORTH OF THE EAST AND WEST LINES OF THE ABOVE DESCRIBED PROPERTY.



- Zoning Classification**
- GPU Government/Public Use
 - F-C Flood Plain-Conservation
 - A Agriculture
 - RR Rural Residential
 - R-20SF Single Family Residential
 - R-10SF Single Family Residential
 - R-8SF Single Family Residential
 - PUD Planned Unit Development
 - PCD Planned Commercial Development
 - PO Professional Office
 - ICD Interchange Commercial District



Location: North and South side of Taylor Road,
east of Dunlawton Avenue

Case No.: 04-20000003



EXHIBIT 1

CITY OF PORT ORANGE
DEPARTMENT OF COMMUNITY DEVELOPMENT

