

CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE 12/04/07

SUBJECT:	ANNEXATION / MIKE AMENDOLAGINE NE corner of S Williamson Blvd. and Willow Run Blvd. Dale Bartholomew / Applicant CASE NO. 07-10000003						
DEPARTME	NT: C	OMMUNITY D	EVELOP	MENT			a de la companya de
	dinance l					res of land	d located at the
convenience of several ap	store wit	th fuel pumps	and a 4,80 cluding a	00 SF offic future land	e/retail bui use amen	lding. This	op a 3,000 SF s will be the first zoning, and site ion.
ATTACHME	_	⊠Ordinance		Resolution		Budget Re	
DEPARTME	NT HEAI)	Wayne C	Clark hity Develor	leuf Joment Dire		er Date 11-20.07
FINANCE D		ENT NA	1	d as to Bud d as to For	•		Date Date //, 20, 0
CITY MANA	GER /	yy .	Approve	d Agenda I	tem For:	13	2/4/07
COUNCIL A	CTION:	Approved	as Recon	nmended	[] Disap	proved	
[] Tabled Ind	definitely	[] Continued		Certain	4		Modification

ORDINANCE NO. 2007-59

(Amendolagine)

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ANNEXING PROPERTY LOCATED AT THE NORTHEAST CORNER OF S. WILLIAMSON BOULEVARD AND WILLOW RUN BOULEVARD TOGETHER WITH THE ADJOINING WILLIAMSON BOULEVARD RIGHT-OF-WAY EXTENDING FROM THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 16 SOUTH, RANGE 32, EAST TO THE INTERSECTION OF MCGINNIS BOULEVARD: CONTIGUOUS TO THE CITY OF PORT ORANGE; REDEFINING BOUNDARIES OF THE CITY OF PORT ORANGE; ASSIGNING ANNEXED PROPERTY TO CITY COUNCIL DISTRICT 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 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.

<u>Section 8.</u> 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.

MAYO	OR 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:

C:\Lega\ORD\annex 4.36 acres s. williamson and willow run blvd.wpd

EXHIBIT A (Page 1 of 2)

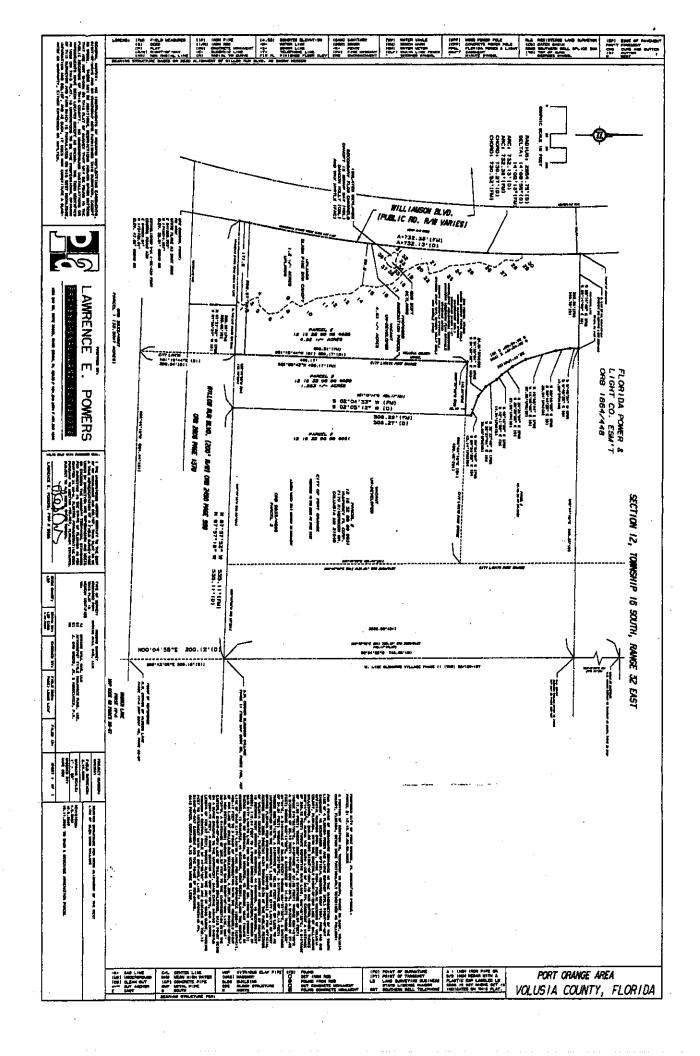
PROPOSED CITY OF PORT ORANGE, FL ANNEXATION PARCEL: PARCEL #: 12.16.32.00.00.0025 A PORTION OF SECTION 12, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF A FLORIDA POWER AND LIGHT COMPANY (FPL) RIGHT-OF-WAY EASEMENT, AS DESCRIBED IN OFFICIAL RECORDS BOOK 1664, PAGE 448 AND OFFICIAL RECORDS BOOK 2296, PAGE 1094, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, WITH THE EASTERLY RIGHT-OF-WAY LINE OF WILLIAMSON BOULEVARD, A 200.00 FOOT RIGHT-OF-WAY. AS NOW ESTABLISHED; THENCE S89'14'06"E, ALONG THE SOUTH LINE OF SAID FPL EASEMENT A DISTANCE OF 203.72 FEET; THENCE DEPARTING SAID LINE, SOO 46'32"E, A DISTANCE OF 17.68 FEET; THENCE S09°14'25"E, A DISTANCE OF 30.94 FEET; THENCE S15°53'05"E, A DISTANCE OF 67.85 FEET: THENCE \$28.43.09"E A DISTANCE OF 32.47 FEET; THENCE \$36'20'26"E, A DISTANCE OF 27.66 FEET; THENCE S42*11'50"E, A DISTANCE OF 14.94 FEET; THENCE S32* 27'01"E, A DISTANCE OF 28.09 FEET; THENCE S51"37'22"E, A DISTANCE OF 24.61 FEET; THENCE S68'53'25"E, A DISTANCE OF 45.14 FEET; THENCE S02°05'12"W, A DISTANCE OF 12.10 FEET MORE OR LESS TO AN INTERSECTION WITH THE NORTHERLY LINE OF THE CITY LIMITS OF PORT ORANGE FLORIDA PER ORDINANCE NO. 1986-52 (CORACI) AS PER OFFICIAL RECORDS BOOK 2926 PAGE(S) 0134 THROUGH 0138 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE NORTH 87 DEGREES 57 MINUTES 18 SECONDS WEST (NORTH 88 DEGREES, 44 MINUTES, 16 SECONDS, WEST DEED), 112.84 FEET TO A POINT MARKING A NORTHWESTERLY CORNER OF SAID CITY LIMITS LINE PER SAID ORDINANCE NO. 1986-52 (CORACI); THENCE SOUTH 02 DEGREES, 02 MINUTES, 42 SECONDS, WEST (SOUTH 01 DEGREES, 15 MINUTES, 44 SECONDS, WEST DEED), ALONG THE WESTERLY LINE OF SAID CITY LIMITS LINE PER SAID ORDINANCE 1986-52 (CORACI), 496.17 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF WILLOW RUN BOULEVARD, A 200.00 FOOT RIGHT-OF-WAY, AS NOW ESTABLISHED; THENCE ALONG SAID RIGHT-OF-WAY LINE, N87° 55'27"W, A DISTANCE OF 286.57 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF WILLAMSON BOULEVARD, SAID POINT BEING ON A CURVE CONCAVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 2964.79 FEET, A CHORD BEARING OF NO5'38'28"E, AND A CHORD LENGTH OF 730.27 FEET; THENCE ALONG THE ARC OF SAID CURVE. PASSING THROUGH A CENTRAL ANGLE OF 14°08'56" AN ARC DISTANCE OF 732.13 FEET TO INTERSECT WITH THE SOUTHERLY LINE OF AFORESAID FPL RIGHT-OF-WAY EASEMENT AND THE POINT OF BEGINNING. SAID PARCEL CONTAINS 4.23 ACRES MORE OR LESS.

And together with adjoining right-of-way described on Page 2 of 2, as follows:

EXHIBIT A (Page 2 of 2)

Together with the adjoining 200 foot wide right-of-way known as Williamson Boulevard, beginning at the intersection of Williamson Boulevard with the south line of the NE1/4 of Section 12, Township 16 South, Range 32 East, Volusia County, Florida and extending in a southerly direction along the right of way to its intersection with McGinnis Avenue.





STAFF REPORT CASE NO. 07-10000003 ANNEXATION/MIKE AMENDOLAGINE

Dale Bartholomew, Applicant
NE corner of S. Williamson Blvd. and Willow Run Blvd.
October 15, 2007

INTRODUCTION

The Dale Bartholomew, applicant for the owner, requests approval of a petition to annex approximately 4.23 acres into the City of Port Orange. If approved, the owners intend to amend the future land use to *Commercial* and zoning to "CC" (Community Commercial) to allow a 3,000 SF gas station/convenience store and 4,800 SF office/retail building. The property is located at the northeast corner of S. Williamson Blvd. and Willow Run Blvd. (Exhibit "A")

BACKGROUND

This property is located within the Interlocal Planning Agreement area between the City and Volusia County. The agreement lays out which properties will eventually be annexed into the City and what their future land uses may be designated with regard to the City's need for residential, commercial, and recreational properties. The Interlocal Planning Agreement was adopted by the City under Resolution 91-22, and the future land use was designated *Urban High Density Residential* by the City's *Comprehensive Plan — Update '89* (Exhibit "D"). The Interlocal Planning Agreement area was later revised to reflect the construction of S. Williamson Blvd and subsequent reconfigurations of the surrounding properties in the *City's Comprehensive Plan — Update '98* (Exhibit "E"). Also identified in *Update — '98* is a Neighborhood Commercial Node located at S. Williamson Blvd. and Willow Run Blvd in which this property could be included.

LAND USES, ZONING AND EXISTING USES

The subject property and the surrounding properties are currently vacant and wooded. Approximately 3.04 acres of the subject property are wetlands. As stated above, the property currently has the City's future land use designation of *Urban High Density Residential 8-16 units per acre*. It is zoned Volusia County "A-2" (Rural Agriculture). To the immediate north is the FPL easement corridor. The property on the east and south sides belong to the Nautica Lakes PUD. Nautica Lakes has a commercial node proposed, which will be located on the southeast corner of S. Williamson Blvd. and Willow Run Blvd. The property on the west side of S. Williamson Blvd. is unincorporated, but has the City future land uses of *Commercial* and *Office/Residential Transition*. (Exhibits "B" & "C")

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 Statues, this report certifies that the area to be annexed is, or will be at the time of final reading

Case No. 07-10000003 Page 2

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.

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 requesting any comments or concerns they may have with the annexation. Based upon feedback from the various City Departments, 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

Both potable and reclaimed water are available at this site. Gravity sewer service is not readily available and a pump station would need to be constructed. Nautica Lakes is proposing to extend a gravity sewer service connection to this property's southeast corner as outlined in their concept plan and final site plan. At this time, however, the construction date for this connection is not determinable.

Water and sewer flow capacity reservation at the City's treatment plant is currently first come, first served. In order for the developer to reserve flow commitments, he will need to obtain a development order, secure required DEP permits, and pay all applicable water and sewer impact fees.

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 not yet been conducted. 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. For now, because the property is vacant, its annexation into the City will not increase traffic. At the appropriate time, its impact to the City and County roads will be assessed. A certificate of capacity will be needed from Volusia County before the City will issue a site plan development order.

Case No. 07-10000003 Page 3

Police and Fire

The Police Department and the Fire and Rescue Department have reviewed the annexation proposal and do not anticipate any difficulties in serving this area.

Recreation

Under the current zoning and future land use, development of the property would result in an increase to the population; therefore there could be an increase in the demand for recreation facilities. However, if the anticipated future land use and rezoning are approved, there will be no residential units on this property, thus reducing the demand for recreational facilities.

ANALYSIS OF REVENUE

rne Finance Department indicates that the total additional City revenue anticipated from the immediate impact of the annexation is \$710, 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 \$611.

RECOMMENDATION

Based on the findings of this report, Staff recommends **approval** of the request to annex approximately 4.36 acres, located at the northeast corner of S. Williamson Blvd. and Willow Run Blvd., into the City of Port Orange.

3455 0453 VOLUSIA CO..FL

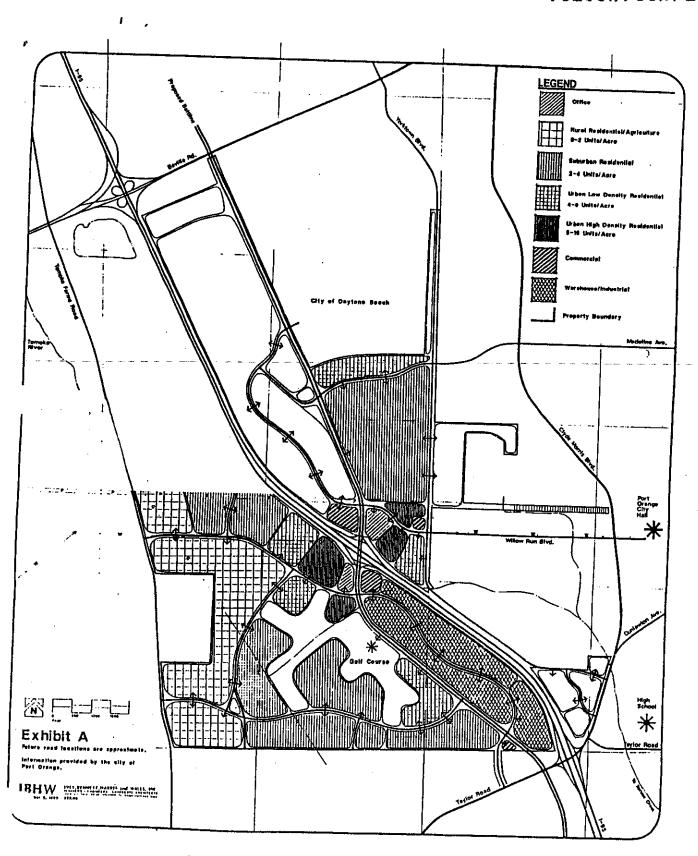
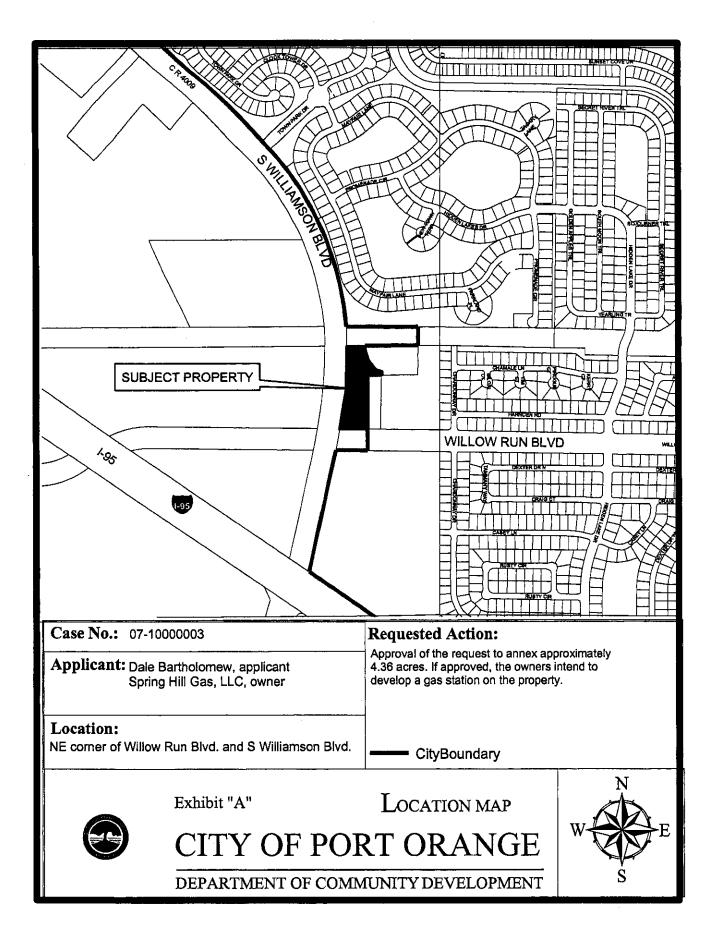
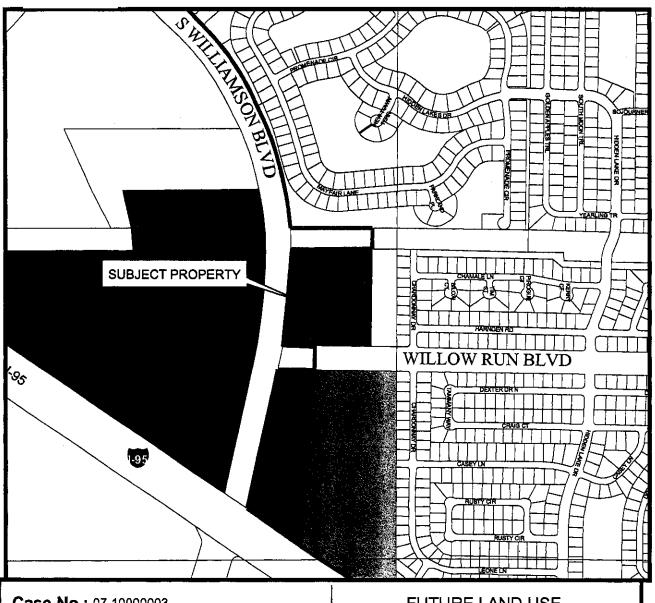




Exhibit A - Revised Volúsia County, Florida

Areas no longer part of the IPA due to annexation into the City of Port Orange Legend: -Urban High Density Residents 8-16 duyac · Urban Low Density Resident 4-8 du/ac Suburban Residentia 24 du/ac Planned Community 1





Case No.: 07-10000003

Applicant: Dale Bartholomew, applicant

Spring Hill Gas, LLC, owner

Location: NE corner of S Williamson Blvd.

and Willow Run Blvd.

FUTURE LAND USE

Planned Community

Suburban Residential 2-4 Units/Acre

Urban Low Density Residential 4-8 Units/Acre

Urban High Density Residential 8-16 Units/Acre

Office/Residential Transition

Commercial

CityBoundary

EXHIBIT "B"

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT



