



CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE 05/27/08

**SUBJECT: SMALL SCALE FUTURE LAND USE AMENDMENT/
DALE BARTHOLOMEW
CASE NO. 07-20000011**

DEPARTMENT: COMMUNITY DEVELOPMENT

RECOMMENDED MOTION:

To adopt Ordinance No. 2008-¹⁶ amending the Future Land Use Map of the City of Port Orange *Comprehensive Plan-Update '98* for property located at the northeast corner of S. Williamson Blvd. and Willow Run Blvd., as recommended by the Planning Commission.

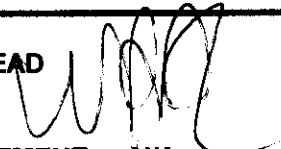


PLANNING COMMISSION ACTION:

At its April 24th, 2008 meeting, the Planning Commission recommended approval (6-0, Commissioner Barker, excused), of an amendment to the Future Land Use Map of the City of Port Orange *Comprehensive Plan-Update '98*. The purpose of the proposed amendment is to change the future land use designation of approximately 4.23 acres from *Urban High Density Residential 8-16 units per acre* to *Commercial*.

If the proposed future land use change is approved, the developer intends rezone the property from Volusia County "A-2" and City of Port Orange "A" (Agriculture) to City of Port Orange "CC" (Community Commercial) in order to build a convenience store with fuel operations and a multi-tenant building. There will be a trip cap on the property of 73 p.m. peak hour trips written into the ordinance. The staff report is attached for your review.

Please note that 2nd reading of the ordinance will be scheduled after certification of the amendment from VGMC is received.

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

DEPARTMENT HEAD		Wayne Clark Community Development Director	Date 5/16/08
FINANCE DEPARTMENT	N/A	Approved as to Budget Requirements	Date
CITY ATTORNEY		Approved as to Form and Legality	Date 5.15.08
CITY MANAGER		Approved Agenda Item For:	5/27/08

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

ORDINANCE NO. 2008-

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE DESIGNATION FROM URBAN HIGH DENSITY RESIDENTIAL TO COMMERCIAL FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF S. WILLIAMSON BOULEVARD AND WILLOW RUN BOULEVARD; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND 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 City Council desires to limit the intensity and density of the future land use by establishing a maximum trip count generation for the subject property; 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

(ORD. NO. 2008-)

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, 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, 2007-30, 2007-48, 2007-55, 2007-57, 2007-60, 2007-61, 2008-8, 2008-9 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 Urban High Density to Commercial, subject to the City's right to limit trips generated from the subject property to 73 p.m. peak trips daily, so as not to create a significant impact on the Volusia County thoroughfare network and State roadway facilities.

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.

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:

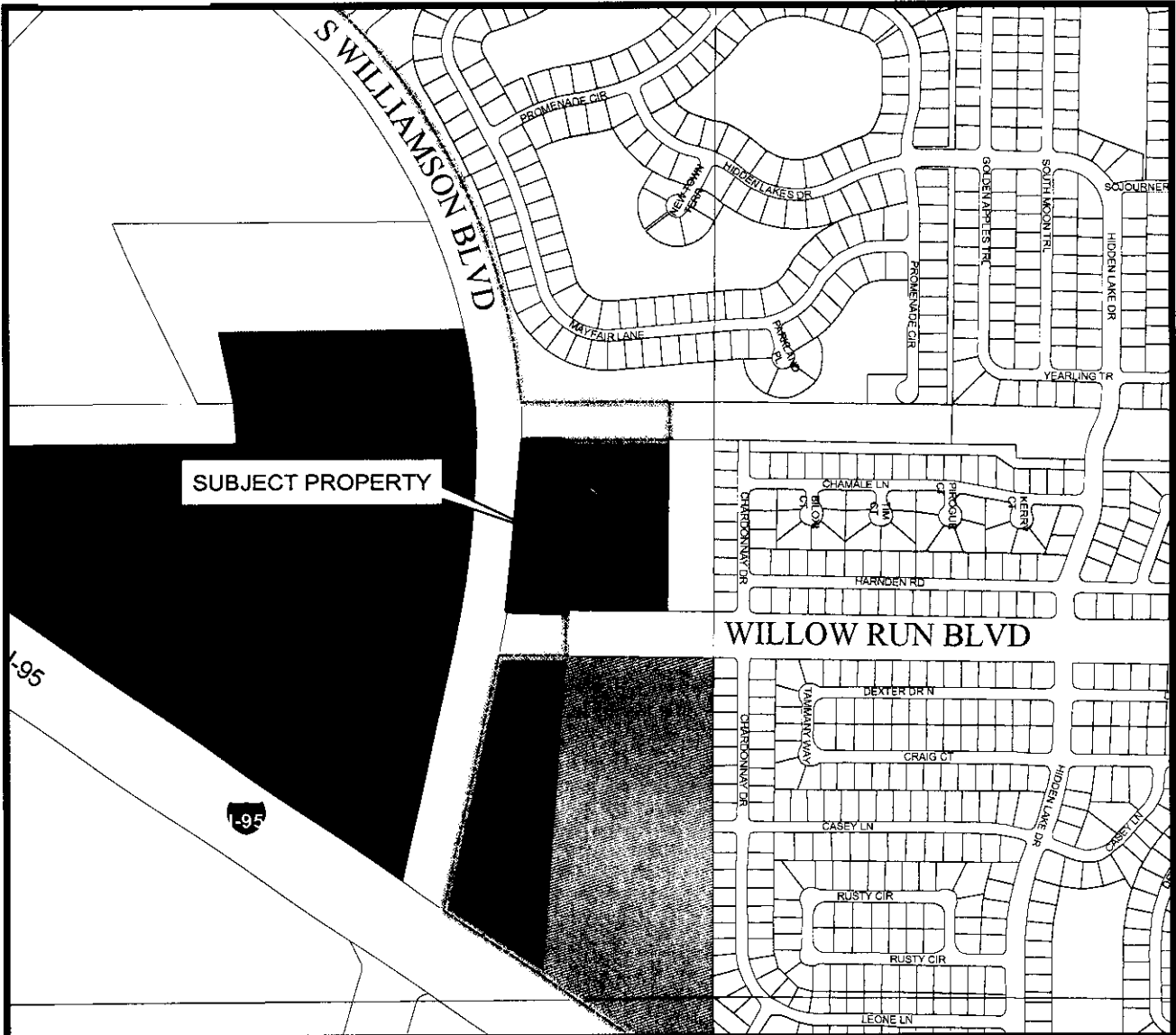

City Attorney

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EXHIBIT "A"

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, S00°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 S28°43'09"E A DISTANCE OF 32.47 FEET; THENCE S36°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 N05°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.



Case No.: 07-2000011

Applicant: Dale Bartholomew, applicant
Spring Hill Gas, LLC, owner

Location: NE corner of S Williamson Blvd.
and Willow Run Blvd.

FUTURE LAND USE






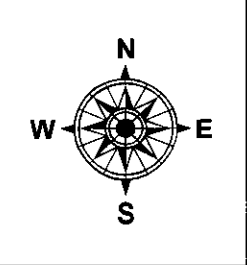
- Planned Community
- Suburban Residential 2-4 Units/Acre
-  Urban Low Density Residential 4-8 Units/Acre
-  Urban High Density Residential 8-16 Units/Acre
-  Office/Residential Transition
-  Commercial
-  City Boundary

EXHIBIT "B"

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT





STAFF REPORT

CASE NO. 07-20000011

SMALL SCALE FUTURE LAND USE AMENDMENT

4.36 acres located at the Northeast corner of Willow Run Blvd. and S. Williamson Blvd.

Spring Hill Gas LLC, owner/Dale Bartholomew, applicant

March 19, 2008

INTRODUCTION:

Dale Bartholomew, applicant, representing the property owner, Spring Hill Gas, LLC, requests approval of a small-scale amendment to the City's Future Land Use Map of the *Comprehensive Plan- Update '98*. If approved, the amendment will change the designation of 4.23 acres of land located at the northeast corner of S. Williamson Blvd. and Willow Run Blvd. from *Urban High Density Residential 8-16 units per acre to Commercial* (Exhibit "A"). If approved, the contract purchaser intends to rezone the property from Volusia County "A-2" (Rural Agriculture) to "CC" (Community Commercial) and develop the property with a 3,000 SF gas station/convenience store and 4,800SF office/retail building. Please see the attached location map (Exhibit "A").

BACKGROUND:

Staff met with the project engineer in September 2007 about developing the subject property. The engineer was informed that an annexation, future land use amendment, and rezoning would be required first. City Council approved the annexation on January 8, 2008. Staff has been researching and reviewing the rezoning and future land use amendment proposals since that time. The rezoning request (Case No. 07-60000005) is being processed simultaneously with the future land use amendment application.

The subject property is currently vacant and wooded and primarily consists of wetlands on the eastern two-thirds of the lot, and uplands with a small area of wetlands on the western third. The existing and proposed future land use designations for the property and adjacent area are depicted graphically on Exhibit "B." Please note that even though the property has been recently annexed, it already has a City future land use designation through an interlocal planning agreement with Volusia County.

DISCUSSION:

As defined by the City's Comprehensive Plan, the *Commercial* designation is intended to provide for the retail sale of items and services to the general public. The subject property is within a neighborhood commercial node identified in the Comprehensive Plan at the intersection of Willow Run Blvd. and Yorktowne Blvd. A neighborhood commercial node is defined as an area under 25,000 square feet of floor area designed for low-intensity use, and intended for short convenience-oriented shopping trips. The neighborhood commercial node is intended to serve an area of approximately 2,000 to 5,000 people. The node to which this property would belong also includes the proposed commercial phase of Nautica Lakes PUD on the south side of Willow Run Boulevard. The *Commercial* future land use designation, along with the proposed "CC" (Community Commercial) zoning, would support a number of permitted uses to serve a

neighborhood-level node including, but not limited to, gas stations and general offices and retail sales.

IMPACTS OF THE PROPOSED AMENDMENT:

The maximum building coverage for the *Commercial* designation is 35 percent. In accordance with the 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. This is shown below in the Impact Analysis Table.

IMPACT ANALYSIS:

DEVELOPMENT VARIABLE	CURRENT LAND USE (THEORETICAL MAX.) - RESIDENTIAL -	PROPOSED LAND USE (THEORETICAL MAX.) - COMMERCIAL -	PROPOSED LAND USE (DEVELOPMENT PROPOSAL) WITH TRIP CAP
Density/Intensity ¹	69 multi-family units	66,473 s.f. shopping center	10 fuel pumps, 3,000 s.f. convenience store and 4,800 s.f. specialty retail
P.M. Peak Hour Trips ²	56	249	73
Daily Trips ³	565	2,854	810
Sanitary Sewer (gallons/day) ⁴	13,800	6,647	780
Potable Water (gallons/day) ⁵	17,595	6,647	780
Stormwater Drainage ⁶	n/a	n/a	n/a
Recreation/Open Space ⁷	0.66	0	0

Notes:

1. Residential: max. 16 units/acre. Commercial: 35% maximum building coverage.
2. Rates for P.M. peak hour of adjacent street traffic.
 - Residential (apartments) = 0.55(x)+17.65
 - Commercial (shopping center) = 3.75/1,000 s.f.
 - Proposed commercial (service station and specialty retail) = (13.38/fuel pump - 56% pass-by) + (2.40/1000 s.f. + 21.48) – 11% internal capture.
3. Daily trip generation: Residential = 6.01(x)+150.35; Shopping Center = 42.94/1,000 s.f.; Proposed commercial = (162.78/fuel pump - 56% pass-by) + (42.78/1,000 s.f. +37.66) – 8% internal capture.
4. Sanitary Sewer: 1/10 gallon per s.f. per day of commercial development, 200 gallons per day per residential unit.
5. Potable Water: 1/10 gallon per s.f. per day of commercial development, 255 gallons per day per residential unit.
6. Stormwater Drainage: LOS standard = 25 year, 24 hour event. Drainage system will be designed to meet the requirements contained in the Land Development Code.
7. Recreation & Open Space: 1-acre/250 persons (0.004 acres/person)

Sources:

ITE Trip Generation Manual, 7th Edition
2007 Port Orange Concurrency Management Report

Transportation

Development of this node has the potential to positively change the travel patterns of the area by creating a local destination for goods and services needed on a daily routine basis. It will reduce the distance people currently drive for these goods and services. For example, the closest gas stations are located 1-2 miles away. The local travel patterns will shift as the number of vehicles and trip lengths on Williamson Boulevard are reduced.

A land-use level traffic study was prepared for the purposes of this amendment to determine the initial impacts of the change from residential to commercial. If developed under the current residential theoretical maximum, this property would generate 565 daily trips. If the property were to be developed under a commercial theoretical maximum, it would have the potential to generate 2,854 daily trips. However, 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 and applicant have agreed to limit the number of trips generated by the property to the number anticipated by the proposed development. The trip cap would be placed in the ordinance adopting the future land use amendment, and would limit the p.m. peak hour trip generation potential to 73 trips.

Please note that the extent of the impacts on the City's road network will not be truly known until the traffic concurrency review is conducted with the final site plan for this site. At that time, the 73 p.m. peak-hour trip capacity will be applied. Similar to other developments, the developer will be required to enter into a Fair-Share and Concurrency Agreement with the City, and possibly Volusia County, to pay for the share of the scheduled improvements to the road segments and intersections impacted by the development of this site.

Sanitary Sewer

For sanitary sewer, the City's adopted LOS standard is 200 gallons per day per Equivalent Residential Unit (ERU) and 1/10 gallon per square foot per day of commercial, industrial, or institutional development. Using these standards, the proposed land use would theoretically create a demand of 6,647 gallons per day. The City currently has sufficient sewer capacity to accommodate the proposed amendment and future development of the property.

Potable Water

For potable water, the City's adopted LOS standard is 255 gallons per day per ERU and 1/10 gallon per square foot per day of commercial, industrial, or institutional development. Using these standards, the proposed land use would theoretically create a demand of 6,647 gallons of water per day. Even though the City may have the technical capability to pump 15 MGD from its wells, prohibitions within the City's 20-year Consumptive Use Permit (CUP) issued by the St. Johns River Water Management District (SJRWMD) significantly limits the amount of water that is permitted to be withdrawn. The City's CUP allows for an average daily withdrawal of 7.24 MGD in 2008. Actual average daily flow during the 2007 Calendar year was 6.1 MGD. When SJRWMD reviews future land use amendments they consider the current year CUP allocation, consumption in the previous calendar year, reserved capacity, and projected water capacity available for all other future land uses. Based upon this measure, the City still has available CUP capacity but is close to exceeding the maximum permitted water withdrawal allowed by the CUP.

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

Because the proposed land use amendment will not increase the population of the area, there will not be an increased demand for recreational facilities as a result of this amendment.

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.

Policy 1.1.3: The City's tax base will be maintained and improved by encouraging the appropriate use of properties based on their locational characteristics in accordance with the goals, objectives, and policies of this Comprehensive Plan.

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.

Objective 1.5: Base land use designations on the accessibility to necessary infrastructure and public services.

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.

Objective 1.8: The City shall continue to evaluate the impacts of significant development activities in a comprehensive manner. The City shall require these impacts to be mitigated through design and performance standards.

Policy 1.8.2: Require compatibility between commercial areas and adjacent lower intensity uses through the use of landscape and open space buffering.

Objective 2.2: Commercial development will be promoted in sufficient and convenient locations to serve both resident and tourist populations.

Policy 2.2.1: Commercial uses will be located at major roadway intersections or commercial nodes, as defined in the Future Land Use Element.

Objective 2.4: Commercial and industrial development will be designed to enhance access and circulation, and result in a positive and attractive built environment.

Policy 2.4.2: Adequate parking and safe and convenient traffic flow shall be required on all sites, based on Code requirement and best design practices.

Transportation Element

Policy 1.4.1: Prior to the approval of an application for a final subdivision plan or final site plan, the City will review the proposed application to ensure that roadways necessary to support the development are available concurrent with the impacts of such development. The City may grant *de minimus* traffic volume exceptions up to a cumulative 3% of the adopted peak hour LOS standard.

STAFF FINDINGS:

1. The land use proposals are 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, Objective, and Policies of the City of Port Orange *Comprehensive Plan – Update '98*.

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 future land use designation is consistent with the property to the south and will be part of the designated Willow Run/Yorktwone Blvd. commercial node. Commercial and residential land uses are compatible if developed per LDC requirements; including buffering, architectural design, height, and setback restrictions. Therefore, the land use amendment will not create any land use incompatibilities.

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

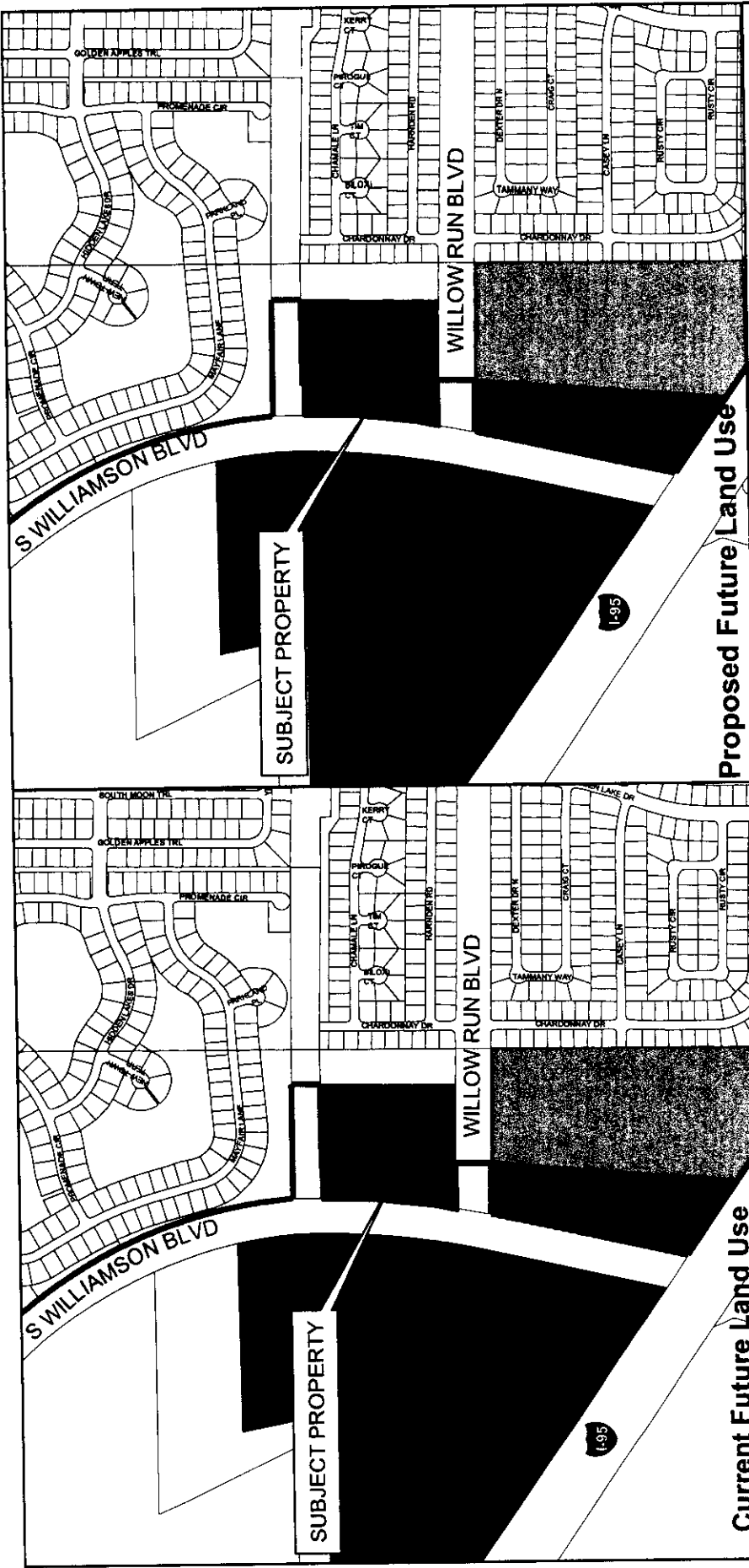
Staff finding: The proposed land use amendment will not result in any negative impacts to the City's infrastructure and services with the imposition of the trip cap.

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 with 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. Therefore, the proposed amendment will not increase the clearance time for evacuation of the



SUBJECT PROPERTY

SUBJECT PROPERTY

Proposed Future Land Use

Current Future Land Use

- Planned Community
- Residential 2-4 Units/Acre
- Residential 4-8 Units/Acre
- Residential 8-16 Units/Acre
- Office/Residential Transition
- Commercial
- City Boundary

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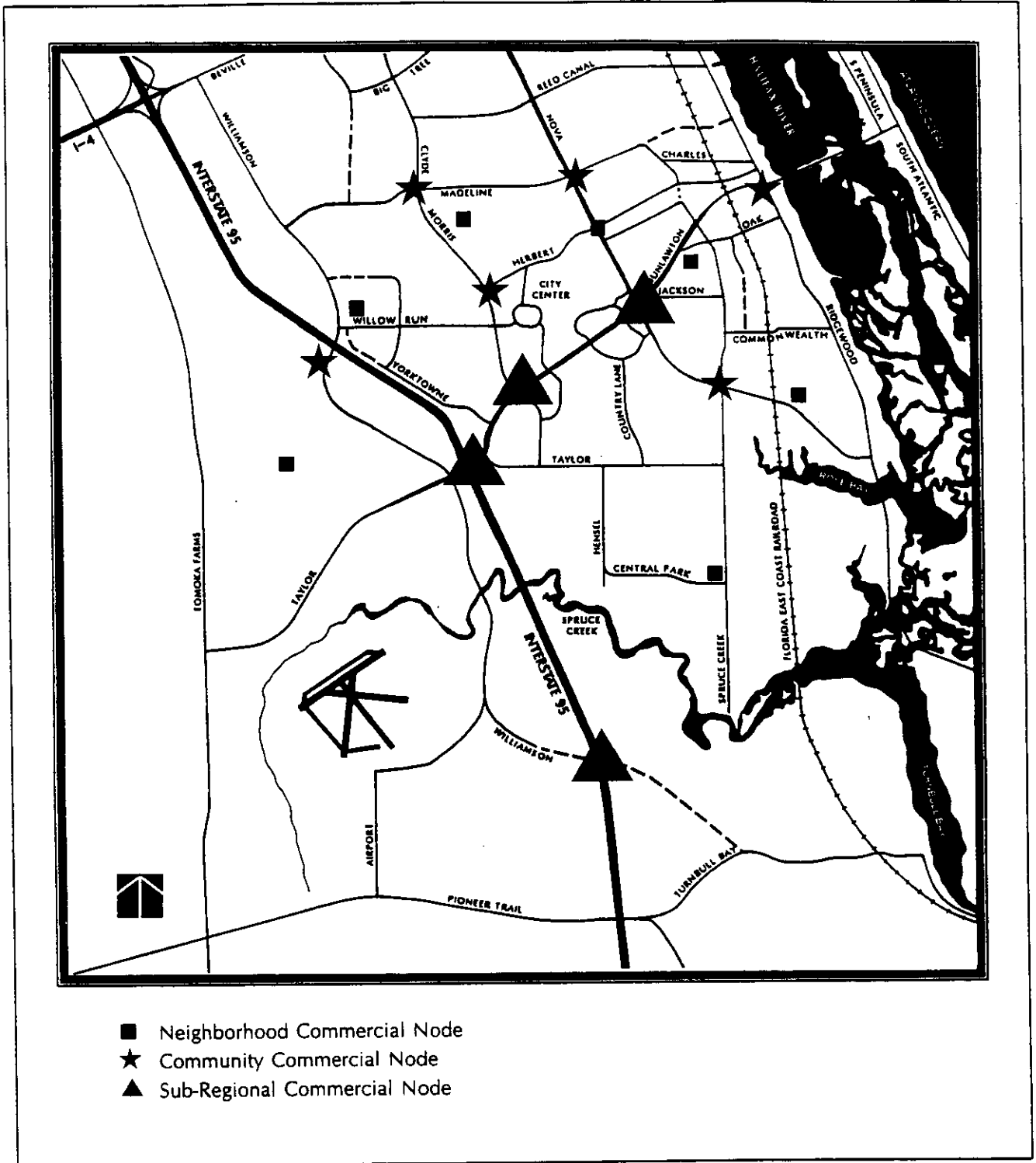


EXHIBIT "B"
CASE NO. 07-20000011

FUTURE LAND USE



DEPARTMENT OF COMMUNITY DEVELOPMENT



**City of Port Orange
Comprehensive Plan Update '98**

Future Land Use Element
Location of Commercial Nodes
Figure 14