



CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE 05/27/08

SUBJECT: REZONING/DALE BARTHOLOMEW
NE corner of S. Williamson Blvd. and Willow Run Blvd.
CASE NO. 07-60000005

DEPARTMENT: COMMUNITY DEVELOPMENT

RECOMMENDED MOTION:

To adopt Ordinance No. 2008-11, rezoning approximately 5.51 acres located at the northeast corner of S. Williamson Blvd. and Willow Run Blvd. from Volusia County "A-2" (Rural Agriculture) and City of Port Orange "A" (Agriculture) to City of Port Orange "CC" (Community Commercial), as recommended by the Planning Commission.




SUMMARY:

Planning Commission Action: April 24, 2008

Recommended approval, 6-0 (Commissioner Barker, excused) to rezone approximately 5.51 acres located at the northeast corner of S. Williamson Blvd. and Willow Run Blvd. from Volusia County "A-2" and City of Port Orange "A" to City of Port Orange "CC". If the rezoning request is approved, the developer intends to build a 3,000 SF convenience store with fuel operations and a 4,800 SF office/retail building. The Staff Report is attached for your review.

Please note that 2nd reading of the ordinance will be scheduled after certification of the land use 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:	<input type="checkbox"/> Tabled Indefinitely	<input type="checkbox"/> Approved as Recommended	<input type="checkbox"/> Disapproved
	<input type="checkbox"/> Continued to Date Certain	<input type="checkbox"/> Approved with Modification	

ORDINANCE NO. 2008-

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY 5.51 ACRES LOCATED AT THE NORTHEAST CORNER OF SOUTH WILLIAMSON BOULEVARD AND WILLOW RUN BOULEVARD FROM VOLUSIA COUNTY A-2 (RURAL AGRICULTURE) TO CITY OF PORT ORANGE CC (COMMUNITY COMMERCIAL); ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the property to be rezoned consists of approximately 5.51 acres located at the northeast corner of South Williamson Boulevard and Willow Run Boulevard and is zoned Volusia County A-2 (Rural Agriculture); and

WHEREAS, the owner of the property has petitioned the Planning Commission to rezone said property from Volusia County A-2 (Rural Agriculture) to City of Port Orange CC (Community Commercial); 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; 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 City of Port Orange CC (Community Commercial) 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 Volusia County A-2 (Rural Agriculture) to City of Port Orange CC (Community Commercial).

Section 2. The property rezoned consists of approximately 5.51 acres located at the northeast corner of S. Williamson Blvd. and Willow Run Blvd. 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 "B" attached hereto.

Section 4. 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 4.36 acres s. williamson and willow run blvd.wpd

EXHIBIT "A"

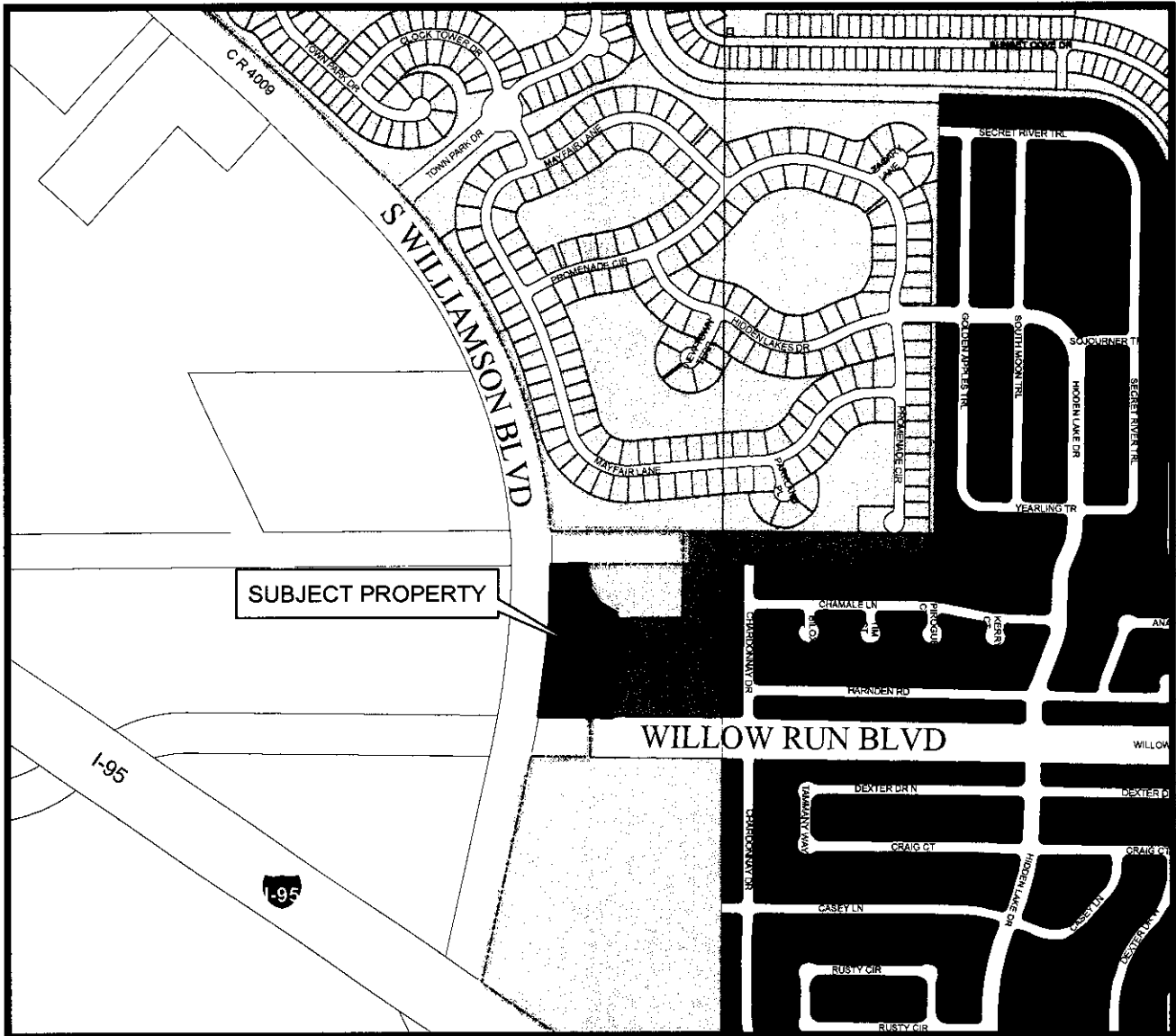
LEGAL DESCRIPTION SUPPLIED: ATTORNEYS' TITLE INSURANCE FUND
COMMITMENT NO: CF-1514275 DATED NOV. 6, 2008 FILE # 08-2008-3683

A PORTION OF SECTION 12, TOWNSHIP 18 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 1864, PAGE 448 AND OFFICIAL RECORDS BOOK 2286, 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 17.88 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 S38°20'26"E, A DISTANCE OF 27.66 FEET; THENCE S42°11'50"E, A DISTANCE OF 14.84 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 508.27 FEET TO THE NORTH 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 399.05 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF WILLIAMSON 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.

EXCEPTING THEREFROM ANY PORTION OF THE INSURED LANDS LYING WITHIN THE BOUNDARIES OF THE FOLLOWING DESCRIBED PROPERTY CONVEYED BY WARRANTY DEED RECORDED IN O.R. BOOK 5633, PAGE 4805, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF HIDDEN LAKE PHASE IV-A, AS RECORDED IN MAP BOOK 40, PAGE 86 AND 87, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE N0°04'55"E A DISTANCE OF 200.12 FEET TO THE SOUTHWEST CORNER OF GLENWOOD VILLAGE PHASE II, (TWO) AS RECORDED IN MAP BOOK 39, PAGES 166 AND 167, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND FOR A POINT OF BEGINNING; THENCE N87°57'18"W ALONG THE NORTH RIGHT-OF-WAY LINE OF AFORESAID WILLOW RUN BOULEVARD A DISTANCE OF 535.11 FEET; THENCE N02°04'33"E A DISTANCE OF 508.28 FEET; THENCE N68°54'04"W A DISTANCE OF 45.14 FEET; THENCE N51°38'01"W A DISTANCE OF 24.61 FEET; THENCE N32°27'40"W A DISTANCE OF 28.09 FEET; THENCE N42°12'28"W A DISTANCE OF 14.94 FEET; THENCE N36°21'04"W A DISTANCE OF 27.66 FEET; THENCE N28°43'47"W A DISTANCE OF 32.47 FEET; THENCE N15°53'44"W A DISTANCE OF 67.85 FEET; THENCE N09°15'03"W A DISTANCE OF 30.94 FEET; THENCE N0°45'54"E A DISTANCE OF 17.88 FEET TO THE SOUTH LINE OF A FLORIDA POWER & LIGHT COMPANY RIGHT-OF-WAY EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 1864, PAGE 448, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE S89°14'45"E A DISTANCE OF 659.33 FEET TO THE NORTHWEST CORNER OF SAID GLENWOOD VILLAGE PHASE II; THENCE S0°04'55"W ALONG THE WEST LINE OF SAID GLENWOOD VILLAGE PHASE II A DISTANCE OF 748.88 FEET TO THE POINT OF BEGINNING.



Case No.: 07-60000005

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

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







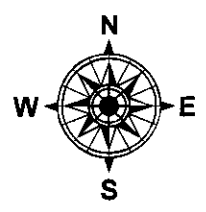
- Zoning**
-  A Agriculture
 -  R-8SF Single Family Residential
 -  PC-A Planned Community-Agricultural
 -  PUD Planned Unit Development
 -  CC Community Commercial
 -  Volusia County A-2

EXHIBIT "B"

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT





STAFF REPORT - REVISED

CASE NO. 07-6000005

REZONING / Volusia County "A-2" and City of Port Orange "A" to Port Orange "CC"

Spring Hill Gas, LLC, owner / Dale Bartholomew, applicant
NE corner of S. Williamson Blvd. and Willow Run Blvd.

March 19, 2008

INTRODUCTION:

Dale Bartholomew, applicant, representing Spring Hill Gas, LLC, owner, requests to rezone approximately 5.51 acres from Volusia County "A-2" (Rural Agriculture) and City of Port Orange "A" (Agriculture) to City of Port Orange "CC" (Community Commercial). The subject property is located at the northeast corner of S. Williamson Blvd. and Willow Run Blvd. (Exhibit "A"). If the rezoning is approved, the owners intend to develop the property with a 3,000 SF gas station/convenience store and a 4,800 SF office/retail building.

BACKGROUND:

Staff met with the project engineer in September 2007 about developing the subject property with a gas station and multi-tenant building. The engineer was informed that first an annexation, future land use amendment, and rezoning would be required for the proposed development. City Council first heard the annexation in December 2007 and approved it on second reading January 8, 2008. This rezoning case is being presented concurrently with the future land use amendment (Case No. 07-2000011). Second reading of the future land use amendment and rezoning by the City Council will occur after VGMC review of the future land use amendment is complete.

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 surrounding future land use designations and zoning for the proposed amendment are depicted graphically on Exhibits "A" and "B".

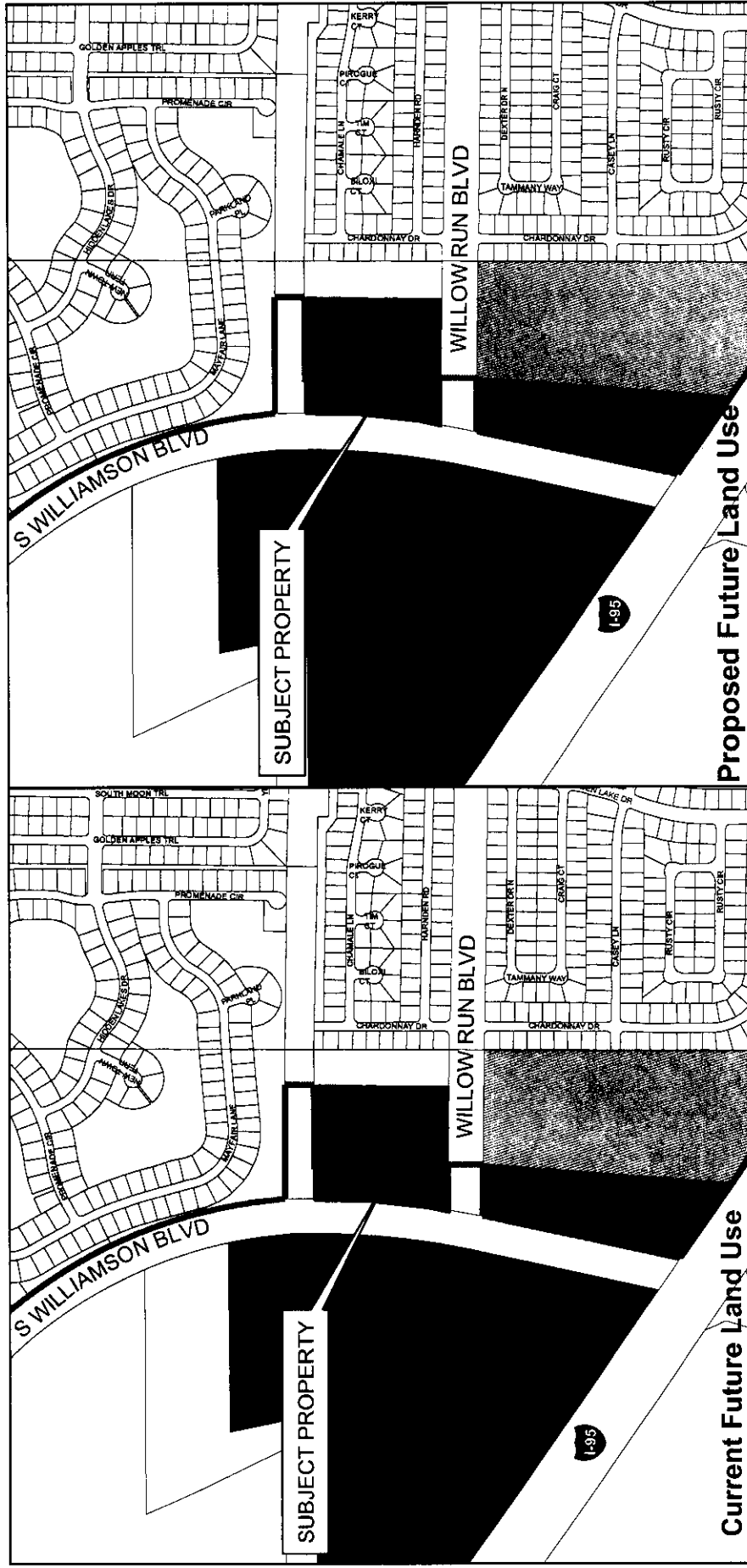
DISCUSSION:

The rezoning request was reviewed according to the criteria established in Chapter 3, Section 5 of the LDC, in terms of consistency with the Future Land Use Map and consistency with the surrounding land uses and zoning.

Compatibility with Surrounding Uses and Zoning:

According to Chapter 17, Section 21 of the LDC, the purpose and intent of the "CC" zoning district is to provide for community-scale businesses that customarily require freestanding buildings on individual sites. Gas stations, convenience stores, office, and retail sales are all permitted uses within the "CC" zoning district.

Currently the surrounding land is vacant on all four sides of the subject property. The parcel to the north is the Florida Power and Light utility easement. On the east is a future phase of the Nautica Lakes PUD, which will be a multi-family development. On the south lies a future commercial phase of Nautical Lakes. The property directly across Williamson on the west side is not yet annexed into the city but is already designated *Commercial* on the future land use map through an interlocal planning agreement with



SUBJECT PROPERTY

SUBJECT PROPERTY

Proposed Future Land Use

Current Future Land Use

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

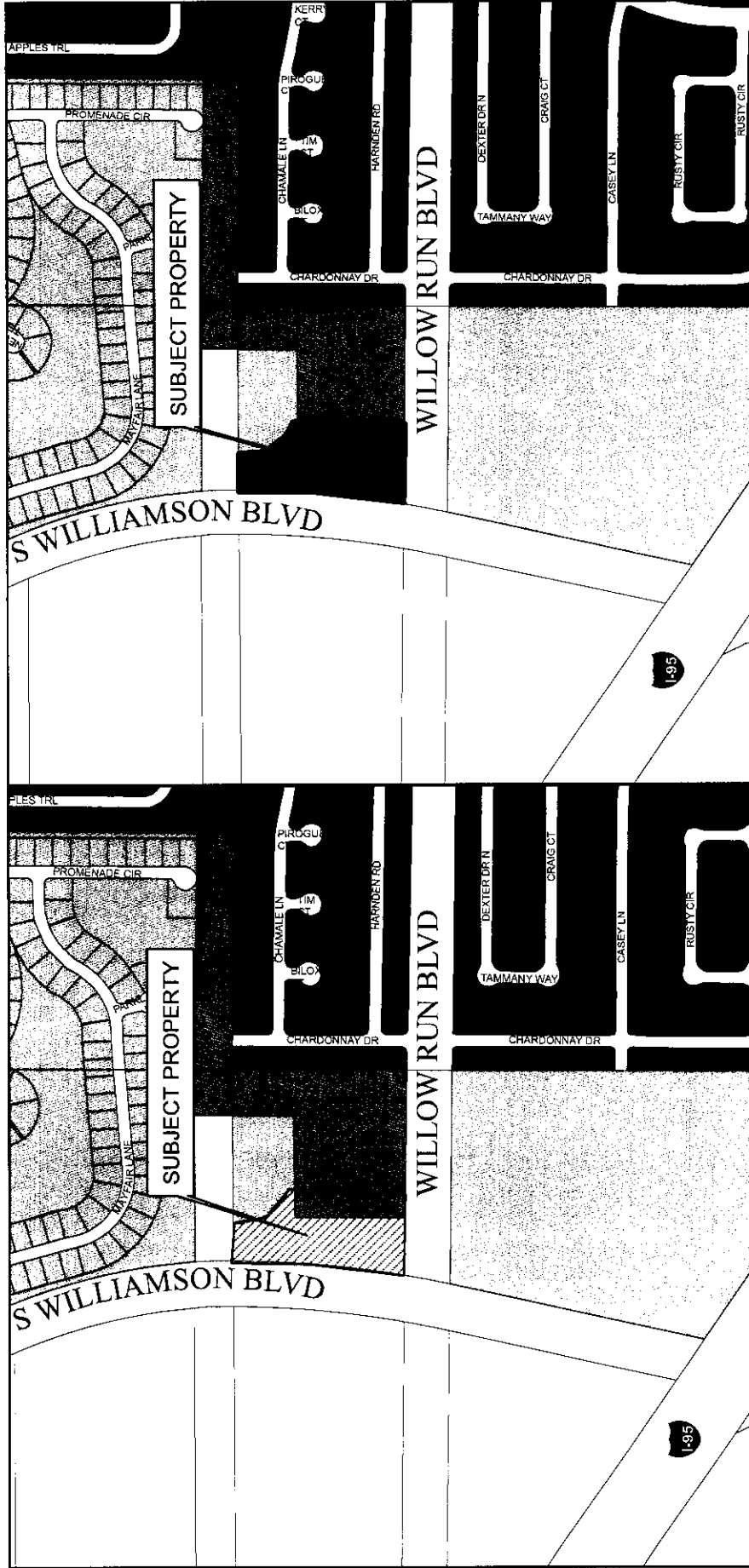
- Planned Community
- Residential 8-16 Units/Acre
- Residential 2-4 Units/Acre
- Office/Residential Transition
- Residential 4-8 Units/Acre
- Commercial
- City Boundary



EXHIBIT "A"
CASE NO. 07-20000011

FUTURE LAND USE

DEPARTMENT OF COMMUNITY DEVELOPMENT



Current Zoning

- A Agriculture
- R-8SF Single Family Residential
- PC-A Planned Community-Agricultural
- PUD Planned Unit Development
- CC Community Commercial
- Volusia County A-2

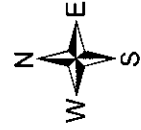
Proposed Zoning

- A Agriculture
- R-8SF Single Family Residential
- PC-A Planned Community-Agricultural
- PUD Planned Unit Development
- CC Community Commercial
- Volusia County A-2



CURRENT AND PROPOSED ZONING

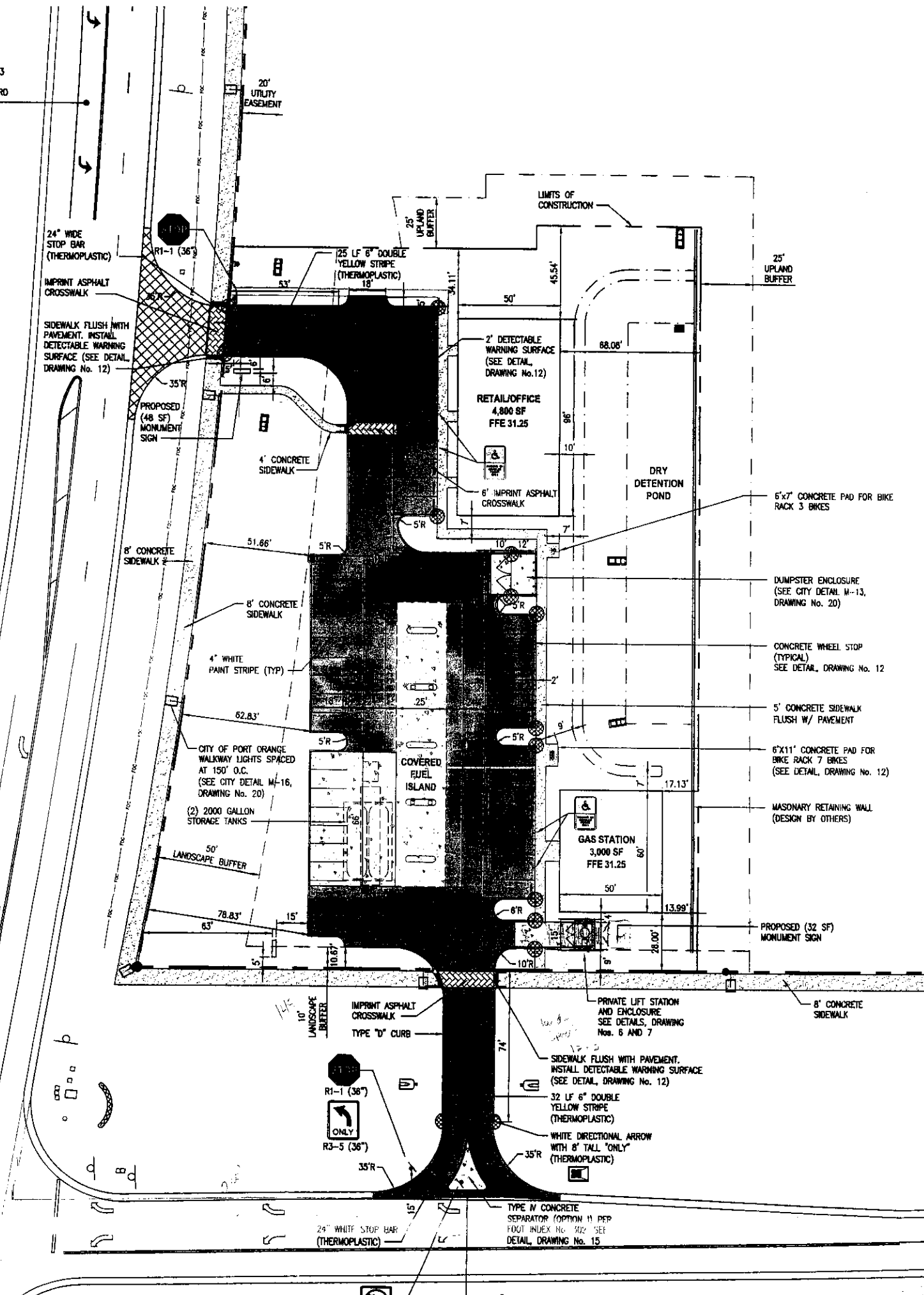
EXHIBIT "B"
CASE NO. 07-60000005



DEPARTMENT OF COMMUNITY DEVELOPMENT

SEE DRAWING Nos. 13
AND 14 FOR
WILLIAMSON BOULEVARD
TURN LANE PLANS

WILLIAMSON BOULEVARD (200' R/W)
SPEED LIMIT = 55 MPH



20' UTILITY EASEMENT

24" WIDE STOP BAR (THERMOPLASTIC)

IMPRINT ASPHALT CROSSWALK

SIDEWALK FLUSH WITH PAVEMENT. INSTALL DETECTABLE WARNING SURFACE (SEE DETAIL, DRAWING No. 12)

PROPOSED (48 SF) MONUMENT SIGN

4' CONCRETE SIDEWALK

8' CONCRETE SIDEWALK

8' CONCRETE SIDEWALK

4" WHITE PAINT STRIPE (TYP)

CITY OF PORT ORANGE WALKWAY LIGHTS SPACED AT 150' O.C. (SEE CITY DETAIL W-16, DRAWING No. 20)

(2) 2000 GALLON STORAGE TANKS

50' LANDSCAPE BUFFER

78.83'

63'

10' LANDSCAPE BUFFER

IMPRINT ASPHALT CROSSWALK

TYPE "D" CURB

R1-1 (36")

R3-5 (36") ONLY

35'R

24" WHITE STOP BAR (THERMOPLASTIC)

TYPE IV CONCRETE SEPARATOR (OPTION II PER FOOT INDEX No. 302) SEE DETAIL, DRAWING No. 15

6" YELLOW STRIPE AROUND

LIMITS OF CONSTRUCTION

25' UPLAND BUFFER

25 LF 6" DOUBLE YELLOW STRIPE (THERMOPLASTIC)

53'

34.11'

50'

45.54'

88.06'

96'

10'

7'

10' 12"

5'R

5'R

9'

5'R

7'

17.13'

50'

50'

13.99'

28.00'

10'R

5'

25' UPLAND BUFFER

5'x7' CONCRETE PAD FOR BIKE RACK 3 BIKES

DUMPSTER ENCLOSURE (SEE CITY DETAIL W-13, DRAWING No. 20)

CONCRETE WHEEL STOP (TYPICAL) SEE DETAIL, DRAWING No. 12

5' CONCRETE SIDEWALK FLUSH W/ PAVEMENT

6'x11' CONCRETE PAD FOR BIKE RACK 7 BIKES (SEE DETAIL, DRAWING No. 12)

MASONRY RETAINING WALL (DESIGN BY OTHERS)

PROPOSED (32 SF) MONUMENT SIGN

8' CONCRETE SIDEWALK

PRIVATE LIFT STATION AND ENCLOSURE SEE DETAILS, DRAWING Nos. 6 AND 7

SIDEWALK FLUSH WITH PAVEMENT. INSTALL DETECTABLE WARNING SURFACE (SEE DETAIL, DRAWING No. 12)

32 LF 6" DOUBLE YELLOW STRIPE (THERMOPLASTIC)

WHITE DIRECTIONAL ARROW WITH 8" TALL "ONLY" (THERMOPLASTIC)

35'R

