



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 6/3/08

SUBJECT: Waiving of Publication Fees – 965 and 975 McDonald Road

DEPARTMENT: Administration

RECOMMENDED MOTION:

To waive fees in the amount of \$845.32 for Legal Notice for a Variance Request for property at 965 and 975 McDonald Road

SUMMARY:

Victor Vanlanker donated a piece of property to the City on McDonald Road. In exchange for the property donation, the City Council waived payment of certain fees. This is to clarify if Council intended to waive the fees for the legal notice publication associated with this variance in the amount of \$845.32.

ATTACHMENTS: Ordinance Resolution Budget Resolution

Other Support Documents/Contracts Available for Review in Manager's Office

DEPARTMENT HEAD Signed Date

FINANCE DEPARTMENT Approved as to Budget Requirements Date

CITY ATTORNEY Approved as to Form and Legality Date

CITY MANAGER *Vas* Approved Agenda Item For: *6/3/08*

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

**CITY OF PORT ORANGE FINANCE DEPARTMENT
ACCOUNT SUMMARY FOR
VICTOR VANLANCKER (Cust #1832)**

Trans Date	Account Activity	Invoice Description (RF)
06/27/07	454.28	Reimbursement for recording fee paid by the City
08/01/07	45.43	to the News Journal, Inv #10060543904112007
08/28/07	45.43	re: Advertise Public Hearing Notice 2 times
10/17/07	45.43	for 965 & 975 McDonald Rd
11/27/07	45.43	
11/28/07	(181.72)	CHARGE ADJUSTMENT

01/16/08	20.00
02/27/08	20.00
04/08/07	20.00
05/14/08	<u>20.00</u>

Trans Date	Account Activity	Invoice Description (MR)
01/15/08	403.80	Reimbursement for Legal Notice Paid by the City
02/27/08	40.38	to the News Journal, Inv #10067116510312007
03/25/08	40.38	re: Pulic Hearing Notice - Variance Request
04/17/08	40.38	for 965 McDonald Rd
05/20/08	<u>40.38</u>	

and one lot being vacant. It is family owned. Staff has reviewed the survey documents. Tim Burman, Senior Planner, said there is a house on both lots. The lot line is being moved instead of moving a shed. Councilman Kennedy asked if a variance will be required. Mr. Burman said no.

Motion made by Vice Mayor Martin, seconded by Councilman Kennedy, to amend Resolution No. 07-44, subject to re-establishing the vacated easements on the adjacent property through the minor subdivision under review. Motion carried unanimously upon roll call vote.

23. Proposed License Agreement for Countryside PUD Subdivision

Mike Hill, Community Development Engineer, said this is a request to install a new subdivision sign and re-install a light post in the median of Village Trail, a 100-foot wide City right-of-way. The sign will be located so as not to block the line of sight for drivers and pedestrians using the crosswalk.

Vice Mayor Martin asked if they do an electrical light post will the HOA be responsible for it. Joe Allen, Countryside, said it will be lighted per City Code.

Motion made by Vice Mayor Martin, seconded by Councilman Steindorfer, to approve the proposed License Agreement for Countryside PUD Subdivision. Motion carried unanimously upon roll call vote.

24. Subdivision Variance - Victor Vanlancker

Tim Burman, Senior Planner, gave the staff report. This is the first step in officially subdividing the property. Mayor Green and Mr. Parker, City Manager, acknowledged they have spoken to the applicant regarding this. Mr. Parker said the property is next to the elementary school. When Madeline goes through you may be able to reconfigure it for retention. This has not been evaluated. Under normal conditions the City would be requiring the dedication of the 80 feet. In this case the McDonald's had already sold the property and subdivided. Staff has been trying for about two years to get it brought forward. The reason staff is recommending it is the McDonald's are still negotiating with Volusia County and have no desire to see this property go any other way. They are not in agreement to dedicate the property to the City or to the County at this point. When Mr.

Tim

Vanlancker bought the property he was not aware that the McDonald's had already sub-divided once before on this property. That is why he is in a "catch 22". The McDonald's did sign the application so that he could proceed forward. Ms. Roberts, City Attorney, said the condition for approval of the variance should be subject to the dedication and transfer of the retention area. Mr. Burman said the first subdivision being done is what the variances are for. He pointed out on the overhead the original 4.3-acre parcel. After this gets approved, the applicant will be able to submit for a minor subdivision variance to create basically parcel 1 and parcel 2. Once parcel 2 has been created, the applicant can then apply for the variance for the lot width requirement and then another minor subdivision. At that time is when the dedication of the back portion would occur. The information provided in Mr. Vanlancker's May 15th letter is what will be forthcoming in the future. It does not really pertain to the request right now. Ms. Roberts, City Attorney, said it should be a condition of approval. It does not have to be transferred now. It can be transferred prior to some other point in time. Mr. Parker suggested it be transferred in fee simple, to which Ms. Roberts agreed. Mr. Vanlancker said he was trying to keep from having to attend so many future meetings.

Motion made by Vice Mayor Martin, seconded by Councilman Kennedy, to approve the variance request from the Land Development Code to waive the platting and review process for the subject property and to waive the requirement to dedicate land toward the ultimate 80-foot right-of-way for McDonald Road, subject to the condition that the applicant shall transfer a parcel of land of approximately 200' x 177.80' opposite the rear side of the applicant's property on McDonald Road, and to waive the application fee for the two minor subdivisions. Motion carried unanimously upon roll call vote.

PARKS AND RECREATION

25. Waiving Fees for YMCA's Summer Sports Camp

Mr. Parker, City Manager, does not recommend approval. Susan Lovallo, Interim Parks & Recreation Director, said they are trying to cover rental fees.



CITY OF PORT ORANGE

1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA 32129
TELEPHONE 386-506-5500
FAX 386-756-5290
www.Port-Orange.org

May 17, 2007

Victor Vanlancker
360 Anthony Drive
Port Orange, FL 32127

Re: 965/975 McDonald Road

Dear Mr. Vanlancker:

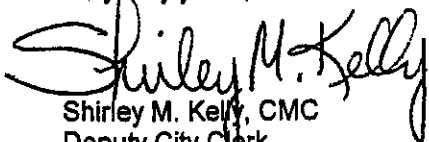
At its regular meeting on Tuesday, May 15, 2007, the Port Orange City Council approved the waiver of the requirement for the major platting and review process for the subject property and waive the requirement to dedicate land toward the ultimate 80 foot right-of-way for McDonald Road in order for you to apply for a minor subdivision to officially subdivide 1.2-acres from a 4.3-acres parcel of land. Approval is subject to the following special conditions:

1. The applicant must submit a minor subdivision application for formal review by City Staff. The City will not accept or approve any permits for the subdivided lot until the minor subdivision has been approved.
2. The minor subdivision submittal will need to indicate where and how the applicant intends to provide domestic water and sanitary sewer to the proposed lot.
3. Approval of the variance is subject to the transfer of approximately 35,560 square feet (200'x177.8') of the rear/east side of the applicant's property for the City to use as stormwater retention. In return, the City will waive the application fees for the currently proposed minor subdivision as well as the applicant's next minor subdivision.

A Development Order is enclosed, pursuant to Chapter 3, Section 4, of the Land Development Code.

Should you have any questions regarding this, please contact the Community Development Department at 506-5600.

Very truly yours,


Shirley M. Kelly, CMC
Deputy City Clerk

SMK:l

Enclosure

cc: Wayne Clark, Director of Community Development
Mike Disher, Planning & Development Manager

"Growing In Beauty and Opportunity"



CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT

1000 CITY CENTER CIRCLE, PORT ORANGE, FL 32129 (386) 506-5600 FAX (386) 506-5699

VARIANCE DEVELOPMENT ORDER

PROPERTY ADDRESS: 965/975 MCDONALD ROAD

OWNER/APPLICANT'S NAME: VICTOR VANLANCKER, APPLICANT

CASE NUMBER: 07-90000001

PARCEL NUMBER: 6337-01-13-0013

VARIANCE GRANTED: To waive the requirement for the major platting and review process

for the subject property and waive the requirement to dedicate land toward the ultimate

80 foot right-of-way for McDonald Road in order for the applicant to apply for a minor subdivision

to officially subdivide 1.2-acres from a 4.3-acres parcel of land.

The City of Port Orange has approved the development activity described above, and issues this Development Order pursuant to Chapter 3, Section 4 of the Land Development Code.

This order is issued subject to the general conditions of the Land Development Code (reproduced on the reverse side of this document), and compliance with the requirements of all City Codes and Ordinances. This order does not relieve the applicant or the applicant's agents from any law, regulation, or requirement of any other government or agency. In addition, this Order is issued subject to any special conditions listed below or attached.

SPECIAL CONDITIONS:

1. The applicant must submit a minor subdivision application for formal review by City Staff. The City will not accept or approve any permits for the subdivided lot until the minor subdivision has been approved.
2. The minor subdivision submittal will need to indicate where and how the applicant intends to provide domestic water and sanitary sewer services to the proposed lot.
3. Approval of the variance is subject to the transfer of approximately 35,560 s.f. (200'x177.8') of the rear/east side of the applicant's property for the City to use as stormwater retention. In return, the City will waive the application fees for the currently proposed minor subdivision as well as the applicant's next minor subdivision.

Issuance of this Development Order entitles you to apply for any site development and/or building permits related to the Variance outlined above. If permits have not been issued and construction on any above named activity has not commenced, or, if the building construction or the use authorized by this Variance has not been established by **MAY 17, 2009**, this Development Order shall expire, and a new Development Order must be secured by filing a new application in accordance with Chapter 3 of the Land Development Code.

Note: Variances run with property and may be transferred to another party for use on the same property.

Issued by:

Michael E. Disher, Planning & Development Manager

Date: 5-18-07