



CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE: 03/17/09

SUBJECT: SMALL-SCALE FUTURE LAND USE AMENDMENT/ SUMMIT GOLF CENTER/ TIM PEIGHTAL (Case No. 06-20000008)

DEPARTMENT: COMMUNITY DEVELOPMENT

RECOMMENDED MOTION:


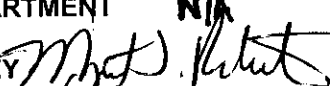

To adopt Ordinance No. 2009- 5 amending the Future Land Use Map of the City of Port Orange *Comprehensive Plan-Update '98* for approximately 9.9 acres of property located at 4116 S. Nova Road, from *Conservation* to *Warehouse/Industrial*, as recommended by the Planning Commission.

SUMMARY: At its February 26, 2009 meeting, the Planning Commission recommended approval, 7-0, of an amendment to the Future Land Use Map of the City of Port Orange *Comprehensive Plan-Update '98*. This map amendment is to change the future land use designation of approximately 9.9 acres, located at 4116 S. Nova Road, from *Conservation* to *Warehouse/Industrial*. If approved, the owner intends to develop the property with office/warehouse uses. Please find the staff report attached.

Please note that second reading of the ordinance will be scheduled upon receipt of the Volusia Growth Management Commission (VGMC) certification.

ATTACHMENTS: Ordinance Resolution Budget Resolution

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

DEPARTMENT HEAD		Wayne Clark Community Development Director	Date <u>3/2/09</u>
FINANCE DEPARTMENT	N/A	Approved as to Budget Requirements	Date
CITY ATTORNEY		Approved as to Form and Legality	Date <u>3/7/09</u>
CITY MANAGER		Approved Agenda Item For:	<u>3/17/09</u>

COUNCIL ACTION: Approved as Recommended Disapproved

Tabled Indefinitely Continued to Date Certain Approved with Modification

ORDINANCE NO. 2009- 5

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 CONSERVATION TO WAREHOUSE/INDUSTRIAL FOR PROPERTY GENERALLY LOCATED SOUTH OF NOVA ROAD AND WEST OF THE FLORIDA EAST COAST RAILROAD; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, after careful review and 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 amendment to the Comprehensive Plan shall be submitted to the Volusia County Management Commission for a determination of consistency in accordance with Section 202.3 of the Charter of Volusia County, Florida; and

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, 2003-1, 2003-3, 2003-22, 2003-39, 2004-34, 2004-39, 2005-1, 2005-

(Ord. No. 2009-)

3, 2005-13, 2005-15, 2005-25, 2005-27, 2005-30, 2005-31, 2005-49, 2006-9, 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, 2008-2, 2008-8, 2008-9, 2008-16, 2008-19, 2009-4 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 as shown on the Map depicted in Exhibit B, attached hereto and by reference made a part hereof, from Conservation to Warehouse/Industrial.

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.

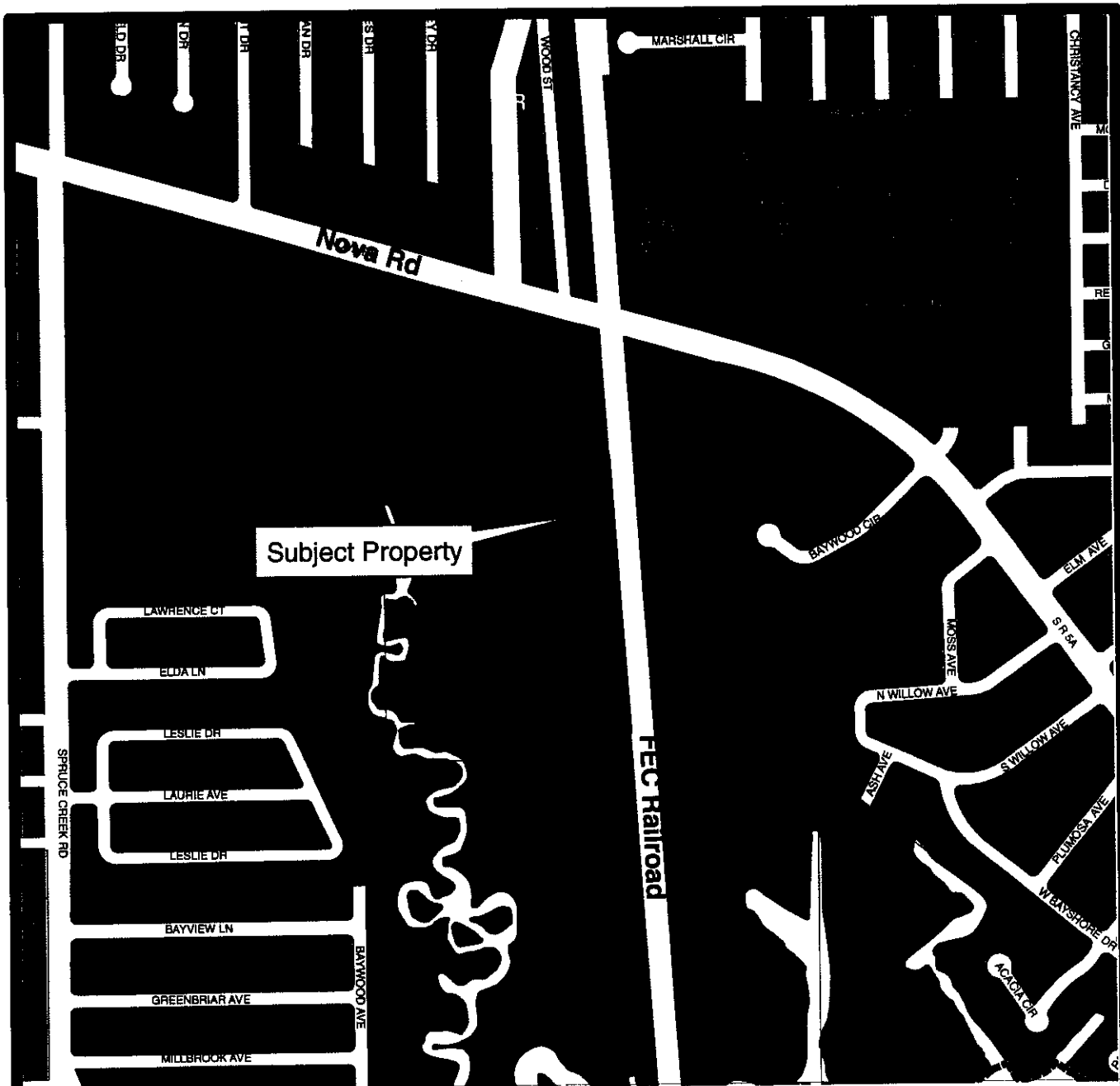
Section 5. This ordinance shall become effective as provided by general law, Department of Community Affairs rule, and Volusia County Charter.

Legal Description

A portion of the NE ¼ of the SW ¼ of Section 15, Township 16 South, Range 33 East, lying Westerly of the Florida East Coast Railroad Right-of-Way and Southerly of Nova Road (State Road 5-415) Right-of-Way, Volusia County, Florida, being more particularly described as follows:

Commence at the intersection of the Southerly Right-of-Way line of said Nova Road (a 100 foot Right-of-Way) with the Westerly Right-of-Way of the Florida East Coast Railroad; thence N 74° 25' 51" W along the Southerly Right-of-Way line of said Nova Road a distance of 53.12 feet; thence S 04° 10' 38" E a distance of 530.70 feet to the Southeast corner of Gorings property being the Point of Beginning of this description; thence S 74° 55' 44" W along the southerly line of said Gorings property a distance of 265 feet more or less; thence departing said Gorings southerly property line S 04° 10' 38" E a distance of 62 feet more or less; thence S 89° 55' 02" W a distance of 57 feet more or less; thence southerly parallel to the easterly Right-of-Way line of the 40 foot wide Halifax Drainage Canal a distance of 865 feet more or less; thence N 89° 55' 02" E a distance of 379 feet more or less to the westerly Right-of-Way line of Florida East Coast Railroad; thence N 04° 10' 38" W a distance of 1000 feet more or less to the Point of Beginning. Said parcel containing 9.66 acres more or less.

EXHIBIT "A"



Future Land Use	
	Conservation
	Urban Low Density Residential 4-8 Units/Acre
	Urban High Density Residential 8-16 Units/Acre
	Commercial
	Public/QuasiPublic
	Warehouse/Industrial
	Office/Residential Transition

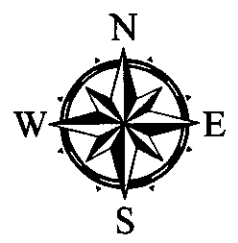


Exhibit B

Future Land Use

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT





STAFF REPORT
CASE NO. 06-20000008
SMALL-SCALE FUTURE LAND USE AMENDMENT
SUMMIT GOLF CENTER/TIM PEIGHTAL
4116 S. Nova Road
February 13, 2009

INTRODUCTION

Jim Morris, Esq., applicant on behalf of Tim Peightal, owner, requests approval to change the Future Land Use of ± 9.9 acres of a ± 12.3 -acre property from *Conservation* to *Warehouse/Industrial*. If approved, the owner intends to develop the property with office/warehouse uses. The subject property is located at 4116 S. Nova Road, east of the B-19 Canal and west of the FEC Railroad (**Exhibit A**).

BACKGROUND

On October 21, 2008, the City Council adopted Ordinance No. 2008-19 amending the Future Land Use (FLU) of the property to *Office/Residential Transition*. The *Office/Residential Transition* FLU category allows some residential as part of a mixed-used development at a density of 16 units/acre, which is above the 10 units/acre density threshold for a small-scale land use amendment per Florida Statutes. Although the Department of Community Affairs (DCA) had accepted the use of this FLU category with small-scale land use amendments in the past; DCA returned the amendment and requested that the City repeal Ordinance 2008-19 and reprocess the amendment either as a large-scale amendment or as a small-scale using the *Warehouse/Industrial* FLU category. Staff discussed this with DCA and the applicant and the applicant re-applied for an amendment under the *Warehouse/Industrial* FLU category.

OVERVIEW

The property is currently designated *Conservation* on the Future Land Use Map and also zoned F-C (Flood-Plain Conservation), due its location in the zone identified as the, "Halifax Canal south of Commonwealth Boulevard." This zone includes the area encompassed by the five-foot contour above mean sea level on either side of the canal. The site is generally flat, with a gentle slope to the south. The elevations on site range around the 5' NGVD contour (National Geodetic Vertical datum) above sea level (**Exhibit B**).

The property is currently developed with a golf driving range (Summit Golf Center), which includes the main business building, a maintenance shed, the parking lot, and a stormwater pond at the south end of the driving range.

There are 2.37 acres of wetlands adjacent to the subject 9.9-acre amendment area, along the western and southern edge of the property, which consist of both natural and created wetlands (**Exhibit C**). However, these wetland areas are not included in the proposed land use amendment. The adjacent wetland areas will maintain the *Conservation* designation. A portion of this area is natural wetlands that were present prior to the construction of the driving range. The created wetlands were constructed as mitigation for the wetland impacts incurred by the construction of the driving range. The created wetlands were monitored and released as successful several years ago by the

SJRWMD and are now considered as part of the natural setting. These wetlands are salt marshes that tie directly into the B-19 canal. The canal has a tidal connection with Rose Bay, which is the eventual outfall.

The vegetative communities on the overall site include the golf course and saltwater marshes. The driving range is primarily comprised of upland pasture type grasses, which are regularly maintained. The saltwater marshes are found over the existing and created wetlands located on the west and south sides of the site (not part of the amendment area). The soil types on this site are Smyrna fine sand and Immokalee sand – both of which are non-hydric soils.

The environmental impact analysis conducted on this site states that no protected species were observed on site. There is a bald eagle nest (VO-75) located south of the site (**Exhibit D**). The decision to remove the bald eagle from the Federal List of Endangered and Threatened species became effective August 8, 2007. As such, Monitoring Guidelines were revised to reduce the eagle nest protection zone radius from 750' to 660' for an active nest. A portion of the site falls within this 660' eagle nest protection zone. However, according to the environmental impact analysis prepared by Biological Consulting Services, Inc., the USFWS (U.S. Fish and Wildlife Service) has stated in the past that the adjacent railroad tracks already provide an intrusive disturbance at a distance of 331'. In addition, the wetlands at the south end of the site provide an additional buffer that equates to a minimum distance of 473' to the nest. The retention pond at the south end of the site also adds another 100' separation between any proposed development and the nest. Nonetheless, this issue will need to be addressed with the USFWS during the review of a site plan for development of the property.

The current and proposed future land use (FLU) designations for the subject property are identified on **Exhibit E**. The adjacent future land uses designations include *Conservation* to the west and south, *Office/Residential Transition* to the north, and *Urban High Density* to the east opposite the railroad. The current zoning classifications of the subject property and adjacent properties are identified on **Exhibit F**. The adjacent development includes Go-cart City to the north, vacant land to the west and south, the FEC Railroad to the east, and the Rose Bay Campground to the east opposite the railroad.

LAND USE COMPATIBILITY

As previously stated, the property is designated *Conservation* due to its location in an area encompassed by the five-foot contour above mean sea level on either side of the Halifax Canal. In this area, one of the purposes of the *Conservation* designation is to protect the capacity and function of floodplains and to protect property from the impacts of flooding. There are policies in the Comprehensive Plan (See staff report section – Applicable Plans, Codes, and Regulations) and the Land Development Code that include stormwater management performance standards for flood control that new development and redevelopment must conform with. Therefore, if this amendment is approved, any proposed development will be required to meet the City's stormwater management requirements during the site plan review process.

The proposed land use and anticipated office/warehouse use is compatible with regard to scale of development, intensity, type of use, and the variety of uses within and around the subject property. In addition, the 9.9 acres of upland that is proposed to be designated *Warehouse/Industrial* has already been cleared for the existing golf range use.

IMPACTS OF THE PROPOSED AMENDMENT

In accordance with 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. The following seven public facilities and services were examined:

- | | |
|-------------------|------------------------|
| 1. Transportation | 5. Stormwater Drainage |
| 2. Sanitary Sewer | 6. Recreation |
| 3. Potable Water | 7. Schools |
| 4. Solid Waste | |

The current FLU designation is *Conservation* and there is no intensity standard for this designation in the Comprehensive Plan; however, permitted uses included elevated walkways, trails, and recreational activities. Therefore, for the purposes of the transportation analysis, the current future land use transportation analysis is based on the development of a recreation/community center (the greatest trip generator of the allowable recreation use within the *Conservation* designation) at 99,600 square feet, which assumes a reasonable development of 10,000 square feet per acre. For the purposes of the sanitary sewer and potable water analysis, the current future land use impact is based on actual usage data for the existing Summit Golf Center.

IMPACT ANALYSIS (THEORETICAL MAX.)

DEVELOPMENT VARIABLE	CURRENT LAND USE	PROPOSED LAND USE	NET CHANGE
Residential Units	0	0	0
Non-residential Buildable Sq. Ft.	0	216,929 sq.ft.*	+216,929 sq.ft.
Population ¹	0	0	0
Peak Hour Trips / Daily Trips ²	131 / 2,280	153 / 1,520	+22 / -760
Sanitary Sewer (gallons/day) ³	67	21,693	+21,626
Potable Water (gallons/day) ⁴	67	21,693	+21,626
Solid Waste (lbs./person) ⁵	n/a	n/a	n/a
Stormwater Drainage ⁶	n/a	n/a	n/a
Recreation/Open Space ⁷	0	0	0
Schools ⁸	n/a	n/a	n/a

Notes:

- | | |
|--------------------|--|
| 1. Population: | 2.58 persons/single-family dwelling; 1.9 persons/multi-family dwelling |
| 2. Transportation: | Transportation Impact Analysis submitted with application; ITE Trip Generation Manual, 7 th Edition |

* The buildable sq. ft. is based on the 50% building coverage intensity standard for the Light Industrial zoning classification.

- | | |
|-------------------------|--|
| 3. Sanitary Sewer: | 200 gallons per day per Equivalent Residential Unit; 1/10 gallon per square foot per day of non-residential development |
| 4. Potable Water: | 255 gallons per day per Equivalent Residential Unit; 1/10 gallon per square foot per day of non-residential development |
| 5. Solid Waste | 3.21 pounds per person per day |
| 6. Stormwater Drainage: | LOS standard = 25 year, 24 hour event. Drainage system will be designed to meet the requirements of the Land Development Code. |
| 7. Rec. & Open Space: | 7 acres/1,000 persons (0.007 acres/person) |
| 8. Schools | See attached analysis from Volusia County School District |

TRANSPORTATION

The projected maximum trip generation potential under the current FLU designation is 2,280 daily trips and 131 PM peak-hour trips. The projected maximum trip generation potential for the proposed FLU is 1,520 daily trips, and 153 PM peak-hour trips. This results in a net decrease of 760 daily trips and a net increase of 22 PM peak hour trips.

Analysis of existing conditions, the five-year analysis (2014), and the long-range (2025) conditions under both the existing and the proposed future land designations show that all of the road segments in the study area currently operate and will continue to operate within the adopted LOS standards.

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 generate 21,693 gallons per day (gpd) of wastewater. This is a net increase of 21,626 gpd. The 2008 Concurrency Management Report states that there is a remaining sewer capacity of 3.0 MGD. Therefore, 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 21,693 gpd of potable water. This is a net increase of 21,626 gpd. Even though the City may have the technical capability to pump up to 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 limit the amount of water that is permitted to be withdrawn. The City's CUP allows for an average daily withdrawal of 7.38 MGD in 2009. Actual average daily flow during the 2008 Calendar year was 5.78 MGD. When SJRWMD reviews future land use amendments they consider the current-year CUP allocation, consumption in the previous calendar year, reserved capacity, and the projected consumption by proposed the land use amendment to determine the amount of permitted water capacity available for all other future uses. Using this formula, there would theoretically be 1.4 MGD of permitted water capacity available for all other future use if this proposed amendment were approved (**Exhibit G**). Therefore, the City still has available CUP capacity.

SOLID WASTE COLLECTION

The City's collection standard is 1,350 residential units per curbside collection crew, per day, and a weight standard of 3.21 pounds per person per day. The City does not have a solid waste weight or collection LOS standard for non-residential development. However, the 2008 Concurrency Management Report identified a solid waste generation figure of 0.98 lbs per capita, per day, for commercial development. Non-residential developments are required by the LDC to use the City's hired solid waste disposal contractor. Solid waste generated within the City of Port Orange is delivered to the Volusia County landfill - a 3,000-acre, Class I landfill with a projected life span to the year 2050.

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 applicants 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

The development of this property with office/warehouse uses would not require additional parkland or recreation facilities. According to the City's 2008 Concurrency Management Report, the City currently has an excess of 95 acres of parkland. However, the redevelopment of this site with office/warehouse uses would take away the existing recreation option (golf range) provided by the private sector.

SCHOOLS

School District staff reviewed the proposed land use amendment for potential impacts to school capacity (**Exhibit H**). As a result of this project having no residential component the School District determined that there is no impact on school facilities.

APPLICABLE PLANS, CODES AND REGULATIONS:

PORT ORANGE COMPREHENSIVE PLAN – UPDATE '98 GOALS, OBJECTIVES, AND POLICIES:

Future Land Use Element

Objective 1.3: The City shall maintain, as one of Florida's primary economic assets, the environment, including clean air and water, forests, and natural resources, by protecting and preserving environmentally significant areas and open space. The City shall coordinate the intensity of future development with the natural constraints of an area such as topography, soils, floodplains, wetlands, significant wildlife habitat, and historic resources. This Objective shall be achieved through the implementation of the following Policies:

Policy 1.3.1: In order to protect environmentally sensitive lands, such as floodplains, wetlands, natural ecological communities, and potential habitat of endangered or listed species, the City shall utilize the Conservation land use category along with the F-C (Floodplain - Conservation) zoning designation. Permitted uses within the F-C Zone shall be limited to those described under Policy 2.1.1 of the Conservation Element. In addition, the City shall work with federal, state, regional, and local agencies to purchase or acquire such lands as funds become available.

Policy 1.3.3: Require information to be submitted regarding the topography, soils, floodplains, wetlands, significant wildlife habitat, and historic resources for a given parcel of land when a request for a land use change is submitted that would increase the intensity of the land use.

Policy 1.3.11: Continue the use of the Land Development Code regulations to protect the capacity and natural function of floodplains, in a manner that is consistent with this Comprehensive Plan.

Drainage Sub-Element

Policy 1.5: For the purpose of flood control, new construction, development, or redevelopment shall conform with the following stormwater management performance standards:

- A. Post-development runoff (discharge hydrograph) from the design storm, in terms of peak flow and total volume, shall not exceed pre-development condition.
- B. The minimum volume of retention to be provided shall be equivalent to one inch of depth over the entire project area, or 2.5 inches of depth over the impervious area, whichever is greater. Percolation must occur within three days following a storm event. For certain soil conditions or ground water table conditions which do not permit the percolation of this volume within five days, the City may approve detention with filtration systems in lieu of retention.
- C. Runoff computations shall be based on the most critical situation (rainfall duration, distribution and antecedent soil moisture condition) and conform to the methods described in the FDOT Drainage Manual, latest edition, and the SJRWMD's Regulation of Stormwater Management Systems.
- D. Detention structures shall be designed to release runoff to the downstream drainage system over a period of time so as not to exceed the capacity of the existing downstream system. Runoff from higher adjacent lands shall be considered and provisions for conveyance of such runoff shall be included in the drainage plan.
- E. If any filling of land occurs during site design such that the volume of floodplain storage is reduced, an equal volume of soil shall be excavated within the same floodplain to provide compensatory storage.
- F. The minimum centerline elevation of all new streets shall meet or exceed the 100-year flood elevation.

Coastal Zone Management Element

Policy 4.4.8: The City shall continue to implement hazard mitigation programs, such as building codes, floodplain regulations, stormwater management regulations, land use

regulations, and proper management of public facilities, in accordance with the provisions of the Comprehensive Plan.

Conservation Element

Objective 2.1: The City will continue to protect the natural function of the 100-year floodplains of Spruce Creek, the Halifax River, and their tributaries. In accordance with the provisions of the Comprehensive Plan, the City shall enforce development regulations, to maintain the capability of floodplains to carry, store and filter flood waters.

Policy 2.1.1: The City will continue the use of the Conservation land use designation, as well as the Floodplain-Conservation (F-C) Zoning District, to protect the natural functions of floodplains and shorelines. Permitted uses shall be limited to elevated walkways, trails, and personal recreational activities. Limited agricultural activities may also be permitted in these areas, subject to City review, provided that the natural function of floodplains and shorelines is not adversely affected.

Policy 2.1.4: No fill will be allowed in the Floodplain-Conservation (F-C) Zoning District that will decrease the flood carrying capacity of the riverine floodplain, except as provided by Policy 2.1.6 below.

Policy 2.1.5: No fill will be allowed in isolated floodplain pockets that will decrease the flood storage capacity of depressional wetlands, except as provided by Policy 2.1.6 below.

Policy 2.1.6: If any filling of land occurs during site design such that the volume of floodplain storage would be reduced, an equal volume of soil shall be excavated within the same floodplain to provide compensatory storage. Such excavations shall not be located within land areas identified for preservation purposes, or within the jurisdictional wetland limits of regulatory agencies, except for the purpose of providing pretreated stormwater storage capacity.

Policy 2.1.7: The City shall ensure that fill material or other structures do not adversely obstruct the natural movement of floodwater overland sheetflow or pose a threat to the public health, safety, and welfare.

Policy 2.2.1: The City will continue to protect the natural functions of wetlands through the Conservation land use designation, as well as the Floodplain-Conservation (F-C) Zoning District. Permitted uses shall be limited to those described under Policy 2.1.1. Wetlands that do not currently fall under this designation or zoning district shall be protected by Policies 2.2.2 - 2.2.8.

REVIEW CRITERIA AND STAFF FINDINGS

1. The land use proposal is 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, Objectives, and Policies of the Comprehensive Plan, as listed above. The

wetland areas along the western and southern edge of the property will maintain the *Conservation* designation. Only the 9.9 acres of upland that has already been cleared for the existing golf range is proposed to be designated *Warehouse/Industrial*, which is a compatible use with the adjacent properties and with the location of the property adjacent to the FEC railroad. The policies that speak to flood carrying capacity of the floodplain, the filling of land, and compensatory storage, will be required to be addressed during the site plan review process.

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 amendment is compatible with the adjacent land uses. The majority of the land developed with warehouse and industrial uses in the City are adjacent to the FEC railroad.

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

Staff finding: The proposed amendment will result in impacts to the City's infrastructure and services since the proposed FLU designation allows for a more intense use than is currently allowed. The redevelopment of this site with office/warehouse uses would take away the existing recreation option (golf range) provided by the private sector. However, the impact analysis shows that there are adequate public facilities to accommodate the theoretical maximum impact of such uses.

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 time 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, nor within the Hurricane Vulnerability Zone. In addition, the proposed amendment will decrease the existing population by changing the future land use to a non-residential designation. Therefore, the proposed amendment will not increase the clearance time for evacuation of the population in the Hurricane Vulnerability Zone above 6 hours.



Case No.: 06-2000008

Applicant: Jim Morris, Esq. applicant
Tim Peightal, owner

Location: 4116 S. Nova Road

Requested Action:

A request to change the future land use of 9.9 acres of a 12.3-acre property, from Conservation to Warehouse/Industrial.



Exhibit A

LOCATION MAP

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT

