



CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE 9/28/2010

**SUBJECT: REZONING/FIRST UNITED PENTECOSTAL CHURCH OF GREATER DAYTONA FROM "A" AND "R-8SF" TO "GPU"
1495 HERBERT STREET
CASE NO. 10-6000003**

DEPARTMENT: COMMUNITY DEVELOPMENT

RECOMMENDED MOTION:


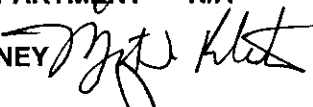

To **approve** Ordinance No. 2010-28, rezoning +/-1.9 acres located at 1495 Herbert Street from "A" (Agricultural) and "R-8SF" (Single-Family Residential) to "GPU" (Government/Public Use), as recommended by the Planning Commission.

SUMMARY:

Planning Commission Action: August 26, 2010

Recommended approval (5-0, Commissioners Lasky and Parker, excused), of the request to rezone +/-1.9 acres from "A" (Agricultural) and "R-8SF" (Single-Family Residential) to "GPU" (Government/Public Use). If the rezoning is approved, the property owner intends to submit a site plan to develop a house of worship and fellowship hall on the property.

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

DEPARTMENT HEAD		Wayne Clark Community Development Director	Date 9/21/10
FINANCE DEPARTMENT	N/A	Approved as to Budget Requirements	Date
CITY ATTORNEY		Approved as to Form and Legality	Date 9.20.10
CITY MANAGER		Approved Agenda Item For:	9/28/10

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

ORDINANCE NO. 2010-28

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING APPROXIMATELY 1.9 ACRES LOCATED AT 1495 HERBERT STREET, FROM "A" (AGRICULTURAL) AND "R-8SF" (SINGLE-FAMILY RESIDENTIAL) TO "GPU" (GOVERNMENT/PUBLIC USE); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the property to be rezoned consists of approximately 1.9 acres located at 1495 Herbert Street from "A" (Agricultural) and "R-8SF" (Single-Family Residential) to "GPU" (Government/Public Use) 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

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 "A" (Agricultural) and "R-8SF" (Single-Family Residential) to "GPU" (Government/Public Use).

Section 2. The property rezoned consists of approximately acres located at 1495 Herbert Street 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.

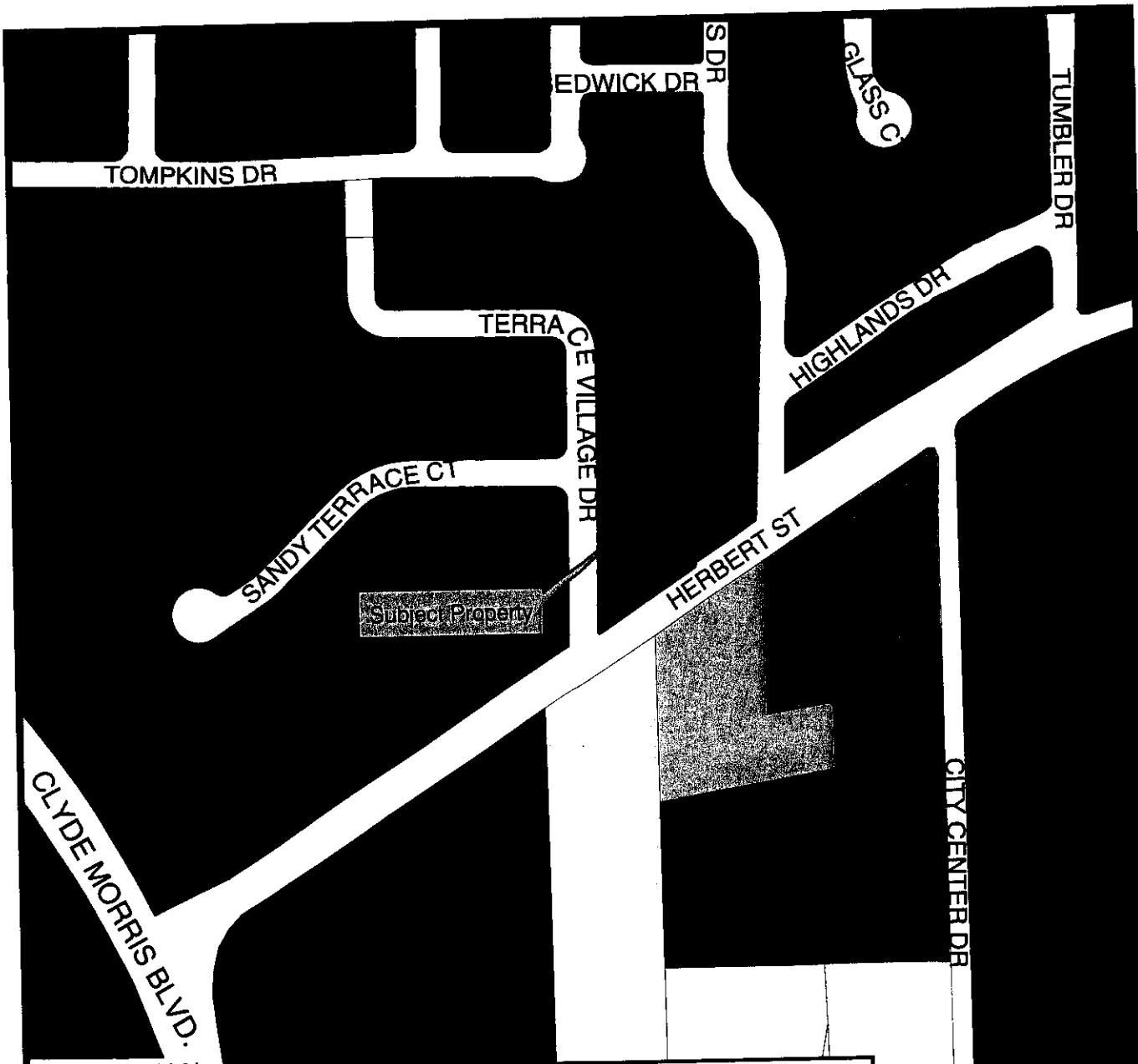
Exhibit "A"

Legal Description for Parcel Identification Number: 6308-00-04-0070

A PORTION OF THE NORTHEAST ¼ OF THE NORTHWEST ¼, AND A PORTION OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼, ALL IN SECTION 8, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT AN INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF WEST HERBERT STREET (A 66 FOOT RIGHT OF WAY) WITH THE WEST LINE OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 8; THENCE NORTH 0°33'10" WEST ALONG THE WESTERLY LINE THEREOF, AND ALONG THE WESTERLY LINE OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 8, A DISTANCE OF 584.2 FEET TO THE SOUTH LINE OF 20 FOOT WIDE SHELL ROAD; THENCE SOUTH 87°07'10" EAST ALONG THE SOUTH LINE OF SAID SHELL ROAD A DISTANCE OF 100 FEET; THENCE SOUTH 1°14'04" WEST A DISTANCE OF 523.43 FEET TO A POINT IN THE NORTHERLY RIGHT OF WAY OF SAID WEST HERBERT STREET; THENCE SOUTH 56°03'30" WEST ALONG SAID WEST HERBERT STREET RIGHT OF WAY A DISTANCE OF 100 FEET TO THE PLACE OF BEGINNING.

AND

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE NORTHWEST ¼ OF SECTION 8, TOWNSHIP 16 SOUTH, RANGE 33 EAST, COUNTY OF VOLUSIA AND STATE OF FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON BOLT IN OLD STUMP MARKING SOUTHEAST CORNER OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 8, TOWNSHIP 16 SOUTH, RANGE 33 EAST, RUNNING THENCE SOUTH 1° EAST 368 FEET ALONG EAST LINE OF WEST ½ OF NORTHWEST ¼ OF SECTION 8 TO CENTER OF THE SAMSULA ROAD; THENCE SOUTH 55°26' WEST 120.1 FEET ALONG SAID CENTER LINE TO A POINT; THENCE NORTH 1° WEST AND PARALLEL TO FIRST LINE, 468 FEET TO IRON PIPE; THENCE NORTH 89° EAST 100 FEET TO IRON PIPE; THENCE SOUTH 1° EAST 34.5 FEET TO POINT OF BEGINNING. EXCEPTING NORTH ½ OF SAID ROAD FOR HIGHWAY PURPOSES.



Zoning Classification

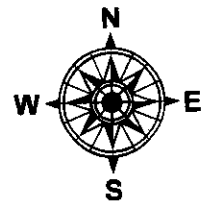
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|---------------------------------|------------------------------------|
| GPU Government/Public Use | PCD Planned Commercial Development |
| A Agriculture | PO Professional Office |
| R-8SF Single Family Residential | CC Community Commercial |
| R-7SF Single Family Residential | CI Commercial/Industrial |
| R-2D Two Family Residential | LI Light Industrial |



Exhibit "B"

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT





STAFF REPORT

CASE NO. 10-60000003

Rezoning property from "A" (Agricultural) and "R-8SF" (Single-Family Residential) to "GPU" (Government/Public Use)
1495 Herbert Street

REQUEST: Rezone 1.9 acres from "A" (Agricultural) and "R-8SF" (Single-Family Residential) to "GPU" (Government/Public Use)

OWNER/APPLICANT: David Flowers, First United Pentecostal Church of Greater Daytona

STAFF RECOMMENDATION: **Approval**

STAFF CONTACT: Tim Burman, Principal Planner (386) 506-5675

CITY COUNCIL DATE: September 28th, 2010

PROPERTY OVERVIEW:

The property is located on the north side of Herbert Street, east of Terrace Village Drive (See Exhibit "A" – Location Map) and is currently vacant. The property is zoned "A" (Agricultural) and "R-8SF" (Single-Family Residential) and has a Future Land Use designation of *Suburban Residential* (2-4 Units/Acre).

CASE BACKGROUND:

Staff met with the applicant to discuss the future development of a house of worship and fellowship hall on the property. However, in order to develop the site with these uses, the property must be rezoned to "GPU" because the current zoning does not permit houses of worship and fellowship halls. Once the property has been rezoned, the church can move forward with a site plan and building permits.

DISCUSSION:

The rezoning request was reviewed according to the criteria established in Chapter 3, Section 5 of the Land Development Code (LDC) in terms of consistency with the Comprehensive Plan and consistency with the surrounding land uses and zoning.

Access to the property is available off Herbert Street and Terrace Village Drive and water and sewer is available to serve the property. As part of the site plan review, stormwater retention will be addressed in accordance with the City standards.

The surrounding future land uses and zoning are shown graphically on the maps attached to this report (See Exhibit "A" and "B"). The current request is to rezone the subject property to "GPU" and establish a house of worship and fellowship hall as permitted uses.

Compatibility with Surrounding Uses and Zoning

The "GPU" district is intended to provide for public and quasi-public uses in a setting which recognizes the special character and location requirements of such facilities. The proposed zoning is appropriate for its location along Herbert Street. As shown on the attached zoning map (Exhibit "B"), rezoning to "GPU" will establish a transition zoning designation appropriate between residential and commercial properties. The requested uses (house of worship and fellowship hall) and zoning ("GPU") will establish a transition between higher intensity uses (Commercial and Industrial) and residential uses (Single-Family).

The primary use of the property will be on Sunday mornings. The church will also have some night meetings on weekdays; however, these meetings typically occur at off-peak hours. In developing the site, adequate parking and access will be required according to the requirements in the Land Development Code.

Consistency with Comprehensive Update (2010 – 2025)

With the adoption of the City's Comprehensive Plan Update (2010 – 2025), the proposed zoning will be consistent with the future land use designation of the property *Suburban Residential (2-4 Units/Acre)*. Future Land Use Element Policy 2.1.4 in the City's Comprehensive Plan Update (2010 – 2025), recognizes that Public/Institutional uses, such as a church, are acceptable in a wide range of land use environments, and small isolated properties of this type may be designated under any land use category where appropriate, as determined by the Administrative Official. Based on compatibility with adjacent zoning districts and availability of infrastructure, the Administrative Official has determined that the proposed uses (house of worship and fellowship hall) and requested zoning are appropriate at this location and consistent with existing land use designation, pending a final compliance finding for the Comprehensive Plan update (2010 – 2025).

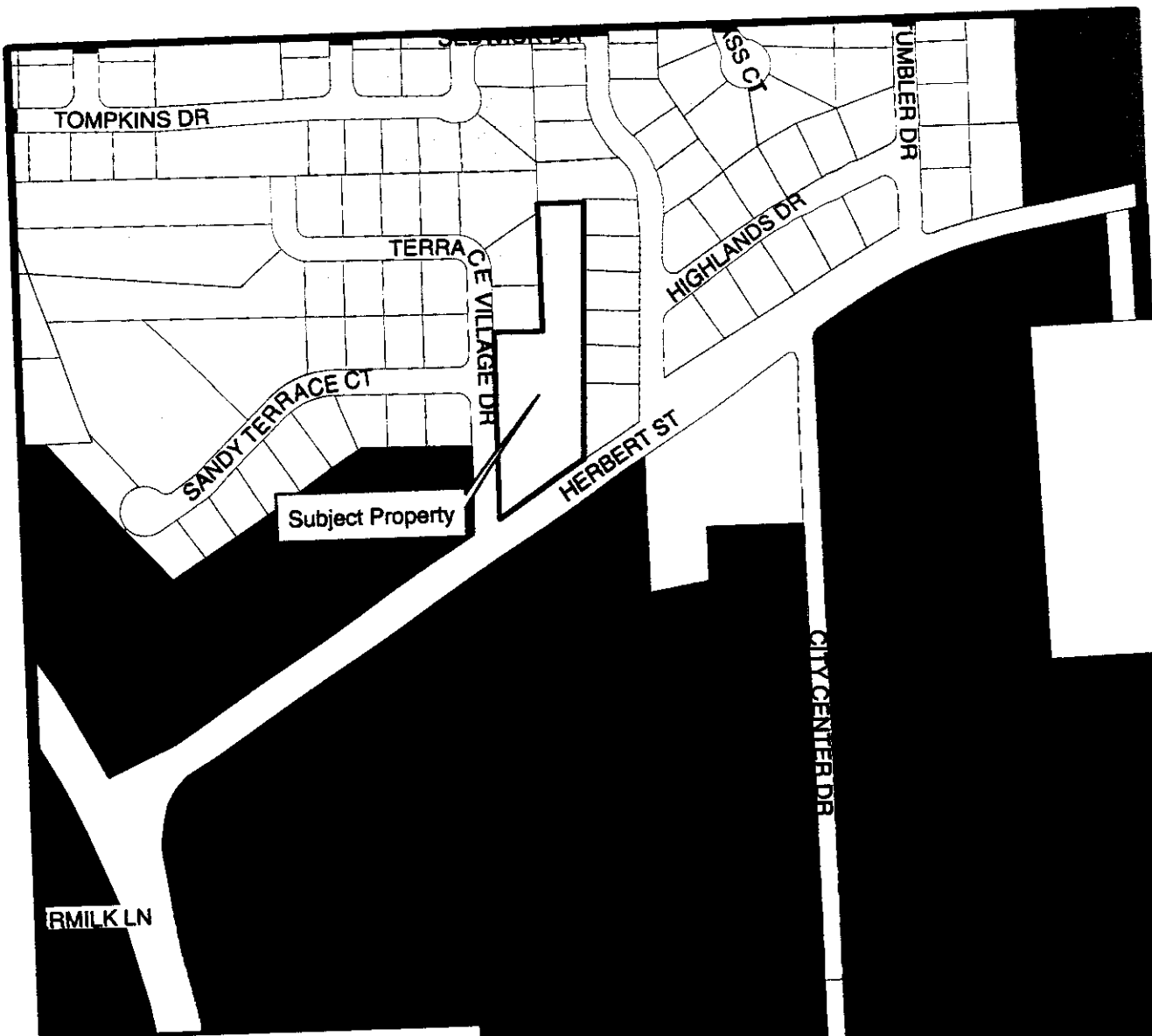
Conclusion:

RECOMMENDATION:

Based on the findings of this report, staff recommends **approval** of the request to rezone 1.9 acres located along Herbert Street from "A" (Agricultural) and "R-8SF" (Single-Family Residential) to "GPU" (Government/Public Use), subject to a final compliance finding for the Comprehensive Plan update (2010 – 2025).

ATTACHMENTS:

1. Exhibit "A" – Location Map and Future Land Use Map
2. Exhibit "B" – Current and Proposed Zoning Map



- Future Land Use Designations**
- Public/QuasiPublic
 - Suburban Residential 2-4 Units/Acre
 - Urban Low Density Residential 4-8 Units/Acre
 - Office/Residential Transition
 - Commercial
 - Warehouse/Industrial

City Center Complex



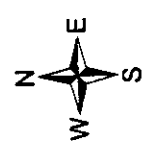
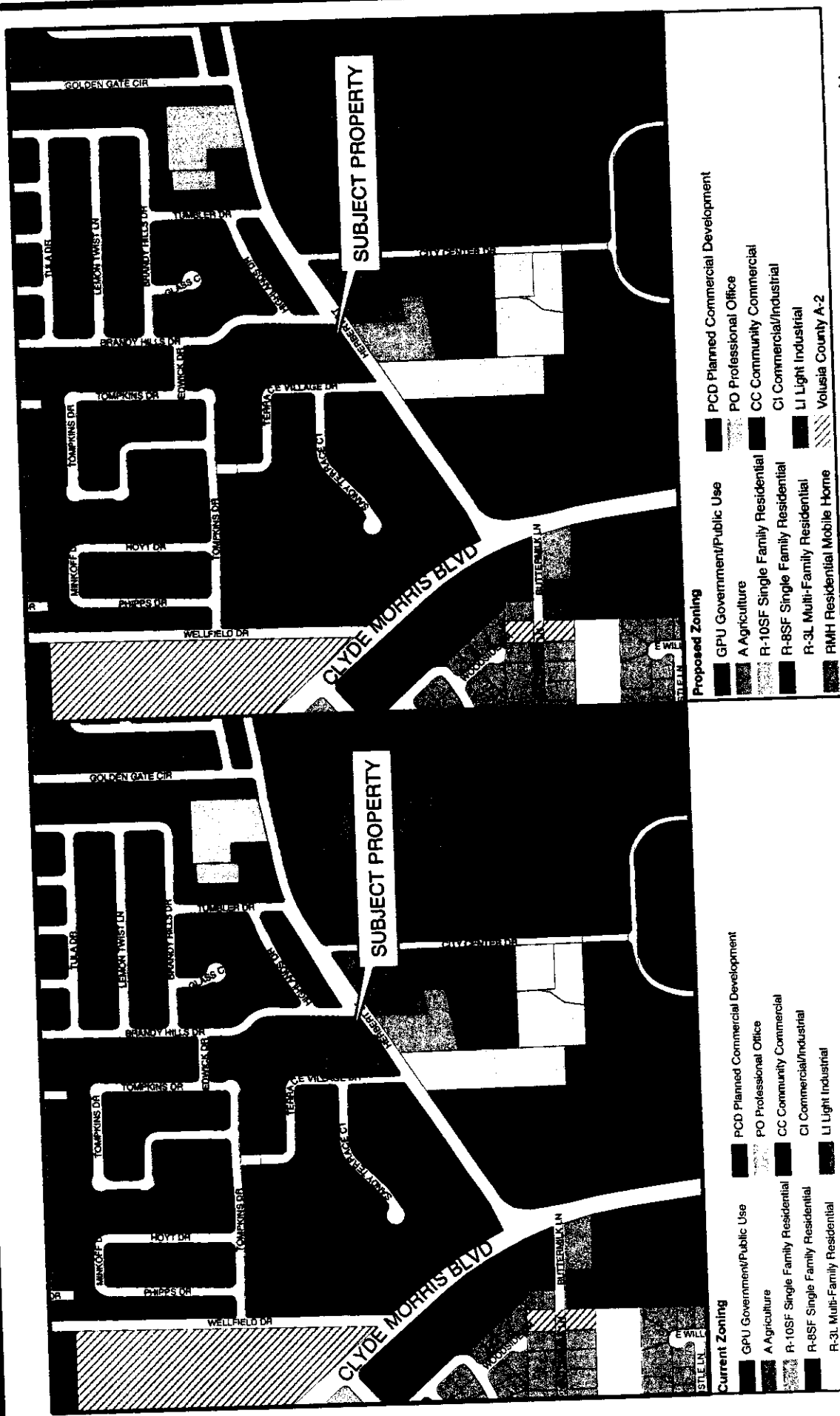
Exhibit "A"

Location and FLU Map
Case No. 10-60000003

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT





- Proposed Zoning**
- GPU Government/Public Use
 - A Agriculture
 - R-10SF Single Family Residential
 - R-8SF Single Family Residential
 - R-3L Multi-Family Residential
 - RMH Residential Mobile Home
 - PCD Planned Commercial Development
 - PO Professional Office
 - CC Community Commercial
 - CI Commercial/Industrial
 - LI Light Industrial
 - Volusia County A-2

- Current Zoning**
- GPU Government/Public Use
 - A Agriculture
 - R-10SF Single Family Residential
 - R-8SF Single Family Residential
 - R-3L Multi-Family Residential
 - RMH Residential Mobile Home
 - PCD Planned Commercial Development
 - PO Professional Office
 - CC Community Commercial
 - CI Commercial/Industrial
 - LI Light Industrial
 - Volusia County A-2

Current and Proposed Zoning Map - Exhibit "B"
 Case No. 10-60000003



DEPARTMENT OF COMMUNITY DEVELOPMENT